

Franklin Borough Planning Board

Meeting Minutes for

November 18, 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 (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. Michael Raperto, Alternate #2 (Present)
Mr. Stephen DeFinis, Alternate # 3 (Absent)
Ms. Sharon Schultz, Alternate #4 (Present)

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

Approval of Minutes:

Franklin Borough Planning Board meeting minutes for October 21, 2019

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

Upon Roll Call Vote:

AYES: Friend, Nidelko, Williams, Estes, Knop, Christiano, Raperto, Schultz, Suckey

NAYS: None ABSTENTIONS:

Approved

PAYMENT OF BILLS:

Mr. Williams made a motion to approve the escrow report for November 18, 2019.

Seconded by **Mr. Christiano**

Upon Roll Call Vote:

AYES: Friend, Nidelko, Williams, Estes, Knop, Christiano, Raperto, Schultz, Suckey

NAYS: None ABSTENTIONS:

Approved

APPLICATIONS OF COMPLETENESS:

There were no applications for completeness

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APPLICATIONS TO BE HEARD:

JCM investors, 1012, LLC, PB# 09-19-01, Block 2701, Lot 2, 110 Munsonhurst Road, Preliminary & Final site plan in MPR Zone.

Mr. Suckey stated he would like for Mr. Brady to explain again why it is we are here tonight, and to explain what a *Whispering Woods Hearing* is for the public that is here this evening.

Mr. Brady explained a *Whispering Woods Hearing*.

Mr. Brady explained who would be heard tonight.

Mr. Brady stated that the public would get their turn to share their testimony.

Mr. Brady stated when the public has their chance to speak and present their testimony the testimony can only be on behalf of the new application.

Mr. Brady made a point to emphasize that there would be no rehashing of the old application.

Mr. Brady stated that he and Ms. Rubright had a brief discussion over the phone earlier that day.

Ms. Rubright would like to have the opportunity to address the two issues that were brought up at the last meeting.

Mr. Brady stated that he would be willing to allow Ms. Rubright to follow up this evening with those particular issues.

Mr. Suckey thanked Mr. Brady.

Mr. Suckey stated that Ms. Rubright may proceed.

Ms. Rubright introduced herself as Susan Rubright and stated that she was with the firm Brach & Eichler in Roseland, New Jersey.

Ms. Rubright stated she is here on behalf of JCM, Investors.

Ms. Rubright thanked Mr. Brady for explaining the breakdown of how tonight's proceedings.

Ms. Rubright stated that she did not have anyone testifying this evening as all of her witnesses were presented at the last meeting.

Ms. Rubright stated that she did however like to address the issues as Mr. Brady mentioned earlier.

Ms. Rubright stated that first one being the supplement water tank.

Ms. Rubright stated if there was a prolonged freeze there would be a mixing unit placed within the storage tank to keep the water moving.

Ms. Rubright also stated that there would be an electrical recitable for a portable generator to hook up to in case of a power outage.

Mr. Knutelsky stated that he would like to point out that the generator manual should be added to the OEM maintenance manual for building and grounds.

Mr. Knutelsky stated that this would be entirely the developments reasonability.

Ms. Rubright stated that the applicant agrees to that.

Mr. Knutelsky stated that all standards and regulations for the tank would have to be met as well.

Ms. Rubright agreed.

Ms. Rubright stated that she heard some questions and concerns in regards to the colors of the buildings at the last meeting.

Ms. Rubright stated that she would just like to clarify that the color scheme for the buildings are earth tones.

Ms. Rubright also stated that the water tank will be whatever the board would like for it to be.

Mr. Suckey stated that it was already agreed upon that the tank would be green.

Ms. Rubright stated that is all that she has to offer at this time.

Ms. Rubright requested that after the public has their opportunity to be heard that she would like to have a closing statement to summarize the application.

Mr. Suckey stated at this time he would like to open the meeting to the public.

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Mr. Suckey stated that the public who wish to come forward will only be permitted to discuss testimony that was given at the last meeting along with any new information that was discussed tonight.

