

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for March 2, 2016

The meeting was called to order at 7:30 PM by Vice-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."

Oath of Allegiance was administered to Mr. Richard Knop, Alternate #2.

ROLL CALL OF MEMBERS PRESENT: Mrs. Liz Bonis
Mr. Floy Estes
Mr. Richard Kell (Vice-Chairman)
Mr. John Kopcso
Mr. Stephen Skellenger
Mr. Wes Suckey (Alternate #1)
Mr. Richard Knop (Alternate #2)

MEMBERS ABSENT: Mr. Glen Soules
Mrs. Louise Murphy (Chairwoman)

ALSO PRESENT: Mr. T Knutelsky, Harold E Pellow & Assoc.
Mr. D Brady, Brady & Correale LLP

APPROVAL OF MINUTES:

Mr. Estes made a motion to approve the **Franklin Borough Zoning Board of Adjustment Meeting Minutes for January 6, 2016**. Seconded by Mr. Kopcso.

Upon Roll Call Vote:
AYES: Estes, Kell, Kopcso, Skellenger, Suckey
NAYS: None ABSTENTIONS: None

Mrs. Bonis made a motion to approve the **Franklin Borough Zoning Board of Adjustment Meeting Minutes for February 3, 2016**. Seconded by Mr. Skellenger.

Upon Roll Call Vote:
AYES: Bonis, Estes, Kell, Skellenger, Suckey
NAYS: None ABSTENTIONS: None

APPROVAL OF RESOLUTIONS:

There were no resolutions to approve.

APPLICATIONS FOR COMPLETENESS:

(ZB-02-16-1), MRAN Franklin Realty, LLC Amended Preliminary and Final Site Plan, Block 1101, Lot 2.02.

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Applicants Attorney, Mr. David Wallace stepped forward. He summarized the issues with the sidewalk and talked about its slopes, retaining wall, and snow removal. He does not feel the sidewalk will be used often. He indicated the sidewalk was to start at the Taco Bell entrance and continue to Wine Country. He described the existing sidewalks around the Taco Bell site.

Board Engineer, Mr. Tom Knutelsky discussed his report dated February 26, 2016. He finds Checklist Item #17C, signature blocks incomplete and indicated signature lines need to be added to the site plans and recommends a temporary waiver for completeness only. Applicant also needs to provide Checklist Item #23, location survey of structures within 200 feet of the property. He recommends a temporary waiver for completeness only and said information should be provided on revised plans. Checklist Item #28, Plans and profiles of utility systems, Mr. Knutelsky recommended a temporary waiver for completeness only and would like the applicant to provide testimony on where the utilities are located. He said Checklist Items #43 through #47 are required for Final Site Plans only and recommended temporary waivers for completeness only.

Mr. Skellenger made a motion to **Deem Application Complete, (ZB-02-16-1), MRAN Franklin Realty, LLC Amended Preliminary and Final Site Plan, Block 1101, Lot 2.02.** Seconded by Mr. Estes.

Upon Roll Call Vote:

AYES: Bonis, Estes, Kell, Kopcsó, Skellenger, Suckey, Knop

NAYS: None ABSTENTIONS: None

ADJOURNED CASES:

There were no adjourned cases.

APPLICATIONS TO BE HEARD:

(ZB-02-16-1), MRAN Franklin Realty, LLC Amended Preliminary and Final Site Plan, Block 1101, Lot 2.02.

Applicants Attorney, Mr. Dave Wallace stepped forward. He said when construct on the sidewalk begin water and sewer lines were found and were buried by very little soil. He was surprised the lines have never been frozen due to the coverage. He indicated beneath the sewer lines a lot of rock was found and said much was moved at the applicant's expense.

Applicants Engineer, Mr. George Gloede stepped forward and was sworn in. He talked about the issues with the sidewalk and explained the location of where the sidewalks were to be installed. He said when construction begin the sanitary lines and water lines where found and were very shallow. He feels the original contractor

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who installed the lines for Block Buster and Wine Country did not break enough rock for the sanitary and water lines to be deeper. According to Mr. Gloedde he does not understand why inspections were not performed and surprised the lines never froze during winter months.

