

Franklin Borough Planning Board
Meeting Minutes for
June 16, 2014

The meeting was called to order at 7:30 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, Mayor Crowley, Mr. Foulds, Mr. Giordano, Mr. Williams, Mr. Zydon, Mr. Cholminski, Mr. Nidelko

ABSENT: Mr. Friend

ALSO PRESENT: Mr. David Brady, Esq.
Mr. Thomas G. Knutelsky, P.E.
Mr. Ken Nelson, PP, AICP
Mr. James Kilduff, Png. & Comm. Dev. Dir.

APPROVAL OF MINUTES:

Mr. Foulds made the motion to approve the May 19, 2014 Minutes. Ms. Nunez questioned the vote. A brief discussion followed with Mr. Foulds rescinding his motion. Mr. Zydon made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for May 19, 2014**. Seconded by Mr. Williams.

Upon Roll Call Vote:

AYES: Christiano, Crowley, Giordano, Williams, Zydon, Alt. #1 Nidelko

NAYS: None ABSTENTIONS:

(Motion Approved)

APPROVAL OF RESOLUTIONS:

PB-03-14-1 Eden Franklin, LLC (Walgreens) Amended Preliminary and Final Site Plan and Conditional Use Approval, Block 1401; Lots 12, 13 & 14.

Mr. Brady informed of the following changes made during review with Ms. Nicholson: Manager's name corrected; Pg. 5 ¶7, Lot designation; Pg. 6 ¶13, 3rd Sentence for canopy lights and; Pg. 11 ¶31, Testing and CO were revised.

Mr. Zydon made a motion to approve Resolution **PB-03-14-1 Eden Franklin, LLC (Walgreens) Amended Preliminary and Amended Final Site Plan and Conditional Use Approval, Block 1401; Lots 12, 13 & 14**. Seconded by Mr. Williams. During Roll Call Mr. Giordano asked why he wasn't called. It was responded to as, he voted "No".

Upon Roll Call Vote:

AYES: Christiano, Crowley, Williams, Zydon, Cholminski

NAYS: None ABSTENTIONS:

(Motion Approved)

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APPLICATIONS FOR COMPLETENESS:

PB-04-14-1 Santé Bus, LLC & Franklin Square Health and Wellness, LLC (Phase 2), Amended Preliminary and Final Site Plan, "C" Variance, Block 701; Lots 6 & 11.

Mr. Gaus stepped forward on behalf of the applicant. Chairman Cholminski said he spoke with the town manager, attorney and engineer. He said there's the existing and new building. Mr. Cholminski suggested finishing one prior to continuing with the other and asked Mr. Gaus how he would like to proceed.

Mr. Gaus agreed and said a lot of issues were settled with the engineer and thinks it can get done tonight. He said their engineer and architect had a significant presentation during Phase 1 and a two minute overview can be provided with sworn expert testimony response to questions within the report.

Mr. Cholminski wanted more than a two minute overview so the audience better understands their intent. He commented to hearing the town is not diligent, are dragging their feet and are obstacles. Mr. Cholminski reminded that at the last meeting, they were to provide a good engineering report for a smoother process to conclude in one meeting. The presented report was lengthy and should have coordinated with the Board Engineer to resolve base issues as the Board also wants to move the Application along. He questioned delineation.

Mr. Knutelsky said not that they're not delineated; they need Completeness done prior to testimony. Wetlands really is not an issue, it's more with on-site traffic circulation. Today he reviewed the entire report with the applicant and the Board will hear many, agree to and will comply. There are specific items to address which they've condensed, agreed to, and Mr. Gaus is leaving testimony up to the Board.

Mr. Cholminski said that's why he wanted more than overview and advised in the future, their engineering details be resolved to avoid lengthy report review. Mr. Gaus agreed and said efforts were made but were unable to connect in advance of filing revised plans. Mr. Cholminski said the Board bent over backwards to get their Completeness done and hear the Application, yet it's heard around town they're a stumbling block and aren't friendly. Mr. Gaus said he heard the Chairman loud and clear. Mr. Cholminski requested he begin his overview and bring his witnesses.

Mr. Knutelsky requested Completeness first. Mr. Brady advised Proof of Service and Publication were in order. He explained Mr. Gaus and he discussed the Condominium Association's service and associated costs. He also explained MLUL regulation in re. The Condominium Association's representative was identified and served via Mr. Gaus and Mr. Kilduff's input. Mr. Brady said Service was adequate. Mr. Gaus said last time everyone was served in good faith and further elaborated. He hopes the application is supported. Mr. Cholminski requested Completeness.

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Mr. Knutelsky said the 5/13/14 original report indicated incomplete items and reasons for granting temporary/full waivers. The Applicant was to further plan and submit a plan set including Completeness Review additions. The 6/11/14 revised report references that report on Pg. 2 Section B. Checklist Items previously found incomplete were provided. These particular items are not all found in the set as waivers have been requested and is in agreement with most.

Mr. Knutelsky reviewed and provided his recommendations for Checklist Items 16, 20, 27, 28, 38 & 43-47 which mirrors what he said in May. Nothing in those items was changed and incomplete items disappeared from the report. He said in summary, temporary waivers for Checklist Items 16, 20, 27 & 28 and full waivers for Checklist Items 38 and 43-47. Mr. Cholminski requested a motion to grant waivers.

Mr. Foulds made a motion to (Deem Complete) **PB-04-14-1 Santé Bus, LLC & Franklin Square Health & Wellness, LLC (Phase 2), Amended Preliminary and Final Site Plan, "C" Variances, Block 701; Lots 6 & 11** for temporary and full waivers as discussed. Seconded by Mr. Christiano.

