

**Franklin Borough Planning Board**  
**Special Meeting Minutes for**  
**June 29, 2011**

ORIGINAL

The meeting was called to order at 7:38 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, Mr. Maugeri,  
Mr. Zydon, Mr. Cholminski

ABSENT: Mayor Crowley, Mr. Oleksy

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

**APPLICATIONS TO BE HEARD:**

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

Carol A. Hardiman, Certified Shorthand Reporter, was present.

Mr. Robert Podvey, attorney for the applicant, stepped forward. Mr. Podvey said he would like to first find out when our next meeting is going to be. There was a discussion as to the date of the next special meeting. Mr. Cholminski said the next hearing for this application will be July 27, Wednesday; 7:30 PM right here [Franklin Borough Municipal Building].

Mr. Podvey explained to the Board what was done since the last meeting to get things resolved between the professionals. Mr. Podvey said last Friday he met with the Hardyston School Board Representatives; the superintendent, business administrator and two members of the Board. Mr. Podvey said we covered a variety of issues, there may be more but essentially what we covered [was] the issue of the height of the wall and how close it is to the school. Mr. Podvey said are we going to knock down trees on their property during construction. Mr. Podvey said the answer to that is no. Mr. Podvey said there were issues concerning dust on the site during construction and we dealt with that. Mr. Podvey said there was an issue with the loading dock; are the trucks going to be idling. Mr. Podvey said the answer to that is no. Mr. Podvey said a question came up, we didn't know this, there were wells on the property, for drinking water would we impact them. Mr. Podvey said the answer to that is no. Mr. Podvey said [would it] impact the nature trail when it is used. Mr. Podvey said the answer to that is no.

Mr. Podvey said they asked us to describe the compacter operation on site, which we did. Mr. Podvey said one question we couldn't answer which we will, what is the delivery schedule going to be.

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Mr. Podvey said since the last meeting Bohler staked out the property line; showing both the property line and the wall line. Mr. Podvey said on Friday the trees to be saved were tagged. We received Mr. Nelson's report; there have been subsequent discussions with Mr. Nelson. Mr. Cholminski asked if you are referring to the report of June 21. Mr. Podvey said yes. Mr. Podvey referred to page 2 of Mr. Nelsons report dated June 21, 2011. Mr. Podvey summarized what was in the report.

Mr. Podvey said in addition we did receive an email from the Fire Department with the architects help and the help of the engineer who is the expert in this area. We did send out a response yesterday to the questions. Mr. Podvey said he brought the answer to those questions, a brochure and we will be handing them out as an additional exhibit tonight.

Mr. Podvey said we also received Mr. Knutelsky's report of June 23, 2011. Mr. Podvey said that letter was put together at the request of the Board, basically to show what is open from the last meeting and any new items. Mr. Knutelsky said one important thing regarding this condensed report is the items he has taken out of this report. At the Boards request have been items addressed by the applicant previously and/or agreed to. Mr. Knutelsky said if there is anything in the original report that the applicant didn't agree to we should make that clear tonight as well, he is assuming that will comply with the answer he took it out of there. Mr. Podvey said that's correct, he compared those and what Mr. Knutelsky said is correct.

Mr. Podvey said he would like to put something on the record because he promised owner of this center he would. Mr. Podvey said on Monday we received a letter from the architect for the owner of Staples Store which is KAJ Realty Management LLC. Mr. Podvey said the issues that were raised in that letter were that they wanted structural calculations with regards to the wall, at the same time we submit them to you [the Board]. Mr. Podvey said there was a question as to what the material of wall will be and we promised to show them the block. Mr. Podvey said they wanted GO technical information on the stability and capacity of the baring of the soil at the base of the wall. Mr. Podvey said we promised to give him that. Mr. Podvey said the question was raised how can we build this wall without going on their property; he was also told by Ken Mandelbaum, of KAJ Realty if we need to get on his property, we can get an access agreement.

Mr. Podvey said he has a new exhibit list [with] additional exhibits on it that we are going to cover tonight. Mr. Podvey said two of which are the responses to the fire department and the brochure. Mr. Podvey said the other [exhibit] is the tree saving and landscape plan which Mr. Murray will present and the perspective retaining wall exhibits which is an update of an earlier exhibit.

