

Franklin Borough Planning Board
Meeting Minutes for
June 6, 2018

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

Mr. Christiano, read the Statement of Compliance pursuant to the "Open Public Meetings Act, Chapter 231, PL 1975."

ROLL CALL OF MEMBERS: Mr. Wes Suckey Chairman (Absent)
Mr. Stephen Skellenger (Present)
Mr. John Friend (Absent)
Mr. Nick Giordano, Mayor (Present)
Mr. Jim Nidelko, (Absent)
Mr. John Christiano Vice - Chairman (Present)
Mr. Jim Williams (Present)
Mr. Steve Zydon (Present)
Mr. Floy Estes (Present)
Mr. Richard Knop, Alternate #2 (Present)
Mr. Ted Bayles, Alternate #3 (Present)
Mr. Michael Raperto, Alternate #4 (Present)

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

CORRESPONDENCE:

Mr. Kidd's resignation letter. Mr. Christiano asked for a motion to accept Mr. Kidd's resignation. Mr. Williams made a motion to accept Mr. Kidd's resignation as of June 6, 2018. Seconded by Mr. Skellenger. All were in favor with regret.

Mr. Christiano then referred to the memo from Mayor & Council regarding request for recommendation on zoning standards for automobile sales.

Memo from zoning officer – response to memo above from Mayor & Council.

Mr. Christiano asked Mr. Giordano if the memo from the zoning officer was what he and the council were looking for as an answer to their question. Mr. Giordano explained that he believes that the zoning officer researched this at length. Mr. Raperto made a mention of an issue of it being only secondary. For example that there would need to be an auto repair shop that sold automobiles as a secondary source. Mr. Zydon agreed and said he also remembered that being discussed. Mr. Giordano suggested that Mr. Brady clarify to be 100% sure. Mr. Christiano recommended that this discussion be tabled for another meeting at a later date, allowing Mr. Brady to look into this matter further.

APPROVAL OF MINUTES:

Mr. Skellenger made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for the Reorganization meeting for January 16, 2018**. Seconded by Mr. Zydon. **All were in favor.**

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Mr. Giordano made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for the Regular meeting for January 16, 2018**. Seconded by Mr. Skellenger.

All were in favor.

Mr. Giordano made a motion to approve the **Franklin Borough Planning Board meeting for Minutes May 21, 2018**. Seconded by Mr. Zydon.

All were in Favor.

PAYMENT OF BILLS:

Mr. Williams made a motion to approve the **Franklin Borough Planning Board Escrow Report for June 6, 2018**. Seconded by Mr. Estes.

Upon Roll Call Vote:

AYES: Christiano, Nidelko, Williams, Zydon, Estes, Knop, Bayles, Raperto

NAYS: None

Absent: Nidelko, Suckey, Friend ABSTENTIONS: Skellenger, Giordano,

APPROVAL OF RESOLUTIONS:

Mr. Skellenger excused himself from the meeting at 7:47

Mr. Christiano also excused himself from this portion of the meeting. He explained he was not at was not present at the hearing and turned the meeting over to Mr. Williams who was present at the original hearing. Mr. Williams then explained the resolution and a brief description of the property he explained that this was passed during a previous planning board meeting at this point we are simply memorializing it.

Mr. Giordano made the motion to approve the resolution for Interpretation for Richard Slifer. PB-03-18-02, Block 1301, Lot 1 (From the April 16, 2018 Meeting.) Seconded by Mr. Knop.

Upon Roll Call Vote:

AYES: Giordano, Williams, Zydon, Estes, Knop, Bayles, Raperto

NAYS: None Absent: Nidelko, Suckey, Friend ABSTENTIONS: Skellenger, Christiano, Nidelko, Suckey, Friend

Mr. Christiano explained to at this time 7:53 PM that the board would have to take a brief recess do to the board's attorney Mr. Brady being at another engagement and not due to be arriving at the meeting until 8:15 PM He announced to everyone in attendance that we would reconvene at 8:20 PM

Mr. Skellenger returned to the meeting at 7:54PM

(Mr. Brady arrived at 8:09) The board proceeded with the meeting at 8:15 PM

APPLICATIONS FOR COMPLETENESS:

JCM Investors, 1012, LLC, PB 04- 18-02, Block 2701, Lot 2 110 Munsonhurst Road, MPR Zone.

