

Franklin Borough Planning Board
Meeting Minutes for
September 19, 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: Mr. John Cholminski – Present (Chairman)
Mr. John Christiano - Absent
Ms. Dawn Fantasia - Present
Mr. Nathan Foulds - Present (Vice-Chairman)
Mr. Mayor Nick Giordano - Absent
Mr. Jim Williams - Present
Mr. Steve Zydon - Present
Mr. James Nidelko - Present
Mr. Sean Kidd - Present

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

APPROVAL OF MINUTES:

Ms. Fantasia requested an amendment on Page #4 the second paragraph. The word Councilman was changed to Council Member.

Mr. Foulds made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for August 15, 2016 with the Changes**. Seconded by Mr. Nidelko.

Upon Roll Call Vote:

AYES: Cholminski, Fantasia, 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:

(PB-08-16-1), Sante Bus LLC, Franklin Square Health Wellness, Request for Extension, 406/386 Route 23 North, Block 701, Lots 6 & 11.

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Applicants Attorney, Janet C. Lucas from Weiner & Lesniak LLP stepped forward and indicated her client is requesting an extension of time on the memorialized resolution that was passed by the Franklin Planning Board on July 14, 2014. Board Attorney, Dave Brady stated the application has a two year period of protection against zoning ordinance changes. He also pointed out the revised plans and reports addressing the various amendments and corrections should have been filed within 180 days of the resolution. He recommended the applicant update the Board on the conditions and explain why the project has not been completed. The applicant's attorney indicated there were thirty four conditions on the approval including architectural and engineering changes. She said the project was on hold so money can be accumulated to pay for the next section and stated the architect has completed the changes and she is waiting on the engineer to submit new plans.

Applicant, Dr. Jean-Paul Bonnet stepped forward and was sworn in. He indicated he has complied with all contingences and requirements and is waiting on a final site plan completion from his engineer to submit to the Board. Also, the plans will show a new sidewalk and a change in the truck entrance. Mr. Brady stated the applicant was to seek an easement from the Borough to permit the installation of walkway improvements and lighting in the municipal right-of-way. According to Dr. Bonnet improvements for the walkway have not been completed and he discussed the issues with the easement. Mr. Brady said one of the conditions of the Resolution was that the applicant shall apply to the New Jersey Department of Environmental Protection for a permit to clean the stream on Lots 6 and 11 and also in the Borough Right of Way. Mr. Bonnet said his Engineer, Mr. Gloedde told him it's the Borough's stream and they need to address the issue. According to Mr. Knutelsky the stream is within a municipal right of way and the issues need to be investigated more. Mr. Brady said all conditions of the Preliminary must be met if they will be seeking final approval or the applicant must explain why they cannot satisfy a condition and ask for a modification. Mr. Knutelsky indicated for the record that this property was included in the Route 23 Corridor study and the changes made does not affect this application.

Mr. Williams made a motion to **Grant Applicant PB-07-16-1 Extension of Time for One Year, Sante Bus, LLC. and Franklin Square Health and Wellness, LLC.** Seconded by Mr. Zydon.

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: None

Chairman Cholminski requested a brief recess at 7:45pm.

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

The meeting was called back to order at 7:49pm.

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(PB-07-16-1), 24 Mabie Street LLC, (Advance Auto), Route 23 & Mabie Street, Block 702 Lot 5,6, and 7. Preliminary and Final Site Plan, Bulk “C” Variances.

Debra Nicholson, Esq. representing the applicant stepped forward. She said the applicant is seeking approvals to construct an Advanced Auto Store. She introduced her team of Professionals who then gave their credentials and were sworn in. They included, Mr. Jeffrey Martell, Project Manager from Stonefield Engineering & Design, Mr. Matthew Seckler from Stonefield Engineering & Design, Senior Project Manager & Traffic Expert, Mr. John McDonough a licensed Professional Planner in New Jersey, James Andriulli from Sargenti Architects, Sr. Director of Architecture, Mr. John Fairclough from Fairclough Realtors and Zoning Specialist, Mr. Bret Skirvin from Site Enhancement Services. Also, Mr. Kevin Campbell from Jones Lang LaSalle, Senior Project Manager and Mr. Glen Rubin, District Leader for the project.

Mrs. Nicholson indicated at the completeness review the Board was concerned with parking on the site. She talked about inquiring the property across the street from the site, Block 606 Lot 29 if additional parking spaces are needed. She also specified employee parking and delivery vehicle parking can be accommodated with a long term lease with a local property owner. Board Engineer, Tom Knutelsky commented on his report dated September 19, 2016 and discussed the revised plans submitted by the applicant.