Mr. Suckey stated as Mr. Brady explained we will be following along with the proceedings for a *Whispering Woods Hearing*.

OPEN PUBLIC SESSION:

Dick Durina 23 Lozaw Rd. –

Mr. Brady swore Mr. Durina in under oath.

Mr. Durina asked if he could pass out an ISO document and asked if it could be submitted in as evidence.

Ms. Rubright stated that she objects to Mr. Durina speaking on behalf of the ISO document.

After a lengthy discussion on whether or not Mr. Durina could speak on behalf of ISO and the ISO document that was distributed. Mr. Brady and the board came to the conclusion to allow Mr. Durina to explain the numbers on the chart that was distributed.

Mr. Brady explained to both the board and Mr. Durina that once that Mr. Brady felt that Mr. Durina was getting off topic and talking as if he was an expert on the ISO document, he would respectfully ask for Mr. Durina to end his presentation.

Mr. Brady allowed Mr. Durina to distribute the ISO document.

Mr. Brady stated he and the board will give it a look first and see if it is something that Mr. Durina could in fact enter as evidence and speak on behalf.

Mr. Suckey explained what ISO (Insurance Service Organization)

Mr. Suckey gave a brief summary of what ISO does,

Mr. Suckey explained how ISO gives towns ratings and home owners Insurance use those ratings.

Mr. Suckey explained that Franklin has a split classification.

Mr. Suckey explained that Franklin is giving a rating using fire hydrants and not using fire hydrants.

Mr. Suckey said the lower the number the better the rating and the higher the number the lower the rating.

Mr. Suckey explained they come to do their survey every 5 years.

Mr. Suckey stated that they will not be back until 2023. Unless there is a need for them to come out sooner for emergency reasons.

Mr. Suckey stated that Mr. Durina could proceed with his presentation.

Mr. Durina stated that he was here tonight to talk about fire safety and with fire safety comes life safety and that is the most important thing that needs to be addressed this evening.

Mr. Durina went on to list his credentials both educationally and professionally to uptake his right to be able to speak on behalf of fire protection and life safety.

Mr. Durina went on to explain how complex the water system is in Franklin.

Mr. Durina explained his notes that were made on the ISO document that he distributed.

Mr. Durina explained fire flow and explained the ISO document and what the numbers on the chart stood for. ‘

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Mr. Durina stated that there use to be a Board of Public Works in Franklin but that was demolished by the mayor and council a few years back and it's a shame because the Board of Public works would be the ones to look into these numbers and have a big part in the ISO survey. This water issue would have been their highest priority.

Mr. Durina stated that there has been no money spent on the water systems in Franklin.

Mr. Durina used the example of the water tower what he revered to as a lollipop is rusting on the outside can you imagine what the inside must look like.

Mr. Durina stated that the applicant is intitled to the water system however, he does not believe the project proposed is something the current water system could handle.

Mr. Durina explained that's why he is requesting a gravity feed tank to feed the sprinkler system.

Mr. Durina expressed his displeasure with the water tank that the applicant is willing to provide by the recommendation of the planning board.

Mr. Durina asked if anyone had any question for him in regards to this ISO document.

Mr. Brady asked Mr. Durina if he was finished addressing the ISO document.

Mr. Durina stated that he believes that the Franklin needs to do their search and figure out if the water system that Franklin currently has will be able to sustain this proposed project,

Mr. Suckey stated that those questions and concerns were addressed at the last meeting.

Mr. Durina stated he must have been sleeping during that discussion at the last meeting.

Mr. Durina stated that how could that be approved before it was discussed at the public hearing.

Mr. Brady stated that it was not approved there was testimony and a lengthy conversation on the water tank that was recommended.

Mr. Durina apologized to Chairman Suckey that he misunderstood his comment.

Mr. Durina stated that the point that he would like to get across is the water system needs to be analyzed by a professional engineer before going forward with agreeing to anything that could jeopardize the borough's water system.

Mr. Durina stated it comes down to life safety and we need to be sure that we are protecting our residents and or future residents to come.

