

Franklin Borough Planning Board
Meeting Minutes for
June 17, 2013

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. Kilduff
Mr. Zschack, Mr. Zydon, Mr. Cholminski,
Mr. Foulds, Mr. Nidelko

ABSENT: Mr. Lermond

ALSO PRESENT: Mr. David Brady, Esq.
Mr. Tom Knutelsky, P. E.

APPROVAL OF MINUTES:

Mr. Foulds made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for April 3, 2013**. Seconded by Mr. Zydon.

Upon Roll Call Vote:

AYES: Christiano, Crowley, Zschack, Zydon, Foulds, Nidelko

NAYS: None ABSTENTIONS: Kilduff, Cholminski

APPROVAL OF RESOLUTIONS:

There were no resolutions to approve.

APPLICATIONS FOR COMPLETENESS:

There were no applications for completeness

ADJOURNED CASES:

PB-01-13-1 Santé Bus LLC, & Franklin Square Health& Wellness, LLC Preliminary & Final site Plan; Block 701, Lots 6 & 11

Mr. Gaus apologized for Dr. Bonnet's current absence who will attend later this evening. Both their experts are present and there's been a change since April. Mr. Gaus said many Board questions about the overall plan for the entire site were had; what was going to be done with a potential building in the parking lot, what was going to happen to the rest of the large area where they were going to have farming activity, where the cafeteria was going to be and of public commentary of past flooding problems.

Mr. Gaus said they took it all into consideration and had an informal meeting with Mr. Kilduff, the Mayor and Planner. It was decided to break the application into two phases. Phase I would be a reduction as originally planned to a building area they know there's a demand for, then return in a couple of months with Phase II covering

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the entire site. They hope to return for Phase II which includes 40,000sf of the existing building, putting up the building next door, parking lot, parking arrangement for both, and if there's part of the existing building that may end up torn down.

Mr. Gaus explained Dr. Bonnet would like to return next month; he projects returning in September with that part of the application. They knew they had demand for a lab, a physical therapy area and additional doctor offices. They reduced what they proposed to do with the building for Phase I to those limited areas. They have roughly 4,000sf approved and are in operations for Skylands Medical Group. They submitted revised plans dated May 22, 2013 from the architect and engineer showing limited use less than 7,500sf to accommodate those (uses) requiring 71 parking spaces and showed 75 on the Site Plan. They hope to get that approved tonight, waive requirement for a Resolution prior to building permit and get into the ground quickly for those areas and return with Phase II as noted earlier. He said they've been through the (Town) engineer's report and think they can address those questions. Their previously sworn in architect and engineer can highlight changes their plans demonstrate, then get into the engineers report and go from there.

Mr. Gaus presented Architect, Yogesh Mistry as still under oath with valid licensure. Mr. Brady requested he state his name for the record to which he did. Mr. Mistry said the main difference from last time is to reduce the scope within the building itself; what they're building out. He said for those who weren't present previously or are unfamiliar with the building, it's an existing 54,778sf one story warehouse that was a vacant retail space. During their application there was approval through the Zoning Officer for one medical space use within the retail space which currently is a medical space not shown on the drawing. There's approximately 5,000sf medical and the remainder is vacant warehouse space. There's an existing ground sign on the lawn they plan to remove, an existing free-standing Route 23 sign they'll keep as is but want to change panels to reflect the new tenants.

Mr. Mistry said Sheet 82.01 of the submitted drawing enhancements is they're dedicating approximately 13,653sf to medical use. There's an existing suite in the corner, proposing another suite adjacent to it and two more suites across it, a connecting corridor, and a middle court yard. The remaining 41,125sf warehouse will remain vacant. Mr. Gaus said right now Dr. Bonnet needs respective tenants and negotiated leases.

