

Franklin Borough Planning Board
Meeting Minutes for
February 7, 2024

The meeting was called to order at 7:44 PM by the Chairman, Mr. Christiano, who then led the assembly in the flag salute.

Mr. Christiano Statement of Compliance pursuant to the “Open Public Meetings Act, Chapter 231, PL 1975.”

ROLL CALL OF MEMBERS:

John Christiano – Chairman (Present)
John Friend – Vice Chairman (Present)
Wes Suckey (Present)
Jim Williams (Present)
James Nidelko (Present)
Michael Raperto (Present)
Floy Estes (Present)
Councilman Concetto Formica (Present)
Mayor John Sowden (Present)
Sharon Schultz, Alternate 1 (Present)
James Affinito, Alternate # 2 (Present)

ALSO, PRESENT:

Robert Correale, Planning Board Attorney
Tom Knutelsky, Planning Board Engineer

APPROVAL OF MINUTES:

Mr. Christiano asked for approval for the **November 1, 2023** meeting minutes.

Mr. Nidelko made a motion to approve the **November 1, 2023** meeting minutes.

Seconded by **Mr. Williams.**

Upon Roll Call Vote:

AYES: Christiano, Estes, Friend, Sowden, Raperto, Suckey, Williams,

NAYS: None ABSTENTIONS: Formica

Approved

PAYMENT OF BILLS:

Mr. Williams made a motion to approve the escrow report for **February 7, 2024**

Seconded by **Mr. Suckey**

Upon Roll Call Vote:

AYES: Christiano, Estes, Friend, Raperto, Suckey, Williams, Schultz

NAYS: None ABSTENTIONS:

Approved.

Mr. Christiano stated that due to a scheduling conflict Irving Fabrication would not be heard this evening. Please note that Irving fabrications application will be heard on Wednesday March 6, 2024. It is a Wednesday night which is reserved for special meetings and workshops.

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Irving Fabrication will be heard then without further notice.

Mr. Formica asked who the attorney would be at that meeting.

Mr. Correale was not familiar with the application or the conflict.

Mr. Correale did explain if there was a conflict that Mr. Brady would be contacting the conflict lawyer to replace him at the March 6th meeting.

Mr. Formica stated that he did not understand why the conflicted attorney such as Mr. Brady. Who be the one to choose who the conflict attorney would be.

Mr. Christiano asked if this was typically the procedure.

Mr. Correale said yes this is what typically happens when the primary attorney & firm have a conflict with an application at hand.

Mr. Williams and Mr. Friend agreed with Mr. Formica stating that they did not think this made sense either.

Mr. Correale explained that himself & Mr. Brady have what they call a conflict attorney who is available in instances like this.

Mr. Correale stated that he would go back and let Mr. Brady know the concerns from the board and have him email the board explaining the procedures.

APPLICATIONS FOR COMPLETENESS:

- **174 Main Street FR LLC 174 Main Street Block 607 Lot 19 – B2 Zone Preliminary & Final Site Plan**

Mr. Christiano asked if there was anyone here from this application.

Mr. Dan Benkendorf stated that he was representing this application as their attorney.

Mr. Christiano asked for Mr. Knutelsky to go over his report.

Mr. Knutelsky stated that he would be reading from his February 4th report.

Mr. Knutelsky stated that the application is for a preliminary and final with C & D variances.

However, Mr. Knutelsky explained that the D use Variance is no longer needed to the ordinance that has since changed the zone of this building from a B1 to a B2 zone which always mixed use on first and second floors.

Mr. Knutelsky stated that he would ask the applicant to amend the application eliminating the use variance.

Mr. Benkendorf stated that he would be amending the application as Mr. Knutelsky has stated.

Mr. Knutelsky went on to read from his report explaining the temporary waivers for completeness only to be granted.

Mr. Knutelsky asked Mr. Benkendorf if he and his client would be able to make these requests in or Benkendorf der to go forward with the application.

Mr. stated that yes, he would be able to have all these requests presented at the next meeting.

Mr. Knutelsky stated that with all that being said I recommend this application be deemed complete with the temporary waivers being granted and schedule this hearing at the next available date.