Ms. Rubright stated that she understands Mr. Durina's position.

Ms. Rubright stated that she and the public have heard Mr. Durina's points and would like to move on.

Ms. Rubright stated that she has questions for Mr. Durina.

Mr. Brady suggested that Mr. Durina finished before Ms. Rubright went and asked Mr. Durina his questions.

Ms. Rubright agreed and stated that Mr. Durina has made his points and I just simple thought that we could move on.

Mr. Durina stated that he was finished with his water presentation.

Mr. Brady asked if he had anything else to add before you take questions from Ms. Rubright.

Mr. Durina stated that he would like to pass out the special meeting minutes from the Avalon Planning Board.

Mr. Durina stated that he would like to see them entered as evidence.

Mr. Suckey asked what does that document have in relation to the application.

Mr. Durina stated that he was here this evening as a happy warrior.

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Mr. Suckey stated that he just asked a question so that he, Mr. Suckey could have a better understanding of what the document had to do with the present application.

Mr. Brady asked for Mr. Durina to hand his only copy to Ms. Rubright.

Ms. Rubright explained that it was special planning board meeting minutes from a Whispering Wood Hearing in Avalon.

Ms. Rubright stated that she objected to this being addressed or discussed.

Ms. Rubright stated that there are many factors that are missing and has nothing to do with the project at the end.

Mr. Brady agreed with Ms. Rubright and stated that would allow Mr. Durina to explain why he felt that this was relevant to the application.

Mr. Durina explained to Mr. Brady that he was concerned because the settlement agreement was not on the back table for the public.

Mr. Brady stated that the settlement agreement is a public document.

Mr. Brady stated that Franklin participates in the OPRA (Open Public Records Act) and gave a brief explanation of what OPRA is and how it works.

Mr. Brady asked if Mr. Durina had any questions.

Mr. Durina stated that he would like for the document to be part of the record.

Mr. Brady stated that it is irrelevant and would not be entered as evidence.

Mr. Brady stated that he would allow the ISO document for the limited purpose of demonstrating Mr. Durina's presentation on the water system.

Mr. Brady stated the cover leader will also be part of the evidence.

Mr. Brady stated to Mr. that he would recommend the ISO cover page and documents be permitted for limited purposes as addressed earlier.

Mr. Suckey stated that he would allow it to be entered as evidence.

Mr. Brady stated that the document would be entered into evidence marked D1 – Durina.

Mr. Durina stated before he sits down, he would like to take a minute to apologize for his passion in his presentation.

Mr. Durina walked back to his seat.

Mr. Suckey stated that Ms. Rubright had questions for Mr. Durina before he sits down.

Ms. Rubright stated that at this time she had more of a statement than a question.

Ms. Rubright that she would like to read from the ISO document.

Ms. Rubright read from the ISO document stating she would like to read it word for word for the record.

Ms. Rubright read the following on page two second paragraph from the ISO document:

ISO is the leading supplier for the data and analytics for the insurance provider. Most insurers use PPC classifications for under writing, calculating premiums for residential, commercial and industrial properties. The PPC program is not to be intended to analyze all the aspects of structural fire suppression delivery program. It is not for the purpose to provide certification with any state or local law or is it for making lost prevention of life safety recommendations.

Ms. Rubright stated that as we can all empathize with Mr. Durina, this document and calculations is not relevant to this application.

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Ms. Rubright stated that her applicant has followed all procedures and has followed through with all of this board's recommendations for fire safety.

Ms. Rubright stated that she had nothing else to add.

Mr. Durina stated that he would like to respond to Ms. Rubright's statements.

Mr. Durina stated that he stated that he was using the document as a tool for the fire service, and a guide line.

Dennis Harrington – Franklin

Mr. Brady swore Mr. Harrington in under oath.

Mr. Harrington asked it's a 50,000-gal tank?

Mr. Harrington asked how long does a 50,000 give to the firefighters fighting an emergency.

Ms. Rubright stated that she could not answer that question, questions would have to be addressed to the board.

