

Franklin Borough Planning Board
Meeting Minutes for
June 19, 2017

The meeting was called to order at 7:35 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 (Absent)
Mrs. Louise Murphy, Vice-Chairwoman (Absent)
Mr. Jim Nidelko, (Present)
Mr. Wes Suckey (Present)
Mr. Jim Williams (Present)
Mr. Steve Zydon (Present)
Mr. Floy Estes, Alternate #1 (Present)
Mr. Sean Kidd, Alternate #2 (Present)
Mr. Richard Knop, Alternate #3 (Present)
Mr. Ted Bayles, Alternate #4 (Present)

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

APPROVAL OF MINUTES:

Mr. Wes Suckey made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for May 15, 2017..** Seconded by Mr. Jim Williams. .

Upon Roll Call Vote:

AYES: Christiano, Nidelko, Suckey, Williams, Zydon, Estes

NAYS: None ABSTENTIONS: None

PAYMENT OF BILLS:

Mr. Zydon made a motion to approve the **Franklin Borough Planning Board Escrow Report for June 19, 2017.** Seconded by Mr. Williams.

Upon Roll Call Vote:

AYES: Christiano, Nidelko, Suckey, Williams, Zydon, Foulds, Estes, Kidd, Knop, Bayles

NAYS: None ABSTENTIONS: Fantasia

APPROVAL OF RESOLUTIONS:

There were no resolutions for approval.

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APPLICATIONS FOR COMPLETENESS:

There were no applications for completeness.

ADJOURNED CASES:

There were no adjourned cases.

APPLICATIONS TO BE HEARD:

JCM Investors 1012 LLC. (PB-04-17-1), Block 2701 Lot 2, 110 Munsonhurst Road, Use D Variances.

Chairman Foulds - This meeting is to grant 2 use variances. There will be no testimony on the development site plan itself or on what will be there. We only have limited information on the site plan and the owners of the property may provide info on why they want the two different variances granted. We do not have the final site plan. The first variance is for relief on the age restriction and the second is a density variance increasing from the previously approved 250 units and to 300.

Mr. Brady/Board Attorney- The actual site plan is not in question however the board can ask questions on the site plan so that they can make a decision based on the variances. There will be some information asked about the site plan, and testimony that might be relevant. Mr. Brady noted for the record that at the last meeting Mr. Kelly's first notice needed to be re-sent and Mr. Kelly has now mailed re-notice.

Ms. Fantasia – Recused herself for this portion of the meeting. (7:40pm)

Mr. Foulds to the Applicant - Please begin.

Mr. Kelly attorney for the applicant introduces himself, the client Mr. Nick Daurio and professionals for the applicant. (Planner Eric Synder, AICP – Traffic Engineer Eric Keller, PE – James Woods – Engineer)

At the TCC meeting on May 22nd, you asked for a list of things you wanted discussed in our presentation. You should all have copies of the information you requested and they will be exhibits 1-11. You should have a traffic report and a planner's report as well.

We are looking to lift the age restriction housing, however we will keep some age restricted housing as well as COAH housing. We are going to explain how the age restricted zoning was a very popular in 2007.

The second relief is we want to increase the density to about 3.6 to 4.3 we would like to do that by increasing the number of units from 250 units to 300 units.

Almost 30 years ago in 1987 this site received approvals for 350 units for mixed housing that is exhibit 1 in this case. It was a combination of townhouses and

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condos. In 1988 those plans received final site plan approvals. In 2004, Franklin changed its zoning ordinances for this property and the property next door. Developers of both properties filed lawsuits against Franklin for rezoning the properties from multi-family to single family.

The TransBank property in 2015 was sold to the DEP and is now part of Green Acres and will never be developed. That property had previous approvals for 267 Units. At that time, JCM/the applicant's property was approved for 250 units. In exhibit 11, the client bought the property in March of this year for \$10 million. The client intends to develop this property because they own it and are paying for it, and paying taxes on it. They want to understand exactly what they can build. There is a little bit of an urgency, that I hope doesn't concern anybody as the case is presented.

The variance for the boulevard road has been withdrawn for this portion of the application.

Professional Attorney- Dave Brady swears in 1st Witness

1st Witness Called – James Woods/Engineer. Mr. Woods describes his qualifications. The Board accepts Mr. Woods as an expert witness

Mr. Woods presents two exhibits – Arial photo of the applicant's property and a concept plan of the property.

Mr. Woods describes the 70 acre property, including where the Borough's wells are including water sources, as well as describes where the unbuildable portions and wetlands of the property are. Mr. Woods also describes the JCP&L easements. Mr. Woods testifies that the LOI is recent. The concept plan proposes developing 18 acres which is approximately 25% of the total land. There is arguably more land than could be developed, however, it is steeply sloped. Between the JCP&L easement and the wetlands portion of the property, the easement would be used for landscaping and parking, not buildings.

The rendering is basically the same however, some refinements to the rendering from the TCC meeting are as follows: Plan on improvements to the driveway, adding walking paths, however there will no need for clearing trees for the walkway. Adding a pool, clubhouse and possibly some tennis courts.

There will be surface parking as well as garages.

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Mr. Foulds – What about the sewage capacity?

Mr. Woods - There is presently an application for sewage with the NJDEP. We are still waiting on the approval.

Mr. Kelly - The previous developers left town before they secured any sewer allocations.

