

Franklin Borough Planning Board
Meeting Minutes for
February 21, 2012

ORIGINAL

The meeting was called to order at 7:31 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. Lermond, Mr. Kulsar,
Mr. Suckey, Mayor Crowley,
Mr. Zydon, Mr. Foulds, Mr. Cholminski

ABSENT: Mr. Christiano (arrived 7:33), Mr. Oleksy

ALSO PRESENT: Mr. David Brady, Esq.
Mr. Thomas G. Knutelsky, P.E.
Mr. Ken Nelson, P.P.
Mr. James Kilduff, Director

APPROVAL OF MINUTES:

Mr. Lermond made a motion to approve the **Franklin Borough Planning Board Reorganization Meeting Minutes for January 17, 2012**. Seconded by Mayor Crowley

Upon Roll Call Vote:

AYES: Crowley, Kulsar, Lermond, Suckey, Zydon, Cholminkski

NAYS: None ABSTENTIONS: Christiano

(Motion approved)

APPROVAL OF RESOLUTIONS:

Mr. Lermond made a motion to adopt the resolution **recommending a zone change for Block 70, Lot 3**. Seconded by Mr. Christiano.

Upon Roll Call Vote:

AYES: Christiano, Crowley, Kulsar, Lermond, Suckey, Zydon, Cholminski

NAYS: None ABSTENTIONS: None

(Motion approved)

APPLICATIONS FOR COMPLETENESS:

PB-01-12-1 Hillside Estates of Franklin, LLC. Preliminary and Final Site Plan, C Variance, Block 73 Lot 5.01 (New Block 2702 Lot 17).

Mr. Knutelsky referred to his report dated February 14, 2012, section B.

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Mr. Knutelsky said the applicant requested full waivers for items #14, 20, 24, 25, 28, 37, 38, and 39. Mr. Knutelsky stated he recommends full waiver for those items.

Mr. Knutelsky recommended temporary waivers requested for completeness only for checklist items #17, 19, 23, 30, 33, 43-48. Checklist item #17 is for signature lines, #19 for spot elevations, #23 aerial photos of all buildings within 200 ft, #30 need for proposed signs and exterior lighting, #33 landscaping, #43-48 are final site plan requirements. Item #26 tree save plan is not applicable. Mr. Knutelsky recommended that this matter be deemed complete.

Mr. Cholminski summarized what Mr. Knutelsky said, regarding waivers and temporary waivers.

Mr. Lermond made a motion to deem application complete **PB-01-12-1 Hillside Estates of Franklin, LLC. Preliminary and Final Site Plan, C Variance, Block 73 Lot 5.01. (New Block 2702 Lot 17).** Seconded by Mayor Crowley.

Upon Roll Call Vote:

AYES: Christiano, Crowley, Kulsar, Lermond, Suckey, Zydon, Cholminski

NAYS: None ABSTENTIONS: None

(Motion Approved)

ADJOURNED CASES:

APPLICATIONS TO BE HEARD:

OTHER BUSINESS:

PUBLIC HEARING:

Mr. Cholminski listed the public hearing topics on the agenda.

- **A Preliminary Investigation Regarding the Designation of a Proposed Area in Need of Redevelopment Known as Area A.**
- **A Recommendation Regarding the Designation of a Proposed Area in Need of Rehabilitation Area B.**

Mr. Brady read the redevelopment process and how it works. The process began with Borough Council authorizing the Planning Board to study whether or not an identified area is in need of redevelopment or rehabilitation. The next step would be preparation of a map showing the boundaries of the proposed redevelopment area and location of the various parcels with that area. After the preliminary investigation is completed, the Planning Board then conducts a public hearing on the investigation. That is the step we are at tonight. Notice was published in the newspaper. Every owner of property within the redevelopment area also gets notice

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by mail. The reason we are here tonight is so everyone interested in the redevelopment or rehabilitation zone or affected by it, have a chance to hear the presentation and analysis that has been done. The public will also have an opportunity to place an objection on the record tonight.

