

Franklin Borough Planning Board
Meeting Minutes for
August 20, 2018

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

Mr. Suckey read the Statement of Compliance pursuant to the “Open Public Meetings Act, Chapter 231, PL 1975.”

ROLL CALL OF MEMBERS: Mr. Wes Suckey, Chairman (present)
Mr. John Christiano, Vice – Chairman (present)
Mr. Nick Giordano, Mayor (present)
Mr. Stephen Skellenger, Councilman (present)
Mr. Floy Estes (present)
Mr. Jim Nidelko, (present)
Mr. Jim Williams (present)
Mr. John Friend (present)
Mr. Richard Knop, (present)
Mr. Ted Bayles, Alternate #1 (absent)
Mr. Michael Raperto, Alternate #2(present)
Mr. Stephen DeFinis, Alternate # 3 (present)
MS. Sharon Schultz, Alternate #4 (present)

ALSO PRESENT: Mr. Dave Brady, Board Attorney
Mr. Ken Nelson, Board Planner
Mr. Tom Knutelsky, Board Engineer

APPROVAL OF MINUTES:

Mr. Suckey explained that there were new copies of the **December 17, 2017** meeting minutes distributed to the board members tonight. Mr. Suckey explained that because the board members did not have enough time to read these minutes, voting on approval of these minutes would be tabled to the next planning board meeting.

Mr. Suckey asked for a motion to approve the **June 6 2018** meeting minutes.

Mr. Skellenger made the motion to accept the June 6, 2018 meeting minutes.

Seconded by Mr. Giordano.

Upon Roll Call Vote:

AYES: Friend, Nidelko, Estes, Williams, Giordano, Skellenger, Knop, Christiano, Suckey.

NAYS: None ABSTENTIONS: None

APPROVAL OF RESOLUTIONS:

There were no resolutions for approval.

APPLICATIONS FOR COMPLETENESS:

There were no applications for completeness.

APPLICATIONS TO BE HEARD:

F&R Associates, LLC PB 06-18-01, Block 1302, Lot 9 for a Minor Subdivision in zone OS/GU (RS Phillips/Buckwheat Quarry)

Franklin Borough Planning Board
Meeting Minutes for
August 20, 2018

Mr. Suckey explained that there was an error on the agenda at the previous meeting in regards to applications to be heard. Mr. Brady explained that in fact F&R would be heard tonight and the back story of how they have come to this present moment. Mr. Suckey explained to the public and board he would be recusing himself from this application and that Mr. Friend would be chairing this portion of the meeting. Members who also recused themselves were Mr. Christiano, Mr. Williams, Mr. Nidelko, Mr. Raperto, and Ms. Schultz.

Mr. Brady explained at this time the meeting should be opened to the public for their input on the application. Mr. Brady explained that the planning board and public have heard all of the testimony from the applicant on this application. Mr. Brady emphasized that this was the reason for Mr. McGee re noticed in the paper for this evening so there were not be any jurisdiction problems.

Mr. Friend asked for a motion to open the meeting to the public. **Mr. Skellenger** made the motion to open the meeting to the public. Seconded by **Mr. Estes**.

All were in favor.

Mr. Friend stated at this time anyone from the public could come up and address the board in regards to this application.

Mr. Friend stated with no one coming forward to address the board at this time, Mr. Friend closed this portion of the meeting to the public.

Mr. Brady stated at this time because we have already heard testimony on this application and we do have proper notice given for this meeting the formality now would be to ask for a motion to approve with by a vote on this application.

Mr. Brady stated that one of the conditions that should be included is something that was pointed out by Mr. Knutelsky which is various easements that exist here. The deeds are from years dating as far back as 1947. Mr. Brady explained that those deeds are obtuse and are not the way deeds are written today.

Mr. McGee agreed and stated that he has already been working on a purposed draft he could circulate to Mr. Brady and Mr. Knutelsky.

Mr. Brady stated that Mr. McGee, Mr. Knutelsky and Mr. Brady will meet at a later date and work on the langue to fill in some of the gaps and to refine the easements in the deed. Mr. Brady explained that the ideal scenario would be to meet at some point in the next thirty days in between the resolution being drafted. Mr. McGee agreed.

Mr. Friend asked for a motion to approve based on the conditions discussed.

Motion made by **Mr. Giordano**. Seconded by **Mr. Skellenger**.

Upon Roll Call Vote:

AYES: Friend, Estes, Giordano, Skellenger, Knop, DeFinis

NAYS: None ABSTENTIONS: None

Approved

Mr. Friend stated that the board would have to reshuffle again and ask for the members who stepped down for this application to return.

Mr. Suckey brought the meeting back to order. Suckey stated the next application to be heard would be

Franklin Borough Planning Board
Meeting Minutes for
August 20, 2018

JP Morgan Chase Bank, N.A. PB # 06-18-03 Block 1101, lot 7. Bulk Minor Site Plan in Zone HC-1

Jennifer Porter introduced herself as the attorney representing Chase Bank. Ms. Porter stated that she is here this evening in reference to the application for Chase Bank. Ms. Porter explained that they are here this evening for approval of a minor site plan and a bulk variance approval. Ms. Porter stated which is actually a waiver/ exception in connection with sight lighting modifications that are required in part due to the atm retrofit that is being proposed this evening. Ms. Porter explained that she also has with her this evening their site engineer Matthew Dewitt. from Core States who will be giving testimony in regards to the ATM retrofit along with adding lighting modifications to the site.

