

Franklin Borough Planning Board

Meeting Minutes for

December 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 (Present)
Mr. John Sowden, Mayor (Present)
Mr. Concetto Formica, Council liaison (Absent)
Mr. Floy Estes (Present)
Mr. Jim Nidelko (Absent)
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
Ken Nelson, Planning Board Planner via Phone

APPROVAL OF MINUTES:

Mr. Suckey asked if everyone received the planning board minutes from the November 21, 2022 meeting.

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

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

Seconded by **Mr. Raperto**

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS:

Approved.

PAYMENT OF BILLS:

Mr. Williams made a motion to approve the escrow report for **December 19, 2022**

Seconded by **Mr. Estes**

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: **Sowden**

Approved.

DISCUSSION:

Mogul Enterprises LLC, (PB#02-22-01) 151 Main Street, Block 609, Lot 20 B-2 Zone. - Lighting Plan.

Mr. Suckey asked if there was anyone here on behalf of this application.

Mr. Daspin approached the microphone and introduced himself as the applicant and the owner of the building.

Mr. Williams recused himself as he has a conflict of interest with the attorney who represents the applicant.

Mr. Williams left the meeting room at 7:38.

Mr. Suckey asked if there was a report from Mr. Knutelsky.

Mr. Knutelsky stated that there was not a report and that this matter is something that can be a discussed.

Mr. Knutelsky stated that the applicant is near completing the project at 151 Main Street.

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Mr. Knutelsky explained the location and gave the board a brief description of the property explaining it was both residential in the back, with a reserved commercial space in the front of the building.

Mr. Knutelsky stated that with final expectations are within days away. It was brought to Mr. Knutelsky's attention that the lighting plan that was approved at the time of the applications approval has not been done.

Mr. Knutelsky agrees and understands why the applicant has not added the two additional light poles in that area. The area is in a residential area. The two extra light poles may be over powering and a nuisance to the neighborhood.

Mr. Knutelsky explained the lighting that is currently at the property.

Mr. Knutelsky stated that with talking to Mr. Daspin they both felt that there was adequate lighting on the building that illuminates the parking lot enough.

Mr. Knutelsky stated Mr. Daspin is here tonight to ask the board for that revision approval.

Mr. Knutelsky stated Mr. Daspin is working with a temporary CO for now and would need the board approval on this lighting matter to move on with his final exceptions and receiving his CO.

Mr. Knutelsky stated that he feels comfortable with keeping the lighting as it is currently on the property.

Mr. Knutelsky finds the lighting to be adequate.

Mr. Knutelsky stated that he would throw it back to the board members to ask any questions or to discuss anything they need to discuss on behalf of this matter.

Mr. Suckey wanted to confirm that Mr. Knutelsky believes the lighting on the building is adequate enough to light up the parking lot.

Mr. Knutelsky stated yes, and explained why he believed so.

Mr. Knutelsky also made a point to say that there is a telephone pole with light out on Main Street at the end of the parking area in front of the property.

Mr. Knutelsky stated once that is fixed, it will give even more light to the front parking area of 151 Main Street.

Mr. Suckey asked about the lighting that is currently there such as the wall sconces and the porch lighting.

Mr. Daspin explained they are controlled by switch from within the individual apartments.

Mr. Christiano suggested putting the lights that are on the wall outside the apartment's doors.

Mr. Daspin stated that he would be willing to put a photo cell on the sconces that will be on a timer. The board agreed and thought that would be the best solution.

Mr. Brady stated that since the board is on the topic of 151 Main Street, he would like to let the board know that he has received a proposed restricted deed from the applicant's attorney for the moderate to low-income unit.

Mr. Brady stated in reviewing it, it looked ok to him but he sent it over to Mr. Ursin to look at as well.

Mr. Brady stated that he also received the three easement agreements that this property will hold.

Mr. Brady stated that he thought they looked ok to him although Mr. Knutelsky still has to review them.

Mr. Brady stated that he did want to mention that he noticed that there was no assigned parking and although that will work now as both properties are owned by the same person but years down the road it might make sense to iron out the parking arrangements now and have them in place if and when the properties change ownership.

Mr. Knutelsky, Mr. Brady and Mr. Daspin agreed that the parking be as flexible as possible just making it easier for both properties. 149 & 151.

Mr. Brady stated that he would reach out to Mr. Daspin's attorney and tell him the way that the deed has been proposed with the parking arrangement works as it is proposed.

