

Franklin Borough Planning Board
Meeting Minutes for
October 17, 2022

The meeting was called to order at 7:37 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 (Present)
Mr. John Sowden, Mayor (Absent)
Mr. Concetto Formica, Council liaison (Present)
Mr. Floy Estes (Present)
Mr. Jim Nidelko (Present)
Mr. Jim Williams (Absent)
Mr. John Friend (Absent) entered meeting at 7:55
Mr. Michael Raperto, (Present)
Ms. Sharon Schultz, Alternate #1(Present)

ALSO, PRESENT:

Michael Brown, Planning Board Attorney
Tom Knutelsky, Planning Board Engineer
Ken Nelson, Planning Board Planner

APPROVAL OF MINUTES:

Mr. Suckey asked if everyone received the planning board minutes from the September 19th meeting.

Mr. Suckey asked if there were any question, corrections, or concerns.

Mr. Nidelko, Mr. Suckey and Ms. Schultz pointed out typos.

Mr. Nidelko made a motion to approve the meeting minutes with the corrections added.

Seconded by **Mr. Estes**.

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: Formica

Approved.

PAYMENT OF BILLS:

Mr. Christiano **made** a motion to approve the escrow report for **October 17, 2022**

Seconded by **Mr. Raperto**

Upon Roll Call Vote:

AYES: Nidelko, Estes, s, Raperto, Suckey, Schultz

NAYS: None ABSTENTIONS: Formica

Approved.

APPLICATIONS FOR COMPLETENESS:

390 Rutherford Avenue, LLC. 390 Rutherford Ave Block 605 Lot 5
Preliminary & Final Major Site Plan.

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Mr. Suckey introduced the next application and asked if there was anyone here tonight on behalf of the application.

Mr. Bruce Nimensky Introduced himself as the attorney for the applicant.

Mr. Nimensky stated that he was an attorney with Gray Law.

Mr. Nimensky stated he was representing the applicant.

Mr. Suckey asked Mr. Knutelsky to go over his report.

Mr. Knutelsky reminded the board that this application was deemed incomplete at the September 19th meeting. Mr. Knutelsky explained that an ESI report needed to be submitted.

Mr. Knutelsky stated that the applicant has submitted the ESI report with their resubmission.

Mr. Knutelsky stated that he prepared a new report dated October 13, 2022

Mr. Knutelsky briefly read from his report.

Mr. Knutelsky stated that the board should grant the applicant temporary waivers for completeness only. The temporary waivers being checklist items #22,34, 43-47.

Mr. Knutelsky stated that he finds this application to be complete and recommends the board does as well.

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

Not hearing any questions from the board, Mr. Suckey asked for a motion to deem the application complete at this time.

Mr. Christiano made the motion to deem the application incomplete.

Seconded by **Mr. Nidelko**

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS:

Approved.

Mr. Knutelsky stated that he recommends that the application go right into a hearing if confirmed by the board's attorney that notice was properly prepared.

Mr. Brown stated that notice was received and has been deemed satisfactory.

Mr. Suckey thanked Mr. Brown and stated that the next item on the agenda would be applications to be heard.

APPLICATIONS TO BE HEARD:

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

Preliminary & Final Major Site Plan.

Mr. Suckey stated that before we proceed with the hearing, he would like to set some ground rules so the applicant and the public know what will be happening tonight.

Mr. Suckey explained that the board does not hear new testimony after 10:00 P.M

The Public will have a chance to ask each professional questions based on the testimony that the professionals give. The Public will also be able to give their own testimony however, they will have to give their name and address and be sworn in under oath to be considered a witness.

Mr. Formica excused himself and left the meeting room. 7:52 P.M

The applicants professionals should be following along with Mr. Knutelsky' report hitting the key points mentioned on the engineer's report.

Mr. Suckey stated at this time there will be a ten-minute recess for the applicant and the professionals to organize themselves.

Mr. Suckey brought the meeting back to order at 8:02.

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Mr. Suckey stated that the board would proceed with the hearing for 390 Rutherford Avenue, LLC. 390 Rutherford Ave Block 605 Lot 5 Preliminary & Final Major Site Plan.

Mr. Nimensky stepped up to the microphone and introduced himself as Bruce Nimensky the attorney for the applicant with Gray Law Group on rt 15 in Jefferson.

Mr. Nimensky stated that the project proposed is a four-story building with 51 rental units.

