

Franklin Borough Planning Board
Meeting Minutes for
November 21, 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-Present, Chairman
Mr. John Christiano-Present
Ms. Dawn Fantasia-Present
Mr. Nathan Foulds-Present, Vice-Chairman
Mayor Nick Giordano-Absent
Mr. Jim Williams-Present
Mr. Steve Zydon-Present
Mr. James Nidelko-Present, Alternate #1
Mr. Sean Kidd-Present, Alternate #2

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

APPROVAL OF MINUTES:

Mr. Williams made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for September 19, 2016**. Seconded by Mr. Christiano.

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: None

Mr. Williams made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for October 17, 2016**. Seconded by Mr. Zydon.

Upon Roll Call Vote:

AYES: Cholminski, Christiano, Fantasia, Foulds, Williams, Zydon, Nidelko

NAYS: None ABSTENTIONS: None

PAYMENT OF BILLS:

A brief discussion took place on Invoice 23703 from Brady & Correale regarding billboards. Mr. Brady confirmed the fees are for legal services provided.

Mr. Foulds made a motion to approve the **Franklin Borough Planning Board Escrow Report for November 21, 2016**. Seconded by Mr. Williams.

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: None

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PUBLIC HEARING:

Proposal to Designate a Portion of the Borough as a “Condemnation Redevelopment Area” (Area A, Zinc Mine and Related Properties), and also to Designate a Portion of the Borough as an Area in Need of Rehabilitation, (Area B, Main St. – Borough Hall to Hudson Street).

Board Planner, Mr. Ken Nelson stepped forward. He indicated in 2011/2012 the Planning Board authorized him to prepare studies to determine whether Area A should be designated as an Area in Need of Redevelopment and Area B designated as an Area in Need of Rehabilitation. He said the 2012 studies were completed and the Planning Board voted and recommended the studies to the Governing Body. He stated Council did not take action. He said the Department of Community Affairs has been involved with the Borough to evaluate Main Street and Zinc Mine Area. As a condition of their involvement Area A needs to be designated as a redevelopment area and Area B would need to be designated as rehabilitation area. He indicated Council agreed to move ahead and the studies from 2011/2012 need to be updated. He referred to his updated report dated August 30, 2016.

Mr. Nelson addressed Area B, (Main Street, Borough Hall to Hudson St), referring to Exhibit 1 dated January 9, 2012. His recommendation to the Board is to recommend to Council that Area B can be designated as an area in need of rehabilitation based on the report from 2012 and his updated report dated August 30, 2016.

OPEN PUBLIC HEARING:

Area B – Main Street/Borough Hall to Hudson Street.

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

No one from the public stepped forward to discuss Area B.

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

Mr. Nelson addressed Area A, (Zinc Mine and Related Properties), and referred to Exhibit 1 dated January 9, 2012 and his updated report dated August 30, 2016. He indicated the geographic area extends from Junction Street to Route 23. He commented on The Department of Community Affairs involvement with Area A. Using the exhibit he pointed out the properties that are recommended for removal from Area A. (Shown on page 5). He said the main focus is the Zinc Mine and some adjoining properties that extend towards Rutherford Ave. He discussed the properties that are recommended for removal from Area A.

Mr. Cholminski Opened the Meeting to the Public for discussion on lots adjoining Route 23 and Rutherford Ave. (Block 605 Lots 5, 3, 2, 16)

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OPEN PUBLIC HEARING:

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

Mr. John Captoni owner of 384 Rutherford Avenue stepped forward. He indicated his tenants got very scared back in 2012 when this was discussed and he is upset this is now being brought up again. Mr. Cholminski said he understands Mr. Captoni concerns. He explained the Planning Board did make a decision in 2012 and it was passed along to Mayor and Council which choose not to act. A brief discussion took place on Mr. Captoni's property and Mr. Brady discussed eminent domain.

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

Ms. Fantasia made a statement to clarify eminent domain. She indicated Council had a discussion regarding eminent domain and said Council is opposed to eminent domain for residential properties that are functional and occupied.

