

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**September 21, 2015**

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

Mr. Foulds 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. Foulds, Mr. Williams, Mr. Zydon, Mr. Nidelko, Mr. Kidd

ABSENT: Mr. Babcock, Mr. Cholminski

ALSO PRESENT: Dave Brady- Brady & Correale, LLP  
Ken Nelson-Nelson Consulting Grp  
Alison McHose- Borough Administrator

**APPROVAL OF MINUTES:**

Mayor Crowley made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for August 17, 2015**. Seconded by Mr. Williams.

Upon Roll Call Vote:

AYES: Christiano, Mayor Crowley, Mr. Foulds, Mr. Williams, Mr. Zydon, Mr. Nidelko

NAYS: None                      ABSTENTIONS: None

**APPROVAL OF RESOLUTIONS:**

There were no resolutions for approval.

**APPLICATIONS FOR COMPLETENESS:**

There were no applications for completeness.

**ADJOURNED CASES:**

There were no adjourned cases.

**APPLICATIONS TO BE HEARD:**

There were no applications to be heard.

**OTHER BUSINESS:**

There were no other business discussed.

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**September 21, 2015**

**PAYMENT OF BILLS:**

Mr. Nidelko questioned the Weis Market Traffic Light invoices totally \$459.38. Mayor Crowley discussed the traffic light and said it was approved by the Council and the Department of Transportation.

Mr Williams made a motion to approve the **Franklin Borough Planning Board Escrow Report** for September 21, 2015. Seconded by Mr. Zydon.

Upon Roll Call Vote:

AYES: Christiano, Mayor Crowley, Foulds, Williams, Zydon, Nidelko

NAYS: None                    ABSTENTIONS: None

**DISCUSSION:**

**Master Plan Reexamination Report:**

Board Planner, Mr. Ken Nelson discussed the purpose of the Reexamination Report and talked about how the process is moving along. He indicated his report will cover recommended ordinance amendments and also amend the current Master Plan. He said the document will serve as the legal foundation for amendments the Borough Council chooses to make. He said the Planning Boards responsibility is to adopt a document and forward to Mayor and Council for approval. He talked about the responsibility of the Planning Board and Mayor and Council and indicated after the Planning Board reviews the report the ordinance requirements will not change and the Borough needs to take the next step and have the Council make the necessary changes. He commented on the time he has spent working with the Planning Board on the Master Plan Reexamination.

Mr. Nelson explained exhibits provided for tonight's meeting. He indicated the large map on display shows existing land use conditions along the Route 23 Corridor. He commented on maps he has provided to the Planning Board which included types of land uses, lot sizes, and general characteristics sections of Route 23. Mr. Nelson referred to maps presented for tonight's meeting and explained the Planning color code. He indicated yellow/residential, pink/commercial, green/vacant, blue/public, grey/industrial. He said the map represents the existing conditions along Route 23 Corridor. He explained to the Board the reason for the analysis and said planners are always looking for development/land use patterns. Mr. Nelson indicated the maps the Planning Board received in their packets is his proposed restructuring of the HC Zone. He explained landscape architecture to Board Members and stated there is approximately 275 acres and 133 lots currently in the HC Zone.

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**September 21, 2015**

Mr. Nelson referred to his report dated 9/15/15 which proposed the HC Zone divided into two separate Zones. He recommends some properties identified in green on the map be removed from the HC Zone and not zone these properties HC 1 or HC 2. He commented on commercial use in the Borough and talked about how the commercial market place has changed over the years. He indicated the areas colored in yellow is proposed HC 2 Zone and the brown color shows portions that have been studied as potential redevelopment areas. He discussed various points on the map. He commented on the Super Walmart site. He indicated this site is currently a redevelopment area and on the map he is preliminarily suggesting the Super Walmart Site not be included in the redevelopment area.

Mr. Nelson referred to his report dated 9-21-15 which includes potential land use items/issues that are not related to the Route 23 Corridor. Mr. Nelson said the Board should consider these items in the Reexamination Report. He commented on adding a residential component into the Route 23 Corridor in areas where there is currently no residential. He discussed the current residential areas and Super Walmart Site. He said these properties may have an opportunity to become a mixed use but wonders if there is going to be a market for this use. He commented on zoning ordinance and regulations.

