

Franklin Borough Planning Board
Meeting Minutes for
September 16, 2013

The meeting was called to order at 7:30 PM by 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:

APPROVAL OF MINUTES:

Mr. Zschack made a motion to approve the **Franklin Borough Planning Board Meeting Minutes** for July 15, 2013. Seconded by Mr. Kilduff.

Upon Roll Call Vote:

AYES: Kilduff, Lermond, Zschack, Zydon, Foulds, Nidelko

NAYS: None ABSTENTIONS:

Mr. Zschack made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for August 19, 2013**. Seconded by Mr. Foulds.

Upon Roll Call Vote:

AYES: Christiano, Kilduff, Lermond, Zschack, Zydon, Foulds, Nidelko

NAYS: None ABSTENTIONS:

APPROVAL OF RESOLUTIONS:

Concerning Proposed Amendments to the Land Use Ordinance §161-3 (Definitions); §161-34 B (6) Drive – thru uses)

Mr. Kilduff made a motion to approve **Resolution Concerning Proposed Amendments to the Land Use Ordinance [§161-3 (Definitions); §161-34 B (6) Drive – thru uses]**. Seconded by Mr. Zydon.

Mr. Lermond asked if there was any discussion. Mr. Zydon asked if this came back to us by the Council. Mr. Kilduff said you may recall last month, the Ordinance came back to this Board from the Council. We discussed the fact the Ordinance that was referred back to the Board, came back unchanged. The Board discussed it and asked the visiting attorney if action should be taken. He thought it wasn't necessary. Subsequent to the meeting, our regular attorney suggested to document the fact the Board considered it; the Ordinance was sent back, made no changes, and to document it in the form of a Resolution. The Resolution considered Ordinance #9-

Franklin Borough Planning Board
Meeting Minutes for
September 16, 2013

2013 which found provisions to be substantively identical to amendments previously recommended. Therefore, we resolved that the Ordinance is substantively identical to the proposed amendments to the Land Use Ordinance previously recommended by the Board with no comments, and that no further action need be taken by the Board with respect to said Ordinance. This basically documents the fact we discussed it and there wasn't any need for action.

Mr. Lermond said we sent it for recommendations, they sent back their introduced Ordinance for our comment which we had no comment. (Council) said we need to make this official. Mr. Zydon commented nothing got done with it.

Mr. Kilduff said it went to the Council for a public hearing and the vote was split 3/3 and the Ordinance didn't carry. A brief discussion was had.

PB-07-13-1 Eric Blasone (Sit n' Chat Diner & Pancake House) Amend hours of operation; Block 702, Lot 3

Mr. Lermond said Sit n' Chat was approved last (month). Mr. Zschack made a motion to approve **Resolution for PB-07-13-1 Eric Blasone (Sit n' Chat Diner & Pancake House) Amend hours of operation; Block 702, Lot 3**. Seconded by Mr. Zydon

Upon Roll Call Vote:

AYES: Christiano, Kilduff, Zschack, Zydon, Foulds, Nidelko, Lermond

NAYS: None ABSTENTIONS:

APPLICATIONS FOR COMPLETENESS:

ADJOURNED CASES:

APPLICATIONS TO BE HEARD:

OTHER BUSINESS:

PAYMENT OF BILLS:

Mr. Zydon asked what the legal fees were for (RE: Invoice No. 18741 from Brady & Correale, LLP). Mr. Kilduff read a few of them and advised they were miscellaneous legal fees for the Planning Board. Mr. Christiano questioned what (Escrow 19 High Pt. Cir.) Nexius was. Mr. Kilduff advised it was for cell tower review.

Mr. Christiano made a motion to approve the **Franklin Borough Planning Board Escrow Report for September 16, 2013**. Seconded by Mr. Nidelko.

Upon Roll Call Vote:

AYES: Christiano, Kilduff, Zydon, Foulds, Nidelko, Lermond

Franklin Borough Planning Board
Meeting Minutes for
September 16, 2013

NAYS: None

ABSTENTIONS: Zschack

Mr. Christiano inquired about progress being made regarding the two properties on Route 23 across from the diner. Mr. Kilduff said it's one property. A letter was sent by the Zoning Officer, there are liens on the property which could present complications, and will find out more about that.

Mr. Foulds asked about the town houses and commented on trucks pouring in. Mr. Kilduff advised there are new owners and a revised Developer's Agreement.

DISCUSSION:

CORRESPONDENCE:

OPEN PUBLIC SESSION:

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

Mr. Richard Durina, 23 Lozaw Road, Franklin, NJ stepped forward. Mr. Durina expressed his complaints regarding the unavailability of a copy of (Resolutions) to the public beforehand, opportunity for public to discuss and comment and the opportunity to have spoken on 31 Auché Drive's zoning change. He also made reference to a Quick Check application in Vernon Township and of being well informed. Therein, Mr. Kilduff advised a signed copy would be available tomorrow. He explained resolutions are not open for public discussion as they are work products until action taken. Mr. Durina was further advised he may inquire with the Board attorney at next month's meeting regarding legal questions.

Mr. Zydon expressed his concern over the possibility of providing wrong information in response to questions by Mr. Durina. Mr. Christiano inquired if a Resolution could be attached to the Agenda. Mr. Lermond advised it's for the attorney to review.

Mr. Zschack 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 8:15PM on a motion by Mr. Foulds. Seconded by Mr. Christiano. All were in favor.

Respectfully submitted,



Ruth Nunez
Secretary