

Franklin Borough Planning Board

Meeting Minutes for

January 18, 2022

The meeting was called to order at 7:52PM by the Chairman, Mr. John Christiano, who then led the assembly in the flag salute.

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

ROLL CALL OF MEMBERS:

Mr. Wes Suckey, Chairman (Absent)
Mr. John Christiano, Vice Chairman (Present)
Mr. John Sowden, Mayor (Present)
Mr. Concetto Formica, Council liaison (Present)
Mr. Floy Estes (Present)
Mr. Jim Nidelko (Present)
Mr. Jim Williams (Present)
Mr. John Friend (Present)
Mr. Michael Raperto, (Present)
Ms. Sharon Schultz, Alternate #1(Present)

ALSO, PRESENT:

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

APPROVAL OF MINUTES:

Mr. Christiano asked for approval for the **December 20, 2021 meeting** minutes.

Mr. Estes made a motion to approve the **December 20, 2021** meeting minutes.

Seconded by **Mr. Williams**.

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS:

Approved

PAYMENT OF BILLS:

Mr. Williams made a motion to approve the escrow report for **January 18, 2022**

Seconded by **Mr. Raperto**

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: None

Approved.

APPROVAL OF RESOLUTIONS:

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

Amended site plan

Mr. Christiano asked if everyone had the time to read and review the VBM Investments resolution.

Mr. Christiano asked if the members had any questions.

Mr. Williams recused himself from voting on this resolution.

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

Mr. Estes Seconded by **Mr. Raperto**.

Franklin Borough Planning Board
Meeting Minutes for
January 18, 2022

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: NONE

Approved.

Mr. Brady stated that Mr. Christiano made an announcement in-between the two meetings that Franklin 116 Development was being carried to next month's meeting which will be February 15, 2022 with no further notice.

Mr. Christiano stated that if anyone is here for that application it will not be heard tonight and the board will not be hearing any testimony until the February meeting.

APPLICATION FOR COMPLETENESS

AWH Cultivation Facility (PB# 12-21-01) 12 Munsonhurst Road, Block 2401, Lot 20

Preliminary and Final Major Site Plan.

Mr. Lawrence Cutalo introduced himself and stated that he was representing Ascend NJ, LLC this evening.

Mr. Christiano asked Mr. Knutelsky to read his report.

Mr. Knutelsky stated that he was reading from his report dated January 14, 2022.

Mr. Knutelsky stated that the first items were administrative items that were originally found incomplete have now been addressed and this application is administratively complete.

Mr. Knutelsky stated that the following Plan and Report items are found to be incomplete and/or lacks information for this application, or waivers have been requested.

Checklist Item # 14

The Location and width of all existing and proposed utility easements.

Mr. Knutelsky recommended a temporary waiver for completeness only be granted.

Checklist Item # 26

Tree Save Plan

Mr. Knutelsky stated that he recommends a waiver be granted.

Checklist Item # 39

Traffic Impact Statement

Mr. Knutelsky stated that he recommends a temporary waiver for completeness only be granted.

Checklist Item #43 Through #47

These are final site plan requirements only.

Mr. Knutelsky stated that he recommended a temporary waiver be granted for completeness only.

Mr. Knutelsky stated that he recommends that the application be found complete at this time.

Mr. Knutelsky stated that if the board should find this application complete, it be recommended that this matter be scheduled for the next available public hearing with adequate notice provided.

Mr. Cutalo stated that he understood and his applicant would request all of the waivers mentioned by Mr. Knutelsky and that the applicant will comply with all of the recommendations mentioned in

Mr. Knutelsky's report.

Mr. Christiano asked if Mr. Nelson had anything to add.

Mr. Nelson stated no, not at this time.

Mr. Christiano asked if the board members had any questions.

Mr. Christiano stated not hearing any he would take a motion to deem this application complete with the waivers recommended by Mr. Knutelsky.

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

Upon Roll Call Vote:

Franklin Borough Planning Board
Meeting Minutes for
January 18, 2022

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

NAYS: None ABSTENTIONS: NONE

APPROVED

Mr. Cutalo thanked the board for their time and asked the board secretary when the meeting will be held in February.

Mrs. Babcock stated February 15th 2022.

APPLICATIONS TO BE HEARD:

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

Preliminary and Final site plan with a bulk variance

Mr. Cutalo stated that he is here this evening to represent Ascend NJ, LLC

Mr. Cutalo stated that he and the applicant are here this evening looking for approval on their preliminary and final site plan with C variance relief.

