

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**April 6, 2022**

The meeting was called to order at 7:38PM by the Chairman, Mr. Christiano, who then led the assembly in the flag salute.

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

ROLL CALL OF MEMBERS:

Mr. Wes Suckey, Chairman (Absent)  
Mr. John Christiano, Vice Chairman (Present)  
Mr. John Sowden, Mayor (Present)  
Mr. Concetto Formica, Council liaison (Present)  
Mr. Floy Estes (Present)  
Mr. Jim Nidelko (Present)  
Mr. Jim Williams (Absent)  
Mr. John Friend (Present)  
Mr. Michael Raperto, (Present)  
Ms. Sharon Schultz, Alternate #1(Present)

ALSO, PRESENT:

Dave Brady, Planning Board Attorney  
Tom Knutelsky, Engineer  
Ken Nelson, Planner  
Jessica Caldwell, Planner

**PRESENTATION:**

Housing Plan presented by Jessica Caldwell & Ken Nelson.

Mr. Nelson gave a brief introduction explaining his cover memo.

Mr. Nelson stated that the board only received the Fair Share portion of the plan and not the Housing Plan portion because the housing portion has not changed since the board last met and reviewed it.

Mr. Nelson stated that he would turn the meeting over to Jessica who worked on the Fair share plan.

Mr. Nelson stated that Jessica would review and go over the changes that were made in the plan.

Ms. Caldwell went on to state that the determination of the housing numbers came from the Jacobsen Number. This came from a court case in Middlesex County, which is accepted by many courts.

Ms. Caldwell stated that is why she felt it be a good reason to use these suggested numbers.

Ms. Caldwell briefly explained the number and went through the percentages used in the Fair Share Plan she distributed to the board members.

The maximum of units that count is capped at 25%

50% of the units need to be family units with 25% of the family units being rental. 13% of the overall units need to be for very low-income units.

Ms. Caldwell went over the type of units that that the borough currently has available and that can be used as credit.

Ms. Caldwell stated that borough has group homes, Franklin House Senior apartments, Sunrise house which a transitionally housing facility, West Wind Manor.

Ms. Caldwell stated that one of the changes made was from West Wind Manor. It has recently become an assisting living facility and no longer 100% affordable facility it allows for seven units that can be used for credit.

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Ms. Caldwell stated Concetto Towers provides 40 units to be used as credit.

Ms. Caldwell stated a lot of the units in the Borough are either senior or age restricted.

Ms. Caldwell stated which you can only have a maximum of your whole total credit being 25% of Senior or age restricting.

Ms. Caldwell stated that the Franklin senior housing would provide 76 creditable units. Still needing 50% family and by default the other 25% can be group homes.

Ms. Caldwell stated although the borough is not on the upper in group homes.

The Borough is higher on the senior living credits.

Ms. Caldwell went on to share the family unit credits that are being used in the plan.

Miner Cove providing 4 units, Habitat for Humanity 3 units and hospital redevelopment zone which has a proposed 17 units.

Ms. Caldwell stated to add to the obligation number needed there are a few zoning projects that have been proposed.

Ms. Caldwell stated 390 Rutherford Avenue being one of them that will provide 11 units.

Ms. Caldwell stated that the former super Walmart site which would satisfy 32 units.

Mrs. Caldwell stated lastly 520 Rt 23. (Behind the Irish Cottage) this would satisfy 36 units once developed.

Ms. Caldwell stated that the total units proposed is 249 with the bonus rental units of 76 which would give the borough a total of 325 creditable units.

Ms. Caldwell stated that there is a summary and a better breakdown of the numbers and percentages on page 30-32.

Ms. Caldwell went on to explain the approved and not approved credits.

Ms. Caldwell explained that even though projects are not yet building does not mean that they do not account for credit.

Ms. Caldwell explained that the approvals and opportunity for these buildings are available and that is what the Borough is responsible for not following through with the apartments actually being built.

Ms. Caldwell stated that the credit is given to the Borough for the approved property being readily available for such credit approved apartments being built.

Mr. Nelson stated that he was not sure if the board caught that Ms. Caldwell stated that there would be a 4<sup>th</sup> round for everyone to look forward to in 2025.

Mr. Nelson explained that 2 yrs. ago when we were working on the plan there were TCC meetings and plans that came before us that I thought would be before us by now.