Ms. Porter also stated that she would like to have on record that the site does have various preexisting no conforming conditions that Ms. Porter listed for the board.

Ms. Porter stated that none of those conditions would be changing in any way shape or form with conjunction to this application.

Ms. Porter also stated that she brought with her this evening an extra copy of the notice in case Mr. Brady needed to see it.

Mr. Brady stated that he received the notice and stated we have jurisdiction.

Ms. Porter stated if the board did not have any questions at this time, Ms. Porter would like to introduce Mr. Dewitt to present his testimony.

Mr. Brady swore Mr. Dewitt in under oath.

Mr. Dewitt stated his full name as Matthew Dewitt –58 Mount Bethel Road, Warren NJ

Mr. Brady asked for Ms. Porter to qualify Mr. Dewitt.

Mr. Dewitt listed his qualifications to the board.

Mr. Suckey asked Mr. Dewitt if he has ever appeared before a planning board before.

Mr. Dewitt answered yes.

Mr. Suckey accepted Mr. Dewitt qualifications to be a professional engineer and asked Mr. Dewitt to proceed.

Mr. Dewitt went on to give his testimony.

Mr. Dewitt gave a brief description on the location of the Chase Bank in Franklin,

Mr. Dewitt explained that the applicant is looking to remove one of the vacuum seal systems at drive thru number three and replace it with an ATM machine.

Mr. Dewitt also stated in replacing the vacuum seal system with the ATM machine they will widen the middle row 9.6 inches and the outer by 6 inches making the lanes wider.

Mr. Dewitt explained that the current lanes are very narrow in making them wider it will give the vehicles more room when coming through the lanes.

Mr. Dewitt went on to explain that by state law there needs to be a certain amount of lighting near the ATM machine.

Mr. Dewitt explained in making sure there is enough lighting to be conducive to following the law, there will need to be two added light poles to the grassy area directly across from the end of the last drive thru lane.

Mr. Dewitt explained that the new fixtures would match the existing fixtures.

Mr. Dewitt explained that there would be no change in the landscaping, architecture and signage.

Ms. Porter asked Mr. Dewitt to address any of the questions or concerns he may have had with the Mr. Knutelsky's completeness report. Mr. Dewitt explained that he did not see any issue or

Franklin Borough Planning Board
Meeting Minutes for
August 20, 2018

concerns with the completeness report and would adhere to everything that Mr. Knutelsky stated in the completeness report at this time.

Mr. Suckey asked if the board members had any questions for Mr. Dewitt.

Mr. Nidelko asked if the lighting would be a lot brighter than what was already in place.

Mr. Dewitt reassured Mr. Nidelko that the lighting would not be drastically brighter and would not hinder drivers or the residents who resided across from Rt. 23.

Mr. Knutelsky asked Mr. Chairman if he could quickly go over his completeness report to give the board members and the applicant more clarity on the completeness report dated July 12, 2019 entails. The planning board members did not have any questions at this time for Mr. Knutelsky in reference to his completeness report.

Mr. Suckey thanked Mr. Knutelsky and asked Mr. Nelson if he had anything to add.

Mr. Nelson stated that his report was very brief and agreed that landscaping did not need to be changed and the property is properly maintained.

Mr. Suckey asked if any of the board members had any questions for Mr. Nelson.

The board members did not have any questions at this time.

Mr. Suckey asked for a motion to open the meeting to the public. **Mr. Williams** made a motion to open the meeting to the public. Seconded by **Mr. Skellenger**.

All were in favor.

Mr. Suckey stated not seeing anyone coming forward Mr. Suckey asked for a motion to close the meeting to the public. **Mr. Williams** made a motion to close the meeting to the public. Seconded by **Mr. Skellenger**

All were in favor.

Mr. Suckey asked for a motion to approve the JP Morgan Chase Bank application.

Mr. Williams made a motion to approve the application for JP Morgan Chase Bank. PB # 06-18-03 Block 1101, lot 7. Bulk Minor Site Plan in Zone HC-1. Seconded by **Mr. Skellenger**.

Upon Roll Call Vote:

AYES: Friend, Nidelko, Estes, Williams, Giordano, Skellenger, Knop, Christiano, Suckey.

NAYS: None ABSTENTIONS: None

Approved.

Ms. Porter thanked the board as she and Mr. Dewitt exited the meeting.

Mr. Suckey stated the next application to be heard tonight would be

JCM investors, 1012, LLC, PB# 04-18-02, Block 2701, Lot 2, 110 Munsonhurst Road, Preliminary & Final Site plan in MPR Zone. (Continued from August 1, 2018)

Mr. Kelly introduced himself as Kevin Kelly with Kelly and Ward. Mr. Kelly also stated that he also has with him Mrs. Autumn McCourt the applicant's attorney.

Mr. Kelly stated that he would like to state for the record that as of the last meeting we were finished giving our case and testimony.