Upon Roll Call Vote:

AYES: Christiano, Crowley, Foulds, Giordano, Williams, Zydon, Cholminski

NAYS: None ABSTENTIONS:

(Motion Approved)

ADJOURNED CASES:

APPLICATIONS TO BE HEARD:

PB-04-14-1 Santé Bus, LLC & Franklin Square Health & Wellness, LLC (Phase 2), Amended Preliminary and Final Site Plan, "C" Variances, Block 701; Lots 6 & 11

Mr. Gaus said the building commonly referred to as the old Morley Shirt Factory is designated as Phase 2A & 2B. About 13,000sf of the existing building was approved in June, 2013 for various medical uses. They were able to secure tenancy and are quickly moving forward. They divided their application into Phase 2A which is the rest of the existing building and Phase 2B, the new building.

Mr. Gaus discussed the existing building's usage. He said an approximate 25,000sf is for non-profit use and no office staff or many people during the day are anticipated. It will have evening meetings, is a donation drop-off point, and see no significant impact during regular business hours. The existing building will have a full façade improvement and Porte-cochère. Throughout the day the circulation redesign was discussed with the engineer and hopes he likes the plan which their engineer will review in detail. The Route 23 free-standing sign will remain and updated as tenants are added. It has a number of existing setbacks which they believe don't need variances and further explained.

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Mr. Cholminski asked if there's after hour donation drop-offs and if there are drop-off trucks or cars, for the record. Mr. Gaus responded drop-offs happen during the day and non-profit is used in the evenings by volunteers. Mr. Gaus said there's a large loading area designed for trucks as testified to in Phase 1. No tractor/trailer deliveries just box trucks. High volume isn't anticipated and hopes it benefits the community.

Mr. Gaus said a new two-story building is proposed on the parking lot. Above-ground parking possibilities were explored but didn't work; it remains at ground level. He explained the Mitchell Avenue setback's non-compliance, and parking space shortage to which their engineer can testify is more than adequate for both buildings.

Mr. Gaus said they'll construct the existing building's internal improvements first which is why they called it 2A, and 2B down the road as they don't know what's going to happen. They're hopeful Atlantic Health or other large medical organization seeing a beautiful building ready to go, may want it. In their experience, having an approval provides a better chance of obtaining users.

Mr. Christiano asked what the donations are; will it be stored indoors; taken in immediately or if there's a place outside. Mr. Gaus responded the donation types and described plenteous storage along with distribution arrangements.

Architect, Yogesh Mistry was sworn in. Mr. Gaus informed Mr. Mistry was pre-qualified in Phase 1. Mr. Mistry said he'll discuss building details and referred to a previous exhibit. Mr. Brady said there's no need to mark it if they're the same. Mr. Mistry referred to Sheet A1.01; Existing Building (1) – Plan and Elevations.

Mr. Mistry said the existing building is 54,778sf. 13,653sf was approved for medical use and is currently used as such. The remaining was to stay vacant for possible return. The proposed 41,000+sf is for approval of different uses. He described two photos and its available site entrance. The existing Route 23 sign will remain with panels changed for incoming tenants and the lawn sign further back will be removed. He described the building's current appearance which they'll change.

Mr. Mistry referred to Sheet A2.01 showing proposed plans and elevations of the existing building. He further elaborated on square footage and discussed their main corridor. Mr. Mistry said as part of the non-profit area, they propose an internal cafeteria meant for the building's employees and not for the public.

Mr. Zydon asked if it was a lunchroom separate from the hydroponic section. Mr. Mistry said it's adjacent. Mr. Zydon said it's separate by a wall. Mr. Mistry agreed.

Mr. Mistry said there's no building expansion but for decorative bump outs and decorative canopies and further explained. He discussed the cafeteria area of which a discussion followed. Therein, he said it's for the occupant's convenience and not for people to walk from the parking lot to it. He also talked about the Porte-cochère.

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Mr. Mistry presented two exhibits which Mr. Brady requested for the record, he mark them A1 and A2, date and describe them. Mr. Mistry said A1 is a colored rendering of the existing building's two façades. A2 is a colored rendering of the new building. In describing A1, he said they're frontal and side views and further described its exterior details. Therein Mr. Brady asked if the finish will continue around the other two sides of the building and if the color scheme is similar to what's depicted. Mr. Mistry gave the building's views and said its color scheme will be similar.

Mr. Knutelsky asked if the trellis area will be at grade. Mr. Mistry agreed. Mr. Knutelsky asked if there are benches or cafeteria chairs and tables to bring out. Mr. Mistry said there'll be some cafeteria tables and chairs people can bring outside.

Mr. Knutelsky asked about doorway access from the patio directly to the trellis shown on the plan. Mr. Mistry felt it was longer at one point then shrunk it down. Mr. Knutelsky asked if the plan will be changed with a doorway directly onto the trellis whereby sidewalk access is not needed. Mr. Mistry agreed. A discussion followed. Therein, Mr. Mistry said it's not meant as an entrance but a fire emergency exit only and Mr. Knutelsky suggested connection to which Mr. Gaus agreed.

Mr. Knutelsky commented to the Porte-cochère not being a delivery location and Mr. Mistry agreed. Mr. Knutelsky asked about the delivery pathway from the loading area. Mr. Mistry said though he's not the person to ask, arrangements could be made and there's a door adjacent to the loading dock. A truck can pull in, park, and go through the corridor entrance. Mr. Knutelsky said he wanted to know the internal route from the loading dock to the southwest corner. Mr. Mistry said there's an interior corridor and doors that connect while demonstrating it.

