

Franklin Borough Planning Board
Meeting Minutes for
April 17, 2017

The meeting was called to order at 7:34 PM by the Chairman, Mr. Nathan Foulds, who then led the assembly in the flag salute.

Mr. Foulds read the Statement of Compliance pursuant to the "Open Public Meetings Act, Chapter 231, PL 1975."

ROLL CALL OF MEMBERS: Mr. John Christiano (Present)
Ms. Dawn Fantasia (Present)
Mr. Nathan Foulds, Chairman (Present)
Mr. Nick Giordano, Mayor (Present)
Mrs. Louise Murphy, Vice-Chairwoman (Present)
Mr. Wes Suckey (Absent)
Mr. Jim Williams (Absent)
Mr. Steve Zydon (Absent)
Mr. Jim Nidelko, Alternate #1 (Present)
Mr. Floy Estes, Alternate #2 (Present)
Mr. Sean Kidd, Alternate #3 (Absent)
Mr. Richard Knop, Alternate #4 (Present)

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

Mr. Foulds informed the Board that Mr. Glen Soules resigned from the Planning Board. Alternate Members, Mr. Jim Nidelko, Mr. Floy Estes, and Mr. Richard Knop sat in for members absent from the meeting.

APPROVAL OF MINUTES:

Mr. Nidelko made a motion to **Approve Franklin Borough Planning Board Meeting Minutes for March 20, 2017**. Seconded by Mrs. Murphy.

Upon Roll Call Vote:

AYES: Christiano, Fantasia, Murphy, Foulds, Nidelko, Estes

NAYS: None ABSTENTIONS: None

APPROVAL OF RESOLUTION:

Mayor Giordano made a motion to **Approve Resolution Recommending Block 1504, Lots 13 and 44, Known as the Former Franklin Hospital Site, A Condemnation Redevelopment Area**. Seconded by Mr. Nidelko.

Upon Roll Call Vote:

AYES: Murphy, Foulds, Nidelko, Estes

NAYS: None ABSTENTIONS: None

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PAYMENT OF BILLS:

Mr. Christiano made a motion to **Approve Franklin Borough Planning Board Escrow Report for April 17, 2017.** Seconded by Mr. Estes.

Upon Roll Call Vote:

AYES: Christiano, Murphy, Foulds, Nidelko, Estes, Knop

NAYS: None ABSTENTIONS: Fantasia, Giordano

CORRESPONDENCE:

Mr. Brady discussed Planning Board Application Fee changes relating to Ordinance 03-2017, Amending Chapter 119, "General Fees", Code of the Borough of Franklin 119-4.

APPLICATIONS FOR COMPLETENESS:

Zinctown Properties LLC, PB-01-17-1, 95 Main Street, Block 904 Lot 1, Minor Subdivision/Bulk C Variances Relief.

Applicants Attorney, David E. Sherman stepped forward and gave his credentials. He indicated his client, Mr. Patire is not able to attend tonight's meeting to give testimony but will be available by conference call if needed. Also informed the Board various revisions were made on the proposed Subdivision Map and will be explained by Dawson Bloom, PE, Civil Engineer from Bertin Engineering. He reported Proof of Notice has been provided to Counsel. Mr. Brady confirmed public notice provided by applicant is found to be acceptable.

Board Engineer, Thomas G. Knutelsky discussed his report dated April 11, 2017. He indicated the applicant requested a waiver on delineation of flood plain and wetlands. He said the features have no bearing on the proposed lot creation and recommended the waiver be granted. Also, location of existing watercourses/natural features the applicant requested a waiver and finds this has no bearing on the proposed lot creation. He recommended the Board find the application complete and proceed to the public hearing.

Mr. Christiano commented on the delineation flood plain and wetlands areas. Mr. Knutelsky said this has no bearing on the proposed subdivision but could possibly have a bearing on future site plan approvals. He indicated the subdivision lots are large enough and wetland impacts will be minimal. Mr. Foulds commented on the lots elevation change and Mr. Knutelsky felt all three lots will be developable in the future.

