

FRANKLIN BOROUGH PLANNING BOARD MINUTES FOR THE NOVEMBER 20, 2017 MEETING

The meeting was called to order at 7:33 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 (Absent)
Mr. Nathan Foulds, Chairman (Present)
Mr. Nick Giordano, Mayor (Present)
Mr. Jim Nidelko, (Present)
Mr. Wes Suckey, Vice-Chairman (Present)
Mr. Jim Williams (Present)
Mr. Steve Zydon (Present)
Mr. Floy Estes, Alternate #1 (Absent)
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:

10/16/17 Minutes: Motion made by Steve Zydon, Seconded by John Christiano. All in Favor. No one opposed. Passed.

APPROVAL OF RESOLUTIONS:

There were no resolutions for approval.

PRESENTATIONS:

Mr. Robert Tessier, of the NJ Department of Community Affairs, described the planning grant that was a non-monetary grant for which the Borough received many, many hours of professional planning hours from state employees. Mr. Tessier presented the DCA's recommendations regarding redevelopment and rehabilitation of the Main Street area from the former Easter Seals Building (Hudson Street north to Borough Hall), the former NJ Zinc Company property (now owned by Zinctown, LLC). Mr. Nelson discussed a sub-committee of the Planning Board being formed to attempt to facilitate the ideas suggested in the DCA report. The request for the work included a scope of work which was approved by the Mayor and Council and also a working group was created by the Mayor & Council. The final product is the report which we included the redevelopment history of the area beginning with the closure of the mine in 1953. Changes started to change over the next 20 years when businesses moved from Main Street to Route 23 including the Post Office and Police Department leaving Main St. There have been efforts for revitalization of Main Street over the years by the Borough. At this time, the current administration has taken action to create a redevelopment zone and a rehabilitation zone. A subdivision was also allowed by the Planning Board at the former Zinc Company location, which may help something to happen on that property. As part of the study, market analyses were done to look at demands, population, and an assessment of the vacant properties in the small area of Main Street that was focused on. It does not appear that retail will be locating on Main Street again because of the lack of demand, because there is other retail options available in close proximity. Suggestions from the DCA study include a park on Main Street, as well as adding benches and garbage cans along with flags on the light poles for beautification and to attract people to the area. The DCA also suggested outreach to developers to potentially build market rate housing on Main Street. With water and sewer availability, that makes this area attractive to developers. Discussions were had on potential future development of the former Neighborhood House lot, the municipal parking lot and the other area across the street at the Zinctown, LLC,

property. The next steps may be to focus on the former Franklin Theater to attract investors, add parking in that area of Main Street, and to

Recommended actions from DCA to the Mayor & Council. Any of the suggestions made in the DCA report could be incorporated into the Borough Master Plan, and the next step is to instruct the planner to take steps to outline the redevelopment and rehabilitation plans in the form of a plan, which may cause changes in zoning. The DCA also recommends closing Parker Street off at Main; continue to work on the streetscape on Main Street, make an effort to attract someone to go into the former Easter Seals building. The DCA suggests a budget of \$150,000 for the Borough to get this area kick started. Because there are no developers beating down the doors, the town needs to put some money into the area to attract attention to the one block. Mayor Giordano complemented the plan and said the council is supportive of movement for some activity on the Main Street area. The vision is a long term plan. Mr. Nelson added, a thank you to Bob Tessier and his staff for their work and Mr. Nelson discusses the sub-committee (Christiano, Zydon & Suckey) to formulate a redevelopment plan. This is Phase I and what the sub-committee will do is Phase II & Phase III. These plans will then be passed on to the Council. The implementation of this the next step and these goals should be achievable in 2-3 years. Mr. Nelson asked if a commercial zoning component should be included. Mr. Tessier suggested that it be permissible rather than required. He doesn't think there is demand for retail. Mr. Tessier suggests that the former church on the former Neighborhood house could be offered to a developer to incorporate in a design. Ken Nelson mentioned the example of Morristown being pro-active in doing things. Mr. Tessier said, the town taking action to do beautification, maybe adding a police presence on Main Street. Because there is no demand, we need signage, kiosks, cameras, phones or call boxes. Mr. Christiano asked a question of Mr. Tessier about what he considered increased police in the Main Street area. These are the types of police presence developers are looking for, so their tenants feel safe.