Mr. Kelly stated that it was Mr. Sherwood a jointing property owner who requested at the last meeting that the meeting be carried over to tonight because he was on vacation and unable to attend the last meeting and give his testimony.

Franklin Borough Planning Board
Meeting Minutes for
August 20, 2018

Mr. Kelly stated that if we go into extra information in regards to the Safe Tree Plan and the Fire Report. Mr. Kelly stated he believes the public has the right to ask specific questions to those areas.

Mr. Brady stated that he agreed with Mr. Kelly. Mr. Brady explained that at the last meeting Mr. Kelly finished his testimony and the public asked their questions in regards to that testimony at the last meeting. Mr. Brady stated that the public session was therefore closed. Mr. Brady explained that Mr. Sherwood wrote a letter requesting that the meeting be carried over to tonight so Mr. Sherwood would have a chance to give his testimony. Mr. Brady stated that it was due process and thought it was fair to allow Mr. Sherwood who attended every meeting thus far. Mr. Brady stated and Mr. Sherwood was going to be the only public permitted to testify on the entirety of the application.

However, Mr. Brady stated as far as the Fire Report and the Save Tree Plan the public hearing new testimony on these subjects only will be allowed to ask questions during open public session.

Mr. Brady asked Mr. Kelly if he would start with addressing the Fire Report and the Save Tree Plan and after those two issues have been addressed Mr. Brady stated that we will hear from Mr. Sherwood.

Mr. Kelly was in agreement and proceeded with the Fire Report.

Mr. Kelly stated after receiving the Fire Report and reviewing it with my client. Mr. Daurio stated that there are no issues or concerns and this is something that Mr. Daurio could accommodate and comply with all four recommendations listed on the report.

Mr. Brady recommended marking the letter in as F 1 for Fire Department 1 with today's date.

Mr. Nidelko stated that the Fire Dept is willing to meet with Mr. Daurio's engineer to go over where the exact locations of the additional fire hydrants should be placed on the site. Mr.

Nidelko also suggested that the property have some sort of water reserve located on the property for fire protection. Mr. Kelly and Mr. Daurio agreed and addressed that he would have some sort of water reserve system on the property.

Mr. Brady stated that he was making a note that Mr. Daurio would be willing to work with the fire dept to come up with some sort of solution for having water on reserve on the property. Mr. Daurio stated he had no problem with that.

Mr. Kelly stated that the next area that needs to be addressed is the information on salt and fertilizer that Mayor Giordano requested.

Mr. Kelly stated that he would have Mr. Daurio address the mayor's concerns in that particular area.

Mr. Brady stated that Mr. Daurio was sworn in under oath at the last meeting and is still under oath.

Mr. Daurio stated that any fertilizer that will be used on his property will be organic fertilizer.

Mr. Daurio also stated and as far as the salt being used in the winter it would be the exact same salt that the Borough DPW uses. Mr. Daurio also stated that he would also be willing to purchase it through the same vender that the town uses so there would be no miscommunication.

Mayor Giordano stated that is more than amicable and thanked Mr. Daurio.

The members had a brief discussion on the salt and where it is purchased and what the exact ingredients consist of.

Mr. Suckey stated at this time he would like to move on to the Save Tree Plan.

Franklin Borough Planning Board
Meeting Minutes for
August 20, 2018

Mr. Daurio stated that he has met with Mr. Knutelsky and Mr. Nelson and we have come to the conclusion that the Save Tree Plan would be done with the town's engineer on site in three separate locations. Mr. Daurio stated that Mr. Knutelsky would be on site and he would take the lead on what trees could be saved.

Mr. Brady stated the Save Tree Plan exhibit was marked in as an exhibit as A-21

Mr. Daurio pointed out on the Tree Save Plan exhibit the four basic areas of the plan two in the front and two on the back side of the site plan. Mr. Daurio stated he plans on leaving as many trees as possible in those specific areas as pointed out on the exhibit.

Mr. Daurio wanted it to also be noted that he anticipates a very intensive landscaping plan and will be planting a large number of trees as well in our landscaping plan.

Mr. Nelson gave a brief summary of what he thought of the Save Tree Plan report and what the plan going forward would look like. Mr. Nelson stated that he and Mr. Knutelsky will be visiting the site and observing and making notes of what areas that were noted and described in the Save Tree Plan.

Mr. Suckey asked if there were any more questions in regards to the Save Tree Plan.

There were no questions from the board members.

Mr. Kelly asked if the record could show that he and his client have completed their presentation at this time and have nothing else to present.

Mr. Brady stated that because there was additional information provided this evening the meeting should be opened to the public for questions on only the new testimony that was just given in reference to the Fireman's report and the Save Tree Plan.

Mr. Suckey opened the meeting to the public to address in reference to the Save Tree Plan along with the Fireman's Report.

Mr. Durina – 23 Lozaw Road

Mr. Brady stated that he would swear Mr. Durina in under oath so he would be able to make statements and ask questions at this time.

Mr. Brady swore Mr. Durina in under oath and Mr. Brady stated that Mr. Durina could resume and ask questions or give statements in regards to the testimony that has been given thus far this evening.