Project Engineer, Jeffrey Martell stepped forward and presented Exhibits A-1, Aerial Map prepared by Stonefield Engineering & Design dated 6-15-16, Exhibit A-2, Site Plan Sheet C-4, prepared by Stonefield Engineering and Exhibit A-3 which showed the Exterior Elevations. He indicated the applicant is seeking Preliminary and Final Site Plan Approval for Block 702 Lots 5, 6, and 7. He discussed the properties location, size, zoning, and existing conditions. He talked about grade changes on the property and said the highest point is on the northeast corner and the low area is on the southern property line. The drainage is going in a southwesterly direction into the DOT system. Also, the proposal is to demolish the two existing houses and said the proposed Advanced Auto building will be 6,889 square feet with a use in retail and wholesale. The wholesale component will have a delivery element with two or three delivery vehicles and the site will have 21 parking spaces with 1 ADA parking spot. The right ingress driveway is along Route 23 and a full movement driveway on Mabie Street. He discussed DOT requirements and said the delivery route will be coming in from Route 23. Mr. Cholminski was concerned with the turn into the site and the location of the handicap parking. Mr. Martell discussed the location of the ADA parking space and said the location was chosen due the topography and location of the front door. He also indicated the loading and trash enclosures will be located on the eastern side of the property line. The building will have all new utility connections with 2 light poles and 4 building mounted lights. He discussed the signage on the site and said there will be 2 wall signs and 1 free standing sign and the applicant is requesting a variance for the set-back and total width of the free standing sign. Referring to Exhibit A-3, Mr. Martell explained the sites Exterior

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Elevation and indicated the building will be a beige earth tone color. He commented on the proposed windows and said there will be a new sidewalk installed along Route 23 with an ADA complying path to the building. There will be two bike racks and a combination storm water management improvement. The applicant is requesting a waiver on ground water recharge. He discussed the trees on the site and said the tree along Mabie Street will remain. Another significant improvement is replacing the block retaining wall along the eastern property line and replace it with a concrete wall. The applicant is proposing mounting a six foot vinyl fence on top of the wall with a 4 foot planting area. He commented on the grade change along the site and felt the topography fits well and will provide an enhance buffer to the resident next door in addition to the fence and the landscaping.

Mr. Martell remarked on the trucks turning into the site from Route 23 and referred to Sheet C-16 which illustrated a WB-40 delivery truck and SU-30 truck for the trash enclosure. They will expect 5 deliveries per week at non peak hours and there will be 5 to 6 employees working at peak hours. The hours of operation are from 7:30am to 9:00pm Monday to Saturday and 8:00am to 7:00pm on Sunday. Mr. Cholminski commented on the employee parking spaces and indicated the Board does have concerns with the parking. Mr. Martell said they have looked at some off street parking and stated a transaction analysis study has been done at the current location. Mrs. Nicolson distributed Exhibit A-4 marked with today's date which illustrated the findings. Mr. Martell discussed the analysis findings for the peak and off peak times and said the target time for a customer to be in the store is approximately six minutes. An Exhibit marked A-7 was distributed which showed snap shop readings from the current location during peak and off-peak hours.

Mr. Cholminski mentioned the painted stripped area on the site and the Board Engineer felt it could cause a conflict with the entrance and exit driveway. Mr. Martell said they did reduce the parking lot slopes below 5 percent and he commented on the slopes and grading along Mabie Street. Mr. Cholminski asked Mr. Knutelsky if he was comfortable with the concrete wheel stops in front of the parking spaces. Mr. Knutelsky said he would rather see a bollard system which will be a more permanent structure. Mr. Martell agreed with the change and also said D.O.T approval for the project has been received and the project is exempt from the County Planning Board. Mr. Williams brought up snow removal and is concerned because of the limited parking spaces on the site. Mr. Martell discussed snow removal and said it is the applicant's responsibility to remove the snow from the sidewalks.

Board Engineer Mr. Knutelsky reviewed his Engineering Report dated September 19, 2016. He pointed out the drainage review did provide a full drainage report for the underground system. He also indicated the applicant is required by D.O.T to treat this application as a major development but according to the Boroughs Ordinance this application is not a major stormwater generator. He commented on the truck turning templates for the SU-30 and SI-40 delivery trucks and said this may

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be a concern if deliveries are performed during operating hours. Mrs. Nicholson said the applicant can limit deliveries at the peak hours of operation. Mr. Knutelsky requested the applicant formalize the times for deliveries. A brief discussion took place on delivery times and delivery trucks turning in and out of the site. Board Members showed a concern with the trucks making a right onto Route 23 from Mabie Street. Mr. Knutelsky recommended further testimony from the applicant on the possibility of inquiring additional parking spaces from other lots in the vicinity. Mr. Martell explained the material provided for the mechanical equipment and Mr. Knutelsky recommended the materials for the trash enclosure match the building materials. Mr. Martell agreed and said the applicant is in agreement with the block wall. The site will include a 6ft solid vinyl fence in earth tone colors and he described the retaining wall along the easterly side and agreed to a darker color which will blend better.