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Mr. Christiaino explained that there was an error published in the New Jersey Herald that indicated that this application was deemed complete. That was not true. It said that this application for completeness would be carried over to the next meeting (June 6, 2018)

Mr. Brady made a point to address the public about cameras and tripods. There is nothing that stops the public from videotaping and taking pictures. However, what they can't do, is be distracting in a way that is interrupting or intrusive to the meeting. Please stay in the audience area, refrain from moving around and being disruptive to the meeting.

Mr. Kelly made a point to say that he or his applicant do not know who is filming or taking pictures. They do not consent. Mr. Kelly and Mr. Brady both agreed that the official recording is the only official recording is the planning board recording. Everyone agreed.

Mr. Kelly proceeded with the application. Mr. Kelly officially introduced himself as Kevin Kelly attorney from Kelly & Ward in Newton, representing his client.

Mr. Kelly spoke at length about why he feels some members of the board should recuse themselves from this matter. Mr. Kelly explained at length on his document that he submitted on grounds why certain members should be disqualified from this voting on this matter. Mr. Kelly went on to say this is nothing personal and will not hold anything against anyone who does not like this project and steps down. You should be stepping down from this application if you do not honestly like this project. I believe members of the board who have a record of voting no on this application time after time again cannot in good conscience vote on this application putting their own opinions aside. Mr. Kelly will not go as far as if you made a negative comment, you have to be disqualified.

Mr. Kelly gave an example of the variance of the steep slopes. Example of a condition we argued ferociously against because it was kept out of the Beazer ordinance 10-2007. We asked you to change that because if didn't apply to us. You recommended it stayed the same and we could do a variance if that's what we wanted to do. Now you're going to vote on a variance if it comes to that. This is so much more than one just one example.

Mr. Brady asked Mr. Chairman if he could address Mr. Kelly's Letter and his comments for this evening. Mr. Brady explained that we are all taking this seriously in terms of conflict of interest. Mr. Brady explained the best thing to do right now is to put this all into perspective. In Mr. Kelly's letter he explains the history of this case. Mr. Kelly is correct. However, he needs to clarify where we are now from where we were then. In 2017 an application that was made under the prior zoning ordinance. Mr. Brady explained that they were dealing with two D variances. They presented partial site plans just so they could have a slight understanding of the consequences. That application was made and heard. The votes on that application were made on the content of that application.

Mr. Brady explained that this application before us tonight in a sense is a different application from that original application that came before us in 2017 both physically

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and legally. Mr. Brady explained at length that he does not feel that anyone at this time would have to excuse themselves at this point in time as far as he was concerned. He then made a point to explain to the board members that if they had strong opinions on this project and they felt they could not sit on this project they could step down. There would be no hard feelings and your stance on the project would be accepted with no ill will towards anyone who recuses themselves from this project at this time. I however find no member of this board, to be disqualified to move forward with this application and or this meeting tonight.

Mr. Kelly agreed with Mr. Brady. Mr. Kelly was satisfied with Mr. Brady's explanation. Mr. Kelly asked the board if they would be moving to completeness now.

Mr. Chairman addressed Mr. Kelly asking if he was satisfied with the way that the board was configured right now. Mr. Kelly's applicant said yes from his seat and Mr. Kelly responded by saying my applicant agrees as do I.

Mr. Christiano explained that the board's planner was not present tonight. That we would only address the engineering issues. Mr. Kelly introduced his engineer Eric Keller.

Mr. Kelly agreed and his engineer has dealt with completeness issues.

Mr. Knutelsky the planning board Engineer, addressed the board following up with Mr. Kelly's statement in asking if we would move on to completeness. Mr. Knutelsky explained that there were some items that needed action taken by the board before they could be deemed complete. Mr. Knutelsky stated at the May Meeting that the application was deemed incomplete by the board because of failure to submit EIS. Mr. Knutelsky recommended the board that they request a traffic study be submitted as well. Both the EIS and the traffic study reports were submitted prior to the meeting (10 days prior to the meeting date.) Mr. Knutelsky then explained that this brings him to the request of waivers to be granted. Some waivers being full waivers and others being partial waivers. The board would need to grant these waivers prior to the completeness report. Following Mr. Knutelsky reported on the completeness report and asked for the following full waivers and partial waivers be granted.