Mr. Cholminski commented to Mr. Knutelsky he understands it's a donation drop-off. Mr. Knutelsky said the loading dock area is for medical delivery for that corner doctor. They won't be able to park in the parking lot or the Porte-cochère. They'll have to unload there and get to the building; it needs more discussion.

Mr. Christiano said last year, delivery was it can be walked through the vacant section to the occupied area. Mr. Mistry said they anticipated loading for non-profit use. He explained small deliveries and said a truck like FedEx can stop on the side, walk in and deliver. Mr. Knutelsky said they'll hear loading and unloading from the engineer. He just wanted to know about internal deliveries to different suites.

Mr. Nelson asked if the hydroponic operation in the plans is generic. Mr. Mistry said he doesn't have the details; it was discussed, and the tables depicted represent the hydroponic growing area.

Mr. Christiano asked if the roof will be replaced. Mr. Mistry informed they walked the roof which is in decent condition and the roof and warehouse have some leakage areas. Mr. Nelson asked Mr. Gaus if the applicant will testify. Mr. Gaus agreed.

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Mr. Mistry referred to A2.02, the proposed new two-story building. He provided details, and wants the main entrance on Mitchell Avenue. Regarding the engineer's report to rotate it to face majority of the parking lot, felt it inappropriate as there are secondary entrances and smaller canopies on both sides with parking all about. People will still have convenient access and rear exits are fire exits.

They're aware of the comment about landings and stairs impeding the sidewalk. Mr. Mistry said they have a 3' curb they can pull out to 4' which he'll discuss shifting the curb down with the site engineer. He said the building will be ADA compliant, both floors have common turrets, an elevator, fire stairs, a main covered entry and two smaller ones, and a T-shaped corridor for all points access.

Mr. Mistry said A2 depicts the look on A1. Mr. Brady asked if the current treatment, scheme and materials will be substantially the same as depicted. Mr. Mistry agreed.

Mr. Cholminski asked if the squares atop the building are AC units. Mr. Mistry agreed and is unsure how many there'll be. Screening was asked about and Mr. Mistry said roof top units will be screened with similar materials. A discussion followed. Therein, Mr. Mistry said the old building is deep and where the units sit, can't nor are currently noticed. Mr. Knutelsky said whether it's an existing building or not, mechanical equipment screening is needed per ordinance. Mr. Mistry said the parapet is doing the screening. Mr. Knutelsky said it should be raised 6" to ensure screening or via another method. A brief discussion on visibility of mechanical equipment was had. Mr. Knutelsky said screening assurance should be part of the Application. Mr. Mistry agreed.

Mr. Mistry discussed signage and therein said the existing building's free standing sign on Route 23 remains and the ground sign will be removed. He described the two proposed building mounted signs and their locations which meet the ordinance. For the new building area, a free standing sign along Mitchell Avenue is proposed as depicted on A2.02 with colors and materials similar to the building. Mr. Mistry said comments were made to raise it for low end visibility and though nearly maxed out in signage area, they may heighten its legs.

Mr. Knutelsky advised there are two signage types. Ground mounted and free-standing which he explained. He recommended raising the sign as Mr. Mistry discussed thereby removing a sign variance. Mr. Gaus said it's acceptable and meets the 15' setback. Mr. Mistry agreed. Therein, Mr. Cholminski commented to put it on their sign ordinance to do list. Mr. Knutelsky said, "Measurable goals".

Mr. Mistry said regarding the tenant signage comment, they show eight but actually have four and don't know how many they'll have. Sign area remains the same and is almost maxed out. Mr. Knutelsky asked about waif mounted signage to suites or will it be handled in the building. Mr. Mistry said inside as it's not that big. There'll

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be a site or building map in the center area. Mr. Knutelsky remarked to directional's being posted in the center skylight area like the existing building. Mr. Mistry agreed.

Mr. Knutelsky said regarding the front elevation, windows seem to extend from above the covered entry upward. Mr. Mistry said the upper portion will be spandrel glass while the lower is regular glass with a demising wall between the tenants and further explained. Mr. Knutelsky asked if they're reflective glass panels and can see through them. Mr. Mistry said they may have some tinting but hasn't been decided. He said glass appears black in daytime and can't see inside but at night when lights are on, moulding may be seen between tenants.

Mr. Zydon asked if walls in the new building are permanent or movable dividing between suites. Mr. Mistry said it's currently speculative. Permanent ones would probably be the corridor, toilets, and elevator shaft. A discussion followed. Therein, Mr. Zydon said they're not permanent or structural and Mr. Mistry agreed.

Mr. Mistry referred to Mr. Knutelsky's comment of the existing building's tight curb line. Mr. Knutelsky asked if they'll relocate the bollards. Mr. Mistry said they could.

Mr. Mistry inquired if Mr. Knutelsky wants structural details of the monument sign. Mr. Knutelsky said all details on this particular monument sign should get transferred to one set to be signed off as a record set. He said construction details are on the engineer's plans and should have one complete set whether they want to introduce their plans as part of this set. All will have to be revised to the same scale.

Mr. Mistry requested to defer to a future point as they won't make the sign until they construct the building at which time, a structural engineer will design it. They're taking that extra effort now for its inclusion and know they can't build without it. Mr. Knutelsky said when the building can be constructed and all site improvements are being done, the previously approved plan will be had for that to actually take place.

Mr. Christiano asked for the roof color and if the building is sprinklered. Mr. Mistry said they tend to use white. Though a building that size doesn't have to, they sprinkler all buildings and the old building is sprinklered.

