

Franklin Borough Planning Board
Meeting Minutes for
April 18, 2011

The meeting was called to order at 7:37 PM by the Chairman, Mr. John Cholminski, who then led the assembly in the flag salute.

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

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

ABSENT: Mr. Oleksy

ALSO PRESENT: Mr. David Brady, Esq.
Mr. Thomas G. Knutelsky, P.E.
Mr. Ken Nelson, P.P.
Mr. James Kilduff, Director

Chairman Cholminski said please note for the record since Mr. Oleksy isn't here Mr. Maugeri will be voting this evening.

APPROVAL OF MINUTES:

Mr. Zschack made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for March 21, 2011**. Seconded by Mr. Suckey.

Upon Roll Call Vote:

AYES: Christiano, Lermond, Zschack, Suckey, Crowley, Maugeri

NAYS: None ABSTENTIONS: None

(Motion Approved)

APPROVAL OF RESOLUTIONS:

There were no resolutions to approve.

APPLICATIONS FOR COMPLETENESS:

PB-03-11-1 Group 5 Development LLC. Amended Preliminary and Amended Final Site Plan, C Variances, Block 70 Lots 7.05 and 7.02.

Mr. Cholminski asked Mr. Kilduff we [have] completeness only and then we have a request for an extension of time. Mr. Kilduff said it is listed under completeness because it is all for the same property but in fact that could have been moved to applications to be heard. Mr. Kilduff said the request of the extension is on the existing resolution. Mr. Cholminski said let's do completeness first.

Mr. Knutelsky referred to his report dated April 12, 2011, section B. Mr. Knutelsky referred to checklist item #13, scale of plans 1 inch equals 50 feet or as approved by the Board engineer. Mr. Knutelsky said the application packets the Board members have followed the original plan submission from 2008 in terms of the plan scales and

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exactly what was submitted. Mr. Knutelsky said he is indicating that those particular plan scales are appropriate for the Board review and no waivers are necessary for that checklist item.

Mr. Knutelsky referred to check list item #33, all proposed buffers, landscaping, fences and walls. Mr. Knutelsky said the applicant had indicated that this checklist item was complete; the plans are very well detailed for site construction. Mr. Knutelsky said the proposed walls that are being developed on site; there are still some issues with the walls in terms of architectural and construction detail. Mr. Knutelsky said he would recommend a temporary waiver for completeness only. Mr. Knutelsky said a separate wall committee is to be formed in order to review the wall details and architectural [details]. Mr. Knutelsky said we should have some better plans for the walls for the public hearings in the future. Mr. Knutelsky said the recommendation right now is a temporary waiver for completeness only and then we as a committee can figure out when we are going to meet to go over plans.

Mr. Kilduff said the application was originally submitted for preliminary and final site plan, after discussing that with the attorney the application is being amended to amended preliminary and amended final site plan. Mr. Kilduff said also administratively, on the application that you [the Board] received, there was no affidavit of ownership or site inspection authorization from the property owners for lot 7.02. Mr. Kilduff said we subsequently have received that as well. Mr. Cholminski said for the record there are no issues with the completeness of this application except for those identified by the engineer. Mr. Kilduff said that is correct, administratively we are good to go.

Mr. Knutelsky said since this is an application for amended preliminary and amended final site plan, checklist items # 43-47 are for final site plans only in this case for amended final site plan. Mr. Knutelsky said we recommend waivers be granted for those with that information to be provided as a condition of any favorable action by the Board.

Mr. Knutelsky said checklist item #13, [we] find that to be complete and fine for the application, checklist item #33, temporary waiver for completeness only with the appropriated information supplied 14 days prior to the Board hearing on that matter. Mr. Knutelsky said for the Boards knowledge that might not be the next Board hearing it might be the Board meeting after that. Mr. Knutelsky said in terms of them preparing the wall details and us formulating our committee with all our reviews it might not be the very next Board meeting.

Robert Podvey, Esq. from Podvey, Meanor, representing the applicant stepped forward. Mr. Podvey said as far as the retaining wall issues are concerned we are prepared to submit by the end of this week the proposals we have for the type of block. Mr. Podvey said in terms of getting to everyone the actual design and the technical drawing that are necessary would take a little while longer. Mr. Podvey

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said we understood from the prior resolution that a subcommittee was going to be appointed to deal with this issue and we are ready to meet with that committee whenever necessary. Mr. Cholminski said we would handle the application for completeness only, assuming that gets approved for now, we would then discuss the proper subcommittee.

