

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**June 20, 2016**

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. John Cholminski, Mr. John Christiano,  
Mr. Nathan Foulds, Mr. Joseph Martinez,  
Mr. Jim Williams, Mr. Steve Zydon,  
Mr. James Nidelko, Mr. Sean Kidd

MEMBERS ABSENT: Mayor Nick Giordano

ALSO PRESENT: Mr. Dave Brady, Board Attorney  
Mr. Ken Nelson, Board Planner

**APPROVAL OF MINUTES:**

Mr. Foulds made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for May 16, 2016**. Seconded by Mr. Williams.

Upon Roll Call Vote:

AYES: Cholminski, Foulds, Williams, Zydon, Nidelko, Kidd

NAYS: None                    ABSTENTIONS: None

**APPROVAL OF RESOLUTIONS:**

There were no resolutions for approval.

**APPLICATIONS FOR COMPLETENESS:**

There were no applications for completeness.

**ADJOURNED CASES:**

There were no adjourned cases.

**APPLICATIONS TO BE HEARD:**

There were no applications to be heard.

**OTHER BUSINESS:**

Mr. Robert Tessier from the New Jersey Department of Community Affairs Local Planning Services stepped forward. He indicated the NJ Department of Community Affairs will be preparing a Main Street Strategic Plan and Implementation Program for the revitalization of Main Street. He said these services are at no cost to the municipality and was requested by Alison McHose, Borough Administrator and Nick Giordano, Borough Mayor. He talked about various projects and commented on several properties along Main Street that will be looked at. He said two things that will be foundational to their work will be the completion of the Rehabilitation Study Reports of Area A (Zinc Mine), and Area B (Main Street). He indicated the reports

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were prepared by Borough Planner, Ken Nelson in 2012. He asked the Board to finalize these studies and suggest they make a recommendation to the Governing Body.

**PAYMENT OF BILLS:**

Mr Williams made a motion to approve the **Franklin Borough Planning Board Escrow Report for June 20, 2016**. Seconded by Mr. Zydon.

Upon Roll Call Vote:

AYES: Cholminski, Christiano, Foulds, Martinez, Williams, Zydon, Nidelko.

NAYS: None                      ABSTENTIONS: None

**DISCUSSION:**

**Ordinance #09-2016, Ordinance Amending Chapter 161, "Land Development" and Chapter 218 Signs.**

Board Attorney, Dave Brady said Nathan Foulds noticed at the last meeting that Schedules attached to Ordinance #09-2016 had some overlapping of properties. Mr. Brady indicated the schedules have been revised and if the Board agrees with the changes it will then be sent back to Council.

Mr. Brady indicated the Board will first address a letter dated May 23, 2016 from Attorney, Thomas F. Collins. He is asking the Planning Board to include his client's property on 26 Mabie Street, Block 702 Lot 8 to the HC-2 Zone. He said the zoning ordinance has been introduced as part of an ordinance that is being implemented to further the goals and recommendations of the Master Plan Re-Examination Report. He further discussed the procedure process if the Board's decision is to include 26 Mabie Street to the HC-2 Zone.

Board Planner, Ken Nelson stepped forward. He displayed a map which showed a portion of the existing HC Zone in the vicinity of Mabie Street and the adjoining R-4 Zone. Mr. Cholminski suggested to Open the Meeting to the Public for any further comments regarding 26 Mabie Street, Block 702 Lot 8.

**OPEN PUBLIC SESSION:**

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

Attorney and Professional Planner, Mr. Thomas Collins stepped forward indicating he will be representing his client Mr. Thomas Cseh the owner of 26 Mabie Street. He said an amendment or an update to a Re-Examination Report does not require a Planning Board Notice hearing. He asked the Planning Board to consider adding his clients property located at 26 Mabie Street to the HC2 Zone. He commented on an application that will be presented for an Auto Parts store on the corner of Mabie Street and Route 23. He did not think there will be enough parking or setbacks if his

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client's property is not included in the development. Mr. Cholminski said the Planning Board is not aware of any applications at this time. Mr. Collins commented on his letter of May 5, 2016 and using a map of the Proposed Land Use Plan of the Route 23 Corridor he discussed where the HC-2 Zone line will end along Mabie Street and Route 23. He said if the Board included his clients property in the HC-2 Zone then there will be a much closer parallel line, more depth and better stacking access along Mabie Street. He said extending the HC2 Zone line will make it more consistent with adjoining properties and will also create good planning.