Mr. Mistry said Dr. Bonnet's immediate goal is to build those out. He thinks the last proposal had enhancements to the outside which they won't in this phase, but propose them in Phase II. He said the only enhancement on the outside will be to change the free-standing sign to include the Skylands Medical Group logo and provide a new entrance sign for the existing medical use. A 5' x 10' non-illuminated sign are the enhancements from the outside for the building. They won't have all inside details worked out till actual tenants provide their program and need within that space; but square footages are generally allocated there. Mr. Mistry said

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they're proposing a new exterior door on the side of the building leading to the main corridor and have suite access. There are provisions on the site plan to raise the sill due to flooding issues which they're trying to mitigate.

Mr. Knutelsky said there's an existing medical use right now and guesses it's the detailed portion of the plan. Mr. Mistry agreed and said it's labeled Proposed Internal Medicine Center 4,290sf. Mr. Knutelsky asked if the main access points for the new offices will be located in the corridor or are in different areas. Mr. Mistry said Skylands Medical is there now and will maintain the current front door facing Mitchell Avenue. Other tenants will have access through the main side door closest to the parking, access through that door, and will have internal doors through the main corridor. Mr. Knutelsky asked if it will include proposed future doctor offices as well as medical testing and physical therapy. Mr. Mistry agreed.

Mr. Knutelsky asked if it will be the main entranceway or will they consider other doctors office as a separate entrance for Phase II. Mr. Mistry said he thinks it will be one of the main entrances and last time in the overall plan, they had a cross-circulation corridor and yes, this was one of the main accesses and another main entrance going down at the Mitchell Avenue side façade. The reason was they had to drop off at the top he recalls; it was more of a patient/employee entrance. He thinks for circulation and ease of accessing some of the suites, they'll need a secondary main entrance.

Mr. Christiano asked if the entire sprinkler system will be maintained even though they're not moving into the other portion of the building. Mr. Mistry said it has to as far as building codes. Mr. Christiano asked who's responsible. Mr. Mistry said Dr. Bonnet owning the entire building though vacant, will still maintain fire safety issues.

Mr. Kilduff questioned the proposed plans for unconstructed offices show vacant space. Mr. Mistry asked, of the three other suites? Mr. Kilduff said yes and Mr. Mistry agreed. Mr. Kilduff thinks it important the engineer know exactly what's going in there, how many bathrooms and the like, using water and sewer. Mr. Mistry said they ran calculations and talked to his plumbing engineer who looks at it from a square footage standpoint. Based on use in square footage they could calculate water flows, supply and waste. Mr. Kilduff asked if they have floor plans for those spaces. Mr. Mistry said no, the internal way out hasn't been determined. Mr. Kilduff said, but the uses are exactly what's there and asked (Mr. Knutelsky) if it's sufficient information for him.

Mr. Knutelsky said the architect explained it correctly based on square footage of the medical use. In terms of generation, there's a table used through NJDEP dictating how much water and sewer use will be applicable and as long as he knows its specific use. As long as that and square footage are there, it's all they need to know. They don't need to know the number of bathrooms as it's based on usage

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area size. Mr. Kilduff said the concern then is for the Construction Office who would have to see it placed before they start construction. Mr. Mistry agreed.

Mr. Kilduff questioned the substantial building exterior changes they were going to do. Mr. Mistry said they still intend to on the exterior which is not part of this phase. He said a criterion Dr. Bonnet stresses is to make money to get going and fund exterior renovations, do it and include it as part of Phase II. He said to propose at this point, may be premature. Mr. Kilduff said he liked their architectural and asked if they're saying it's shifted to Phase II or re-visit in Phase II. Mr. Mistry said for the most part they'll generally keep the same architectural. If they remove half the building later, it will change but the general appearance will be the same but not carried through the whole site. Mr. Kilduff commented they had a portico share and if it's Phase II. Mr. Mistry agreed.

Mr. Zschack addressed his concern if approval is granted and Phase II doesn't come for a year, two years, or never comes in and are using a building with nothing done on the outside. He understands pushing to Phase II but what if it never comes. Mr. Kilduff agreed it's a good point and to perhaps put a time line. Mr. Zschack concurred. Mr. Cholminski asked if there's a requirement to do anything to the outside of the building. Mr. Brady said he's unsure if there's a requirement to the outside of the building but may be appropriate to talk about what changes can be made looking at the building. At this time a discussion was had.

