

Franklin Borough Planning Board
Meeting Minutes for
May 1, 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 (Absent)
Mr. Nick Giordano, Mayor (Absent)
Mr. Stephen Skellenger, Councilman (Absent)
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, Planner
Ms. Jessica Caldwell, Planner

Approval of Minutes:

Franklin Borough Planning Board Meeting Minutes for March 6, 2019

Motion made by **Mr. Friend**. Seconded by **Mr. Nidelko**.

Upon Roll Call Vote:

AYES: **Friend, Nidelko, Williams, Suckey, Raperto, DeFinis,**

NAYS: None ABSTENTIONS: **Mr. Estes. Mr. Knop, Mr. Bayles**

Approved

Franklin Borough Planning Board Executive Session Minutes for March 18, 2019

Motion made by **Mr. Friend**. Seconded by **Mr. Nidelko**

Upon Roll Call Vote:

AYES: **Friend, Nidelko, Estes, Williams, Suckey, Bayles, Raperto**

NAYS: None ABSTENTIONS: **Mr. Knop**

Approved

PAYMENT OF BILLS:

Mr. Friend made a motion to except the escrow report for May 1, 2019.

Seconded by Mr. Nidelko.

All were in favor.

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APPLICATIONS OF COMPLETENESS:

None

APPLICATIONS TO BE HEARD:

None

APPROVAL OF RESOLUTIONS:

None

CORRESPONDENCE:

None

OLD BUSINESS:

Powers, Responsibilities and Procedures of the Franklin Planning Board

Mr. Brady explained that this document is an updated document from a document that he drafted when he was first hired. Mr. Brady went on to state that the document is to help the board members better understand procedures and their responsibilities as a member of the planning board. Mr. Brady stated that the document is self-explanatory however, if any member should have any questions or concerns, they can always send and email or call Mr. Brady.

Mr. Suckey stated because this has been lingering, he would like to have a motion to except this document tonight, if all the members are in agreement.

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

Upon Roll Call Vote:

AYES: Friend, Nidelko, Estes, Williams, Suckey, Bayles, Raperto, DeFinis, Schultz

NAYS: None ABSTENTIONS:

Approved

Mr. Suckey stated that he would like to take a minute to congratulate the three members who attended the mandatory course in Land Use and Planning. Mr. Suckey stated that it is by law that all new members complete the class within the first year of the member being appointed to the board. If a board member does not attend that class within the first year that member would no longer be able to sit on the planning board. Mr. Suckey stated it is the law. The last day for any member looking to take a class is May 4th for the spring semester. Mr. Suckey stated that they do not always have a fall session.

CORRESPONDENCE:

Mr. Suckey stated that the only item under correspondence was the letter from Mr. Urisn. Mr. Suckey stated that he was moving the letter to a discussion item.

DISCUSSION:

Mr. Suckey stated that he would like to clear somethings up and set the record straight. Mr. Suckey has heard rumors and has been asked why the planning board did not care about what the residents thought about not passing the commercial vehicle parking ordinance. Mr. Suckey stated that the planning board did care and they wrote a letter responding to the town council stating that they did not agree with the weight limit that

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was proposed. Mr. Suckey stated that they gave the council a two paged letter explaining the planning board's objections, concerns and recommendations on not passing the proposed ordinance. Mr. Suckey stated however, the council did not take any of the planning board's recommendations or concerns into consideration and approved the ordinance. Mr. Suckey stated that that the planning board did their part. Mr. Suckey went on to explain the Council has the right to change ordinances and they did without considering what the planning board suggested. Mr. Suckey stated its unfortunate that the recommendations and concerns were not considered.

Highlands Act Update – Ken Nelson & Jessica Caldwell

At this time Mr. Suckey asked Mr. Nelson to give an update on the Highlands Act. Mr. Nelson first started by introducing Jessica Caldwell. Mr. Nelson explained that he and Ms. Caldwell have been working close together and splitting up assignments in working on the Highlands Act. Mr. Nelson explained that tonight's update would focus on Mr. Nelson's assignments although Ms. Caldwell has helped in the mapping. Mr. Nelson explained he would be referring to the document in front of the members entitled Initial Highlands Review. (also referred to as IHR) Mr. Nelson stated that Ms. Caldwell will also be taking the lead in the housing plan that will be presented to the board in the distant future.

