

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**October 15, 2012**

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

Mr. Lermond 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. Oleksy, Mr. Suckey,  
Mr. Zydon, Mr. Foulds,

ABSENT: Mr. Kulsar, Mr. Cholminski

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

**APPROVAL OF MINUTES:**

Mr. Christiano made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for September 17, 2012**. Seconded by Suckey.

Mr. Suckey commented under applications to be heard there is a roll call vote and nothing was done. He doesn't think that is supposed to be there.

Mr. Lermond asked if there was any other discussion.

Mr. Christiano made the motion to approve the minutes with the correction. Second by Mr. Suckey.

Upon Roll Call Vote:

AYES: Christiano, Crowley, Oleksy, Suckey, Foulds

NAYS: None                      ABSTENTIONS: None

(Motion Approved)

**APPROVAL OF RESOLUTIONS:**

**Resolution Finding the Redevelopment Plan for Area "E" East consistent with the Master Plan.**

Mr. Lermond asked if there was any discussion on the resolution

***Mr. Zydon made a motion to adopt the resolution finding the Redevelopment Plan for Area "E" consistent with the Master Plan. Seconded by Mr. Foulds.***

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Mayor Crowley asked about the voting on the last page. Mr. Brady commented only members voted in favor can vote on the resolution. Ms. Hough explained the members that are eligible to vote on the resolution.

Upon Roll Call Vote:

AYES: Christiano, Crowley, Lermond, Zydon, Foulds

NAYS: None                      ABSTENTIONS: None

**APPLICATIONS FOR COMPLETENESS:**

**PB-09-12-1 Transbanc International, Amended Final Site Plan, Block 2401 Lots 21 and 22.**

Kevin Kelly, Esq. with the firm of Kelly and Ward, representing the applicant stepped forward. Mr. Kelly stated the applicants engineer Mr. Ken Wentink was present tonight.

Mr. Kelly explained the application has to do with an existing building. Mr. Kelly stated he had two completeness reviews; first is a letter to him dated October 10, 2012 from Ms. Hough; she was reviewing the application for an administrative review of the first 12 items of the checklist. Mr. Kelly stated either everything is administratively complete or there will be. Mr. Kelly said they agree with everything on that list.

Mr. Brady questioned under exposure to the corporation; there was an exposure of Tom Fletcher and the estate of Charles Fletcher. Mr. Kelly stated he believes that would be Jeff Fletcher. Mr. Brady stated to just clarify that. When we have an estate it is not a corporation.

Mr. Kelly said today we got the certified list from the tax assessor and proof of taxes; we did that today.

Mr. Kelly said we have an engineer report dated October 10, 2012. We did ask for a lot of waivers; Mr. Knutelsky saw it the same way, he counted recommending a granting of 12 waivers and 9 waivers for the purposes of completeness. We are in agreement with that as well.

Mr. Knutelsky referred to his report dated October 10, 2012 section B item number 1. Mr. Knutelsky commented there is no building proposed with this so we are recommending full waivers as requested by the applicant for checklist items 15, 18, 19, 21, 23, 24, 26, 27, 28, 30, 31 and 33. Those waivers were requested and are recommended based upon the fact that there is no further building improvements or development proposed as far as this application.

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Mr. Knutelsky stated the remaining nine items waivers were requested; he is only recommending temporary waivers only be granted for completeness so that certain items can be discussed with the Board during the time of the hearing next month.

Mr. Knutelsky referred to checklist item #14, location of proposed utility easements; he is recommending a temporary waiver. There may be a need for a drainage easement to be established on the site due to a drainage structure located on Munsonhurst Road that ties into a drainage structure on the property that travels under the building and discharges to points unknown.

Mr. Knutelsky stated in regards to flood plains and wetlands, they are on the preliminary site plan and should be shown on the final site plan as well. That is a minor map change to include that information.

Mr. Knutelsky referred to checklist item #17, zoning table or key map. This is a minor item that should be placed on the final document. He is recommending a temporary waive; that can be addressed at the public hearing.

