

Franklin Borough Planning Board
Meeting Minutes for
May 16, 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."

ROLL CALL OF MEMBERS PRESENT: Mr. John Cholminski (Chairman)
Mr. Nathan Foulds (Vice-Chairman)
Mayor Nick Giordano
Mr. Jim Williams
Mr. Steve Zydon
Mr. James Nidelko (Alternate #1)
Mr. Sean Kidd (Alternate #2)

ABSENT: Mr. John Christiano
Mr. Joseph Martinez

ALSO PRESENT: Mr. Dave Brady (Board Attorney)

APPROVAL OF MINUTES:

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

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: None

APPROVAL OF RESOLUTIONS:

(PB-03-16-1) Elmo/Giacchi, Minor Subdivision Lot Line Adjustment, Block 1801 Lot 1 & 19, 83/85 Davis Rd.

Mr. Williams made a motion to **Approve Resolution for Applicant (PB-03-16-1), Elmo/Giacchi Minor Subdivision Lot Line Adjustment, Block 1801 Lots 1 & 19, 83/85 Davis Rd.** Seconded by Mayor Giordano.

Upon Roll Call Vote:

AYES: Cholminski, Foulds, Giordano, Williams, Zydon

NAYS: None ABSTENTIONS: None

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.

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OTHER BUSINESS:

Mr. Cholminski discussed the Planning Board Workshop meeting scheduled for June 15, 2016. Mr. Cholminski felt the workshop meeting was not necessary and Board Members agreed.

Mr. Cholminski commented on the Redevelopment Studies on Main Street and the Hospital Road property. He felt the studies are a few years old and may have to be reviewed by Board Planner, Ken Nelson to make sure the criteria is still met. Mayor Giordano suggested the Board wait for the Main Street Strategic Plan from the NJ Department of Community Affairs. Mayor Giordano commented on the Hospital property and indicated the property is in very bad condition. Mr. Cholminski added the Board needs to look at what's best for the town. He talked about redevelopment and tax abatements that benefit the town. A brief discussion took place on tax abatements and capital improvement.

PAYMENT OF BILLS:

Mr. Foulds questioned the bill from Mr. Ken Nelson regarding the Super Walmart site. Mr. Cholminski indicated a developer may have requested a special concept meeting with our Professionals but said no application at this time has been submitted.

Mr. Giordano indicated the bill regarding the Hungarian Church should be excluded and sent to Council to be approved and the Board agreed. Mr. Cholminski suggested that future bills from our Professionals on concept meetings should be signed off by someone who has attended the meeting. The motion was modified to remove the Hungarian Church bill from the May 16, 2016 Escrow Report.

Mr. Foulds made a motion to approve the **Franklin Borough Planning Board Escrow Report for May 16, 2016**. Seconded by Mr. Nidelko.

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: Giordano

DISCUSSION:

Ordinance 09-2016, Amending Chapter 161, "Land Development and Chapter 218 "Signs".

Board Attorney, Mr. Brady discussed the Borough's ordinance procedures and said he will be changing the process. He feels if the Planning Board sends an ordinance to Mayor and Council for approval and adoption and no further changes are made then he does not see why the ordinance needs to be reviewed again by the Planning Board.

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Mayor Giordano announced he will be stepping down due to a conflict with Ordinance #09-2016.

Mr. Foulds noticed lot information attached to Ordinance #09-2016 had duplicate properties appear in both Schedule #1, (HC1 Zone) and also Schedule #2, (HC2 Zone). Mr. Cholminski announced Ordinance #09-2016 will be tabled until the duplicate properties are reviewed and corrected.

Mr. Cholminski opened the meeting to the Public for any further comments regarding Ordinance #09-2016.

OPEN PUBLIC SESSION:

Ordinance #09-2016, Amending Chapter 161, “Land Development and Chapter 218 “Signs”.

Mr. Williams made a motion to **Open to the Public Ordinance #09-2016, Amending Chapter 161, “Land Development and Chapter 218 “Signs”.** Seconded by Mr. Nidelko. All were in favor.