Mr. Nelson stated that we are still expecting those projects but nothing has been submitted to the board as of right now.

Mr. Nelson stated that he felt the need to explain those proposed projects listed to the board because members who are not on the TCC committee might have been confused to what why those properties were listed on the plan for potential credit.

Mr. Nelson stated that his recommendation would to keep them in the plan.

The board discussed the if there was ever to be a Builder's Remedy case if this plan would uphold in court.

Mr. Brady stated that he believes it would and Mr. Nelson stated in his memo page that there needs to be a realistic opportunity and that is what this plan provides.

Ms. Schultz asked if someone could explain how the Habitat for Humanity works.

Ms. Schultz asked what happens when people who live in a Habitat for Humanity house go to sell that house, does it need to remain affordable housing.

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Mr. Brady and Ms. Caldwell stated for 30 years.

Mr. Brady stated that it would be deed restricted for 30 years.

Ms. Schultz thanked them and stated that it was very interesting how that all works.

Mr. Christiano asked Mr. Nelson if this was the final document or if it still needed some tweaking.

Mr. Nelson stated that what is in front of everyone is a final draft.

Mr. Nelson stated the document that would be subject to the public hearing is what you have before you now and the first part of the document called the housing element that we already went over the last time we met to address the Housing Plan.

Mr. Nelson stated that he believes that the document is ready for the public hearing for either May or June.

Mr. Christiano asked at what point does the Planning Board pass this along to the Council.

Mr. Nelson stated keep in mind that once the document goes public there will be public input that might result in some tweaking of the document. Then there might need to be a second hearing to adopt the plan.

Mr. Nelson stated from there it is passed to the Mayor and Council and the Planning Board washes their hands of it.

Ms. Schultz asked if the applicant at the last meeting that was approved would be counted.

As he agreed to having one apartment for low-income housing.

Ms. Caldwell stated that as long as it has been approved and would be written in a resolution the board can absolutely use it towards credit.

Mr. Brady stated that is where the council also adopts it and makes the decision of having the documents certified through the courts.

Mr. Christiano expressed his feelings and thoughts on why he believed that the document should be certified for the courts.

Mr. Brady stated that is a decision that will come from the council.

Mr. Brady stated that once the board receives the whole document hopefully by the next meeting and Jessica is able to add Papandrikos credit to the document. The board can then set a date on the public hearing.

The board and Ms. Caldwell agreed.

Mr. Christiano asked if the board had any more questions.

Mr. Raperto asked if Franklin was in good standings with their plan compared to other towns.

Ms. Caldwell stated that she believed Franklin in good shape.

Mr. Christiano thanked Ms. Caldwell and Mr. Nelson for their time this evening.

Ms. Caldwell thanked the board and left the meeting.

**APPLICATIONS TO BE HEARD:**

Mr. Christiano introduced the next item on the agenda.

**Mogul Enterprises LLC, (PB#02-22-01) 151 Main Street, Block 609, Lot 20 B-2 Zone  
Amended Final Site Plan with a D variance**

Mr. Haggerty stepped up to the microphone and introduced himself.

Stating that he was her on behalf of the applicant. Mogul Enterprises LLC.

This is an application seeking amended final site plan approval. The applicant is looking to take a portion of the first-floor existing building and convert it to three two-bedroom apartments.

Mr. Haggerty stated that the front of the building would still be used for commercial use.

Mr. Haggerty stated this property is in the B2 zone which does not permit apartments on the first floor.

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Mr. Haggerty stated there would be no expansion or changes in the foot print. There would be no changes in the parking or lighting proposed.

Mr. Haggerty stated that the parking was sufficient.

Mr. Haggerty stated that was the essence of the application.

Mr. Brady stated he received proof of notice and found everything to be in order to be able to proceed this evening.

Mr. Knutelsky stated that he would be reading from the report dated April 1, 2022.

Mr. Christiano asked Mr. Haggerty to explain what it was his clients were looking to do on the first floor.

Mr. Haggerty explained that are looking to keep a portion of the first floor commercial. The commercial use would be in the front of the building.

Mr. Haggerty explained that they would like to put an apartment in the back portion of the building on the first floor.

Mr. Brady stated that he would like to swear in the witnesses before going any further.

Mr. Brady Swore in Jesse Dawson in under oath.

Mr. Brady also swore in Matthew Daspin in under oath.

