

**Franklin Borough Zoning Board of Adjustment**  
**Meeting Minutes for November 4, 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: Mrs. Bonis, Mr. Estes, Mr. Kell, Mr. Kopcso  
Mr. Skellenger, Mr. Soules, Mrs. Murphy  
Ms. Fantasia, Mr. Suckey

ABSENT: None

ALSO PRESENT: Mr. Nelson (Nelson Consulting Group)  
Mr. Knutelsky (Harold E Pellow & Associates)  
Mr. Aaroe (Sitting in for Board Attorney  
Mr. Brady)

**APPROVAL OF MINUTES:**

Mr. Estes made a motion to approve the **Franklin Borough Zoning Board of Adjustment Meeting Minutes for October 7, 2015**. Seconded by Mr. Suckey.

Upon Roll Call Vote:

AYES: Bonis, Estes, Kell, Kopcso, Soules, Murphy

NAYS: None            ABSTENTIONS: None

**APPROVAL OF RESOLUTIONS:**

**(ZB-06-15-1), Sterling Plaza Inc. D Variance/Conditional Use, Block 2701 Lot 8.**

Mr. Clifford Lundin, Esquire, representing the applicant stepped forward. He addressed open issues that were discussed at the last meeting. He provided a sketch of a proposed sign, (Marked Exhibit A1). Also provided letter from the County of Sussex dated November 2, 2015, (Marked Exhibit A2). The letter specified no objection for "Change of Use". He also asked for flexibility regarding the Affordable Housing Element.

Mr. Philip Deacon, owner of the property stepped forward. He discussed possibilities on Affordable Housing. He said he is open and will work with the municipality. Mr. Deacon clarified the proposed three bedroom units and discussed Affordable Housing. He indicated apartment units rent has not been determined. He talked about his previous tenants and the tenants who are currently in the building now. He said if the current dentist was to sell the practice the new owners would have to relocate.

## Franklin Borough Zoning Board of Adjustment Meeting Minutes for November 4, 2015

Board Planner, Mr. Ken Nelson discussed COAH. He said COAH no longer exist and every municipalities would need to go to court individually. He said Franklin has chosen not to go to court yet but will sometime next year. He indicated there is no time frame on the offer and the applicant agreed.

Mr. Lyn Aaroe commented on the proposed sign in front of the site. Mr. Deacon indicated the sign will stay in the same location and will be reduced by fifty percent. Applicant provided Exhibit A1 which illustrates a description of the proposed sign. He also indicated no action from the County because they will not be changing anything on the County road. He commented on traffic impact and said it will be less. He indicated twenty units in the building will only produce about thirty residents. Mrs. Murphy questioned if the dentist business will be advertised on the sign. Mr. Deacon said a plaque will be used to address the dentist business.

The applicant suggested on page #3, Item #11, of the Draft Resolution dated November 3, 2015, the word "well" should be deleted in the first sentence. Mr. Aaroe agreed.

Mr. Deacon said on the Draft Resolution it indicates studio apartments and would like to change it to two bedroom units He indicated the importance of having additional office space. Also, in the resolution it is listed on Page#3, #11, there will be two studio apartments in the basement. He would like it changed to read one studio unit, one bedroom unit, and 2 two bedroom units. Mr. Knutelsky said the bedroom unit change in the basement may increase parking but pointed out to the Board there is an abundance of parking on the site.

Board Members had no further comments or questions for the applicant.

Mr. Soules made a motion to **Approve and Adopt Resolution with Changes Discussed for Applicant (ZB-06-15-1), Sterling Plaza Inc. "D" Variances/Conditional Use, Block 2701 Lot 8.** Seconded by Mr. Skellenger

Upon Roll Call Vote:

AYES: Bonis, Estes, Kell, Kopcsó, Skellenger, Soules, Murphy

NAYS: None            ABSTENTIONS: None

### **APPLICATIONS FOR COMPLETENESS:**

There were no applications for completeness.

### **ADJOURNED CASES:**

There were no adjourned cases.