Mr. Suckey stated that yes, it is a 50,000-gal tank.

Mr. Harrington asked who is making these fire decisions?

Mr. Harrington quoted NJ Fire state code.

Mr. Harrington stated that the decisions should be made by the authority whom has jurisdiction.

Mr. Suckey stated that would be the fire sub code.

Mr. Suckey stated the he was from Hardyston Township.

Mr. Harrington stated that he believes that the Sussex County Fire Marshall should have jurisdiction and sees no one from the Sussex County Fire Marshall's office here tonight.

Mr. Suckey explained the difference between the Fire Marshall and the Fire Sub Code Official.

Mr. Harrington asked if the fire sub code official has signed off on the things that have been addressed tonight.

Mr. Harrington stated that is the law.

Mr. Harrington expressed his displeasure that there were no representatives from the Fire Marshalls office or Sub code Official present this evening to hear the concerns that are being addressed this evening.

Mr. Suckey explained to Mr. Harrington that they did not need to be present at this meeting.

Mr. Suckey stated that there is no law that makes it mandatory for such officials to be present at our planning board meetings.

Mr. Harrington did not agree with that and stated that he believes that they should be here to answer these important questions.

Mr. Harrington thanked the board and returned to his seat.

Bill Potter – Potter and Dixon law firm. 194- Nasa Street Princeton, NJ

Mr. Potter stated that he is representing the Wallkill Valley Head Waters Association.

Mr. Potter stated that he would like to pass out some papers.

Mr. Potter asked if this document could be marked as exhibit 1. qualifications for. Mark Gallagher to testify as an expert on environmental impact.

Mr. Brady stated that Mr. Potter could pass out the document and the board would review and discuss and decide on weather or not they would accept Mr. Gallagher as an expert.

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Mr. Brady stated that he would mark the document W-1 for Wallkill Valley Head Waters Association.

Mr. Brady stated just because it is marked does not mean that it is automatically entered in as evidence.

Mr. Potter understood and agreed with Mr. Brady.

Mr. Potter asked Mr. Gallagher to step up to the microphone to state his name and to give his address.

Mr. Gallagher introduced himself and stated that his address was 1902 Silver Terrance Yardley, Pennsylvania.

Mr. Brady Swore Mr. Gallagher in under oath.

Mr. Gallagher listed his educational credentials.

Mr. Gallagher went on to explain his professional training.

Mr. Gallagher stated that he has worked for many companies but started working with Princeton Hydro 21 yrs. ago.

Mr. Gallagher stated that Princeton Hydro focuses on anything that has to do with water resources and environmental impact.

Mr. Potter proceeded to ask Mr. Gallagher questions qualifying him as an expert.

Mr. Potter stated at this time he would like to present Mr. Gallagher as an expert witness and make available for questions at this time.

Mr. Brady stated at this time the board can ask any questions they may have in regards to Mr. Gallagher 's qualifications.

Mr. Brady stated that once the board asked their questions, Ms. Rubright would also have the opportunity to ask questions in regards to Mr. Gallagher's qualifications.

Mr. Brady stated that Mr. Gallagher could be accepted in all areas if the board felt he was qualified in all areas, or if the board felt he was only qualified in topic A and B and not C or D they have that option as well.

Mr. Brady stated it would be up to the board and how they would like to handle it.

The board members asked their questions to Mr. Gallagher.

After a long discussion steep slope was mentioned and that Mr. Gallagher would be testifying on behalf of the compliance of the steep slope ordinance and the environmental impact it would have.

Mr. Brady referred back to his explanation of a *Whispering Woods Hearing* and how topics that were addressed in the last application would not be addressed in the *Whispering Woods Hearing*.

Mr. Brady stated that due to the settlement agreement this hearing is for issues that were addressed in the settlement agreement.

Mr. Potter stated that he disagreed and stated that he does not believe that the *Whispering Woods Hearing* has to be so narrowed down like Mr. Brady has been doing.

Mr. Potter stated that he would like to pass out Mr. Gallagher's testimony at this time.

