

Franklin Borough Planning Board
Meeting Minutes for
March 21, 2011

The meeting was called to order at 7:35 PM by the Vice-Chairman, Mr. Kevin Lermond, who then led the assembly in the flag salute.

Mr. Lermond read the Statement of Compliance pursuant to the "Open Public Meetings Act, Chapter 231, PL 1975."

Mr. Kilduff led Mark Zschack, Class III member and Ron Maugeri, Alternate #1 in the Oath of Allegiance.

ROLL CALL OF MEMBERS PRESENT: Mr. Christiano, Mr. Lermond, Mr. Zschack,
Mr. Oleksy, Mr. Suckey, Mayor Crowley,
Mr. Maugeri, Mr. Zydon,

ABSENT: Mr. Cholminski

ALSO PRESENT: Mr. Ken Nelson, P.P.
Mr. James Kilduff, Director

APPROVAL OF MINUTES:

Mr. Christiano made a motion to approve the **Franklin Borough Planning Board Reorganization Meeting Minutes for February 15, 2011.** Seconded by Mr. Suckey.

Upon Roll Call Vote:
AYES: Christiano, Suckey, Crowley, Lermond
NAYS: None ABSTENTIONS: None
(Motion Approved)

Mr. Oleksy made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for February 15, 2011.** Seconded by Mr. Christiano.

Upon Roll Call Vote:
AYES: Christiano, Oleksy, Suckey, Crowley, Lermond
NAYS: None ABSTENTIONS: None
(Motion Approved)

APPROVAL OF RESOLUTIONS:

There were no resolutions to approve.

APPLICATIONS FOR COMPLETENESS:

There were no applications for completeness.

ADJOURNED CASES:

There were no adjourned cases.

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APPLICATIONS TO BE HEARD:

There are no applications to be heard.

OTHER BUSINESS:

COAH Spending Plan

Mr. Kilduff updated the Board on the COAH's version of the spending plan that was sent to the Borough March 3. Mr. Kilduff asked Mr. Nelson to review the plan. Mr. Nelson referred to page 8 of the plan; it summarizes what COAH sees as our spending plan. Mr. Nelson explained the importance of getting a spending plan approved and what needs to be resolved in the spending plan. The Board discussed the spending plan sent by COAH.

CORRESPONDENCE:

Mr. Kilduff said the correspondence is self explanatory.

PAYMENT OF BILLS:

Mr. Oleksy made a motion to approve the **Franklin Borough Planning Board Escrow Report for March 21, 2011**. Seconded by Mr. Suckey.

Mayor Crowley questioned a bill for Braen Aggregates. Mr. Kilduff explained that we just received their annual report. Mayor Crowley questioned a bill from Brady and Correale for ICMS. Mr. Kilduff explained ICMS.

Upon Roll Call Vote:

AYES: Christiano, Oleksy, Suckey, Maugeri, Lermond

NAYS: None ABSTENTIONS: Zschack, Crowley

(Motion Approved)

DISCUSSION:

Redevelopment

Mr. Nelson referred to his draft report for Area C dated March 14, 2011. Mr. Nelson said in this draft he completed item 2.5 which was the last property in that stretch along Rt 23 between Mabie and High Street known as Block 29 Lot 32. Mr. Nelson explained changes that he had made since last month's draft.

Mr. Nelson said there are some residential properties that are behind this area that he had brought to the Board's attention last time. Mr. Nelson said from a planning point of view he would include that as part of the redevelopment area. Mr. Nelson said he thought it would be helpful to include some mention of that in here. Mr. Nelson said at some point if we do take the next step to develop a redevelopment plan for this area, it might be something that these property owners would want to be

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included in even if they are not part of the designated redevelopment area itself. Mr. Nelson said the reason he suggested it is because of how small this area is and how narrow it is. Mr. Nelson said if those properties that front on Rutherford Ave. were to be included it gives you a much more workable area. Mr. Nelson said if you don't want to suggest it to the Council he at least wants to in writing mention this as something that should be considered down the road as we are doing the planning for this area. The Board had a discussion on these three properties and including them in the designation study.

Mr. Nelson said we are close to finalizing area C. Mr. Nelson said the question is how do you want to handle the public hearing process. Mr. Nelson said you can have a public hearing just on Area C by itself or you can group area's A, B and C together and have one public hearing on all three. Mr. Nelson said his recommendation would be to have a joint public hearing on area's A, B and C preferably at the May meeting. There was a discussion on when to have a public hearing for area's A, B and C.

Mr. Nelson referred to the draft of area A report dated March 14, 2011. Mr. Nelson said this is an addendum to the document that was done by Heyer and Gruel back in 2003. Mr. Nelson said you will have a hearing on the old Heyer and Gruel document together with the addendum that this will be. Mr. Nelson said the reason for that is the Heyer and Gruel work is still current. Mr. Nelson said we are building on what was done in 2003. Mr. Nelson went over changes that occurred with the Zinc Mine property since 2003, the Rowley property and whether to include the property next to the Rowley property in the study. The Ad Hoc Committee did not include that property in the study. Mr. Suckey said that was the piece they couldn't figure out looking at the tax map. Mr. Nelson said he wasn't sure what value it brings to the table because when he looked at it initially he thought the property extended a considerable distance back from 23. Mr. Nelson said it doesn't; it is only about 50 feet deep from Rt 23 and it is 125 feet long which is valuable in terms of Rt 23 frontage. Mr. Nelson said the question is what is it going to be used for if it is included as part of any redevelopment plan. The Board discussed this property and whether to include it in the study.

