

Franklin Borough Planning Board
Meeting Minutes for
September 19, 2022

The meeting was called to order at 7:34 PM 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 (Absent)
Mr. John Sowden, Mayor (Absent)
Mr. Concetto Formica, Council liaison (Absent)
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:

Michael Brown, Planning Board Attorney

PAYMENT OF BILLS:

Mr. Nidelko made a motion to approve the escrow report for **September 19, 2022**

Seconded by **Mr. Williams**

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS:

Approved.

APPLICATIONS FOR COMPLETENESS:

390 Rutherford Avenue, LLC. 390 Rutherford Ave Block 605 Lot 5

Preliminary & Final Major Site Plan.

Mr. Suckey asked if there was anyone present this evening to speak on behalf of the application.

Bruce Nimensky the attorney for the applicant.

Mr. Suckey stated that Mr. Knutelsky was not present this evening, he had a personal matter he needed to take care of.

Mr. Suckey asked if the applicant received Mr. Knutelsky' report dated September 15, 2022.

Mr. Nimensky stated yes.

Mr. Nimensky stated that he understands that all he needs for completeness is the waivers listed in Mr. Knutelsky' report and the Environmental Study Report.

Mr. Suckey stated that is correct. However, it is Mr. Knutelsky' s recommendation to deem this application incomplete at this time.

Mr. Suckey asked if the board members had any questions or comments.

Not hearing any Mr. Suckey asked for a motion to deem this application incomplete based on Mr. Knutelsky' s report dated September 15, 2022.

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Mr. Williams Made the motion to deem the application incomplete.

Seconded by Mr. Friend.

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS:

Approved.

Mr. Suckey stated to the applicant that if the agenda for next month's meeting allowed, he would let this application be on for completeness and if deemed complete at the next meeting then they could go right into the hearing at the same meeting.

Mrs. Babcock confirmed that would be October 17th

The applicant thanked Mr. Suckey and the board members for their time and exited the room.

APPROVAL OF RESOLUTIONS:

Ascend New Jersey, LLC (PB # 11-21-01) 24 Munsonhurst Rd, Block 2401 Lot 21

Amended Preliminary and Amended Final Site Plan

Mr. Suckey asked the board members if everyone had a chance to read the resolution.

Mr. Suckey asked for Mr. Brown to briefly go over the conditions one more time for the board to hear and to make sure that there is nothing that was missed.

Mr. Brown gave a brief summary of the resolution highlighting the conditions listed.

Mr. Estes pointed out a typo on page 2/8 second paragraph.

Mr. Brown thanked Mr. Estes and stated that he would fix that.

Mr. Williams stated page 4/8 condition #13 has still not been addressed.

Mr. Brown stated that he remembers Mr. Williams addressing his concerns at the meeting.

Mr. Brown also stated that he remembers the applicants stating that they were still in the process of working on the air filtration system.

Mr. Brown stated that the applicant was still in the process of changing the carbon filters, exhaust fans and just overall sealing the building.

Mr. Brown stated that there is a condition in the first approval's resolution where it states in the resolution that the Borough has the right to go there at any point to check in on the air and odor quality of the building.

Mr. Brown stated that if the board would like to reach out to Ascend's council to ask for an update on how these upgrades are doing, that is something that can be done.

Mr. Williams stated his experience with run ins that he has had with residents expressing their concern with the odor that is coming from the building as well.

Ms. Shultz asked if there was a way that the board could ask them to change the air filtration system every few years.

Mr. Brown stated that the board gave the board even more latitude in the first approvals resolution stating that borough officials could go there at anytime and elevate the odor and air quality.

Mr. Brown stated that this is an enforceable issue if Ascend does not keep up with updating and replacing their air filtration system.

Mr. Suckey asked Mr. Brown what would be the ramifications of the resolution if the board does not approve it.

Mr. Brown stated that the ramifications would be that these proposed improvements would not be permitted.

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The board members had a lengthy discussion on what they have noticed in the area regarding the odor, parking, and removal of trees.

Mr. Suckey stated that Mr. Nelson sent him pictures of the trees that were supposed to be relocated.

Mr. Suckey stated that they did not meet with Mr. Nelson like discussed at the meeting.

Mr. Suckey suggested that we have them come back to the next meeting and address these "hot topics"

Mr. Brown stated that he believes that is fair to ask them to come to the October meeting.

Mr. Brown stated that at this point they are actively not complying to the conditions of the approval.

Mr. Friend also suggested that they bring their experts back with them especially the odor expert to give the board an update on the air filtration upgrades that they stated at the last meeting that they were going to be making to reduce the odor that was being released from the building.

Mr. Raperto asked who would be the town official making these sorts of visits and enforcing all of this.

Mr. Brown stated that it would most likely be the zoning officer due to the process of elimination in most municipalities.

Mr. Friend asked if the zoning officer could do an air quality test or does the town need to bring in a third party for this sort of issue.

Mr. Suckey stated that he and Mr. Knutelsky have investigated finding an odor specialist and there is no one in the tri state local area.

Mr. Suckey stated that there is one in Texas, Colorado, and Washington area.

Mr. Suckey stated does the town want to fly them in and pay for their accommodations is another question.

Mr. Suckey stated as far as tonight goes the board has the right to table the resolution till the next meeting in October. The board can ask Ascend and their professionals to come back to give the board updates on the matters the board discussed tonight.

Mr. Friend mad a motion to table the resolution to next month's meeting. Seconded by **Mr. Nidelko**.

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: Williams, Suckey, Schultz

Approved.

Mr. Raperto asked if Mr. Brown would be sending them a letter letting them know that the resolution was not approved tonight and explain why.

Mr. Brown also stated that he will let their attorney Mr. Cutalo know that the applicants will have to report back to this board and bring their professionals back to give updates on certain matters that were discussed this evening, specifically the odor issues, the parking, and the removal of trees without any plans discussed with Mr. Nelson which is a condition in the resolution.

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:

OLD BUSINESS:

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DISCUSSION:

Mr. Suckey stated that he would like to address two different issues that have been brought to his attention. The first issue being the zoning officer reporting back to the board when asked to inspect or reach out to a business or a homeowner.

Mr. Suckey stated that there have been two different instances where he has asked the zoning officer to go out and address issues.

Mr. Suckey then stated that he never hears anything back or gets a report saying what happened or what the next step is.

Mr. Suckey suggested that the Zoning officer gives the Planning Board a report on what has been addressed and what the follow up actions will be.

Mrs. Babcock stated that she would relay the message to the zoning officer.

Mr. Suckey stated the second issue is with the council.

Mr. Suckey stated that the board has given them two recommendations one being the solar ordinance recommendations and the second being the Housing Plan recommendations.

Mr. Suckey stated neither one has been acted upon and if they were the planning board was never notified.

Mr. Suckey asked if there was anything else that needed to be addressed.

Not hearing any Mr. Suckey asked for a motion to adjourn the meeting.

ADJOURNMENT:

Mrs. Schultz made a motion to adjourn.

Seconded by **Mr. Nidelko**

All were in Favor.

The meeting adjourned at 8:10 P.M

Respectfully submitted,
Michelle Babcock
Planning Board Secretary