Mr. Nimensky went on to explain that the applicant would need variances because of the zoning and therefor a planner would be testifying to those matters.

Mr. Nimensky stated tonight he would be calling up Mr. Schoonmaker who is the principal applicant to explain who he is and to give the board a better understanding of the project and what his goals are for the project.

Mr. Nimensky stated that the board would also be hearing from a representative from the architect firm along with the planner this evening if time allows for it.

Mr. Nimensky stated to move the meeting along he would like to call up Mr. Schoonmaker to introduce himself and to explain the project here before the board.

Mr. Brown swore Mr. Schoonmaker in under oath.

Thomas Schoonmaker 66 Shanna Trail Sparta NJ.

Mr. Schoonmaker briefly introduced himself giving the board a brief background of who he is and what he does and prior projects and current projects and business that he is a part of in the local area.

Mr. Nimensky asked Mr. Schoonmaker to explain what his ideas and vision is for the application before the board this evening.

Mr. Schoonmaker briefly stated that he purchased the property a few years back when he noticed that it was in desperate need of some repair.

Mr. Schoonmaker stated that he is looking to make the best use of the property. Mr. Schoonmaker stated he has worked with the property for a few years now and it seems like we have finally zeroed in on something that will work for both myself and the town.

Mr. Nimensky asked Mr. Schoonmaker to explain why he choose to build rental units.

Mr. Schoonmaker stated that he chooses to make the units rentals because he believes there is a need for rental units in this area.

Mr. Schoonmaker stated it gives the residents a decent place to live without having to put a huge amount of money down to purchase a house. The way the economy is today it just makes sense to rent this out so residents can travel and do things they want to without spending all of what they have on purchasing a home at this time.

Mr. Schoonmaker listed past and current buildings/apartment buildings that he has constructed in Sussex County and neighboring areas.

Mr. Nimensky stated that he has no further questions for Mr. Schoonmaker.

Mr. Suckey asked if the board had any questions, not hearing any from the board members Mr. Suckey opened the meeting up to the public for questions or comments for Mr. Schoonmaker at this time.

Mr. Suckey stated not seeing anyone coming forward he would close the meeting to the public at this time.

Mr. Nimensky asked for his next witness to come forward who is from the firm.

Wendy Manhardt is not a licensed architect however Mrs. Manhardt is an expert in architecture design and is very familiar with this project. Ms. Manhardt designed the plans and is more then able to explain the design of the building along with answering any of the board's questions.

Mr. Nimensky asked the board to qualify Ms. Manhardt as an expert of architecture design to allow for Ms. Manhardt to be able to testify tonight.

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Mr. Suckey agreed to qualify Ms. Manhardt in as an expert in architecture design.

Mr. Brown Swore Ms. Manhardt in under oath.

Mr. Brown asked for Ms. Manhardt to list any of her credentials that she currently has.

Ms. Manhardt gave a brief list of her schooling along with her professional attributes thus far.

Mr. Brown asked if Ms. Manhardt testified before any other land use boards before.

Ms. Manhardt stated that she has not testified before any land use boards before.

Mr. Suckey asked for Ms. Manhardt to clarify what exactly she would be testifying about in regards to this project tonight.

Ms. Manhardt stated that she would be testifying to the specific comments made by Mr. Knutelsky' s report that are specific to the agricultural design and the floor plan design. There are also security concerns for the apartment complex that can be addressed.

Mr. Nimensky asked if Ms. Manhardt has worked on other projects before this current project.

Ms. Manhardt stated yes, many others.

Ms. Manhardt explained that she was the design captain for this project and worked with a licensed architect as well who sealed the plans who is licensed in New York and New Jersey.

Mr. Estes made a point to confirm with the Mr. Brown the Planning board attorney that it would be ok to allow Ms. Manhardt to testify this evening to only the specifics of design without being an actual licensed architect.

Mr. Brown stated that the board can qualify Ms. Manhardt in has an expert in design and allow for Ms. Manhardt to testify on behalf of the project in everything design. Mr. Brown stated once he feels like it is getting out of the scope of design, he will make a point to not allow Ms. Manhardt to continue speaking on behalf of that.

Ms. Manhardt is to only testify on behalf of design.

Ms. Estes thanked Mr. Brown for clarifying and stated to Ms. Manhardt that he was not looking to discredit or prolong the application he just wanted to make sure this was something that the board could do without getting themselves into a situation.

Ms. Manhardt understood and thanked the board for understanding.

