

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
October 3, 2012

The meeting was called to order at 7:30 PM by the Chairman, Mr. Richard Kell, who then led the assembly in the flag salute.

Mr. Kell read the Statement of Compliance pursuant to the "Open Public Meetings Act, Chapter 231, PL 1975."

ROLL CALL OF MEMBERS PRESENT: Mr. Correal, Mrs. Bonis, Mr. Gardell
Mr. Kopcso, Mr. Swiss,
Mrs. Murphy, Mrs. Alexander
Mr. Martinez, Mr. Kell

ABSENT: None

ALSO PRESENT: Mr. Thomas G. Knutelsky, P.E.
Mr. Ken Nelson, Planner
Mr. David Brady, Esq.
Mr. James Kilduff, Director

APPROVAL OF MINUTES:

Mrs. Murphy made a motion to approve the **Franklin Borough Zoning Board of Adjustment Meeting Minutes for September 5, 2012**. Seconded by Mr. Swiss.

Upon Roll Call Vote:

AYES: Correal, Bonis, Gardell, Kopcso, Swiss, Murphy, Kell

NAYS: None ABSTENTIONS: None

(Motion Approved)

APPROVAL OF RESOLUTIONS:

There are no resolutions to approve.

APPLICATIONS FOR COMPLETENESS:

ZB-07-12-1 Hess Corporation, Bulk Variance, Block 1101 Lot 6

Mr. Kell informed the Board the applicant is withdrawing their application.

ZB-09-12-1 Eden Franklin LLC, Preliminary and Final Site Plan (Variances conditional use) Block 1401 Lots 12, 13 & 14

(Voting Eligibility: All members that are present and alternates as needed)

Mr. Kell stated the application is 200 feet from the school. Mrs. Murphy and Mr. Kell will have to step down from the application because they are on the School Board. Mrs. Alexander lives on Auché Drive; even though she is not within the 200 foot radius she has requested to step down from the application.

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Mr. Kell stated the vice chairman usually takes over when the chairman can't chair the meeting. Mr. Kilduff made phone calls; Mrs. Bonis will act as chairman for this application.

At this time Chairman Kell, Vice-Chairman Murphy and Mrs. Alexander stepped down from application ZB-09-12-1 Eden Franklin and left the dais.

Mrs. Bonis took over the meeting as Chairman for this application.

Mr. Brady said MLUL allows you to bring over somebody from the Planning Board based upon seniority.

Mr. William Masken, attorney representing the applicant stepped forward.

Mr. Kilduff said on the administrative side; the applicant is to submit their proof of publication and affidavit of service once this application has been deemed complete and they notice. We have now received all of the application and escrow fees due for the application. Mr. Kilduff said administratively the application is complete.

Mr. Knutelsky referred to his report dated September 26, 2012, section B item #1. The following items are found to be incomplete or waivers have been requested for the applications in regards to plans and reports. Mr. Knutelsky said checklist item #13 the applicant requested a waiver he feels the scale provided is appropriate for this application so no waiver will be necessary.

Mr. Knutelsky stated checklist item #14 location and width of existing and proposed utility drainage and other easements. The application has requested a waiver; he recommends a temporary waiver for completeness only with necessary easements as may be required during the course of the application provided on the final revised planes. Mr. Knutelsky said that is a temporary waiver for checklist item #14.

Mr. Knutelsky referred to checklist item #18 existing and proposed contours which are suppose to extend 100 feet beyond the property. Based upon his observations of the information provided and the actual site itself; the contours as shown on the plans adequately show the development area and any impacted area. Mr. Knutelsky recommended this waiver be granted and the contours shown on the plan stand as they are shown so that is a full waiver.

Mr. Knutelsky referred to checklist #37 list of licenses and permits and other approvals required by law; the applicant has requested a waiver. Mr. Knutelsky recommends a temporary waiver for completeness with all such items provided during testimony on the application. Temporary waiver for checklist item #37.

Mr. Knutelsky referred to checklist item #43 – 47 those are final site plan items only. Mr. Knutelsky recommends temporary waivers for completeness only be granted for

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those items with the information shown on the final plans and any approval the Board may grant.

Mr. Knutelsky referred to checklist item #49 statement containing information regarding the variance. He didn't receive that information in this packet but he received an email regarding checklist item #49 information from Ms. Nicholson. Mr. Knutelsky stated that item can be found complete.

Mr. Knutelsky stated an issue just came up under review this evening in regards to checklist item #48 for survey. If the survey is more than one year old the applicant can provide certification. Mr. Knutelsky said the applicant did provide certification that the survey did accurately reflect the conditions on the site. Based on conversations it appears there needs to be some minor corrections needed on that survey, which may or may not affect the application. The actual property lines are shown and could be possibly correct but there are deed references on the plat that have to be corrected. At this point Mr. Knutelsky recommends if the applicant requests a temporary waiver for completeness only that one be granted and the information be provided prior to the public hearing on the matter.

There was a brief discussion regarding the issue and if this would change the variances for the application.

Mr. Knutelsky stated in summary we are looking for temporary waivers for checklist items #14, 37, 43-47, and 48 and a full waiver be granted for checklist item #18.

Mrs. Bonis stated checklist item number 49 is off.

Mr. Masken said he appreciated the cooperation, time and effort that Mr. Kilduff and Mr. Knutelsky has put into the application. We worked well together prior to the meeting.

Mr. Kopcso made a motion to deem complete application **ZB-09-12-1 Eden Franklin LLC, Preliminary and Final Site Plan (Variances conditional use) Block 1401 Lots 12, 13 & 14** with the temporary waiver for items 14, 37 43-47 and full waiver for 18. Seconded by Mr. Correal.

Upon Roll Call Vote:

AYES: Correal, Bonis, Gardell, Kopcso, Swiss, Martinez

NAYS: None ABSTENTIONS: None

(Motion Approved)

Mr. Kilduff said the applicant can notice for the next meeting which is Wednesday November 7 at 7:30.

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Mr. Kell, Mrs. Murphy and Mrs. Alexander returned to the dais.

ADJOURNED CASES:

There are no adjourned cases.

APPLICATIONS TO BE HEARD:

There are no applications to be heard.

OTHER BUSINESS:

PAYMENT OF BILLS:

Mr. Gardell made a motion to approve the **Franklin Borough Zoning Board Escrow Report for October 3, 2012**. Seconded by Mrs. Bonis.

Upon Roll Call Vote:

AYES: Correal, Bonis, Gardell, Kopcso, Swiss, Murphy, Kell

NAYS: None ABSTENTIONS: None

(Motion Approved)

DISCUSSION:

Mr. Kell asked for two volunteers for the professional evaluation committee. Mr. Gardell and Mr. Swiss volunteered to be on the professional evaluation committee.

CORRESPONDENCE:

OPEN PUBLIC SESSION:

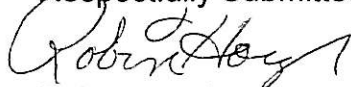
Mr. Swiss made a motion to Open to the Public. Seconded by Mr. Correal. All were in favor.

No one from the public stepped forward.

Mr. Swiss made a motion to Close to the Public. Seconded by Mrs. Bonis. All were in favor.

ADJOURNMENT: There being no further business Mrs. Murphy made a motion to adjourn the meeting of the Franklin Borough Zoning Board of Adjustment. Seconded by Mr. Swiss. All were in favor. Meeting was adjourned at 7:46 PM.

Respectfully Submitted,



Robin Hough
Secretary



Ruth Nunez
Secretary