Mr. Brady stated to Mr. Haggerty that he is now free to ask questions to either witness.

Mr. Haggerty stated before he continues, he knows that there will be a question of what has the applicant done to look for commercial use for the building.

Mr. Haggerty passed out a one-page summary that was written by Mr. Daspin on what he has done thus far to try and get a commercial business to occupy the space.

Mr. Brady stated that he was going to mark it in under A 101 – with today's Date of April 6, 2022.

Mr. Haggerty asked Mr. Daspin to briefly read from his document hitting the key points.

Mr. Daspin briefly described what projects he has done thus far on Main Street and what he is looking to do.

Mr. Daspin stated that he is familiar with the town and wants to clean up Main Street and bring it back to its glory as much as he can.

Mr. Daspin stated he has invested a lot of money into his projects and will continue to if it continues to make sense for him.

Mr. Daspin briefly gave the board a summary of his document stating that he has had many inquiries about the commercial space and things get moving along and then it stops without any specific reasons.

Mr. Daspin stated that unfortunately, businesses are not looking to be on small town Main Streets anymore. Highway frontage are what business owners are looking for.

Mr. Haggerty asked what was the commercial use on 151 Main Street `being used for when you purchased it.

Mr. Daspin stated that an older gentlemen owned it, he would tinker in the commercial area doing odd jobs with his grandchildren.

Mr. Daspin stated that it was not a really being used as commercial space. More of a warehouse or storage space for the owner.

Mr. Daspin stated he purchased the building a year ago.

Mr. Daspin explained that he met with multiple realtors and it was determined by not one but all of the realtors I met with stating it would be really tough to find a business that was looking for this sort of area.

Mr. Daspin stated like stated earlier. I had a few really interested businesses that were interested and we got so far and they all just fell apart.

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Mr. Daspin said after the third businesses bailing out.

Mr. Daspin stated that he decided to keep the store front and divide it in half and have an apartment behind the store front.

Mr. Daspin stated at this point in his mind it would be better to have something than nothing there.

Mr. Daspin stated that he has thirty-two units in Sussex County and they are all being rented out and if anyone moved out, Mr. Daspin stated he would be filling that apartment again in two weeks.

Mr. Daspin stated he has twenty plus already in Franklin not including this building on 151 Main Street.

Mr. Daspin stated that he is even going as far as doing the brick veneer that was recommended by the Historical board.

Mr. Daspin stated that has cost him an additional \$60,000 with of materials and labor.

Mr. Daspin stated that he understands that the town wanted to keep the historic look to the building and that there needs to be commercial on the bottom floor.

Mr. Daspin stated that he is willing to keep the store front look on the bottom and hopes that it will be rented out., but he also wants to be able to make the apartments in the rear to use the base and make his money back.

Mr. Christiano thanked Mr. Daspin and asked Mr. Knutelsky if he wanted to add anything.

Mr. Knutelsky stated in regards to site plans and engineering the only thing we looked at heavily is parking.

Mr. Knutelsky explained the parking standards and explained that there is a certain standard for commercial and residential.

Mr. Knutelsky stated that there are 18 parking stalls as of now and with the commercial square footage being reduced and comforting the square footage into of residential that would lower the parking standard to 12 spaces which then would give them excess parking,

Mr. Knutelsky stated that the only request in regards to parking be that the commercial parking be as close to the building as possible and leaving the residential parking elsewhere in the parking lot.

Mr. Knutelsky stated that is all he has to add as far as the site plans. As long as the original approvals remain the same. The conditions and approvals will continue on with this application.

Mr. Knutelsky stated that concludes his report and the point he wanted to make at this time.

Mr. Christiano asked for Mr. Nelson to give his report.

Mr. Nelson stated that he would just summarize his report in hopes that everyone has read it.

Mr. Nelson stated that when dealing with a D 1 variance., there are certain proofs that need to be provided In regards the positive and negative criteria tests.

Mr. Nelson stated in respect to the positive criteria usually there is testimony that there is a deviation of permitted in the zone can be approved because certain principals are being advanced.

Mr. Nelson stated that there has not been any expert testimony to respect to that aspect.

Mr. Nelson stated that the applicant has given his testimony on his attempts to rent out the commercial use with no luck.

Mr. Nelson stated that the board can weigh that evidence on weather its convincing or not.