Mr. Nelson discussed the Proposed Restructuring of the HC Zone map dated 7-14-15, prepared by Nelson Consulting Group and Harold E. Pellow & Associates, Inc. The map showed the Route 23 Corridor divided into two HC Zones. He discussed the existing uses and said one problem is the limited lot sizes. He recommended the HC1 Zone continue as a five acre minimum and recommends HC2 Zone a one acre minimum. He commented on the parking spaces needed on some of the commercial sites and discussed property use and parking requirements. He said the B1 and B2 Zones have very small minimum lot sizes with an urban type setting and feels the minimum lot size is appropriate for the area. He commented on lots in the HC2 that are in the acre minimum. He discussed the different lot sizes and said not every problem will be resolved and indicated variances will be needed. He feels reducing the minimum lot sizes from five acre to one acre could place a potential applicant in a better position. He talked about the Board approving dimensional variances.

Mr. Zydon commented on the average lot size in the HC2 Zone. Mr. Nelson indicated he has not tried to calculate the average lot size because he feels that a mathematical average will not tell us much. He discussed consolidating lots and subdividing lots. Mr. Zydon was concerned about applications submitted to the Board of Adjustments. Mr. Nelson said if a site plan is submitted it would be a "C" variance or dimensional variance and said the Planning Board will be able to handle it. Mr. Brady commented on applications submitted to the Board of Adjustments. He said the applications were for lack of lot sizes and said they did not meet the minimum lot

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**September 21, 2015**

size because of the drive way. Mr. Nelson brought up the art and science of planning and developing the right minimum lot size.

Mr. Zydon commented on the North end of Route 23 near the Hamburg Border. Mr. Nelson said there is an approved site plan for a shopping center and next to it is an approved for a Town House complex. He said the property is in the R1 Zone and got approved by a use variance by the Board of Adjustment and the Shopping Center was approved by the Planning Board. Mr. Nelson said he does not know the history of the property but said it's a large lot that does not have frontage on Route 23 but is accessible from Route 23. Also he indicated there is a house on the property and a lot of land around it. Mr. Nelson said he does not know why it's never been zoned commercial and feels the Shopping Center will never happen.

Mr. Nelson referring to his exhibits and discussed areas in the HC1 and HC2 Zone. He talked about office uses, home occupations, and residential use. He discussed giving properties economic use. Mayor Crowley commented on the area north of the Day Care Center and the cigar store. Mr. Nelson suggested adding in a residential component. A discussion took place on nonconforming use and the Board went back and forth and discussed variances. The Board discussed the Super Walmart area. Mr. Nelson said the problem the developer encountered is the change in grade. He said the site and developer cost were outrageous. Board Members discussed large box stores and the access needed into and out of these site.

Mr. Nelson commented on the R1 Zone and the Hardyston School. He indicated the School was included in the proposed redevelopment area but was asked to take it out by the Hardyston Board of Education. He commented on the redevelopment areas and talked about the connecting roads from the Weis property and into the Walmart site. Board Members discussed the Super Walmart Site and commented on the connecting roads. Mr. Christiano talked about whether Route 23 can handle the traffic and commented on Department of Transportation not allowing left hand turns onto Route 23.

Borough Administrator, Mrs. Alison McHose addressed the Planning Board and said for over twenty years there has been talk regarding a Route 23 bypass to help relieve traffic on Route 23. She does not believe this will ever happen and commented on discussions she has had with Steve Oroho. She also indicated talking to DEP regarding the old park forestry building. She commented on the money they have invested and said they do not want to sub divide the land. She said in her opinion it will never happen and commented on redevelopment. Mr. Brady discussed redevelopment and the Walmart application. He talked about the stream crossing and the bridge. Mrs. McHose demonstrated the location of the potential bypass. Board Members went back and forth and discussed the area. Mayor Crowley commented on the DOT issues and said if the project ever went forward it will take a tremendous amount of money and said he does not see it ever happening.

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**September 21, 2015**

Mr. Nelson referred to his Exhibit of the Route 23 Corridor and discussed the interconnection of several properties and commented on redevelopment areas. Mr. Foulds commented on the D.E.P., Department of Environmental Protection approval on some of the sites. Mr. Nelson commented on the five redevelopment study areas completed and Mr. Foulds said he would like to give developers more options. Mr. Nelson said one problem is the redevelopment plan does reference the site plan for the Super Walmart which is very detailed. He said there was not enough money in the budget and until we take the next step and do a detailed plan the current zoning remains in place. He discussed redevelopment areas and connecting roadways.

