

Franklin Borough Planning Board
Meeting Minutes for
August 15, 2016

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."

Oath of Allegiance was administered to Dawn Fantasia, Class III Member to the Planning Board.

ROLL CALL OF MEMBERS PRESENT: John Cholminski, Chairman
John Christiano
Dawn Fantasia
Nathan Foulds, Vice-Chairman
Jim Williams
Steve Zydon
James Nidelko, Alternate #1
Sean Kidd, Alternate #2

ABSENT: Mayor Nick Giordano

ALSO PRESENT: Ken Nelson, Nelson Consulting Group
Dave Brady, Brady & Correale, L.L.P.
Tom Knutelsky, Harold Pellow & Associates

APPROVAL OF MINUTES:

Mr. Foulds made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for July 18, 2016**. Seconded by Mr. Williams.

Upon Roll Call Vote:

AYES: Cholminski, Foulds, Williams, Zydon, Nidelko, Kidd

NAYS: None ABSTENTIONS: None

APPROVAL OF RESOLUTIONS:

Mr. Foulds made a motion to approve **Resolution Recommending to the Council Adoption of Ordinance 14-2016, Amending Chapter 161, (Land Development), & Chapter 218, (Signs), of the Borough Code and the Zoning Map**. Seconded by Mr. Williams.

Upon Roll Call Vote:

AYES: Cholminski, Foulds, Williams, Zydon, Nidelko, Kidd

NAYS: None ABSTENTIONS: None

DISCUSSION:

Redevelopment and Rehabilitation Studies: Zinc Mine, Main Street, and Hospital Site Properties.

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Board Planner, Ken Nelson briefly discussed the 2012 Designation Studies that were completed on Area A, Zinc Mine and Area B, Main Street. He said Council requested the Planning Board to review these studies. He also indicated the studies were sent to Council back in 2012 and Council did not act on them. He talked about his Draft Update Report dated July 14, 2016. He will be working with Board Attorney, Dave Brady and they are looking at the most cost effective way to update the reports. He said at the September meeting a public hearing may be required and also added that Council is looking at the old Hospital Site to see if it qualifies as a designated area in need of redevelopment. He stated this is for informational purposes only and to alert the Board what will be on the agenda for the September and October meetings. Mr. Cholminski recommended Board Members review the 2012 studies and Mr. Nelson also indicated the studies are on the website or members can notify the Board Secretary for a copy.

PAYMENT OF BILLS:

Mr. Zydon made a motion to approve the **Franklin Borough Planning Board Escrow Report for August 15, 2016**. Seconded by Mr. Williams.

Upon Roll Call Vote:

AYES: Cholminski, Christiano, Foulds, Williams, Zydon, Nidelko

NAYS: None ABSTENTIONS: Fantasia

APPLICATIONS FOR COMPLETENESS:

(PB-07-16-1), 24 Mabie Street LLC, (Advanced Auto), 423 Route 23/24 Mabie Street, Block 702 Lots 5,6,and 7. Preliminary and Final Site Plan, "C" Variances.

Board Engineer, Tom Knutelsky discussed his report dated July 11, 2016. He said Checklist Item #23, (Local Survey), the applicant has requested a waiver and he recommends the waiver be granted and also indicated the applicant has provided a detailed survey of the lot and surrounding areas. The applicant also requested a waiver for Checklist Items #43 through #47 and recommended a temporary waiver for completeness only be granted with the applicable information provided as conditions of any approval the Board may grant. Mr. Knutelsky also discussed documents provided by the applicant and said his completeness report is based on the HC-2 Zone District Category "B" dimensional requirements and felt the plans the applicant provided were sufficient. Mr. Cholminski talked about the dimensional requirements for Category "A" and Category "B" and indicated Ken Nelson's report stated the applicant chose Category "B" Standards but the Category "A" Standards may be the applicable set of regulations that will be needed. Mr. Knutelsky indicated his report is based on the dimensional requirements for "Category A" not Category "B". Mr. Brady commented on the checklist review and the zoning table. He indicated the applicant's zoning table referred to the Category "B" standards and is concerned that the application may not be complete. Mr. Knutelsky discussed the variances and talked about the setback and notice requirements. He felt the applicant has provided information on the zoning table and that is sufficient enough to grant the applicant

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completeness. Mr. Cholminski confirmed the completeness is based only on the temporary waivers discussed tonight.