Mr. Nelson asked for clarification there's no basement. Mr. Mistry concurred.

Mr. Williams asked if Mr. Knutelsky visited the old building. Mr. Knutelsky said yes. Mr. Williams said there was a contour concrete drive where the loading dock was. Mr. Knutelsky said a bigger lag is on the Mitchell Ave. side and a smaller new on the inside. Mr. Williams spoke of water collection in the "Morley" area and asked if he knows anything about that. Mr. Knutelsky said in discussions with the applicant, testimony will be heard they're going to fill the loading dock. Mr. Gaus said the Site Engineer will cover that in his testimony.

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Mr. Gaus asked if the Chairman wants to open it to the public for questions or hold it till later. Mr. Cholminski said hold it till the end.

Traffic Engineer, Craig Peregoy was sworn in. Mr. Gaus requested he provide his background, credentials and licenses. Mr. Peregoy complied. Mr. Gaus asked if he's testified before this Board. Mr. Peregoy said he didn't testify but worked on a couple of projects.

Mr. Peregoy said they looked at two Route 23 signalized intersections in their traffic study where all traffic will enter/exit. Mr. Gaus requested he identify for the record, he's referring to the submitted 4/1/2014 Traffic Report. Mr. Peregoy agreed.

Mr. Peregoy said they focused on the signalized Mitchell Avenue and Mabie Street access points for worst case scenario traffic volumes during peak weekday morning, and evening peak rush hour. Heavily trafficked Route 23 is between 1500-1800 vehicles per hour two-way and Mitchell Avenue about 100 an hour. The corner bank generates traffic onto Mitchell, and lower volumes were had along their property.

Mr. Peregoy said they prepared a Capacity Analysis for a base line of how the intersections operate. He explained how he used a software program to calculate service levels with "A" being the best and "F" the worst or failure. Both operated at "C" during peak morning hour, and evening peak hour at "D". Mr. Cholminski asked for AM/PM peak hours. Mr. Peregoy said the specific morning hour was 7:15-8:15 and evening at 4:45-5:45. He only looked for the busiest hour and traffic volume fell quickly thereafter from the work commute.

Mr. Peregoy said future traffic volumes were next. This case had three components. Background traffic growth is from other developments proposed or other things happening and the previously approved 4,000sf medical office space that was open. He also accounted for the extra office space. Those two components gave him "No-Build Traffic Volumes". Mr. Peregoy further explained that process and therein said the Land Use name was Medical & Dental Office for the 9,653sf vacant space.

Mr. Peregoy explained how he got the "Build Traffic Volumes" using ITE Data for Medical Office for the proposed medical office in the old building, the new building and the parking lot. He also explained determination of General Light Industrial for the non-profit and, Trip Generation. In using the worst case scenario, the proposed Trip Generation for morning peak hour exiting vehicles was 90 entering/21 exiting, and evening peak hour was 39 entering/115 exiting vehicles.

Mr. Cholminski said he asked for the peak hour because it's going to be a medical facility/doctor's office opening 8AM. Mr. Peregoy said no to opening at 8 AM and medical office peak times are usually mid-morning, mid-afternoon, and staggered as it's an appointment-type business, unlike an office building where people come/leave all at once. He looked at worst case scenario and standard traffic engineering advises.

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Mr. Peregoy said his projected peak trip generation and roadway peak happened at the exact time. In using the worst case scenario, his counts were a bit off or low and the property is zoned retail which generates much more traffic volume than theirs, which is lower than other permitted uses. He explained calculation methods and found the only time service levels dropped, was the left turn onto Route 23 from Mitchell Avenue. Only the PM peak hour went from "D" to an "E" and still operated. The "E" is due to Route 23 needing more green time because it's a busier road, and doesn't say there will be an issue or congestion. Mr. Cholminski said neighborhood people are usually home at that time. Mr. Peregoy agreed.

Regarding comment to discuss neighborhood impact and adjacent streets, Mr. Peregoy said they won't see much impact beyond the site as there's no opportunity for cut-through. Rapole Street connects Route 23 and Mitchell Avenue. Right turns may weed off to beat traffic lights which make his results better at those signals. Both signalized intersections are not an inviting route. People will probably visit the facility a number of times and typically know how to get to and from their doctor's office. Mr. Gaus asked for Rapole Street's conditions. Mr. Peregoy said it's safe to use and the signalized intersections give a front door from Route 23 back to the site.

Mr. Foulds asked if "Light Industrial Use" will also be applied to the new building. Mr. Peregoy said it's for the non-profit side which won't nearly generate that traffic volume. He thinks its high based on his client's anticipation but wanted to look at the highest reasonable use comparison. Mr. Foulds asked if it was for the Phase 2A or if it includes the new building. Mr. Peregoy said it's just for the non-profit in the old building. Mr. Foulds asked if it's for the existing building's new occupants. Mr. Peregoy said he used Light Industrial for the non-profit space and Medical Office Building for the new building, parking lot and the remaining space.

Mr. Foulds asked Mr. Peregoy relative questions regarding urgent care facility usage vs. doctor offices. Mr. Peregoy responded he accounted for those types of facilities encompassed within ITE Data in terms of different types of doctors, different usage types; and usually strike a balance.

