

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for December 2, 2015

The meeting was called to order at 7:30 PM by Chairwoman, Mrs. Louise Murphy, who then led the assembly in the flag salute.

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

ROLL CALL OF MEMBERS PRESENT: Mr. Kell, Mr. Kopcsó, Mr. Skellenger,
Mrs. Murphy, Ms. Fantasia

ABSENT: Mrs. Bonis, Mr. Estes, Mr. Soules,
Mr. Suckey

ALSO PRESENT: Mr. Tom Knutelsky, Harold E. Pellow & Associates
Mr. Robert Correale, Brady & Correale, LLP
(Stepped in for Mr. Dave Brady)

APPROVAL OF MINUTES:

There were no minutes to approve.

APPROVAL OF RESOLUTIONS:

ZB-06-15-1, Sterling Plaza Inc. D Variances/Conditional Use, Block 2701 Lot 8.

Mr. Robert Correale announced he will be sitting in for Board Attorney, Dave Brady. He indicated the Final Draft Resolution for applicant Sterling Plaza Inc. will be moved to the next Zoning Board Meeting scheduled for January 6, 2016.

APPLICATIONS FOR COMPLETENESS:

ZB-11-15-1, Cellco Partnership, (Verizon Wireless), Preliminary/Final Site Plan, "D" Variance, Block 1101 Lot 3.

Attorney, Mr. David Soloway representing Cellco Partnership application stepped forward. He is from the Law office of Vogel, Chait, Collins, and Schneider and said the applicant is seeking to construct a small network node wireless communications facility at the Dunkin Donuts property located at 250 Route 23. The proposal is to remove the existing light pole and replace it with a light pole that will have a three foot antenna attached to the top. He indicated the total height of replacement structure will be 38 ½ feet. He said there will also be a supporting equipment cabinet that will be located on a 64 square foot concrete pad. He commented on Mr. Tom Knutelsky completeness report dated November 25, 2015.

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Mr. Tom Knutelsky reviewed completeness report dated November 25, 2015. He indicated the following:

1. Checklist Item #14, (Width of all existing and proposed easements), He recommended a temporary waiver for completeness only and said future easements relative to the proposed work should be discussed during the public hearing.
2. Checklist Item #15, (Front, side and rear setback lines), He said information has been provided on the plans and no Board action is required.
3. Checklist Item #18, (Existing and proposed contours), He said applicant requested a waiver and he finds sufficient topography has been provided in the areas of disturbance and recommends waiver be granted.
4. Checklist Item #19, (Grading plan), He said applicant is requesting a waiver and recommend waiver be granted.
5. Checklist Item #20, (Existing watercourses/natural features), He indicated applicant requested a waiver and recommended a waiver be granted.
6. Checklist Item #22, (Location of existing proposed building/Subsurface structures), Applicant requested a partial waiver and he recommends a temporary waiver for completeness only be granted and said during the public hearing the applicant should confirm no subsurface structures are found.
7. Checklist Item #23, (Location Survey), He said applicant is requesting a partial wavier and recommended wavier be granted.
8. Checklist Item #25, (Soil erosion and sediment control plan), Mr. Knutelsky said the proposed disturbances are not greater than 5,000 square feet and no board action is necessary.
9. Checklist Item #33, (Buffering/Landscaping), He indicated applicant has not provided information and said buffering should be discussed at the hearing.
10. Checklist Item #38, (Environmental Impact Statement), He recommended wavier be granted for the preparation and submission of a written report but would like the applicant to discuss environmental performance controls during the public hearing.
11. Checklist Item #42, (Building Setback Lines), He said information has been provided on the plans and no Board action is necessary.
12. Checklist Item #43-#47, (Final Site Plan), He recommended waivers be granted.
13. Checklist Item #48, (Survey), He said survey information has been provided and no Board action is necessary.

Mr. Knutelsky confirmed temporary waivers for Checklist Items# 14, 22, 33, and 43 thru 47 and said full waivers for Checklist Items# 18, 19, 20, 23, and 48.

Ms. Fantasia questioned environmental impact, (Checklist Item #38). Mr. Knutelsky talked about cell towers and said more information on environmental impact should be provided at the public testimony. Mr. Soloway discussed

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testimony that will be provided at the hearing. He said the RF Safety FCC Compliance of the Proposed Communications Facility will be provided to Board Members prior to the hearing. Mr. Knutelsky indicated environmental impact statements are land development related disturbances and said since the site is in a developed area this does not comply.

Mr. Kell made a motion to **Deem Complete Application, ZB-11-15-1, Cellco Partnership, (Verizon Wireless), Preliminary/Final Site Plan, "D" Variance, Block 1101 Lot 3.** Seconded by Mr. Skellenger.

Upon Roll Call Vote:

AYES: Kell, Kopcso, Skellenger, Murphy, Fantasia

NAYS: None ABSTENTIONS: None

It was announced the hearing for Application (ZB-11-15-1), Cellco Partnership will take place on January 6, 2016.

