

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
August 7, 2013

The meeting was called to order at 7:30 PM by Chairman 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: Mrs. Bonis, Mr. Gardell, Mr. Kopcsco,
Mrs. Murphy, Mr. Martinez, Mr. Kell

ABSENT: Mr. Correal, Mr. Swiss, Mrs. Alexander

ALSO PRESENT: Mr. Thomas G. Knutelsky, P.E.
Mr. David Brady, Esq.

APPROVAL OF MINUTES:

Mrs. Bonis made a motion to approve the **Franklin Borough Zoning Board of Adjustment Meeting Minutes for April 3, 2013**. Seconded by Mr. Martinez.

Upon Roll Call Vote:

AYES: Bonis, Gardell, Kopcsco, Martinez

NAYS: None ABSTENTIONS: Mrs. Murphy

Mr. Gardell noted a correction to the minutes for the **Franklin Borough Zoning Board of Adjustment Meeting Minutes for May 1, 2013** on Page 17 that he made the motion to approve the application and Mr. Kopsco made a motion to deny it in total. That's the way he remembered and everything else is correct. Mr. Kell said that's fine and requested a Second. **Seconded** by Mr. Martinez.

Upon Roll Call Vote:

AYES: Bonis, Gardell, Kopcsco, Martinez

NAYS: None ABSTENTIONS:

Mrs. Bonis made a motion to approve the **Franklin Borough Zoning Board of Adjustment Meeting Minutes for June 26, 2013**. Seconded by Mr. Gardell.

Upon Roll Call Vote:

AYES: Bonis, Gardell, Kopcsco, Martinez

NAYS: None ABSTENTIONS:

APPLICATIONS FOR COMPLETENESS:

ZB-01-13-1 CM Franklin LLC, Amended Preliminary and Amended Final Site Plan; C & D Variances, Block 606, Lot 31. Mr. Kell said Mr. Kilduff is on vacation and spoke to Mrs. Hough the Municipal Clerk who said everything on the application was administrative. Mr. Knutelsky read from his August 1, 2013 report **Section B;**

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Item No. 1; He found the following items incomplete or waivers requested for the application regarding plans, reports and submissions.

- **Checklist Item #37;** the applicant indicated it's N/A. Due to changes in the application there will be other permits and revisions to permits required. He recommended a temporary waiver for completeness only be granted with that information provided during testimony through the application's course;
- **Checklist Item #38;** Applicant indicated it's N/A. Due to Site Plan application changes, found it incomplete and said the original EIS document should be revised and resubmitted with the application due to new buildings being placed and others being removed, as well as new onsite uses that could affect how an EIS is prepared.
- **Checklist Item #39** the applicant indicates it's N/A. He recommended temporary waiver for Completeness only be granted with traffic testimony provided during the public hearing. A note for the Board; future revision to the current NJDOT Access Application will be required. Revision to that permit is not as site specific as they would think; it's based upon trips per day the site provides to the street. The original onsite uses may have provided more/less Route 23 trips to which the applicant can provide testimony. He believes during the original application, testimony was provided on the matter rather than a full traffic impact statement. The jurisdiction will be on behalf of the DOT in their Major Access Permit Revision and recommended a temporary waiver;
- **Checklist Items #43 – 47** are specific to Final Site Plan only. Is similar to other applications. He recommend temporary waivers for those items with applicable information provided as condition of any approval the Board may grant;
- **Checklist Item #48** Mr. Knutelsky said when the application was provided for the Board was at least two years ago. For the actual property survey, certification from the applicant nothing's changes is at least needed; as well as copies of the actual boundary survey and the topographic survey map referenced. Mr. Knutelsky said (the Board) doesn't have that information and found it incomplete.

In summary he recommended Checklist Items N^o. 37, 39 & 43-47 for temporary waivers for Completeness only. He found Checklist Items 38 & 48 incomplete with information to be provided prior to next month's meeting. If the Board follows suit with recommendations and information is successfully provided prior to the next hearing, he recommended if the applicant is found complete, they would go directly to public testimony.

Chairman Kell asked the applicant if he had issues with Mr. Knutelsky's (report). Mr. Maino said he has all the information. Mr. Knutelsky said he could provide it to the Board Secretary to appropriately disseminate. He said they haven't had time to review it and had just spoken to Mr. Maino who indicated a lot of the information is provided. Mr. Knutelsky said it will give them a jump on next month's meeting, can be reviewed accordingly and if they have questions, they can make revisions and submit it formally. He thanked the applicant for providing it soon but deemed the

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application incomplete until next month's meeting to follow up with a Completeness and Technical Report.

Mr. Kell requested a motion to deem the application incomplete and grant temporary waivers for 37, 39 and 43-47. Deem the application incomplete for Checklist Item 38 and 48.

Mrs. Murphy made a motion to deem **ZB-01-13-1 CM Franklin LLC, Amended Preliminary and Amended Final Site Plan; C & D Variances, Block 606, Lot 31** incomplete and grant temporary waivers for 37, 39 and 43-47and; deem the application incomplete for Checklist Item 38 & 48. **Seconded** by Mr. Martinez.

Upon Roll Call Vote:

AYES: Bonis, Gardell, Kopcsó, Murphy, Alt #2 Martinez, Kell

NAYS: None ABSTENTIONS: None

Mr. Kell said as long as everything is in order the application will be reviewed next month. If deemed complete and wish to go to public hearing, they can as long as the notice is satisfactory.

APPROVAL OF RESOLUTIONS

PAYMENT OF BILLS:

Mrs. Murphy made a motion to approve the **Franklin Borough Zoning Board Escrow Report for August 7, 2013**. Seconded by Mrs. Bonis.

Upon Roll Call Vote:

AYES: Bonis, Gardell, Kopcsó, Murphy, Alt #2 Martinez, Kell

NAYS: None ABSTENTIONS: None

ADJOURNED CASES:

OPEN PUBLIC SESSION:

Mr. Kopsco made a motion to **Open to the Public**. Seconded by Mr. Martinez. All were in favor.

No one from the public stepped forward.

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

Mr. Kell advised the Board has to enter into Executive Session regarding litigation. He's unsure of its duration but once the matter has been resolved, it will be closed and discussion will be put on the record at the appropriate time. Mr. Brady said, Mr.

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Chairman, the way the agenda is set up it shows Executive Session to come back when it's adjourned. (The Board) can actually adjourn directly out of the Executive Session's end and aren't required to come back. Mr. Kell could announce the intention during Executive Session and adjourn directly after. Mr. Kell said as Mr. Brady said, we will adjourn after Executive Session and meet next month.

Mr. Martinez made a motion to go into **Executive Session**. **Seconded** by Mrs. Murphy. All were in favor.

APPLICATIONS TO BE HEARD:

OTHER BUSINESS:

DISCUSSION:

CORRESPONDENCE:

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. Martinez. All were in favor. Meeting was adjourned at 8:45 PM.

Respectfully Submitted,



Ruth Nunez
Secretary