Mr. Cholminski said the only concern is to do it in two. Mr. Mistry said they've talked about immediate goals and thought about long term goals to work it into future goals. Mr. Knutelsky said it brings up a good point about vacancy of the rest of the building. Based on material received and today's testimony, Phase II is to come at some unknown point. Until Phase II comes, that vacant part of the building will remain vacant to which plans and parking show. He questioned if no tenants are allowed in that portion of the building until an approved Phase II Site Plan comes through, it may not mean a new building on the parking area, just changes to the building and tenants. Mr. Knutelsky said that's something the Board has power to not make the applicant make the building look better, but come before this Board for Phase II. Nothing could happen in that area until that happens. Mr. Cholminski said he thinks that's clear. Mr. Gaus said that's the proposal and are happy to live with the condition that says in the Resolution. Mr. Brady said write down a "consented to". Mr. Gaus agreed.

Mr. Kilduff said they had plans to do the architectural down the road and thinks it would be good if they want to do them and never do a Phase II. He'd like to see them be able to do that without having to come back to the Board if the submitted plans were satisfactory to the Board as far as that goes. Mr. Zydon asked if he's saying to plan it and shelve it until they return. Mr. Kilduff said they discussed the reality of maybe never seeing Phase II. He said very nice architectural treatments

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for that end of the building were seen, and would like them to have the ability to construct should they decide to, without necessarily returning to the Board.

Mr. Mistry asked if they go forward with this proposal, build these out and the doctor doesn't have any immediate plans to do something further but wants to enhance this; do they have to come to the Board or is it a Building Department approval. Mr. Kilduff said no, that's my point, you said initially that's not part of Phase I. I'm saying if you would like to do that, I'd like to see that get done and think it would be to everybody's benefit. Mr. Mistry agreed.

Mr. Zydon asked how long Phase I has if we say put that in Phase I, work it out over a period of time and see Phase II as all this interior. Mr. Brady said it's not really enforceable. Mr. Zydon said he's not asking about enforcement; he doesn't want to force what he can't afford to do. Mr. Brady said as part of an overall program, if they were going to enhance the building, enhance the parking and change traffic signage and all this stuff we have, then that's a good thing and can address them all. Mr. Brady gave an example. He said the Board really doesn't have any power to say, you can't use this building that's zoned in a certain way because we want it to be pretty. Mr. Cholminski said that's his point. Mr. Zydon said that's not what he was saying; you said beautification seems to be Phase II, but let him do that over time.

Mr. Cholminski said in front of us we have Phase I. It's what the applicant is presenting and we need to discuss. He said the discussion of two months ago, have put expectations no longer relevant to this application. He said the application is a simple office space use and his concern is vacant boarding pieces of the building. Mr. Cholminski wants to ensure through resolution nothing can be used there until parking is addressed or whatever is required under law. Mr. Cholminski talked about Board leverage with the applicant fixing the building.

Mr. Gaus explained Dr. Bonnet didn't spend over half a million dollars for the 13,000sf building section, get approved and never come back. He explained Dr. Bonnet's dream of a healthcare facility conceptual idea to benefit Franklin and the surrounding area. He understands the legal concern talked about in the conceptual meeting with Mr. Kilduff, the Mayor and Planner. Mr. Gaus said Dr. Bonnet would have preferred to be there with Phase I and II but couldn't get it all done at the same time. Mr. Cholminski said they've gone through architectural's, some questions, and asked if there's other questions on architectural. Mr. Gaus requested for their engineer to present.

