

Franklin Borough Planning Board
Meeting Minutes for
June 20, 2022

The meeting was called to order at 7:32PM by the Chairman, Mr. Suckey, who then led the assembly in the flag salute.

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

ROLL CALL OF MEMBERS:

Mr. Wes Suckey, Chairman (Present)
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 (Present)
Mr. John Friend (Present)
Mr. Michael Raperto, (Present)
Ms. Sharon Schultz, Alternate #1(Present)

ALSO, PRESENT:

Dave Brady, Planning Board Attorney
Tom Knutelsky, Planning Board Engineer

APPROVAL OF MINUTES:

Mr. Suckey asked for approval for the **April 6**, meeting minutes.

Mr. Christiano made a motion to approve the **April 6**, meeting minutes.

Seconded by **Mr. Nidelko**

Upon Roll Call Vote:

AYES: **Nidelko, Williams, Raperto, Sowden, Formica, Christiano, Raperto, Schultz**

NAYS: None ABSTENTIONS: **Suckey**

Approved

Mr. Suckey asked for approval for the **April 18**, meeting minutes.

Mr. Christiano made a motion to approve the **April 18**, meeting minutes.

Seconded by **Mr. Raperto**

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: **Friend, Estes, Suckey**

Approved

Mr. Suckey asked for approval for the **June 1**, meeting minutes.

Mr. Friend made a motion to approve the **June 1**, meeting minutes.

Seconded by **Mr. Nidelko**

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: **Williams, Suckey**

Approved

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PAYMENT OF BILLS:

Mr. Williams made a motion to approve the escrow report for June 20, 2022

Seconded by **Mr. Estes**

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: **Sowden, Formica**

Approved.

APPLICATIONS FOR COMPLETENESS:

**Eugenia Estell (PB# 3-22-01) 82 Davis Rd, Block 1702, Lot 3, R1 Zone
Minor Subdivision.**

Mr. Suckey asked for Mr. Knutelsky to report on behalf of this application.

Mr. Knutelsky stated that the applicant's son is here on behalf of the applicant Eugenia.

Mr. Knutelsky briefly explained why this application was deemed incomplete the first time it was brought to the board.

Mr. Knutelsky stated that the documents pieces that were missing in the first application have now been submitted.

Mr. Knutelsky stated that he as listed them in his report and has reviewed the documents and plans and now recommends this application be deemed complete for the reasons listed in his report.

Mr. Suckey asked if there were any questions from the board.

Not hearing any Mr. Suckey stated that he would take a motion for completeness.

Mr. Williams made the motion. Seconded by **Mr. Friend**

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS:

Approved.

APPLICATIONS TO BE HEARD:

**Eugenia Estell (PB# 3-22-01) 82 Davis Rd, Block 1702, Lot 3, R1 Zone
Minor Subdivision.**

Mr. Suckey asked if there was anyone here to represent this application this evening and if so to please step forward.

Mr. Bob Estell stepped up to the mic and introduced himself as Bob Estell the son of the Eugenia Estell.

Mr. Estell resides at 417 Street Branchville NJ.

Mr. Suckey asked for Mr. Etsell to briefly explain what it was he and his family was looking to do.

Mr. Estell would be representing his mother on behalf of this application.

Mr. Brady stated that he and Mr. Estell briefly spoke before the meeting.

Mr. Estell explained that his mother was 81 years old and not able to make the meeting to represent herself which is why Mr. Estell her son is here this evening to represent Mrs. Estell and to take any questions the board may have on the application and the properties to be discussed this evening.

Mr. Estell explained that his mom lives on lot three and is seeking 50ft from Lot 2 which is owned by his mom's sister.

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Mr. Brady stated that he would like the record to show that when Mr. Estell and he spoke before the meeting. Mr. Estell stated that there was an ongoing agreement with the families that this piece of property on lot 2 would be given to lot 3.

Mr. Estell stated that there was a family agreement but over the years they never took care of it.