Mr. Nimensky stated that easiest thing to do now is to have Ms. Manhardt follow the comments that were made by Mr. Knutelsky in his report to keep the meeting flowing and to allow for Ms. Manhardt to focus on the design concept as mentioned by the chairman.

Ms. Manhardt began her presentation by explaining the exterior design and materials used.

Mr. Brown asked Ms. Manhardt if the exhibit she was pointing to was submitted before the board in their packets.

Ms. Manhardt stated no.

Mr. Brown asked for Ms. Manhardt to mark the exhibit A 101 with today's date.

Ms. Manhardt did so and continued her presentation addressing the design of the outside of the proposed apartment building.

Ms. Manhardt went on to address the security comments that were made by Mr. Knutelsky in his report.

Ms. Manhardt stated that this sheet titled the *Ground Floor Plan* that she will be referring to was submitted to the board prior to the meeting.

Ms. Manhardt stated that she would be referring to Sheet A 101.

Ms. Manhardt went on to explain the security plan and design of the building.

Ms. Manhardt explained at the main access points there would be a keypad and a two-way intercom system to be able to speak to the tenant that lives at building and vice versa for the tenant to be able to address who is trying to reach them.

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Ms. Manhardt went to explain that there would be security cameras around the building and around parking areas along with security cameras in the parking garage.

Mr. Friend asked if the cameras would be monitored.

Ms. Manhardt stated yes and it would most likely be monitored on the property.

Mr. Schoonmaker stated that there would be a security room where the cameras would be monitored along with a tape that would run for 180 days that could also be monitored through a cell phone as well seems to be adequate in other apartment projects that we have done.

Ms. Manhart flipped the page to A 102 titled *Standard Floor Plan* which was also submitted to the board prior to the meeting.

Standard floor plan for 51 units. 30% being one-bedroom units and 70 % being for 2-bedroom units.

There would be an elevator that would be able to accommodate a stretcher.

Ms. Manhardt went on to explain the floor plans and explain egresses.

Ms. Manhardt went on to explain that the apartment building would be equipped with a sprinkler system.

Ms. Manhardt went on to briefly explain the floors plans and design concept.

Ms. Manhardt stated that the appliances are called market place fixtures.

Ms. Manhardt stated that each unit would have a separate balcony and a patio area if the tenants were on the ground floor.

There was brief discussion on storage and each tenant having an area for storage. Mr. Knutelsky stated that he appreciated the testimony on be half of the storage areas. However, the plans do not specify any detail on the plans and where the square footage for the storage garages would be coming from.

Mr. Schoonmaker stated that he would go back and discuss this and come up with a better plan for the storage garages specifying size and locations.

Mr. Schoonmaker stated that there has been no authorization on the fine details regarding this project yet do to be just on the site plan and working out the bigger ticket items at this point in the project.

Mr. Friend asked Mr. Raperto if he has addressed the Knock Box suggestion.

Mr. Raperto stated that he did not.

Ms. Manhardt stated that she is familiar with KNOCK BOX and is sure that is something that can be accommodated.

Mr. Knutelsky brought up the discussion about the elevators. Mr. Knutelsky stated that in the past the board has put restrictions on hydraulic fluid elevators due to environmental issues.

Mr. Knutelsky stated although Ms. Manhardt can not testify to this topic being that it is out of her realm of expertise this is something that the board is going to want to hear testimony on in a later meeting.

Mr. Suckey agreed and made note of that.

Mr. Schoonmaker gave his thoughts on what he has used as far as hydraulic elevators in the past and how things have changed as far as the hydraulic fluids handled on the elevators now.

Mr. Schoonmaker stated as far as what type of elevator we are going to have all depends on what the code. Everything will be up to snuff and we will follow all codes and regulations.

Mr. Christiano asked if the elevators will have keycards. Will someone who lives on the 2nd floor be able to access the 3rd or 4th floor apartments.

Mr. Schoonmaker stated that is an option and a good suggestion.

Mr. Suckey asked if the property will be ADA compliant. Ms. Manhardt stated they will follow all the regulations and standards that need to be met to be ADA compliant.

Mr. Knutelsky wanted to confirm the amendments on the property are just for the tenants and will not be open to the public correct.

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Ms. Manhardt stated yes that is correct, the gym, clubhouse, park area, & patios will only be available to the tenants.

Mr. Christiano stated that he had a question regarding the roof.

Is there a possibility that there could be a white finish such as ETPM.