PUBLIC HEARING: (Continued)

Mr. Christiano commented on the Rowley Lumber sites exit and entrance from Route 23. Mr. Nelson using Exhibit 1, (Area A) described the entrances, exits, and traffic flow. He talked about the possibility of adding a road but did indicate it would be very costly to construct. He said the property could be redeveloped without the need for designating it as a redevelopment area. A discussion took place regarding the lack of activity on the property. Mr. Cholminski said the Board needs to make a decision on whether the property should be included in the redevelopment but did point out Mr. Nelson raised the issue of cost. Mr. Cholminski thinks the property has potential since it borders on Route 23 and would recommend Mayor and Council to remove the Rowley Lumber property from consideration for redevelopment. Mr. Nelson stated if this property is recommended to be removed from redevelopment than Lots 12, 13, 14, and 37 should also be taken out as well. Mr. Foulds commented on the negatives aspects if the lots are not removed. He talked about the properties elevation change and structure. Mr. Nelson said he does not see this area having a high priority in terms of a redevelopment plan. Mr. Cholminski commented on the properties that are occupied. A brief discussion took place on Lots 11, 12, 13, and 14. Mr. Nelson said Lot 12 and 13 consist of three quarters of an acre and are oddly shaped. He indicated the buildings on lot 12, 13, and 14 are in fair to poor condition and lots 12 and 13 have merged. Mr. Foulds brought up that lots 11 and 12 offer the access to the west side. A discussion took place on drainage. Mr. Foulds felt lots 13 and 14 are not going to offer anything to developers. Mr. Cholminski said there will be a better chance to develop the Old Lumber property if it's left out of redevelopment. He suggested to leave the upper section to the right of Rutherford Avenue out of redevelopment. Mr. Christiano agreed and said it's an odd piece of property with access issues to Route 23.

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A discussion took place on opening Rutherford Ave back too two way traffic from Route 23. Mr. Williams discussed why the road was changed to one way traffic and said opening it could help traffic flow if an accident ever occurred on Route 23.

Ms. Fantasia said she agreed with Mr. Cholminski recommendation to exclude the upper right hand corner properties. She said the purpose of redevelopment and rehabilitation is to improve the economics and improve visuals. Mr. Foulds made comment on the Super Walmart site. He recommends to only remove lots 13 and 14 since they are residential parcels. Mr. Nelson said lot 12 will have to be included with lot 13 since they merged. Mr. Williams agreed and commented on the concrete wall and brook that runs into the Rowley Lumber property. Mr. Knutelsky commented on development and the current zoning on Lot 11 and talked about parking and landscaping requirements and underground drainage. Mr. Cholminski said if the lots are taken out you will take away the alignment possible for other roads. Mr. Nidelko recommended to remove all the properties and Mr. Zydon agreed and suggested the Board concentrate on the Zinc Mine property. Mr. Kidd said lots 13 and 14 are in a proper residential area and should remain residential.

Ms. Fantasia made a motion to remove the upper portion between Rutherford Ave and Route 23 out of the proposed Area A Redevelopment. (Block 22 Lots 11, 12, 13, 14, 37). Seconded by Mr. Zydon.

Upon Roll Call Vote:

AYES: Christiano, Fantasia, Williams, Zydon, Nidelko, Cholminski

NAYS: Foulds ABSTENTIONS: None

Mr. Cholminski confirmed with Mr. John Captoni resident of 384 Rutherford Ave. that his property is not in the recommendation to Council.

OPEN PUBLIC SESSION:

Properties recommended to remain in Area A Redevelopment, (Block 904 Lot 1, Block 601 Lots 6, 3, 5, 2, 1).

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

Mrs. Debra Nicholson an attorney in Sparta stepped forward and commented on a mixed use property known as 91 Main Street. She asked why this piece of property was not included in the Redevelopment Plan. Mr. Nelson said to include the property now will require additional work to evaluate conditions of the property and whether or not it would meet the criteria. Mrs. Nicholson indicated the property owner has had a hard time attracting commercial business to the first floor. Also, the deli lease is coming up and the owner has concerns and felt redevelopment would give property owners benefits. Mr. Cholminski said at the time the Board did not think the property met the criteria for redevelopment and the property was occupied. Mrs. Nicholson

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stated property owners should be treated alike for the benefits that come with a redevelopment designation.