Checklist item # 14 - Temporary waiver

Checklist Item # 17a – Full waiver

Checklist Item # 26- Full Waiver

Checklist item # 37- Temporary Waiver

Checklist item # 41 – Temporary Waiver

Checklist Items # 43- 47 Temporary waivers

Mr. Christiano asked Mr. Kelly if his applicant planned to develop the entire project at one time. Mr. Kelly asked if his applicant could answer that. Mr. Brady asked to have applicant be sworn in. Mr. Nicholas Daurio was sworn in under oath by Mr. Brady and proceeded with answering Mr. Christiano's question regarding building his entire project at one time. Mr. Daurio explained that he would be clearing out the site plan all at once and hiring several teams of contractors to build and get out. Mr. Daurio explained that the project should take 2 yrs. from start to finish once they are out on the site.

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There being no other questions from the board Mr. Christiano asked for a motion to grant these waivers. Mr. Williams made a motion to grant waiver for completeness for PB# 04-18-02 Block 2701 Lot 2. Mr. Giordano seconded it.

Upon Roll Call Vote:

AYES: Giordano, Williams, Zydon, Estes, Knop, Bayles, Raperto

NAYS: None Absent: Nidelko, Suckey, Friend ABSTENTIONS: Skellenger, Christiano, Nidelko, Suckey, Friend

ADJOURNED CASES:

There were no adjourned cases.

APPLICATIONS TO BE HEARD:

JCM Investors, 1102, LLC, PB# 04-18-02, Block 2701, Lot 2, 110 Munsonhurst Road, Preliminary & Final site Plan in MPR Zone.

Mr. Christiano explained to Mr. Kelly and the public that it was 9:05PM that they would listen to testimony till 10:00 PM

Mr. Kelly we now are considering site plan approval.

Mr. Kelly introduced their first witness Eric Keller. Mr. Brady swore in Mr. Keller under oath. Mr. Keller listed his qualifications.

Mr. Brady and the board accepted Mr. Keller as an expert in engineering

Mr. Keller marked the exhibit A1 dated June 6, 2018 - Google aerial

Mr. Keller explained and pointed out key points. Wetlands, a stream, a flood light, Wallkill River watershed. Landscape procedures to protect the wetlands. Wood turtle habitat. Some area of wetlands. JCM is working closely with the DEP.

JCp+L easement bisects the property South West to North East, runs through the entire site. The access road leads to the Borough's wells.

Steep slopes some are manmade which are excluded from our calculations of the steep slopes from your town's ordinance. What are defined as a steep slope is 0-15% 15%-20% 20%-25% over 25% manmade the steep slopes were created when they developing that access road for the well.

Our calculations are based on the entire site besides the access road that comes off 517.

Mr. Christiano asked if they had planned on raising the access road.

Mr. Keller explained to Mr. Christiano that they would be raising the access road. It would be dealing with the flood hazard elevations. It would be what the DEP calls high and dry. Under no circumstances would that access road be submerged in water if there were a flood hazard elevations.

Exhibit A2 Marked Milley's Court June 6, 2018 – Site plan rendering overall same underlying aerial with a cut in of the proposed site plan along with the proposed landscaping. Mr. Keller gave a general summary of what the project is about. Including a brief description of the buildings and grounds.

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Exhibit A3 Marked Milley's Court June 6, 2018 - Site plan A3 – is just zoomed in version of A2. Mr. Keller talked at length of the building structure and the parking along with the road. Mr. Keller also touched on landscaping and preserving natural buffers. The nature trail would run behind the building. They are not proposing at this time putting up a fence to derail people from wondering on to other properties.

Mr. Keller then changed topics to discuss the deep slopes and explained that on the 52 acres 75% of the site have slopes less than 15%. Mr. Keller said the Borough of Franklin does not regulate slopes less than 15%, so a large percent of the property is not a steep slope. The borough code permits disturbance 30% of 15/20 and 20% 20/25. Mr. Keller stated that we complied with all the steep slope disturbance areas on the property.

