

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
August 6, 2014

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."

Mr. Kell stated before we do roll call he wanted to announce that Mr. Martinez was appointed to the town Council last night so he won't be sitting on the Zoning Board. Mr. Kell read into the record Mr. Martinez's resignation letter. Mr. Kell commented Mr. Soules will now become a regular member of the Board and Mr. Estes will move up to Alternate #1.

ROLL CALL OF MEMBERS PRESENT: Mr. Correal, Mr. Kopcso, Mrs. Murphy
Mr. Soules, Mr. Estes, Mr. Kell

ABSENT: Mrs. Bonis, Mr. Swiss

ALSO PRESENT: Mr. Robert Correale, Esq.

APPROVAL OF MINUTES:

Mr. Kopcso made a motion to approve the **Franklin Borough Zoning Board of Adjustment Meeting Minutes for July 2, 2014**. Seconded by Mr. Estes.

Upon Roll Call Vote:

AYES: Correal, Kopcso, Estes, Kell

NAYS: None ABSTENTIONS: None

APPROVAL OF RESOLUTIONS:

There were no resolutions to approve.

APPLICATIONS FOR COMPLETENESS:

ZB-07-14-1 MRAN Franklin LLC. Preliminary and Final Site Plan, C Variances and Conditional Use, Block 1101 Lot 2.02

David Wallace, Attorney for the applicant, stepped forward.

Mr. Kell commented Mr. Knutelsky, Zoning Board Engineer was having car problems and wasn't able to make the meeting tonight. He [Mr. Knutelsky] was in contact with your [MRAN Franklin] engineer.

Mr. Wallace commented correct.

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Mr. Kell commented the engineer will be resubmitting new plans, a lot of what he incorporated to his letter here [Mr. Knutelsky report dated July 31, 2014] will be added to those plans for a future hearing.

Mr. Correale commented we have this letter dated July 31, 2014 from Mr. Knutelsky, Engineer, which he identifies 12 issues he finds incomplete. Mr. Correale commented it would make good sense and to your clients advantage if we go through these items.

Mr. Correale referred to Mr. Knutelsky's report dated July 31, 2014. Item #1 Checklist item number 14, the location and width of all existing and proposed easements. This item is incomplete and note that existing water and sewer utilities are situated on this property that will require proposed easements. These Easements should be referenced on the plans.

Mr. Wallace commented he spoke to Mr. Gloede the applicant's engineer. They have been looking for a survey and we have a surveyor, we can solve this issue probably with the content of a filed map. Whether we do it by survey or by filed map in the short term we do have the information by way of deed but we want that by way of map to present to the Board. This is just a matter of time before this is addressed and taken care of. Mr. Wallace commented we can at least get a filed map before the time required for use to notice for the September meeting. Mr. Wallace commented his client has a strong interest to try and get an approval in the month of September. Maybe even have a special meeting.

Mr. Correale referred to item 2 checklist item 17c, signature block for the Board Engineer. This needs to be added to the plan. Item 3 Checklist item 17d. Chart of Zoning requirements for the zone. Plans need to be updated with new zone and requirements.

Mr. Correale referred to item 4, checklist item 23, location of all structures within 200 feet of the property. Temporary waiver for completeness only to be granted with the information to be provided on the revised plans. Item 5, checklist item 28, Plans and Profiles of proposed potable water and sanitary sewer utility systems. A Temporary waiver for completeness only be granted and specific testimony be provided during the public hearing.

Mr. Wallace commented Mr. Gloede will be prepared to address that in testimony.

Mr. Correale referred to item 6, checklist item 29, location of any proposed off-street parking areas. This item is incomplete. A dedicated loading area should be provided for this use.

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Mr. Wallace stated that will have to be discussed with Mr. Knutelsky, the loading does not require a loading dock its basically loaded by hand truck. We will also have to discuss the hours of loading to be at a time when the public is not there to address the possibility that a larger truck may enter the premises but one way or another they don't load by loading dock. There is an entrance in the front of the building for services for delivery.