Mr. Knutelsky referred to checklist item #20, location of water courses and wetlands; there are wetlands in the rear of the property and would like them shown on the plans.

Mr. Knutelsky referred to checklist item #22, setbacks have been shown in the front and side yards, the rear year has not been shown. If we are going to change the map we might as well add that on; a temporary waiver for that item.

Mr. Knutelsky stated checklist item # 29, off street parking; there is parking shown on the site. There was a variance granted for the site to include 184 stalls; there are a certain number of stalls that are supposed to be on site currently. Mr. Knutelsky stated according to the as built plan only 80 something of those stalls are marked. We would like to have all the required number of stalls marked on the site as it stands today.

Mr. Knutelsky referred to checklist item #42, rear building setback should be shown. Checklist item #43, a statement about how a final plat is consistent with the preliminary plan or if not, how and why it is different. That can be taken care of during the hearing.

Mr. Knutelsky stated checklist items 44-47 recommends temporary waiver for completeness with that necessary information provided during the public hearing.

Mr. Knutelsky stated temporary waivers for checklist items #14, 16, 17, 20, 22, 29, 42, 43, and 44-47.

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Mr. Knutelsky referred to page 5 of his report. Item number 2 is in regard to the existing parking lot. The as built drawing shows 33 of the designated 121 parking stalls to be constructed need to be striped. We are asking the applicant to delineate those 121 parking stalls as per the preliminary site plan. Mr. Knutelsky asked Mr. Brady to comment on the need for that.

Mr. Brady stated in view of the need for striping or not; he doesn't see the need for a preliminary site plan because of that.

Mr. Knutelsky stated he just wants the conditions on site to reflect the preliminary plan and be shown on the final plan. Mr. Knutelsky asked Mr. Kelly if they were ok with that.

Mr. Kelly said yes.

Mr. Knutelsky said in regard to item # 3, conditions of the large gravel area in the rear of the property; condition number 5 of that original 1998 resolution sort of prohibited disturbance behind the building. We are asking the gravel area be mitigated. If that area is mitigated then the need for preliminary is not needed.

There was a discussion on the gravel area behind the building.

Mr. Brady stated if it goes beyond what existed in the original approval or the cell tower approval, beyond those, then you would need an amended preliminary and final that implicates notice, application fees etc. Mr. Brady stated if you are going to do something that goes back to those applications then you don't need a preliminary you would just need a final.

Mr. Knutelsky stated the original approval was for 10,700 sq. foot addition as per the as built the addition was an 8,700 sq foot addition with absent 2,000 sq. feet with reduction of the building wouldn't need an amended preliminary.

Mr. Brady stated you have a reduction to the size of the building here it wasn't built; it doesn't change any of the site layout. We would need an as built showing the current conditions.

Mr. Knutelsky asked if there were plans to expand the 2,000 feet any time; it has been that way for 15 years so he wasn't sure if that was in the works or not.

Mr. Kelly commented he doesn't even know if anyone knew.

Mr. Brady asked the issue with the gravel; do you know where the applicant stands with that.

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Mr. Kelly stated he doesn't; but this is one of the issues we will find out because he wants to make sure the access to the cell towers is still there, that is the only concern he can think off.

Mr. Brady said you would think it would be on the cell tower site application.

Mr. Knutelsky said it is, there is a gravel drive that shows on that plan.

Mr. Brady said if you are going to take out the rest we can leave it with an Amended Final or if you are not going to take out the rest, then you have to do an amended preliminary with notice provisions.

Mr. Kelly stated it is a fair bet to say for some gravel we don't want to do that.

Mr. Wentink stated Mr. Fletcher had a meeting with the DEP and they are sending him a formal written thing of what they want done.

Mr. Knutelsky stated parking seems to be the biggest item in the technical report.

Mr. Knutelsky stated with the recommendations explanation of items 2, 3 and 4, we recommending this to be deemed complete at this time.

Mr. Suckey made a motion to deem complete application **PB-09-12-1 Transbanc International, Amended Final Site Plan, Block 2401 Lots 21 and 22.**  
Seconded by Mayor Crowley.