Mr. Keller spoke in detail about the storm water. This is in the Wallkill Valley Water Shed. The applicant has to work closely with the DEP and with the town engineer. Mr. Keller referred back to exhibit A2 showing the watersheds and where the western watershed is located in comparison to the site plan. The design Mr., Keller is using is the DEP requirements and if they use this system and is foolproof as long as it is being maintained and the property owner would be the one who would be responsible for maintenance. It would however, be the town's responsibility to make sure that the maintenance is taken care. Mr. Knutelsky said that the Zoning Officer would possibly have his hand in helping enforce this.

Mr. Keller then explained and spoke about other utilities such as sewer. They will be in Borough's sewer service area and be connected with the Sussex County SCUMA. They are proposing a pump house near the tennis courts. They will need approvals from the Borough Dept. of Public works, SCUMA and the Sussex County DPW because it will be pumped 1200 feet from the pump station to 517. Mr. Williams asked if this would be a forced main. Mr. Keller assured him that it would be a forced main. The maintenance on this would fall under ownership of property. Mr. Christiano asked Mr. Knutelsky if a pump station of this size would need a backup power supply. Mr. Knutelsky and Mr. Keller both answered yes.

Landscaping plan - Both for the residents and to be used as a buffer. Trees, shrubs, ground coverings, to make for a warm welcoming feeling as you enter and drive into the development. A section through the property from 517 to the property. Mr. Keller referred to the upper part exhibit A4 which he named Milley's court and dated it 6/6/18 explained that it was based on a scale of 1in = 50ft. A natural buffer leaving heavy amounts of trees and existing vegetation that won't be moved. Mr. Keller referred to exhibit A2 – Showing the wooded area the far Southern end is covered with large thick natural buffer. Mr. Keller referred back to A4 and pointed to an area that would be 200ft of more thick natural buffers, large trees with tree trunks, branches on branches. You will not see the buildings will not be visible in this section. You will know that there is something back there but you will not be clearly visible.

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Lastly, lighting we are proposing LED high efficiency lighting with low wattage conforming borough and industry standards. No glow and glare visible.

Mr. Keller explained this his direct testimony I don't feel it necessary to go over every single point that Mr. Knutelsky pointed out in his report. The applicant and I will comply with ones that we did not discuss. I will meet with Mr. Knutelsky and talk to him about the more detailed points at another time.

OPEN PUBLIC SESSION:

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

Dawn Rowe – 140 Munsonhurst Road. Explained that she was very familiar with the property and she has ridden that property and knows it very well. She wanted to confirm exactly where the apartments were going. She explained that there were big rock ridges back there. She asked what would happen to the ridges. Mr. Keller explained that they would be regraded and some areas would be refilled.

Second question regarding to your comment on being high and dry. Just because you are considered high and dry does not necessarily mean it will be considered high and dry. For me. Mr. Keller reassured Ms. Rowe that they would have to follow strict State restrictions and regulations.

Ms. Rowe then asked what percentage of the site has steep slopes. Mr. Keller explained 52 acres of the 72 acres are unrestricted. That leaves 18 acres of slopes 15% to infinity. Within those you are allowed to disrupt. Mr. Keller explained they only excluded the man made slopes that were created when they made during the development of the well road.

Ms. Rowe asked what the percentage is of rock.

Lastly, Ms. Rowe wanted Mr. Keller to explain to her again that you would not be able to clearly see the buildings when passing by 517. Mr. Keller assured her that it would not be easily visible from the road by a natural buffer to screen the view from both sides.

Patty Carnes 289 Rutherford Ave had a question in regards to the slopes percentages of 30/20/20 She thought that the slopes disturbance limits were supposed to be 10/5/2 She was at the November council mtg where they discussed and passed this. She wanted to make sure that the planning board looked into it. She said it was at the November 28 council mtg.

Mr. Brady assured her that he would look into to that. Mr. Brady explained that this hearing would be continued to a later date and in the meantime he would look into this matter.

