

# Franklin Borough Planning Board

## Meeting Minutes for

### December 20, 2021

The meeting was called to order at 7:32PM by the Chairman, Mr. Wes 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 (Present)  
Mr. Jim Williams (Present)  
Mr. John Friend (Present)  
Mr. Richard Knop (Absent)  
Mr. Michael Raperto, Alternate #1(Present)  
Ms. Sharon Schultz, Alternate #2 (Present)

#### ALSO, PRESENT:

Dave Brady, Planning Board Attorney  
Tom Knutelsky, Engineer  
Ken Nelson, Planner

#### APPROVAL OF MINUTES:

Mr. Suckey asked for approval for the **November 15, 2021** meeting minutes.

**Mr. Williams** made a motion to approve the **November 15, 2021** meeting minutes.

Seconded by **Mr. Friend**

#### **Upon Roll Call Vote:**

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

NAYS: None ABSTENTIONS: **None**

**Approved**

#### PAYMENT OF BILLS:

**Mr. Williams made** a motion to approve the escrow report for **December 20, 2021**

Seconded by **Mr. Christiano**

#### **Upon Roll Call Vote:**

AYES: **Friend, Nidelko, Williams, Estes, Knop, Christiano, Suckey, Raperto, Shultz**

NAYS: None ABSTENTIONS: None

**Approved.**

Mr. Suckey stated that he wanted to make a brief announcement and let anyone who was here tonight to hear the Ascend application that they have been carried to the January 18<sup>th</sup> meeting.

Mr. Suckey stated that the Ascend application would not be heard tonight.

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#### **APPLICATION FOR COMPLETENESS**

**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 there was anyone here tonight to represent this application.

Mr. Tyler Duberllo from Berend Hefele law firm approached the microphone and stated that he was here tonight to represent Franklin 116 Development, LLC.

Mr. Suckey asked for Mr. Knutelsky to proceed with his report.

Mr. Knutelsky briefly went over his completeness report.

Mr. Knutelsky stated the checklist items and the waivers requested.

Checklist item #24 Storm Water Management Plan waiver should be granted

Checklist Item #38 Environmental Impact Statement waiver should be granted

Checklist Item # Traffic Impact Statement temporary waiver should be granted

Checklist item 43-47 with specific conditions added at a later time should be granted.

Mr. Knutelsky stated with that all being said I would recommend this application found complete at this time.

Mr. Suckey asked if any of the board members had any questions.

Mr. Suckey stated not hearing any he would take a motion to deem this application complete at this time.

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

Mr. Suckey stated with the waivers mentioned by Mr. Knutelsky, correct?

Mr. Christiano and Mr. Estes stated yes.

#### **Upon Roll Call Vote:**

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

**NAYS: None ABSTENTIONS: None**

#### **Approved**

Mr. Suckey stated that 116 Franklin Development LLC, will be heard on January 18<sup>th</sup> 2022.

Mr. Duberllo thanked the board for their time.

Mr. Suckey stated the next application will be for completeness.

#### **Mr. & Mrs. Papandrikos (PB# 09-21-03) 7 LaRue Street, block 1004 lot 12 R4 Preliminary and final site plan with a D variance**

Mr. Suckey asked if there was anyone here this evening to represent this application.

Mr. Daniel Benkendorf approached the microphone and introduced himself and stated that he was representing this application with Askin & Hooker law firm.

Mr. Suckey asked Mr. Knutelsky to proceed with his report.

Mr. Knutelsky stated that he would be reading from his report dated December 16, 2021

Mr. Knutelsky briefly went over his report stating that this application was deemed administratively incomplete at the last meeting.

Mr. Knutelsky would like to state on the record that this application is now administratively complete and we can move on to the technical part of the application.

Mr. Knutelsky proceeded to read from his December 16, 2021 report.

Mr. Knutelsky stated that the following items have lacked information or there has been a waiver requested.

Checklist item #24 Storm Water Management Plan should be granted with a temporary waiver with testimony given at the hearing in regards to drainage.

Checklist items 43-47 waivers be granted along with any added conditions that would be added in a favorable resolution.

Mr. Knutelsky stated that with these waivers being granted he recommends this application be deemed complete.

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Mr. Suckey thanked Mr. Knutelsky and asked if any of the members had any questions.

Mr. Suckey stated not hearing any questions he would take a motion to deem this application complete.

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

#### **Upon Roll Call Vote:**

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

NAYS: None ABSTENTIONS: **None**

#### **Approved**

Mr. Suckey stated that the hearing will be January 18, 2022.

Mr. Suckey also stated that he wanted Mr. Benkendorf to know that the agenda is filling up and he and his applicant may not be heard on that date depending on how long the applications before him go on for.

Mr. Benkendorf stated he understood and thanked the board for their time.

Mr. Suckey stated to the public members that if there is anyone in the public who are here for that application and wondering why you did not get a chance to speak on behalf of that application Mr. Brady will explain that to you.