Mr. Grayson Murray, from Bohler Engineering, stepped forward. Mr. Brady reminded Mr. Murray that he was still under oath from the last hearing.

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Mr. Murray referred to exhibit A-29, Tree saving and Landscape Plan, and exhibit A-30 Perspective retaining wall exhibit revised June 29, 2011. Mr. Murray passed out reduced copies to the Board. Mr. Murray referred to A-29, explaining to the Board how they staked out the property; the property line, wall location and trees to remain.

Mr. Murray referred to exhibit A-30. What they have done is render the trees that we have added in accordance with Mr. Nelson's request as well as trees that are located in the islands that we didn't render previously. Mr. Murray said we didn't render this in A-4; we rendered this in A-30. Mr. Murray explained the landscaping on exhibit A-30. Mr. Suckey asked Mr. Murray to identify the trees that will be saved. Mr. Murray explained what trees will be saved by using exhibit A-1. Mr. Murray continued to explain the landscaping. The board members asked questions on the landscaping and landscaping by the wall.

Mr. Maugeri asked Mr. Murray are you going to have the rendering of other site lines that we asked for. Mr. Murray said yes, we didn't have time to prepare them. Mr. Maugeri said he just wanted to confirm that the other renderings will be done. Mr. Murray said it takes some time to prepare by the next meeting we will have them prepared. Mr. Lermond asked to run through the list of what those renderings are. Mr. Murray said there were three, Starbucks, Luke Oil and from the ball field.

Mr. Murray referred to A-2. The Pylon sign location. Mr. Murray explained where this sign would be located.

Mr. Perry Petrillo, architect for the applicant, was sworn in at this time. Mr. Petrillo gave his credentials to the Board.

Mr. Petrillo explained the elevations and the building façade. Mr. Petrillo said for the record he is referring to exhibit A-17, overall front perspective, A-18, Market and Pharmacy entrance perspective and A-19, Home and Living entrance vestibule. Mr. Petrillo explained how the building was broken down through materials and color.

The Board took a break at 8:34 PM.  
The Board reconvened at 8:39 PM.

Mr. Petrillo referred to exhibit A-20, front and rear elevations or north and south and exhibit A-21 which is our left and right elevations or east and west. Mr. Petrillo said he put them up to show the consistence in the earth tones that wrap the building, consistence in the use of materials that go around the building and [how] the building façade has been broken up as you work your way around.

Mr. Petrillo referred to exhibit A-26, material sample board. Mr. Petrillo used this exhibit to explain the colors and design of the building. Mr. Petrillo said the building uses a daylight harvesting system. Mr. Petrillo said the building roof contains

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skylights throughout, those skylights make enough light in the building that on a full sunlit day there are no lights on in the building. Mr. Petrillo said the building basically operates off of natural light; if cloud cover comes over at some point during that day the lights will automatically kick on and kick up to a level that makes up for the balance of what sunlight we are losing. Mr. Petrillo said that whole main sales floor runs off of daylight harvesting system.

Mr. Petrillo explained the lighting in the store; type of lights, lights in the freezer cases, energy management system, occupancy sensors, high efficiency [HPC] units, store is dehumidified, white membrane roof and no generator on site. Wal-Mart has a national contract with a large distributor that if they have a store down they can get a generator there within a certain period of time.

Mr. Petrillo said we have proposed a total of five signs on the building. Mr. Petrillo said on the north elevation or front elevation we have four signs one of those being the grand signage which is the Wal-Mart store. Mr. Petrillo said the other three signs [are] directional signs; home and living, market and pharmacy, and outdoor living. Mr. Petrillo said the additional sign or the fifth sign is a grand sign on the western side of the building which faces Rt 23. Mr. Petrillo explained the different signs; height and size; referring to exhibit A-20. Mr. Cholminski asked for the record as you go through the signs can you point out where variances are required. Mr. Petrillo said yes, he would get to that. Mr. Petrillo continued with his explanation of the signs and gave a summary. Mr. Petrillo said on our front elevation as a whole we are allowed one sign per the ordinance at 80 sq feet; we have a total of five signs with a total square footage of 848.51 sq. feet.

Mr. Petrillo referred to exhibit A-2, which is the site plan, the building almost sits as though it was a corner lot and as two facades. Mr. Petrillo explained the two facades. Mr. Petrillo said the ordinance allows for one façade sign; we addressed this almost as if it has two facades.

