

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**August 20, 2012**

The meeting was called to order at 7:30 PM by the Chairman, Mr. John Cholminski, who then led the assembly in the flag salute.

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

ROLL CALL OF MEMBERS PRESENT: Mr. Christiano, Mayor Crowley,  
Mr. Lermond, Mr. Zydon, Mr. Foulds,  
Mr. Cholminski

ABSENT: Mr. Kulsar Mr. Oleksy, Mr. Suckey

ALSO PRESENT: Mr. David Brady, Esq.  
Mr. Ken Nelson,  
Mr. James Kilduff, Director

**APPROVAL OF MINUTES:**

There were no minutes to approve.

**APPROVAL OF RESOLUTIONS:**

**PB-07-12-1 Franklin Elementary School, Informal Review Solar Project, Block 1010 Lot 1 and Block 1401 Lot 3.**

Mr. Lermond made a motion to adopt the Resolution for **PB-07-12-1 Franklin Elementary School, Solar Project Block 1010 Lot 1 and Block 1401 Lot 3.** Seconded by Mayor Crowley.

Upon Roll Call Vote:

AYES: Mayor Crowley, Lermond, Zydon, Cholminski

NAYS: None                      ABSTENTIONS: None

**PAYMENT OF BILLS:**

Mr. Lermond made a motion to approve the **Franklin Borough Planning Board Escrow Report for August 20, 2012.** Seconded by Mr. Christiano.

Upon Roll Call Vote:

AYES: Christiano, Lermond, Zydon, Foulds, Cholminski

NAYS: None                      ABSTENTIONS: Crowley

**Discussion for Redevelopment Plan for Area E**

Mr. Kilduff updated the Board in saying the Council approved Mr. Nelson's preparation of the plan for Area E East of Route 23. He wants to do an all inclusive plan as there are corresponding issues and is time sensitive. Mr. Kilduff said a letter dated July 31 from the Commissioner of the DCA was received endorsing the plan and commending the work Franklin has done.

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**August 20, 2012**

Mr. Nelson referred to Area E Exhibit 1. He explained Area E consists of 19 properties; 6 on the east side of Route 23 and the remainder on the west side. He said based on work the Planning Board did and their recommendations, the Council voted to designate all of Area E as a Redevelopment Area and submitted the information to the Department of Community Affairs.

The next step is to prepare a Redevelopment Plan. Mr. Nelson said time is important in moving ahead for the preparation and adoption of a partial plan for Area E. Authorization to go forward came from Mr. Kilduff's Office and the Council. He said by law, the Planning Board is required to review and comment before adoption by the Council. It was decided to cut down the size of Area E in moving forward, coupled with certain issues related to Hardyston School. As instructed, the Hardyston School property was removed as part of the Redevelopment Plan. Upon looking at the other properties, there was a problem with the Rowett property as it is only accessible from the school site in terms of future redevelopment. Current property access is a safety hazard. His recommendation to remove Hardyston School and the Rowett property were approved.

Mr. Nelson said the plan is divided into five parts. The Introductory Section: Plan Stage; Section II: Local Planning Objectives and Goals and Objectives of The Redevelopment Plan which he quotes from various planning documents including the 2003 Master Plan and the Re-examination Report; Section III: Plan Details; Section IV: Consistency Review; Section V: Administrative and related components of the plan.

Mr. Nelson said Section III starts with an overview and discusses the individual properties and future use. Block 1601 Lot 5 is the Group 5 property, the future site of Wal-mart. As time progresses, it will be developed and re-developed according to the Board approved site plan.

Mr. Nelson referred to the map on page 17 depicting two land use categories that relate to the site plan. Category A is the retail component, (Wal-mart building) and the smaller Area A are the retail stores on Route 23. The remainder of that site had associated constraints; will be left as open space as is also indicated in Category B per the approved site plan. The collective road comes down through the site and is part of the redevelopment and approved site plans.

Mr. Nelson referred to and read for the record, page 9; last paragraph concerning the Group 5 property. He expressed his reasoning for its inclusion. Mr. Nelson said the next section deals with the three remaining lots collectively: Block 1601 Lot 6, 7 & 8. Lot 6 is the Parks & Forestry Building, currently vacant and is awaiting State determination but has moved ahead with the redevelopment area designation. He said the two remaining properties are problematic. Lot 7 is an oddly shaped property having a single family residence with environmental constraints. Lot 8 is a

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**August 20, 2012**

vacant property that should be part of a redevelopment plan. Lots 6, 7 and 8 were further clarified.

Mr. Nelson said he discussed the way he structured that section with Mr. Kilduff. He said the Borough can solicit RFP's and request proposals from developers to redevelop the three properties collectively or individually. He said the vacant property and the Hardy property should be developed together. Mr. Nelson said there are a number of constraints associated with those properties. He said the best approach would be to have an overall plan to look at them collectively rather than individually. Mr. Nelson recommended the next step, assuming the plan is adopted, solicit proposals from developers. He elaborated the parameters for a perspective developer.