OTHER BUSINESS: Discussion of 2018 Meeting Dates – All were in agreement to keep the main meeting the third Monday of the month and to use the first Wednesday of the month as needed.

PAYMENT OF BILLS: None

APPLICATIONS FOR COMPLETENESS:

(PB-09-17-01), AAA & Sons, LLC, 49 Main Street, Block 905, Lot 18, Use D Variance.

ADJOURNED CASES:

None.

APPLICATIONS TO BE HEARD:

None.

DISCUSSION:

1) Revised Hospital Site Redevelopment Plan:

Chairman Foulds asked that we go out of order from the agenda and jump to the discussion on the Revised Hospital Road Redevelopment site and asked Mr. Nelson to present. Mr. Nelson asked that the planning board members move to send the plan to the Mayor and Council and he states that his revised plan (dated November) has suggested changes to building height standards. There was a discussion on the emergency access road, which was required in the original plan, and a secondary access road. If the secondary access road is built, it was assumed that the emergency access road would no longer be required. Not knowing if the revised plan will include a secondary access point, the discussion ended. Mr. Nelson gave a historical perspective in the redevelopment plan, which included the bonus provision. If the bonus provision is eliminated, the original redevelopment plan would need to be amended. The board decided to send Mr. Nelson's suggested changes for the Hospital site redevelopment plan to the Mayor and Council.

Steve Zydon made the motion to send the hospital site redevelopment plan to the Council and his motion was seconded by John Christiano.

Upon roll call vote: Mr. Christiano-yes; Mayor Giordano-yes; Mr. Nidelko-yes; Mr. Suckey-yes; Mr. Williams-yes; Mr. Zydon-yes and Chairman Foulds-yes. Passed.

2) AAA & Sons, LLC for Completeness:

At 8:29pm Mayor Giordano stepped out of the room for the D Variance discussion. Mr. Knutelsky confirmed that no one is in attendance from AAA & Sons, but they need not be in attendance for an application to be deemed incomplete as recommended by our Engineer Mr. Knutelsky. There are 3 potential waivers outlined in a letter prepared for the Board members by Mr. Knutelsky. The 4th issue pertains to item #48-the need for a valid survey. Mr. Brady offered to send a letter to the applicant explaining the potential waivers and the need for a more current survey. The board authorized Mr. Brady to write the letter and they deemed the application incomplete.

3) Ordinance 20-2017

At 8:35pm, Mayor Giordano returned to the room and Mr. John Christiano left the meeting. Mr. Brady gave an overview of a memo from Borough Attorney Tom Prol and a black line version of the draft ordinance that was written to incorporate all but one of the suggestions given to the governing body by the Planning Board. The one item that was changed, had to do with slopes. Ordinance 20-2017, which was introduced for consideration by the Borough Council on first reading at the Council meeting of November 14, 2017, and is scheduled to be heard on November 28, 2017 for a public hearing and possible adoption. The meeting tonight of the Planning Board, is an opportunity for the Board to review the changes in the ordinance (differences from what the board recommended), and then Mr. Brady, could convey those opinions back to Mr. Prol. After much discussion, it was determined that the Board would like the Council to keep the slopes at 10/5/2 and there were some questions over the verbiage on the COAH and age restricted language. Mr. Brady understood the COAH units would be 20% of the total number of units and of that number, half of those units would be age restricted. Mr. Brady said he would also add language to suggest the definition of occupant on the age restricted/COAH units be clearer. In the memo from Mr. Prol, it was stated that the reason for the slope change, had to do with a potential change in recessing the buildings into the side of the hill. In order for the buildings to be recessed, to reduce the view of the building from Route 517, there would need to be a disturbance of slopes. It was the opinion of the board, that the permitted slope disturbance not be changed from the current 10/5/2 permit limits, and the applicant could apply for a C Variance to address this issue. The board authorized Mr. Brady to write a letter to Mr. Prol expressing the above concerns. There was a brief discussion about building heights, the access road in and out of the development and fire escape ordinance changes to be recommended to the Council. There was a motion by Mr. Williams with a second by Mr. Zydon, to have Mr. Brady write to Mr. Prol requesting the slopes disturbance limits to be changed as the current 10/5/2 in the proposed ordinance 20-2017. Roll Call: Mr. Williams-yes; Mayor Giordano-yes; Mr. Nidelko-yes; Mr. Suckey-no; Mr. Zydon-yes; Mr. Kidd-yes; Mr. Knop-yes and Chairman Foulds-yes. (Passed 7-1).