Mr. Lermond asked this application this is check preliminary and final site plan and you are saying it should refer to amended. Mr. Kilduff said correct, amended preliminary and amended final site plan. Mr. Lermond asked this is amending the thing we did years ago. There was a discussion on this application being an amended preliminary and amended final site plan.

Mr. Podvey said we just got lot 7.02 to sign off on Friday, are the Board members looking at that. Mr. Kilduff said they are looking at the application that was originally submitted. Mr. Cholminski said what he understands from the beginning of this meeting you identified the changes; are you ok with the changes. Mr. Lermond said that is fine.

Mr. Lermond made a motion to deem complete application **PB-03-11-1 Amended Preliminary and Amended Final Site Plan, C Variance, Block 70 Lots 7.05 and 7.02**. Mr. Cholminski said with no waiver needed for item #13, temporary waiver for # 33 and temporary waivers for #43-47. Seconded by Mr. Zschack.

Upon Roll Call Vote:

AYES: Christiano, Lermond, Zschack, Suckey, Crowley, Maugeri, Cholminski

NAYS: None ABSTENTIONS: None

(Motion Approved)

Mr. Kilduff said a number of months ago we appointed a design review subcommittee. Mr. Cholminski asked Mr. Kilduff to contact those members and schedule a meeting as soon as possible. There was a discussion on the wall and the subcommittee.

ADJOURNED CASES:

There were no adjourned cases.

APPLICATIONS TO BE HEARD:

Two year extension for Group 5 Development LLC, approval (PB-01-08-1) Preliminary and Final Site Plan, C Variances, Block 70 Lots 7.05 and 7.02.

Mr. Robert Podvey Esq. said we had submitted along with the application a request on March 25, that the original resolution if April 21, 2008 be extended as permitted by statue and ordinance for another 2 years. Mr. Podvey said it would expire April 21 of this year; it is only good for three years. Mr. Podvey said as we understand it, the permit extension act would not apply because this is the Highlands Area. Mr. Podvey said he had discussed this process with Mr. Brady prior to submitting the letter. Mr. Podvey said he was told the normal procedure was to send in a letter

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requesting this extension. Mr. Cholminski said usually with the extension there is some testimony as to why. There was a discussion on the extension.

Mayor Crowley made a motion to approve the **2 year extension for Group 5 Development LLC. approval (PB-01-08-1) Preliminary and Final Site Plan, C Variances, Block 70 Lots 7.05 and 7.02.** Seconded by Mr. Zschack.

Mr. Lermond asked who is eligible to vote, does it matter how you voted on the application originally. Mr. Brady said no he doesn't believe it does. Mr. Podvey said not that I am aware of, he agreed.

Upon Roll Call Vote:

AYES: Zschack, Suckey, Crowley, Maugeri, Cholminski

NAYS: Christiano, Lermond ABSTENTIONS: None

(Motion Approved)

OTHER BUSINESS:

PAYMENT OF BILLS:

Mr. Christiano asked what was the Wurtsboro water tower. Mayor Crowley explained this.

Mr. Lermond made a motion to approve the **Franklin Borough Planning Board Escrow Report for April 18, 2011.** Seconded by Mr. Christiano.

Upon Roll Call Vote:

AYES: Christiano, Lermond, Suckey, Maugeri, Cholminski

NAYS: None ABSTENTIONS: Zschack, Crowley

(Motion Approved)

CORRESPONDENCE:

Mr. Kilduff said we had correspondence from the Zoning Officer who calls our attention to four different items. Mr. Kilduff said she is expressing concerns about different parts of our ordinance and how we might fix them. Mr. Kilduff said he suggests he review this with the Planner first and then come back to the Board with some recommendations. The Board members agreed to have Mr. Kilduff and Mr. Nelson review this first and come back to the Board with recommendations.

DISCUSSION:

Redevelopment Areas

Mr. Nelson said first thing we should discuss is if we are going to have a work session on Wednesday. There was a discussion on having a workshop meeting. After the discussion there were enough Board members to attend a workshop on Wednesday April 20.