Mr. Nelson gave a brief backstory on how the Highlands Act has come to be in Franklin. Mr. Nelson stated that the highlands act is completely voluntarily and there is no requirement that the borough has to follow through and conform to the Highlands. Mr. Nelson stated that it is entirely up to the council and how they would like to go forward when that time comes. Mr. Nelson explained that he and Jessica's reasonability right now is to give the planning board as much information and knowledge on the Highlands conformance process as they can. Mr. Nelson stated that the planning board can go forward and give the council their recommendations or concerns before the council makes the decision to finalize the plan.

Mr. Nelson went on to explain the document that is entitled Initial Highlands Review dates April 17, 2019 which has been distributed to the board members.

Mr. Nelson gave a brief summary and overview of what the purpose of the document. Mr. Nelson stated the initial section is just the introduction. Mr. Nelson wanted to provide the board with two pieces of data

The size of the municipality 4.5 square miles which equals out to be 2,833 acres. Mr. Nelson stated that is land mass.

Mr. Nelson's second piece of data that he wanted to emphasis on is the borough's current population of 5,000 people. Mr. Nelson stated that question now being how much will the borough grow. How many more people will come to Franklin and where will they reside.

Mr. Nelson went on to state that from here on out he would be referring to the Initial Highlands review as the IHR.

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Mr. Nelson spoke about the land use capability zone map on page 7 and read to the board members and explained the zones that are included.

Mr. Nelson briefly read through the three primary zones and the four subcommittee zones.

Mr. Nelson stated that when reading the zones, one may get the impression by how the zones are labeled that the Highlands regional master plan is heavily weighted on protecting the environment instead of encouraging development.

There is some development that the highlands plan does allow for. Most of that plan development is within the existing community zone, with less in the existing community environmental strained zone.

Mr. Nelson went on to explain the map on page 7. Mr. Nelson explained the break downs of each sub category depicted on the map.

Ms. Caldwell stated that the one thing that has not been addressed yet, but can be mentioned is that there are some areas that Highlands allows some growth within the planning areas which Franklin is a part of. Ms. Caldwell explained that the borough can establish what is called a Highlands center which allows for more development/ redevelopment. Ms. Caldwell explained that this would be done in a community zoned development area. Ms. Caldwell said that this would be the next step in this process.

Mr. Suckey stated that he would like for Mr. Nelson to pause for a minute. Mr. Suckey stated that he is reading the map and understands the zones. Mr. Suckey stated however; it makes it hard to understand what zones it is talking about. Mr. Suckey asked Mr. Nelson if there are any definitions on what is considered a lake community sub zone. Mr. Suckey also asked if there was a definition on what would be considered environmental restrained sub zone. Ms. Caldwell well explained that the definitions are further discussed in the Highlands Master plan. Ms. Caldwell goes on to explain to Mr. Suckey what a lake community sub zone is and states that she understands that because there is residential within 1,000 ft of a body of water does not necessarily mean it is a lake community. Ms. Caldwell states when reading further into the IHR document it states that some of the zoning does not make sense and needs to be further discussed. Mr. Suckey stated that it would be helpful if the definitions were in the IHR document. Mr. Suckey also suggested that including an appendix.

Mr. Brady stated that the members have to keep in consideration that the data collected was most likely an aerial view and depending on the time of the photo it could mean that there are some areas that would need clarification or corrections made. Ms. Caldwell stated that there needs to be corrections or conflicts that may be more of a negotiation between the Highlands council and the borough.

The other part of the regional master plan is an extensive set of goals/policies and objectives are. Mr. Nelson asked the board to refer to page 10 on the HIR document.

Mr. Nelson briefly explained and highlighted a few of the goals, policies and objectives on page 10.

Mr. Nelson states that one very important feature on this document is that Ms. Calldwell and he were able to get the Highlands to agree to is the existing land use map.

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Mr. Nelson asks everyone to turn to page 16 where the existing land use map shows every piece of property in the borough and how it is zoned not necessarily how it is being used. Mr. Nelson stated that this map will be very important to future with other planning efforts, connection to development applications or even zoning enforcement. Mr. Nelson stated that this map has never been provided before and feels that it is already one of the positives to agreeing to the Highlands's conformance plan.