Mr. Brady stated that he has the testimony from the last meeting.

Mr. Brady stated that his first reaction to the proposed testimony was that it was an overly broad analysis of the whole entire project.

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Mr. Potter disagreed and believed that Mr. Gallagher would be testifying on the information that was provided by the applicant to prove if they have met their burden proof.

After many questions being asked by both the planning board members and the applicants attorney and a lengthy discussion ultimately it was decided by the board members to vote.

Mr. Suckey asked for a motion to either accept Mr. Gallagher's qualifications or to deny Mr. Gallagher's qualifications.

Mr. Brady stated the board could deny all of Mr. Gallagher's qualifications.

Mr. Brady also stated that the board could narrow it down to a specific area in which Mr. Gallagher could qualify as an expert and testify on that specific topic.

Mr. Christiano made a motion to limit Mr. Gallagher's testimony to steep slopes.

Seconded by **Mr. Estes**.

Upon Roll Call Vote:

AYES: Friend, Nidelko, Williams, Estes, Knop, Christiano, Raperto, Schultz, Suckey

NAYS: None ABSTENTIONS:

Approved

Mr. Suckey stated that before we get into Mr. Gallagher's testimony, he would like to take a five-minute recess.

Mr. Suckey brought the meeting back to order at 9:32.

Mr. Suckey asked for Mr. Potter to proceed.

Mr. Potter explained that he had gentleman who spoke during open public and asked if he could come up and address the board.

Mr. Suckey allowed for Mr. Harrington to address the board.

Mr. Brady stated that Mr. Harrington is still under oath.

Mr. Harrington stated that he wants to understand the issue with the 50,000-gal tank and the water protection.

Mr. Harrington asked if this was an issue that has been already addressed and resolved.

Mr. Suckey stated the issue was brought up at the last meeting in October.

Mr. Suckey explained that the issue was part of the settlement agreement and it was addressed at the last meeting.

Mr. Suckey explained that the only issue that was still up in the air was what color would the tank be.

Mr. Suckey explained which has been settled tonight.

Mr. Suckey explained the 50,000 gal. tank is a reserved tank.

Mr. Suckey stated that the sprinkler system and hydrants come off the domestic water that feeds the buildings.

Mr. Suckey stated the reserved tank is in case something happens to the water system.

Mr. Suckey went on to explain that the wells are located near the property.

Mr. Suckey stated if all three wells go down at the same time there is still the 50,000-gal tank to help with a fire emergency.

Mr. Suckey stated that not only is the tank for that site the applicant also gave permission to be able to use that tank for any fire emergency situation in that particular area.

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Mr. Harrington asked if the 50,000-gal number has already been signed and sealed by the persons who has jurisdiction of this area.

Mr. Suckey stated that he will once he receives the plans.

Mr. Suckey stated once the plans are approved if they are approved.

Mr. Suckey stated it is the Fire Sub Code Official who would be the one to sign off on any plans.

Mr. Harrington stated that it would not be a done deal until it was signed by the Fire Sub Code Official.

Mr. Harrington explained that this is a critical thing and that person from Hardyston should be here listening to this and being available for questions from the public.

Mr. Harrington thanked the board and thanked Mr. Potter for allowing him to address the board again.

Mr. Suckey asked Mr. Potter to proceed.

Mr. Potter asked Mr. Gallagher to explain the steep slopes and the variance that is being proposed in this application.

Mr. Potter explained that it starts with the September 2019 Environmental Impact Statement where there is a segment that describing accountability and non-accountability with this project with regional planning documents.

Mr. Gallagher stated that he would be referring to the EIS (environmental Impact Statement) from September 2019 through out his testimony.

Mr. Suckey asked Mr. Gallagher if this had to do with the steep slopes and Mr. Gallagher assured Mr. Suckey that it was in regards to steep slopes.

Mr. Gallagher explained at length why not only are the removal of steep slopes going to cause a serve impact to the location's environment.

Mr. Gallagher went on to explain that the property was also on limestone.