Mr. Brady suggested that Mr. Suckey open the meeting to the public in case anyone has questions about the lighting plan.

Mr. Suckey stated at this time he would **open the meeting to the public** for anyone who wishes to speak on behalf of the lighting plan that was just discussed for 151 Main Street.

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

Mr. Suckey asked for a motion to approve the amended lighting plan as discussed.

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

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Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS:

Approved.

Mr. Daspin thanked the board and left the meeting.

Mrs. Babcock left the meeting to ask Mr. Williams to return to the meeting at 7:55.

APPLICATIONS FOR EXTENSIONS:

Snyder 7 Route 23; Block 2702, Lot 20 (PB# 09-18-02) Letter from Askin & Hooker

Mr. Brady gave a brief summary of what was discussed in regards to this matter at the last meeting.

Mr. Brady stated that as part as the approval and resolution the applicant had 180 days to work out the easements and get the neighbors on board with signing off on the proposed agreement.

Mr. Brady stated the timing of all of this was in the middle of covid and to complicate matters more one of the neighbors has since passed. There is no one to sign off on the easement agreements.

Mr. Brady stated that he finds it only fair at this point to give the applicant the extension, giving them to the end of March to work all of this out.

Mr. Brady stated that the attorney has since sent over the easement plan and has most of the responsibilities falling on to the applicant which is not something that happens often.

Mr. Suckey agreed that they would give them to March to come back with everything to move forward with the proposed easements.

Mr. Suckey asked for a motion to extend the time frame to satisfy the easement. Extending the time frame to March of 2023. Along with Mr. Brady's office looking it over and finding it acceptable.

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

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS:

Approved.

APPROVAL OF RESOLUTION:

JCM Investors 1012, LLC Block 270 Lot 2 (PB# 09-19-01)

Mr. Christiano made a motion to reconsider the action taken at the last meeting. Granting the applicant, a three-year extension on their approvals.

Mr. Christiano explained why he would like the board to reconsider the three-year extension and changing it to a two-year extension.

Mr. Brady stated that the board has already acted on this and this is memorializing our action.

Mr. Christiano stated that he agrees with that but as stated in last months minutes that applicant was satisfied with two years and we as a board agreed on three years.

Mr. Christiano suggested that we have JCM come back and explain to them the reason for our rescinding the three-year extension.

Mr. Christiano stated that would only be fair to have them come back.

Mr. Brady stated that there would be push back and because we have legal obligations. Mr. Brady was not sure that this would be something the board would want to move forward with.

The board had a lengthy discussion on whether or not the board should change the approval from three to two years. Ultimately, deciding to go forward with the resolution as written granting the three-year extension.

Mr. Estes made a motion to approve the resolution as written. Seconded by **Mr. Friend**.

Upon Roll Call Vote:

AYES: **Friend, Estes, Sowden, Raperto, Suckey, Schultz**

NAYS: Christiano ABSTENTIONS:

Approved.

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Mayor Sowden asked if the chairman would be giving the TCC report before going into the applications to be heard. Mr. Suckey stated that he was going to leave that till the end.

Mr. Brady stated that if Mayor Sowden excuses himself for the application he would not be present at the end of the meeting to hear the TCC report.

Mr. Suckey stated that he could give the brief report now before going into the hearing.

Mr. Suckey gave a brief summary of the TCC meetings that were held in the last month.

Miners Cove – to build an additional building on the property.

55 Main Street – old movie theater.

Old Super Walmart property – Ryan Homes development

Mr. Suckey stated if all goes well and these applicants put in applications the board will have a busy spring/summer.

OLD BUSSINESS:

None

NEW BUSINESS:

memo regarding an invitation to the Mayor and Council meeting to be held on Tuesday, December 20, 2022 at 6:00PM. Mr. Suckey asked the mayor Sowden to elaborate on the specifics of the meeting.

Mayor Sowden stated that the meeting will focus on the redevelopment of Main Street and to have an open dialogue with the council, planning and the historical commission.

Mayor Sowden stated that he would just like for everyone to get on the same page, so projects and ideas can move forward.

Mayor Sowden stated that Jessica Caldwell would be presenting along with Tom Jones.

Mayor Sowden stated that the attendance from the planning board members would be appreciated.

The Meeting would be Hybrid being both in person a via ZOOM.

Mrs. Babcock stated that this meeting was advertised as a public joint meeting with Mayor & Council and the Planning Board.