Mr. Kolody, engineer for the applicant who's a licensed engineer, land surveyor and planner stepped forward. Mr. Brady reminded he was still under oath. Mr. Kolody presented a colorized exhibit which the Board has. Mr. Brady requested it be marked and begin his testimony. Mr. Kolody said he revised the Site Plan to meet Dr. Bonnet's goals in phasing the plan. He described Sheet 2 of 2 (Colorized Site Plan). He also said the central atrium was a key point of the previous plan. It

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speaks to the fact (Dr. Bonnet) plans to go forward as it's an expensive construction piece necessary for proper circulation and extension as they progress. Mr. Kolody proceeded to explain the blue striped and light gray areas. Therein, he said doorways are maintained and secure with alarms; and no plans for use at this time. Mr. Cholminski asked if it will be alarmed. Mr. Kolody said he believes it is now.

Mr. Kolody said the original approval to Allied has a deed restriction that included 20 spaces which they propose to use what the Board approved in the past. He said as an engineer, he tries to put as much as he can on the property but can't do so on this application because there isn't one way to develop it. In looking at both properties and doing basic layouts, a portion of the building will have to be removed. Mr. Kolody talked about property parking, not using the loading dock and, proposes to add four parking spaces at eventual ambulance drop-off entrance. Mr. Kolody also said they'll construct some sidewalk and curbing which will be discarded as they progress and is the only site area of improvements that will not be permanently used. He said they're also submitting an application to the DEP to clean the stream and with the town's cooperation.

Mr. Kolody talked about the foot bridge water issues, Mitchell Avenue storm drains and the DEP issue. He said they're hoping to restore those conditions which will help out with the flooding and storm water conditions.

Mr. Kolody said there are questions about handicap ramping in the engineer's report to which Mr. Mistry had mentioned ramps will be inside/outside the building. He explained they want to raise the lowest entry at least 9" for storm protection and feels by raising entrances and cleaning the streams, they'll have safe onsite and upstream conditions. Mr. Kolody said those are the changes. He talked about parking spaces, met the requirements without overflow and proposes no change to the southwest of their reserved parking areas.

Mr. Kolody talked about improved walkway lighting to which they meet ordinance requirements and are a safe engineering design. He explained the conditions and why they'll raise the grade across the entrance. Mr. Kolody said they're going to attempt to contain it in the municipal system in the street and that work can be done off the travel way of the roadway.

Mr. Cholminski proposed to the Board Mr. Knutelsky review his report which may answer questions they may have, agreed to by Mr. Gaus and Mr. Kolody advised he reviewed Mr. Knutelsky's report and finds no default in it.

Mr. Knutelsky said he'll quickly review ones already addressed and stop at those requiring further verification in his July 11, 2013 report.

- **Section B, Item 1;** The applicant discussed what's proposed for the property and go on from there.