Mr. Correale referred to page two item number 7, checklist #35, a copy of any protective covenants or deed restrictions. The applicant requested a waiver, a temporary waiver for completeness only be granted for this item with applicable information provided during the public hearing in regards to any easements required.

Mr. Wallace commented all those documents have been provided.

Mr. Correale referred to item number 8, checklist item 37, a list of licenses, permits or other approvals required. The applicant indicated that this item is not applicable. A temporary waiver for completeness only be granted for this item and request testimony be provided during the public hearing as to the list of licenses, permits and/or approvals required for the project.

Mr. Wallace commented there is no specific, extraordinary permit that would be required other than the obvious, soil conservation, there are no State permits required because we are not entering from a State Highway. There is nothing special, the soil conservation issue has already been addressed and will be addressed as a matter of course.

Mr. Correale referred to item 9, checklist item 38, environmental impact statement. The applicant requested a waiver for this item and a waiver is recommended to be granted. Item number 10, checklist item 39, Traffic Impact Statement. The applicant requested a waiver for this item. A temporary waiver for completeness only be granted for this item and requests testimony be provided during the public hearing regarding expected traffic conditions for this site.

Mr. Wallace commented some of the angles of the entrance may be changed but if Mr. Knutelsky wants a trip count from a traffic engineer we will do what we need to provide but he thinks they will be able to work this out.

Mr. Correale referred to item 11, checklist item, 43 through 47. These items are required for Final Site plan. A temporary waiver for completeness only be granted with the applicable information provided as conditions of any approval the Board may grant.

Mr. Wallace commented that is just part of the on going process, Mr. Knutelsky's observation is appropriate.

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Mr. Correale referred to item 12 checklist item 48, if the survey is more than one year old, attach certification from the applicant or owner that the survey accurately represents the status of the premises. The applicant originally indicated that this item is not applicable and then followed up with a waiver request. Mr. Knutelsky recommended this item to be incomplete, the site plan references a boundary survey for this application in general note 4. Two signed and sealed copies of this survey should be submitted to the Borough in accordance with NJAC 13:40.

Mr. Wallace commented the map will suffice what we need to do but by time we are done we are going to need the survey. We will discuss this with Mr. Knutelsky the filed map and proceed as necessary to get the survey.

Mr. Correale stated that represents the 12 items on Mr. Knutelsky letter.

Mr. Kell commented he talked to Mr. Kilduff, administratively the application is complete but because of these open items he will have to have someone make a motion to deem this application incomplete. The next meeting is September 3, submit everything you need to submit to the Borough and Engineer to get everything all set for then, and possibly go into a hearing after that.

Mr. Correal made a motion to deem incomplete application **ZB-07-14-1 MRAN Franklin, LLC. Preliminary and Final Site Plan, C Variances and Conditional Use, Block 1101 Lot 2.02**. Seconded by Mr. Soules.

Upon Roll Call Vote:

AYES: Correal, Kopcso, Murphy, Soules, Estes, Kell

NAYS: None ABSTENTIONS: None

ADJOURNED CASES:

There are not adjourned cases.

APPLICATIONS TO BE HEARD:

There are not applications to be heard.

OTHER BUSINESS:

PAYMENT OF BILLS:

Mrs. Murphy made a motion to approve the **Franklin Borough Zoning Board Escrow Report for August 6, 2014**. Seconded by Mr. Estes.

Upon Roll Call Vote:

AYES: Correal, Kopcso, Murphy, Soules, Estes, Kell

NAYS: None ABSTENTIONS: None

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DISCUSSION:

CORRESPONDENCE:

Mr. Kell stated there are two items for correspondence but we don't need to go over them.

OPEN PUBLIC SESSION:

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

Mayor Paul Crowley, stepped forward. Mayor Crowley commented this is Ruth Nunez's last meeting, she will be leaving Franklin Borough. Mayor Crowley wished Ruth well and thanked her for all her work. We enjoyed having her here and we will miss her.

Mrs. Murphy made a motion to Close to the Public. Seconded by Mr. Kopcsó. 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. Estes. All were in favor. Meeting was adjourned at 7:50PM.

Respectfully Submitted,



Robin Hough
Municipal Clerk