Mr. Williams made a motion to **Deem Complete Application (PB-07-16-1), 24 Mabie Street LLC, 423 Route 23/24 Mabie Street, Block 702 Lots 5,6,7. Preliminary and Final Site Plan, "C" Variances.** Seconded by Mr. Christiano.

Upon Roll Call Vote:

AYES: Cholminski, Christiano, Foulds, Williams, Zydon, Nidelko

NAYS: None ABSTENTIONS: Fantasia

ADJOURNED CASES:

There were no adjourned cases.

APPLICATIONS TO BE HEARD:

(PB-07-16-1), 24 Mabie Street LLC,(Advanced Auto), 423 Route 23/24 Mabie Street, Block 702 Lots 5,6,and 7. Preliminary and Final Site Plan, "C" Variances.

Board Attorney, Dave Brady indicated there are some issues with the applicant's public hearing. He said additional variances are needed and were not included in the first public notice. He also pointed out to the applicant that signs are not waivers they are variances. Mr. Brady felt the public notice submitted by the applicant is not sufficient and recommended the application does not proceed into the public hearing. Mr. Cholminski stated the Planning Board has an obligation to make sure the public is notified correctly and agreed with Mr. Brady.

Applicants Attorney, Debra Nicholson stepped forward. She stated she has spoken with Dave Brady and understands the reasons to not proceed with the public hearing tonight. She asked the Board if they would consider a Special meeting. She felt it will give her team an opportunity to address any issues the Boards Professionals may have and submit a revised exhibit if needed. She said a Workshop Meeting is an informal meeting that is provided by the Land Use Law. Mr. Brady suggested a meeting to go over any technical issues. Mrs. Nicholson agreed and also asked if the meeting could be open to the public tonight since her Professional team is present. The Board was not in favor of Opening the Meeting to the Public. Mr. Cholminski commented on Board Engineer, Tom Knutelsky technical review report and suggested the Board Professionals and Applicants Professional Team meet and resolve some of the technical issues.

Debra Nicholson asked the Board if a Special Meeting could be arranged for the hearing. Board Members discussed their availability. Mr. Cholminski indicated workshop dates are not available and suggested the hearing be scheduled for the next Planning Board Meeting on September 19, 2016. Mrs. Nicholson agreed and asked if any Board Members or Board Professionals would like to meet with her

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Professional Team tonight. Mr. Cholminski said they are welcome to use the Conference Room after the meeting is adjourned.

Mrs. Nicholson confirmed with the Board the meeting dates that are scheduled for September and October. She then asked if there was a reason for an abstain vote on the completeness decision. Board Member, Dawn Fantasia indicated she is a Council Member and tonight is her first meeting replacing Mr. Martinez and she did not find it appropriate to vote with the Board at tonight's meeting. Mrs. Nicholson announced that her Advanced Auto Professional Team is available after the meeting to address any questions or concerns regarding the application.

OPEN PUBLIC SESSION:

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

Mr. Tom Cseh resident of 26 Mabie Street stepped forward. For the record he announced he will be requesting an adjournment so he can retain Council and an Engineering Professional. Mr. Cholminski said discussion on the Advanced Auto application will not be until the September scheduled meeting. Mr. Cseh briefly described where his home is located on Mabie Street.

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

Chairman, Mr. John Cholminski said he will meet with the Advanced Auto Team and Board Professionals after the meeting is adjourned.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 8:15 PM on a motion by Mr. Christiano. Seconded by Mr. Williams. All were in favor.

Respectfully submitted,

Karen Osellame
Secretary