Mr. Suckey then stated that he would also like to know if the council is going to act on the Housing Plan that the board passed to them at the end of August.

Mayor Sowden stated that the ordinance committee was meeting to discuss in more detail but he has not heard from them since.

Mayor Sowden stated that he will follow up with that tomorrow.

Mr. Suckey also asked about the Solar Ordinance.

Mayor Sowden stated that he will also follow up with that as well.

Mr. Suckey stated that he had no further questions.

Mayor Sowden thanked the board and wished everyone a merry Christmas and hoped to see everyone at the joint meeting tomorrow.

APPLICATIONS TO BE HEARD: 390 Rutherford Avenue, LLC. 390 Rutherford Ave Block 605 Lot 5 Preliminary & Final Major Site Plan.

Mr. Nimensky introduced himself as the attorney representing this application.

Mr. Nimensky stated that there would be two witnesses to get through this evening. One being Mr. Phil Smith the engineer and the applicant's planner.

Mr. Nimensky stated that Mr. Schoonmaker is also present to help answer any questions that the professionals or the board may have this evening. Mr. Nimensky stated that Mr. Smith would be the first witness that the board would be hearing from. Mr. Brady stated that Mr. Smith is still under oath from the last meeting. Mr. Smith thanked Mr. Brady and stated that the board should have received in the resubmission packet a cover letter that

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focused on the three main parts of the resubmission packet. One being the revised site plans with everything added that was discussed at the last meeting. Information in regards to the meeting with the Franklin Fire Dept and lastly the signage plan and specs. Mr. Smith stated that he would be starting with the signage plan. Mr. Smith briefly gave a summary of the signage plan and what the sign would look like. Mr. Smith stated that there would be a free-standing sign on the Rt 23 side of the property and a wall sign that would be illuminated.

Mr. Smith stated that the plans and the signs would be done by EM Signs.

Mr. Smith stated the sign would comply with the town's sign ordinance in size and height.

Mr. Smith stated the sign would be internally lit.

Mr. Smith stated that the sign would be approximately 18 ft off of Rt 23.

Mr. Smith stated that the second sign would be located on the Rutherford Ave side of the property.

Mr. Smith stated that the sign on Rutherford Ave would also follow the ordinance in all aspects but one being that because of the parking and not wanting to lose any spots or have the sign be in the right away. The sign would only be 12 ft off the property line rather than 15 ft off which the ordinance states. Mr. Smith continued to discuss the signage and what the signs would look like giving dimensions and a detailed description of what the sign would look like.

Mr. Smith stated that the sign would be 11 ft in height.

Mr. Knutelsky interrupted to state that the ordinance states that the height should not be more than 10 ft and if it does that would also be another variance.

Mr. Smith stated that the sign would be 10 ft and there would be no problem adjusting that.

Mr. Schoonmaker was also in agreement.

Mr. Friend asked what the address of the property is.

Mr. Smith and board members stated 390 Rutherford Ave.

Mr. Friend stated that he thinks it would be a good idea to have the physical address on the sign for emergency vehicles to know where they are located.

Mr. Smith stated that he has also thought about that, he stated that the address needs to be confirmed with the post office because there have been times where the post office takes it upon themselves to change the address especially with it having two entrances and exits the other one being Rt 23.

Mr. Smith stated as soon as he can confirm what the post office is going to do he will work that into the sign.

Mr. Suckey stated that adding the address to the signs would be a condition within the resolution.

Mr. Brady stated that can be written as a condition in a favoring resolution.

Mr. Knutelsky and the board had a lengthy conversation on the pros and cons of both ground mounted signs and free-standing signs. Ultimately coming to the decision to go with a ground mounted sign.

Mr. Brady stated that the sign plans have TBA written as far as colors and design.

Mr. Brady stated should we get a solid plan on what the colors and designs should be before drafting a favorable resolution.

Mr. Smith stated that the applicant is ok with using the exact image and specs that are shown on the plans for the sign.

Mr. Smith stated the design and the color scheme will remain the same as shown in the board's packet.

The board had no further comments or questions in regard to the sign at this time.

Mr. Suckey asked Mr. Smith to continue with following his letter making sure all the points are addressed.

Mr. Smith stated that he would now be moving on to the grading plan which is sheet C5 of the grading plan.

Mr. Smith stated that at the last meeting a parapet wall was proposed.