Mayor Giordano made a motion to **Deem Application Complete, (PB-01-17-1), Zinctown Properties LLC., 95 Main Street, Block 904 Lot 1, Minor Subdivision/Bulk C Variances Relief.** Seconded by Ms. Fantasia.

Upon Roll Call Vote:

AYES: Christiano, Fantasia, Giordano, Murphy, Foulds, Nidelko, Estes, Knop

NAYS: None ABSTENTIONS: None

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APPLICATIONS TO BE HEARD:

Zinctown Properties LLC, PB-01-17-1, 95 Main Street, Block 904 Lot 1, Minor Subdivision/Bulk C Variances Relief.

David E. Sherman stepped forward and supplied the Board with resumes from Civil Engineer, Dawson M. Bloom, Bertin Engineering, Marked Exhibit A-1. Also, Principal Planner, Jessica C. Caldwell from J. Caldwell and Associates LLC. Marked Exhibit A-2. He indicated his clients dream is to bring vitality into the downtown of Franklin. He discussed lower and upper portions of the parcels and talked about the existing zoning ordinance. He informed the Board the concept plan submitted with the application is strictly for illustrated purposes only and said the application is not seeking any site plan approval.

Dawson M. Bloom stepped forward was sworn in and discussed his credentials. Mr. Tom Knutelsky confirmed with Mr. Bloom the deeds will be prepared and sealed by a License Professional Surveyor. Mr. Bloom displayed Minor Subdivision Exhibit labeled MS-1 dated March 15, 2017. Mr. Knutelsky informed the Board that only minor technical changes were made to the site plan and felt the changes could be verbally discussed during testimony. Mr. Bloom reported he will not give testimony on any underground structures. The applicant is only requesting to subdivide existing Tax Block# 904, Lot 1 into three proposed lots marked Lot 1.01, 1.02, and 1.03. Using the Minor Subdivision Site Plan, MS-1 dated March 15, 2017 he described parcels locations, square footage and discussed ingress and egress from each proposed lot. He said each lot will be under the minimum lot size and require a variance. He talked about setback requirements and reported the applicant is not proposing any improvements on the subdivision at this point.

Mr. Bloom addressed technical comments from Mr. Knutelsky report dated April 11, 2017. He indicated lot area on proposed Lot 1.01 will be 5.379 acres. Mr. Bloom had no objection to include a formal dedication of lands along Sterling Street (Lot 1.02 and Junction Street (Lot 1.03). He said Mr. Knutelsky requested along Junction Street a boundary line equivalent to a 25 foot offset from the center line of the roadway and indicated the applicant has provided that on the revised plans. The applicant will include dedication of lands adjacent to Sterling Street and Junction Street to allow for the proper right-of-way width for roadways. The applicant is agreeable that formal easements specifying a Continued Right to Discharge Storm water established between proposed Lots 1.01 & 1.02 onto the proposed Lot 1.03. He is confident storm water management can be handled on each of the lots independently. Mr. Brady informed the Board if the subdivision is approved there will be a condition that an easement will be prepared and filed with the deeds. Also, the applicant will have to come back to the Board for site plan approval and comply with the current storm water discharge regulations. He said we want to make sure the

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continued right to discharge storm water exist and we are not creating a non-developing lot.

Mr. Christiano mentioned the drainage structure that could possible drain Lot 1.03 into the Wallkill River. Mr. Bloom said at this point it has not been investigated but may be required with a design approval on the site. Mr. Knutelsky agreed hydrology and amounts of flows will be a site plan issue not a subdivision issue. He said a site plan will be required for these lots when development does occur. A brief discussion took place on the direction of water flow from the upper lots to the lower lots and also discussed how development could change the flow. Mr. Bloom talked about State Storm Water Management Rules and said in no case it will not be allowed to increase runoff to an adjacent property.