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- **(Checklist Item 2) Parking & Circulation:** Applicant said 20 parking stalls reserved on adjacent lot. According to the deed, there was a revision to parking easement on that property from 20 to 17; current easement says 17. As part of approval, we'll need to revise it back to 20. A brief discussion was had. Mr. Knutelsky said bottom line they're reserving 20 on that side and agreed to by Mr. Gaus. Mr. Kolody said if for some reason it was reduced to 17, they have a 4 parking stall overage. Mr. Kilduff said 71 spaces; you're talking about 20 of them are dedicated spaces. Mr. Kolody said of the 75 spaces we've drawn, 20 are on the other lot. Mr. Kilduff said the 75 are for the proposed uses plus what's there now. Mr. Kolody agreed.
- **(1st "b")** Mr. Knutelsky said we discussed a vacant portion of the building for Board knowledge is to be utilized; 42 parking spaces will be required and hearing are not going to be utilized, so that's not going to be required as part of this application. The applicant has no problem with thermoplastic hairpin parking stalls as per Borough requirements. Mr. Kolody agreed and said they don't want to re-stripe the reserved area of the other lot. Mr. Knutelsky advised he agrees. A brief discussion of striping on Lot 11 was had. Mr. Kolody said they'll do what the ordinance says. Mr. Knutelsky said even better Mr. Chairman, we're going to do all striping for all parking required; they're just not going to do the remainder of the parking lot which is fine.
- **(d) Regarding ADA parking,** three stalls are for current use; two proposed for new uses. Mr. Cholminski inquired of the (item number) which was briefly discussed. Mr. Knutelsky explained the "2nd b" and said there are no one-way directional signs here. Mr. Cholminski asked if it matters or the following "c". Mr. Knutelsky said they disagree to the following "c" – Thermoplastic striping.
- **(d) ADA Parking:** They want to see a greater amount of ADA parking especially for physical therapy uses. He said two ADA stalls are proposed at the new entrance location and should increase the number. Regarding the two ADA parking stalls on the north parking lot, he recommends transferring them to front of the building. Chairman Cholminski requested to combine this conversation with the next (Item "e") regarding 9 stalls on the far building. Mr. Knutelsky said that's going on to another question about building access. Mr. Knutelsky said it worked when it was Allied for the entire building was to be utilized. That whole portion will remain vacant. He said 10 spaces exist on-site and asked how someone gets to the building if they park there. Mr. Kolody said they're not planning to have internal corridors through the vacant parking which will truly be vacant. He said they'll walk along Mitchell Avenue into the front entrance. They'll set employee parking if the need develops. At this time a discussion regarding the 10 spaces was had. Therein, Chairman Cholminski suggested they stripe 10 more to which Mr. Gaus said is a reasonable suggestion and not put into a deed restriction. Mr. Knutelsky believes in using the nine, they'd need a sidewalk along Mitchell Avenue. He asked the attorneys if there's any legal problem with using spaces not specifically deed restricted, or the restriction allows the use if the property owner's allowing people to park there. Mr. Brady thinks its fine especially if it's only for Phase I, and when they return with Phase II

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re-jig where parking's going to be on this lot. Mr. Gaus said you want full ADA spaces. Mr. Knutelsky said he'd like two ADA spaces in the northerly park transferred to the front of the building and believes four in front of the main access way would solve the problem. Mr. Kolody said he looked at moving some spaces there and if he was building new curbing, everything would fit nicely with the different stall widths and handicapped area; won't be efficient, but will do it. Mr. Knutelsky said if they have to remove one normal stall and move it to the lot they'll be okay with that as well. Mr. Christiano asked which lot. Mr. Knutelsky said the upper half have three leading to the existing Skylands Medical area; the lower portion where Mr. Kolody pointed to. One van accessible, other three would be normal; two now, two additional. ADA usage was briefly discussed. Mr. Knutelsky said accompanied with ADA stalls is ADA accessibility to the building, ramps and sidewalk appropriate widths. Mr. Knutelsky said that takes them through Item 3 as well with Building/Site Layout and Design a, b & c.

- 4. Landscape and Lighting. Mr. Knutelsky believes they discussed it and will forego to Phase II of the portion of the property. He addressed Mr. Kolody who indicated Lot 11 lighting will remain functional and lighting in the new parking area to illuminate the pedestrian walkway across and asked if it meets Borough standards for looked a little light. Mr. Kolody said it's a touch issue regulation-wise as it's not their property but Borough road Right of Way. He proposed to raise it up close to town standards for onsite lighting, 20' at the right of way, is offsite and can increase candle power to ensure that. Mr. Knutelsky said as a solution he'd like to see one additional light on the opposite side to illuminate the striping in Lot 11 going towards the pedestrian bridge almost facing the exact direction of the light they're proposing. They can then specify the lighting operation hours to be left on if any for security purposes and should be added to the plan. Mr. Kolody said higher, older style lighting is on a timer and will make sure the new light on that side be serviced from that site and put on timers.
- (5) Signage: Mr. Knutelsky said the Skylands Medical sign replaced the Allied sign and asked if permits were issued for that signage. Mr. Mistry said it would be temporary. Mr. Knutelsky said temporary and asked if it's going to be removed as part of the application. Mr. Brady advised Dr. Bonnet he's still under oath. Mr. Gaus asked Dr. Bonnet if he intends to have the sign on the wall permanently or remove it once he gets the permit. Dr. Bonnet said the building's going to need adequate signage for people. Mr. Gaus said Mr. Mistry proposed a sign to that location on the architectural plan. Mr. Mistry said there is a 10' minimum requirement off the ground not shown on his drawings and is asking for a variance. Mr. Knutelsky explained and agreed to by Mr. Mistry. Mr. Knutelsky said it meets one more requirement in the sign ordinance and doesn't meet height of the bottom of the sign. Mr. Cholminski asked if it requires a variance. Mr. Knutelsky said it sounds like it's a new sign, not a replacement. It was briefly discussed. Mr. Gaus said they're asking for a variance for being less than 10' off the ground. Mr. Knutelsky said it would put them above the building height of the wall sign.