Mr. Brady stated that after tonight's hearing, we draft a recommendation to the Borough Council regarding the redevelopment and rehabilitation study. If we recommend a redevelopment designation, it can include all the properties in the proposed redevelopment area or select properties. If property is included in the redevelopment area, does not necessarily mean it is need of redevelopment. The statue authorizes the municipality to include properties in the redevelopment even though that specific property is not in need of redevelopment. After the Council receives the planning board's recommendation, the Council can go forward and adopt a resolution determining that the area, or any part of it, is an area in need of redevelopment. The Council does not have to have its own public hearing on the redevelopment designation study. You will not receive specific notice of the Council meeting. It will be a publicly advertised meeting. Anyone who lodges a formal written objection to the redevelopment designation tonight, is entitled to receive formal written notice of the Council's action within 10 days. Mr. Brady recommended that if you have an objection tonight, to file a written objection.

Mr. Brady said that the goal of redevelopment is to improve the area and attract new investment and new development. A Redevelopment plan could provide property owners with a mechanism by which developers can now take on properties. The need for surrounding properties to be included in any meaningful or economically viable redevelopment plan, may give an opportunity that didn't exist before. Eminent domain is a possibility but no municipality likes to exercise that right.

Mr. Brady said there is a slight difference between the criteria of Redevelopment Area and Rehabilitation Area. The rehabilitation is the repair, renovation, reconstruction of existing structures and it may include new construction. Taking what is existing and upgrading it. Rehabilitation plan is frequently used to reverse a pattern of decline in a residential area. All that is required is a resolution by the Borough Council that designates the area as an area in need of rehabilitation following a review of the proposal by this board.

Mr. Brady said that with the Rehabilitation Area, the power of eminent domain does not exist so that is not something anyone who is the Rehabilitation Area should be concerned about.

Mayor Crowley commented the rehabilitation area, the main street area, eminent domain is not part of that process for rehabilitation. Mayor Crowley stated that nobody on this board or on the council has expressed any interest in using eminent domain as a tool in doing this. The town is not interested and is not looking to take anyone's property.

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Mr. Kilduff gave a brief history of how we got here tonight. Back in July 2008, Mayor Crowley formed an Ad hoc committee. The purpose of that committee was to look at downtown revitalization and to consider whether a recommendation should be made to form a redevelopment commission. That committee was formed and Mr. Suckey was the Chairman. Representatives from the EDC, Planning Board, Zoning Board and himself were on the committee. As committee was formed, they not only looked at downtown area, but also the entirety of Franklin. From that committee's work, five areas were developed that they thought could be considered for redevelopment or rehabilitation. They made that recommendation back to planning board and the planning board agreed with recommendations and forwarded them to council. When it was first forwarded to council, it was declined because it involved money. The Planning Board continued to make recommendations to the council with the study of all five areas to see if they met the criteria for redevelopment and rehabilitation. They felt that the only way they would know that is to conduct the studies. The council reconsidered. The council did appropriate funds to undertake the study. Mr. Nelson, our planner, has been working with the Planning Board on these five areas. Tonight is a discussion of the first two of these five areas.

Mr. Nelson discussed the recommendation regarding the designation of a proposed area in need of redevelopment known as Area A and Area B. Area A consists of 11 lots and approximately 44 acres and extends from zinc mine property to midpoint Main Street and all the way to former Rowley Lumber yard. Mr. Nelson used exhibit 1 to show Area A. The statute requires that each property be looked at individually to determine whether or not each property will be qualified based on the criteria. First is substandard, unsafe, dilapidated of building. Second is the discontinuance of the use of buildings. Third is the vacant land. The fourth is areas with building or improvements which why reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, or obsolete layout and other factors that are detrimental to the safety of the community. A number of these properties are qualified for the redevelopment area. Mostly criteria C & D. According to Exhibit A, the zinc mine property, identified as block 16, lot 78 and adjoining property identified as block 16, lot 80 both were part of the 2003 study and are qualified. Looking more closely, lots 12, 13, 14 and 37 would have value in redeveloping area and bringing in access road from Rte. 23. Redevelopment of these properties is important and would be to the benefit of Main Street. Mr. Nelson suggested that if you would like to review Area A, it is available on the Borough website. Also, the State of NJ has issued a Redevelopment handbook which is online and can be accessed through the NJ Department of Community Affairs.