Mr. Bloom referred back to Mr. Knutelsky report dated April 11, 2017. He said the applicant reached out to Borough Tax Assessor regarding new lot numbers. Also, the plat will be revised to read Planning Board not Zoning Board. He displayed and briefly discussed Site Plan Labeled CP-1 indicating lots 1.01 and 1.02 can be developed and meet the zoning criteria needed without utilizing lot 1.03. Mr. Brady pointed out the purpose of Site Plan CP-1 is to show that lots created can be developed. Mr. Bloom agreed with Mr. Brady. Mr. Bloom testified the sub-division application will not make pedestrian connection between the lower and the upper portion difficult. He discussed ingress and egress on each proposed parcel. Mr. Sherman said the Designation of a Redevelopment Area will benefit the lower portion and help with any redevelopment strategy. Mr. Bloom said the design shape of lot 1.01 will give additional frontage along Junction Street and configuration of Lot 1.02 could possible create additional ingress and egress from the property in the future.

Mr. Ken Nelson commented on existing structures and was concerned if the lots are sold and the new owners demolish the existing structures. He recommended a condition that will prevent the demolition of existing structures until the redevelopment plan is adopted. Mr. Knutelsky reported there are additional standards in the zoning portion of the Zinc Mine Zone that states the Change House Building shall be preserved and intergraded into any development. He indicated any removal will require a variance and recommended a condition of approval. Mayor Giordano pointed out to the Board that Mr. Patire has been very diligent in helping preserve the town of Franklin. Mr. Bloom reported concept plan CP-1 was corrected to read County of Sussex not County of Essex.

OPEN PUBLIC SESSION:

Mr. Foulds opened Public Session for questions addressed to Civil Engineer, Dawson M. Bloom.

Mr. Richard Weekes resident of 46 Scott Road stepped forward. He asked if any remediation been performed on the lower portion and was concerned holes and

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mines exist on the site. Mr. Bloom said he is not an environmental or technical engineer and was not aware of any D.E.P. conditions or underground mines. Mr. Weeks was also concerned with ingress and egress conditions on the lower section of the site.

Mr. Bob Tabaka resident of Paddock Road stepped forward. He felt the applicant should submit a blue print of the property before any decision is made. Mr. Foulds told Mr. Tabaka the applicant is not requesting site plan approval at this time.

Mr. Dick Durina resident of 23 Lozaw Road stepped forward and said the testimony heard tonight is very positive.

Mr. Bob Allen resident of Jenkins Road stepped forward and talked about someone he knows that is interested in purchasing and fixing up the Change House.

Mr. Michael Raperto resident of 13 South Street stepped forward and asked if proposed lot 1.02 would be subdivided in the future. Mr. Sherman said this application is only requesting the three parcels discussed tonight.

There being no further questions, Mr. Foulds closed the meeting to the public.

APPLICATIONS TO BE HEARD: Continued

Zinctown Properties LLC, PB-01-17-1, 95 Main Street, Block 904 Lot 1, Minor Subdivision/Bulk C Variances Relief.

Ms. Fantasia commented on the properties existing conditions and asked Mr. Sherman his thoughts on future development if property was not subdivided. Mr. Sherman said it's hard to predict what the future holds and said it depends on demand and economy. He specified the purpose of the application is to create a subdivision with developable land for future development. She asked Mr. Bloom about development on the lower level of the property and Mr. Bloom reported he is not aware of any issues that would cause it to be undevelopable. He discussed how the proposed subdivision can bring future development into Franklin.