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- **Page 4 (c).** Mr. Knutelsky said the existing ground mounted sign along the roadway is existing and is to be re-used with a new panel to which Mr. Gaus agreed. Mr. Knutelsky asked if it was legally existing as part of the application. Mr. Gaus said pre-existing. Mr. Knutelsky advised the Chairman he believes variances aren't needed as they're just changing the sign.
- **Item #6;** The trash compactor located in the loading area with a chain link fence with privacy slats are not allowed by Borough ordinance. Something permanent with details added is needed. Mr. Gaus agreed and will change it on the plans.
- **(b)** Refuse timing collections. Mr. Knutelsky asked about collection frequency. Mr. Gaus said it's unknown. Dr. Bonnet said if they come, it's once a week.
- **(c)** Mr. Knutelsky asked Dr. Bonnet if one trash enclosure for the medical facility size expects more requirements or if it's sufficient in his other facilities. Dr. Bonnet said they have the same trash compactor size in their biggest building. Mr. Knutelsky asked how medical waste recycling will be addressed. Dr. Bonnet said their only waste is sharps containers that are packed and picked up. Mr. Brady asked if it's applied like Bio-hazard waste that gets picked up. Dr. Bonnet said they really don't produce Bio-hazard waste, body parts or the like. Mr. Gaus asked about the lab and physical therapy. Dr. Bonnet said physical therapy will have minimal water usage and practically no waste; minimal (waste) for the lab. Mr. Zydon asked what's considered Bio-hazard. Dr. Bonnet responded and therein was briefly discussed. Mr. Kolody gave the area size, said they can't get a normal sized dumpster and will probably have separate ones for recycling. Mr. Knutelsky said all will be contained within the new trash enclosure. Mr. Cholminski suggested they keep in mind for Phase II. Mr. Brady asked for the area size. Mr. Kolody said it's about 25'x25'. The fence is almost 35' long offering them options inside, and would be secure.
- **Item 6 d;** Mr. Knutelsky said in testimony he heard the loading ramp will be removed and asked where loading for (courier services) and different required loading be. Mr. Kolody explained. Mr. Knutelsky said he hears the biggest vehicle visiting the site is a single unit truck and questioned maneuverability, loading and K-turn maneuverability. Mr. Kolody responded. Mayor Crowley talked about a UPS truck delivery method and a truck visiting the facility being for repair though not daily. Mr. Knutelsky informed the applicant regarding their striping and signage, be conscious of loading times, locations and ensure that scenario though it will happen, strive it not happen. He said we want loading to happen at that location and if they have to pull along Mitchell and back in, it will be a tenant related condition ensuring that's the way they're loaded. Mr. Kolody said though they're not going forward with the previous plan, a proposed change was to make two driveways of the large uncontrolled area but won't do at this point because in all likelihood will change. Mr. Knutelsky reinforced, (the Board) doesn't want to see trucks in the main parking field, and as long as that's going to be the case can live with the triangular area maneuverability. Mr. Zydon asked about their loading dock into their undeveloped zone and of access between their offices to an empty space. Mr. Kolody responded. Mr. Knutelsky said it's important the engineer's on record saying it's not going to happen.

