

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for September 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: Mrs. Bonis, Mr. Estes Mr. Kell, Mr. Kopcso, Mr. Skellenger, Mr. Soules, Mrs. Murphy, Ms. Fantasia, Mr. Suckey (Arrived 7:35)

ABSENT: None

ALSO PRESENT: Mr. T. Knutelsky, Harold E. Pellow & Assoc.
Mr. D. Brady, Brady & Correale, LLP
Mr. K Nelson, Nelson Consulting Group

APPROVAL OF MINUTES:

Mr. Skellenger made a motion to approve the **Franklin Borough Zoning Board of Adjustment Meeting Minutes for July 1, 2015**. Seconded by Mr. Kell.

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: None

Mr. Skellenger made a motion to approve the **Franklin Borough Zoning Board of Adjustment Meeting Minutes for August 5, 2015**. Seconded by Mr. Estes.

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: None

APPROVAL OF RESOLUTIONS:

There were no resolutions to approve.

APPLICATIONS FOR COMPLETENESS:

There were no applications for completeness.

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ADJOURNED CASES:

There were no adjourned cases.

APPLICATIONS TO BE HEARD:

(ZB-07-15-1) Meenan Oil Co. d/b/a Region Energy, Preliminary Major and Final Site Plan, "D" Variances, Block 104 Lot 36.

Board Attorney, Mr. Dave Brady announced that a decision has been made to carry the application to a Special Zoning Board Meeting on September 16, 2015. Mr. Brady indicated the applicant did notice for tonight's meeting. Board Member availability vote was taken and only four Board Members were available to attend the September 16, 2015 Special Meeting. It was decided that application (ZB-07-15-1) will be carried to the next regular meeting on October 7, 2015 and Mr. Brady stated no further publication will be needed. Mr. Brady also said he will contact the applicant's attorney. Chairwoman, Mrs. Murphy stated she would like to give each applicant adequate time to be heard.

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

Mr. Brady confirmed the applicant provided Proof of Notice for tonight's hearing. Mr. Clifford Lundin addressed the Board and indicated he is stepping in for the applicant's attorney, Mr. William Lovas. Mr. Lundin explained the Sterling Plaza Corporation and said the two principals of the corporation are Philip and MaryAnn Deacon. Mr. and Mrs. Deacon are sworn in by Board Attorney, Mr. Dave Brady.

Mr. Lundin said Sterling Plaza is a professional building located on Munsonhurst Road. He said the building has been vacant except for two small commercial operations for a period of two years. He indicated the applicant is asking the Board for necessary waivers, variances and conditional use to allow the applicant to convert the building into a residential use.

Mr. Philp Deacon stepped forward and said the office market in Sussex County is almost nonexistent. He said the building has been for rent for about a year and a half with many realtors and no one seems to be interested and he is losing money every month. He explained the current zoning for the building and is looking for approval from the Board to convert existing building into apartment units. According to Mr. Deacon he is still studying the market to see what unit sizes are in demand. Mrs. MaryAnn Deacon stated a marketing analysis is being conducted which will help them determine the number of units and how many bedrooms in each unit will be needed. Mr. Deacon said the maximum will be twenty units and he is aware of building department approvals and will meet their requirements. He is hoping this will also help and support the struggling strip mall. He talked about the businesses that are currently in the strip mall and discussed the proposed condominiums that were

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approved but were never build behind his property. He described where the connecting road would have been if the condominiums where ever built. He feels converting the building into a residential use will work and indicated he is making a major investment.

Board Planner, Mr. Ken Nelson reviewed his report dated 8-24-15. He indicated the applicant is requesting a D-3 variance to convert the existing office building into residential apartments. He reported the NC zone allows residential units as a conditional use but only on the upper floors of this structure. He talked about the restrictions of apartments to the upper floors and said this does not apply because the building is setback off Route 517. He indicated the applicant has not submitted a site plan and is hoping there are no other variances involved but stated this is difficult without a zoning table and having the dimensions of the site. He suggested this could be made a condition if the Board approves the application. Mr. Nelson indicated he did not do a review of the existing landscaping. He commented on Affordable Housing and said we do have to protect the municipality. A brief discussion took place on Affordable Housing and Mr. Brady indicated the number of units will affect COAH.

Mr. Deacon confirmed there are two tenants currently in the building and said they are both aware of the possible changes. He indicated they could stay or be moved to the strip mall. Mr. Brady commented on the commercial use on the first floor. Mr. Nelson expressed concern regarding the Building Code and commented on the parking spaces on site. Mr. Deacon confirmed there is enough parking spaces and a cross easement for the drive-way. The applicant's attorney presents the deeds and indicated there are no restrictions to commercial or residential. Mr. Deacon said when the site was approved the Borough required him to do a common entrance for both buildings and also required them to have the cross easements filed and documented. He indicated there will be no recreation space on the outside of the building. The plan is to put a gym for the use of the tenants in the basement and also include a storage area for tenants use. He indicated half of the basement will be used. Mr. Deacon described the ingress and egress to the basement area. He indicated the building currently has a three stop elevator and also stairs. He said from the basement area has a exterior door to the back of the building. He commented on the existing sidewalks and lighting around the building and said the lighting has been upgraded to LED lighting.