Mr. Nelson commented on the property owned by the Borough in front of the Franklin School and north of Walgreens. Mayor Crowley indicated there is an agreement on the lease and the site cannot be sold without the Borough being involved. Mr. Nelson said it's a prime piece of land for commercial development and suggested a HC2 zone but recommended a discussion should take place with the Board Of Education. Mayor Crowley commented on the property and said with the Walgreens now and the light it will be a good commercial use. Board Members went back and forth and discussed the property being so close to a school and the safety of the children walking in the area.

Mr. Nelson discussed with the Board his goal on completing the Re-exam Report. He suggested meeting with the Economic Development Committee for their input and also suggested working with a Planning Board Sub Committee to deal with some of the details. Mayor Crowley and Mr. Foulds agreed and indicated the Sub Committee is a good idea. Mr. Nelson said before anything is adopted in final form there should be a public hearing which then needs to be advertised. He commented on reaching out to property owners that will be directly affected with any changes. Mr. Nelson said he is always open and getting as much input from the public can be helpful.

Mrs. McHose stepped forward and commented on the funds allocated to Mr. Nelson and questioned if a time frame has been set for him to complete the task. Board Members discussed the budget and the time that has already been spent. Mr. Nelson stated he is still within the budget but said the only other expense will be from Mr. Tom Knutelsky who will be completing maps to be included with the Reexam.

**CORRESPONDENCE:**

There was no correspondence discussed.

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**September 21, 2015**

**OPEN PUBLIC SESSION:**

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

Mr. David Miller an Attorney for Giordano, Halleran & Ciesla, P.C. stepped forward. He represented the owners of the former Super Walmart Site and came to share some of his visions of the site. He said based on what he has heard so far its good news. He said he prefers the site to stay in the redevelopment area and indicated the vision of the site would be a mixed use possible outdoor mall with high retail on the bottom and residential on top. He indicated it is preliminary at this point but said he wanted to share with the Board the potential plans and hopes to get feedback from Board Members. He commented on Lots #4 and Lots #5 and discussed the redevelopment area and the connecting roads along the site. Mr. Nelson asked if it will include all Weis properties or just the portion that's undeveloped in the redevelopment area. Mr. Miller discussed the issues with the developed area behind Lot #5. Mayor Crowley commented on the original plans and discussed the traffic light by Weis Market. He commented on other access roads in the area.

Mr. David Norris an attorney with Norris & Norris stepped forward. He represented the owners of the Super Walmart. He referred to the map on display and explained the properties on the map that are owned by the Super Walmart. He commented on the lots that are included in the redevelopment area. Mr. Nelson suggested a pre application meeting to discuss the potential development further. He said the redevelopment plan currently references the Super Walmart and if the developer changes the Site plan the Redevelopment Plan will have to be amended.

With no further comments the meeting was Closed to the Public.

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

Mayor Crowley notified the Board he received a letter dated September 8, 2015 from The Land Conservancy of New Jersey. He said the Land Conservancy of New Jersey is working with the Sussex County Board of Chosen Freeholders and Open Space Advisory Committee to update the County's 2002 Open Space and Recreation Plan. A meeting is scheduled for Thursday, November 12, 2015 at 1:30pm. and Planning Board Members are invited to attend.

Board Attorney, Dave Brady updated Board Members on the Draft Sign Ordinance he is working on and is hoping to have it completed for the next Planning Board meeting.

Board Planner, Ken Nelson discussed his revised letter dated September 21, 2015, RE: Master Plan Reexamination Report Items. He suggested the items he has listed

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**September 21, 2015**

should be included in the Reexamination Report. He asked Board Members to email him with any changes. Mr. Kidd discussed Item #10, Historic Preservation Plan for the Borough and said the Engineer for the County did some background investigation and suggested this could be incorporated in the report.

**ADJOURNMENT:**

There being no further business to come before the Board, the meeting was adjourned at 9:18 PM on a motion by Mr. Williams, Seconded by Mayor Crowley. All were in favor.

Respectfully submitted,

Karen Osellame  
Secretary