## **Franklin Borough Zoning Board of Adjustment** **Meeting Minutes for November 4, 2015**

Mr. Ken Nelson gave a brief discussion on the Planning Board's Master Plan Re-Examination Report and Master Plan Amendments. He said the primary focus is zoning along Route 23 Corridor. The Public Hearing will be held on November 16, 2015 and the direction the Planning Board is looking out is to divide the HC Zone into two Zones and reduce the minimum lot size in some locations. He said this will be subject to comments from the Public Hearing and further discussion from the Board. He also indicated Borough Council will have responsibility to translate ordinance amendments. He commented on use variance requirements and said the lot size change will reduce dimensional requirements.

Mr. Skellenger is excused and stepped down from the Meenan Oil application due to a conflict.

### **APPLICATIONS TO BE HEARD:**

**ZB-07-15-1 Meenan Oil, Preliminary Major and Final Site Plan, D Variances, Block 104 Lot 36.**

Applicants Attorney, Karen E. Murphy from Bressler, Amery & Ross stepped forward. She indicated she will be addressing comments and concerns that were raised at the last hearing on October 7, 2015. She gave a brief recap on the applicant's proposal. She indicated the applicant is seeking "D2" Variance for pre-existing non-confirming use and a "C" Variance for rear yard setback of fifty feet. She reviewed with the Board the representatives of Regions that provided testimony at the October 7, 2015 hearing. She said included in the testimony tonight will be an updated Fire Safety Analysis Report. Also, a letter from County Fire Marshall and Franklin Fire Dept. Chief. She also indicated a letter dated October 27, 2015 which gives a summary of changes to the site plan.

Mr. Nelson said Applicants Attorney, Karen Murphy asked him if it was necessary for the Applicants Planner to attend tonight's meeting for cross examination. Mr. Nelson reported he did not see any reason to bring her back and indicated he has reviewed minutes from the October 7, 2015 meeting and felt her testimony was complete.

Mr. John Finn, Field Operations Manager stepped forward and discussed changes to the Fire Safety Analysis Report and the recent discussions that were had with the County Fire Marshall and Fire Chief. He indicated the Fire Safety Analysis Report was updated with very little changes and indicated an additional fire hydrant has been added. He indicated water supply to cool a 30,000 gallon tank is about 150 gallons a minute and said there is well over a thousand gallons a minute on the street near the site. He said the water supply is not an issue. He also met with Fire Marshall, Daniel Stoll and explained the proposed project and had a conference call with Fire Chief, Troy Kays. Mr. Finn indicated he offered Mr. Kays and his department training. He reported letters from Mr. Troy Kays and Mr. Daniel Stoll

**Franklin Borough Zoning Board of Adjustment**  
**Meeting Minutes for November 4, 2015**

which stated they feel confident in their ability to protect the community if needed. Mr. Finn discussed the process of cooling the tank.

Mr. Lynn Aaroe asked Mr. Suckey if there were any further fire protection concerns. Mr. Suckey is pleased with the updated Fire Safety Analysis Report and letters from the County Fire Marshall and Fire Chief.

Mr. Bill Scott, Professional Engineer stepped forward and briefly explained the changes made to the site plan. He referred to the Revised Site Plan dated October 22, 2015. He indicated additional bollards were added to the site plan to protect the tank. Also, an explosion proof light fixture will be installed to provide illumination during filling operations. The methanol drums will be stored on the existing concrete pad containment area at the facility and an electrical grounding system for the tank will be provided.

Mr. Nelson commented on the guide rail. He said it acts as a retaining wall and suggested no changes to the guide rail. Mr. Aaroe confirmed with Mr. Knutelsky that he is satisfied with the site changes. Mr. Knutelsky reported he is satisfied with the changes. He commented on the lighting change and is satisfied with the illumination during filling operations and feels it is sufficient for the purpose. He also indicated a flood light that shines across the parking lot. Mr. Suckey confirmed tanks will only be filled during business hours and Mrs. Murphy confirmed all products are stored in a fenced secure location.

Mrs. Karen Murphy called Mr. Dutch Dunn, owner of Dunn Bus Company forward and was sworn in. He addressed the storage of the buses on site and would like the buses to remain parking on the site. He gave a brief discussion on his background. He would like to accommodate the drivers and said there are currently four buses that park at Region Oil and they don't have a problem with them parking there. He commented on the parking lot on Main Street and buses he has seen parked around town. He said no maintenance is done on the buses at the Region Oil Site and commented on the hours buses leave site and return. He asked the Board for their understanding and hopes his buses can remain parked on site.