Mr. Gallagher went on to highlight the areas of concern in the EIS document and the impacts the steep slopes will have on such concerns.

Mr. Gallagher went on to explain that slopes of excess of 25% should be avoided if possible.

Disturbance of lesser slopes should be approached with care.

15% of the slopes are being proposed are being impacted.

16.62% out of the 20/25 % slope class. 21.17% of the 15% 20% slope class.

Its not only the steep slopes they are proposing to take 10ft off the limestone ridge.

These are all changes to the steep slopes and shallow bedrock.

Mr. Gallagher expressed his concerns of what will come from a building project of this size on limestone and shallow bedrock.

Mr. Potter asked Mr. Gallagher if there is currently enough information regarding the steep slopes to approve this application at this time.

Mr. Gallagher suggested that board receive more information before approving the application.

Mr. Potter thanked Mr. Gallagher.

Mr. Potter stated that he had no further questions.

Mr. Brady asked Ms. Rubright if she had any questions for Mr. Gallagher at this time.

Ms. Rubright asked Mr. Gallagher if he was familiar with the prior steep slope disturbances with the prior plan.

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Mr. Gallagher stated in general.

Mr. Gallagher stated he did not know the exact percentages.

Ms. Rubright asked Mr. Gallagher if he reviewed the steep slope analyst plan. The current plan provided by Bowman consulting.

Mr. Gallagher replied yes, and that he has heard testimony on it as well.

Mr. Gallagher stated that he did not in fact read the slope analyst plan but has heard testimony.

Ms. Rubright asked Mr. Gallagher if he has walked the site.

Mr. Gallagher stated that he has walked the site on the west side along Mr. Sherwood's property.

Mrs. Rubright asked Mr. Gallagher if he was aware of the erosion not being controlled on the site and now with the proposed plan it will be controlled.

Mr. Gallagher stated he is not convinced it will be controlled.

Mr. Rubright asked Mr. Gallagher if looked at the Soil Control Plan.

Mr. Gallagher stated he did not look at the Soil Control Plan.

Mr. Rubright asked Mr. Gallagher if he reviewed any of the conditions, he mentioned from the Sussex County Planning Document.

Mr. Gallagher stated no, he only spoke on behalf of the EIS report.

Ms. Rubright asked Mr. Gallagher if he was aware of the Safe Tree Plan.

Mr. Gallagher stated yes.

Ms. Rubright asked if Mr. Gallagher was aware that the applicant has eliminated two buildings and parking spots to reduce the number of trees that would be lost.

Mr. Gallagher stated yes.

Mrs. Rubright stated that she had no further questions at this time.

Mr. Suckey asked Mr. Potter if he had any more questions.

Mr. Potter stated that he would like to bring another witness up by the name of Elliot Ruga.

Elliott Ruga – 414A Main Street Boonton.

Mr. Brady Swore Mr. Ruga in under oath.

Mr. Ruga made statements on behalf of the sewage disposal system which was brought up by the Highlands Council.

Mr. Ruga also referred to the September 19, 2018 EIS.

Mr. Ruga discussed the Scenic features on and off the proposed project site.

Mr. Ruga addressed the open space goals that need to be met according to the 2007 Master Plan.

Mr. Ruga explained that the property is within feet of four very important environmental entities:

- Hamburg Wildlife Management area.
- Paulinskill Trail
- The Wallkill Valley River
- Hamburg Wildlife Management area.

Mr. Ruga went on to explain the importance of all four of the environmental areas and expressed how important it would be to protect these areas.

Mr. Ruga stated that he had noting further at this time.

Mr. Gallagher stated that he had no further questions or witnesses at this time.

Mr. Suckey asked Ms. Rubright if she had any questions.

Ms. Rubright stated that she did have a few questions for Mr. Ragu.

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Ms. Rubright asked Mr. Ruga why he stated his address was in the area of Boonton and why would he have so much concern in Franklin.

Mr. Ruga explained that he is the policy and communication director of the Highlands and was asked by a few Franklin residents to be present tonight.