Mr. Christiano asked if he researched the building and the adjacent parking area's prior use. Mr. Peregoy said no but is familiar with what went on. Mr. Christiano said he was trying to get an idea of the previous manufacturing use and in Mr. Peregoy's opinion, there's any net traffic addition/subtraction now vs. the past. Mr. Peregoy said it's a different characteristic with more traffic activity throughout the day. When the whistle blows in manufacturing, everybody shows up at one time adding more strain along with tractor/trailers impacting the road more than a car. More activity in/out of the driveway will be seen than coming/going all at once.

Mr. Giordano asked if the shown parking lot on the Rapole side of the building depicting a loading dock adjacent to houses will be active. Mr. Peregoy asked if he meant by the non-profit space. Mr. Giordano agreed. Mr. Peregoy said it would be

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used more by people who'll know its back there, like facility employees. A brief discussion followed. Mr. Giordano addressed his concern of people going there all hours of the night with trucks. Mr. Peregoy said the intent is having the trucks in the front in the two loading docks.

Mr. Gaus requested of the Chairman to cover parking with the traffic engineer. Mr. Knutelsky said he brought up the non-signalized intersections and roadway utilization because the existing Route 23 Allied sign on A1.01 indicates to turn right which is Rapole Street. People passing the Mitchell Avenue intersection, drive past the medical facility and go to the next light which is Mabie Street then make a right. Rapole is a straight, wide car roadway that's more inviting than Mabie Street. He wanted to ensure everything is visible; turns can be made, and if there will be signage indicating "next right" or, a way to locate the facility. Mr. Peregoy said he doesn't think it needs to say "next right" and could remove that.

Mr. Knutelsky said the proposed sign doesn't say "next right", but has a little box underneath. Mr. Cholminski asked if it will say "next right". Mr. Peregoy said it won't; when you first have a doctor's appointment, you get website directions.

Mr. Knutelsky said the next light from Mabie Street to get onto Mitchell isn't easy as it's an irregular intersection. He is comfortable hearing Mitchell Avenue will be the main drive. Mr. Peregoy said that would make the most logical sense.

Mr. Peregoy said ITE has a Parking Generation which counts the number of parked cars in a parking lot noting the maximum number at any time. ITE Data researched 86 medical buildings throughout the Country with the highest parking demand being 3.2 vehicles per 1,000sf. When applied to their site, it's 160 spaces for the medical uses. They're providing 273; more than ample parking overflow and the non-profit spaces won't nearly generate that kind of number.

Mr. Brady requested he repeat the medical square footage, space count and how many spaces they have. Mr. Peregoy responded. Mr. Cholminski asked how many the ordinance calls for. Mr. Peregoy said 331 including non-profit space which is 50 spaces. Mr. Peregoy said ITE publishes statistical (data) of which they post 95% Confidence Interval. It means 95% of the time, the parking ratio is between 2.94 per 1,000sf and 3.46; that's between 147 and 173. They have 100 additional spaces which non-profit won't approach and the ordinance requires 50. Mr. Nelson asked if they're all suburban locations. Mr. Peregoy agreed.

Mr. Williams asked for the hours of operation. Mr. Gaus said it depends on potential tenants and aren't asking for any variances in terms of hours of operation. Mr. Williams asked what time a normal medical facility open/close. A brief discussion was had wherein Mr. Knutelsky said they may obtain it during testimony later and Mr. Cholminski said it will be what's in the ordinance. Mr. Gaus said if they return for a variance they'll satisfy per ordinance.

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Michael Kolody was sworn in. Mr. Gaus informed he was previously qualified as a professional engineer with current and active licensing. Mr. Kolody agreed and said he heard facility operations and the buildings' utilization. He prepared a Site Plan which he discussed with Mr. Knutelsky regarding completeness items and the overall plan layout. No real discrepancies aside from three areas he'll discuss. He's in agreement with Mr. Knutelsky's report and the changes.

Mr. Kolody said he and Mr. Knutelsky differed and addressed major stormwater classification. Since they're disturbing more than one acre they'll comply. They're reducing impervious coverage making the recharge into ground water better and don't have to address water quality and stormwater detention because outflow rates will decrease, which they discussed and agreed.

Mr. Kolody said the 2nd item was the walkway from one lot to the other. He hesitated in putting improvements on the plan because technically, it's the municipality's which they discussed. The 5' walkway width will be increased 2 ½' by putting a pave stone border alongside making it easier for people to cross over. He explained why no changes to the stream are involved and railings will be upgraded per municipal building requirement. Mr. Gaus said since it's a maintenance item, no additional DEP permits are required and Mr. Kolody agreed.

Mr. Knutelsky said he agrees to this point and explained how the pavers affect pervious flow, reduction, widens the sidewalk and aesthetically enhances the site. No permit is required in that area and he supports that feature.

Mr. Kolody informed should the facility work out well and if a considerable number of people park on the other side, they'll institute a golf cart service to the building through the widened walkway. They understand concerns and will meet them. He hesitated showing it as it's not their property.

Mr. Kolody said the 3rd area involved discussions of current entrance and exits servicing the proposed drop-off area and the existing driveway to the parking area. He was content as it was but Mr. Knutelsky addressed it was too wide-open. They discussed it and he prepared two sketches representing their respective proposals. Prior to the hearing, they compromised on a plan which he presented as Exhibit A3 (Entrance Modification dated 6/15/14). Mr. Brady requested he describe it. Mr. Kolody said it's an enlarged portion of the driveway entrance and exit areas. Mr. Brady asked which property. Mr. Kolody said, Lot 6. Regarding a water collection comment, they filled about 3' and will be at grade as part of the plan, and that a wall separating the loading dock from the existing paved area will be removed.

Mr. Williams commented to adequate drainage for possible water collection. Mr. Kolody agreed and said the previous tenants had a very small pump to an unknown destination which they'll address.