Mr. Cutalo stated that this application was heard in early December and since then we have revised our plans twice to accommodate Mr. Knutelsky's concerns along with the board member's concerns that we received in December.

Mr. Cutalo stated that the latest amended plans were submitted January 5, 2022.

Which touched all of the comments and concerns that were addressed at the December meeting.

Mr. Cutalo stated that tonight he would like to continue testimony from the applicant's civil engineer. The architect, acoustic engineer, traffic engineer, and a professional planner this evening.

Mr. Cutalo stated he would like to have Peter Chandler the civil engineer come up and present his revised plans before the board.

Mr. Brady stated that Mr. Chandler was sworn in under oath at the last meeting and is still considered to be under oath.

Mr. Chandler thanked Mr. Brady and briefly reintroduced himself.

Mr. Chandler gave the new revision date of the plans as being 1/5/2022.

Mr. Chandler stated that he would follow Mr. Knutelsky report sheet by sheet and take questions as we go.

Mr. Chandler stated he was starting on page 3 the existing conditions of the demo plan.

Mr. Chandler stated that the only change on this plan is the highlighted doors that are going to be modified or demolished on the existing building.

Mr. Chandler went on to briefly describe the rest of the notes that he made on the plan.

Mr. Chandler stated that the last time that they were here before the board the plan proposed two larger generators now the revised plan is showing three smaller generators located in the same spot, northwest portion of the property.

Mr. Chandler stated that there are also five switch gears being provided for distribution for medium power source, located in the front yard, which will be tying into the overhead powerlines and three more on the northern side of the building.

Mr. Chandler stated that the plans for the enclosed trash containers have not been modified since the last meeting where they were discussed.

Mr. Chandler stated that the plans also show the emergency helipad on the southwest corner of the property.

Mr. Chandler stated that they added a sidewalk that will be the main access point for AWH which will be in front of the building and along the sides of the building as well.

Mr. Christiano asked if the power sources would be providing both the 24 Munsonhurst building and the building next store which is 12 Munsonhurst.

Franklin Borough Planning Board
Meeting Minutes for
January 18, 2022

Mr. Chandler replied that the power sources he has mentioned will only be supplying power to the 24 Munsonhurst building.

Mr. Friend asked what was the reason from going from 2 larger generators to three smaller ones.

Mr. Chandler explained that they went with another manufacturer.

Mr. Chandler stated that the board was concerned with the amount a sound that might be generated so we researched that some more and went with another manufacturer who's equipment was quieter when we conducted and output test.

Mr. Chandler touched on parking and stated that his revised ADA parking plan has the 6 ADA parking spaces including the van compliance parking that is required.

Mr. Chandler stated that the plans now show those spaces and are compliant with those parking requirements that Mr. Knutelsky touched on at the last meeting,

Mr. Chandler stated now there is a total of 188 parking spaces.

Mr. Chandler stated 177 will be available immediately and 11 are land banked if needed at a later date.

Mr. Chandler briefly went over the variances the applicant is looking for the board to grant them.

Mr. Chandler stated the first variance being for the side yard setback for the accessory structures.

Mr. Chandler stated for the generators and the switch gears.

Mr. Chandler stated they would need an accessory height variance.

Mr. Chandler stated they are also seeking a variance for front yard setback for accessory structure.

Mr. Williams asked if Mr. Chandler worked out where the helipad for the emergency helicopter landing would be.

Mr. Chandler stated yes, that the helipad located west of the trash enclosure.

Mr. Williams asked what size the pad will be.

Mr. Chandler stated that it will be the same size has the original one that was on the site site which is 35x 35.

Mr. Williams asked if that was the required size.

Mr. Chandler stated that he has not been able to get a clear-cut answer on that however, he has been in touch with the professionals and is willing to make this a condition if there is a favorable resolution put in place.

Mr. Chandler went on to page 6 which is the grading and utility plan and briefly described the plan and the location of the ramps and sidewalks.

Mr. Brady stated he would like to go back to switch gears.

Mr. Brady asked if they were different sizes.

Mr. Chandler stated no, just different in their functionality.

Mr. Chandler stated that he would asl o like to point out there will be a new gas line provided by the gas company.

Mr. Chandler stated currently the building also has propane and will be switched over to natural gas once the project is underway.