Mr. Smith stated now they have removed the parapet wall. As you can see on sheet C5 the parapet wall is removed and now there is a curved line with grading behind it which would help the water flow from the area properties such as Green Street.

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Mr. Smith also stated that there are existing inlets that are already in place that they are working into the plan as you can see on sheet C5 of the grading plan.

Mr. Smith stated which helps the drainage to flow in the pattern that it already does. However, this will help the flow move along in less complex way.

Mr. Smith stated that they are proposing a board-on-board fence.

Mr. Smith referred to a more detailed view of this on sheet C14 on the grading plan.

Mr. Smith stated that there would be variance relief needed because of the board on board it would only have a ½ inch in between the boards to be used as a shield and buffer for the car lights so they are not reflecting on to the neighboring properties.

Mr. Smith also stated that he would also like to extend the board on board up to the front yard of the property.

Mr. Smith stated that he would follow Mr. Knutelsky's recommendations on the specific amount of feet we should be encroaching on.

Mr. Smith went on to give a brief summary of the landscaping plan.

Mr. Smith stated that new advised plan is on page C10 and it gives the specific details and layout.

Mr. Smith stated now that the board on board fencing is being proposed, it cuts down on the landscaping in that area.

Mr. Smith also stated that the board on board fencing and the landscaping may complicate the storm management and water floor in that area.

Mr. Smith stated that he would work with Mr. Nelson and take his lead on any suggestions that he may have when that time comes.

Mr. Nelson stated that he liked the idea of the board on board fencing and he would be happy to work with Mr. Smith and the applicant to come to an agreement on a landscaping plan.

Ms. Schultz asked if there would be another variance needed because there aren't big enough gaps between the fence posts.

Ms. Schultz stated that she knows there is an ordinance that there needs to be specific amount of transparency when you have a fence in the front yard.

Mr. Brady and the board discussed coming to the conclusion detail as such would be addressed in resolution if the vote is in favor of this application.

Mr. Smith stated that he would briefly give the board a summary of the lighting plan.

Mr. Smith also addressed the traffic control signs that have been proposed.

Mr. Smith stated that he noticed that the no thru traffic sign was not added to the plans however, that will be added like discussed at the last meeting.

Mr. Smith stated that these particular details can be worked on site when the engineer comes to the site and may want to add or suggest more signs in particular areas not addressed during the preliminary meetings.

Mr. Smith Stated that he would now move on to the what he believes was the most important part of the resubmission which was meeting with the Franklin Fire Dept.

Mr. Smith stated that he the attorney and the applicant met at the fire house on December 6, 2022 with Chief Khyle Conklin and a few of the officers along with Mr. Raperto who is an officer of the fire dept & a member of the Planning Board.

Mr. Smith stated that the minutes from that meeting have been provided in the resubmission he is not going to get into all the details of the meeting. Key points have been listed in the minutes that were submitted.

Mr. Smith stated that the meeting went well and we agreed that the fire dept would research and find a ladder that they would need for this particular sized building and get back to us so that the applicant can purchase that particular ladder for the fire department.

Mr. Smith also stated that the chief requested there be multiple pads which would be 4x 10 in size for the ladders to be able to set up at there 70% angle around the building for easier access and quick response if there was an emergency situation.

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Mr. Smith expressed how well the firehouse meeting went and that another key point was that the fire dept asked if they could use the property for a working drill with surrounding fire depts. when it was in the demolition phase.

Mr. Schoonmaker agreed and thought it was a great idea.

Mr. Williams asked where the ladder would be stored.

Mr. Smith stated that the fire dept said they would most likely keep it at the firehouse.

Mr. Knutelsky stated that the revised plans would have to show where the pads would be going and what materials the pads would be made of.

Mr. Knutelsky stated the paths that were discussed at the meeting with the fire department that would also need to be added to the revised plan showing specifically where it would be located.

Mr. Smith went on to explain that they would also be putting another fire hydrant that would also be added to the revised plans.

Mr. Smith stated that he has to confirm with power company on the exact location of the transformer location and from there it would be placed 15-20 ft away from the transformer.

The board was in agreement with that.

Mr. Smith stated that was the brunt of what was discussed at the meeting.

Mr. Smith stated that the minutes and bullet points discussed at the meeting are also in the resubmission packet as well.

Mr. Knutelsky stated that he just wanted to run through his report from the November 21 meeting making sure all points were addressed.