Mr. Knutelsky commented on the emergency ladder in the trash enclosure area and asked the applicant to address outside lighting. Mr. Martell indicated there will be two light poles and four area lights mounted at 14 feet. He also stated an irrigation system will be provided and the building mounted signs are 6 inches or less. Mr. Knutelsky reviewed signage variances and said the utilities for the sewer and water will be provided by the Board of Public Works. Mr. Martell indicated no sprinklers are required but did confirm the project will include approval from the Franklin Borough Fire Department. A brief discussion took place on the locations of the fire hydrants and water supply. Mr. Knutelsky recommended the project be submitted to the Franklin Borough Fire Department for review as a condition of any approval granted. Mr. Martell agreed all traffic stripes and markings will be thermoplastic paint. Mr. Knutelsky said the board-on-board fence was revised to a vinyl fence and said the construction details need to be revised on the final site plans. He also confirmed in accordance with the municipal standards the applicant has provided a bicycle rack. Mr. Martell specified the applicant is agreeable with the 9" x 18" concrete curb. Mr. Knutelsky said the applicant has provided hours of operation and recommended that the limits of disturbance and tree clearing for the project be staked in the field prior to removal. He recommended a Developer's Agreement and said the applicant needs to provide a cost estimate of improvements for future bonding. Mrs. Nicholson commented on the sidewalk and DOT condition request. She said there were no municipal improvements. Board Attorney Mr. Brady said he will further discuss that with Mr. Knutelsky. Mr. Knutelsky said a 338 square foot right-of-way is being dedicated to the Borough and added as a condition. He also recommended the Title Sheet be revised to indicate Schedule A and building signage and free standing signs added to the site plans. He discussed agency approvals for the project.

Board Planner Ken Nelson indicated the access to Route 23 is controlled by the Department of Transportation but is concerned with the width. Mr. Martell said the width was determined by the truck templates and stripping was added to make it look like a one way. Mr. Knutelsky suggested a no left turn sign on the sidewalk side facing southbound and Mr. Martell agreed.

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Mr. Foulds commented on the handicap spot location and asked if it could be moved over one spot. Mr. Martell discussed the reason why the location was chosen. Mrs. Nicholson said this will be addressed with the Construction Officials and she will consult with Mr. Brady. Mr. Foulds questioned the stop sign at the exit road onto Mabie Street and is concerned it will not be visible enough due to the height of the fence. Mr. Knutelsky recommended to have the wall deviate in to keep the site line and the applicant agreed. Mr. Williams commented on the location of the fire hydrant. Mr. Brady said the applicant has agreed to install a fire hydrant and coordinate all details with the Fire Department.

Mr. Ethan Jesse Sheffet an Attorney from Sheffet & Dvorin stepped forward and indicated he represents Thomas Cseh a resident of 26 Mabie Street. He said Mr. Martell was referring to his client when during testimony he used the word "neighbor". He asked Mr. Martell to explain the land surface and the land coverage on the site. Mr. Martell also explained the direction of the water flow and said it will flow southwest and will not affect Mr. Cseh property. Mr. Sheffet asked if the project will increase any storm water runoff onto his client's property. Mr. Martell said the storm water runoff will not increase. He said his client's major concern on the project is the location of the drive-way and asked if it is possible to have an ingress and egress from Route 23. Mr. Martell indicated the access code is based on the size of the property, building, type of land use, and other factors. He discussed the exit out of the parking lot and commented on the approvals from the D.O.T. They discussed why the project needs access from Route 23 and Mabie Street and commented on the location of the exit drive onto Mabie Street and the distance from Route 23. Mr. Sheffet asked if the exit driveway onto Mabie Street could be relocated and Mr. Martell said there would be no benefit in moving the drive way and discussed the site distance needed for delivery trucks. He asked Mr. Martell to explain how many vehicles are expected to go in and out of the property on a particular day and discussed cars entering and existing the property. Mr. Sheffet also talked about the traffic and commented on the two entrances into the site. He asked Mr. Martell if an analysis was completed on which entrance driveways will be used more. Mr. Sheffet asked Mr. Martell about the trash enclosure, vehicles parked on the site and they also discussed the Transaction Summary that showed the number of vehicles entering the site. Mr. Sheffet also commented on the off-site parking location that was talked about during the testimony. He asked Mr. Martell about the concrete retaining wall, fencing, and the typography by his client's property. Mr. Sheffet indicated the fence will be visible to his client's property and commented on snow removal, lighting, and materials that will be stored on the site.