Ms. Rubright asked Mr. Rubright if he was testifying as an expert.

Mr. Ruga replied no.

Mr. Ruga explained that the New Jersey Highlands Coalition is involved in this because there are concerned residents who are concerned about the natural resources and the environmental features that are involved within this project.

Mr. Ruga explained those concerned residents have asked him to be present at these meetings.

Mr. Rubright stated that she had no further questions.

Both Mr. Ruga and Ms. Rubright returned to their seats.

Dawn Rowe 140- Munsonhurst Rd.

Mr. Brady swore Ms. Rowe in under oath.

Ms. Rowe expressed in her opinion that the project is a bad idea it was a bad idea from the very beginning.

Ms. Rowe explained that it is bad zoning and just all together a bad idea.

Ms. Rowe stated that she feels the environmental issues have not been entirely addressed by professionals on particular that was denied from this board to give testimony on such environmental issues.

Ms. Rowe stated that the public has not been able to address the issues as they should have been.

Ms. Rowe asked who would be in charge of maintenance of the water tank on the property.

Mr. Suckey stated that would be the owner's responsibility.

Ms. Rowe explained that developers and owners make promises to get what they want when they want it and the town more often than not is left with the responsibility.

Ms. Rowe shared her concern for the Wallkill Valley River and other natural resources on the proposed project site.

Ms. Rowe closed by saying the project is a bad idea a very bad idea.

Ms. Rowe returned to her seat.

Dick Durina 23 Lowzaw Rd. -

Mr. Brady reminded Mr. Durina that he is still under oath.

Mr. Durina expressed again the importance of life safety.

Mr. Durina stated that everything needs to be in place for a fire emergency.

Mr. Durina stated that he believes that there should be two entrances to getting into the development for emergency vehicles.

Mr. Durina stated that he has in his notes that someone from JCM stated at the last hearing that there was a meeting at the firehouse in regards to discussing the water tank.

Mr. Suckey stated that was not true.

Mr. Suckey stated that there was a subcommittee that met at the Borough hall to discuss such topics.

Mr. Durina stated that the Mr. Snyder stated there was no way to meet the revised revisions of the borough ordinance.

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Mr. Brady stated there were no changes to the ordinance only a mis publication and the proper slope ordinance applied.

Mr. Durina stated there is a way, reduce the size of the project and this all goes away.

Mr. Durina returned to his seat.

Dennis Harrington- Taylor Rd.

Mr. Brady reminded Mr. Harrington that he was under oath.

Mr. Harrington stated that he wanted to follow up with Ms. Rowe's comment about developers making promises to get what they want.

Mr. Harrington stated they promise the world to get what they want and then they leave and the Borough and the taxpayers.

Mr. Harrington gave an example of that exact situation and how the employees of that particular business, the taxpayers, and the Fire Dept were left with the burden.

Mr. Harrington stated that the employees were at of work for a week right before the holiday season.

Mr. Harrington explained that the Fire Dept had to get involved and use their time and water supply to help.

Mr. Harrington stated that the Planning Board needs to make sure that whoever is responsible for the water tank and generator on the property takes full responsibility and does not end up to leaving it up to the Borough and taxpayers.

Christine Kozma 7 Fox Hill Dr. -

Mr. Brady swore Ms. Kozma under oath.

Ms. Kozma expressed her concern for the wildlife that will be disrupted due to the proposed project.

Wilhelmina Kozma 7 Fox Hill Dr. –

Mr. Brady swore Ms. Kozma in under oath.

Ms. Kozma – Explained how she needed to replace both her well and her septic pump on more than one occasion.

Ms. Kozma explained that she was told by her plumbers that it was because of the limestone. The limestone destroys the pipes and pumps.

Ms. Kozma explained how awful her water pressure is compared to the YMCA.

Gail Adrian – Hardyston

Mr. Brady swore Ms. Adrian in under oath.

Ms. Adrian stated that she would like more clarification on the traffic study.

Ms. Adrian stated that she is concerned about the extra pollution and road rage the proposed development will bring to Rt 23 and other nearby highways.