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Mr. Brady inquired of the loading area. Mr. Kolody described it facing the existing structure. He said they compromised to construct an oval 28' x 10' traffic island along Mitchell Avenue making two entrances as requested by the engineer to which he agrees. Mr. Kolody described entrance/exit and drop-off/pick-up movements.

Mr. Giordano asked about a single turn loading dock. Mr. Kolody said after they fill in the pavement they'll make it two. It's a walk up area for the 2nd entrance. Mr. Giordano said that's where truck drivers went through the door. Mr. Kolody said it will be two parking areas and will also address a previously raised issue. There will be an internal walkway along the interior face of the building so deliveries won't have to go through the front door but enter into the internal walkway. It will also allow occupants to take their trash/materials to the trash enclosure without going through the building's front door.

Mr. Brady queried the interior corridor connecting the entirety of the building to the loading zone and the trash areas. Mr. Kolody agreed and said the utility area is also in that building's quadrant; it's a central location. Medical will be able to go into the central corridor to exit the building without entering the non-profit or other facilities, vice versa. There'll be separate internal entrances to the building. A lot of effort in development went into the major proposed change. Mr. Kolody said they briefly spoke prior to the meeting when he presented it to (Mr. Knutelsky).

Mr. Nelson requested to jump in on that issue and the Master Plan. He said it's suggested the un-named driveway be partially approved and used as access to the parking areas on Lot 6 & 11 and assumes the applicant isn't in favor. Mr. Kolody said he wouldn't say they're not in favor but realize the permanent process would involve the DEP and DOT. Due to various traffic signal locations means they'd have to re-perk their traffic light ingress/egress. Mr. Nelson said not improving it all the way out to Route 23.

Mr. Kolody said he just can't see them doing a piecemeal approval for filling in of the wetlands and the stream parted without opening that Pandora's Box. He'd say although it's not in their plan, they understand the municipality may at some point do that and if traffic suddenly show back-ups, may end up with a light on Mitchell. If entrance and egress could be made onto that road they'd cooperate and understand that in the long run for the improvement; but aren't willing to commit to that right now and Mr. Gaus can better explain it.

Mr. Nelson said he was talking about a partial improvement of the un-named ROW. He thinks Mr. Kolody is suggesting once you open that box, even though you're indicating to DEP it'll be a partial improvement, a full evaluation may not be stopped. Mr. Cholminski inquired if it's from Mitchell approximately half way in. Mr. Nelson said probably not even half.

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Mr. Gaus said they believe it's generated from the project and that type of major improvement is insufficient to justify even for half the road. However, if the town put in even half with all the necessary permits, etc. and want them to tie their driveways to the town's, they'll agree to it as a condition of approval though it may be 5-10 years down the road.

Mr. Kolody wanted to address the building setback variance. They have frontage on both roads and deal with the stream going through their property. Its physical conditions caused them to seriously consider the 100' setback non-compliance. Mr. Kolody discussed the surrounding area's setbacks and said they propose 68, and is not a negative impact to the area. It will fit well with the neighborhood and if approved would not be a detriment to the Master Plan or Zoning.

Mr. Nelson said in his report, he indicated landscaping is minimally adequate. Some shade trees should be along Mitchell Avenue and if the Board wants the parking lot somewhat screened, shrubs are needed along its perimeter, and a few more trees on the islands. The building seems to have Junipers and Burning Bush; he thought they'd want it a bit more attractive than what's proposed.

Mr. Kolody said regarding the Mitchell Avenue frontage comment, nine 3" caliper Redwood Trees are proposed. They don't intend on screening their entire parking lot from the street as they like the angle of open visibility. They're also dealing with a 90° turn and don't want anything to interfere with sight distance. Each parking lot island has 20 flowering Dogwoods and 144 smaller sized Burning Bush and the like. Mr. Nelson said he thinks those quantities include both lots. Mr. Kolody said they're on the new property and everything on the old side is existent.

Mr. Nelson informed he did a count which doesn't add up and considers the Redbud, ornamental. Mr. Kolody said whatever's recommended is acceptable. Mr. Nelson said Linden or October Glory Maple. Mr. Cholminski asked if the applicant accepts. Mr. Kolody said Linden Trees are fine.

Mr. Christiano questioned walkway lighting. Mr. Kolody said the light carries across it, is town property, and didn't want to put a light on its ROW. Mr. Christiano said it's a 60' walkway by your scale. Mr. Kolody agreed and said their proposal gives sufficient light. He'll re-visit, wouldn't put a post in the center, but could increase wattage and report back to the engineer.

Mr. Knutelsky said Mr. Kolody's mentioned it, understands his Municipal ROW point, and a light pole may require an easement. Lighting closer to the pedestrian bridge may facilitate pedestrian access though it's our ROW and may be something to investigate. Mr. Christiano asked if there's a walkway easement. Mr. Knutelsky said there really isn't. A discussion followed. Therein, Mr. Brady provided counsel and said he's currently reviewing easements and stream area access from the CM Franklin Application which Town Council will review.

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Mr. Cholminski asked how it plays in approval and voting in this application. Mr. Brady said it becomes a condition of approval and if the applicant can't get that easement return with another plan or way to address discussed issues. Mr. Gaus said to draft an easement, settle, and get back to Mr. Brady and Mr. Ursin within a couple of weeks for feedback whether it will work at least conceptually, by next month's Resolution vote. Mr. Kolody said he'll then add a light.