Mr. Aaroe indicated the Franklin Zoning Officer has issued a notice of violation regarding the buses and also stated the buses are not part of the application. He indicated the application does not ask for continuing permission for approval to allow the buses to remain parked on the site. Karen Murphy said she did request in correspondence to the Board the buses have been parking there and would like them to remain. Karen Murphy commented on the violation notice and said it was not brought to her attention until after the application was submitted. Board Planner, Mr. Nelson indicated the buses were addressed in his report. A discussion took place on obtaining parking permits for the Franklin Municipal Lot located on Main

## Franklin Borough Zoning Board of Adjustment Meeting Minutes for November 4, 2015

Street. Mr. Aaroe suggested the property owner apply for a use variance and discussed the application process with Mr. Dunn.

Mr. Finn indicated methanol drum storage tanks should be at least twenty five feet away from the point of transfer. He commented on the storage requirements and said two and a half gallons of methanol are added to every load. Mr. Suckey commented on additional storage for various residential tanks. Mr. Finn pointed out that storage tanks have been stored there since 1999.

### OPEN PUBLIC SESSION:

Mr. Kell made a motion to **Open to the Public Application ZB-07-15-1, Meenan Oil, Preliminary Major/Final Site Plan, D Variance, Block 10-4 Lot 26.** Seconded by Mr. Kopcsó.

Councilman Robert Dabinett stepped forward and said this is the first time he is hearing of this project. He commented on the Zinc Company that blew up on Main Street. He stated Franklin has a great fire department but also indicated they are volunteers. He talked about the time it would take for the volunteers to arrive at the site in an emergency. He suggested to have an emergency fire suppressant system set up on the site to cool the tank immediately if needed. He commented on residents in the area and feels a tremendous amount of damage could occur and thinks it will be in the best interest for the Borough of Franklin.

Mr. Finn stepped forward and stated fire suppressant is not very common in the propane industry. He said there is a very low record of emergencies and the plant only operates eight hours a day. He commented on the policies and procedures in place to avoid accidents. He has been operating the propane plant for 28 years and never had an incident. He commented on the safety devices that are in place now and he does not think a fire suppressant will make a difference. Mr. Finn discussed safety features on the tank, excess flow system, and commented on the fire departments response time. He also indicated he requires from all his employees that when they are loading a bobtail all keys are removed from the ignition. He discussed safety features in place when the fuel valve is removed.

Mr. Nick Giordano resident of 42 Mabie Street stepped forward. He was concerned if the Emergency Management Coordinator for the town reviewed the plans. He asked if there is a security plan which includes cameras or a link with the Police Department. He commented on vandalism and asked Mr. Suckey if the Franklin Fire Department has the proper equipment needed to do any type of firefighting at the vicinity. Mr. Suckey said the Franklin Fire Department is equipped to handle a situation. Mr. Giordano indicated safety should be our number one issue and said he is not against the project. He also pointed out to the Board that he has lived in town for many years and school buses have parked on the site for over thirty five years.

## **Franklin Borough Zoning Board of Adjustment** **Meeting Minutes for November 4, 2015**

He feels that Mr. Dunn, has always been a good person for the town of Franklin and asked the Board to consider his comments.

Mrs. Murphy and Mr. Suckey had a brief conversation regarding OEM, (Operations Emergency Management).

Mr. Knutelsky referred to his report dated October 7, 2015. He said on Item #12 it was indicated that as a condition of any approving resolution for the matter we recommended the Board require a specific safety meeting between the applicant, Franklin Borough OEM, and Franklin Borough Fire Department to plan for emergencies onsite. He stated as part of an approving resolution this could be a specific condition as a follow up meeting prior to implementation of the plan. Applicants Attorney, Karen Murphy said that would be acceptable.

Chairwoman, Louise Murphy questioned if additional cameras will be installed at the site. Mr. Finn said currently there are cameras inside and the plan is to put them on the outside of the building too. He also said the cameras will have the ability to record as well and said we can discuss with the Franklin Police if they would like a link into the cameras.