Ms. Manhardt stated that is a possibility for sure.

Mr. Knutelsky stated that the last item in his report that he wanted to address is that he recommends that the application be submitted to the Franklin Fire Dept for their review of the application.

Ms. Manhardt stated that she had nothing further.

Mr. Suckey asked the board members if there were anymore questions. Not hearing nay Mr. Suckey opened the meeting up to the public at this time to ask questions or state concerns on only Mr. Schoonmaker and Ms. Manhardt 's testimony only.

Christian Daguin 36 John Wilton Street. Mr. Daguin asked questions in regards to fire safety And what would happen if there was a power outage.

Ms. Manhardt referenced the Knock Box and what that does and how the fireman would use that in case of a power outage.

Mr. Daguin asked a question in regards to the parking garage area and a sanitary easement.

Mr. Suckey stated that he believed that was a better question for the planner. Mr. Suckey advised Mr. Daguin to keep his question for when the planner testifies.

Mr. Daquin thanked the board and returned to his seat.

Mr. Suckey asked if there were any other questions from the public. Not hearing any Mr. Suckey closed the meeting to the public.

Ms. Manhardt thanked the board for their time. Mr. Suckey stated that the board would take a seven-minute break before hearing from the applicant's next witness.

Mr. Suckey brought the meeting back to order at 9:07.

Mr. Nimensky stated that he would like to introduce Arthur Kuinn who is with Stonefield Engineer and Design he is a licensed engineer in New jersey. Mr. Nimensky stated he would ask him some questions to qualifying him has an expert engineer.

Mr. Brown swore Mr Kuyan. in under oath.

Mr. Kuyan have a brief summary of his education and professional qualifications.

Mr. Brown qualified Mr. Kuyan in as an expert engineer and asked the board chairman to do the same.

Mr. Suckey accepted Mr. Kuyan n as an expert engineer and asked him to proceed.

Mr. Kuyan stated that he will be referencing the exhibit that he has pre marked as A 102 with todays date.

Mr. Kuyan gave a brief summary of the property and history of the property.

Mr. Kuyan explained that there is a brook that runs along the property and they have already been in contact with the NJDEP and will follow their guidelines and apply for all the proper permits that the NJDEP require.

Mr. Kuyan stated the next exhibit that will be referenced has been marked as A 103 with and it is basically just the colored version of what has been submitted to the board in their board packets.

Mr. Kuyan explained what the board was looking at is a 4 story 51-unit state of the art multifamily residential apartment building. There is surface parking as well as covered parking.

Mr. Kuyan explained that there is an entrance and exit on the rt 23 side of the property with the same full moving entrance and exit on the Rutherford Eve side of the property.

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Mr. Kuyan noted that there was a comment in Mr. Knutelsky's report requesting the width of the driveway be a width of 30 ft., which we will comply with.

Mr. Kuyan stated that the plans allow for 109 parking spaces. 16 being electric with the new NJ standards for electric vehicles. There will also be 5 ADA parking spaces provided.

Mr. Kuyan stated that meets both the state requirements and the Municipal town ordinance.

Mr. Kuyan stated that Mr. Nimensky briefly went over the height and use variance that the applicant is seeking along with a building coverage and front yard setback variance. Mr. Kuinn stated that the Planner will get into more details on those.

Mr. Kuinn did explain that the building coverage variance is being requested because of the property being the same lot put being in two different zones and to follow the town ordinance you must handle the lot as two separate lots for the sake of building coverage.

Mr. Kuinn explained the trash enclosure area and the snow removal area.

Mr. Kuinn stated that they have researched and have made sure that trucks of all sizes included but not limited to delivery trucks, garbage truck and firetrucks can easily get around the site.

Mr. Kuinn stated that lighting on the site would be all white LED fixtures which illuminate the site. Mr. Kuinn stated that there was a comment in Mr. Knutelsky report about the lighting relief the applicant was asking for and when there is a resubmission, we will work with the engineer to make sure but also be well in compliance with the town's ordinance for lighting.

Mr. Kuyan briefly described the landscaping around the site with a diverse range of native trees, shrubs and groundcover proposed along with a decorative foundation planters provided around the entirety of the building. To meet the towns ordinance 10 trees are required we will be complying to that. There is also a heavy amount of buffering to shield from the residential properties specifically to prevent any sort of headlight spill over to neighboring residents.