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- (7) Regarding Construction Details, the applicant agreed to put the details on the plan as required.
- (8) Miscellaneous; (Applicant) to describe how the parking lot will be patrolled ensuring reserved parking stalls usage. He's not answering for the applicant, but they're going to provide striping to certain ones they want people to park in. If people park and practice driving, they'll do it as there's no restriction, gates or fences put up in the remaining parking area to prevent it. (The Board) is relying they park as instructed. A brief discussion was had. Mr. Knutelsky said if they're parking, tractor/trailers and things that shouldn't be there, they'll then be marked. Mr. Zydon questioned if all 20 spots are taken. Mr. Knutelsky said the applicant's telling them where to park and is the only enforcement.
- He said they're not going to do Item 8 b, they're not going to revise the deed restriction accordingly, just have them park.
- (c) Wood Safety Rails were talked about when there was a greater usage of Lot 11 parking and were looking to try to expand the pedestrian walkway. Right now there's 20; not many to come across where there would be opposing traffic. He noticed the wood rails need to be replaced and the applicant should replace them. Mr. Kolody said they're going to restore the walkway so to speak, can't increase the size due to wetlands and those issues, but will make it safe.
- (d) Mr. Knutelsky commented about vegetation along Mitchell Avenue. He said Wetlands aside, they're to maintain vehicle exiting safety and trim the vegetation to preserve sight line. Mr. Gaus asked if it's in the Right of Way or their property. Mr. Kolody said it's on Municipal property but will make the entrance safe. Mr. Knutelsky said for i.e., Mr. Kilduff alluded to as part of any approval this Board may grant as a condition, (the Board) will like specifically indicate water & sewer connection and usage fees be determined by our office as agreed to by the applicant and will be a condition of approval.
- (f) Permits are required from Sussex County Planning Department for Site Plan and building permits required from the Construction Department.

Mr. Cholminski asked Board members for discussion based on the engineering design. Mr. Kilduff said he wants to say usually in the Site Plans they look at we typically ask applicants to install sidewalks around perimeters of property. For the amount of development I see here think it's onerous at this point. Maybe when Phase II comes in may be something we look at more closely. Mr. Gaus said so noted. Mr. Cholminski said what we would expect for Phase II is sidewalk plans as appropriate even along large parking lots, along the street trying to save the town and pedestrians a place to walk in town. Do it one lot at a time and appreciate their cooperation. Mr. Cholminski requested a motion.

Mr. Gaus commented to Open to the Public to protect the record. Chairman Cholminski said prior to a motion being made if anyone from the public would like to step forward to ask questions on the application do so at this time. Being no-one stepped forward, a motion to Open to the Public is not needed. Chairman

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Cholminski said a motion is needed to approve/not approve Application PB-01-13-1. Mr. Cholminski inquired with Mr. Brady to review Conditions of Approval.

Mr. Brady said, as consented to by the applicant:

- There's not going to be any tenants in the rest of the building and use the rest of the building.
- There will be an application when it comes in for a Site Plan for Phase II
- Applicant has no objection and will comply with Mr. Knutelsky's June 11, 2013 report in general, as there were specific discussions. Mr. Gaus said as discussed at the meeting.

Mr. Brady said his notes on that are:

- They're (Board) going to make sure there's a deed restriction for 20 spaces; not sure if it's 17 or 20 but will straighten it out to ensure it stays at 20.
- They'll have to clean and maintain that separate parking lot across the street for safety as there will be kids and can't have it unsafe;
- They'll put in hairpin Thermoplastic lines for all parking spaces that are being required on both sites but not the rest of the unreserved site
- Stripe 10 extra spaces on that separate lot but are not going to require deed restrictions of those 10 extra.

Mr. Zydon asked if the applicant returns the Board if more spots are needed. Mr. Cholminski said the only way he'll need new spots is if he changes the footprint or use any vacant spaces. A brief discussion on this matter followed.