Applicants Planner, Jessica C. Caldwell was sworn in and gave her credentials. She said the subdivision made sense because of the developable areas and said demarcation lines will benefit future connections. She commented on the sites upper and lower portions, pedestrian walkways, and said dividing the lots does not change the development capacity. She talked about zoning and the possible developments on the upper and lower portions. She commented on development capacity and pointed out that each proposed lot benefits from having separate access points. Also the benefits of creating three lots will create more efficient development in the future and benefit a redevelopment plan. Mr. Christiano commented on a Rail for Trails project and said over the years there has been some Main Street redevelopment plans that called for a connection. Ms. Caldwell reported the zoning ordinance does

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require pedestrian connection between the lower and upper portions. Mr. Brady recommended a cross easement between proposed lot 1.01 and the lower portion of Lot 1.03. Mr. Sherman requested to receive consent from property owner, Mr. Patire on the easement request.

OPEN PUBLIC SESSION:

Mr. Foulds opened public session for questions addressed to Planner, Jessica Caldwell.

No one from the public stepped forward.

Mr. Foulds closed the open public session.

APPLICATIONS TO BE HEARD: Continued

Zinctown Properties LLC, PB-01-17-1, 95 Main Street, Block 904 Lot 1, Minor Subdivision/Bulk C Variances Relief.

Mr. Foulds reviewed items discussed during testimony. He indicated easements will be required regarding water flow and pedestrian walkways. Mr. Knutelsky said the easement will be in a general location until a pedestrian access is determined by a site plan approval. Mr. Nelson added any demolishing structure will also be part of a site plan approval. Mr. Sherman requested a recess to contact his client, Mr. Patire for consent.

At 9:33pm the meeting took a brief recess and reconvened at 9:41pm.

Mr. Sherman said he confirmed with Mr. Patire by cell phone and the applicant has consent to storm water discharges and also the two criteria under the existing zone for pedestrian connection and connection to the Railroad Trails. He said Mr. Patire consents to provide preservation to existing Museum Building and Change House until such time there is a change in development, zoning, or a site plan is submitted for approval.

OPEN PUBLIC SESSION:

Zinctown Properties LLC, PB-01-17-1, 95 Main Street, Block 904 Lot 1, Minor Subdivision/Bulk C Variances Relief.

Mr. Dick Durina resident of 23 Lozaw Road stepped forward. He is excited to see that something is finally being done with the vacant property and asked the Board to please work with the applicant.

Mrs. Betty Allen stepped forward and talked about the Franklin Historical Society and Franklin Museum. She said Mr. Patire has been very good to the Historical

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Society and hopes development will bring back Main Street and the Zinctown property.

Mr. Foulds closed the meeting to the public.

APPLICATIONS TO BE HEARD: Continued

Zinctown Properties LLC, PB-01-17-1, 95 Main Street, Block 904 Lot 1, Minor Subdivision/Bulk C Variances Relief.

Mr. Brady reviewed conditions discussed at the meeting and indicated site plan approval will be required for any future developments and an easement for pedestrian and Rails for Trails connections. Also, any existing buildings on the properties will remain until any future development plans are submitted. He also mentioned an easement specifying a continued right to discharge storm water between Lots 1.01 & 1.02 onto the proposed remainder lot 1.03.

Mayor Giordano made a motion to **Except Application with Conditions (PB-01-17-1), Zinctown Properties LLC., 95 Main Street, Block 904 Lot 1, Minor Subdivision/Bulk C Variances Relief.** Seconded by Mr. Nidelko.

Upon Roll Call Vote:

AYES: Christiano, Fantasia, Giordano, Murphy, Foulds, Nidelko, Estes, Knop

NAYS: None ABSTENTIONS: None

OPEN PUBLIC SESSION:

Mr. Foulds opened the meeting up for public comments.

Mr. Bob Allen stepped forward and said he is very pleased and happy the Board approved the Zinctown Subdivision.

There being no further comments or questions from the public, Mr. Foulds closed public session.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 9:57 PM on a motion by Mrs. Murphy, seconded by Mayor Giordano. All were in favor.

Respectfully submitted,

Karen Osellame
Planning Board Secretary