Mr. Estell explained that the wagon house (labeled on plans as the barn) would be deeded to his mother and father along with 50 ft to the side yard which has always been the driveway.

Mr. Suckey stated that you are looking to take the wagon house and the 50 ft from lot 2 and add it to lot 3.

Mr. Estell stated that was correct from my aunt's property to my mother's property.

Mr. Brady stated that he would like the record to show that Mr. Estell stated earlier that this has been an ongoing agreement with the family for years and nothing was officially done to legally make the changes.

Mr. Estell stated that the agreement was between his father and my father's sister that the wagon house and 50 ft around the yard would be given to them.

Mr. Estell stated that nothing was ever done until now.

Mr. Estell stated that his aunt has since passed away.

Mr. Estell stated that lot 2 is now for sale and he would like this to all be dealt with before a new owner comes in.

Mr. Friend stated it would be easier to keep it in the family.

Mr. Estell agreed stating that is the exact reason he is here tonight.

Mr. Estell stated that the conversations and agreements that were made between my dad and my aunt were before the farm was sold.

Mr. Knutelsky stated that he did some research and looked and he did not come across any plans that had two access drives in and out of Estell Drive.

Mr. Knutelsky stated that Estell drive was being built in 2004 almost 20 years ago, prior to his time as the Planning Board engineer.

However, he did not come across anything that had there being another access road when entering Estell Drive.

Mr. Knutelsky stated which leads me to believe that these conversations with the family have been going on for a very long time.

Mr. Knutelsky stated that the 50 ft that Mr. Estell has mentioned is 50 ft around the whole property.

Mr. Knutelsky gave brief summary of Mr. Estell's plans.

Mr. Estes asked who currently owns the two lots.

Mr. Estell stated Linda Amato owns lot 2. Lot 3 is owned by my mother Jean Estell.

Mr. Knutelsky stated that the barn (wagon house) is an existing condition and does not affect the what the applicant is here this evening for.

Ms. Schultz asked Mr. Estell to confirm that it was just property he was seeking and not a structure.

Mr. Estell stated that was correct.

Mr. Brady stated that this is to go along with what was agreed upon with family members many years ago.

Mr. Estell stated that was correct.

Mr. Brady asked Mr. Estell if the family would be willing to give up some more property to make the lot a 1-acre lot.

Mr. Estell stated that he can ask.

Mr. Suckey requested that be listed as one of the conditions. In good faith effort to ask for the extra 5ft.

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Mr. Suckey stated that the applicant provides an affidavit that he asked the property owner for the extra piece of land and it was denied or granted which ever way it turns out.

Mr. Brady agreed.

Mr. Suckey asked for Mr. Knutelsky to go over his report at this time.

Mr. Knutelsky' stated that he was reading from his report dated June 17, 2022.

Mr. Knutelsky briefly summarized his report.

Mr. Knutelsky explained that the applicant needs to request an extra 5 ft on top of the 50 ft to make the lot a conforming lot.

Lot number 2 is 100% conforming,

Lot three would be conforming if the applicant can get another 5 ft added to the 50 ft that has already been agreed upon.

Mr. Brady stated this is where the condition comes in submitting an affidavit that the applicant asked the home owner for the extra 5 ft.

Mr. Brady stated that this extra land would be an improvement for the property. Mr. Brady stated that this would mean that the property would be complaint and there would be no reason for any variances.

Mr., Knutelsky thanked Mr. brady for making that comment as that was something he was going to ask Mr. Brady to comment on.

Mr. Knutelsky stated that this a lot adjustment.

Mr. Knutelsky wanted the board to understand were not adding a lot were adjusting an already existing lot.

Mr. Knutelsky continued to read from his report.

Mr. Knutelsky addressed that there would need to be a new deed drafted once this was approved by this board.

Mr. Knutelsky explained that there would be land at the end of the property that would be deeded to the town of franklin as part of the easement.