Mr. Durina continued by stating that many years ago he started to collect water maps from the town of franklin and worked on putting a map together. That particular map was hung in the firehouse for 30 plus years and many of the firemen made the map smaller and put it in their helmets. Mr. Durina gave examples of different kinds of options and water systems that this particular development would need. Mr. Durina stated that the number of wells is not the issue the main issue is all this water running through a 12-inch line. Mr. Durina stated this is why he would like to see a gravity water tank placed on the property. Mr. Durina stated that these systems are also known as lollipops. Mr. Durina also stated that he feels strongly that this development should have 24 hours 7 days a week fire protection in place. Mr. Durina stated that it is better we hope for the best and prepare for the worst especially when dealing with a fire issue. Mr. Durina stated accident and mother nature happens and it is in the best interest of the 1,000 of residents who will be living in this development to have the right water and fire systems in place.

Mr. Suckey stated that the applicant has already stated that he will meet our request, in reference to having reserved water.

Franklin Borough Planning Board
Meeting Minutes for
August 20, 2018

Mr. Durina asked who put these requirements into place. Mr. Suckey stated it would be a collaboration between the engineer and the sub code.

Mr. Durina stated that it would be in the best interest of this town to call in a fire protection engineer to evaluate the plans. Mr. Durina stated that he believes that they come in free of charge.

Mr. Durina stated that we are talking about life and death situations here. Mr. Durina stated the water systems needs to be approved and someone needs to ask the applicant to do something to improve it for this development and this town.

Mayor Giordano stated that the Borough was evaluated by the Forest Fire Suppression System Public Protection Allocation within the last two months. Mayor Giordano stated that they graded Franklin as an overall community. Mayor Giordano stated that he would print it out for Mr. Durina if he would like it. Mayor Giordano also stated that he would send it to Mr. Brady for his review and would share it with the rest of the planning board members.

Mr. Durina thanked Mayor Giordano and walked back to his seat.

Dawne Rowe -140 Munsonhurst Road

Mr. Brady stated that Ms. Rowe was sworn under oath at the last meeting and that would still hold true for the comments that Ms. Rowe would state tonight.

Ms. Rowe agreed. Ms. Rowe stated that she had a question for the mayor. Ms. Rowe stated that the mayor stated that our community was graded on that survey did that include the proposed development or what our community is today? Mayor Giordano stated it was based on how our community stands today. Ms. Rowe thanked the Mayor.

Ms. Rowe stated that there has been a lot of discussion on wells and adding wells which I get and know the reasons, especially for fire safety the question that remains is where is this water coming from, is it coming from the same source as the other wells.

Mr. Suckey stated that may be a possibility. Mr. Suckey stated that it would be a reserved well its not actually pumping until it is needed for a fire service.

Ms. Rowe asked if the reserved well would be used in the case of emergencies other then fire related emergencies such a drought like scenario. Mr. Suckey stated that it would be a private well unless the applicant gave it to the borough. Mr. Suckey also stated that there are other forms of water systems that can be used it does not just have to be a well.

Ms. Rowe asked if the engineer would be taking the walk with Mr. Nelson on the property to go over the Save Tree Plan. Mr. Suckey stated Mr. Knutelsky would be going with Mr. Nelson and Mr. Nelson would be taking the lead because he is the expert in landscaping and trees.

Ms. Rowe thanked the board and returned to her seat.

Mr. Suckey asked if there was anyone else who would like to step forward for questions or comments.

Mr. Suckey stated not seeing anyone at this time coming forward he would close the meeting to the public.

Mr. Suckey asked Mr. Sherwood to step up to the microphone and present his testimony.

Rughu Murthy – Eastern Environmental Law Center representing the Wallkill Headwaters Association and the New Jersey Highlands Collation.

Mr. Brady stated that he would like to first start by having Mr. Murthy spell his name.

Franklin Borough Planning Board
Meeting Minutes for
August 20, 2018

Mr. Brady also questioned why Mr. Murthy did not have the esquire initials after his name in the letter he had sent to Mr. Brady. Mr. Brady stated that it triggered him to look up Mr. Murthy in the lawyer's diary and the New Jersey courts online. Mr. Brady stated he did not come across Mr. Murthy's name in either places. Mr. Murthy stated that it was listed with his full name. Mr. Murthy stated that he would give Mr. Brady his lawyer number if that would help. Mr. Murthy stated his lawyer number was 06042008. Mr. Brady stated that he would take Mr. Murthy's word that you were a lawyer. Mr. Brady stated unless Mr. Kelly as an objection on whether or not you're a lawyer. Mr. Kelly stated he has no objections.

Mr. Brady explained that this portion of the meeting was extended and postponed due to the fact that Mr. and Mrs. Sherwood were away at the last meeting and could not provide testimony. Mr. Brady stated that he stated at the last meeting to only be fair to Mr. and Mrs. Sherwood who have attended all the meetings thus far. Mr. and Mrs. Sherwood should have the opportunity to give their testimony. Mr. Brady stated that being said we should only be hearing from Mr. and Mrs. Sherwood not from outside entities or interested parties.

Mr. Murthy stated that he thought that was fair and explained that Mr. Sherwood would make a statement and show photographs he has taken on the site and give his testimony along with his professional Ms. Klein.