Mr. Nelson explained with all that being said it really comes down to the board making a judgment call and deciding if there have been enough attempts to make the entire space a commercial space or has the board heard enough testimony to allow the space to be broken up into a commercial space with the apartments in the rear.

Mr. Nelson stated that the board has to feel that the positive criteria has been met along with the negative criteria and that it does not affect the town's overall Master Plan.

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Mr. Nelson stated that the board has options in what they would like to see happen with this space. One being that that they can ask the applicant to make the square footage larger than when they have proposed which is 1,100 Sq Ft. commercial space larger and make the space for the apartments smaller. The board could leave the plan as it has been presented.

Mr. Nelson stated that the board is in a position where they can ask this because it is a D 1 variance.

Mr. Nelson stated in closing the board just heard a presentation on the housing Plan.

It would be my suggestion that if three apartments are being proposed by the applicant suggest one of them be designated as affordable unit.

Mr. Nelson stated that was the summary of his report.

Mr. Haggerty stated what he meant to say earlier is that the commercial use would still be facing the street and would give the appearance for the commercial space on the bottom following the esthetic look of business on main Street with also accommodating the applicant with having more apartments in the back of the commercial space.

Mr. Christiano asked if the property storage area in the back of the building. Is there any space in there for the apartments?

Mr. Daspin stated that the storage area is for the building's storage.

Mr. Daspin stated that area would be more designated for him and his materials and equipment.

Mr. Daspin stated that there was no basement.

Mr. Christiano stated that the with that storage area does not leave a large space for the commercial use.

Mr. Daspin stated that business' now do not need huge spaces. The up-and-coming businesses are a lot leaner and not needing the space and sq ft that the might of needed years ago.

Mr. Raperto asked what the vision was for the store front.

Mr. Raperto stated that he heard that there would be a café or something along those lines.

Mr. Daspin stated that would be an ideal spot for something along those lines.

However, there is nothing as of right now in the works.

Mr. Daspin stated that he was going to keep all his options open as what he thought would be the best business to go into that store front.

Mr. Christiano expressed his concern about the decks that are on the second floor and asked if there were any plans of putting an awning above them.

Mr. Dawson stated no because of the work and effort that has gone into putting the original brick up.

Mr. Dawson stated that he went to great lengths because of the recommendation by this board and the historical commission of having the brick look to match the building next to it.

Mr. Christiano thanked Mr. Dawson for reminding him.

The board asked more questions about their concerns for the outside of the building such as what the doors would look like facing the parking lot.

Mr. Dawson stated white doors with a half moon to be able to see out.

Mr. Dawson explained that was an apartment regulation.

Mr. Dawson stated there would be lights over each door and that there are solar lights on every other post on the fence.

Mr. Dawson stated there would be no issue with lighting in the parking lot.

Ms. Schultz asked what would be put on the decks as railings or guards to make it look nice.

Mr. Dawson stated that he is currently working on some different steel style railings.

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Mr. Dawson stated that he also wants to keep with the historical feel as to match the brick and the era of the building.

Mr. Christiano opened the meeting to the public.

Not seeing anyone in the public at this time.

Mr. Christiano closed the meeting to the public.

Mr. Christiano stated that this will go to a vote.

Mr. Brady stated that the applicant needs all five votes from the board because of the D variance.

Mr. Haggerty understood and asked if anyone from the board had any questions about the application, he would help clear up any questions.

Mr. Christiano asked Mr. brady to go over his notes for what the conditions look like if the board was to vote in favor of this application.

Mr. Brady briefly summarized his notes that he wrote down while listening to the testimony and questions asked by the board.

Mr. Christiano opened the meeting to the public.

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

Mr. Christiano stated that he would take a motion to approve this application with the stipulations that Mr. Brady just summarized.

**Mr. Estes** made the motion. Seconded by **Ms. Schultz**.

**Upon Roll Call Vote**

AYES: **Nidelko Friend, Estes, Christiano, Raperto, Schultz**

NAYS: None ABSTENTIONS: Sowden, Formica

**OLD BUSINESS:**

None

**NEW BUSINESS:**

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.

**DISCUSSION:**

None

**ADJOURNMENT:**

**Mr. Estes made** a motion to adjourn.

Seconded by **Mr. Friend**

**All were in Favor.**

The meeting adjourned at 9:28 P.M

Respectfully submitted,  
Michelle Babcock  
Planning Board Secretary

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