Mr. Knutelsky touched on the driveway and that it is also accroaching the lot as well and it will need to be addressed in the deed as well, so down the road there isn't a fence that goes right down the middle of the driveway.

Mr. Brady stated that he would find the proper language to add to the resolution in regards to this matter.

Mr. Knutelsky stated that his last comment was that the applicant and his surveyor provide Mr. Knutelsky and Mr. Brady with any documents to be reviewed by both Mr. Knutelsky and Mr. Brady, before finalizing the deed.

Mr. Knutelsky stated that the applicant has stated that he is willing to do whatever he needs to do to make everything go as smooth as possible and in a timely manner. He and his family would like this to be put to rest.

Mr. Raperto asked if any of the properties were for sale.

Mr. Estell stated that Lot 2 was for sale.

Mr. Estell stated that his aunt recently passed away.

Mr. Estell explained that her two sons are looking to sell it.

Mr. Raperto asked if this would affect the sale.

Mr. Estell stated potentially yes.

Mr. Estell although the realtor is well aware of what is going on along with potential buyers.

Mr. Estell stated that he would just like to get this all taken care of before it sells so we do not have to deal with someone new.

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Mr. Estell stated he would much rather just work this out with the family, makes things much easier.

Mr. Suckey asked if there were any further questions or comments from the board members.

Not hearing any Mr. Suckey asked for a motion to approve or deny the application.

Mr. Williams made the motion to approve the application with the conditions that Mr. Brady has stated.

Seconded by **Mr. Christiano**.

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS:

Approved.

Mr. Estell thanked the board and stated that he had some work to do but was thankful for the approval here tonight.

APPROVAL OF RESOLUTIONS:

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. Suckey asked if everyone received the resolution and had time to read and review it.

Mr. Suckey asked if anyone had any questions.

Not hearing any questions or corrections. Mr. Suckey asked for a motion to approve the resolution.

Motion made by **Mr. Friend**. Seconded by **Mr. Nidelko**.

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: **Williams, Sowden, Formica,**

Approved.

Franklin 116 Development, LLC (PB# 08-21-04) 116 Rt 23, Block 1601, Lot 5

Amended Preliminary & Final Site Plan with Variance

Mr. Suckey asked if everyone received the resolution and had time to read and review it.

Mr. Suckey asked if anyone had any questions.

Mr. Nidelko asked if this was any mention on what was going to happen with the propane tank that is on the property.

Mr. Nidelko stated that he remembered there being a brief conversation about it during the hearing but he was not sure what the final decision.

Mr. Knutelsky stated that he recalls the testimony given that the tank was going to be fully removed from the property.

Mr. Christiano also stated that he believes that there is a typo on the applicant's attorney's last name that will have to be fixed.

Mr. Brady stated it is in fact the applicant's engineer and he will fix that.

Mr. Williams asked for Mr. Brady to confirm that there is mention in the resolution about there being a lock box on the building for first responders if there ever is an emergency.

Mr. Brady stated yes, it is mentioned in the resolution as a condition that needs to be fulfilled.

The committee briefly discussed if the board had the control of specifically asking all new buildings to put in a knock box only using the Knock Box brand.

Mr. Brady did not think that was something the board had control over as long as the applicants are getting and installing a Knock Box.

Mr. Suckey asked if there were any other questions or comments.

Mr. Suckey stated that he would take a motion to except the resolution as presented.

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Motion made by **Mr. Raperto**. Seconded by **Mr. Friend**.

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS:

Approved.

The Housing Plan Element and Fair Share Plan as an amendment to the Franklin Borough Master Plan

Mr. Suckey asked if everyone received the resolution and had time to read and review it.

Mr. Suckey asked if anyone had any questions.

Mr. Suckey asked for a motion to approve the resolution.

Motion made by **Ms. Schultz**. Seconded by **Mr. Nidelko**.

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: Suckey

Approved.

OPEN PUBLIC SESSION:

Mr. Suckey opened the meeting to the public.