Mr. Petrillo said the height, maximum allowed is 4 feet our Wal-Mart sign is 5 foot 6 on the letters and 8 feet high on the spark. Mr. Petrillo said area 80 sq feet is allowed and the north façade is 550.51 and the western façade is 298 sq feet. Mr. Petrillo said on the front façade we have four variances and that's the number of signs, the projection of the sign or distance of the sign projects off the building, the overall height of the sign and maximum area of the sign. Mr. Petrillo said on the western elevation of the building we have three [variances] the projection of the sign, the height of the sign and the area of the sign.

Mr. Knutelsky said for the record in our report we called out two extra variances then what Mr. Petrillo described. Mr. Knutelsky said we didn't lump all the signs together for a total square footage we called them out individually so that is the difference to what Mr. Petrillo testified and what we have in our report. Mr. Cholminski asked what is the difference between the signage for this application and the signage in the

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application with the prior approval. Mr. Podvey said there was no signage in the last application.

Mr. Petrillo referred to the pylon sign. Mr. Petrillo described the sign, location, size of the sign and panels below the sign, height, and area. Mr. Brady asked Mr. Petrillo what exhibit he was referring to. Mr. Petrillo said exhibit A-23. The Board members had a discussion and asked questions on the signs, sign variances and renderings. Mr. Cholminski said what he learned from the sign discussion is [the Board] is going to get some renderings. Mr. Cholminski said you heard from two maybe three Board members that they are really questioning why you need a sign on the West side of the building and he assumes your rendering and testimony at the next meeting will resolve those questions.

Mr. Knutelsky asked there is some fencing around the landscape area what is the makeup of that; is it chain link, powder coated, aluminum. Mr. Petrillo said it is not chain link. Mr. Petrillo said it is a black aluminum two steel fence that does not go all the way down to the ground. Mr. Petrillo explained the fence.

Mr. Knutelsky asked the screening for the trash compactors at the rear of the building. There was no testimony provided. Mr. Petrillo said there is a masonry screen wall on both compactors. Mr. Petrillo said the concept is to let it blend in with the building façade. Mr. Suckey asked Mr. Petrillo to show the Board the trash compactors on exhibit A-29. There was a discussion on the trash compactor. Mr. Knutelsky said he thinks if we can get striping there to delineate that a little better that would be very helpful. Mr. Murray said yes, [we] will do that.

Mr. Suckey asked down from that compactor going westward there is a gray box; where it says proposed loading dock, what does that gray box represent. Mr. Petrillo said that is access for them to bring equipment on the roof; so we stripe out there so people don't park underneath it. Mr. Knutelsky said he thinks we will be looking for a striping plan in the back; a modification.

Mr. Maugeri asked if the lighting in the back of the store goes all the way back to the fence. Mr. Knutelsky said the lighting in the back actually encroached but they would provide outside shield and vegetation that would further [the] buffer. Mr. Maugeri said he wants to make sure it was fully lit back there. Mr. Knutelsky said the parking areas and drive isles were adequately lit as you get closer to the building that is why there is lighting at the doorway. Mr. Knutelsky said we have to rely on the applicant to confirm that. Mr. Murray said it is illuminated along the south side of the building. Mr. Maugeri asked if it goes all the way to the fence. Mr. Murray said he doesn't want somebody back there when it's dark going through that fence or the bushes getting to the school. Mr. Maugeri said that is what he is concerned about; he wants to make sure that is lit back there.

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Mr. Knutelsky said the bollard up front some of them have lights and some of them didn't; is there any reason why they all wouldn't be illuminated to make sure nobody walks into a bollard. Mr. Petrillo referred to A-29 to explain this.