Mr. Cutalo asked if Mr. Chandler could move on to the landscaping plan which is on sheet 7.

Mr. Chandler briefly went over the landscaping plan.

Mr. Chandler stated that there would be shrubs and natural buffers in a few different areas of the property. Shrubs will make for more of an attractive screen in front of the mechanics area of the property.

Mr. Chandler also stated that there would be plants and shrubbery all along the entrance and used as a buffer in front of the building to make a more natural buffer look for the switch gear panels in the front of the building.

Franklin Borough Planning Board
Meeting Minutes for
January 18, 2022

Mr. Raperto asked if this landscaping plan was approved by the power company because he has seen many times landscaping having to be removed because it limits access to the power companies needing to get to where they need to make their services.

Mr. Chandler stated yes this was heavily scrutinized and the power company literally told us where to place the switch gears and where they needed direct access.

Mr. Raperto stated that same would go for the fire departments hookups.

Mr. Raperto stated that he would want to make sure all of the vegetative growth was maintained so at no point would it be over grown and hard for the fire department to find their hookups if there was an emergency.

Mr. Chandler stated that they would be maintained like everything else on the property.

Mr. Christiano asked Mr. Nelson if he had any questions in regards to the landscaping plan.

Mr. Nelson stated that his only question was for the relocation of the trees.

Mr. Nelson was concerned about the size of the root balls and how they would be properly relocated.

Mr. Chandler stated that he was talking to their landscaper and there is a certain machine that would come in and dig the trees out properly due to the age of the trees so they could be successfully relocated on the property.

Mr. Nelson thanked Mr. Chandler and stated that he did not have any further questions.

Mr. Chandler stated if there are no further questions, he would like to move on to the lighting plan.

Mr. Chandler stated after getting the feedback from the last meeting we added a row of light fixtures where we have a green landscaped aisle. Mr. Chandler stated there will be 6 evenly spaced-out light poles in the northern front of the property along with three more light poles that will be adjacent to the sidewalks.

Mr. Chandler stated there will also be new lighting near the new parking spaces.

Mr. Chandler stated with these added lights it gives a nice uniformed distribution of light around the entire property.

Mr. Knutelsky stated that he would be favorable of the board granting a waiver for the overage in lighting on this property.

Mr. Knutelsky stated that it is such a small percentage and because it is in an industrial zone there can be leeway on this because of this particular application more lighting is better than not enough distributed lighting.

Mr. Knutelsky asked if Mr. Chandler could show in his plan the lighting that would be on the building as far as scones and other wall-based lighting that would appear on the building itself.

Mr. Chandler stated that would not be a problem and with those added to the plan there would be plenty of adequate lighting illuminating the building, parking, entrance, exit and sidewalks.

Mr. Knutelsky agreed.

Mr. Knutelsky stated that the lighting would be sufficient as long as we have that extra information on the plans and as condition in a favorable resolution.

Mr. Christiano asked if the lighting would be LED lighting.

Mr. Chandler stated yes, high efficiency LED lighting.

Mr. Chandler explained that the lights are the whiter light which Mr. Knutelsky stated were a little more favorable.

Mr. Christiano asked if there were anymore questions.

Ms. Schultz asked if she was to assume that the exterior of the building would be up to code as far as ADA accessible.

Mr. Chandler stated yes, there are hand rails and ramps that are compliant with all ADA codes.

Franklin Borough Planning Board
Meeting Minutes for
January 18, 2022

Mr. Christiano stated that he was following Mr. Knutelsky' s report dated January 14, 2022 and there are a lot of red marks.

Mr. Christiano asked if those comments in red have been addressed as Mr. Chandler gives his testimony.

Mr. Knutelsky stated yes, he has been following along as well and making note what comments and concerns that have been addressed by Mr. Chandler.

Mr. Cutalo stated if there are no further questions he would like to move on from Mr. Chandler and move on to the next professional.

Mr. Brady asked Mr. Christiano if he wanted to open the meeting to the public now or wait and open the meeting to the public after all the professionals give testimony.

Mr. Christiano stated that he would like to open the meeting up now so that people could ask the questions while they were fresh in their minds.

Mr. Christiano stated that he has opened the meeting to the public for questions and comments for Mr. Chandler only at this time.

Michael Ryder – 57 Scotts Road.