Mr. Tom Knutelsky the Board Engineer reviewed his report dated 8-28-15.

(Item#2) He said the applicant did indicate there are cross access easements available between the two lots. Mr. Deacon described how traffic circulates and exits through the site. He indicated there is one way in and one way out of the site. Mr. Knutelsky recommended the applicant apply for a County Planning Board Application or a letter of no interest to ensure that the new proposal meets county

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standards. A discussion took place regarding the location of the exit and entrance of the building.

(Item#3) He indicated 37 parking stalls are required and 64 parking stalls are located on the site.

(Item#4) Mr. Knutelsky described the current ADA accessible parking on the site. He suggested the current ADA stalls be moved to the front entrance so they can be accessibility to the first floor. The applicant agreed and said they will sealcoat the driveway after construction and also reline. Mr. Knutelsky indicated two ADA stalls are required but said since there is a potential for commercial use on the site he suggested three ADA stalls and include one van size. The applicant agreed. Mr. Knutelsky commented on the entrance and exit of the site and recommended additional Do Not Enter and No Right Turn signs. He recommended there be two Do Not Enter signs and the applicant was in agreement.

(Item#7) Mr. Knutelsky said the Franklin Borough Land Use Ordinance requires bike racks in new residential developments and recommends a bike rack added to the site. Mr. Knutelsky said the bike rack should hold six to eight bikes and located in the front of the building.

(Item#8) Mr. Knutelsky feels the site is well illuminated for a commercial site and indicated if the Board feels a need a light test can be performed at night.

(Item#9) The applicant explained the utility metering for each residential unit. He said each unit will have their own meter and will continue propane heating for the building.

(Item#10) The applicant indicated the exercise equipment and storage areas will be for tenants only.

(Item #11) The applicant agreed the garbage enclosure on-site is in need of repair and will remain in the same location. Mr. Knutelsky requested a condition on the resolution that a dimensional sketch of the recycling and garbage area be provided for review and suggested a six yard dumpster. A brief discussion took place on the garbage enclosure location on the site and they discussed the ADA accessible to the dumpster location.

(Item#12) The applicant said they will propose a new name change on the existing free standing sign. A discussion took place on different types of signs and the applicant indicated the current sign on site will be reduced by half the size. The applicant also discussed landscaping and lighting around the site.

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Mr. Deacon talked about changes in Sussex County and discussed vacant homes and houses that are in foreclosure. He said residential rentals are a strong market and feels office space rentals are fading away. Mr. Deacon indicated he is responsible for the maintenance, landscaping and snow plowing on the property. He commented on the type of market they are looking to attract. Mr. Deacon indicated the current tenants now will be notified and said we can accommodate them if they wish to stay. He said one tenant has expressed interest in leaving the building. A discussion took place regarding the tenants that are currently in the building. The applicant indicated they will work with the current tenants and help in any way.

Chairwoman Mrs. Murphy showed a concern entering the property and indicated the landscape blocks the view. Mr. Knutelsky also indicated shrubs block the No Right Turn sign coming out of the driveway. He said the existing access drive are sufficient and is standard for making the turns. Mr. Knutelsky feels additional signage is needed, a new stop bar, and said a double yellow line will help traffic circulation. He said a county application will be needed. He clarified with the applicant where the double yellow lines should be. A discussion took place regarding the entrance and exit of the building.

A discussion was had on the exterior lighting. Mrs. Murphy was concerned the current lighting outside would affect tenants inside the building. Mr. Knutelsky said the lights on site now are illuminating the parking lot and comply with Borough standards and Mrs. Deacon brought up that the lights are on timers.

Mr. Knutelsky continued reviewing his report.

(Item#13) He agreed the COAH provisions have been addressed and the applicant has agreed.

(Item#14) Mr. Knutelsky said the Sussex County Planning Board approval will be needed because there will be modifications to the entrance and exit characteristics. He said residential will have a greater operating hours. Also, the Franklin Borough Water & Sewer approvals because the building will be serviced by a well and the sewer now is for commercial EDU's. He indicated the current EDU's are seven and will change with the number of apartment units. Mr. Knutelsky commented on the pump station and said converting from limited commercial hours to residential will contribute to the pump station 24 hours a day/7 days a week. He said the DPW Superintendent would like to assure that the pump station will be able to handle the usage.

Mr. Suckey commented on the sites water well. He asked the applicant to address why he thinks converting to residential is the best solution. The applicant feels housing will help support other businesses in the area and feels there is no other use for the building. He said converting to residential could be the solution and Mrs.

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Deacon said bringing in the residential element could fulfill the intent of the zone because there is no residential component in the area. Mr. Suckey also expressed residential is the best fit for the building. Mr. Kell commented the applicant has also tried to rent the vacant space out with several realtors. Mr. Deacon discussed the different firms that has listed the property for rent. Ms. Fantasia commented on the elevator on the site and said it could attract older tenants. Mr. Soules asked the applicant if a children's play area will be on site. A discussion took place regarding children's recreation in the area. The applicant said there is plenty of room on site but at this time is not planning on including a recreation area. Mr. Deacon discussed the laundry facility in the basement and said it will only be used by the tenants. Mr. Suckey commented on the gym area.