The last section in Section III relates to the Board of Education property (Hardyston School). Mr. Nelson emphasized although it's not part of the plan, he felt it appropriate to speculate what it could be utilized for if it were to be relocated. He suggested mixed use development would be appropriate there. This property appears important in terms of the future regardless of its inclusion in the Redevelopment Plan or the Redevelopment Area. The Borough may want to work collectively with the Board of Education to place a collective road onto the property.

Mr. Lermond asked the reasoning for the time factor rush. Mr. Kilduff said there's a development plan for the largest parcel for its inclusion in that plan. He wants to proceed in moving the properties along and get a development plan. These are good reasons for proceeding. Mr. Kilduff said escrow money is being used to get the plan done. He has spoken to the Board and Council for future funding. The question being, designate which areas for redevelopment and its affordability.

Mr. Christiano asked if the properties timeline are being tied to the Group 5 timeline. Mr. Kilduff said no, they're moving ahead with the plan of the designated area in need of redevelopment which the State has approved.

Mr. Nelson said the worst thing in designating an area as an area of redevelopment is to do nothing with it. As the Group 5 property is moving forward in redevelopment despite some issues, make this plan necessary and important. The Parks Building is the most important in quick redevelopment to return to the tax rolls.

Mr. Nelson provided his thoughts on the removal of the Hardyston School's property and its future. He also mentioned he realized the Group 5 property has a connection with the rest of the redevelopment area.

Mr. Zydon asked if the State had approved it with the school in or out to which Mr. Nelson responded, "in." He said the Council now has to go back and inform the State of its removal. It's time-frame process was asked and Mr. Nelson said they

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**August 20, 2012**

move quickly. He doesn't think it will be a major issue for the State regarding its removal and the provision of the extenuating circumstances.

Mr. Cholminski expressed his thoughts on a plan delay and the possible impacts to the property owners and the future outlook.

Mr. Lermond expressed his concern over the designated area, the connector road and the forward pace.

Mr. Nelson said the connector road has been discussed for 30 years. He said a portion is coming through Group 5 property assuming Wal-mart goes ahead.

Mr. Lermond said that's the plan's objective to which Mr. Nelson agreed and said, that leaves us with the missing gap thereby leaving the Council with decisions to make in that regard. The connector road issue was further discussed. Mr. Nelson said the way the market is today, if the Borough moves forward in putting out an RFP, interest is unsure but should still move in that direction.

Mr. Cholminski said you need people, the community and property owners to come together in the redevelopment effort and decide for the long-term for Franklin's future. Without an RFP or someone with time and money to spend on professionals, nothing will happen.

Mr. Nelson said if this plan is approved by the Council, before putting out requests for proposals, a meeting with the affected property owners is needed who may have ideas for those properties. He said at this point, the draft talks about commercial and mixed use development.

At this time a discussion was had regarding the possible RFP's pertaining to the three properties and the current state of the Group 5 property.

Mr. Zydon questioned the impetus for taking the school out. Mr. Nelson said he doesn't want to suggest that the Borough wasn't prepared to fight if they felt it was important and necessary. The conclusion he came to was that's not a fight to pursue at this time.

Mr. Brady said that decision was up to the Council based on their recommendation of what Area E should consist of. The Council takes the recommendation, reviews it and then decides what should be declared. They decided to modify everything. The Board's function is to review, comment and particularly the comment on the consistency with the Master Plan.

Mr. Zydon commented 25 years down the road, we may be revisiting the Hardyston School issue. If it's in the plan, and there's nothing to go in there, we have something there just in case.

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**August 20, 2012**

Mr. Cholminski said the Borough has no jurisdiction over the school property. They want to influence the State to do something with the property. He said this is a done deal approved to redevelop. The question is to comment if Section E meets the Master Plan which calls for a collective road. Mr. Nelson said this Board is required to make a recommendation back to the governing body about the consistency and for changes within a reasonable scope.

Mr. Nelson said the Master Plan repeatedly talks about this being a gateway to the municipality yet we have a State owned building which needs to change. He said the west side of 23 is not less important. He urged the Borough to move ahead quickly. He also said the west side requires further review and thought before a broad brush plan. It has difficult components to be addressed. He's more comfortable with two sections and provided his reasoning.

Mr. Lermond questioned the ultimate driving factor. Mr. Nelson said it's not unusual based on how other municipalities deal with redevelopment areas. Mr. Lermond said he doesn't see the potential with a bigger group.

Mr. Brady said it's not our function to second guess what has been done. We're here to review the consistency with the Master Plan. Mr. Lermond offered his thoughts on redevelopment.