Mr. Giordano said with having much facility issues knowledge, has anything been done with drainage remediation in the northwest corner. Mr. Kolody asked if he's talking about stormwater not water supply. Mr. Giordano said floodwater there for decades. Mr. Kolody said it used to be dug out by the municipality. Mr. Giordano said cleaned the waterway. Mr. Kolody said from what he's been told, 3rd party, the State started to ask for permits and everything else for that.

Mr. Kolody said in his completed detailed survey, he found over 2' accumulated sediment which they'll address but need to address the downstream easement area off their property leading towards Rapole & Route 23. The Town has an easement and a joint application is in order. In recent storms it didn't back up into the building but stayed below it. Problems had in the original site plan 1 ½ years ago with water from Independence Way into the building was addressed. Mr. Giordano said the garage door. Mr. Kolody agreed and said it still occurs. Using the approved Site Plan, they placed a berm across the driveway and had no problem during the latest heavy storms. It's a separate issue but still a stormwater issue and will pursue ditch cleaning. A brief discussion followed.

Mr. Giordano asked if their future roof plans have solar power or panels. He thinks it's good for the building and is a prime candidate. Mr. Kolody said he's the wrong person to ask. Mr. Gaus said it's not considered at this point but worthy of note.

Mr. Knutelsky said for the record, will new utilities be underground. Mr. Kolody agreed. Mr. Knutelsky said regarding loading/unloading, Mr. Giordano earlier asked about the north parking field loading area no longer being required since double loading will be in the field of the current loading area. Mr. Kolody said it's there to meet the ordinance's three loading spaces requirement. They intend to clean up that area though built but never really used. There's screening between the parking area and the adjoining residence which would be infrequently used and be a back entrance for non-profit; not the general public and further elaborated.

Mr. Knutelsky said one loading berth is shown in the new building's loading area. 20,800sf requires two and they're slightly over the limit. He asked if two loading spaces are needed in Mr. Kolody's opinion. Mr. Kolody said no and is aware Mr. Knutelsky requested additional accessibility details but he believes are fine. He pointed out its 36', 4' short in depth and 18' wide which should be 15'. With the expected use, mainly UPS and a short box truck will fit; he'll show it's accessible. Mr. Knutelsky said they're not talking about any type of articulated tractor/trailers 40',

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50' trailers, basically a single unit truck or smaller, will be the delivery method for both sites. Mr. Kolody said yes; that's all we're expecting.

Mr. Knutelsky said both sites trash enclosures indicating chain link fence with privacy slats will be revised to a solid enclosure to architecturally blend with the building. Mr. Kolody said he already changed it from the original, and the current existing bollards will be revised.

Mr. Knutelsky advised the Chairman regarding the loading berth and testimony; recommend the Board grant a loading waiver for that side. Municipal Ordinance requires two which will take away on-site parking that's currently deficient. If there's no need, we can deal with the one larger loading area. Mr. Cholminski asked how to reference the loading waiver. Mr. Knutelsky said two required, one provided. Mr. Brady asked Mr. Knutelsky for the berth's dimensions. Mr. Kolody said 15' x 40' with a brief explanation. Mr. Knutelsky said he'll provide the dimensions shortly.

Mr. Williams asked Mr. Kolody if there will be parking loss in wintertime to already deficient parking and also spoke of Shop Rite's snow issue this past winter requiring ZO involvement. Mr. Kolody explained how snow will be removed to certain areas and of some parking loss. In the case of excessive problems, it would be addressed partially as he thinks no-one can really address it completely.

Mayor Crowley asked about the stream and it's maintenance with respect to DEP and part being the Borough's ROW imparting on their property.

Mr. Kolody agreed and said there's probably more than half on Borough ROW and they'd undertake a program to remove about 2' and lower the water table throughout that whole area. Mr. Kolody explained sediment came from the Mitchell to the stream, can't walk over the little culvert, the pipe is half filled with the stream, and storm drainage on Mitchell is obstructed. His client is aware lowering it is a priority and has authorized him to prepare plans. He questioned DEP sediment removal permit requirement.

Mr. Gaus said he can follow up terms of timing as that permit can get tied up in DEP for a while. He questioned if properties could function for an extended time period without it and would that condition have to be met before a building permit or CO. Mr. Kolody said, "Correct".

Mr. Cholminski commented fixing it benefits the property owner. Mr. Gaus agreed. Mr. Cholminski said no-one wants water in a new building. Mr. Gaus agreed and further explained. Mr. Williams asked if it's on-going maintenance. Mr. Kolody said he discussed it with Mr. Knutelsky. They raised the lower door sill elevation about 6" and prefer to see lower water which is key. Mr. Giordano said he never saw flood in the area perpendicular to 23 as banks were higher.

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Mr. Cholminski asked Mr. Kilduff if the business changed to retail, what type of application would be needed considering the parking design and testimony heard. Mr. Kilduff said the ordinance allows change in a permitted use from one to another. Mr. Cholminski asked if parking change would trigger another review. Mr. Kilduff said probably. Mr. Cholminski queried them returning to this Board.

Mr. Brady said he was unsure it would, every town is different. Mr. Gaus said their application was specifically for Medical and Non-profit. Mr. Brady said should the parking variance change and the ZO's opinion the parking/trip generation changed, someone has to come back. Mr. Gaus agreed. Mr. Knutelsky asked Mr. Brady if it's written in the Resolution. Mr. Brady said he put it as a condition.

Mr. Willaims made a motion to **Open to the Public PB-04-14-1 Santé Bus, LLC & Franklin Square Health & Wellness, LLC (Phase 2), Amended Preliminary and Final Site Plan, "C" Variances, Block 701; Lots 6 & 11.** Seconded by Mr. Foulds. All were in favor.

