

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
September 4, 2013

The meeting was called to order at 7:35 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: Mr. Correal, Mr. Gardell, Mr. Kopcso,
Mrs. Murphy, Mr. Martinez, Mr. Kell

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

ALSO PRESENT: Mr. Thomas G. Knutelsky, P.E.
Mr. Ken Nelson, PP/AICP
Mr. David Brady, Esq.
Mr. James Kilduff, Plng. & Comm. Dev. Dir.

Chairman Kell advised the public there will be a delay in the meeting. [Therein, Mr. Kilduff advised the applicant that a full Board is not available. Mr. Gaccione conferred with his client.] Mr. Gaccione requested time consideration from the Chairman. Mr. Kell said while the applicant's discuss this evening's meeting, he'll proceed with other matters on the Agenda.

APPROVAL OF MINUTES:

Mrs. Murphy made a motion to approve the **Franklin Borough Zoning Board of Adjustment Meeting Minutes for August 7, 2013**. Seconded by Mr. Gardell.

Upon Roll Call Vote:

AYES: Gardell, Kopcso, Murphy, Martinez, Kell

NAYS: None ABSTENTIONS: None

PAYMENT OF BILLS:

Mr. Gardell questioned Invoice #57336 for Es. Toor Cap – 01. Mr. Kilduff advised it pertains to the new owner of Miner's Cove.

Mr. Kopcso made a motion to approve the **Franklin Borough Zoning Board Escrow Report for September 4, 2013**. Seconded by Mr. Correal.

Upon Roll Call Vote:

AYES: Correal, Gardell, Kopcso, Murphy, Martinez, Kell

NAYS: None ABSTENTIONS: None

APPROVAL OF RESOLUTIONS:

APPLICATIONS FOR COMPLETENESS:

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It was asked if Completeness was done. Chairman Kell said no. It was responded to as it could be done.

ZB-07-13-1 CM Franklin LLC, Amended Preliminary & Amended Final Site Plan with C & D Variances; Block 606, Lot 31.

Mr. Gaccione apologized for the delay and advised they decided and preferred to present when everyone could hear testimony. He requested to adjourn without further notice to the next meeting. Chairman Kell said at this time they can at least deem the application complete. Mr. Gaccione said he was hoping for that based on information seen from the (town's) consultants' reports.

Chairman Kell informed the public of the applicant's request to have the hearing moved to next month's meeting in October, and have Completeness done at this time. When they return next month they'll go directly to the hearing.

Mr. Knutelsky read from his August 30, 2013 Report:

- **Section B; Item #1** Temporary Waivers were granted by the Board for Checklist items: 37, 39 and 43 – 47 at last month's Board hearing;
- **Item #2;** the following items were found incomplete or waivers were requested by the applicant regarding plans and reports submissions. Specifically;
- **Checklist Item # 38;** Environmental Impact Statement: Found complete last month and submitted by the applicant. He found it complete;
- **Checklist Item's 48;** Survey more than one year old, certification be attached by the applicant or owner that the survey accurately represents the status of the premises was found incomplete last month. Actual Certification, actual Boundary Survey and Topographic Survey were provided. He found this item complete.

Mr. Knutelsky recommended the application be deemed complete and as directed by the Chairman go directly into the Public hearing next month.

Mr. Kell asked Mr. Kilduff of the applicant's Administrative status. Mr. Kilduff said yes [Administratively complete], and the attorney will comment on the Notice provided.

Mr. Brady said they can go into a hearing next month without further notice. We reviewed the Notice that was provided and found it to be adequate. Mr. Gaccione inquired of the next hearing date. He was informed it's October 2nd. Mr. Gaccione confirmed October 2nd at 7:30 PM.

Mr. Kell requested a motion to deem the application complete. Mr. Gardell **made a motion to deem complete, ZB-07-13-1 CM Franklin LLC, Amended Preliminary & Amended Final Site Plan with C & D Variances; Block 606, Lot 31.** Seconded by Mr. Martinez.

Upon Roll Call Vote:

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AYES: Correal, Gardell, Kopcso, Murphy, Martinez, Kell
NAYS: None ABSTENTIONS: None

Mr. Kell advised the applicant, they will proceed next month with the hearing.

OPEN PUBLIC SESSION:

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

A gentleman came forth saying he came for nothing and has to return next month to address this (application) on October 2nd. Mr. Kell said October 2nd at 7:30.

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

Mr. Kell advised they will go into Executive Session and read The Open Public Meetings Act stating it was for Litigation.

Mr. Martinez made a motion to enter into Executive Session. Seconded by Mr. Gardell. All were in favor.

Mr. Brady advised for the record, they can adjourn after Executive Session without coming back into public session and without taking any actions.

ADJOURNED CASES:

APPLICATIONS TO BE HEARD:

OTHER BUSINESS:

DISCUSSION:

CORRESPONDENCE:

ADJOURNMENT: There being no further business Mr. Kell made a motion to adjourn the meeting of the Franklin Borough Zoning Board of Adjustment. Seconded by Mr. Gardell. All were in favor. Meeting was adjourned at 8:16 PM.

Respectfully Submitted,



Ruth Nunez
Secretary