

Franklin Borough Planning Board
Meeting Minutes for
September 17, 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 (Present)
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:

Franklin Borough Planning Board meeting minutes for November 20, 2017
Mr. Suckey asked for a motion to accept the November 20, 2017 minutes as printed.
Motion made by **Mr. Nidelko**. Seconded by **Mr. Christiano**.

Upon Roll Call Vote:

AYES: **Suckey, Christiano, Williams, Giordano, Nidelko, Knop**
NAYS: None ABSTENTIONS: Mr. Friend, Mr. Estes, Mr. Skellenger

Franklin Borough Planning Board meeting minutes for December 18, 2017
Mr. Suckey asked for a motion to accept the December 18, 2017 minutes as printed.
Motion made by **Mr. Giordano**, Seconded by **Mr. Estes**.

Upon Roll Call Vote:

AYES: **Friend, Estes, Williams, Giordano, Nidelko, Knop, Christiano, Suckey**
NAYS: None ABSTENTIONS: **Skellenger**

Franklin Borough Planning Board meeting minutes for July 5, 2018
Mr. Suckey asked for a motion to accept the July 5, 2018 minutes as printed. Motion made by **Mr. Giordano**, Seconded by **Mr. Skellenger**

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Upon Roll Call Vote:

AYES: **Friend, Estes, Williams, Skellenger, Giordano, Nidelko, Knop, Suckey**

NAYS: None ABSTENTIONS: **Christiano**

Approval of Resolutions:

At this time Mr. Suckey stated that the board would be memorializing a resolution for **JP Morgan Chase Bank, N.A. PB 06-18-03 Block 1101, lot 7 (Bulk Minor Site Plan in Zone HC-1)** Mr. Suckey asked if everyone had time to read and review the resolution. If there are no questions or concerns in regards to the resolution I will need a motion to accept the resolution. **Mr. Giordano** made the motion to accept the resolution.

Seconded by Mr. Nidelko.

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS:

Mr. Suckey stated that the motion was passed.

Applications of Completeness:

VBM investments, LLC, PB# 06-18-02 Block 1010, Lot 9, 22 Walsh Street, Preliminary Site Plan.

Mr. Williams addressed Mr. Chairman and Mr. Brady explaining that he would be recusing himself from this application. At 7:35 Mr. Williams left the meeting.

Mr. Suckey then asked Mr. Haggerty to introduce his client and briefly explain their application.

Mr. Haggerty introduced himself as William Haggerty with the firm Dolan & Dolan. He is representing his client VBM Investments. This is an application for preliminary and final site plan approval along with D and use variance approval, For a five unit townhouse. Mr. Haggerty explained that he received and reviewed Mr. Knutelsky engineer's report dated September 11th 2018 in regards to completeness. Mr. Haggerty explained that he did notice in the paper to be heard tonight. Mr. Haggerty understands you have another application on the agenda for tonight. In respect to that we are asking if we could continue our hearing to your next available meeting October 3rd. Mr. Haggerty explained that they would need the earlier date in October because his client would not be available for the October 15th meeting. Mr. Suckey said that would be something they would address after the application is deemed complete.

Mr. Giordano interrupted and recused himself from this application at this time due to it being a D variance. Mr. Skellenger also stated that he would be recusing himself from this application for the same reason as Mr. Giordano. Both Mr. Giordano and Mr. Skellenger left the meeting at 7:37PM.

Mr. Suckey asked Mr. Haggerty to proceed. Mr. Haggerty proceeded by referring to Mr. Knutelsky's report dated September 11, 2018 mentioning the two checklist items in the report, which indicates the checklist can be waived for completeness. Mr. Haggerty asked the board at this time if the board would grant waivers for these two checklist

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items and deem the application complete. Mr. Haggerty then stated that he would like the hearing date to be the date discussed earlier. Mr. Knutelsky interrupted and explained that he was reading off his report. The report specifically states that waivers are required for completeness. Those checklist items are as followed. Checklist item # 17B the names and addresses of the property owners 200ft list should appear on the plan set. As long as the applicant has the 200ft list with the names of the property owners with him the night of the hearing that will suffice. The applicant can do a plan change at the end. There is no reason to change it right away. It is recommended a temporary waiver be granted for completeness only. The second item is checklist # 23 a location survey to be submitted with all structures within 200ft of the proposed site on Walsh Road. Typically we allow the applicant to bring in aerial exhibit of the structure within the 200 feet of the property. Mr. Knutelsky recommends a temporary waiver be granted with the applicant bringing in the aerial exhibit the night of the hearing.