Mr. Nelson stated that he would briefly give a summary of section four. Titled consistency and inconsistency. Mr. Nelson gave a summary of what the consistencies were in the borough. Mr. Nelson also asked the members to refer to page 26. Mr. Nelson stated that there were eleven specific properties that were determined to have significantly inconsistency with the borough's planning policy and the master plan.

Mr. Nelson stated item #1 in particular being the property that is on the north end of town which was approved for a shopping center eight or nine years ago. The shopping center has not been built and may never be built. The Highlands has declared it in the protection zone. Mr. Nelson explained that will be up to the borough on whether or not they want to have that argument with the highlands and lifting it from the protection zone. Mr. Nelson spoke at length on behalf of the old hospital site. It is in the redevelopment zone/ a redevelopment plan has been approved for that zone.

Mr. Nelson stated that tonight's update was strictly informational. Mr. Nelson went on to state that somewhere along the line in this process the planning board will be part of making some decisions and or recommendations to the borough council. Mr. Nelson explained that the next step for he and Ms. Caldwell is to have this document finalized and meet with the Highlands council staff.

Mr. Nelson stated looking ahead there may need to be a joint meeting with the planning board and the council once Ms. Caldwell and Mr. Nelson can get the house document to the members. A joint meeting would be ideal so both the planning board and the town council can collaborate and discuss the housing plan and some other issues.

At this time the planning board members questions they had in regards to reading the document and or the maps specifically the quarry and lower portion of the zinc mine, the old hospital site, and railroads/ non existing rails.

Mr. Suckey stated that if there could be a glossary/appendix do help with definitions and abbreviations. Mr. Suckey stated especially when looking at the different maps. Mr. Suckey believes that a glossary would be very helpful.

Mr. Suckey also stated that its ironic that as soon as the council agreed to working with the Highlands an awful lot of properties were put up for sale that were developable. Mr. Suckey stated that planning board has to make sure the borough does not lock its self into something that they really don't want.

Mr. Nelson stated that he would get the IHR revised and distribute another copy to the members in the near future. Mr. Nelson stated that he would leave setting up a meeting with the Highlands council staff to Ms. Caldwell.

Ms. Caldwell stated she would be in touch with Mr. Nelson and thanked the board for their time.

Main Street Redevelopment – Ken Nelson

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Mr. Nelson gave an update on the Main Street redevelopment plan explaining that the plan has been before the council and as a result of the April 9th council meeting the attorney for the council was asked to send a letter to the planning board. Mr. Nelson went on to state that the planning board members should have received the letter. Mr. Nelson goes on to explain the letter stating that the letter basically goes over the lower portion of the zinc mine and how it should be treated in the redevelopment plan. Mr. Nelson stated that the members know this has been an ongoing issue for a long time. Mr. Nelson explained that right now the property is zoned for residential/industrial. Mr. Nelson stated that on page 34 of the redevelopment plan it stated that the lower portion of the property is no longer residential use but strictly industrial. Mr. Nelson goes on to explain that the letter from the council implies that the council would like to go back to the property having a little flexibility with being able to be both residential and industrial.

Mr. Suckey stated at this time he would like to read the letter stating exactly what the letter states.

After reading the letter. Mr. Suckey stated that there is no direct plan or time line on when they would need something back from the planning board. Mr. Suckey suggested that the sub committee might have to get together again and review this topic.

Mr. Suckey stated that there are so many factors that go into this lower section of the property. Mr. Suckey stated that at the last TCC meeting the applicant proposed a 300-unit apartment building at market rate. Mr. Suckey stated he finds it hard to believe that an apartment complex would be a good idea near the freight train rails. Mr. Suckey stated that he would understand if it was a commuter rail but it is not it is an industrial rail. Mr. Suckey explained that is why in the plan it was proposed to have the property be industrial. Mr. Suckey went on to explain now that Highlands has become a part of the process and are deeming it safe land. Mr. Suckey stated at this point he is not sure what will happen to the lower portion of the Zinc Mine Property. Mr. Suckey opened the discussion to the board members.

Michael Raperto made the point to say that he recalls the reason why the planning board suggested residential is because it is not part of the sewer service area.

Mr. Bayles stated coming from a builder's point of view he believes that property is not in anyway a buildable property. Mr. Bayles stated someone coming in would need to have deep, deep pockets to do something on that property.