Mr. Brady stated that he thought that was fair and it was in keeping with what they have been doing throughout this application. Mr. Brady asked Mr. Kelly if he had an objection.

Mr. Kelly stated that he did have a few objections some that Mr. Brady has already addressed. Mr. Kelly stated he is looking at Mr. Sherwood's letter that is dated July 17, 2018. Mr. Kelly asked to have the letter marked as identification.

Mr. Kelly marked the letter as **A-22** with the date of August 20, 2018.

Mr. Kelly stated that this letter request that was received the day after the July 6, 2018 planning board meeting. Mr. Kelly stated that Mr. Sherwood never once mentioned an adjournment, retaining council or retaining an expert. Mr. Kelly read aloud the letter from Mr. Sherwood. Mr. Kelly stated that permission was granted at the last planning board meeting allowing for Mr. Sherwood to give his testimony. Mr. Kelly stated at that time there was no mention of other entities representing Mr. Sherwood. The opportunity for those such entities has passed and it would not be fair to my client at this time to allow any one other then Mr. and or Mrs. Sherwood to give their testimony. Mr. Kelly stated time is up for any new testimony from anyone else.

Mr. Murthy asked if he could respond to Mr. Kelly's objection and stated that it is Mr. Sherwood's due process to be heard and if being heard is having an attorney and an expert that is Mr. Sherwood 's due process right.

Mr. Brady stated that this is something that the board would have to discuss and come to an agreement on at this point.

Mr. Suckey stated that his concern was throughout this whole process Mr. Sherwood would was representing himself and his horse farm. Mr. Suckey also stated further more when Mr. Sherwood requested that we allow Mr. Sherwood to give his testimony tonight Mr. Sherwood never mentioned being represented by council, obtaining an expert or representing the Wallkill Headwaters Association and or the New Jersey Highlands coalition.

After a long discussion of whether or not Mr. Sherwood's expert should be allowed to give testimony tonight Mr. Suckey asked every board member if they were in agreement to allow Mr.

Franklin Borough Planning Board
Meeting Minutes for
August 20, 2018

Sherwood and his expert to give testimony tonight. All the board members were in agreement to allow Mr. Sherwood and his expert to present testimony this evening.

Mr. Sherwood thanked the board and approached the microphone. Mr. Brady stated that he would swear Mr. Sherwood in under oath at this time.

Ian and Theresa Sherwood 189- 193 Corkhill Road –

Mr. Sherwood read a statement thanking the board and professionals allowing him and Mrs. Sherwood to be able to be here tonight to give their final remarks on this proposed project.

Mr. Sherwood stated that he would like to first start by showing photos that he has taken from his property that show their personal concern.

Mr. Brady asked Mr. Sherwood to mark the photo **S-1** for Sherwood 1 along with today's date and a brief description of what the picture is showing.

Mr. Sherwood explained that the picture he is displaying is a picture of their pasture west of the build site which is a winter view.

Mr. Sherwood gave a brief description of the photo.

S2 marked with today's date of 8/20/18 – Mr. Sherwood explained that this picture was taken on 8/4/18 and show significant flooding that also shows the tree lines where the new proposed buildings will go. Mr. Sherwood stated that these pictures are not after a tropical storm or a hurricane this is just the result of a wet summer.

S3 marked 8/20/18 Mr. Sherwood stated that this picture is the same picture just a better angle of the pasture further west of the build site. Mr. Sherwood stated if you would put S3 to the left of S2 it would show the whole view of the pasture.

Mr. Brady stated that Mrs. Sherwood should be sworn in if she would like to answer questions in regards to the photos they are sharing with everyone this evening.

Mr. Brady swore Mrs. Sherwood in under oath. Both Mr. and Mrs. Sherwood answered questions that were asked by the planning board in regards to the pictures that were presented thus far.

Mr. Sherwood stated that he would also like to share two more photos.

S4- Mr. Sherwood stated this picture show the erosion and the material that came down from the Braen Quarry which is located on the other side of Corkhill road that made it over to our property and across back to the Wallkill Valley River. The photo was taken on 8/13/18. Mr. Sherwood stated that these photos reflect the erosion of their driveway and property that is being directly affected by the quarry.

S5- Marked 8/20/18 shows the entrance to the Sherwood's property showing the driveway that comes off of Corkhill Road that shows the sediment that is coming from the run off from Corkhill Road. Photo taken on 8/13/18

S6 - Marked 8/20/18 which is a photo of the Wallkill River that shows the sediment going into the river. Photo taken on 8/13/18.

Mr. Sherwood asked if there were any questions on the photos that have been passed around.

Mr. Suckey stated at the present moment all of the pictures you have shown are from a problem that is across the street from your property that is another piece of property not related to the applicant.

Mr. Sherwood agreed and stated the point that he is trying to make is that when these applications come forward everyone swears up and down that there will not be any damages and that other properties will not be affected and we are. Mr. Sherwood stated that the problem

Franklin Borough Planning Board
Meeting Minutes for
August 20, 2018

happens and we have to wait for answers and solutions as the issue damages our property. Mr. Sherwood stated its not fair and we were told that we would not see any affects and we are. Mr. Sherwood stated his property and livelihood will be directly affected by the application before us tonight.