Mr. Nelson referred to the properties in Area A. Mr. Nelson said these properties are relatively easy to qualify because they are vacant properties. Mr. Christiano asked Mr. Nelson you reference in here to the contamination of the site, is the site was contaminated. Mr. Nelson said it is and it hasn't been remediated. Mayor Crowley asked what part of the site, the lower part of the mine area. Mayor Crowley said we have a map of hot spots that are there and he doesn't remember when we talked with the DEP and Brownfield people, [but] they don't consider it a major problem. Mayor Crowley said they are quick to say that nobody knows until you open up some of those spots. There was a discussion on the zinc mine site.

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Mr. Nelson said in terms of the next draft, he will need Mr. Knutelsky's help with some graphic work. Mr. Nelson said with respect to the vacant properties he is going to include an aerial photograph of each vacant property on its own as long as we can get it on an 8 ½ by 11 sheet of paper.

Mr. Nelson said immediately adjacent to the Rowley property there are two properties that are in the B-2 zone. Mr. Nelson said it appears to be multifamily residential and the other is a non residential use. Mr. Suckey said we didn't look at those. Mr. Nelson asked the Board if he should make reference to them in the report but not actually include them. Mr. Suckey said take a look and see if they would be viable to put in the report. The Board discussed this property.

Mr. Nelson referenced the Main Street Area. Mr. Nelson said he will have an initial draft for [the Board] before the April meeting. Mr. Nelson explained that report will be in a different format the Area A and C. The Board discussed the Main Street Area.

Mr. Nelson referred to areas D & E. How we were going to qualify all of the properties that need to be qualified in order to designate each of those areas. Mr. Nelson said we have Wal-Mart coming back in now; had Wal-Mart not been coming back in we could say it is a vacant property. There is an approval on it but nothing has happened. Mr. Nelson said but now it looks like something is going to be happening. Mr. Nelson said he talked to Mr. Nardella's attorney to get his input about this issue. Mr. Nelson said if we are proceeding ahead and Wal Mart is coming back in asking for a revised site plan approval and gives us some target date as to when they will break ground that is going to have an impact on that area.

Mr. Nelson said he would reach out to the property owners in areas C & A just to give them a heads up and invite them to sit in on the discussion at the April meeting about both of those areas. Mr. Nelson said he doesn't know at what point you would want to release a draft of the report. Mr. Suckey said that is why he explained that you can do some at the April meeting and use the workshop for the rest of the planning. Mr. Christiano said the property owners already have plans in their head; you bring them in here and we are not prepared to deal with them; we are wasting our time and their time. Mr. Suckey said let's get all of us on the same page. The Board discussed the next meeting and whether to have the workshop.

Mr. Lermond said the consensus is that we don't think it is a good idea to talk to the property owners until the Board gets together. Mr. Kilduff said these are all public meetings; the public is always encouraged to come. Mr. Lermond said he heard instead of using a subcommittee it would be better if the whole Board got to hear. Board members agreed. Mr. Suckey said you can bring in the property; owners to the meeting when we have it and open it up to the whole town. Mr. Maugeri said if all the properties in area C go to redevelopment and the developer comes in and wants to increase his [lot] he can go and negotiate with them privately. Mr. Maugeri said

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he doesn't see any reason why Mr. Nelson shouldn't talk to those three people and let them know what is going on with the adjoining property. The Board discussed whether or not to contact these three property owners.

OPEN PUBLIC SESSION:

Mr. Maugeri made a motion to Open to the Public. Seconded by Mr. Suckey. All were in favor.

Jerry Nardella stepped forward. Mr. Nardella said he wanted to talk about Area E. Mr. Nardella said he thinks it is very important that we move as quickly as possible. Mr. Nardella explained why he thought the Board should move quickly on the designation study of area E. There was a discussion on this area. Mayor Crowley said from what Mr. Nelson said he asked Mr. Nardella's attorney for input. Mayor Crowley said we can go around on this all night; why don't we wait for Mr. Nardella's attorney to give the input to Mr. Nelson, talk to Dave Brady and then go from there. Mayor Crowley said if we can help Mr. Nardella he would like to do it but he thinks it is going to be very tough to be able to include this and get it in. Mr. Lermond said and to defend it.

Mr. Suckey made a motion to Close to the Public. Seconded by Mayor Crowley. All were in favor.

Mr. Kilduff briefed the Board on a meeting for Group 5 that was held with the design review subcommittee.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 9:21PM on a motion by Mr. Maugeri. Seconded by Mayor Crowley. All were in favor.

Respectfully Submitted,

Robin Hough
Secretary