

Franklin Borough Planning Board
Meeting Minutes for
June 15, 2020
Via Phone Conference

The meeting was called to order at 7:35 PM by the Chairman, Mr. Wes Suckey, who then stated if there were no objections, he would suspend 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. John Sowden, Mayor (Present)
Mr. John Postas, Council liaison (Present)
Mr. Floy Estes (Present)
Mr. Jim Nidelko (Present)
Mr. Jim Williams (Present)
Mr. John Friend (Present)
Mr. Richard Knop (Present)
Mr. Michael Raperto, Alternate #1(Present)
Mr. Stephen DeFinis, Alternate # 2 (Present)
Ms. Sharon Schultz, Alternate #3 (Present)

ALSO, PRESENT:

Mr. Correale, Planning board attorney
Mr. Nelson, Planner

APPROVAL OF MINUTES:

Mr. Suckey asked for approval for the **March 16, 2020** meeting minutes with corrections added.

Mr. Williams made a motion to accept the meeting minutes with the corrections.

Seconded by **Mr. Nidelko**

Upon Roll Call Vote:

AYES: **Friend, Nidelko, Estes, Williams, Sowden, Knop, Suckey, Raperto**

NAYS: None ABSTENTIONS: **Postas, Christiano, DeFinis, Schultz**

Approved

Mr. Suckey asked for approval for the **May 18, 2020** meeting minutes.

Mr. Williams made a motion to accept the meeting minutes with the corrections.

Seconded by **Mr. Friend**

Upon Roll Call Vote:

AYES: **Friend, Nidelko, Estes, Williams, Sowden, Postas, Knop, Suckey, Raperto, DeFinis, Schultz**

NAYS: None ABSTENTIONS: **Christiano**

Approved

PAYMENT OF BILLS:

Mr. Christiano made a motion to approve the escrow report for **May 18, 2020**.

Seconded by **Mr. Knop**.

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: Sowden, Postas

Approved

APPLICATIONS FOR COMPLETENESS:

There are no applications for completeness

APPLICATIONS TO BE HEARD:

There are no applications to be heard

APPROVAL OF RESOLUTIONS:

OLD BUSINESS:

Proposed recommendations for the fence and RV ordinances

Mr. Suckey stated that the first ordinance to be addressed this evening will be the RV ordinances.

Mr. Suckey stated that Mr. Correale who was present at the meeting in place of Mr. Brady who was not able to attend tonight's meeting.

Mr. Suckey stated that he believed that Mr. Correale had something to add in regards to the RV ordinance.

Mr. Correale stated that he spoke to Mr. Brady before the meeting.

Mr. Correale explained that the planning board's ordinance subcommittee met last Thursday.

Mr. Correale went on to state that the committee finalized the RV ordinance.

Mr. Correale stated that there was a document drafted that the planning board members should have received.

The members all agreed that they received the document.

Mr. Correale explained that Mr. Brady has added additional language under paragraph H entitled definition of trailer.

Mr. Correale went on to list the additional vocabulary.

- Camping trailers
- Dump trailers
- Utility trailers
- Box trailers
- Landscaping trailers
- Equipment trailers

Mr. Suckey stated that the suggestion to add all types of trailers to the document was made by Mr. Estes.

Mr. Suckey stated that with talking with Mr. Brady he agrees with Mr. Estes suggestions to list all trailer types under the definitions.

Mr. Estes explained in detail why he believes that listing all trailer types leaves no room for any speculation or guesses on what is permitted and what is not permitted.

Mr. DeFinis asked who would be policing this.

Mr. Suckey explained that the planning board would give the recommendations to the town council and if they found it acceptable, they would then vote and hopefully pass this as an ordinance, which would then make it be something that the zoning officer would have to police and reinforce.

Mr. Christiano stated that he would like to make a request that Mr. Brady looks at both the ordinances.

Mr. Christiano stated the two ordinances are now very similar in verbiage.

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Mr. Christiano is asking that Mr. Brady review both ordinances to make sure that they are not contradicting one another before passing this to the town and council.

Mr. Nelson suggested that there be language added to explain that the trailer definitions are not typically considered recreation equipment.

Mr. Nelson stated something along those lines should be added after the line camping trailers.

Mr. Suckey explained listing all varieties of trailers was just to explain that all other trailers that do not fall under horse trailer or utility trailer as stated in the original ordinance are mentioned.

Mr. Suckey stated which due in fact fall under this ordinance.

Mr. Estes stated that listing all trailers makes it clear to residents and the zoning officer, who would be enforcing the ordinance.

Mr. Estes stated it's a funnel to define safety and the beautification.

Mr. Estes stated it's a defined aspect that takes away questions on what is considered a "trailer"

Mr. Suckey stated that he agreed and understood what Mr. Estes was suggesting.