Mr. Nelson referred to his draft of Area C dated April 6, 2011. Mr. Nelson said in the interim he believes the old Kulsar's garage has been sold so the question is what do

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those new owners have in mind. Mr. Nelson said we need to reach out to that new property owner and hopefully find out that they are willing to work with us in developing a redevelopment plan for this area.

Mr. Nelson said in his opinion four of [these properties] can qualify using the one criterion in the statute. Mr. Nelson explained the criterion in the statute. Mr. Nelson referred to Block 29 Lot 31. Mr. Nelson said it was his feeling that this was in relatively good condition, it has sufficient parking and it is set back from the roadway a sufficient distance. Mr. Nelson said that property he did not feel met any of the criterions however it can be included because it is part of that area. Mr. Nelson said with respect to this report he believes it is pretty close to being finalized. Mr. Nelson said his recommendation for the Board is to accept this as the final draft unless there are any specific changes that the Board would like to make.

Mr. Cholminski asked if this would be the final document. Mr. Nelson said this would be the final document that would openly go to the public hearing. Mr. Nelson said this would be the document that would be made available to the public. Mr. Cholminski said when we opened the discussion you wanted to speak to the new owners of Kulsar's first. Mr. Nelson said yes he wasn't sure if he is the one to do that. Mr. Nelson said he thinks that somebody should speak to them before we move ahead with the public hearing. Mr. Cholminski said do you think that conversation would change this document in anyway. Mr. Nelson said it could. There was a discussion on this property.

Mr. Nelson said he understands that things may change depending on the conversation with the new property owner; if there are any other comments or corrections, additions that the Board would like him to make now, he would like to know about them. Mr. Cholminski asked specific to Area C, does anyone have any further comments on this document except the unknown with the Kulsar garage. Mr. Cholminski said I think you're good.

Mr. Nelson referred to his report on Area A dated April 6, 2011. Mr. Nelson said we had discussed including [Lot] 37 which is next to the Rowley property, that has been included in there for the Council to consider including in the redevelopment area. Mr. Nelson said this Board doesn't have that power to make that decision this is only a recommendation at this point. There was a discussion on this property.

Mr. Nelson said this report is structured in the form of an addendum to the report that was done back in 2003 by Heyer and Gruel. Mr. Nelson said when we have a public hearing on this we will be also making available that report from 2003 and what is in here supplements that.

Mr. Nelson said he did reach out to the owner of the Rowley property just to let them know we were working on this but they haven't gotten back to him. Mr. Nelson said we also indicate that it is important for the overall planning for this area. Mr. Nelson

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said one of the key points here is that this has been identified as the possible means of access from Route 23 into the Zinc Mine property. Mr. Nelson said even if it doesn't qualify on its own it's essential in terms of the overall plan for that area.

Mr. Nelson asked if there were any changes that the Board wants to see in this report. Mr. Nelson said his suggestion would be to have a public hearing on A and C together and also have the hearing on Area B as well. Mr. Lermond asked all three [areas] together. Mr. Nelson said all three together. Mr. Cholminski said he would agree. Mr. Zschack asked on your first aerial photo in appendix A right after the tax map; you need to adjust that to show lot 78.01 isn't shown on that map. Mr. Zschack said the Franklin House. Mr. Zschack said it looks like that is actually included into this area and it is not. Mr. Nelson said right.

Mr. Zschack asked on the last aerial do we need to enlarge that to show the additional lot that you are talking about on [Rt] 23. Mr. Nelson said actually part of it is showing. Mr. Zschack said just a piece of it, that should be enlarged to show that entire lot. Mr. Nelson said right. There was a discussion the aerial photos, on Area A and properties on Rutherford Ave. The Board discussed including Lots 12, 13, 14 and 37. Mr. Cholminski said the prevailing logic is the zone and the alignment of Rutherford Street.

Mr. Cholminski said the process is we go to the public meeting when we are comfortable with these documents. Mr. Nelson said right. Mr. Cholminski said these documents will be passed out to the public and be for discussion, in those meeting we will also add to the discussion that the Board is thinking that these lots should be included in these areas and the reason behind [it]. Mr. Cholminski said so when you do go to the Council to recommend it you can also give to the Council the opinion of the public bad or good. Mr. Cholminski said then the Council would make the discussion whether they should be included or not; if so they would come back to us to officially have them included which we would do or else they could pass as is or recommend redevelopment as is, that would be the decision of the Council.