ADJOURNED CASES:

There were no adjourned cases.

APPLICATIONS TO BE HEARD:

There were no applications to be heard.

OTHER BUSINESS:

There were no other business to discuss.

PAYMENT OF BILLS:

Mr. Skellenger made a motion to approve the **Franklin Borough Zoning Board Escrow Report for December 2, 2015.** Seconded by Ms. Fantasia.

Upon Roll Call Vote:

AYES: Kell, Kopcso, Skellenger, Murphy, Fantasia.

NAYS: None ABSTENTIONS: None

DISCUSSION:

The Board reviewed the 2016 Zoning Board of Adjustment Meeting Dates. Board Members had no further comments.

Chairwoman, Mrs. Louise Murphy discussed the meeting she attended with Operations Emergency Management regarding the Meenan Oil application. She said the application was approved with a condition to meet with OEM and discuss some of the Boards concerns. She discussed the length of hose needed to reach the fire hydrants and talked about fire hydrants locations from the site. She indicated 400 feet of a five inch hose is needed, two monitors are needed on the site and also a portable unmanned deck. She commented on the portable unmanned deck and

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explained how water will be able to shoot into the tank and keep the temperature down on the tank if needed.

Mr. Correale said the Fire Department personal undergo appropriate training to handle a fire and commented on the Draft Resolution.

Ms. Fantasia asked if any further cost will be the Applicant's responsibility. Mrs. Murphy said the applicant was approved with the condition of the Boards meeting with OEM. Ms. Fantasia commented on the time the yearly training is offered and suggested if an alternate time for training can be scheduled since it is only offered in the month of September. Mr. Correale said he will make a note of the training times.

Mr. Knutelsky asked if items discussed tonight will be added to the Draft Resolution. Mr. Correale said the applicant is trying to resolve any issues and the Final Draft Resolution will be sent to the applicant's attorney for review.

Mr. Knutelsky commented on the Meenan Oil State Approval. He said as part of the state approval the Safety Engineers at DCA looked at the revised Fire Safety Analysis Manual. He said there is a section in the manual that discusses local fire department responds. Mr. Knutelsky showed concern that the information in the Manual is correct and asked if we have the availability to review the manual more in depth with Emergency Management. He suggested the Planning Board send a memo to the State indicating issues that arose during their Emergency Management meeting. Mr. Knutelsky confirmed the manual submitted as part of the application is called Fire Safety Analysis Manual for LP Gas Storage Facilities. He said this is an important document and should be reviewed by the Fire Department and OEM. A discussion took place on OEM attending the next Zoning Board Meeting.

CORRESPONDENCE:

There were no correspondence to discuss.

OPEN PUBLIC SESSION:

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

Mr. Dick Durina resident of 23 Lozaw Road stepped forward. He indicated he did not attend the October 7, 2015 Zoning Board Meeting but has reviewed the minutes from the meeting. He said Board Members asked intelligent questioned and wanted to know if the information the Board requested has been gathered. Mr. Durina commented on the Fire Safety Analysis Report. Mr. Correale indicated to Mr. Durina that comments and questions from the public regarding the Meenan Oil application was already addressed at the public hearing. Mr. Durina said he has no problem with the applicant he is only looking for information. He discussed his knowledge of Fire Safety and said three fire hydrants would have to be open up at the same time

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and is concerned with the pressure and the flow. He commented on the size of the main pipe in the ground and said a larger pipe will double the flow. He is satisfied the Fire Department is asking for a five inch hose and suggested a flow test be done on the fire hydrants. Mr. Correale said those issues are being handled with the Professionals. Mr. Durina said Fire Safety is very important to him and commented on the amount of propane the tank holds. Mrs. Murphy commented on discussions she has had with Jim Williams and Wes Suckey and pointed out how knowledgably both of them are. She insured Mr. Durina that everybody has the town's best interest at heart and safety.

Mr. Durina said there should be 1000 gallons of water at the site to protect the tank and the exposures and also suggested an analysis be done on the fire hydrant flow. Mr. Knutelsky discussed Meenan's Fire Safety Analysis Report and said the report gives fire hydrants locations and the flow that comes out of the hydrants. He said we can discuss with applicant and make sure we get the recommended fire flow that comes out of the hydrants located on the site. He pointed out the Board based their decisions on the Fire Marshalls, Fire Chief and States approval and recommendations. Mr. Knutelsky said OEM is looking into the Boards concerns and said he will follow up with the coordinator and discuss the concerns regarding the water that will come from only three hydrants.

Ms. Fantasia made a motion to **Close to the Public**. Seconded by Mr. Skellenger. All were in favor.

ADJOURNMENT: There being no further business Mr. Skellenger made a motion to adjourn the meeting of the Franklin Borough Zoning Board of Adjustment. Seconded by Mr. Kell. All were in favor. Meeting was adjourned at 8:15 PM.

Respectfully submitted,

Karen Osellame
Board Secretary