Mr. Dick Durina resident of 23 Lozaw Road stepped forward. He indicated he was a firefighter and also at one time was in charge of fire protection. He said it is very important for building design, automatic protection, automatic shutdown, and the suppressant system. He does not have a problem with the application but said safety and fire design is very important. He says if safety features are in place he does not see a problem with the application.

Mr. Finn discussed hours of operation. He said hours are seasonal and can be from 5:00am to 7:00pm. He indicated currently there is restrictions on the diesel club from 4:00am to 10:00pm. He would like those hours to be available for the propane plan as well. Mrs. Louise Murphy confirmed with Mr. Finn the gates are locked at all times. A discussion was had on the hours of operation for the propane plan. Mr. Finn discussed times trucks will enter and leave the site on a typical day.

Mrs. Karen Murphy said if the applicant received approval tonight they would like to waive written resolution to proceed with installation of the footings on the tank before the ground freezes.

Mr. Lynn Aaroe gave a brief review of items discussed tonight. Mr. Finn added an annual training drill at the plant and said he will also extend the invitation to Franklin Firefighters to attend the New York State Fire Academy for training. He said there is no expense on the Borough for this training. Board Members requested an Operation Emergency Meeting is added as a condition to the Resolution. Mr. Suckey indicated OEM has to do an annual upgrade and will reach out to companies to do

**Franklin Borough Zoning Board of Adjustment**  
**Meeting Minutes for November 4, 2015**

an upgrade at the county level. Mr. Knutelsky suggested to contact Mr. Williams to inform him when the OEM Manual is updated on an annual basis we are informed and notified of the process. The Board also discussed and added a condition that there will be no truck to truck transfers except for emergencies only. Mr. Finn discussed emergency situations.

There were no further questions or comments.

Mr. Estes made a motion to **Approve Application (ZB-07-15-1), Meenan Oil, Preliminary Major/Final Site Plan, D Variance, Block 104 Lot 36. Seconded by Mr. Kell.**

Upon Roll Call Vote:

AYES: Bonis, Estes, Kell, Kopcso, Soules, Murphy, Fantasia

NAYS: None            ABSTENTIONS: None

Mrs. Bonis made a motion to **Draft a Resolution for Applicant (ZB-07-15-1), Meenan Oil, Preliminary Major/Final Site Plan, D Variance, Block 104 Lot 36. Seconded by Ms. Fantasia.**

Upon Roll Call Vote:

AYES: Bonis, Estes, Kell, Kopcso, Soules, Murphy, Fantasia

NAYS: None            ABSTENTIONS: None

Mr. Soules made a motion to **Approve Board Secretary to Draft Letter for Applicant to begin construction on footings only and waive the approval of the Resolution. Seconded by Ms. Fantasia.**

Upon Roll Call Vote:

AYES: Bonis, Estes, Kell, Kopcso, Soules, Murphy, Fantasia

NAYS: None            ABSTENTIONS: None

Board Member, Mr. Skellenger returned to the meeting.

**OTHER BUSINESS:**

There were no other business to discuss.

**PAYMENT OF BILLS:**

Mr. Soules made a motion to approve the **Franklin Borough Zoning Board Escrow Report for November 4, 2015. Seconded by Mr. Skellenger.**

Upon Roll Call Vote:

**Franklin Borough Zoning Board of Adjustment**  
**Meeting Minutes for November 4, 2015**

AYES: Bonis, Estes, Kell, Kopcsó, Skellenger, Soules, Murphy

NAYS: None            ABSTENTIONS: None

**DISCUSSION:**

There were no discussions.

**CORRESPONDENCE:**

There were no correspondence.

**OPEN PUBLIC SESSION:**

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

No one from the public came forward.

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

**ADJOURNMENT:** There being no further business Mr. Kell made a motion to adjourn the meeting of the Franklin Borough Zoning Board of Adjustment. Seconded by Mrs. Bonis. All were in favor. Meeting was adjourned at 8:50 PM.

Respectfully submitted,

Karen Osellame  
Board Secretary