

Franklin Borough Planning Board

Meeting Minutes for

June 17, 2019

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 (Absent)
Mr. Richard Knop (Present)
Mr. Ted Bayles, Alternate #1 (Present)
Mr. Michael Raperto, Alternate #2 (Absent)
Mr. Stephen DeFinis, Alternate # 3 (Absent)
Ms. Sharon Schultz, Alternate #4 (Present)

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

Approval of Minutes:

Franklin Borough Planning Board Meeting Minutes for May 1, 2019

Motion made by **Mr. Williams**. Seconded by **Mr. Christiano**

Upon Roll Call Vote:

AYES: Nidelko, Estes, Williams, Knop, Christiano, Suckey, Bayles, Shultz,

NAYS: None ABSTENTIONS: Giordano Skellenger.

Approved

PAYMENT OF BILLS:

Mr. Christiano made a motion to approve the escrow report for May 1, 2019.

Seconded by Mr. Estes.

Upon Roll Call Vote:

AYES: Nidelko, Estes, Williams, Knop, Christiano, Suckey, Bayles

NAYS: None ABSTENTIONS: Giordano, Skellenger.

Approved

APPLICATIONS OF COMPLETENESS:

None

APPLICATIONS TO BE HEARD:

None

Franklin Borough Planning Board

Meeting Minutes for

June 17, 2019

APPROVAL OF RESOLUTIONS:

None

CORRESPONDENCE:

None

NEW BUSINESS:

Proposed Escrow Ordinance

Mr. Suckey asked if everyone had a chance to review the document. Mr. Suckey briefly explained that the document was drafted by the ordinance committee. Mr. Suckey explained he sent it to the board attorney for review to make sure the right language was used and to make sure it followed the law. Mr. Suckey stated that the document you were given is the revised copy from Mr. Brady. Mr. Suckey briefly gave a summary of the document. Mr. Suckey asked if any of the members had any questions or anything that they thought needed to be added or removed. Mr. Suckey stated that this proposed ordinance has some teeth built into it. It allows the town to be able to bite back if there is a particular instance where an applicant is not coming forth with replenishing escrow funds. Mr. Suckey stated as you read in the document that there are procedures that will be put into place to allow the Borough to be able to have some control and be allowed to essential "stop the clock " on any application that has not followed through with upholding their escrow funds.

Mr. Suckey stated that he wanted to point out one particular statement that is stated in the proposed ordinance. Mr. Suckey stated that the document states that if anytime any of the applicants escrow funds fall below 25% of the original amount deposited the board secretary is to contact the applicant asking for the applicant to replenish he or she's escrow funds to the original 100% of funds that were submitted when the applicant started its escrow account. Mr. Suckey stated as you continue to read the document further you can see that there are now "teeth" to bite back if the applicant does not fulfill their part of the escrow agreement. Mr. Suckey stated that the board now has the power to stop the clock on hearing the application. Mr. Suckey also explained that if escrow is not replenished in a timely matter the borough now has the authority to place a lean on the property as explained in more detail in the proposed ordinance. Mr. Brady stated these procedures are now in place not that we hope to have to use them. Mr. Brady explained it is now a solid document that the planning board has to fall back on. Mr. Brady explained if and when there is a case where the applicant is not following the escrow replenishment procedures. The planning board will now have the ability to refer to this document. The planning board members were all in agreement to now send the proposed ordinance to the town council for their review and approval.

Mr. Suckey asked for a motion if the board was in agreement to pass the proposed ordinance on to the council for review.

Franklin Borough Planning Board

Meeting Minutes for

June 17, 2019

Mr. Williams made a motion to send this article VII fees and deposits 161.42 to the council for their review. **Seconded by Mr. Nidelko.**

Mr. Suckey stated he would add one more sentence to that. Mr. Suckey stated that the planning board would be willing to meet with the council's ordinance committee.

Upon Roll Call Vote:

AYES: Nidelko, Estes, Williams, Giordano, Skellenger, Knop, Christiano, Suckey, Bayles

NAYS: None **ABSTENTIONS:**

Approved

COMMUNICATION-

Main Street Redevelopment update – Ken Nelson

Mr. Suckey stated that Mr. Nelson was not here this evening but he did submit a letter giving a summary of what happened at the last council meeting on June 11, 2019. Mr. Suckey stated as you can see in the letter the council did not follow the planning boards recommendations. Mr. Suckey stated the New Jersey Herald was completely wrong. The Herald stated that the Council eliminated the residential part along with a couple other errors in the article that did not make sense.

Mr. Williams asked what was the final decision made by the council.

Mr. Skellenger stated that the council decided to leave the residential option along with industrial. Mr. Skellenger stated that the council has made it more flexible giving the opportunity for someone to come along and be able to do something in that area.

Mr. Christiano asked the two Council members present who were in attendance at the council meeting to explain in twenty-five words or less, why they decided to go against the recommendations of the planning board.

Mr. Giordano stated that whole idea behind the Council's decision was so that there could be more flexibility in that area. Mr. Giordano stated that the council feels that they would like to see it be developed and giving the option of both residential and industrial gives more options to a potential buyer.

Mr. Suckey briefly explained how the board and the council have been going back and forth with this property location and how it should be zoned. The property owner has had two potential buyers come in with applications for residential and they withdraw them. Mr. Suckey stated that which lead the planning board to believe that it would be hard for a developer to develop for residential in that area.

Mr. Giordano also stated that he would like to remind everyone that this property was recently subdivided into three smaller parcels. Mr. Giordano stated when that decision was made everyone was hopeful that breaking up the property would open the doors for developers.

Mr. Suckey stated that he has heard that the property owner is asking for the three parcels to be combined again. Mr. Giordano stated that in speaking with the property owner he does not believe that to be true. Mr. Giordano commented that one of the three parcels is in the beginning stages of possibly being sold.

Franklin Borough Planning Board

Meeting Minutes for

June 17, 2019

Mr. Christiano asked if the property owner has asked for any TCC meetings. Mr. Suckey stated that he has in fact had a few TCC meetings and nothing has ever come of them. Mr. Suckey stated that each time he comes to meet with the TCC committee he comes in with a different plan. Mr. Suckey stated at this point in time there is no application or plan before the planning board.

CORRESPONDENCE:

RE: Sussex County MUA. Lafayette, Sussex County, New Jersey Leachate Pump Station & Force Main Construction Public Notification – Mr. Suckey stated that the letter from the Sussex County MUA was just an FYI. Mr. Suckey stated there was no action that needs to be taken it is strictly information.

Mr. Christiano asked Mr. Knutelsky if he knew the exact location of where the leachate pump would be going.

Mr. Knutelsky stated it would be on Newton Street.

Mr. Christiano asked Mr. Knutelsky if this operation would affect our sewer source capacity in our town. Mr. Knutelsky stated that it would be a 12 inch main which carries a substantial amount of volume. Mr. Knutelsky thinks it will be a clean line.

Mr. Knutelsky stated this would have no impact of the town's sewer capacity.

Mr. Knutelsky stated hundred percent no; this will have no effect on the town's allocation here in Franklin.

OPEN PUBLIC SESSION:

Mr. Suckey opened the meeting to the public.

Mr. Suckey stated not seeing anyone coming forward Mr. Suckey closed the meeting to the public.

EXECUTIVE SESSION:

Mr. Suckey asked for a motion to adjourn to the conference room to hold an executive session.

Mr. Estes made the motion. Seconded by **Mr. Nidelko**.

All were in Favor

* Mr. Suckey stated that the meeting will adjourn from the executive session in the conference room.

Respectfully submitted,

Michelle Babcock
Planning Board Secretary