- Mr. Brady continued saying we're going to shift those two ADA spaces from the remote corner over to the proposed medical use and asked Mr. Knutelsky if that would be 7 spaces. Mr. Knutelsky said there will be 7 ADA accessible spaces.
- Mr. Brady said they'll do all appropriate ADA sidewalks, ramps, etc.
- They're going to install additional lighting on that separate lot at the other end of the walkway and will describe it better in the resolution.
- Mr. Brady said as for the Resolution if made, should indicate we're approving a variance for their wall sign in as much as it is not 10' off the ground and the basis for the variance he thinks is the physical configuration of the building makes it that you have to bear with the mansard; you have an ugly sign or mansard or difficulty putting it up.
- The masonry ground sign is going to be removed
- The Free-standing ground sign stays but will replace lettering only.
- There's going to be repairs or restoration; whatever language the DEP allows to the bridge/walkway. Mr. Zschack commented there's an extra light pole in there too. Mr. Brady said it's in there. Mr. Cholminski said they will comply with the changing of the fencing around the compactor. Mr. Brady agreed.

Mr. Cholminski requested a motion based on those conditions.

Mr. Zschack made a motion to approve **PB-01-13-1 Santé Bus LLC, & Franklin Square Health& Wellness, LLC Preliminary & Final Site Plan; Block 701, Lots 6**

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& 11 with conditions. Seconded by Mayor Crowley. Mr. Kilduff stated he will abstain as the application began prior to his joining the Board.

Upon Roll Call Vote:

AYES: Christiano, Crowley, Zschack, Zydon, Foulds, Nidelko, Cholminski
NAYS: None ABSTENTIONS: Kilduff

Mr. Gaus requested the Board recommend to the Construction Department a waiver of the need to wait for a Resolution before obtaining building permits. Mr. Cholminski it's been done in the past and is at the applicant's risk. Mr. Gaus said they understand it's at their own risk.

Mr. Kilduff said they need the plans for construction. Mr. Gaus said he understands and if they get their act together before they do the resolution next month, they'd like to be able to pull those building permits and get started. He said some building departments require a formal motion to the Board and doesn't know what the (town's) Construction Department requires. Mr. Kilduff said he needs a zoning permit. Chairman Cholminski said in the past they've said as long as they realize they're doing it at their own risk and there's no issue, he doesn't think (the Board), has passed anything down. Mr. Brady said if there's a requirement from your zoning people, have them get a hold of me and I'll send them a letter indicating that's what the Board did and we indicated that it was at the risk of the applicant. Mr. Kilduff said they'll work it out; based on the square footage you have. Mr. Gaus agreed and thanked the Board. Mr. Gaus stated the exhibit was A-3. Mr. Cholminski said he's looking forward to seeing Phase II.

APPLICATIONS TO BE HEARD:

There were no applications to be heard.

OTHER BUSINESS:

PAYMENT OF BILLS:

Mr. Foulds made a motion to approve the **Franklin Borough Planning Board Escrow Report for June 17, 2013**. Seconded by Mr. Zydon.

Upon Roll Call Vote:

AYES: Christiano, Kilduff, Zydon, Alt #1 Foulds, Alt # 2 Nidelko, Cholminski
NAYS: None ABSTENTIONS: Crowley, Zschack

DISCUSSION:

CORRESPONDENCE:

Chairman Cholminski advised there are two things of note. The rehabilitation of Sussex County Bridge #-06 with public information discussion at 8PM tomorrow. If

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anyone's interested in attending that discussion, it's controlled and managed by the County and don't have input to that. It's good to know what's going on.

Mr. Cholminski said Mr. Nelson isn't present but prepared a logical and concise write up to start conversation on the discussion at the last meeting on the HC Zone proposal. He doesn't think it can be discussed this evening, can be discussed at the next meeting when Mr. Nelson is present.

OPEN PUBLIC SESSION:

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

No-one from the public stepped forward.

Mr. Zschack made a motion to Close to the Public. Seconded by Mr. Foulds. All were in favor.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 8:47PM on a motion by Mr. Zschack. Seconded by Mr. Foulds. All were in favor.

Respectfully Submitted,



Ruth Nunez
Secretary