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

NEW BUSINESS:

None

OLD BUSINESS:

Mr. Nidelko asked if the new materials that the board received this evening for the Ascend application is the only thing that the board will need going forward for the future meetings.

Mr. Suckey stated that he believes it should be but does not encourage any of the board members to discard anything else until the applicant's professionals tell us what we no longer need to bring to the meeting in reference.

Mr. Brady asked Mr. Knutelsky if it would be a good idea to possibly have Ascend come in for a TCC meeting to work out the details and get an update on the current plans and new submission that has been submitted.

Mr. Suckey stated that he would like to have that done at a TCC meeting and not at a regular planning board meeting.

Mr. Knutelsky briefly explained that the application for 24 Munsonhurst is an amended site plan to follow through with the conditions listed in the resolution.

Mr. Knutelsky stated that there should not be any issues with that.

Mr. Knutelsky suggested that they come in do both completeness and hearing in one night.

Mr. Knutelsky suggested that application for 12 Munsonhurst not be heard on the same night as 24 Munsonhurst.

Mr. Suckey agreed and stated that they should be heard at two different meetings so there is no confusion.

Mr. Suckey stated that it would be best if Mr. Knutelsky reached out to Mr. Chandler and scheduled a TCC meeting with the professionals from Ascend to discuss where they are at with 12 Munsonhurst rd. As there are a lot of moving parts that need to be ironed out.

Mr. Knutelsky agreed and stated that he would reach out to Pete tomorrow.

Mr. Knutelsky stated that after he speaks to Pete, he will reach out to the TCC board to set up the best date and time to hold the meeting.

Mr. Suckey thanked Mr. Knutelsky.

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DISCUSSION:

Mr. Suckey asked if there was any thing to discuss.

Mr. Knutelsky stated that he wanted to give the board an update on 116 Rt 23.

Mr. Knutelsky stated that the sell of the Orr house currently known as the Vapor room will be relocating to the end unit opposite of the Mexican restaurant at 116 rt 23.

Mr. Barton and his wife currently own the Vapor shop and Mr. Barton has been working for Mr. Lam and has started some of the construction at 116 Rt 23.

Mr. Knutelsky stated that they started to add the curbing and had some issues with the DOT which was quickly resolved.

Mr. Knutelsky stated that they are no allowed to pave or do any other work before they get their approvals and the proper permits.

Mr. Knutelsky stated with the resolution being approved tonight that will be what is followed through from here on out.

Mr. Suckey asked if there were any other questions.

Ms. Schultz asked Mrs. Babcock who ended up taking down the tree branch that she reported as being a hazard.

Mrs. Babcock stated that the DPW took care of it.

Mr. Suckey stated that there have been a few different store fronts that have been changed.

Mr. Suckey Stated Dunkin Donuts for one.

Mr. Suckey stated that he was not sure if it was the boards place to send the businesses a letter stating that we like the style and what they have done to improve the building/property.

Mr. Brady stated that it may not be appropriate for the Planning Board to send a letter but very appropriate for the council to send a letter.

Mr. Friend suggested that the EDC committee send the letter.

Mr. Suckey stated that same goes for 151 Main Street.

Mr. Suckey stated that they are doing a great job on that building too and she be recognized for it.

Mr. Suckey asked if any of the board members had anything to discuss.

Mayor Sowden stated that he would just like to let the board know that at next Tuesday's council meeting Jessica Caldwell and Tom Jones will be there to discuss the history of Franklin and highlight the different historical locations around the town.

Ms. Schultz asked the mayor what time the meeting started.

Mayor stated 7:00

Mr. Friend asked if it will be available on ZOOM.

The mayor stated Yes.

Mr. Suckey asked if anyone had anything else to discuss.

Not hearing any, Mr. Suckey asked for an adjournment.

ADJOURNMENT:

Mr. Friend made a motion to adjourn.

Seconded by **Mr. Nidelko**

All were in Favor.

The meeting adjourned at 8:38 P.M

Respectfully submitted,
Michelle Babcock
Planning Board Secretary

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