Mr. Zydon asked if our elected officials were contacted regarding the State property. The Mayor said this went all the way up to the DEP Commissioner last year. He said he'll be calling the DEP officials to discuss the property in hopes of selling it. The property was further discussed.

Mr. Cholminski said the worst option is to do nothing. He understands Mr. Lermond's point regarding plan change. The school property was always a known entity that wasn't going to be there because we have no judicial oversight over that property. The school property and the Forestry Building were further discussed.

Mr. Lermond made a motion to **Open to the Public Redevelopment Plan for Area E**. Seconded by Mr. Christiano. All were in favor.

Paul Clark, Route 23 asked what does Mr. Nelson have in mind for his property and of his rights as an individual property owner. He questioned the pending road and its constraints. Mr. Cholminski said "we understand the constraints and the buffers required".

Minnie Keenan, 43 Route 23 asked why her property is important to Redevelopment. She addressed her concerns, questioned her property's inclusion and the opportunity to voice her opinion of the Redevelopment Plan. Mr. Kilduff clarified her property's status and advised tonight is limited to the east side of Route 23.



**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**August 20, 2012**

Mr. Cholminski asked if there was a time estimate. Mr. Kilduff said the start of the Redevelopment Plan for Area E has not been broached with the Council. He will be asking for funding for it and are looking at four other areas. The east and west side of Route 23 were further discussed. Mr. Cholminski stated the west side was in the original Redevelopment question and will eventually get to discuss the west side.

Pat Rowett, Route 23, Franklin, stepped forward. Ms. Rowett said she has a small property next to Hardyston Township School and asked for the status of her property in the plan. Mr. Nelson said he proceeded on the basis it was being removed in making the plan. It doesn't include her property or the school. She informed Hardyston Township was there today, replacing their front building entrance with handicap accessibility and further described work being done.

Ms. Rowett said the Forestry Service Building installed new overhead doors to accommodate boat arrivals from the Lake Hopatcong Commission and discussed the interior remodeling being done. Ms. Rowett stated she spoke to the Forestry Park Service and the DEP of their intentions to maintain the building. She said it's actively used with bare ground maintenance. Mr. Cholminski commented what's in the best interest of Franklin isn't necessarily in the best interest of the State or Hardyston School. The goals are different and we're pursuing the positive use of that building.

Ms. Rowett said she keeps in touch with everyone. She questioned the expense of Redevelopment Plan funding. Mr. Cholminski asked Mr. Kilduff to advise. Mr. Kilduff said the draft plan is covered by escrow money; not by the taxpayers. She addressed her concern of the plan degrading her property value. Mr. Cholminski said Redevelopment was already approved; and wants to address her comment on the east side of Route 23. Ms. Rowett said she wanted to ensure her property was removed and not re-include it in the future. Mr. Cholminski said the recommendation goes to Council for approval and if there were a future change, there's a hearing process and she will be notified.

Robert Beck questioned the connector road's plan and placement. Mr. Nelson explained the road route using the map.

Ann Hardy, Route 23, Franklin, said she's with Skip Clark. She said when he was briefly pointing to the connector road, he's pointing to the middle of Black Bear Gulf Course which isn't part of the property and wants clarity of the connector road. It was clarified Black Bear is North. She said without a topographical map, the connector road is as an imaginary line and votes out of this plan.

Mr. Lermond made a motion to **Close to the Public Redevelopment Plan for Area E**. Seconded by Mayor Crowley. All were in favor.

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**August 20, 2012**

Mr. Brady said the function of the Board is to look at the Redevelopment Plan and comment back to the Council. The statutory function of the review and comment is to comment whether the Redevelopment Plan is consistent with the Master Plan.

Mr. Cholminski said we have Redevelopment Area East, last time we made a motion to draft a Resolution to recommend to the Mayor and Council, adoption of the Redevelopment Area currently studied. Now we have a modification to that Resolution. Mr. Kilduff said they acted on that. He asked Mr. Kilduff what is needed for Mayor and Council. Mr. Kilduff said they're looking for comments on the plan. Mr. Cholminski asked how input is given. Mr. Brady said typically, if Council wants to adopt a Resolution before the next meeting, he sends a letter to John Ursin advising action, will receive basic comments which follow, and a Resolution in due course and adopt the Resolution later.

Mr. Cholminski asked what kind of motion is being sought for to close the discussion. Mr. Brady said a motion to adopt a Resolution indicating whether or not the plan is in conformance to the Master Plan of intent.

Mr. Lermond asked how is comment given? Mr. Brady said you would state you found it consistent and recommend the Borough Council to consider the following. Mr. Lermond commented to then request a letter of confirmation. Mr. Kilduff said the direction is Council wanted this on the next agenda. Mr. Brady said he likes to have it in a Resolution for a paper trail and will forward a letter in the meantime.