AREA A – REDEVELOPMENT

Mr. Lermond made a motion to **Open to Public**. Seconded by Mr. Suckey.

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Mr. Tom Foley, 168 Main Street, Franklin, stepped forward.

Mr. Foley asked what is involved in funding the redevelopment and what goals do we have? What is the next step?

Mr. Nelson said that part of the planning process for Main Street was developed back in 2005 and as part of that plan; it was recommended that the Zinc Mine property be re-zoned. It was re-zoned as a high density, age restricted housing but the market fell apart. The re-zoning now needs to be re-thought. We don't know yet what the plan for this area will be. Ken said that the public will be included from the beginning in the redevelop. Mr. Nelson said the funding issue is problematic and will be looked into..

Karen Folkerts, 113 Main Street, Franklin, stepped forward.

Ms. Folkerts suggested if we had businesses, it would be beneficial since there are not a lot of jobs available. How does the reduction in sewer allotments relate to redeveloping the zinc mine? Mr. Kilduff said it is a sewer service area. Mr. Nelson said it does not tie into sewer for that area and still in sewer service area. Mayor Crowley said there was an allotment made of sewage for that area.

Tony Patire, Zinc Town Properties, stepped forward.

Mr. Patire said the right thing to do is to have a redevelopment area. Mr. Patire said he has been working with Mayor Crowley to redevelop the property. Mr. Patire introduced the architect for the firm Mr. Lou DiGeronimo.

Mr. Louis DiGeronimo, 12 Sunflower Ave, Paramus, stepped forward

Mr. DiGeronimo is a licensed architect and professional planner. Mr. DiGeronimo is addressing the Board as a member of the public, not as a professional.

Mr. DiGeronimo represents a development group for the Zinc Town property. A mixed use proposal is being used for the property; the use would be residential, educational, and commercial and railroad museum. Mr. DiGeronimo supports what the Board is doing.

Mr. Brian Rivenburgh, Lot 11, Rowley Building, stepped forward.

Mr. Rivenburgh said the property is old and he is looking for a new tenant. Mr. Rivenburgh asked if they do declare this a redevelopment district, how does he track a long-term tenant on his property? A tenant will not want to rent my property and I can't see me wanting to redevelop my property or put money into my property if town is going to take it. I will still have to pay property taxes and school taxes.

Mr. Brady said there is no guarantee it will not affect the value of the property. Mr. Brady suggested two avenues to choose; one is sit back and wait or look at it as an opportunity to redevelop and get involved in coming up with a plan.

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Mr. Rivenburgh asked how he is going to be compensated for his property. Mr. Rivenburgh said he will not be able to attract a long-term tenant knowing that they are going to put a road through their property. Will the borough have plans to compensate property owners? Mr. Brady said there are no plans for that at this time. Mr. Rivenburgh ended by saying it is easy for you to say to get involved.

Mr. Mike Krupa, 134 Main Street, Franklin, stepped forward.

Mr. Krupa stated that he believes Main Street, Franklin is Rte. 23. If you want to redevelop and bring back Main Street, you have to start cleaning up the drugs. He stated there were 68 properties for sale or in foreclosure. Mr. Krupa asked how this redevelopment is going to impact me, as a taxpayer, in the long run.

Mr. Nelson said that the intent is to revitalize Main Street. Mr. Nelson said that there are number of things to enhance Main Street. It is critical that the Zinc Mine properties be included in that effort. Taxes will probably not be reduced. The goal is to make the Main Street area an enjoyable place to be.

