

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**August 19, 2013**

The meeting was called to order at 7:30 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."

ROLL CALL OF MEMBERS PRESENT: Mr. Christiano, Mr. Kilduff, Mr. Lermond,  
Mr. Zschack, Mr. Zydon, Mr. Foulds,  
Mr. Nidelko

ABSENT: Mayor Crowley, Mr. Cholminski

ALSO PRESENT: Mr. Robert Correale, Esq.

Vice Chair Lermond presented a Certificate of Appreciation to Mr. Suckey for 28 years of volunteer service to the Board and Borough. Mr. Suckey thanked the Board of their time and mutual effort towards the community's betterment. He also thanked Mayor Crowley, previous Mayor Durina and prior Chair, Bob Harden. Mr. Suckey wished the Board luck and what they have to do. Mr. Kilduff thanked Mr. Suckey for his dedication to the Board, his institutional knowledge, all he did for the Borough and is grateful for volunteers. Mr. Suckey thanked his wife for her years of support during his tenure.

**APPROVAL OF MINUTES:**

Mr. Kilduff made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for May 20, 2013**. Seconded by Mr. Foulds.

Upon Roll Call Vote:

AYES: Christiano, Kilduff, Lermond, Zydon, Alt #1 Foulds, Alt #2 Nidelko

NAYS: None                      ABSTENTIONS: None

Mr. Zschack made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for June 17, 2013**. Seconded by Mr. Nidelko

Upon Roll Call Vote:

AYES: Christiano, Kilduff, Zschack, Zydon, Alt #1 Foulds, Alt #2 Nidelko

NAYS: None                      ABSTENTIONS: None

**APPROVAL OF RESOLUTIONS:**

**PB-01-13-1 Santé Bus LLC & Franklin Square Health & Wellness, LLC; Preliminary & Final Site Plan Approval & Dimensional Variance Relief-Phase I; Block 701, Lots 6 & 11.**

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**August 19, 2013**

Mr. Nidelko motioned who can't motion. Vice Chair Mr. Lermond advised he cannot vote, noted the Voting Eligibility and read the names. Mr. Zschack made a motion to approve **PB-01-13-1 Santé Bus LLC & Franklin Square Health & Wellness, LLC; Preliminary & Final Site Plan Approval & Dimensional Variance Relief-Phase I; Block 701, Lots 6 & 11.** Seconded by Mr. Zydon

Upon Roll Call Vote:

AYES: Christiano, Zschack, Zydon

NAYS: None                      ABSTENTIONS:

**Resolution to Recommend Certain Amendments to the Land Use Ordinance §161-3 (Definitions); §161-34 B (6) (Drive-thru).**

Mr. Lermond said this is the Ordinances that we recommended to the Council. (Mr. Nidelko motioned to accept). Mr. Kilduff said this Ordinance was developed by the Planning Board and forwarded to Council which is now referred back to the Planning Board unchanged. Mr. Lermond questioned if they're voting on the Resolution to recommend. Mr. Kilduff agreed.

Mr. Nidelko made a motion to approve **Resolution to Recommend Certain Amendments to the Land Use Ordinance §161-3 (Definitions); §161-34 B (6) (Drive-thru).** Seconded by Mr. Foulds.

Upon Roll Call Vote:

AYES: Kilduff, Lermond, Zydon, Alt #1 Foulds, Alt #2 Nidelko

NAYS: Zschack                      ABSTENTIONS:

**OTHER BUSINESS:**

Mr. Lermond said there was correspondence from Council back to (the Planning Board). Mr. Kilduff said it's the Ordinance Amendment unanimously approved by this Board and referred to Council. The Council introduced it with no change. In accordance with MLUL it comes back to this Board with no change and a motion to acknowledge the matter has been referred back to the Board without change.

Mr. Lermond inquired if a motion is needed or just put on the record. Mr. Correale said if you want to be technical you may want to have a motion, see if there's a discussion about it first and then have a motion. Mr. Lermond asked if there's any discussion. He said we sent it to Council, they sent it back saying it's unchanged and Council is going to present it at the Public Hearing and Council passes the Ordinance. Mr. Correale said you don't technically need a motion but thinks the idea of having possible discussion and then a motion. It was asked if they discussed changes from last month's. Mr. Kilduff said yes. Mr. Lermond said it's a circular confusion. Mr. Correale said there's nothing of substance to vote on. Mr. Lermond said enough has been placed on the record.