Mr. Smith answered all of the questions and points Mr. Knutelsky asked and everything was adequate including the brief discussion on the calculation of the height of the building.

Mr. Smith stated 45.13 was the calculation that both he and Mr. Knutelsky came up with as the height of the building.

Mr. Knutelsky suggested that the board entertain a variance of 46 ft for the building height which gives it some wiggle room especially with the grade being changed.

Mr. Christiano asked if the drainage calculation were including the neighboring properties and the answer was yes.

Mr. Suckey asked if that concluded his presentation.

Mr. Smith stated yes.

Mr. Suckey stated that he would open the meeting to the public at this time.

Mr. Suckey stated not seeing anyone come forward he closed the meeting to the public.

Mr. Nimensky stated that the next witness that would be testifying tonight would be Daniel Bloch

Mr. Suckey stated before the planner gives his testimony there needs to be a ten-minute break. At 9:18 the board took a ten-minute break.

Mr. Suckey brought the meeting back to order at 9:30.

Mr. Nimensky stated that he calls Mr. Daniel Bloch to testify.

Mr. Brady swore Mr. Bloch in under oath.

Mr. Nimensky asked Mr. Bloch to give the board both his educational and professional background to qualify Mr. Bloch in as an expert planner.

Mr. Suckey stated that the board would accept Mr. Bloch in has an expert planner.

Mr. Nimensky asked Mr. Bloch to discuss the variances needed and to address why they are needed.

Mr. Bloch stated that they need zoning variances one being that the property is located in a split zone one half of the property being on HC – zone which is highway commercial and the other zone being the Main Street B2 mixed use zone.

Mr. Bloch stated that stand alone apartment buildings are not permitted in either of these zones bringing us to why we need a D1 use variance.

Mr. Bloch also explained that a variance was needed for the parking.

Mr. Bloch went on to show the positive criteria that needs to be shown when seeking a D1 variance.

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Mr. Bloch Stated that he believes that he satisfies letter A in the Municipal Land Law positive criteria.

Along with letters E, G, H, & M in the Municipal Land law positive criteria.

Mr. Bloch assured the board that there would be affordable housing units.

Mr. Bloch went on explain the negative criteria and believes that this project will not bring any problems to the well-being of the surrounding areas.

Mr. Bloch explained briefly the highpoints of the traffic study.

Mr. Bloch stated that the building would be a better sight to the community then the eyesore that is currently there and has been for 10 plus years now.

The apartments would be affordable, easy access to rt 23 for a commuter town.

Mr. Bloch went on to explain that they are seeking a D6 Variance as well for the height of the proposed building.

Mr. Bloch stated that they are seeking four stories however the first story would be a parking garage. Three stories would be for living space.

Mr. Bloch explained because of the grade of the proposed site, the property sits lower than the neighboring properties.

Mr. Bloch stated which makes the height not look as high as how it is proposed.

Mr. Bloch stated that the plans that were shown at the last meeting showed that the surrounding properties are even with the second story of the proposed project.

Mr. Bloch wanted it to be clear that the proposed building would not be towering over the neighboring properties.

Mr. Bloch stated that the applicant is seeking a C variance for building coverage, asking for 32% ordinance only allows 25% in the B2 zone.

Mr. Bloch also explained the setback variance relief of 18.5 needed for the setback relief he would need being so close to rt 23.

Lastly Mr. Bloch stated a variance that came up tonight was the setback relief for the free standing sign that was discussed earlier this evening.

Mr. Bloch stated that he believes all of these variances would follow under the C2 variance where the benefits outweigh the detriments.

Mr. Bloch gave a brief description of the proposed property and why he feels that he variances requested should be granted.

Mr. Bloch stated that he concluded his presentation and would be willing to answer any questions that the board has.

The Board went on to ask their questions.

Mr. Williams asked Mr. Brady if the height variance that the applicant is seeking is granted would that set a presence for other applications to come in and ask for such height variances and expect that we approve them as well.

Mr. Brady stated no they are specifically legal reasons and explained that every application has a different topography and every property has a different lay out and reasons for why they met the positive and negative criteria.

Mr. Nelson stated that he believes that the proposed project is much better than what is currently there.

Mr. Nelson also stated that he believes that the project would be fit the property then a commercial use as well at this point.

Mr. Nelson asked if Mr. Bloch described the shaped of the property and how that effects the variance relief the applicant is looking for.