Mr. Suckey stated that he is suggesting that Mr. Correale go back to Mr. Brady and ask him to look at the document again making sure all the wording is correct and rearranging words and taking out language such as "not limited to".

Mr. Suckey stated he was hoping that the members would come to an agreement on this tonight and have Mr. Brady edit the document adding the items discussed this evening.

Mr. Suckey stated that he would really like to get this document back to council for their review and final vote.

Mr. Postas stated that he wanted to personally thank everyone from the planning board for working so hard on this document, especially Mr. Suckey.

Mr. Postas stated that he and Mr. Suckey spoke earlier that day.

Mr. Postas stated that he is for the added details and definitions being listed within the ordinance to be sure not to leave any room for questions.

Mr. Postas stated that however the issue that he has is with the 25 ft. restriction.

Mr. Postas explained in detail the reasons why he believes that the 25 ft restriction is not going to work and explained how he does not feel comfortable telling people what they can and cannot have on their properties and telling them how to spend their money.

Mr. Estes stated he is ok with raising the number of feet from 25 ft.

Mr. Estes stated what would be the new magic number.

The members of the planning board discussed at length different options and size restrictions they should or should not allow in the ordinance.

Mr. Suckey stated that it gets very complicated because there are areas in town that have the property for such equipment and multiple trailers, then there are areas in town such as Main, South, and Moscow Streets where those residents do not have the property for multiple trailers or recreational accessories.

Mr. Postas stated that he still fears residents giving push back on such restrictions.

Mr. Suckey stated that these are just recommendations and suggestions to give to the council for their final thoughts and /or changes that they want added or eliminated.

Mr. Postas would like to see the planning board agree on lifting the 25 ft restriction to 32 ft.

Mr. Postas stated he would like to present the document to the council as is and get it through without any issues in the same night.

Mr. Postas stated that he does not want to see this linger anymore then it has too.

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Mr. Estes stated that his recommendation would be to add language in the ordinance such as and or especially if there are home owners that are living in parts of the town where their property can accommodate more and larger than the allowed.

Mr. Estes suggested putting language in the document that would explain if you were a home owner with x amount of property then you would be entitled to have a larger trailer or more rollover stock on your property simply because of having the property to do so.

Mr. Postas agreed and thought that was a fantastic idea and believed that the town council would accept that idea as well.

Mr. Postas stated his next question is what happens now to home owners who already have their RVs on their smaller property and have for many years now.

Mr. Estes suggested that there be a grace period.

Mr. Estes and Mr. Suckey agreed that a grandfather clause would also be helpful.

Mr. Suckey stated that the council would have to set a date whereas after that date no longer allowing new home owners in more condensed areas of town to store their RVs and or rolling stock on their property.

Mr. Suckey stated the grandfather clause would allow residents who already have their RVs on their property to be permitted however after the such and such date any new homeowner would not be allowed to store their RVs and rolling stock on smaller property.

Mr. Estes stated that it would become a zoning matter.

Mr. Estes stated that a simple letter would have to be drafted to residents explaining the new ordinance and the grandfather clause.

Ms. Schultz suggested that all current RV owners would need to register so that the borough could keep track of the existing RVs and have them on file for zoning officer.

Mr. Nelson stated that these are typical procedures that go into place in other municipalities

Mr. Nelson suggested the zoning officer makes a point to go around the town to take inventory of residents whom all already have RVS on their property.

Mr. Nelson also suggested a public notice being noticed in the paper for residents.

The members agreed and Mr. Correale stated that he sees no issues with anything that has been addressed and recommended this evening.

Mr. Suckey asked if there were any other questions or comments before ending the discussion.

The members spoke at length and addressing each member's questions or statements in regards to where the placement of the RVS would be located on the homeowner's property.

Mr. Friend suggested that it be specifically stated in the new wording in the ordinance that RVs or trailers not to be stored on the front lawn of any home owners property.

Mr. Friend stated that he was comfortable with the side and rear yard only.

Mr. Suckey agreed and gave different examples of homeowners now who are storing their RVs on their side yard and rear yards.

Ms. Shultz asked if someone who owned more land could store someone's RV who did not have the land to store on their own property.

Mr. Suckey stated that the ordinance states you must own the land in which your RV is stored.

Ms. Schultz asked if someone could buy property and use that property to lease or rent out to residents with RVs that do not have the property to store them.

Ms. Schultz stated could they potentially do something a long those lines.

Mr. Suckey stated that would become a planning board application.

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Mr. Suckey explained that it would need site plans and be dealt with like any other planning board application that comes forward.

Mr. Suckey asked if there were any more questions and if not, Mr. Suckey stated that he would like to end the discussion and get this document edited with the changes discussed tonight.