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

CONTINUATION OF PUBLIC HEARING:

PB-07-16-1, 24 Mabie Street LLC, (Advanced Auto), 423 Route 23/24 Mabie St., Block 702 Lots 5, 6, 7. Preliminary and Final Site Plan, Variances.

Applicants Attorney, Mrs. Debra Nicholson stepped forward and said at the last hearing the Planning Board directed Council to draft a resolution for the Board to review conditions and terms of the application. Mrs. Nicholson and her client are very pleased with the Resolution drafted by Board Attorney, Mr. Dave Brady. She indicated there will be no further testimony on the application. Mr. Williams questioned the condition regarding the fire hydrant installation. Mr. Knutelsky referred to condition #23 on page #14 of the Resolution. Mrs. Nicholson said the applicant will be working with the Boards Professional Team to determine the location of the fire hydrant.

Mr. Williams made a motion to **Approve Application PB-07-16-1 and Memorialized Resolution dated November 21, 2016**. Seconded by Mr. Christiano.

Upon Roll Call Vote:

AYES: Christiano, Fantasia, Foulds, Williams, Zydun, Nidelko, Cholminski

NAYS: None ABSTENTIONS: None

PUBLIC HEARING: (Continued)

Area A (Redevelopment), and Area B (Rehabilitation)

Board Attorney, Dave Brady recommended a motion to recommend Area A, (Redevelopment), and Area B, (Rehabilitation), to Council.

Mr. Zydun made a motion to **Remove Block 22, Lots 11,12,13,14,37 from Area A and proceed with Area A Redevelopment proposed in The Nelson Consulting Group Preliminary Investigation Report dated August 30, 2016**. Seconded by Mr. Foulds.

Upon Roll Call Vote:

AYES: Christiano, Fantasia, Foulds, Williams, Zydun, Nidelko, Cholminski.

NAYS: None ABSTENTIONS: None

Mr. Zydun made a motion to **Include Area B as an Area in need of Rehabilitation proposed in the Nelson Consulting Group Preliminary Investigation Report dated August 30, 2016**. Seconded by Mr. Christiano.

Upon Roll Call Vote:

AYES: Christiano, Fantasia, Foulds, Williams, Zydun, Nidelko, Cholminski.

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NAYS: None

ABSTENTIONS: None

DISCUSSION

Redevelopment: The Former Franklin Hospital Site, Block 1504 Lots 13 and 44.

Mr. Ken Nelson referred to Preliminary Investigation Report dated November 14, 2016. He indicated the Former Franklin Hospital Site can be designated an Area in Need of Redevelopment. He referred to Exhibit 2 dated December 12, 2012. He discussed three possible criteria's that could qualify the site for designation as An Area in Need of Redevelopment. He reads from Page 12 of his report, Items C, E, F, and indicated the following: Land that is owned by the municipality, county, local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained for a period of ten years prior to adoption of the resolution, and by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital. Also a growing lack of proper utilization of areas caused by the condition of the title, diverse ownership of real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare. Also, areas in excess of five contiguous acres, buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty that assessed the value of the area that has materially depreciated. Mr. Nelson felt the Hospital property can qualify for redevelopment since it has been vacant for 10 years. He discussed Public hearing notice requirements and notified the Board he will not be available for the January 17, 2017 meeting. It was discussed that a hearing will take place in the next few months but no specific date was set. A discussion took place on the Hospital Sites topography and drainage.

OPEN PUBLIC SESSION:

The meeting was not open to the public. No public was present.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 8:40 PM on a motion by Mr. Christiano, seconded by Mr. Nidelko. All were in favor.

Respectfully submitted,

Karen Osellame
Board Secretary