Mr. Woods – We are building on the ridge which is the most favorable spot on the property to build on.

Question from the board- Are the buildings all going to be the same height?

Mr. Woods – The plan is very similar to the settlement plan in 2005 the only difference really is instead of 8 buildings it will be 10 buildings.

Question from the board - It looks like you're going to be clearing a lot of trees How much wooded area will be left?

Mr. Woods – As many trees as can be will be saved. I think this is a site plan issue. We are building on approximately 18 acres of the property and the buildings will be one story less than the 2006 plan.

Mr. Estes motioned to open up to the public, Seconded by Mr. Williams. All voted in favor. No one was opposed.

Attorney Todd Hooker ITS Properties, LLC representing Lot 7 & 9 and Block #2602 (Black Pegasus Horse Farm on Cork Hill Road.)

Mr. Hooker – Did you identify any wetlands on the property? Did you ask permission from the owners to access any wetlands?

Mr. Woods – I don't know.

Mr. Kelly introduced the next witness Mr. Eric Keller/Traffic Engineer

Mr. Keller stated that the traffic report shows a minimal increase in the traffic from 15%-17% from 250 units to 300. The age restriction also does not increase the traffic. Mr. Keller didn't have an exact number but said it would be significantly less.

Mr. Zydon motioned to open to the public to question the Traffic Engineer Seconded by Mr. Nidelko.

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Mr. Hooker – Would the fact that both the Franklin School and the Wallkill Valley Regional High School would also be using the intersection of Route 517 and Route 23 increase traffic volume for children getting to schools?

Would shopping and after school activities add to the traffic volume?

Mr. Keller – I don't think it's a significant or measurable component to increasing the traffic significant.

Mr. Williams made a motion to close to the public, seconded by Mr. Zydon.

Mr. Eric Snyder Professional Planner sworn in and gives qualifications. Board accepts Mr. Snyder as an expert witness.

Mr. Snyder – We are talking about a 70 acre parcel of land that is mostly environmentally constrained so we are only talking about 25% of the property. Our proposal is consistent with the Borough's Master Plan. We are not talking about changing the character of the area significantly at all. The current ordinance calls for multi-family housing, and we are just asking for changing the current age restriction.

Senior Citizen communities were a great idea in the past because you got a tax ratable without the expense of children to a community. However, as a professional planner, I feel this has hindered the growth and development of communities. If you reduce the number of families in a community your community shrinks. Sussex County has been on a steady decline of population since 2006.

The Franklin school enrollment has steadily decreased. If you do not have an age restriction, the community will grow and this will add to is not just financial gain. Franklin will have more people shopping in the town as well. You will also have more kids at the parks, more kids in the schools and this will have a positive impact on the community. This is also consistent with the master plan of Franklin, which is revitalizing the town and not just Route 23. I don't want Franklin to be like Vernon which lost a quarter of their kids. I don't want to see that happen here.

This plan is consistent with the master plan re-examination of the Borough of Franklin which this Board adopted. Which is basically what you have said in writing what you want to see in this town. This project is designed to appeal to young professionals and "empty nesters" this is 1st class rental housing.

Mr. Williams made a motion to open to the public and Mr. Suckey seconded it.

A question was made to confirm the number of children in the proposed plan. Mr. Snyder explained that it would be approximately 47 children. Probably only one bus load, not several bus loads.

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A question was asked if more Police would have to be added.
Mr. Snyder did not have the answer for that question.

Mr. Nelson asked if there was anything in his report that Mr. Snyder disagreed with.

Brief recess for Mr. Snyder and Mr. Kelly to review Mr. Nelson's report.

Chairman Foulds brought the meeting back to order.

Mr. Snyder explained that there will also be COAH housing as well as senior housing in this plan. There are additional tax credits for that type of housing. There will be approximately 40-50 units dedicated to that kind of housing.

Mr. Nelson asked if there was a fiscal analysis done.

Mr. Snyder – Stated there was not one done.

Mr. Snyder – I have not heard back from the Superintendent of the schools, but if you wanted to do a quick cost analysis you could divide the number of Franklin residents by the fiscal impact and then add that number by 600 people. Which is the approximate number of people that will living in this development.

Mr. Williams made a motion to open to the public questioning of Mr. Snyder the Professional Planner. Mr. Suckey seconded that motion.

Mr. Hooker asked for clarification where in the 2016 reexamination report does it state that age restriction housing should be avoided?

Mr. Snyder said it was in the 2009 reexamination report and not the 2016 report. In the 2003 the Master plan changed the zone to R1 single family homes.

Mr. Hooker asked if there was anything that changed environmentally since 2003 that would make a difference in today.

Mr. Snyder stated that to his knowledge nothing has changed.

Michael Raperto – How much will be COAH housing.

Corey Hennings – My question is referring to the number of kids in the development. You said there would only be about 47 kids. However you have more apartments and I don't see families renting a 3 bedroom apartment if they don't have any kids. It seems to me it is a very low estimate.

Mr. Snyder – You would be surprised people are having less children and many people are renting apartments with guest bedrooms.

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

ADJOURNMENT:

At this point Chairman Foulds called a continuance on the meeting. July 5th is the planning boards reserved date and it is already on the calendar. Meeting ended at 11:25pm.

Respectfully submitted,

Joyce Carr
Planning Board Secretary