

Franklin Borough Planning Board
Meeting Minutes for
June 1, 2022

The meeting was called to order at 7:30PM 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:

Robert Correale, Planning Board Attorney
Jessica Caldwell, Planner

PRESENTATION:

Housing Plan presented by Jessica Caldwell

Mr. Christiano stated that this evening has been reserved for the Public Hearing to discuss the Housing and Fair Share Plan.

Mr. Christiano stated that Mr. Nelson could not be here tonight. Jessica will be leading us this evening.

Ms. Caldwell stated that this meeting is a noticed public hearing for the adoption of the Housing and Fair Share Plan to become part of the Master Plan.

Ms. Caldwell stated that a notice was provided in the newspaper along with a copy of the notice being sent to the Sussex County Planning Board and other surrounding municipalities.

Ms. Caldwell stated that the Housing Element and Fair Share Plan in front of the members has been prepared by herself.

Ms. Caldwell stated that she would be very brief.

Ms. Caldwell stated that the members can ask their questions as we go.

Mr. Correale stated that he would like Ms. Caldwell to introduce herself and who she is affiliated with.

Ms. Caldwell stated her name and that she was the special project planner for the Borough of Franklin.

Ms. Caldwell explained that she prepared the Housing/ Fair Share plan in coordination with the planning board's planner Mr. Ken Nelson.

Ms. Caldwell stated that she would like to focus on the Fair Share part of the document as we have discussed the housing plan at the last meeting and nothing has been changed since then.

Ms. Caldwell asked if any of the board members had questions about the Housing Plan.

Ms. Shultz asked how many units an apartment would need to have to qualify for affordable housing.

Ms. Caldwell stated that the housing would count for the town's housing inventory but would not count for affordable housing credit unless it was deed restricted.

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Ms. Caldwell explained there was no standard qualifications for an apartment to be affordable housing.

Ms. Caldwell explained if it was something that was volunteered to be used then that can be done.

Ms. Caldwell also explained that the municipality also has their own standards and obligations for new bigger developments that come into town, those need to follow the COAH regulations.

Ms. Caldwell went on to state that the determination of the housing need 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 numbers 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% 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 went on to summarize the housing plan and broke down the percentages and creditable units that can be used.

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

Mr. Nidelko asked if the super Walmart site was now being proposed as residential.

Ms. Caldwell stated that was the proposal yes.

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

Mr. Caldwell assured the board that she strongly believes that they would up hold in any case.

Ms. Caldwell stated that because the Jacobson Numbers being used gives the board an upper hand.

Because the Fair share council urges boards to adopt and use the Jacobson Numbers when creating their plans for that reason.

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

Ms. Caldwell explained that whether the Council decides to get the plan certified by the courts is totally up to them. Unfortunately, the planning board does not make that decision.

Ms. Caldwell explained to the board that just having a plan in place is benefiting the town regardless if it is court certified.

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Ms. Caldwell stated of course having it certified is better like anything else but in this case, it is not something that has to be done.

Ms. Caldwell stated adopting a plan is pitting the town in a better position then not having a plan in place at all.

Ms. Caldwell explained to the board that someone would have to challenge the plan.

MS. Caldwell stated that it could happen but chances of that happening are not likely.

Ms. Caldwell stated that the cost to the town would be around \$25,000 – \$50,000when all said it done to have the plan certified.

Mr. Correale asked where the plan is filled once the planning board adopts it and the council adopts it.

Ms. Caldwell stated that it becomes part of the master plan and is filled at the municipality along with the Sussex County Planning Board.

The Board discussed the pros and cons and their thoughts on having the plan certified.

Ms. Caldwell stated that ultimately the council makes that decision.

Ms. Caldwell stated that if council decides not to certify it for their own reason and thoughts that is ok.

Ms. Caldwell stated that she feels strongly enough about the plan that it will hold up in court if that should happen and if someone should challenge the plan.

Mr. Correale asked if it was correct for him to state that Ms. Caldwell is urging the board to adopt this plan as written and presented to the board this evening.

Ms. Caldwell stated yes.

Mr. Christiano stated that he still would like to discuss in more detail certifying the plan.

However, Ms. Caldwell was about to summarize the 3rd round.

Ms. Caldwell read from her report summarizing the third round.

Ms. Caldwell stated that included the report and asked if anyone had any questions.

Mr. Christiano expressed his concerns and his strong feelings on having the plan certified.

The board had a lengthy conversation on reasons for urging the council to have the plan court certified.

Mr. Correale stated that the Town Council has the ultimate decision on that matter and will have to seek the attorney's advice in the matter as well.

Ms. Caldwell agreed.

Ms. Schultz asked if there will be a whole new set of numbers coming in 2025.

Ms. Caldwell stated that she did not know what the rules or numbers will be for 2025.

Mr. Christiano asked if there were anymore questions from the board.

Not hearing any.

Mr. Christiano opened the meeting to the public.

Not seeing anyone in the room. Mr. Christiano closed the meeting to the public.

Mr. Christiano stated at this time he would like a motion to except the report presented by Jessica Caldwell.

Mr. Estes made the motion. Seconded by **Mr. Raperto**.

Upon Roll Call Vote

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

NAYS: None ABSTENTIONS: Sowden, Formica

Approved.

Mr. Christiano stated that second motion would be to forward this to the council for their approval.

Mr. Raperto made the motion. Seconded by **Mr. Nidelko**

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Upon Roll Call Vote

AYES: Friend, Nidelko, Estes, Sowden, Formica, Christiano, Raperto, Schultz

NAYS: None ABSTENTIONS: Sowden, Formica

Approved.

Mr. Christiano thanked Ms. Caldwell for her time and effort that was put into the plan.

OLD BUSINESS:

Mr. Raperto asked if there were any updates on getting tablets to use rather than the huge amounts of paper.

Mrs. Babcock stated that it does not look like it will be happening anytime soon.

NEW BUSINESS:

None

OPEN PUBLIC SESSION:

Mr. Christiano opened the meeting to the public.

Not seeing anyone in the room. Mr. Christiano closed the meeting to the public.

DISCUSSION:

None

ADJOURNMENT:

Mr. Estes made a motion to adjourn.

Seconded by **Mr. Nidelko**

All were in Favor.

The meeting adjourned at 8:18 P.M

Respectfully submitted,
Michelle Babcock
Planning Board Secretary