Mr. Tom Collins stepped forward and announced he is an Attorney and Professional Planner who is representing Mr. Thomas Cseh, resident of 26 Mabie Street. He commented on his letter dated May 5, 2016 addressed to Borough Council Members regarding the HC2-Zoning Ordinance Amendment. He would like the Planning Board to consider modifying the introduced HC-2 ordinance and zone map change and add his clients property located at 26 Mabie St, Lot 8, Block 702 to the HC-2 Zone. He said Mr. Cseh is concerned with the new Auto Zone store being next to his lot line. He also indicated his client is prepared to sell his property to the commercial strip developer along Route 23. He pointed out most properties along Route 23 that are developed in that area have parking going back as far as Mr. Cseh property line. He also added his client’s property will allow for a better and safer access from the highway commercial uses and greater stacking area on Mabie Street. He said the change the Planning Board is proposing will only leave 110 feet from the intersection to the end of the HC2 zone but adding Mr. Cseh property it will then be 160 feet. Mr. Collins also said Mr. Cseh remembers someone from Department of Transportation told the prior developer they should get 150 feet at a minimum in order to have a good safe distance for traffic. He feels it will add a bigger landscape buffer, provide additional parking and property depth. He asked the Planning Board to consider amending the Re-Examination Report and add Mr. Cseh property located at 26 Mabie Street to the HC-2 Zone recommendations. He commented on Land Use Laws regarding a Re-Examination Report. Mr. Collins said his client is prepared to sell his property and demolish his house and have his property considered part of Advanced Auto. Also, pointed out his client was approached in either 2014 or 2015 and no formal offer to purchase the property was made.

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Mr. Cholminski said the Planning Board has not seen an application or site plan on Advanced Auto and indicated the Board's Planner, Mr. Nelson is not present tonight to answer any questions or make any comments on Mr. Collins recommendations. Board Attorney, Mr. Brady confirmed there is no application before the Planning Board at this time but did state there has only been meetings with Professionals over the application process. Mr. Collins said he thought an application was already submitted. A brief discussion took place on an application procedure and Mr. Brady specified the applicant is waiting on Ordinance approval before submitting an application. Mr. Collins said he does respect that the Board needs to hear from Ken Nelson but asked the Board to consider his recommendations before the ordinance is adopted. Mr. Cholminski recommended that Council wait on the ordinance adoption until this issue is resolved and Mr. Nelson is present to comment. Mr. Brady said he will notify Council and Mr. Nelson on what was discussed tonight.

Mr. Collins agreed and discussed the benefits of including Mr. Cseh property in the HC2 Zone. He indicated a map of the area was attached to his letter of May 5, 2016 and commented on the widths of the lots. A brief discussion took place on properties that surround Mr. Cseh property. Mr. Cholminski announced the next Planning Board meeting will be June 20, 2016 and said by then the Board may have some recommendations from Board Planner, Mr. Nelson regarding Mr. Collins request. He also said Ordinance #09-2016 will also be addressed due to the lot list discrepancies. Mr. Cholminski ended the discussion and stated at the next Planning Board meeting scheduled for June 20, 2016 the Board will take action on the modification of the Ordinance and Mr. Collins request.

Mr. Williams made a motion to **Close to the Public Ordinance #09-2016, Amending Chapter 161, "Land Development and Chapter 218 "Signs"**. Seconded by Mr. Foulds. All were in favor.

CORRESPONDENCE:

OPEN PUBLIC SESSION:

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

Mr. Frank Elmo a resident of 85 Davis Road stepped forward. He said the Resolution for his application was passed tonight and he would also like the deeds to be signed tonight. Board Attorney, Dave Brady stated Mr. Knutelsky and himself have not finished reviewing the documents. Mr. Brady commented on the deeds and said he will contact Mr. Elmo's Attorney when they are approved.

Mr. Thomas Collins stepped forward and presented Board Secretary with his letter dated May 5, 2016 addressed to Borough Council Members regarding 26 Mabie Street.

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

DISCUSSION:

Ordinance #11-2016, Amending Chapter 161, "Land Development".

There were no further changes or comments regarding Ordinance #11-2016.

Mr. Foulds made a motion to **Move Ordinance #11-2016, Amending Chapter 161, "Land Development" to Mayor and Council for Final Approval**. Seconded by Mr. Williams.

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: None

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 8:16 PM on a motion by Mr. Foulds. Seconded by Mr. Williams. All were in favor.

Respectfully submitted,

Karen Osellame
Secretary