Upon Roll Call Vote:

AYES: Christiano, Crowley, Oleksy, Suckey, Zydon, Foulds, Lermond

NAYS: None                      ABSTENTIONS: None

(Motion Approved)

**ADJOURNED CASES:**

There are no adjourned cases.

**APPLICATIONS TO BE HEARD:**

There are no applications to be heard.

**OTHER BUSINESS:**

**PAYMENT OF BILLS:**

Mr. Suckey made a motion to approve the **Franklin Borough Planning Board Escrow Report for October 15, 2012.** Seconded by Mr. Oleksy.

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Upon Roll Call Vote:

AYES: Christiano, Oleksy, Suckey, Zydon, Foulds, Lermond

NAYS: None                      ABSTENTIONS: Crowley

(Motion Approved)

**DISCUSSION:**

**Redevelopment of Area D**

Mr. Nelson stated based on the discussion at the last meeting he revised the area D report to reflect the decision of the Board at that time. Mr. Nelson said it was decided that the formal hospital property does not qualify; the recommendation is to not include that in the redevelopment area. We had the discussion on the residential properties on Rutherford Avenue South; in his opinion it would be difficult to qualify as part of a redevelopment area. We discussed whether those properties might be a need of Rehabilitation; the decision was not to do so. Mr. Nelson stated he left section 2.3 intact even though those properties are no longer included but he thought it was important for the Council to understand the process that the Board went through.

Mr. Nelson commented in section 3; he discussed the issue of whether some of the properties should be designated as an area in need of rehabilitation and the discussion was not to do so. That leaves us with the 9 properties, the Franklin Diner, Rowetts garage, several residential properties and a couple of other properties that were non residential. In his opinion all of them can qualify. Mr. Nelson explained the criterion that the properties would qualify them. Mr. Nelson said the final report will include appendices.

The Board members asked Mr. Nelson questions regarding Area D and had a discussion on when to have the public hearing for this area and if Area C should be included with the public hearing on the same night.

Mayor Crowley stated looking at the calendar it would be better to wait to January to decide when to have the hearing on these two areas.

The Board will wait to set the public hearing in January. The Board suggested that Mr. Kilduff send a memo to the Council to update them on Area D and Area C.

***Mr. Suckey made a motion to open to the public Area D. Seconded by Mayor Crowley. All were in favor.***

Pat Rowett, Franklin Stepped forward. Ms. Rowett states she hopes her property is not included. Ms. Rowett gave her concerns regarding the wetland in the area and DEP restrictions.

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*Mr. Foulds made a motion to close to the public Area D. Seconded by Mr. Suckey. All were in favor.*

Mr. Suckey made a motion to table Area D to January and to send a status letter to update the Council regarding Area D and Area C. Seconded by Mr. Foulds.

Upon Roll Call Vote:

AYES: Christiano, Crowley, Oleksy, Suckey, Zydon, Foulds, Lermond

NAYS: None                    ABSTENTIONS: None

(Motion Approved)

Mr. Kilduff reminded the Board members to bring in the professional evaluation forms.

**CORRESPONDENCE:**

**OPEN PUBLIC SESSION:**

Mr. Suckey made a motion to Open to the Public. Seconded by Mr. Oleksy. All were in favor.

No one from the public stepped forward.

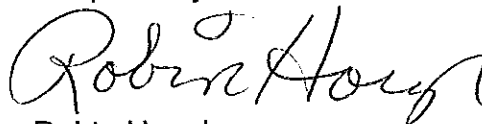
Mr. Suckey made a motion to Close to the Public. Seconded by Mr. Christiano. All were in favor.

Mayor Crowley stated in the New Jersey Planner there is an article regarding Land Use that he wanted to bring to everyone's attention. He wanted to bring out that Wurtsburo has done a great job with their store area; this was an application a few months ago.

**ADJOURNMENT:**

There being no further business to come before the Board, the meeting was adjourned at 8:26 PM on a motion by Mr. Suckey. Seconded by Mr. Foulds. All were in favor.

Respectfully Submitted,



Robin Hough  
Secretary