Mr. Estes stated that the council has the right to do what they want to do. Mr. Estes stated that being said he does not see there being a problem with what the letter states. Mr. Estes feels that giving the property the option of residential and industrial gives the chance of any kind of development a better chance of happening. Mr. Estes stated that if someone with deep pockets comes to develop why do we care as long as they develop a healthy environment. Mr. Estes stated if there is some flexibility on that property, the better the chance something may happen on that property. Mr. Estes stated at the end of the day the goal is to develop and bring something to Main Street to start the trend of building and revitalizing Main Street. Mr. Estes stated that Franklin needs to move forward and more open minded.

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Mr. Suckey stated that this property has been zoned many times for over thirty years. Mr. Suckey went on to say in the last 30 years there have been two residential proposals and both redrew their applications. Mr. Suckey stated this gave the board a feeling that the property was not conducive to residential building.

Mr. Bayles stated that the property is ideal for industrial and commercial. The rails are there which is ideal for industrial. Commercial and industrial will bring jobs, jobs will bring people, people will spend money.

Mr. Nelson stated that this planning issue is very unique and he considers it to be within his top 5 of difficultness in all of his career. Mr. Nelson stated planning theory suggests that market rate residential could have a positive effect on Main Street. Mr. Nelson explained that there is no guarantee that the units would sell for market rate and that would have a negative effect on Main Street.

Mr. Nelson goes on to explain that industrial is defensible because of the separation of the lower portion and high portion of the properties. Mr. Nelson stated that having the industrial on the lower portion and having residential/ commercial on the top would be doable.

Mr. Nelson stated that he could not give a recommendation because it is such a unique situation. Mr. Suckey suggested having the subcommittee meet again and look at it and see what they can come up with to give recommendations. Mr. Suckey believes there is a way that you can meet in the middle and word it so that there could be opportunity for both residential and industrial.

Mr. Suckey stated that the committee will meet again with Mr. Nelson and work on some different wording to come to a middle ground on this unique situation.

The members had a lengthy discussion on what they would like to see happen. Mr. Williams stated that he understands that someone may come in with deep pockets and that's ok but its not just developing anything anywhere. Mr. Williams stated the board needs to keep the quality of people's lives in Franklin in mind. The board members discussed and showed expressed their displeasure with how the council handled the commercial vehicle ordinance. The members expressed that there would be a good chance that the council could do the same with this topic at hand.

Mr. Suckey stated that the plan should be that the sub committee meet again to discuss this further. Mr. Suckey stated that Mr. Brady will write Mr. Urisn a letter responding to his letter stating that the board will consider the recommendations from the council. The committee will then come back with recommendations. Mr. Suckey asked if everyone was in agreement. The members agreed.

OPEN PUBLIC SESSION:

Mr. Suckey opened the meeting to the public.

Dawn Rowe 141 Munsonhurst –

Ms. Rowe wanted to commend the planning board for always keeping the public's interest and concerns in consideration. Most recently with the weight of the vehicles ordinance that was recently passed by the council.

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Ms. Rowe stated that there is a meet the candidate's night. Ms. Rowe stated that it will be interesting to see what the candidates have to say. Ms. Rowe urged anyone interested to come listen to what the candidates have to say.

Ms. Rowe stated that she has been coming to planning board meetings and has heard the planning board try and work with Mr. Patire on different ideas for the lower portion of Mr. Patire's property.

Ms. Rowe stated that quality of life is really important like Mr. Williams stated. There is a lot of property in town that can be worked on. New is not always better.

Lastly, Ms. Rowe stated that she appreciates the planning board and asked the planning board to keep doing what they do and keep watching out for the residents as they have done thus far.

Patty Carnes 289 Rutherford -

Ms. Carnes started by thanking the planning board for doing what they do.

Ms. Carnes stated that there is a lot of different properties that are available. Ms. Carnes stated that Franklin has a lot of areas that are available for development which is great but it has to be the right fit. Ms. Carnes stated that not everything is going to be the right fit for a certain property or for Franklin.

Ms. Carnes thanked the board and stated that they should just continue to do what they are doing.

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

ADJOURNMENT:

Mr. Suckey asked for a motion to adjourn. **Mr. Nidelko** made a motion to adjourn the meeting. Seconded by **Mr. Friend**. The meeting adjourned at 8:45 p.m.

All were in favor.

Respectfully submitted,

Michelle Babcock
Planning Board Secretary