Mr. Suckey asked if there were photos of any run off water from the applicant's property currently. Mrs. Sherwood stated no because the property is still wooded.

Mr. Sherwood went on to explain that the woodchip recreation trail was not a well thought out idea. Mr. Sherwood also stated that Mr. Daurio stated that the Borough is requiring Mr. Daurio put the trail in. Mr. Sherwood also stated that Mr. Daurio stated if Mr. Sherwood did not want it, it could be eliminated.

Mr. Suckey stated that the Borough did not state that Mr. Daurio had to put in a trail.

Mr. Sherwood stated that he would like to request that the trail be removed from the plans. Mr. Sherwood stated that trail is just giving people a reason to interact with the horses that will be along that trail on my side of the property.

Mr. Sherwood referred to and quoted ordinance 08-2018 – General Designs Standards.

Mr. Sherwood requested that the applicant make a larger buffer on the plan that butts up against Mr. Sherwood's property making it a buffer and a visual screen using trees.

Mr. Sherwood read a brief statement in closing, a summary of Mr. Sherwood's concerns that were addressed this evening. Mr. Sherwood thanked the board for accepting their request and allowing them to have this opportunity to speak tonight.

Mr. Suckey asked the board members if they had any questions for Mr. and Mrs. Sherwood. Mayor Giordano asked if Mr. Sherwood if he had any property that he could possibly add another barn to their property to relocate the horses that would be affected directly by the construction.

Mrs. Sherwood stated because of the beautiful Wallkill river that flows through our property it keeps us from being able to build anywhere else.

Mrs. Sherwood stated that the stables and barns are not the issue. Mrs. Sherwood is more concerned about the open space.

Mr. Sherwood answered questions that the board members had in regards to the horses being spooked with the quarry blasts and how the horses would react to jack hammering and other loud noises.

Mr. Sherwood stated because they are located in the valley noises are carried that much further and that much louder. Mr. Sherwood stated to have a massive construction being worked on for 9 months, a year or maybe two years would be detrimental to the horse farm.

Mr. Suckey asked if there were any more questions from the board members.

There not being any more questions from the board members, Mr. Suckey asked Mr. Kelly if he had a question for Mr. and Mrs. Sherwood at this time.

Mr. Kelly asked Mr. Sherwood it is true that you bought your property in 2010?

Mr. Sherwood answered yes.

Mr. Kelly went on to state that Mr. Sherwood knew that the property being discussed was approved for 250 units at the time Mr. Sherwood purchased his property.

Mr. Sherwood answered yes.

Mr. Kelly stated is it true you knew that Transbank was also approved for 265 multifamily housing units.

Franklin Borough Planning Board
Meeting Minutes for
August 20, 2018

Mr. Sherwood stated that he was not aware of a Transbank.

Mr. Kelly stated the point he is trying to make is when Mr. Sherwood bought his house in 2010 there were approved plans that allowed for 515 multifamily units to be built. Mr. Kelly stated there were approved site plans on this property that Mr. Sherwood was aware of when he bought his property.

Mrs. Sherwood explained that yes, they were aware of such plans however Mrs. Sherwood thought that those plans would now have to follow today's codes and feels that it would be very difficult to build in such an environmentally sensitive area, specifically with the Wallkill River, wet lands and endangered species on this particular property.

Mr. Kelly asked Mr. Sherwood when Mr. Sherwood retained Eastern Environmental.

Mr. Sherwood stated recently.

Mr. Kelly asked Mr. Sherwood when Mr. Sherwood retained Princeton Hydro

Mr. Sherwood stated recently.

Mr. Brady stated that he will allow for Mr. Sherwood to present his expert witness to come forth at this time.

Mr. Brady Swore in Kelly Klein under oath.

Ms. Klein stated that she is with Princeton Hydro 1108 Old York Road Ringoes, NJ 08551

Mr. Brady asked for Mr. Murthy to qualify Ms. Klein as an expert in her area of expertise.

Mrs. Murthy went forward with qualifying Ms. Klein.

Ms. Klein went on to list her educational background stated she has her BS in Biology and chemistry.

Mrs. Murthy asked for Ms. Klein to give a description of her work experience.

Ms. Klein explained that she has worked as a senior project manger at Princeton Hydro.

Mr. Murthy asked if Ms. Klein's work entailed preparing site plans for planning boards.

Mr. Klein answered yes and gave a brief description of entities that she has prepared site plans for and a numerous development as well.

Mr. Murthy asked if Ms. Klein to estimate how many planning boards plans, she has prepared for since 1996.

Ms. Klein stated maybe fifty plans.

Mr. Murthy stated that he would like to present Ms. Klein has an expert planner witness for this application.

Mr. Brady stated that the board may have some questions accepting Ms. Klein has an expert along with allowing Mr. Kelly to have the opportunity to ask some questions in regards to qualifying Ms. Klein has an expert.

Mr. Kelly was given the opportunity to cross exam the qualifications that would make Ms. Klein an expert.

After a very long discussion where many questions were asked in reference to Ms. Klein being accepted as an expert or not being accepted as an expert.