Vice-Chairman, Nathan Foulds said he has no knowledge or has not seen plans for the Advanced Auto Store. He also indicated you cannot assume that they would be interested in Mr. Cseh property. He also pointed out if the property zoning is changed and the developer is not interested then the Borough will have a commercial property on Mabie Street which is in a residential zone. He is not comfortable with changing the zoning with no approval or preliminary agreement from Advanced Auto. Mr. Collins asked the Board to add the depth because 110 feet of depth from Route 23 is extremely shallow. He talked about the future and said the future could be encouraged by good planning. Board Attorney, Mr. Brady pointed out the Agenda tonight does not indicate the Planning Board is amending the Master Plan Re-Examination Report and talked about notice requirements.

Attorney, Mr. Harold P. Cook stepped forward. He indicated his firm is Harold P. Cook and Associates located at 886 Belmont Ave in North Haledon and is representing Howard and Diane Rose of 30 Mabie Street. He indicated Mr. and Mrs. Rose oppose the request of Mr. Cseh. He said the Board should take in consideration that the Re-Examination of the Master Plan has just occurred and feels that Mr. Cseh request is inconsistent with the Re-Exam Master Plan. He also said you have to look at the topography on Mabie Street and feels that Mr. Cseh request is only to sell his property.

Board Attorney, Mr. Brady pointed out to Board Members we are not here to determine the Advanced Auto application. He also indicated the Board has not seen plans and there is no official application for the Advanced Auto development.

Pam Giordano resident of 432 Route 23 stepped forward. She indicated at one time Thomas Cseh was offered to have his property bought but did not want to sell it at that time. Mr. Brady said we are here to talk about zoning and planning aspects not negotiations between potential applicants, sellers, or buyers. Pam Giordano said she would just like to sell her property.

Karen Conrad of 27 Butler Street stepped forward. Mr. Cholminski told her she can speak at the second Open Public Session tonight since she was not commenting on the topic being discussed at this time.

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Mr. Collins came forward said he has spoken with Attorney Debra Nicholson a few week ago and she indicated there may be a willingness to possible make a good faith offer to purchase Mr. Cseh's property.

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

Chairman, Mr. Cholminski felt the Planning Board has done a good job in looking at the zoning design on Route 23 and he recommended no changes to Ordinance 09-2016. Board Members went back and forth and gave their recommendation on Mr. Collins request to include Mr. Cseh property in the HC2-Zone. Mr. Zydon was not in favor. Mr. Kidd said it can be changed later if the developer chooses to include his property. Mr. Brady commented on Mr. Collins letter that he addressed to Council. Mr. Nidelko agreed with Mr. Zydon recommendation. Mr. Christiano said he has a dislike of carving out residential properties for commercial purposes and was not in favor and said to wait and see what develops in the future. Mr. Williams and Mr. Martinez expressed their concerns and both were not in favor of changing the zoning on 26 Mabie Street. Mr. Foulds felt an applicant can request a change if they are interested in Mr. Cseh property.

Mr. Brady announced the Planning Board is not in favor of including Mr. Cseh property in the HC-2 Zone. He recommended the Board make a motion to approve Ordinance #09-2016 with the attached HC-1 and HC-2 schedules and recommended this ordinance be returned to the Governing Body.

Mr. Williams made a motion to approve **Ordinance #09-2016, Ordinance Amending Chapter 161, "Land Development" and Chapter 218, "Signs"** Seconded by Mr. Williams.

Upon Roll Call Vote:

AYES: Cholminski, Christiano, Foulds, Martinez, Williams, Zydon, Nidelko.

NAYS: None                    ABSTENTIONS: None

**OPEN PUBLIC SESSION:**

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

Diane Rose the owner of 30 Mabie Street stepped forward. She is concerned with 26 Mabie Street and does not want the zoning on that property to change. She asked the Board if she would be notified of any zone changes on the property. Mr. Brady discussed the Municipal Land Use Laws.

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

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**ADJOURNMENT:**

There being no further business to come before the Board, the meeting was adjourned at 8:22 PM on a motion by Mr. Christiano. Seconded by Mr. Martinez. All were in favor.

Respectfully submitted,

Karen Osellame  
Secretary