Mr. Kuyan stated as far as the public utilities go it would be water, sewer, gas, and electric are available to the residents. All new utility connections which will be underground. The applicant has already gone through asking for the will serve letters from the utility companies which we will comply with all the engineers' standards along with all the utilities and design standards going forward.

Mr. Kuyan briefly spoke about landscaping, buffers and described the retaining walls on the property and what they would look like and their purposes in conjunction to the property and proposed apartment building.

Mr. Nidelko asked if there were plans to put a fence up along the stream to prevent children or pollution to get in to the stream.

Mr. Kuyan stated that the DEP had specific guidelines on what can be planted and or put near the stream and they would be following those restrictions closely.

Mr. Suckey asked if the stream was completely on their property or if it was on the neighboring properties.

Mr. Kuyan stated that the stream is mostly on their property.

Mr. Kuyan stated that it was also requested by the boards engineer to provide an operation maintenance Manual to describe how the watershed will be maintained.

Mr. Knutelsky stated that the document would be filed with the deed and would go with the property so three owners from now cannot say that they did not know they had to maintain the BPM on this site.

Mr. Kuyan stated that he wanted to touch on the comments that were mentioned in the engineer's report in regards to the environmental Impact Statement.

There is a statement in the plan that states there will be work done in the flood plain however, there will be work done in the flood way.

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Mr. Kuyan stated that all restrictions and DEP requirements will be followed in both areas the flood plain and the flood way.

Mr. Kuyan stated as far as the lighting plan the plan now does not comply with the local lighting ordinance but when we submit our resubmission, we will comply with local lighting ordinance.

Mr. Kuyan stated that that concludes his testimony at this point hitting all the key points and comments made by Mr. Knutelsky in his report.

Mr. Kuyan stated that he and the applicant will comply with all issues and requests made by the engineer's report even those that were not specifically mentioned during his testimony.

Mr. Suckey asked how much of the property was being disturbed.

Mr. Kuyan 2.24 acres disturbed.

The board members asked questions in regards to sidewalks, fire hydrant placement and slopes, That were all answered by Mr. Kuinn and Mr. Schoonmaker.

Mr. Knutelsky requested that Mr. Kuinn give a better idea on a new resubmission plan explaining the slopes and the area within the driveway from the property to rt 23. Giving the board a better idea of what that looks like.

Mr. Kuyan stated that was a great idea and would be happy to show that in a more detailed plan.

Mr. Knutelsky asked Mr. Kuinn to confirm that there is nothing proposed as far as signs on the plans is that still holds true.

Mr. Knutelsky also asked Mr. Kuinn to address the billboard that has a condition on a preexisting plan. Mr. Knutelsky stated that the billboard can be relocated to another area not specifically on the proposed site plan.

Mr. Kuyan stated as far as the signage there is no proposed signage.

Mr. Schoonmaker asked if the signage could be part of the current application.

Mr. Schoonmaker stated that it would simple signage directional signage and something letting people know where they are and guests know where to find us.

Mr. Knutelsky stated that directional signage is not within the scope of signage approvals needed by this board.

Mr. Schoonmaker stated that he would want the name of the apartment on both entrances so people would know where the were going or that they have arrived at their destination.

Mr. Knutelsky stated that that would have to be shown on a plan in detail of what the sign looked like and where it would be located with as much detail as possible so there would be no question if the sign needed any variance relief. Mr. Knutelsky asked for Mr. Brown to confirm that would fall under this application because nothing has been acted upon as far as this application being approved.

Mr. Brown stated that is correct and Mr. Schoonmaker would just have to make sure he resubmitted plans with a detailed signage plan and depending if it followed the ordinance and all the restrictions if it could be approved without any variance relief.

Mr. Schoonmaker stated that he would make sure the signage would follow ordinance. Mr. Schoonmaker stated it would be a very simple signage.

Mr. Suckey asked about the billboard and what the plan for the billboard was and gave the board a little history of the billboard.

After a long discussion about the billboard the board concluded that if Mr. Schoonmaker was adamant about keeping the billboard he would have to come before the board with a new application which would be a D variance.

Mr. Suckey stated that the town does not allow for billboards so it would be a separate application in regards to a D variance.

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Mr. Brown stated that he also believes that the billboard should be addressed in this application and allow for the board to have a better idea of what is going to happen with the billboard.

Mr. Suckey stated that he would like this all handled at once.

Mr. Suckey stated that there were multiple TCC meetings with enough time to allow for them to be a better plan for the Billboard.

