

Franklin Borough Planning Board
Meeting Minutes for
January 17, 2017

The meeting was called to order at 7:41PM 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 PRESENT: Mr. John Christiano
Ms. Dawn Fantasia
Mr. Nathan Foulds, Chairman
Mr. Nick Giordano, Mayor
Mrs. Louise Murphy, Vice-Chairwoman
Mr. Glen Soules
Mr. Jim Williams
Mr. Steve Zydon
Mr. Jim Nidelko, Alternate #1
Mr. Floy Estes, Alternate #2
Mr. Sean Kidd, Alternate #3
Mr. Richard Knop, Alternate #4

MEMBERS ABSENT: Mr. Wes Suckey

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

Mr. Jim Nidelko, Alternate #1 stepped in for Mr. Wes Suckey who is absent from the meeting.

APPROVAL OF MINUTES:

Mr. Zydon made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for December 19, 2016**. Seconded by Mr. Nidelko.

Upon Roll Call Vote:

AYES: Christiano, Fantasia, Foulds, Giordano, Williams, Zydon, Kidd

NAYS: None ABSTENTIONS: None

Mr. Knop made a motion to approve the **Franklin Borough Zoning Board Meeting Minutes for December 7, 2016**. Seconded by Mrs. Murphy.

Upon Roll Call Vote:

AYES: Estes, Knop

NAYS: None ABSTENTIONS: None

APPROVAL OF RESOLUTIONS:

(ZB-09-16-1), Russell Anema, Use Variance Relief, Block 2003 Lot 5.

Mr. Knop made a motion to Approve Resolution for **Russell Anema, ZB-09-16-1, Use Variance Relief, Block 2003 Lot 5**. Seconded by Mr. Giordano.

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Upon Roll Call Vote:

AYES: Knop

NAYS: None

ABSTENTIONS: None

APPLICATIONS FOR COMPLETENESS:

(PB-12-16-1), Walmart Real Estate Business Trust, Bulk C Variance, 230 State Highway 23. Block 1101 Lot 2.

Mr. Robert L. Podvey, Esq. from Connell Foley, L.L.P., representing the applicant stepped forward and introduced himself.

Board Engineer, Mr. Tom Knutelsky from Harold E. Pellow & Associates addressed his report dated January 9, 2017. He said the applicant is seeking "C" variance relief to replace four previously approved existing wall mounted signs on the building with three proposed signs which due to shape and size are not conforming within the HC Zone. He said plans and reports submitted by the applicant are sufficient and recommended the application be deemed complete. Mr. Podvey asked if the hearing can be scheduled for the February 1, 2017 Planning Board Meeting. The board discussed and agreed.

Mr. Giordano made a motion to **Deem Complete Application (PB-12-16-1), Walmart Real Estate Business Trust.** Seconded by Mr. Soules.

Upon Roll Call Vote:

AYES: Christiano, Fantasia, Foulds, Giordano, Murphy, Soules, Williams, Zydon, Nidelko

NAYS: None

ABSTENTIONS: None

ADJOURNED CASES:

There were no adjourned cases.

APPLICATIONS TO BE HEARD:

There were no applications to be heard.

OTHER BUSINESS:

Mr. Knutelsky discussed the applicants checklist attached to the Boroughs Land Use application. He said it's outdated and should be reviewed and modified. Also, indicated the Land Development Schedules A & B need to be updated with the current zoning standards. He talked about applicant's completeness and hearing procedures and commented on a possible committee being formed to review applications outside the Board room. Mayor Giordano said the idea of the committee is to have an applicant attend one meeting and also said it will help minimize expense to the applicant. Mr. Foulds stated the Board Professionals can meet with applicants and discuss any revisions to a plan before it's submitted to the Board.

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Borough Administrator, Mrs. Alison McHose talked about Concept Meetings and the Borough's Fee Schedule charges. Mr. Brady also discussed Concept Meetings and indicated they usually occur before an application is submitted. He discussed application fees, escrow money requirements, and talked about other town's application procedures. He also described a Technical Completeness Committee Meeting and indicated the updated checklist will be reviewed by the Planning Board first and Council will then adopt an ordinance.

PAYMENT OF BILLS:

Mr. Zydon made a motion to approve the **Franklin Borough Planning Board Escrow Report for January 17, 2017**. Seconded by Mr. Nidelko.

Upon Roll Call Vote:

AYES: Christiano, Foulds, Murphy, Soules, Williams, Zydon, Nidelko

NAYS: None ABSTENTIONS: Fantasia, Giordano

DISCUSSION:

Zoning Board of Adjustments Resolution and Annual Report

Mr. Brady said the Zoning Board has a requirement under the Municipal Land Use Law to report at the end of year what types of applications have been heard and variance reliefs that have been granted by the Zoning Board of Adjustments. Recommendations and changes could then be made to the borough ordinances if needed. He said only the members that were on the Zoning Board of Adjustments in 2016 can approve and vote on the resolution. Mr. Zydon said he did not think the Franklin American Legion property was in a multifamily zone. Mr. Brady specified at the time the application was heard the zoning may have not been changed and told the Board he will look into this matter.

Mr. Soules made a motion to **Except the Franklin Borough Zoning Board of Adjustment Annual Report**. Seconded by Mrs. Murphy.

Upon Roll Call Vote:

AYES: Murphy, Soules, Estes, Knop

NAYS: None ABSTENTIONS: None

CORRESPONDENCE:

Mr. Brady addressed the letter dated December 9, 2016 from Zoning Officer, Joseph Drossel regarding the Meenan Oil property. He said the Zoning Board of Adjustments had concerns with the Petro Trucks parked on the site and also the empty tanks stored on the property. Mr. Zydon asked why the Zoning Officer was called upon. Mr. Brady said it was the Boards decision to have the Zoning Officer visit the site and indicated that is the proper channel to follow.

OPEN PUBLIC SESSION:

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

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Mr. Robert Dabinett resident of 127 Corkhill Rd stepped forward. He commented on the formation of the new Planning Board. He stated as Ordinance Chairman for the Borough he asked the Planning Board to create a committee and review the Land Development Fee Schedule. He indicated ordinances have not been revised in a long time and said any recommendations the Board can make will be a benefit to the Borough of Franklin.

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

DISCUSSION:

The Board had a brief discussion on the Land Development Fee Schedule. Mr. Zydon asked if other ordinances besides the fee schedule are going to be looked at. Mr. Foulds talked about some of the state laws that could effective ordinance changes. Mr. Brady suggested the fee schedule and checklist should be looked at first and said rewriting an entire zoning ordinance will be lengthy and very expensive. Mr. Foulds said the applicant's escrow fee will have to be looked at internally and application fees can be compared to other towns. He commented on the professional fees that are charged back to an applicant's escrow account.

OPEN PUBLIC SESSION:

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

Mr. Robert Dabinett stepped forward and told the Board his only concern right now is the Borough's Fee Schedule for applications.

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

Mr. Brady indicated the escrow/fee schedule should be reviewed because it's important to have the appropriate amount of escrow from an applicant. He will review the checklist with Tom Knutelsky and his office can obtain information from surrounding towns.

Mr. Brady discussed the Boards voting eligibility for applications that require variances. He indicated Alternate Members will only vote if a board member is absent. Also stated any applications with "D" Variances the Mayor and Council member are ineligible to participate and five affirmative votes will be needed.

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ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 8:28 PM on a motion by Mr. Christiano, seconded by Mr. Zydon. All were in favor.

Respectfully submitted,

Karen Osellame
Planning Board Secretary