OPEN PUBLIC SESSION:

Mr. Williams made a motion to open the meeting to the public. Seconded by Mayor Giordano. All were in favor.

Ms. Dawne Rowe of 140 Munsonhurst Road, Franklin, asked a question and interpretation on the language in the ordinance 20-2017. Mr. Brady explained his understanding of it. Ms. Rowe then asked a question about standards for height requirements for buildings and she asked who hires and pays for the professional studies on applications. Mr. Brady and Mr. Foulds explained that the applicant pays for and hires their experts. If the board finds a question or problem, then the board can have studies/reports done by other experts at the cost of the applicant using escrow funds.

Theresa and Ian Sherwood, Black Pegasus Farm, Cork Hill Road, Franklin, asked questions on the origination of steep slope standards; questions of ethics of behavior of the JCM principle; they questioned the time line of the ordinance amending the MAAH zone and Chairman Foulds and Mr. Brady answered.

Cheryl Krouse, 160 Munsonhurst Road, Franklin, asked why there is no plan that currently mentions recessed buildings, and how is it that the ordinance addresses this. Mr. Foulds responded and then Ms. Krouse asked questions about the variance process which were answered by Mr. Foulds and Mr. Brady.

Ms. Patty Carnes, 289 Rutherford Avenue, Franklin, asked questions about the Boulevard Road and about fire safety questions.

Mr. Dick Durina, Lozaw Road, Franklin, asked a question about whether there is anything in the Master Plan about protecting our water from the wells on the the JCM property. Mr. Zydon added that he wondered the same thing and he wondered if those wells were built for the potential development that was to have been built there or for the town. Mr. Durina gave a brief history of the site and the building of the wells.

Mr. Greg Gorman, Hamburg, NJ, representing the NJ Sierra Club asked a question about the need for a water tank on the site, to maintain water pressure after the development is built.

Mr. Dawne Rowe 140 Munsonhurst Road on behalf of her sister Cheryl Krouse of 160 Munsonhurst Road, asked a question about the access road into the property and who owns it. Mr. Knutelsky answered that the developer owns the road, but the Borough has a permanent easement over the property to access our wells.

Mr. Nelson responded to the question by former Mayor Durina, saying that there were well protections mentioned in the 2003 Master Plan. The properties on Munsonhurst Road were previously zoned commercial, and then the Council re-zoned that area low-density residential, which prompted the law suit against the town by the previous developers Beezer and Hovnainian.

Seeing no one come forward, Mayor Giordano made a motion to close the meeting to the public and Mr. Zydon seconded the motion. All were in favor and the meeting was closed to the public.

Mr. Suckey asked a question about when the seat vacated by Mrs. Murphy would be filled and the Mayor answered it would be done in January.

ADJOURNMENT:

Motion to adjourn made by Mr. Williams and seconded by Mr. Zydon and the meeting was adjourned at 10:20pm by Mr. Foulds.

Respectfully submitted,

Alison Littell McHose
Interim Planning Board Secretary