Mr. Schoonmaker stated he would work on a plan and would make sure that the billboard did not interfere with the application at hand not being approved.

Mr. Suckey asked the board members if there were any more questions for Mr. Kuyan

Mr. Suckey stated not hearing any he would open the meeting up to the public at this time to ask or make comments on any testimony they heard from Mr Kuyan.

Richard Shearstone 39 Sterling Street.

Mr. Shearstone asked if the fire dept was aware of the dangers of the electrical car charging stations.

Mr. Shearstone suggested that the board investigate possibly having the applicant relocate the charging stations under the parking garage to the open-air parking spots to eliminate the whole parking garage and apartment building catching on fire.

Mr. Shearstone stated that he has heard of way too many of these charging stations causing fires and reeking a lot of havoc.

Mr. Raperto suggested to Mr. Kuinn eliminating the under parking charging stations and adding more to the open space parking on the outside of the parking garage.

Mr. Kuinn stated that is something the applicant can accommodate.

Mr. Suckey stated that we would make that a condition in the resolution.

Giovanna Marovia- 454 RT 23.

Ms. Marovia stated that she lives directly across from the property being discussed.

Ms. Marovia stated that every once in awhile she will get the glare from the cars from the highway just from the normal traffic. How will the new development effect where she is located.

Mr. Kuinn stated that they are relocating the existing access drive to rt 23. There will be a good distance from the entrance/exit from your property which should not affect you in anyway besides what you are already receiving from everyday traffic.

Mr. Marovia thanked Mr. Kuinn and returned to her seat.

Mr. Suckey asked if there was anyone else from the public who wanted to come up and speak.

Mr. Suckey stated not hearing any he would close this portion of the meeting to the public.

Mr. Nimensky stated that they had no more witnesses or testimony to give this evening.

Mr. Nimensky stated that at the next meeting they would have the traffic expert, planner and Mr. Kuinn would return do to the re submission including revised plans needed.

Mr. Suckey also asked for an affidavit for the engineer to sign off that he looked at the plans and signed off of the plans.

Mr. Nimensky stated yes, they could do that.

Mr. Raperto asked Mr. Schoonmaker what his plans for demolition in regards to allowing the fire department to do working drills on the property.

Mr. Schoonmaker stated that he would have no problem allowing the fire dept to hold a drill on the property.

Mr. Suckey thanked Mr. Schoonmaker and stated he and Mr. Raperto can reach out to each other to make those arrangements.

Mr. Suckey stated that the next meeting for the continued hearing will be November 21st at 7:30 with no further notice.

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Mr. Suckey closed the hearing and went on to follow the meeting agenda.

OPEN PUBLIC SESSION

Mr. Suckey opened the meeting to the public. Mr. Suckey stated that this public session will discuss matters not related to the testimony heard tonight.

Carol Truhan 20 Nestor St.

Mr. Truhan gave her concerns about an on-going issue she has had with her neighbor who is parking on the street in front of his house which makes it hard for her to get her trailer out of the property at the end of Nestor Street where she keeps her RV.

Mr. Suckey stated although he sympathizes with Ms. Truhan. The Planning board is not where you should be going for help. Mr. Suckey explained that this is a Mayor & Council issue and they would be more inclined to help her with coming up with an ordinance or amending the no Parking ordinance adding Nestor Street to the ordinance if they see fit.

Mr. Knutelsky stated that he also remembers that towards the tail end of his engineering for the town he remembers there was a no parking area near that property and it was supposed to become an ordinance and the town had it mapped out also. Mr. Knutelsky suggested that Ms. Truhan mention that to the mayor and council at their next meeting.

Ms. Truhan thanked the board and walked back to her seat.

Rebecca Dorney - 5 Andrea Court in Hardyston.

Ms. Dorney asked what the status was on the fumes being released from the Ascend building on Munsonhurst Road.

Ms. Dorney stated that she works for the center of prevention and counseling and she is concerned with the smell not only being smelt at the Hardyston Elementary school as well.

Mr. Dorney stated that she has an office at the Hardyston school and has experienced the fumes first hand and wanted an update that she could bring back to the administrators at the school letting them know what steps are being done to fix the problem.

Mr. Suckey stated that the board is actively speaking to with Ascend and making sure that they are being proactive as well to work on the air filtration systems.

Mr. Dorney thanked the board and stated that the board could reach out to her at anytime if anyone wanted some resources and education that she could provide.