Mr. Brady stated that there was not a solid answer on what Ms. Klein is in expert in, Mr. Brady stated that that there is no clear definition on what Ms. Klein would be in expert in to add to testimony in addressing the application that is before the board this evening.

Mr. Brady stated that the board hears the qualifications from the proposed expert and it is up to the board members to accept or not to accept the expert to give testimony on the application at hand.

Franklin Borough Planning Board
Meeting Minutes for
August 20, 2018

Mr. Christiano stated that he believes that Ms. Klein should be heard tonight and be accepted as a professional. Mr. Christiano stated that with such a large application there are so many areas to be addressed how could one narrow it down to what qualifies he or she as an expert in a matter that has become so very broad.

Mr. Christiano stated he believes Ms. Klein should be heard tonight.

Mr. Brady gave a lengthy description of what qualifies an expert to become an expert in such an application and Mr. Brady stated it is not clear on what Ms. Klein is an expert on at this time.

Mayor Giordano made a motion to not accept Ms. Klein as an expert. Seconded by **Mr. Skellenger**.

Upon Roll Call Vote:

AYES: Friend, Nidelko, Williams, Giordano, Skellenger, Knop, Suckey.

NAYS: Christiano, ABSTENTIONS: Estes

Approved.

Mr. Sherwood expressed his displeasure with the board's decision not to allow Ms. Klein to speak and give testimony this evening.

Mr. Kelly stated that he would like to give a brief summary in closing this evening.

Mr. Suckey asked for a five-minute break

At 10:22 Mr. Suckey brought the meeting back to order and allowed for Mr. Kelly to proceed with his final thoughts this evening. Mr. Kelly proceeded in his closing summary.

Mayor Giordano stated that he had a few issues that he would like to have addressed one being the walking trail that has been proposed. Mayor Giordano stated that he did not feel that the walking trail was not necessary and felt that it should be eliminated. Mayor Giordano also stated that he would like to see a clear buffer whether it be with a high density of trees and shrubs and or a fence should be placed to separate the two properties. Mayor Giordano also requested that there be a fence around the wells on the site plan.

Mr. Daurio stated that he had no problems with that idea and would accommodate that request.

Mr. Daurio also stated that if there was an issue with the walking trail, he would also eliminate that as well.

Mr. Williams wanted to confirm that the Fire Dept. members from the planning board and JCM would be meeting at a later date to discuss more thoroughly and come up with the conditions that would be addressed in a proposed resolution.

There was a brief discussion on different types of reserved water systems and what would best fit and be practical to this kind of development being proposed.

Mr. Suckey stated at this time with there not being any more concerns or questions from the board members or the professionals. Mr. Suckey stated that he would entertain a motion to accept or not to accept this project presented.

Mr. Brady explained to the board members that the motion could read as and gave examples of the way the motion should be stated depending on what the members wanted to explain and have approved or not approved as far as conditions and other stipulations that have been discussed through out the hearing process.

Mr. Suckey asked Mr. Brady if it would be better to have Mr. Brady draft a resolution of approvals of the outlining conditions before conducting a vote. Mr. Brady stated that as we have done before the board can authorize Mr. Brady to prepare a resolution of approval outlining all of the approvals and outlining conditions.

Franklin Borough Planning Board
Meeting Minutes for
August 20, 2018

Mr. Suckey stated that the reason he suggested this route is because this application has been over a three-month period and there has been a lot of discussion and notes made and discussed. Mr. Suckey stated that it would be in everyone's best interest to authorize Mr. Brady to draft a resolution that clearly states everything that has been discussed and addressed over the few months that we have been addressing this application. The board members agreed.

Mr. Skellenger stated he would like to make a motion to authorize Mr. Brady to draft a resolution of approval. Seconded by **Mayor Giordano**.

Mr. Suckey explained that we are not approving the application tonight we are approving authorizing Mr. Brady to draft a resolution of approval.

Upon Roll Call Vote:

AYES: Friend, Nidelko, Williams, Giordano, Skellenger, Knop, Christiano, Suckey.

NAYS: Estes, Knop ABSTENTIONS:

Approved.

Mr. Brady stated that he would draft that and have it prepared for the next regular planning board meeting which would be September 17, 2018

OTHER BUSINESS:

There was no other business to be addressed.

PAYMENT OF BILLS:

Mr. Suckey asked for a motion to approve the Franklin Borough Planning Board Escrow Report for August 20, 2018.

Mr. Nidelko made the motion to except the escrow report for August 20, 2018.

Seconded by Mr. Friend.

All were in favor. **ABSTENTIONS: Mayor Giordano and Mr. Skellenger**

DISCUSSION:

Mr. Suckey asked Mr. Nelson if he wanted to proceed with his Historic Main Street Redevelopment Plan. Mr. Nelson stated that he would wait until the next meeting on September 17, 2018.

CORRESPONDENCE:

There was no correspondence.

OPEN PUBLIC SESSION:

Mr. Williams made a motion to open the meeting to the public. Seconded by **Mr. Skellenger**.

Mr., Suckey explained that this open public session was for members of the public to come forward and address the board on item that were not on the agenda.