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**August 19, 2013**

Mr. Christiano made a motion to refer it back with no change to the Council. Mr. Correale said he doesn't think it's necessary; it's been acknowledged and needs to follow the natural trail. Mr. Lermond said Council's going to have to vote not us.

Mr. Christiano said he wasn't available for this meeting but had a question regarding outside speakers, the decibel rate and certain hours. He asked if the speakers are intended to when in use, broadcast music or voice. Mr. Kilduff said the numbers are State standards. Mr. Lermond said it goes back to the Council.

**APPLICATIONS FOR COMPLETENESS:**

**PB-07-13-1 Eric Blasone (Sit n' Chat Diner & Pancake House) (Change operation of hours in Resolution PB-02-08-4, F. H. Restaurants, L. L. C.)**

Mr. Lermond requested the applicant be put on record. Mr. Eric Blasone stepped forward stating he opened the Sit n' Chat Diner where "Hooters" was. He said there was something in the Resolution regarding a 10:30 or 11 opening; whatever it was for "Hooters" who were staying open to 1 o'clock. Mr. Blasone requested opening at 7AM, close at 9:00 Monday through Thursday and 10:00 on Friday and Saturday.

Mr. Marchese inquired if they have to deem it complete. Mr. Lermond said first we do Completeness. Dan Marchese, Esq. of Marchese Law Firm, Newton, NJ stepped forward on behalf of the applicant, Eric Blasone.

Mr. Lermond advised the packet contained documents to bring members up to speed. He said as the applicant mentioned, it's a minor adjustment of operating hours not a Site Plan. Mr. Lermond said Mr. Knutelsky looked at it and forwarded an email with his recommendations to which Mr. Lermond read and placed on record. He said basically, Mr. Knutelsky covered typical engineering things in a quick overview without a big Completeness Checklist.

Mr. Lermond said the first order of business is to accept Completeness then discuss the application. Mr. Zschack asked if it's administratively complete. Mr. Kilduff provided an overview of incomplete items, the type of approval requested, and said it's administratively complete for the purpose of this application.

Mr. Lermond asked if Mr. Zschack had another question to which he responded was legally complete. Mr. Lermond said we have the request to Waiver which Mr. Knutelsky's report spoke to and is part of documentation as well.

Mr. Christiano asked when it was originally started. Mr. Blasone said 7 o'clock; closes 7-9 Monday through Thursday, 10 on Friday and Saturday, and 8 o'clock on Sundays. Mr. Foulds said you're requesting till 1 AM. Mr. Lermond said for the record we should speak to what you [Mr. Blasone] put in your record. Mr. Blasone said the owners of the building want it. Mr. Fould's said you're a lessee. Mr. Blasone agreed.

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**August 19, 2013**

Mr. Correale suggested the applicant be sworn in so everything he says is under oath even if it's not a public hearing. Mr. Eric Blasone was sworn in. Mr. Correale requested he be clear to the Board exactly what he's seeking though they have his Waiver Request and when responding to questions, is under oath.

Mr. Blasone said he's looking to open at 7AM, closing 9 o'clock Monday through Thursday, till 10PM on Friday and Saturday and Close at 8PM on Sunday. He knows the paper says different, but the landlords don't want to lose the 1 o'clock. Mr. Lermond inquired if it's opening at 7:00 all seven days. Mr. Blasone agreed. Mr. Kilduff said to clarify Mr. Blasone; in the application you're asking to have an earlier opening time at 7AM seven days a week. Mr. Blasone said he's looking to open at 7:00. Mr. Kilduff said closing times are already in the Resolution which are later than what he needs but are there. He asked if Mr. Blasone's not asking to alter the closing time set.

Mr. Kilduff referred to Page 4 of 4 of the application regarding changing hours of operation from 7AM to 1PM; 1PM is a mistake. Mr. Blasone said it's AM, just looks like a "P". Mr. Kilduff said 1 PM on page 4 of 4 of the application not the text but the handwritten application. Mr. Blasone said it says AM and looks like an "A" to which a brief discussion was had. Mr. Lermond said for the record, it says AM.