Mr. Brady went on to explain the planning board procedures and what takes place once an application is made and comes before the planning board.

Mr. Suckey stated this application will be put on the agenda for January 18<sup>th</sup> however it looks like they will be number two.

Mr. Suckey explained that there may be a good chance they do not get heard due to the application ahead of them but that is a chance you need to take. If this application does not get heard that night, I will make announcement stating when they will be heard.

Mr. Suckey stated that completes the applications tonight that were on for completeness.

Mr. Suckey stated that now we will move on to applications be heard.

#### **APPLICATIONS TO BE HEARD:**

##### **VBM Investments (PB# 10-21-01) 22 Walsh Road, Block 1010, Lot 9**

##### **Amended site plan**

Mr. Williams stated that he needed to excuse himself from this application due to a conflict.

Mr. Williams stated he would leave the room and come back once this application was finished.

Mr. Suckey thanked Mr. Williams and Mr. Williams left the meeting room at 8:05.

Michelle Corbett'Rivillelle approached the microphone and introduced herself.

Mrs. Corbett'Rivillelle stated that she was with the law firm Dolan & Dolan and was here tonight to represent VBM Investments.

Mrs. Corbett'Rivillelle stated she has Charles Ostercorn here tonight, who will be testifying as the application's engineer.

Mrs. Corbett'Rivillelle stated that Mr. Ostercorn was the engineer from the last application last year and was sworn in as an expert engineer then and not sure if Mr. Brady still wants to qualify Mr. Ostercorn as an expert at this time.

Mr. Brady stated that there is no need to qualify Mr. Ostercorn again, but he would like to swear Mr. Ostercorn in under oath as he will be giving new testimony this evening.

Mr. Brady swore Mr. Ostercorn in under oath.

Mr. Brady stated that he would also swear in Victor Markovski in at this time as well.

Mr. Brady swore Mr. Victor Markovski in under oath.

Mr. Knutelsky stated that he would like to take a minute to explain what brings this application here tonight.

Mr. Knutelsky stated that this is an amended application from the application that became before this board in 2018.

Mr. Knutelsky stated that the applicant is here tonight to amend his application based on a suggestion from myself who was out on the site for inspections and came to the conclusion that the driveways were graded more than approved on the plans and some were graded more than what is allowed by ordinance.

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Mr. Knutelsky went on to explain that four out of the five driveways are more than the allowable 10% in residential driveways.

Mr. Knutelsky stated after speaking with Mr. Brady and closely reviewing the driveway Ordinance we both came to the conclusion to bring the applicant back to the board with an amended application for the sole purpose of the driveways being graded above the 10% stated in the ordinance.

Mr. Knutelsky stated so the applicant is here tonight asking for relief in the ordinance to allow these driveways to exist the way they currently are.

Mr. Knutelsky stated that he is asking the applicant to describe why those changes were made and why they should be granted waiver relief.

Mr. Knutelsky stated keep in mind this is waiver relief not variance relief. Its waiver relief on a design accept.

Mr. Knutelsky asked the applicant if he could follow his report as he gives his testimony.

Mr. Brady stated that he wants the board to also understand like Mr. Knutelsky stated this is waiver relief and not variance relief.

Mr. Brady explained that waiver relief is something that can be granted easier than variance relief because waiver relief is based on design concepts and not zoning standards which can be more complicated to achieve relief for.

Mr. Suckey asked if there were any questions. Not hearing any Mr. Suckey asked Mrs. Corbett'Rivillelle to proceed.

Mrs. Corbett'Rivillelle stated that she would be asking for Mr. Markovski to come forward so he could give his testimony to explain what brought the application to this point.

Mr. Markovski stated that unfortunately during the excavating the contractors hit bedrock and because of that we had to bring the buildings up by 2 1/2 feet taller than the original grade and because the building was constructed higher it brought the pitch of the driveway above the allowable 10% in all five driveways.

Mrs. Corbett'Rivillelle asked if Mr. Markovski knew how long the driveways were.

Mr. Markovski stated 27-29 ft approximately.

Mrs. Corbett'Rivillelle asked Mr. Ostercorn to come forward to answer some questions and explain the issues that they came across during this project.

Mr. Ostercorn stated by the time he was brought into the project and went to the site the construction was well on it way.

Mr. Ostercorn stated that the driveways are very short which is a positive thing due to the pitch in the driveway.

Mr. Ostercorn stated that the sightlines are clear and there is nothing obstructing any of the five driveways.

Mr. Ostercorn stated that when he looks at the sight it looks beautiful and you would not know there was an issue with the driveways if you didn't know.

Mr. Ostercorn stated that as far as design and aesthetics it looks like it belongs and is meant to be there just the way it is.

Mr. Knutelsky asked what the maintenance looks like as far as snow removal and making sure the driveways do not ice up during the winter months.

Mr. Ostercorn stated that it would have to be handled like any other driveway during snow storms.

As long as it is kept up with and snow is removed, ice is taken care of like anyone would during the snowstorms.