Mr. Brady stated that you can comment on it but let me explain that when the application is hearing testimony that is when you make comments on the application. Mr. Brady explained that if you have general comment on something you observed and want to make a comment on that specifically that is ok. However now is not the time to take any more evidence or comments that directly relate the application discussed this evening.

Elliott Ruga- Policy Director and Communications Director of The New Jersey Highlands Coalition located in Boonton.

Mr. Ruga stated that he believes that everyone is in the agreement on how environmental sensitive this property is. Mr. Brady interrupted Mr. Ruga and explained to Mr. Ruga again this

Franklin Borough Planning Board
Meeting Minutes for
August 20, 2018

is a comment directly aimed towards and application that is still pending. Mr. Brady stated that this is a comment that could arguable influence the board in their voting and these kinds of comments cannot be allowed.

Mr. Ruga stated that he would rephrase his comment.

Mr. Ruga stated that he believes the board lost an opportunity to have valuable information presented to you to help the board ask proper questions that you are allowing yourselves to be ignorant about it. Mr. Brady interrupted Mr. Ruga and stated that the comments that Mr. Ragu is making have become in proper and still have direct effect on a pending application. Mr. Ragu stated that he would hold his comments for now and he will return for the next meeting.

Sylvia Solon- 2 Megan Terrace Sparta New Jersey

Ms. Solon stated that the board was wrong in not allowing Ms. Clone testify this evening. Ms. Solon stated that when you see a doctor and something is wrong you go to a specialist correct? This was this boards opportunity to hear from a specialist.

Mr. Brady interrupted Ms. Solon and stated that this was improper comment and again was directly impacting the application that is still pending. Ms. Solon expressed her displeasure with the board and walked back to her seat.

Gayle Adrien – Lake Tamarac

Ms. Adrien expressed her displeasure with the planning board and their actions this evening.

Mr. Brady explained that the comments made by Ms. Adrien are influencing the board members on a particular application that is still pending and at this time no one should be commenting on an application that is still pending and waiting for a vote.

Cheryl Krause 160 Munsonhurst - Ms. Krause asked the board if there was a way to that the planning board could have a consent agenda and if there is a way for the members of the public to receive all of the correspondence and the reports in regards to the agenda. Mr. Brady stated that in the hearing process it is not necessary to share with the public correspondence and reports. Mr. Brady stated that when a report or a correspondence is then public record and it can fall under an OPRA and there are deadlines and procedures put in place when dealing with an OPRA. Ms. Krause stated that the public does not even know these documents exist. Mr. Brady stated that is how the process works. Mr. Brady stated that the only thing I suggest to you is that you go to the Borough Hall and ask for any documents that have been received from JCM within the last week or so depending on the specific timeline you're referring to.

Ms. Krause thanked the mayor and planning board members and returned to her seat.

Julia Summers- New Jersey Highlands Coalition Ms. Summers asked when the public would be able to make statement on application as a whole. Mr. Suckey stated at the last meeting. Ms. Summers stated that the whole process has been very confusing and returned to her seat.

Patti Carnes – Rutherford Ave Franklin

Asked when the minutes that are missing on the website would be posted.

Mr. Suckey stated that they would be addressed as soon as possible and voted on and posted hopefully by the next meeting as well.

Mr. Suckey explained that there has been a turnover is planning board secretaries and Mrs. Babcock is doing her best to catch up on the minutes as they have been neglected.

Dick Durina – Lozaw Road

Mr. Durina stated in the interest of the public safety for our community Mr. Durina stated that he would be willing to take another beating and risk being cut off again by the attorney. Mr. Durina

Franklin Borough Planning Board
Meeting Minutes for
August 20, 2018

expressed his displeasure with the water systems or lack of in Franklin. Mr. Durina stated if that 12 in main goes down not only with the applicant be in trouble so will the rest of the town. Mr. Durina asked how will we flush a toilet non the less drink the water. Mr. Brady interrupted Mr. Durina and stated that the points that are being addressed here were already points made by you during the testimony and so not need to be re addressed. Mr. Durina did not agree and stated he was speaking on behalf of the public's safety.

Mr. Durina ended his statement by stating when voting on this application be sure to vote with your conscious and returned to his seat.

Ms. Rowe – Ms. Rowe just wanted the planning board to be aware of a water issue that is on and near her property due to a run off from the Hamburg Mountain. Ms. Rowe stated that she has watched on more then once occasion the run off go through the pipe under the ground many times the pipes cannot keep up especially when we have a wet spring and summer like we had this past year. Ms. Rowe just wanted the board to keep that in mind when hearing any applications not just the one at hand but for future applications as well. Ms. Rowe stated that the decisions that are made to today have an impact on years to come and need to be seriously researched and addressed and not taken lightly. Ms. Rowe thanked the board and returned to her seat. Mr. Suckey stated not seeing anyone else coming forward to address the board I will take a motion to close the meeting to the public.

Mr. Estes made a motion to **Close to the meeting to the Public**. Seconded by **Mr. Skellenger**. **All were in favor**.

AJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 10:59PM on a motion by **Mr. Christiano**, seconded by **Mr. Skellenger**. **All were in favor**.

Respectfully submitted,

Michelle Babcock
Planning Board Secretary