Mr. Cholminski said the Resolution we're looking for would be to state this is inconsistent with the Master Plan and asked for comments from the Board members. Mr. Lermond commented, as far as constitutional or jurisdictional requirement of the plan, he's okay with it all. He's confused with the comments section and how does adopting such a plan have consistency that way. Mayor Crowley said you're not adopting the plan, you're just making comments.

Mr. Cholminski said the Mayor and Council will finalize the areas to be included then decide if the Planning Board is going to take any steps to doing the plan. Mr. Kilduff said they have to adopt by Ordinance the plan itself and designate themselves or a redevelopment authority. Mr. Brady said they're not going to have us develop a plan, they could have had us develop a plan; instead, they developed the plans that Ken presented tonight. They have asked us to comment on the plan. There's an alternative track that it could follow; delegate us to develop or develop it themselves and have us comment.

Mr. Cholminski said the next step could be they create a commission; that's where details come together. Mr. Brady said, as Ken said, there's not going to be a ton of detail because they're going to leave it to potential developers; RFP's who will use their expertise, time, money and soft costs to develop more details to the plan.

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**August 20, 2012**

Mr. Nelson said a next step has to be taken by the Borough whether it's taken by Council or they authorize the Planning Board to assist. It's what the package will look like that goes to the developers; there needs to be explanatory material. As part of your resolution, it would be appropriate to request the Council authorize you to work on the next steps for Lots 6, 7 & 8 specifically, which could involve further discussion with the property owners, the Board, packages to developers, and set a time frame.

Mr. Cholminski questioned if this Board can do that as the Mayor and Council can decide someone else do that. Mr. Nelson said they can ignore that but somebody has to do the work or nothing is going to happen. Mr. Cholminski said considering there's not a lot of funding, that someone may be a volunteer Board.

Mr. Zydon questioned voting for or against a resolution. Mr. Cholminski said it's not to agree or disagree it's to say this is consistent with our Master Plan.

At this point, a discussion was had regarding potential commentary to be made by the Board regarding the Master Plan such as for the Hardyston School, the connector road and of the Council's decision.

Mr. Cholminski said so we're back; do we have consensus on what the comment should be. Mr. Brady said it would be; it appears the plan is consistent with the Master Plan; the Board however, would encourage the Council to take further steps to ensure sufficient properties are included to make the collector road more viable in the future.

Mr. Lermond said the comment is clear and concise. Mr. Cholminski said a motion is needed.

Mr. Brady said the motion would be to find the plan as presented by Ken is consistent with the Master Plan. Mr. Cholminski said also, I would like to add authorizing our attorney to summarize that and tell a Resolution will be coming. Mr. Kilduff asked if this action can be summarized in the form of a Resolution or does it need to come back a month from now; it's relatively brief from what I'm hearing. Mr. Brady said the Board doesn't have a Resolution in front of it to look at based on the conversation had. The Board will be very judicious in deciding whether it likes the wording of the Resolution. I'll send a letter to Council indicating what we did and the Resolution will be forthcoming for the purpose of memorialization and record-keeping, but this is the action we took.

Mr. Kilduff said we'll do a letter prior to the next Council meeting which will summarize. The next meeting is the second Tuesday of September.



**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**August 20, 2012**

Mr. Foulds made a motion that the **Redevelopment Plan for Area E is consistent with the Master Plan and have added our comments to it.** Seconded by Mayor Crowley.

Upon Roll Call Vote:

AYES: Christiano, Crowley, Lermond, Zydon, Foulds, Cholminski

NAYS: None                      ABSTENTIONS: None

Mr. Cholminski referred to the proposed meeting dates for 2013. Mr. Kilduff said at the Reorganization Meeting, the dates for the year are officially adopted.

**CORRESPONDENCE:**

Mr. Kilduff reviewed the correspondence. Mayor Crowley said he had one from the Planner regarding COAH trust funds. We may or may not lose funds.

**OPEN PUBLIC SESSION:**

Mr. Lermond made a motion to Open to the Public. Seconded by Mr. Christiano. All were in favor.

No one from the public stepped forward.

Mr. Christiano made a motion to Close to the Public. Seconded by Mr. Lermond. All were in favor.

**ADJOURNED CASES:**

There were no adjourned cases.

**APPLICATIONS TO BE HEARD:**

There were no applications to be heard.

**OTHER BUSINESS:**

**DISCUSSION:**

**ADJOURNMENT:**

There being no further business to come before the Board, the meeting was adjourned at PM on a motion by Mr. Lermond. Seconded by Mayor Crowley. All were in favor.

Respectfully Submitted,

Robin Hough  
Secretary

Ruth Nunez  
Secretary