Mr. Knutelsky stated just making sure it is taken care of and maybe salt to make sure ice melts on the driveway.

Mr. Ostercorn stated exactly.

Mr. Ostercorn stated any other indirect run off will be going through the c pit pitch.

Mr. Suckey asked if the Curbing would be lowered at some point.

Mr. Ostercorn stated that there is a plan to have the road resurfaced and that will help lower the height of the curbing significantly.

Mr. Ostercorn stated at this point it will happen in the spring.

Mr. Knutelsky stated that he needs to know if the applicant would be willing to sign a testimonial document stating that he is aware his project exceeds the Brough of Franklin's design standard.

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Mr. Brady asked Mr. Knutelsky if he was just looking for something to memorialize this and provide a paper trail.

Mr. Knutelsky stated that is correct.

Mr. Brady stated he will work with Bill & Michelle the applicant's attorneys

Mr. Brady stated a resolution just might suffice.

Mr. Knutelsky stated lastly, would be for the applicant to provide a final as built.

Mr. Knutelsky stated that would be after the road re surfacing.

Mr. Knutelsky stated that concludes his report at this time.

Mr. Suckey thanked Mr. Knutelsky and asked if there were any questions from the board members.

Mr. Suckey stated not hearing any questions from the members he will open the meeting to the public.

Patrick Barton 8 Ridge Road Franklin.

Mr. Barton was sworn into oath by Mr. Brady.

Mr. Brady stated that Mr. Barton could ask questions and give his own statements.

Mr. Barton stated he does not believe he was noticed for this meeting or the original meeting.

Mr. Barton stated that he was surprised when he started seeing all the construction.

Mr. Barton asked if Mr. Markovski could let his tenants know that they are not allowed to park on the street and if they have any guests that they will have to park in the overflow parking next door that was allotted in the last resolution.

Mr. Barton stated that Walsh Road is very narrow to begin with and adding cars to the street make getting by there a nightmare.

Mr. Markovski stated that he would have no problem telling his tenants that.

Mr. Barton said that he has no problem with the driveways and the site looks beautiful.

Mr. Barton thanked the board and returned back to his seat.

Mr. Suckey asked if there was anyone else from the public that wished to come forward.

Not hearing any Mr. Suckey closed the public portion of the meeting.

Mr. Suckey stated that he would take a motion.

Mr. Estes made the motion to grant the waivers with the conditions listed by Mr. Brady. Seconded by Mr. Friend.

**Upon Roll Call Vote:**

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

**NAYS: None ABSTENTIONS: NONE**

Approved.

Mr. Markovski thanked the board and wished everyone happy holidays.

Mr. Suckey stated that there would be a five minutes recess.

Mr. Williams came back to the meeting at 8:38.

Mr. Suckey brought the meeting back to order at 8:45

Mr. Suckey stated the next order of business would be the approval of resolutions.

**APPROVAL OF RESOLUTIONS:**

Frances Garrity (PB# 09-21-02) 59 Butler Street, Block 706, lot 12 R-3

Bulk C.

Mr. Suckey asked if everyone had the time to read and review the Garrity Resolution.

Mr. Suckey asked if the members had any questions.

Mr. Suckey stated not hearing any questions he would take a motion to approve the resolution

**Mr. Christiano.** Seconded by **Mr. Raperto.**

**Upon Roll Call Vote:**

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

**NAYS: None ABSTENTIONS: NONE**

**Approved.**

**OLD BUSINESS:**

None

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**NEW BUSINESS:**

**None**

**OPEN PUBLIC SESSION:**

There was no one present in the public.

**DISCUSSION:**

Mr. Suckey stated that there are four TCC meeting scheduled for next month.

Mr. Suckey stated that it could be a very busy spring.

Mr. Christiano asked what the status of the Old Franklin Dinner is.

Mr. Nidelko stated that they continue to pay their taxes.

Mr. Suckey stated that it is in the hands of Mr. Carols daughters and one wants to sell, and one wants to keep it, therefore it sits there, and they cannot do anything if they continue to pay their taxes.

The board members discussed the diner and what their thoughts were on the building.

Mr. Brady stated that its not pretty we can all agree on that, however just because its an eyesore does not give grounds for the Zoning officer to issue a ticket.

Mr. Suckey stated that police are in the parking lot patrolling traffic they would know if there were squatters.

Mr. Christiano stated the reason he brings this up from time to time is because Franklin is trying to bring businesses on to Rt 23 and yet this building still sits there and is one of the first eye sores you see when coming into town.

Mr. Suckey agreed and stated there is nothing we or anyone else can do at this point.

Mr. Suckey asked if there was any other discussion. Not hearing any Mr. Suckey asked for a motion to adjourn.

**ADJOURNMENT:**

**Mr. Nidelko** made a motion to adjourn.

Seconded by **Mr. Friend**

**All were in Favor.**

The meeting adjourned at 9:15 P.M

Respectfully submitted,  
Michelle Babcock  
Planning Board Secretary