Mr. Knutelsky asked about mechanical equipment and the way it is placed, he heard testimony that there is a white roof is there mechanical equipment on the roof and how is that screened if it is. Mr. Petrillo said there is mechanical equipment on the roof. Mr. Petrillo explained the roof deck elevations from different points on the roof. Mr. Knutelsky said he wants to make sure that as we are elevated on [RT] 23 coming down the hill that we are not looking over that area. Mr. Knutelsky said he wants to make sure we are not going to see that mechanical equipment. Mr. Petrillo said when you come over the hill up by Dunkin Donuts you almost get a bird's eye view of this, he doesn't know if there is anything that is going to screen any kind of mechanical units on that roof. There was a discussion on the screening of mechanical equipment on the roof. Mr. Murray referred to exhibit A-8 and A-2 explaining the view of the site from different points. Mr. Suckey said he would like to see a photo rendering of the sign on the west wall. Mr. Murray said we will do four exhibits; three like A-8 from the points described Starbucks, Luke Oil and the ball field, the fourth exhibit will be a rendering of the sign.

Mr. Suckey asked how many access points there are to get onto the roof. Mr. Petrillo said there are no access point from the exterior there is a roof hatch within the store. Mr. Suckey said we are going to have five and six foot fire pits around this building. Mr. Petrillo said correct. Mr. Suckey said that means we are going to have a problem; we are going to have a hard time. Mr. Suckey said we will have to use ladders to get from a ladder to another ladder to get down to the floor off the roof. Mr. Petrillo said where the [crane is] opens down to the roof deck, that is an opening you can access the roof from. Mr. Suckey said he would [like] another point somewhere away from that, [we need] two ways on and two ways off. Mr. Petrillo said we can discuss that. Mr. Suckey said [it's] for the fire fighters safety. Mr. Petrillo said ok.

Mr. Nelson referred to 161:23D deals with design and building layout. Mr. Nelson read the details. Mr. Nelson said item number 9 gets into the issue about roofs; in particular flat roofs shall be prohibited unless for various reasons a flat roof is necessary. Mr. Nelson said his question is coupled with what is in that section and coupled with the examples of other Wal-Mart type buildings that he has seen constructed around the country. Mr. Nelson said are we dealing with a situation here that this is basically what Wal-Mart is telling Franklin Borough what we have to have or we don't get a Wal-Mart project or was there some flexibility in the type of building design. Mr. Petrillo referred to exhibit A-17; Front Perspective to explain the building design that Wal-Mart addresses that is a national design.

Mr. Nelson asked about solar panels. Mr. Petrillo said right now they are not pursuing it. Mr. Petrillo explained why they are not pursuing solar panels at this time.

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Mr. Suckey asked if this was a class four building. Mr. Petrillo said he believes so.

Mr. John Harter from Atlantic Traffic was sworn in at this time. Mr. Harter stated his credentials to the Board. Mr. Podvey said he thinks the Board received a supplementary report dated February 28, 2011. Mr. Podvey said we want to cover what we have done with regards to improvements. Mr. Harter said back in 2008 there was a big focus on traffic there was a lot of testimony. Mr. Harter said since that time we have filed with DOT a formal application and we have probably met with Mr. Kilduff and Mr. Knutelsky ten times at least since that period, including DOT, Weis and the County as well. Mr. Harter said everyone is on the same page, sometimes you get DOT approval and the municipality may not be happy with what goes forward. Mr. Harter said they [Mr. Kilduff and Mr. Knutelsky] really have done a great job on behalf of the Borough.

Mr. Harter said the final traffic study we prepared was accepted and approved by DOT was dated February 12, 2010. Mr. Harter said that was with multiply revisions to the traffic study input from the Borough and part of that was a very extensive analysis of what intersection would be studied and how the study would be done.

Mr. Harter said we have two access permits related to frontage improvements. Mr. Harter referred to exhibit A-2. Mr. Harter said we have two access permits filed with DOT, one for the signal at the Weis access point and a second one for the right in and right out driveway. Mr. Harter said we expect to get the final access permit and developer agreement sometime this summer. Mr. Harter said we are to the point where there are no design comments remaining they are simply comments related to signal agreement. Mr. Harter referred to exhibit A-16 to explain the two access points, intersections, study intersections and fair share impact.

Mr. Harter referred to exhibit A-15. Mr. Harter said the DOT has essentially accepted this drawing. Mr. Harter explained the intersection at Rt 23 and Munsonhurst. Mr. Harter said the request of the Borough was to look at a second approach through lane that would really help trucks and the capacity. Mr. Harter said they worked with the Borough and Lakeland Bank. They [Lakeland Bank] were willing to donate property; enough right-of-way to accommodate this additional second southbound through lane. Mr. Harter explained how this was done and other improvements that would be done to this intersection.