Mr. Brady read no area of a municipality shall be determined a redevelopment area unless the Governing Body shall by resolution authorize the Planning Board to undertake a preliminary investigation. Mr. Brady said the question might be do we want to send this up to the Governing Body now, we would like to have the hearing include these four additional lot lets designate it now. Mr. Cholminski said it would delay our public hearing but it's probably smarter.

Mr. Kilduff said the Council has already authorized this, what you are asking is to amend their authorization to include [this area]. Mr. Kilduff said we have five areas; for economies sake he would go to the Council once. Mr. Kilduff said if we are amending the Councils initial study and some of that amendment might include possibly taking some lots out is that right. Mr. Nelson said not from area A. Mr. Kilduff said not necessarily from this area, we have five areas; we are possibly going

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to ask the Council to add some lots and maybe take some out. Mr. Cholminski said he has no problem with that approach he thinks it is a good one let's do them all at once. Mr. Kilduff said we can break this up into these three [areas] and go to the Council twice. Mr. Zschack said he would do it all at once, that would be his recommendation. Mr. Kilduff said that means we have two more areas after we complete these three, we may have changes as a result of those discussions. Mr. Kilduff said we get all the changes together and go to the Council to amend the study and then have a public hearing. The Board continued the discussion. Mr. Brady said if we are adding we should get Council authorization first.

Mr. Nelson referred to his report on Area B dated April 6, 2011. Mr. Nelson explained this is a rehabilitation area not redevelopment and the standards are different. Mr. Nelson explained why the Main Street area was in need of rehabilitation referring to his report. Mr. Nelson said the bottom line is he is confident that we can qualify Main Street as a rehabilitation area. The Board discussed Area B.

Mr. Lermond asked what are we [the Board] going to do Wednesday; we have no other material in front of us to review in preparation of Wednesday. The Board discussed having the workshop on Wednesday. Board members agreed to review areas D & E tonight and not have the workshop.

The Board took a break at 9:03 P.M.
The Board reconvened at 9:11 P.M.

Areas D and E.

Mr. Nelson referred to maps of areas D and E while explaining the lots in each area. Mr. Nelson also passed out the list of properties for areas D and E. Mr. Nelson said area E includes the Group 5 property, the Hardyston School and a number of other properties.

Mr. Nelson referred to the Group 5 property. Mr. Nelson said up until the submission of the revised site plan that we are now dealing with we could argue that it was vacant that it had a site plan approval but that site plan approval had not moved forward. Mr. Nelson said we now know that is not the case and there is an active site plan involving that property and that is going to move ahead towards development.

Mr. Nelson said the Hardyston School property, that can't qualify under any of the criteria that he knows of. Mr. Nelson said it is an active school and it is well maintained. Mr. Nelson said maybe several years ago when the courts weren't as strict as they are now you could say that it was underutilized or inappropriately used because of its location in a commercial area. Mr. Nelson said there is no way that the Hardyston School can qualify in his opinion.

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Mr. Nelson said the Parks Department can. Mr. Nelson explained other properties in this area that can qualify referring to the map of area E. There was a discussion on the properties in area E. Mr. Lermond asked do we open the meeting to the public. Mr. Chominski said this is an open discussion.

Jerry Nardella stepped forward for the discussion. Mr. Nardella gave his suggestions for the Group 5 property and explained why it was important to include this property for redevelopment.

Mr. Nelson referred to area D on the map that included the Hospital property. Mr. Nelson said this [property] has a site plan approval but that one definitely is not going anywhere. Mr. Nelson said Mr. Nardella's attorneys have indicated that they can get additional information on the costs of construction that makes this property problematic under the existing site plan. Mr. Nelson said that would qualify this as vacant property. Mr. Nelson said the diner, the little commercial building and Rowett's garage they can also qualify. Mr. Nelson said the problem we may have is with these properties because they are all residential and they are all in fairly good shape. Mr. Nelson said they may not qualify individually but because they are needed in the overall planning of the area we can include them or drop them out at some point. There was a brief discussion on area D.

OPEN PUBLIC SESSION:

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

No one from the public stepped forward.

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

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 9:39PM on a motion by Mr. Lermond. Seconded by Mr. Christiano. All were in favor.

Respectfully Submitted,

Robin Hough
Secretary