Mr. Gloedde presented Exhibit marked (A1), titled Amended Preliminary and Final Site Plan, dated March 2, 2016. Using the exhibit he discussed property lines and existing grade conditions. He said in order for the sidewalk to be installed they would have to come from the top of the curb and over five feet and install a four to five feet retaining wall. He described location of the utility lines and indicated they are only a foot below the surface. He also feels installing the sidewalk will create problems with water and sewer lines.

Applicants Contractor, Mr. Duncan Cameron stepped forward and was sworn in. He is the owner of North Star Construction and general contractor on the project. He gave testimony on the rock conditions found on the site and indicated over thirty truck loads were used to remove the rocks. Referring to Exhibit (A1), he pointed out the location of the water lines and said they are twenty inches below the top of the curb. He discussed how difficult it would be to install the sidewalks and talked about the water lines being exposed. Board Engineer, Tom Knutelsky stated water lines should have four feet of cover to prevent them from freezing and to install the sidewalks the utility lines would have to be relocated. Mr. Cameron discussed rock and ledge conditions and said the biggest issue would be relocating the utility lines.

Mr. Knutelsky talked about rock conditions that were seen during inspections. He also pointed out that temporary hookups would be needed if utility lines were relocated. He discussed businesses in town that have sidewalks but indicated Wine Country and Advanced Auto do not. He can see why the applicant has a construction hardship and does not think sidewalks will help with circulation because there is no connection with other businesses in the area. He talked about sidewalk connections from the site to the McDonalds property and commented on conditions he has seen during site inspections. Mr. Brady also pointed out the cost the applicant will encounter. Mr. Cameron said the applicant occurred an additional Forty Thousand Dollars just for hammering out the rock to make the turn into the site. Mr. Knutelsky commented on bond money received from the applicant.

Mr. Gloedde described sidewalk connection from Taco Bell to the McDonalds site. He talked about sidewalks that were installed across the sites frontage and down along the access road using a site plan that was marked Exhibit (A-2). Mr. Knutelsky referring to Exhibit (A-2), and described sidewalks currently installed on the site. He commented on the crosswalk on the Walmart side and suggested applicant put a drop curb on the northeasterly corner of the property. He talked about stop controls on the site and demonstrated how school children would use the sidewalk to access the Taco Bell Site. Mr. Suckey commented on the intersection stop controls. Mr.

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Knutelsky suggested additional stop bar and a stop sign will help with the intersection control. Mr. Gloede discussed how difficult it would be to maintain the original proposed sidewalk. He pointed out its difficult slope features and said snow removal will be difficult. Mr. Wallace confirmed all sidewalks that have been constructed on the site will not be removed. A brief discussion took place on sidewalks that have been constructed.

Mr. Gloede discussed items that have currently been bonded for. Mr. Knutelsky talked about trees the applicant removed along the Walmart entrance drive. He indicated trees were in poor condition but said the applicant needs to replace them and recommended revised landscaping included on the revised site plans. Mr. Knutelsky reported the original landscape plan was submitted as part of the application. Mr. Brady said as a condition of approval a revised landscaping plan must be submitted. A brief discussion took place on whether the trees should have ever been removed.

Mr. Gloede discussed circulation patterns within the drive thru area and indicated Board Engineer was concerned with cars exiting the area. Mr. Gloede suggested removing stripping and force cars to come in closer to the building. He said this would give cars a larger area to make the turn. Mr. Knutelsky agreed with Mr. Gloede and referred to the Exhibit on display and discussed stop bar, loading area and commented on the distance the car will be from the curb. Mr. Suckey asked if it was possible to change the curb. Mr. Gloede commented on the curb and grade and said you will not gain much with making the curb radius bigger.