Mr. Harter said the Borough standard for a parking stall width is 9 feet we are proposing what Wal-Mart seeks is 9 ½ foot stalls, wider then what the Borough looks for. Mr. Harter said Wal-Mart has over 8,000 stores worldwide and they have determined that 9 ½ is the ideal width parking stall for their use. That is the reason we are supporting the 9 ½ foot stalls.

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Mr. Harter said we do have a parking variance; the retail requirement is roughly 5 spaces per 1,000 square feet of building area that the Borough requires. Mr. Harter said we are proposing a 4.39 per 1,000 square feet of building area. The Board had a discussion and asked Mr. Harter questions on the traffic study and the fair share improvements.

Mr. Lermond said he wants to be clear for the record, he doesn't think there is adequate traffic out, he doesn't think we are serving anybody, presently he thinks it has gotten worse and he doesn't think we tried to improve enough of that at all. Mr. Lermond said he thinks the added traffic is going to make all of this worse, he doesn't think this intersection is going to stack nearly enough.

Mr. Cholminski asked for the record, was this not part of the first approval and the study was updated. Mr. Harter said yes, very little had changed along the frontage. Mr. Harter said in the early process the preliminary site plan we worked or talked with Urban who was the Borough's consultant. Mr. Harter said it was the Borough's desire not to make Rte 23 a four lane section; you don't want two lanes in each direction. Mr. Harter said Wal-Mart is also assisting by helping construct the portion of the extension road which is what the Borough would like and he understands why they wanted it. Mr. Harter said you don't want to go to the four lane highway it becomes a super highway and it is a lot less desirable. Mr. Harter said the idea of the extension road makes a lot of sense and Wal-Mart is assisting with their portion of that. The Board continued their discussion and asked Mr. Harter questions on traffic.

Mr. Zschack made a motion to open to the public application **PB-03-11-1 Group 5 Development, Amended Preliminary and Amended Final Site Plan, C Variances, Block 70 Lots 7.05 and 7.02**. Seconded by Mr. Maugeri. All were in favor.

Glenn Sumpman, Superintendent of Hardyston School District, stepped forward. Mr. Sumpman said they did have the opportunity to meet with Mr. Podvey last Friday. He felt it was a productive meeting. Mr. Sumpman is concerned about the construction phase, the noise and dust. Mr. Sumpman said their school is not an air conditioned school so we have to have the windows open when conditions warrant that. Mr. Sumpman said Mr. Nelson brought up having trees along the wall. Mr. Sumpman said we think if that was possible to extend them along the side facing the school district those trees could help with the noise and dust if they were put in at an early time.

Chris Mainardi, Kinnelon, RT 23 north Wurtsboro LLC., Stepped forward. Mr. Mainardi commented on the white roof. Mr. Mainardi is concerned about the wall, wanted more specific information and is concerned about confetti. Mr. Mainardi wants to make sure the exit out of his property close to the entrance of the new access to the development will not be asked to close in the future.



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Betty Allen, Jenkins Road, Franklin, stepped forward. Mrs. Allen asked where the building will sit and where the entrance will be. Mrs. Allen was shown where the building will sit by using exhibit A-1. Mrs. Allen talked about the traffic. Mrs. Allen is concerned about how many pharmacy's there are in town. Mrs. Allen asked about the height of the retaining wall and what will happen to the current Wal-Mart building.

Karen Folkerts, 113 Main Street, Franklin, stepped forward. Ms. Folkerts is concerned about north bound rush hour traffic. Mr. Harter explained what could be done to help with the north bound traffic.

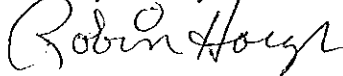
Emily [Solcklawler], Mill Street Apartments, Franklin, stepped forward. Ms. [Solcklawler] said hearing all these things about different looks of the Wal-Mart building; she wished you would have been that fussy when they put up the Mill Street Apartments.

Mr. Christiano made a motion to close to the public application **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.** Seconded by Mr. Zschack. All were in favor.

**ADJOURNMENT:**

There being no further business to come before the Board, the meeting was adjourned at 11:03PM on a motion by Mr. Maugeri. Seconded by Mr. Lermond. All were in favor.

Respectfully Submitted,



Robin Hough  
Secretary