Mr. Knutelsky suggested the schools possibly doing a log on when they are smelling the fumes. Documenting when the fumes are being smelt. Something that we as a board can bring up or pass this information to council for them to suggest.

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

DISCUSSION:

Regulation of Vape Shops

Mr. Brown took the lead in the discussion of addressing the memo from Mr. Ursin the town's attorney looking for the planning board's recommendations and suggestions of limiting the standalone vape shops in town.

The Board had a lengthy discussion concluding making a sub committee to address this issue and come up with suggestions to give to the mayor and council.

Mr. Suckey asked Ms. Schultz if she would be interested in chairing the subcommittee.

Ms. Schultz agreed and asked who else would be interested in being a part of this subcommittee.

Mr. Raperto volunteered.

Mr. Sucky stated that there can be one more member if anyone is interested.

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Mr. Suckey said if anyone else is interested they can reach out to Ms. Schultz.

Mr. Suckey stated however no more than three members allowed on the committee due to the Sunshine law.

NEW BUSINESS:

Mr. Suckey stated that the next item to discuss is that the TCC committee has been busy and shared with the board the meetings and properties that have had TCC meetings the past few weeks.

Mr. Suckey stated we will see if any of those meetings become planning board applications. The committee advised them the best they could do now, it is up to the applicants to decide if they want to submit a planning board application.

OLD BUSINESS:

Mr. Suckey stated that he still has not received a written report from the zoning office.

Mr. Suckey asked if Mr. Brady sent a letter to the zoning officer requesting one.

Mr. Brown stated that he would follow up with that with Mr. Brady.

Mr. Nelson gave a brief update Ascend the property on 24 Munsonhurst Road.

Mr. Nelson gave the board a brief update on the tree situation that was discussed at the last meeting.

Mr. Nelson stated that Ascend has since planted new trees that they removed without communicating with him prior and are in the process of planting new trees.

Mr. Knutelsky stated that he thought that Ascend needed to come back to the board giving the board an update on some issues the trees being one of them.

Mr. Suckey stated that Ascend was told that they needed to come back to the board giving the board an update as far as the conditions that were spelled out in the resolution that were not being followed and they have made no attempt to come back to the board.

Therefore, their resolution has been tabled till further notice.

Mr. Knutelsky also gave an update of what he has observed when going to the site prior to tonight's meeting.

Mr. Knutelsky stated that parking issue which is a mix of the construction and employees just parking on the street for convenience.

Mr. Knutelsky stated that he would recommend to the board to recommend the Mayor and Council make Munsonhurst Road a no parking street. This is something the mayor and council needs to address going forward.

Mr. Suckey stated that there are a lot of things that need to be addressed as far as that property and that why it is important that we tell Ascend that they must come to a meeting and give the board updates and answer a lot of these questions that the board has.

Ms. Schultz stated that the apartment buildings on Walsh Road are also parking on both sides of the road and it makes it very difficult to make the turn coming up the hill from rt 23.

Mr. Knutelsky stated that he would investigate the parking ordinance and look at the resolution that was approved for VBM in regarding to any parking conditions that were listed in the resolution and report back to the board.

Mr. Christiano stated that there is clearly a defect in the parking ordinance. Should we not be recommending to the mayor and council that they investigate the current parking ordinance and update it so there are not as many of these issues coming up.

Mr. Nelson and Mr. Knutelsky went into all the different factors that go into the parking onsite and off-site parking.

Mr. Nelson stated that there is a lot to investigate when you start looking into parking ordinances.

The board discussed at length different issues and streets that should not allow parking.

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Mr. Christiano stated so long story short it this is a application by application issue to address as it comes up in each application.

Mr. Suckey agreed.

Mr. Christiano stated that he was approached not too long ago asking if the town had any ordinances on RB&B rentals.

Mr. Christiano stated that he researched and asked Mr. Brady and he stated as of now the town does not have one. Mr. Christiano stated he was not sure if it is something the town wants to get into but thought it might be worth mentioning.

Mr. Suckey agreed and stated that there are a few different ordinances he would like the board to review and send recommendations to the council in the new year.

Mr. Suckey asked if anyone else had anything.

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

ADJOURNMENT:

Mr. Christiano made a motion to adjourn.

Seconded by **Mr. Nidelko**

All were in Favor.

The meeting adjourned at 10:49 P.M

Respectfully submitted,
Michelle Babcock
Planning Board Secretary