Mr. Brady pointed out to Board Members and showed a concern, the applicant is requesting to convert the existing building into residential apartments but is not indicating exactly how many units there will be. Mrs. Deacon said the units inside will have to meet the building code requirements. She said it's hard to meet a concrete proposal not knowing if the use of the site will be approved. Mr. Deacon said he is proposing one or two bedroom units and also studio apartments.

Mr. Brady requested the applicant submit within thirty days a sketch of the outside signs with the final approvals. Mr. Deacon said the outside of the building will not change and the windows will be upgraded but will remain the same size. Mrs. Deacon also said windows will be added in the back units. Mr. Deacon said the first and second floor windows will need the egress and the back entrance that faces the mall will be eliminated and changed to windows. He indicated there will be one main entrance from the Ogdensburg side of the building and the side door will be eliminated.

A conversation took place regarding the current tenants in the building. Mr. Deacon said once he received approval from the Board he will discuss things further with the commercial tenants. Mr. Suckey talked about the building being a mixed use if the tenants decide to stay. Mr. Brady said the applicant is not clear on a number of things including the sign size and the number of units in the building. Mr. Deacon indicated he is not looking for new commercial business to move in and he discussed the location of the existing tenants. Board Members went back and forth and discussed the application. A discussion was had on the fire and safety codes and permits submitted to the construction department.

Mr. Brady reviewed with the Board items and conditions he highlighted during the meeting. He said there will be a maximum of twenty units and the applicant will comply with the COAH requirements. The applicant will also meet all codes for egress and ingress and there will be three ADA stalls. Also there will be additional Do Not Enter signage, stripping, and stop bars that will be determined by the County and Mr. Knutelsky. He said bike racks will be located in the front of the building and

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the outside lighting levels will be tested. The exercise and storage area will be for tenants only. The garbage and recycling facility will be Rebuild/Relocated. The signage on the property will be reduced by fifty percent in square footage and the applicant will submit a Final Floor Plan showing the building units.

Mr. Suckey commented on the outside planting that was damaged during a storm. The applicant agreed the damaged planting on the site will be replaced.

Mr. Brady said the Board Engineer will visit the site once construction is completed and review the lighting on the egress, ingress, and the sidewalk and make sure it meets the Borough's ordinance.

Mr. Brady indicated if the Board is in agreement a motion is needed to authorize him to draft a Resolution of Approval with conditions previously discussed. The applicant requested the application be carried to the Zoning Board Meeting on November 4, 2015.

Mr. Skellenger made a motion to **Authorize the Board Attorney to Draft a Resolution of Approval with Conditions for Sterling Plaza Inc. (ZB-06-15-1), Use D and Conditional Variances, Block 2701 Lot 8. Seconded by Mr. Soules.**

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: None

Mr. Brady announced the applicant Sterling Plaza Inc., (ZB-06-15-1) will be carried to the November 4, 2015 Zoning Board of Adjustment meeting.

OTHER BUSINESS:

There were no other business to discuss.

PAYMENT OF BILLS:

Mr. Kell made a motion to approve the **Franklin Borough Zoning Board Escrow Report for September 2, 2015.** Seconded by Mrs. Bonis. All were in favor.

Mr. Knutelsky updated the Board on applicant MRAN Franklin LLC, (Taco Bell). He said construction on the site is moving along. He advised the Board that the wall along the Walmart Drive will be removed due to the grades and said there is only a need for a guide rail with a short segment of a wall close to the Walmart. He described the color stone that will be used. He said he met with the applicant on sight and discussed the sidewalk. He talked about the possibility of removing some of the trees and replacing them because of their formation. He indicated they were not groomed well and were over grown. Mr. Knutelsky said he received a phone call

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several days later that the trees were removed. He indicated new trees will be planted to replace the five trees that were removed and he thinks it will be a much more attractive planting plan. He said we have not received a planting plan from the applicant and the engineer is not providing things quickly. He advised the Board there is a wall that will be placed along the entrance road to the Taco Bell. He said he has alerted the applicant on the procedure to obtain their Certificate of Occupancy.

Mr. Suckey suggested a letter be sent to the applicant regarding the removal of the trees. He feels they have violated the resolution and did not follow the original plans. Mr. Brady said he will discuss the situation with the Borough's Administrator. A discussion was had on how important it is for applicants to follow procedure and discuss first with the Borough of any changes that occur during construction. Mr. Nelson commented he would like to see the trees replaced this year and Mr. Knutelsky agreed. Mr. Knutelsky discussed with the Board his letter that will address his reviews and inspections of the site prior to the Certificate of Occupancy being issued. He also talked about a temporary Certificate of Occupancy. He indicated to the Board he did walk the site and said there were talks about removing the trees but he did not give them approval to do so.

DISCUSSION:

CORRESPONDENCE:

OPEN PUBLIC SESSION:

There was no Open Public Session. No one from the public was present.

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 9:28 PM.

Respectfully submitted,

Karen Osellame
Board Secretary