Mr. Kilduff asked 7AM to 1AM? Mr. Blasone agreed. Mr. Kilduff requested he clarify to the Board if he's asking to extend hours on both ends. Mr. Marchese said 1AM is the original end time. Mr. Kilduff said no, not for every day of the week. Mr. Blasone said he's not looking to extend any night hours-whatever the Resolution says, isn't looking to extend, just change the morning. Mr. Kilduff said, you're amending your application for start time only of 7AM and evening hours would be Midnight, Monday through Thursday; 1AM Friday and Saturday; and 11PM on Sunday? Mr. Blasone agreed. Mr. Correale said right out of ¶12 of the existing Resolution.

Mr. Kilduff said if you're using the patio, not later than 10PM on Sunday through Thursday? Mr. Blasone agreed. Mr. Kilduff asked 11AM on Friday and Saturday; all closing times in the existing (Resolution)? Mr. Blasone agreed. Mr. Kilduff said you're only asking to change start time? Mr. Blasone said just changing the morning. Mr. Foulds said, different than what the application says for the 1AM for seven days. Mr. Blasone agreed. Mr. Kilduff said he just amended that on the record.

Mr. Foulds commented he's going to try to say the original owner applied for 1AM and we have to have the stipulation back that there is no room, that a new renter of the property could put a bar back in there now at 1AM, Sundays will be 11. Mr. Kilduff said he believes the reason hours were put in was because we don't have hours of operation in the HC Zone typically, and because it was a bar. Mr. Foulds said there's nothing to say we're going to go back to that, with us changing that aspect of it; we're not changing the closing times in the 2008 Ordinance.

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**August 19, 2013**

Mr. Marchese said it's his understanding from what he's hearing, the Board suggests Mr. Blasone amend as he just did. Mr. Lermond said we're accepting those. Mr. Foulds said to the existing closing times. Mr. Zydon suggested making the Ordinance to open earlier in case he wants to change his mind instead of coming back. He suggested 5AM – 1 AM. Mr. Lermond requested to do Completeness then talk about the details.

Mr. Christiano made a motion to deem complete **PB-07-13-1 Eric Blasone (Sit n' Chat Diner & Pancake House) (Change operation of hours in Resolution PB-02-08-4, F. H. Restaurants, L. L. C.)**. Seconded by Mr. Nidelko. Mr. Lermond said that was John (Christiano) and Jim (Nidelko).

Upon Roll Call Vote:

AYES: Christiano, Kilduff, Lermond, Zschack, Zydon, Alt #1 Foulds, Alt #2 Nidelko

NAYS: None                    ABSTENTIONS:

**ADJOURNED CASES:**

**APPLICATIONS TO BE HEARD:**

**PB-07-13-1 Eric Blasone (Sit n' Chat Diner & Pancake House) (Change operation of hours in Resolution PB-02-08-4, F. H. Restaurants, L. L. C.)**

Mr. Lermond said they don't need to re-state it and Mr. Zydon wants to amend it. Mr. Zydon said to put more of a window so (Mr. Blasone) has leeway to move. It's a diner; may see people coming at 6 then want to open at 6, and have to return for it to become 6. He suggested 5 as Route 23 is a busy road and people will probably look for something to eat before going to work. He said it is up to the applicant or owner if he wants to open up early to which Mr. Blasone agreed. He was asked if he would like to re-amend his application. Mr. Correale said he technically has to re-amend it again.

Mr. Marchese said his client advised he's re-amending to 5AM. Mr. Lermond requested to clarify its 5AM to the existing which is 1AM Monday through Thursday then corrected it saying midnight. It was said Monday - Thursday Midnight; 1 AM Friday and Saturdays, 11PM Sundays. Mr. Correale said as set forth in ¶12 of the existing Resolution; that doesn't change that's not part of the application. It was said if so, it's just the morning. Mr. Kilduff said outdoor patio service would not change.

Mr. Lermond wanted clarification how the 2008 Resolution would be (done). Mr. Correale said they can do a motion to amend the Resolution of ¶12. He said memorializing the amendment consistent with the motion and didn't know if a formal motion was made yet.