Mr. Krupa said that you are planning on something but do not know how the costs will impact the taxpayer. Mr. Cholminski said it is hard for the Planning Board to know how it would increase taxes. Mr. Cholminski said you can only hope that the Zinc property would bring more value, higher ratable and increase the revenue to the town. A nicer Main St. will increase property values. Mr. Krupa asked again if they can project the cost of the project. Mr. Cholminski said the cost to town should be minimal.

Mr. Rich Shearstone, 39 Sterling St, Franklin, stepped forward.

Mr. Shearstone asked about certain homes being eliminated. Mr. Shearstone stated that Main Street has deteriorated, run down, there is no parking for businesses and drug dealers sit on benches. It is hard for someone to start a business. Mr. Shearstone just wanted to make sure his home is safe.

Betty Allen, 24 Jenkins Road, Franklin, NJ, stepped forward.

Mrs. Allen hopes this time redevelopment does go forward. Mrs. Allen said it will bring more ratables to the town. Mrs. Allen said it will bring back a steadiness to Main St. since the Zinc Company was here. Mrs. Allen asked if there was tax abatement for Main St.? Mayor Crowley was not sure if it is still in effect and no one took advantage of it. Mrs. Allen said it was the best kept secret. People should have been told so that would encourage people to fix up their buildings. Mayor Crowley said it was advertised.

Karen Stefkovich, Michaels Jewelers, Franklin, stepped forward.

Ms. Stefkovich asked if they were going to do anything with Lehigh Street, which is a dead end street. Mr. Nelson said it is not in the redevelopment plan. Mr. Nelson said that the only way to extend Lehigh Street would be through your property and the only way to do that would be if they are in redevelopment area and they are not.

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Mr. Robert Allen, 24 Jenkins Road, Franklin, stepped forward. Mr. Allen had a 1928 map of the town and zinc mine area. Mr. Allen said he was a miner 20 years and there are many holes

Mr. Brian Rivenburgh, Lot 11, Rowley, stepped forward. Mr. Rivenburgh asked if the planner had some success stories to share similar to Franklin's plan? Also, does the Borough have plans for marketing this redevelopment plan? Mr. Nelson stated a lot of municipalities have abused this redevelopment process. Mr. Nelson said every municipality is unique. The developer is usually responsible for the marketing but the municipality can be involved.

Mr. Kucks, 386 & 388 Rutherford Ave., Franklin, stepped forward. Mr. Kucks, owner of lots are 12 & 13. Mr. Kucks asked why these lots are added in when they are not qualified for redevelopment. Mr. Nelson said that is a B-2 zone, residential property. It has been included because it is important to the overall redevelopment area. Mr. Nelson said it is really not clear where the access road will be. Mr. Cholminski said they are not sure what would be there. Mr. Kucks said that if he tries to sell his home, it will hold him back because it is part of the redevelopment plan. Mr. Kucks said he is the driveway to their plan. Mr. Nelson said we need to take a serious look at what the road is going to look like.

Mr. Paul Martinelli, 30 Galesi Drive, Wayne, stepped forward. Mr. Martinelli's company owns several parcels in town. Mr. Martinelli wants to commend the Mayor, Chairman and all parties involved for taking the initial steps in the redevelopment process. Mr. Martinelli said he is glad to see the process is moving forward.

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

REHABILITATION – AREA B

Mr. Nelson emphasized that Area B is a proposed rehabilitation area, not a redevelopment area, and it operates by a different set of rules. The statute is different in terms of what criteria gets applied. Mr. Nelson explained the criteria that as applied.

Mr. Nelson spoke of the Main St. plan from 2005 and said that plan encompassed a larger part of Main St. than his report. His plans cover from Hudson St. to the Municipal Bldg. The residential parts of Main St. which are single and double family homes will most likely remain the same. The consideration will be on the vacant commercial structures and some commercial structures that have been converted to residential. Some may be just updating their appearance. Ken said whatever plan

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is developed with Main St. would be tied in with the plan for Area A. The Area B study includes 70 individual lots and total acreage is 19 acres.