No one from the public stepped forth. Mr. Gaus requested to recall the traffic engineer. Mr. Cholminski requested the meeting first be closed to the public.

Mr. Williams made a motion to **Close to the Public PB-04-14-1 Santé Bus, LLC & Franklin Square Health & Wellness, LLC (Phase 2), Amended Preliminary and Final Site Plan, "C" Variances, Block 701; Lots 6 & 11.** Seconded by Mr. Foulds. All were in favor.

Mr. Cholminski advised Mr. Gaus he'll open to the public if he has further testimony. Mr. Gaus said he'll pass. Mr. Cholminski said it's for the record.

Mr. Cholminski said the application was well presented and the engineering report ends with a 68' setback variance as the applicant discussed. They demonstrated other area facilities and buildings have setbacks due to constraints and building envelopes. There's a loading dock waiver substantiated by testimony and parking variance testimony in support of parking requirement reduction. Another issue is easement of the unimproved ROW to be worded by the attorneys and Mayor Crowley and Mr. Giordano can present it to Council as a recommendation.

Mr. Gaus asked in terms of the condition of approval, grant the CO. Should they have a problem getting it down, they can still build. Mr. Cholminski advised they realize it's at their own risk. Mr. Gaus agreed and said demo will probably be done to 2A. Mr. Brady queried which building. Mr. Gaus said the existing building. He said people from that parking will be going back and forth. They would like to tie it to the CO and not the building permit. Mr. Cholminski said the issue is they're using those stalls today and crossing it as overflow. Mr. Gaus agreed. Mr. Christiano said it's an existing condition. Mr. Cholminski said the condition is-condition of a CO provided the easement's agreed to the CO.

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Mr. Brady provided the following condition review: ■ No tractor trailer. A brief discussion was had. ■ Cross easements for parking ■ Drop-off and all donations go inside immediately ■ Finishes and colors as shown on A1 & A2 ■ Extend sidewalk around SW corner to emergence egress doors ■ Screen rooftop equipment on both buildings ■ Application changed to the ground sign be free-standing and details submitted for Mr. Knutelsky's approval ■ Canopy columns shifted away from the curb ■ Submit detailed proposal on the free-standing sign on separate detail plan ■ Sprinklered new building ■ Existing ground sign will not say "next right" ■ Storm water outflow rates decreased. Mr. Knutelsky said to submit a revised stormwater management report for engineer review and approval for the file with the plan submission ■ Paving stone border along both sides of the walkway with railing upgrade to Mr. Knutelsky's satisfaction ■ Detailed Traffic Island plan to Mr. Knutelsky's satisfaction ■ Existing building internal corridor connection for tenants directly to the loading dock, trash enclosures and utility areas ■ Linden Trees along Mitchell ■ Easements discussed ■ Pedestrians lighting maintenance etc. in the area where concrete walkway goes across the improved ROW ■ Applicant pursue permit to clean up ditch/stream ■ Underground utilities ■ If use changes, applicant to return to the Board to ensure parking numbers.

Mr. Cholminski inquired about a different applicant. Mr. Brady gave an example of a hair salon which is a permitted use coming in and wants the CO. We're saying parking designed for this building was based on Mr. Peregoy's testimony for medical uses which is different than retail etc. He testified medical use is less than retail and less impact. We need something to alert the ZO should parking change, it has to come back. Make it specific otherwise somebody can say there's no condition about that. Regarding the easement, Mr. Gaus indicated it would be taken care of before the CO or occupancy of Phase 2A.

Mr. Nelson said the applicant promised to work with the town to tie in the parking lots if the un-named ROW is improved. Mr. Knutelsky asked if rooftop mechanical equipment was mentioned. It was said yes. Mr. Gaus said on the condition about permitting clean up of the ditches and sediment, that's not going to be tied to prior permit of CO. Mr. Brady said he'll put it in there and his attitude towards that as the Chairman said, you have every reason to protect yourselves to pursue that. As long as you're diligently pursuing it, you're at the mercy of DEP.

Mr. Kilduff said COAH. Mr. Cholminski said they'll comply with COAH. Mr. Gaus said they applied for amended site plan which may exempt them and could discuss it down the road. Mr. Cholminski said whatever it may be. Mr. Gaus agreed.

Mr. Williams made a motion to approve **PB-04-14-1 Santé Bus, LLC & Franklin Square Health & Wellness, LLC (Phase 2), Amended Preliminary and Final Site Plan, "C" Variances, Block 701; Lots 6 & 11** encompassing the last discussion along with Mr. Brady's list. Seconded by Mr. Christiano.

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Upon Roll Call Vote:

AYES: Christiano, Crowley, Foulds, Giordano, Williams, Zydon, Cholminski

NAYS: None ABSTENTIONS:

(Motion Approved)

OTHER BUSINESS:

PAYMENT OF BILLS:

Mr. Foulds made a motion to approve the **Franklin Borough Planning Board Escrow Report for June 16, 2014**. Seconded by Mr. Williams.

Upon Roll Call Vote:

AYES: Christiano, Foulds, Williams, Zydon, Cholminski

NAYS: None ABSTENTIONS: Crowley, Giordano

(Motion Approved)

DISCUSSION:

CORRESPONDENCE:

OPEN PUBLIC SESSION:

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

No one from the public stepped forth.

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

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 9:56 PM on a motion by Mr. Christiano. Seconded by Mr. Williams. All were in favor.

Respectfully submitted,

Ruth Nunez
Secretary