Mr. Suckey asked if the board members had any questions at this time for Mr. Knutelsky regarding his September 11, 2018 report. With no one having any questions Mr. Suckey asked for a motion to declare this application complete subject to Mr. Knutelsky's report. **Mr. Estes made the motion to declare this application complete subject to Mr. Knutelsky's report. Seconded by Mr. Friend.**

Upon Roll Call Vote:

AYES: **Friend, Estes, Nidelko, Knop, Bayles, Raperto, DeFinis, Christiano, Suckey**

NAYS: None ABSTENTIONS:

Mr. Suckey stated that the motion was passed.

Mr. Suckey stated that we will continue this meeting to October 3, 2018 with no further notice. Mr. Brady stated as long as the notice that Mr. Haggerty submitted this evening is correct. Mr. Haggerty agreed and thanked the board.

At 7:45PM Mr. Williams, Mr. Giordano, and Mr. Skellenger returned to the meeting.

Mr. Suckey addressed the board and the public that he would be moving to the payment of bills. Mr. Suckey asked the board if they had any questions in regards to the September 17, 2018 Escrow report.

Mr. Nidelko made a motion to approve the escrow report for September 15, 2018.

Seconded by Mr. Christiano.

AYES: **Friend, Estes, Williams, Nidelko, Knop, Bayles, Raperto, DeFinis, Christiano, Suckey**

NAYS: None ABSTENTIONS: **Skellenger, Giordano**

Applications to be heard:

JCM investors, 1012, LLC, PB # 04-18-02, Block 2701, Lot 2, 110 Munsonhurst Road, Preliminary & Final Site Plan in MPR zone with variances (Continuation of public hearing from August 20, 2018)

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Mr. Brady asked Mr. Suckey if he could address the board and the public briefly while Mr. Kelly was preparing. Mr. Brady stated that he just wanted to remind everyone where we stand, at the last meeting August 20, 2018 the public hearing was completed and the meeting was closed to the public. The applicant finished his case and the board voted to authorize Mr. Brady to draft a resolution. The board felt more comfortable having Mr. Brady draft a resolution due to the length of this hearing. The board members felt more comfortable having something they could review.

There are two other preliminary matters that I would like to address. Something this afternoon has come to my attention in regards to Mr. Knop and he is now in a situation which has become a conflict of interest in regards to this application and as the board Attorney I am asking that Mr. Knop step down from this application. Mr. Brady stated that alternate #1, Mr. Bayles would move up.

The second matter we need to address and take care of is the letter I received from Eastern environmental law center. If you recall at the last public hearing the Eastern Environmental Law Center had prospered an expert that this board voted on a 6 – 2 vote not to accept as an expert. On August 24, 2018 wrote a letter to Mr. Brady, the mayor and Mr. Kelly asking if we would reconsider. Mr. Brady explained that Eastern Environmental Law Center believes that we are required to accept Mrs. Klein as an expert. Mr. Brady was hoping that Mr. Murphy who wrote the letter would be here to plead his case but not seeing Mr. Murphy here tonight. There is no way for Mr. Murphy to plead his case and allow for the board to reconsider their decision. That being said Mr. Brady addressed Mr. Kelly and asked him if he would like to briefly summarize the letter he submitted as a response to the Eastern Environmental Law Center's letter. Mr. Kelly went on to summarize his letter reading key points. Mr. Kelly stated that at this point he would have been willing to hear from Mr. Murphy however, Mr. Murphy is not present tonight. Mr. Kelly ended by stating he had nothing further to participate in this evening.

Mr. Brady explained that he looked over Mr. Murphy's submission and Mr. Kelly's submission. Mr. Brady believes that Mr. Murphy's submission is written on behalf of the Wallkill Valley Headwaters Association and the New Jersey Highlands Coalition. I do not want to rule that they have no standing to bring an issue before the board. I do not believe they have an issue before the board as far as the qualifications of this expert. They did not proper the expert. They were not part of the public input because we closed the meeting to the public. The expert was for Mr. and Mrs. Sherwood. The letter does not state that the letter was written on behalf of Mr. and Mrs. Sherwood but on two entities that we all indicated were not part of the project.