OPEN TO PUBLIC TO DISCUSS AREA B

Mr. Lermond made a motion to **Open to the Public**. Second by Mr. Suckey.
All were in favor

Mr. Tony Patire, Zinc Town Properties, stepped forward.

Mr. Patire suggested that the frontage area of the change house and museum be included in the rehabilitation area. The plan can have the same approach as a redevelopment plan but the eminent domain power is not present in rehabilitation. Mr. Cholminski suggested that it would be to your advantage to have it in the redevelopment area.

Mrs. Betty Allen, 24 Jenkins Road, Franklin

Mrs. Allen asked about the rest of Main Street and mentioned how Sussex Borough has turned their Main St. around. Mr. Nelson said Main St. in Sussex has some advantages. Sussex is more compact than Franklin and is close to Rte. 23 but also disadvantages, such as parking. Mr. Nelson said that Franklin's Main St., once it is revitalized, can handle the parking problem.

Lori Foley, 168 Main Street, Franklin stepped forward.

Mrs. Foley likes the idea of letting people know we have a downtown center that is historic. Mrs. Foley said when she bought her house 32 years ago, it was a quiet neighborhood. Mrs. Foley said she hopes it we will continue to stay a quiet neighborhood. Mr. Nelson suggested that we need to look at what is realistic and what is feasible for Main Street in the 21st century.

Karen Folkerts, 113 Main Street, Franklin stepped forward.

Ms Folkerts asked if the master plan is scrapped at this point. Mr. Cholminski said no; and this means there is more flexibility in the zoning for those properties. Ms. Folkerts asked if the 55 and over is scrapped? Mr. Cholminski said it is there until it is not. That is the current zone. Ms. Folkerts asked about whether the zoning on her property was mixed? Mr. Crowley said it originally was commercial and should have been residential.

Mr. Paul Nilan, 28 High Point Circle, Franklin stepped forward.

Mr. Nilan owns rental property on 123 Main St. Mr. Nilan asked if Area B means they are asking people to do something with their properties. Mr. Nelson said an enforcement plan is not there for rehabilitation as with the redevelopment area because you cannot use the powers of eminent domain. The plan would be a voluntary plan and incentives would be offered to encourage upgrades to properties. Hopefully, everyone will want to enhance the area. Mr. Nilan asked if both plans will coincide with each other. Mr. Nelson strongly recommended to do them together.

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Mr. Nilan asked if anyone has considered time restraints. Mr. Nelson hopes by year end we will have some ideas about the plan. Mr. Nelson suggested time frames be set.

Mr. Tom Foley, 168 Main Street, Franklin is concerned that the problems with Main St. have risen over the years. Mr. Foley said when he first moved to Franklin there were a lot of store fronts and now they are apartments. How can we stop it for the future? Mr. Foley feels we need to follow through with our plans, especially Main St.

Mr. Alfonso Caliendo, 81 Main Street, Franklin, has been to several meetings and no one seems to do anything. Mr. Caliendo is frustrated that nothing ever happens year after year with Main St. He is hoping that something positive happens. Mr. Cholminski agreed with Mr. Caliendo about Main Street. Mr. Cholminski said that hopefully we can apply zoning to use creative tools such as rehabilitation and redevelopment to rebuild the town and the area.

Judy Williams, 279 Wildcat Road, Franklin.

Mrs. Williams said that there are a lot of negative elements that people do not see on Main Street unless you live and work on Main St. Mrs William talked about the severe drug situation on Main St. Mrs Williams said we are having a hard time getting good quality tenants because of the drug situation. Our law enforcement needs to be proactive and we need to work together about the situation. Mr. Cholminski said that hopefully the purpose of this rehabilitation discussion will help. Mayor Crowley said that the police are very much aware of the problems on Main St.