Mr. Christiano thanked Mr. Knutelsky and asked the board members if they had any questions. Not hearing any questions. Mr. Christiano asked for a motion to deem this application complete per Mr. Knutelsky's report.

Mr. Williams made the motion to deem the application complete with the temporary waivers addressed in Mr. Knutelsky report with a hearing for the next available meeting.

Seconded by **Mr. Friend**.

Upon Roll Call Vote:

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AYES: **Christiano, Estes, Friend, Raperto, Suckey, Williams,**

NAYS: None ABSTENTIONS:

Approved.

Mr. Christiano stated that next application on the agenda is Y& J Properties. To be heard is ***Y& J Properties LLC 55 Main Street Block 95 Lot 14 Preliminary Site Plan.***

Ms. Shultz recused herself along with Mayor Sowden Both Mayor Sowden and Ms. Shultz Left the meeting at 8:10.

Mr. Knutelsky. Stated that on November 16th the application was deemed incomplete. On January 5th the applicant submitted revised resubmission. Mr. Knutelsky stated that he left the November report as stated and just added the new Report in bold text as you can see in the report.

Mr. Knutelsky went on to read from his report highlighting the temporary waivers requested from the applicant.

Mr. Knutelsky wanted to make it clear that the property in lot 15 who is owned by the whoop brothers. Some of the improvements to the property extended into the whoop brother's property.
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Mr. Knutelsky stated what we need is a consent form from and an authorization form signed the applicant that has been signed by the owners of lot 15.

The Whoop brothers have given their consent but prior to the public hearing we need that written consent form.

The applicant is in agreement to that.

Mr. Knutelsky stated that there is currently a shared driveway and parking in the back and with the improvements that 55 Main will do it will improve both properties.

It's a win for everyone but like I mentioned before a signed consent form is needed to go any further with a hearing for this property.

The applicants were in agreement.

Mr. Knutelsky summarized the temporary waivers and addressed again the consent forms discussed. With all of that being stated Mr. Knutelsky stated he would recommend the board finding this application complete at this time.

Mr. Christiano asked Mr. Knutelsky if the consent form needs to be in prior to the public hearing or the night of the hearing.

Mr. Knutelsky stated he would like to use the 10 days prior to the meeting format like any other resubmission request.

Mr., Christiano thanked Mr. Knutelsky and asked if any other board members had any questions.

Mr. Knutelsky stated that the meeting in March is more of a better goal for this meeting.

Mr. Yaser introduced himself and stated that he is also here with his wife who is also his attorney Jackie Elnar.

Mr. Elnar stated that he will follow Mr. Knutelsky report and provide everything needed in the timely manner of the 10 days before the meeting and provide what's needed as far as what Mr. Knutelsky stated in his report.

Mr. Elnar thanked the board and sat back down.

Mr. Christiano asked for a motion to deem this application complete with the temporary waivers that Mr., Knutelsky mentioned in his completeness report.

Mr. Williams made the motion to deem the application complete.

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Seconded by **Mr. Suckey**

Upon Roll Call Vote:

AYES: **Christiano, Estes, Friend, Raperto, Suckey, Williams,**

NAYS: None ABSTENTIONS:

Approved.

Ms. Shultz re entered the meeting at 8:18

APPROVAL OF RESOLUTION:

There are none.

OPEN PUBLIC SESSION:

Mr. Christiano opened the meeting to the public. Not seeing anyone come forward Mr. Christiano closed the meeting to the public.

TCC COMMITTEE REPORT:

Mr. Christiano gave a brief summary of the memo from Mr. Brady in regards to the most recent TCC meeting. The property is 630 Rt 23 in a zone in HC-2. The applicant is looking to build a condominium to have apartments on both 1st & 2nd floor.

Mr. Formica stated that he was the one who brought up this memo. Do you know if we are being charged for this.

If we are being charged, I would like to eliminate it and just have one of the TCC members give the report to save Dave the time & the town the money.

The board members agreed.

DISCUSSION:

NONE

OLD BUSINESS:

NONE

NEW BUSINESS:

NONE

ADJOURNMENT:

Mr. Williams made a motion to adjourn the meeting. **Mr. Friend** seconded it.

All were in favor. Meeting adjourned at 8:30