Mr. Brady stated that he looked at the cases that Mr. Murphy referenced. I believe stand for the proposition of this board that the board has to listen to enough testimony that they can come to the conclusion that the project is feasible. Not necessarily that the DEP would provide the permit. The DEP has the ultimate say when it comes to wetlands and riparian buffers. However, the board has to feel comfortable enough that

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the members have heard enough to feel that it is feasible and allowing it to go to the DEP for their permits that they need.

Mr. Brady went on to say that the other issue that was brought to his attention was the qualifications of their expert. Mr. Brady explained at length why the board choose not to accept Ms. Kline as an expert. Mr. Brady went on to say that the board has to think about both Mr. Murphy and Mr. Kelly's letters and include if someone believes that the board has made a mistake and feels that the board should reverse its direction on the action taken then a motion would need to be taken to change the direction in this matter. Mr. Brady stated at this time it is up to the board on how they would like to handle this matter.

Mr. Suckey stated that he would be willing to hear any comments from the board at this time. Mr. Friend addressed the board by expressing his thoughts and feelings that he does not feel at this time that his stance on this would change. Mr. Friend still believes that he does not find Ms. Kline as an expert in this particular matter at hand. Mr. Williams also stated that any of the testimony he has heard tonight would change his position. Mr. Giordano also agreed. Mr. Suckey asked if anyone else had any comments. Mr. Suckey

stated at this time it appears that the board's position on this matter still stands as it did on that night.

Mr. Brady stated unless Mr. Kelly as anymore remarks we can go forward with discussing the draft resolution. Mr. Brady explained that we will discuss the resolution tonight however I do not think we will adopt it tonight. I expect that there would be changes that needed to be made. Especially with the issue brought up tonight for a request of reconsideration and we have decided not to do anything with that request. I would like to add that to the resolution as well. After we discuss we can act like we normally do, and then at our next meeting we can Memorialize the resolution.

Mr. Williams asked what a center particular letters on page 7 stood for and Mr. Brady replied by stating that that particular cluster of letters stood for the questions of the experts qualifications. The board members each had a turn asking Mr. Brady questions they had in regards to the contents of the resolution. Discussing their questions and concerns. Mr. Brady explained that he would go back and research the questions that could not be remembered off of sheer memory. He would go back and research and change anything that needed editing from the discussion tonight. Mr. Suckey asked the members if anyone had any more concerns or questions.

Mr. Brady interjected by asking if everyone read the conditions. The conditions play an important part in these resolutions. Mr. Brady explained that the first ten were general that apply to almost every application. However paragraph ten are more specified to this application specifically. If the board was satisfied with the corrections that we have discussed tonight. We would vote on the approval tonight and Mr. Brady would go back and edit the resolution adding all the corrections that we discussed tonight. Mr. Brady would then give the members the revised copy before our next meeting where we would

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then memorialize the resolution. If that was ok with the chairman and that is what he thought would be best at this time.

Mr. Suckey asked the board members if they had any recommendations on how the board wanted to proceed.

Mr. Christiano stated that he believes that the applicant and his professionals have been very patient and are here this evening and he believes that the board should not delay this process any longer. Mr. Suckey agreed and asked for a motion.

Mr. Nidelko made a motion to approve the application with the conditions. Seconded by Mr. Giordano.

Upon Roll Call Vote:

AYES: Nidelko, Giordano, Skellenger, Suckey

NAYS: Friend, Estes, Christiano, Williams, Bayles,

ABSTENTIONS:

Mr. Suckey stated that upon roll call vote that the motion for the application has been denied.

Mr. Brady said that he would go back and rewrite the resolution because now the resolution will be written as a denial. Mr. Brady requested that the board gives him enough time to work on rewriting the resolution and asked if he could have until the October 15th meeting to work on the resolution. Mr. Suckey and the board members agreed giving Mr. Brady to the October 15th meeting to rewrite the resolution.

ADJOURNED CASES:

There were No Adjourned cases

Other Bussiness:

A draft of the By Laws and Regulations Of the Planning Board of the Borough of Franklin New Jersey

Mr. Suckey asked if everyone had time to read it, look it over and get a feel for what he wanted to start to incorporate into the meetings. Mr. Suckey addressed the board to explain that he has been researching other board's procedures and wanted to start to conduct the meetings in a certain manor. The bylaws help you understand certain procedures and give guidelines to follow making the meetings conducted orderly. This will help all of the board members be better prepared and understand meeting procedures and policies. Mr. Brady stated that it gives the board something they can refer back to. Mr. Suckey agreed it would be helpful to all members especially new members and the board's secretary as well. Members agreed and asked if they could carry this to the next meeting. Members stated that they had so much to read in their packets for this meeting that it was something that most just scanned and would like to go back and really read it and be prepared to vote on it at the next meeting. Mr. Suckey agreed and thought that would be best to carry this to the October 15, 2018 everyone was in agreement.