Corey Hennings 21 Taylor Road. Mr. Hennings asked about the waiver being granted in while permits are missing. Mr. Hennings asked if they would know which permits were

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missing. Mr. Knutelsky explained that the waiver that was being granted was for a listing of permits that need to submit. Mr. Knutelsky explained that this is what typically happens. Submitting all of the permits all at once is not something applicants do. If something were to fall through it would be a lot of wasted time and energy. Mr. Knutelsky also explained that Mr. Keller listed in his testimony permits that his client would have to be submitted. We're not waiving permit requirements; we are waiving the listing up front, provided they list them in testimony as what Mr. Keller did tonight explained Mr. Knutelsky.

Ian Sherwood 189- 191 Corkhill Rd Mr. Sherwood's owns the horse farm on the western side. Mr. Sherwood question to Mr. Keller. The pedestrian path is what he finds very interesting. He is not comfortable with the promoting interaction with his horses. Was there be anything done to protect our animals and property at this time? Mr. Keller explained that there is no requirement to mark the property.

Mr. Sherwood questioned how the water would not be passing through his property Mr Keller in length using Exhibit A2 showing and explaining how the water would be flowing and drained from one area to the next. Water would not be flowing or intruding on his property.

Mr. Sherwood mentioned that he was also concerned about the steep slopes also. He also remembers that it was a long discussion on slopes. He also knows that the slopes were to be changed.

Mr. Sherwood would like to have on the record he is concerned about light pollution too. Mr. Keller explained to Mr. Sherwood that they are following all regulations on lighting.

Mr. Alfonso Caliendo 81 Main Street. Mr. Caliendo asked if there was a firetruck with a ladder high enough to fight fires at these buildings. If not how would this effect our taxes. Do we also need more policeman because of the new people coming to town. Mr. Brady told Mr. Caliendo that these kind of questions were not questions Mr. Keller would be able to answer.

Mr. Keller assured Mr. Caliendo that what he could answer for Mr. Caliendo is that the building was being built within the towns zoning codes and restrictions. Mr. Williams explained to Mr. Caliendo that there will be more of a discussion on fire codes, firetruck and heights at a later time. He assured Mr. Caliendo that this will be discussed again subsequent mtgs at a later date.

Dick Durina 23 Lozaw Road. Mr. Durina addressed Mr. Keller and stated in his opinion he thought that there needed to be a water tower on the property. He asked for Keller to explain to him why they thought that they did not need a water tower on the property to help supply their sprinklers and water supply to residents. Mr. Keller briefly explained that it was not a requirement.

Mr. Durina beliefs it would be in the best interest of the public safety to have a water tower to best suit the residents.

Mr. Durina also asked if they would be asking Jersey Central / First Energy if the electrical feed is going to be looped. Mr. Keller told Mr. Durina that Jersey Central will

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get whatever they ask for. Mr. Durina replied by saying he believes if your request it to lopped in they would do that for a cost. Mr. Durina thanked Mr. Keller for his time and walked back to his seat.

Sylvia Solaun 2 Megan St. Sparta NJ

My question is what has changed on that property that so many developments have failed there. What is different about it now then what it was then and why other developments were not successful in building? Mr. Keller explained that there were approved developers on this property and things fell through, whether it be money or other circumstances. That is the reason the wells came about on the property. It's a development that has been on the books for many years. It's not uncommon in Northern New Jersey. Mr. Christiano addressed Ms. Solaun explaining to her that this development has been approved for multiple projects since the 80's and were not successful for many different reasons.

My second question. I do also remember that the slopes disturbances were 10/5/2. I was also at that meeting and would like it to be on record that you look into it. Mr. Christiano assured Ms. Solaun that they would be looking into that matter.

Joanne Tatka addressed the planning board explaining that the steep slopes ordinance was adopted November 14, 2017 with the slopes disturbance limits being 10/5/2.

Mr. Brady thanked her and said that they would be researching this matter.

Mr. Christiano stated without anyone else coming up to the mic to address the board or Mr. Keller, that he would take a motion to close the meeting to the public.

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

Mr. Brady then asked for a date to continue this meeting. Mr. Kelly asked for June 18, 2018. Mr. Brady explained that he would not be at the June 18, 2018 Meeting. The Board was in agreement for June 18, 2018 hearing no further notice will be posted or mailed.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 10:47 PM on a motion by Mr. Williams, seconded by Mr. Knop. All were in favor.

Respectfully submitted,

Michelle Babcock,
Planning Board Secretary