Mr. Knutelsky discussed the original plans for the site. A brief discussion took place on slope conditions entering and exiting the site. Mr. Knutelsky talked about the loading area. He said there has also been issues with site circulation and a problem with cars backing out of parking spaces. He indicated since cars are not backing up onto the Walmart drive or onto a Municipal Roadway then it is the applicant's issue and concern. Mr. Gloede pointed out Taco Bell was a new operation and their employees are now working faster to move the drive up cars. He does not think it's an issue now.

Mr. Wallace discussed items that were currently bonded for. Mr. Cameron confirmed there is one handicap strip that needs to be completed by the drive thru entrance. Mr. Knutelsky said the bond will not be released until all work is completed. He also indicated the dumpster should be relocated to the trash enclosure or removed from the site. Mr. Wallace confirmed he will speak with the applicant regarding the dumpster and the trash enclosure. Mr. Wallace indicated the applicant has not decided whether to make the trash enclosure bigger or have more frequent removals. Mr. Knutelsky said an increase in the enclosure size will be considered an amended piece of the site plan and Mr. Brady pointed out a dumpster in an area where it does not belong is a code enforcing issue. Mr. Knutelsky asked if the Board

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will be willing to as part of this approval a modification to the trash enclosure to facilitate another dumpster if needed or would the Board want applicant to submit a new plan. Mr. Cameron indicated if the applicant extended it four feet there would be enough clearance. Mr. Knutelsky said the change should be part of this approval and Mr. Cameron agreed.

Mr. Knutelsky talked about the rocks and utility lines found on the site. Mrs. Bonis asked who would be responsible for installing the stop bar on the Walmart Drive. Mr. Knutelsky indicated the applicant will be placing the stop bar but future maintenance will be Walmart's responsibility. Mr. Brady stated the applicant will have to get approval from Walmart since it is on their property. Mr. Cameron said Walmart did not give them any problems with the trees and are very easy to work with. Mrs. Bonis asked if the dumpster pad is the same size as the dumpster enclosure and Mr. Gloede stated yes.

OPEN PUBLIC SESSION:

(ZB-02-16-1), MRAN Franklin Realty, LLC Amended Preliminary and Final Site Plan, Block 1101, Lot 2.02.

Mr. Suckey made a motion to **Open to the Public Application (ZB-02-16-1), MRAN Franklin Realty, LLC Amended Preliminary and Final Site Plan, Block 1101, Lot 2.02.** Seconded by Mr. Skellenger. All were in favor.

No one from the public came forward.

Mr. Suckey made a motion to **Close to the Public Application (ZB-02-16-1), MRAN Franklin Realty, LLC Amended Preliminary and Final Site Plan, Block 1101, Lot 2.02.** Seconded by Mr. Skellenger. All were in favor.

Mr. Brady reviewed conditions discussed at the meeting.

Mr. Skellenger made a motion to **Approve Amended Preliminary and Final Site Plan with Conditions, (ZB-02-16-1), MRAN Franklin Realty, Block 1101, Lot 2.02.** Seconded by Mr. Suckey.

Upon Roll Call Vote:

AYES: Bonis, Estes, Kell, Kopcsso, Skellenger, Suckey, Knop

NAYS: None ABSTENTIONS: None

OTHER BUSINESS:

There were no other business to discuss.

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PAYMENT OF BILLS:

Mr. Skellenger made a motion to approve the **Franklin Borough Zoning Board Escrow Report for March 2, 2016**. Seconded by Mr. Estes.

Upon Roll Call Vote:

AYES: Bonis, Estes, Kell, Kopcso, Skellenger, Suckey, Knop

NAYS: None ABSTENTIONS: None

OPEN PUBLIC SESSION:

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

No one from the public stepped forward.

Mr. Skellenger made a motion to **Close to the Public**. Seconded by Mr. Suckey. All were in favor.

ADJOURNMENT: There being no further business Mrs. Bonis made a motion to adjourn the meeting of the Franklin Borough Zoning Board of Adjustment. Seconded by Mr. Skellenger. All were in favor. Meeting was adjourned at 8:35 PM.

Respectfully submitted,

Karen Osellame
Board Secretary