Mr. Cholminski announced the Board will stop hearing testimony at 10:30pm.

Applicants Planner, Mr. John McDonough stepped forward and referred to his Planning Analysis Report marked Exhibit A-6 dated August 13, 2016. He reviewed the site location map and explained the characteristics of the property and the

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surrounding land use contents. He discussed the Tax Map on Page #4 and said the application pertains to Block 702 Lots 5, 6, and 7. He explained lot sizes and the access on and off Route 23. He also commented on the physical characteristics and the land uses that surround the site. He discussed the existing ground photographs illustrated on Page #16 and #17 and said the project will have a retail and wholesale use. The proposed building is 6,899 square feet with a brick veneer. There will be 21 parking spaces, new landscaping, lighting, utilities and drainage. He said the project is a use that is fully conforming to the requirements of the HC2 Zone and said the bulk variances are related to the setback requirements.

Mr. McDonough discussed the variance relief and design waivers and said the variances are based on the requirements from Category A of the HC -2 Zone district. He referred to Tom Knutelsky report dated September 19, 2016 and stated the project does not meet the HC-2 Zone District Category A Bulk requirements. Reading from his Planning Analysis Report dated August 13, 2016 he gave testimony on the variances relief on the lot area, lot depth, front yard setback, rear yard setback, and lot coverage. He said this is a business that will promote jobs and briefly discussed a number of community benefits the project will provide. He commented on the buffer width along the adjacent property on Lot #8 and felt the relief for buffer composition is reasonable. He talked about the language in the Borough's Ordinance on planting. He said the applicant is proposing a solid fence and in front of the fence will be evergreens that will grow very tall and narrow. He commented on the Analysis Report and testimony from Jeffrey Martell on the parking and felt the parking supply will meet the demand and standards. The fence height will be 6 feet at the perimeter of the property and adjacent to the residential neighbor and said this is a reasonable request because it provides for enhance screening and privacy. He talked about the trees that were illustrated on the revised site plans and also discussed the signage variances on the freestanding sign frontage, freestanding sign width, and the freestanding sign setback.

Mrs. Nicholson asked Mr. McDonough to explain the business delivery concept of the application. He indicated sixty-five percent will be the business to business aspect. Ms. Fantasia commented on the front yard and rear yard setback requirements and the size of the delivery vehicles. She asked the applicant if an alternate size building was considered due to the size of the lots. Mr. McDonough said the size proposed is a standard size for the business and talked about the shelf space needed and products available in the store. Mr. Nelson remarked on the structure adjacent to the building known as Lot 4. Mrs. Nicholson said a witness will be given further testimony on why Lot 4 is not available to them.

Mr. Ethan Sheffet asked Mr. McDonough to discuss variances and waivers on the lighting and asked if there would be any impact on his client's property. Mr. McDonough also gave testimony on the delivery truck sizes and parking on Mabie Street. Mr. Sheffet said the proposed fence is on top of his client's property and is

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concerned with customers parking on Mabie Street. Mr. McDonough discussed the proposed fencing and wall distance from Mr. Cseh property.

Board Attorney, Dave Brady commented on the testimony he heard tonight on the retail and wholesale use of the business and talked about the appropriate use conditions and language to include if the application is approved. Mr. McDonough indicated a show room, furniture store or art studio would be an example of businesses with a low impact use.

Chairman, John Cholminski announced testimony for the applicant will be carried to the next Planning Board meeting scheduled for October 17, 2016.

Mr. Williams made a motion to **Carry Application (PB-07-16-1) to the October 17, 2016 meeting with no further notice needed.** Seconded by Mr. Zydon. All were in favor.

PAYMENT OF BILLS:

Mr. Nidelko made a motion to approve the **Franklin Borough Planning Board Escrow Report** for September 19, 2016. Seconded by Mr. Williams.

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: None

DISCUSSION:

Redevelopment Area A (Zinc Mine) and Rehabilitation Area B (Main Street)

Board Planner, Ken Nelson briefed the Board on the Public Hearing for Areas A & B and also indicated the Hospital Site may be a possible potential Redevelopment Site.

OPEN PUBLIC SESSION:

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

No one from the public stepped forward.

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

ADJOURNMENT:

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There being no further business to come before the Board, the meeting was adjourned at 11:03 PM on a motion by Mr. Williams. Seconded by Mr. Foulds. All were in favor.

Respectfully submitted,

Karen Osellame
Board Secretary