Mr. Bloch stated he did and went on to explained how the property is L shaped and how unique the property is laid out.

Mr. Nelson stated that he is still a little troubled by the height and the number of units.

Mr. Bloch explained that a smaller building and less units would give us more of relief as var as seeking variances. However, Mr. Schoonmaker is putting his own capital funds into redeveloping this area at no cost of the borough.

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Mr. Bloch stated overall it is much better than what is currently there.

Mr. Bloch stated that he believes he is legally showing that negative criteria that is needed for the need for the variance.

Mr. Nelson stated that he has nothing further to ask the planner.

Mr. Christiano stated that he had the same question as Mr. Nelson and he still does not understand why eliminating one floor would make such a big difference.

Mr. Bloch stated that he cannot speak on behalf of the applicant, what he needs this project to look like as far as financially satisfy is not up to me.

The applicant is proposing four floors that is what the board needs to consider.

Mr. Bloch went on to explain buildings in Franklin that are also 4 stories high or higher such as the Franklin House (senior living apartments)

Mr. Estes stated that he believes that the applicant has done everything he has been asked and has shown the board he is willing to do what he needs to do to accommodate all of this board's requests.

Mr. Estes stated like the planner stated this is not the first 4 story building in town.

Mr. Christiano explained that he was still concerned with the height of the building. He also believes it's not fair to the neighboring properties to have to have this huge building in their backyards. Mr. Christiano believes that the project would work just as well if it was one story less.

Mr. Estes stated that there is no one from the neighboring properties here complaining about it.

Mr. Estes stated that this is an open public meeting that they received letters about and there is still no one here arguing or giving pushback about it.

Mr. Estes stated that there is more positive things that will come from this project than negative.

Mr. Estes stated that the eyesore that has been rotting there for 20 plus years will be cleaned up and it will also bring the town tax rates that we so desperately need.

Mr. Estes stated you not wanting to look at it when you drive by is an opinion not a reason not to want the project to come forth.

Mr. Suckey asked if there were any more questions.

Not hearing any. Mr. Suckey opened the meeting to the public.

Mr. Suckey stated not seeing anyone coming forward he closed the meeting to the public.

Mr. Knutelsky stated that he had a question in regard to the driveways in both entrances on both the Rutherford end and the rt 23.

Mr. Knutelsky would like it to be a condition to show a truck turning template to show if these waivers can be granted.

Mr. Nimensky stated they the turning templates would be provided.

Mr. Nimensky stated that concludes their application.

Mr. Nimensky stated that they tried to provide everything that the board asked of us.

Mr. Nimensky stated that he hopes the board feels that everything has been provided and we worked with the board to be accommodating and that the board would be in favor of this proposed project.

Mr. Suckey thanked Mr. Nimensky.

Mr. Suckey opened the meeting to the public for comments.

Mr. Suckey stated not seeing anyone coming forward he closed the meeting to the public.

Mr. Suckey asked Mr. Brady to go through his notes and what conditions would be in a favorable resolution.

Mr. Brady read from his notes and listed all of the conditions that were discussed throughout the three meetings.

Mr. Suckey stated that he would entertain a motion

Mr. Raperto made the motion to approve the application with all of the conditions that were listed by Mr. Brady.

Seconded by **Mr. Estes**

Upon Roll Call Vote:

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AYES: Estes, Raperto, Suckey,

NAYS: Friend, Williams, Christiano, Schultz ABSTENTIONS: NONE

NOT APPROVED

The applicant and his professionals wished the planning board members happy holidays as they exited the meeting.

Mr. Suckey stated that he wanted to mention one last thing that he missed that was brought to his attention.

Mr. Suckey stated that he missed a TCC meeting that took place that he did not mention earlier.

Mr. Suckey stated that there was a TCC meeting for 174-176 Main Street.

Mr. Suckey stated that in that meeting there was a discussion on changing the zone in that area from a B2 zone to Residential zone.

Mr. Suckey stated that we would look into that more in the new year.

OPEN PUBLIC SESSION:

Mr. Suckey opened the meeting to the public.

Mr. Suckey stated not seeing anyone coming forward.

Mr. Suckey closed the meeting to the public.

ADJOURNMENT:

Mr. Estes made a motion to adjourn.

Seconded by **Mr. Friend**

All were in Favor.

The meeting adjourned at 10:25 P.M

Respectfully submitted,

Michelle Babcock

Planning Board Secretary