Mr. Postas thanked the planning board members for their time and efforts in creating these ordinance changes and suggestions.

Mr. Postas stated he would let the council know of the changes and suggestions and he feels confident that there will be no issues in this ordinance passing through the Town Council.

Mr. Suckey thanked Mr. Postas and stated that he is happy that the planning board and council are working together.

Mr. Suckey stated he would like to hear an all-in favor of sending this to Mr. Brady to add the changes and suggestions that were discussed this evening and to be reviewed again at the next meeting July 20, 2020.

ALL were in favor with one opposed to sending the changes and suggestions to Mr. Brady for the final ordinance draft.

Mr. Suckey stated that now we will move on to the fence ordinance.

Mr. Suckey stated that there was nothing handed out to the members on this ordinance.

Mr. Suckey stated that the planning board sub committee discussed the fence ordinance the same night as they were discussing the RV ordinance.

The subcommittee reviewed the fence ordinance.

Mr. Suckey stated that when reviewing the ordinance, they noticed that a lot of the language and terms were outdated.

Mr. Suckey stated that the fence ordinance is antiquated.

Mr. Suckey explained that the ordinance was written a long time ago.

Mr. Suckey stated that the fence ordinance needs to be updated and stated specific reasons why he feels strongly for the changes.

Mr. Suckey stated the biggest reason for the changes is there is a court case being held on a state and federal level for a law suit using the same exact codes that the Borough of Franklin is currently using.

Mr. Suckey stated when he was speaking to Mr. Brady earlier in the day Mr. Brady suggested rewriting the whole code.

Mr. Brady also suggested using the current code to compare and use as a guideline to go through and make the changes for the new code.

Mr. Suckey stated that the first question that arises is where do the fences go.

Mr. Suckey stated that the new proposed code states that fences should be 5ft from the end of where the town's right of way ends.

Mr. Suckey stated that there was mention of the number 13 ft being mentioned from the middle of the street.

Mr. Suckey stated that not only is the number 13 nowhere to be found if you add another 5 ft front there some of the fences our going to be placed on some home owners front porch especially homes in the area of Rutherford Avenue.

Mr. Suckey stated that needs to be addressed.

Mr. Suckey stated that the subcommittee is looking into rewriting the existing ordinance.

Mr. Brady has it in review and hopefully by the July meeting there will be a drafted document to discuss with the members for their input.

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Mr. DeFinis asked if there will be an area within the ordinance that addresses adjoining property fencing.

Mr. Suckey stated that yes, there needs to be updates all around.

Mr. Suckey stated that the current ordinance is very vague.

Mr. Christiano suggested when revamping and looking at the ordinance his suggestion would be to breaking it down for both residential and commercial properties.

Mr. Suckey and the members agreed that was a good idea.

Mr. Estes brought up the issue of residents whom may have a side business that is run from their property and how this would be addressed if at all in this ordinance

Mr. Suckey stated that there is an ordinance for such issues.

Mr. Suckey stated that he does not want that repeated in this ordinance and/or want to rewrite that ordinance.

Ms. Shultz asked where would her property fall as far as being residential but being in an area of both commercial and residential.

Mr. Suckey stated that would be something that the subcommittee would address.

Mr. Suckey stated it's not as easy as one would think.

Mr. Suckey stated that there is a lot that needs to be considered and addressed.

Mr. Postas stated that he thinks that these ideas are all moving in the right direction.

Mr. Postas stated that Mayor and Council have already voted and will have a second reading at the next Council meeting June 23rd

Mr. Postas suggested that Mr. Suckey reach out to the chairman of the ordinance committee.

Mr. Suckey stated that he has reached out and is waiting for a reply and if he does not hear anything Mr. Suckey will reach out with another email or by phone to explain where the planning board stands on the fence ordinance.

Mayor Sowden stated that he will ask to have the fence ordinance removed from the agenda until council receives the suggestions and recommendations from the planning board.

Mr. Suckey thanked Mayor Sowden.

NEW BUSINESS:

Mr. Suckey stated that hopefully in July with the Mayor's approval we will be able to hold an in-person meeting.

Mr. Estes suggested that in future he would recommend any of the addendum from the subcommittee be distributed prior of the meeting.

Mr. Estes stated for example which ever code your looking to change it would be helpful if the members had a hard copy of the original code/ ordinance to reference when discussing changes.

Mr. Suckey stated that he would take his suggestion in consideration.

OPEN PUBLIC SESSION:

Mr. Suckey stated that there was no public present on the conference call.

ADJOURNMENT:

Mr. Christiano made a motion to adjourn.

Seconded by **Mr. Raperto**

All were in Favor.

The meeting adjourned at 8:50 P.M

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Respectfully submitted,
Michelle Babcock
Planning Board Secretary