Ms. Adrian thanked the board and walked back to her seat.

Mr. Suckey asked if anyone else would like to come forward.

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

Ms. Suckey asked Ms. Rubright if she had any final comments that she would like to make in closing.

Ms. Rubright gave a brief summary of why we are all here this evening and what she had hoped to accomplish this evening.

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Ms. Rubright gave a summary of the proposed project.

Ms. Rubright referred to the settlement agreement and stated that she does not foresee that the project would be denied this evening.

Ms. Rubright explained that the town and the Planning Board approved this settlement agreement, and sees no reason why this application should not be approved this evening.

Ms. Rubright stated that she is aware of the many conditions that will be added, bonds and improvements along with other standard condition's that the applicant has agreed too.

Ms. Rubright thanked the board for all their time and attention to this application.

MS. Rubright returned to her seat.

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

Mr. Raperto asked if the board received a water flow report from JCM.

Mr. Suckey stated no.

Mr. Raperto stated that the property next to the proposed project site has a 12 in main that it runs up too.

Mr. Raperto stated that you could get a flow rate from the already existing hydrants to cage what the flow rate would be on the project site.

Mr. Suckey stated that would fall under a Public Works committee and the town of Franklin no longer has that committee available for these issues.

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

There not being any further questions from the board Mr. Suckey stated that he would entrain a motion to either accept or deny the application.

Mr. Friend made a motion to approve the application. Seconded by Mr. Nidelko.

Mr. Brady stated at his this point the board will review and go over the conditions to be added to the resolution.

Mr. Brady listed the conditions and stated that there were two types of conditions.

Mr. Brady explained one being part of the settlement agreement and the other being general conditions that have been brought up during the hearing process.

Mr. Brady briefly listed and gave a brief explanation of each of the conditions.

Mr. Williams asked for Knox Boxes to be placed at the entrance of each other buildings including the clubhouse.

Mr. Brady made note of Mr. Williams request.

Mr. Suckey started that we have a motion and a second.

Mr. Suckey called for a roll call.

Upon Roll Call Vote:

AYES: Friend, Nidelko, Williams, Estes, Christiano, Raperto, Schultz, Suckey

NAYS: Knop ABSTENTIONS:

Approved

APPROVAL OF RESOLUTIONS:

There were no resolutions.

OLD BUSINESS:

Franklin Borough Planning Board

Meeting Minutes for

November 18, 2019

Highlands update – Ken Nelson

Mr. Nelson stated that he and Ms. Caldwell would be meeting within the next few weeks with the Highlands Council.

Mr. Nelson stated that the housing plan is still being worked on and at this point should be finished by the middle of January.

NEW BUSINESS:

Proposed 2020 Planning Board Meeting dates.

1st Wednesday for Workshop meeting

3rd Monday for regular Planning Board meeting.

CORRESPONDENCE:

Letter from Bowman Consulting- Notice of NJDEP Applications Milly's Court Block 2701, Lot 2, 110 Munsonhurst Road.

Mr. Suckey addressed the letter and asked the board if they had any questions.

The board did not have any questions at this time.

OPEN PUBLIC SESSION:

Mr. Suckey opened the meeting to the public.

Ms. Rubright requested that the Resolution be prepared for the next available meeting. December 4th Mr. Brady stated that he would try his very best but with the Thanksgiving Holiday being so soon.

Mr. Brady stated that he is not sure that he would be able to promise that it would be finished in time for December 4th.

Ms. Rubright appreciated Mr. Brady's efforts.

Mr. Suckey stated not seeing anyone coming forward.

Mr. Suckey closed the meeting to the public.

DISCUSSION:

There were no discussion items.

ADJOURNMENT:

Mr. Suckey asked for a motion to adjourn the meeting.

Mr. Christiano made the motion to adjourn. Seconded by **Mr. Nidelko**.

All were in favor.

The meeting adjourned at 11:10 P.M

Respectfully submitted,
Michelle Babcock
Planning Board Secretary