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

Mr. Cholminski said that all of the information tonight was good and that it will be brought to Council. Mr. Cholminski asked the attorney to draft a resolution.

Mayor Crowley made a motion to authorize Mr. Brady to prepare a resolution recommending the need of Redevelopment of Area A and Rehabilitation of Area B to Mayor and Council. Seconded by Mr. Lermond

Roll Call Vote:

AYES: Christiano, Crowley, Kulsar, Lermond, Suckey, Zydon, Cholminski

NAYS: None ABSTENTIONS:

(Motion Approved)

PAYMENT OF BILLS:

Mr.Christiano made a motion to approve the **Franklin Borough Planning Board Escrow Report for February 21, 2012**. Seconded by Mr. Lermond

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Upon Roll Call Vote:

AYES: Christiano, Lermond, Suckey, Zydon, Cholminski

NAYS: None ABSTENTIONS: Crowley, Kulsar

(Motion Approved)

DISCUSSION:

REDEVELOPMENT AREA E

Mr. Cholminski said the proposal is 90% completed. Mr. Cholminski would like to move forward and asked for the other 10% be completed for discussion. Mr. Nelson said it will be done within the next week. Mr. Nelson said redevelopment requires two separate notices a week apart and the last has to be 10 days before the hearing. Mr. Cholminski said the goal would be at the March meeting everyone will have a final copy and put it to resolution. Mr. Nelson distributed a map that may be deleting some of the properties due to flood zone.

ZONING BOARD STATUTORILY MANDATED REPORT

Mr. Cholminski said in the packets was the Zoning Board Statutorily Mandated Report; he doesn't think there is any requirements for the Board to discuss it. The report goes over the applications that were before the Zoning Board in 2011.

CORRESPONDENCE:

OPEN PUBLIC SESSION:

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

No one from the public stepped forward.

Mr. Suckey made a motion to **Close to the Public**. Seconded by Mayor Crowley. All were in favor.

Mr. Suckey questioned back in December he had asked about the hydrants; we sent a request to the fire marshall asking about the fire hydrants and the standards. We asked in December if we received a report; have we received a report from the fire marshall and if not why. Mr. Suckey said this was in our minutes going back to November; it was on page 7 of the November minutes. This was in regards to the Mainardi property.

Mr. Knutelsky said our report went over to the fire marshall was mainly for the removal of the fire tank; whether that tank can be removed or not because it was hooked up to the Staple building and the Mainardi's building. It was removed from the Staples building when they redid their's and Mr. Mainardi wanted to know why it couldn't be removed from his. Mr. Knutelsky said with his designer and his maps

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they did pressure tests at all the hydrants in the area and it was inspected by DPW. Mr. Knutelsky said it was determined that flow and the pressure in that area is sufficient with the booster pump for sprinklers to remove the tank.

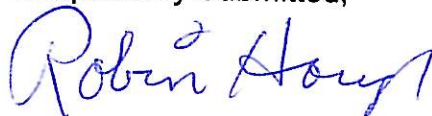
Mr. Suckey said we should have a report on this; this question was asked before we make decisions on it. Mr. Knutelsky said the fire marshal did not issue a report; the report was sent by him to the fire marshal and also to the construction official. Mr. Knutelsky commented the fire marshal did send a report to him, it was a phone call only. The fire marshal [Mr. Inga] saw no reason why the tank couldn't come down; he recommended as part of the approval that their engineer give a certification that everything is fine. Mr. Knutelsky said there is no written report from Mr. Inga.

Mr. Suckey said an oral recommendation should have been followed up with a written [report] so we would have it in the record. Mr. Cholminski said now it will be in the record because it is going to be in the minutes of this meeting.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 10:13 PM on a motion by Mr. Lermond. Seconded by Mr. Suckey. All were in favor.

Respectfully Submitted,



Robin Hough
Planning Board Secretary

Prepared by



Ann Grabkowski, Secretary