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**August 19, 2013**

Mr. Correale said that would be the nature of the application to amend, it was approved to amend ¶12 of the existing resolution to allow opening at 5AM and then come back the next meeting with a Resolution amending the previous (one). Mr. Lermond said if that's the case you need to change the applicant's names and the use of the restaurant and some of those things as well. Mr. Kilduff said no just the hours. It will be a short resolution which references that resolution with an amendment to ¶12. Mr. Zydon said just amend ¶12 and that's it. Mr. Foulds said not amending the rest; everything else is still there.

Mr. Zschack made a motion to change ¶12 to amend opening hours to 5AM for **PB-07-13-1 Eric Blasone (Sit n' Chat Diner & Pancake House) (Change operation of hours in Resolution PB-02-08-4, F. H. Restaurants, L. L. C.)**. Seconded by Mr. Foulds.

Mr. Nidelko made a motion to Open to the Public for **PB-07-13-1 Eric Blasone (Sit n' Chat Diner & Pancake House) (Change operation of hours in Resolution PB-02-08-4, F. H. Restaurants, L. L. C.)**. Seconded by Foulds. All were in favor.

No one from the public stepped forward.

Mr. Nidelko made a motion to Close to the Public for **PB-07-13-1 Eric Blasone (Sit n' Chat Diner & Pancake House) (Change operation of hours in Resolution PB-02-08-4, F. H. Restaurants, L. L. C.)**. Seconded by Mr. Christiano. All were in favor.

Mr. Lermond advised they've had a chance to discuss it, the public had a chance to comment and no further discussion, requested a Roll Call (to amend hours to 5AM as stated by Mr. Zydon).

Upon Roll Call Vote:

AYES: Christiano, Kilduff, Lermond, Zschack, Zydon, Alt #1 Foulds, Alt #2 Nidelko

NAYS: None                    ABSTENTIONS:

**PAYMENT OF BILLS:**

Mr. Nidelko made a motion to approve the **Franklin Borough Planning Board Escrow Report for August 19, 2013**. Seconded by Mr. Zydon.

Upon Roll Call Vote:

AYES: Christiano, Kilduff, Lermond, Zydon, Alt #1 Foulds, Alt #2 Nidelko

NAYS: None                    ABSTENTIONS: Zschack

**DISCUSSION:**

Mr. Lermond referred to the 2014 Planning Board Meeting Dates. He wanted to ensure everyone understands the dates and have no problem with them. He's sought a verbal agreement this evening as they will be placed in the 2014 Calendar.

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**August 19, 2013**

It will be officialized at the 2014 [Reorganization] Meeting. Mr. Kilduff said they're the dates which follow the same yearly format. He said January and February meetings fall on Tuesday due to Holidays. All other meetings are the third Monday of the month. Mr. Lermond said they've been notified.

**CORRESPONDENCE:**

Mr. Lermond referred to a letter from Sussex County Department of Engineering for the record, regarding Santé Bus (Exempt Site Plan), saying they didn't need to look at that. Mr. Kilduff said it was a matter of course.

Mr. Lermond inquired if there is other discussion amongst the Board. Mr. Christiano commented about his two visits to the Sit n' Chat Diner and the Route 23 view. He spoke of two properties that has had much discussion and asked what's going to happen. Mr. Kilduff said he saw a letter from the Zoning Officer today to the responsible parties regarding property violations; it's a problem property that's being worked on. Mr. Christiano said here's a person with a business in town, trying to make a nice business and his customers are sitting in these windows looking out at a snapshot of the South Bronx. He said it's not pretty, they all agree, it's been sitting there and if they let it sit there any longer, won't have to worry about bulldozing. He said the municipality has power and authority to do something with these properties than it's been doing.

**OPEN PUBLIC SESSION:**

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

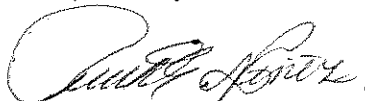
No one from the public stepped forward.

Mr. Zydon made a motion to **Close to the Public**. Seconded by Mr. Christiano. All were in favor

**ADJOURNMENT:**

There being no further business to come before the Board, the meeting was adjourned at 8:11 PM on a motion by Mr. Christiano. Seconded by Mr. Zschack. All were in favor.

Respectfully submitted,



Ruth Nunez  
Secretary