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DISCUSSION

The Historic Main Street Redevelopment Plan – Ken Nelson (Draft distributed by Mr. Nelson at August 1, 2018 Meeting)

Mr. Nelson stated that he came across a small problem this afternoon when he was looking for the exhibits that he thought were at the Borough hall were not readily available but possibly in storage. Mr. Nelson apologized and asked if we would allow for some time at the next meeting. (October 15, 2018) Mr. Suckey granted Mr. Nelson his request and stated that they would make time for Mr. Nelson's presentation at the October 15th meeting. Mr. Nelson did ask if anyone had any questions at this time. He would be happy to answer questions or concerns anyone has at this time. There were no questions from the board members at this time. Mr. Suckey stated we will continue this discussion to our next meeting. Mr. Nelson addressed the board to read the summary of the Main Street Redevelopment Plan. (Distributed to members in August) Everyone was in agreement.

CORRESPONDENCE

No correspondence

OPEN PUBLIC SESSION

Mr. Suckey stated that he would like a motion to open the meeting to the public. **Mr. Williams made a motion to open the meeting to the public. Seconded by Mr. Friend**

Cheryl Krause – 160 Munsonhurst Road
Stated Thank you.

Judy Williams – 279 Wildcat Road

Mrs. Williams had a question in regards to the Main street redevelopment project. She stated at the last council meeting she attended she believes she heard the council give councilman Crabb permission to work on filling out an application with the Forward Franklin alliance to apply for a \$100,000 grant. I believe that the money if granted would be to help build or the rebuilding of the neighborhood house. Mrs. Williams asked if the two committees are working together. She has not been able to hear anything on this end but hears a lot on the council level. Mr. Suckey assured Mrs. Williams that they are keeping with the idea of rebuilding the neighborhood house within the plan. In October when we are able to hear from Mr. Nelson more of the plans will come forward and everyone will be able to hear what we have planned.

Mr. Giordano asked if he could add to Mrs. Williams's question.

Mr. Giordano stated that he just wanted to follow up with what Mr. Suckey stated. Yes, the planning board Main Street redevelopment committee has been working on plans and the council is also working on ideas. Both committees are actually essentially working towards the same goals. The grant that was brought to our attention through

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the Forward Franklin alliance is a grant that would be a win win for the plans and for the residents of Franklin.

Mr. Durina -23 lowzaw Road Franklin NJ

Mr. Durina asked if the Brady report was available now.

Mr. Brady asked Mr. Durina what he meant by the Brady Report. Mr. Durina apologized and said is the resolution available now.

Mr. Brady told Mr. Durina that he could go to the Borough Hall and fill out an opra request and he would then be able to receive the resolution. Mr. Durina thanked Mr. Brady and returned to his seat.

Dawn Rowe 140 Munsonhurst Road Franklin NJ

Ms. Rowe stated that she just wanted to thank the board for listening to what she has had to say for the last 18 months. It has been educational. I also want to personally thank the board for their action tonight.

Matthew Hardwick 4 Alexander Lane Franklin NJ

I have a question about the townhouses they want to put on Walsh road. How many townhouses do they intend to build, where is parking going to be? He asked if there was a site plan he could look at and how would he be able to see this projects plans.

Mr. Suckey informed Mr. Hardwick that the site plan was on the back table and he could look at it there or he could go to the Borough hall and ask for the Planning Board Secretary and she could give you the plans to look at.

Mr. Hardwick thanked the board.

Mr. Suckey stated not seeing anyone else coming forth. I will ask 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 the board members if they had any other questions or concerns at this time. With no one having any questions or concerns and no further matters to be addressed. Mr. Suckey asked for a motion to adjourn.

Mr. Nidelko made the motion to adjourn the meeting. Seconded by Mr. Friend. All were in favor.

The meeting was adjourned at 8:54 PM

Respectfully submitted,

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Michelle Babcock
Planning Board Secretary