Mr. Ryder introduced himself and stated that he was a Franklin resident and he was also the Superintendent for the Hardyston schools.

Mr. Ryder stated that he was not sure who he should address his concerns and questions to as he is new to how the procedures for this kind of meeting work.

Mr. Ryder stated that he is concerned about the odor that is coming from 24 Munsonhurst Rd.

Mr. Ryder stated that he and his staff and students can smell it now almost on a daily basis and is concerned if they expand their business the odor will only get worse.

Mr. Brady stated to Mr. Ryder that right now the public is allowed to come up and ask the Civil engineer questions and concerns as he was just giving testimony.

Mr. Brady stated that he believes that the architect would be the professional to ask questions to in regards to odor.

Mr. Ryder apologized and stated that he would come back when it was open to the public after the architect gives his testimony.

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

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

Mr. Cutalo stated that he would like to introduce Keith Bettencourt.

Mr. Brady stated he would like to swear Mr. Bettencourt in under oath.

Mr. Bettencourt gave his education and business background to the board.

Mr. Christiano stated that the board would except Mr. Bettencourt as an expert.

Mr. Cutalo stated that he would like Mr. Bettencourt to briefly go over the plans that the board members have in front of them which are just enlarged here to make it easier for everyone to follow along.

Mr. Bettencourt stated that AWH is going to take over 80,000 Sq Ft of the building.

Mr. Bettencourt explained that there is a smaller area in the rear of the building that is 5,000 Sq Ft and vacant at this time.

Mr. Bettencourt stated that there is no plan at the moment for that area but it is controlled by AWH.

Mr. Bettencourt also stated that there are three tenants that at this time are scheduled to remain.

Mr. Bettencourt did however state that it is the goal for AWH to eventually occupy the entire building.

Mr. Bettencourt stated AWH would come back and put in a new application when that time comes.

Mr. Bettencourt went over the doors and security and safety measures that he described as state of the art.

Franklin Borough Planning Board
Meeting Minutes for
January 18, 2022

Mr. Bettencourt stated that he understands that this building would be a dream of someone's to break into.

Mr. Bettencourt addressed the doors that would be used in the main entrance for visitors and the doors on the side which would be more appropriate for the employees.

Mr. Bettencourt stated that both entrances would be handicap accessible.

Mr. Bettencourt stated that there will be clear paths for emergency personnel if there is any sort of emergency.

Mr. Bettencourt stated that there will be a Knock box right in the front for the firemen to access.

Mr. Raperto asked if the doors would be flush on the outside or will there be a key to access to override the panic bar from the exterior of the building.

Mr. Bettencourt stated that only the doors that are meant for ingress for employees will have key access. The rest of the egress doors will have nothing on them.

Mr. Raperto stated that he was the assistant chief of the Fire Dept and it was his recommendation to have all key access all mastered the same and left in the knock box for emergency purposes.

Mr. Bettencourt stated that is something that can be done without a problem and thanked Mr. Raperto for his input.

Mr. Friend asked if there would be a security guard at the building 24 hrs. a day.

Mr. Cutalo stated yes.

Mr. Friend asked if the guard would be armed.

Mr. Cutalo stated No.

Mr. Christiano asked Mr. Cutalo had many more witnesses he had left to give testimony this evening.

Mr. Cutalo stated that he had four.

Mr. Christiano stated the board does not typically hear any testimony after 10:00 which is just shy of an hour away.

Mr. Cutalo understood and he would do his best to move the meeting along and make sure all of this witness' be heard tonight.

Mr. Christiano stated that he did not want to rush anyone or sacrifice any detail at this time.

Mr. Cutalo stated that he understood and stated they would continue and hope to be able to wrap this up by 10:00 or a little after.

Mr. Christiano asked Mr. Bettencourt to continue with his testimony.

Mr. Bettencourt briefly went over sheet seven explaining the main doors and the overhead doors and their purposes and locations on the building.

Mr. Nelson asked what was going to happen with the Ryan sign that is currently located on the property.

Mr. Bettencourt stated that sign will be removed and there will be a small decal placed on the glass.

Mr. Brady stated that the whole sign would be removed not replaced.

Mr. Bettencourt stated that is correct.

Mr. Bettencourt went on to explain the generators and their location.

Mr. Bettencourt stated that there are three generators. There will also be ballers and an acoustic wall that is 16ft tall which is 2ft higher than the generators themselves.

Mr. Bettencourt stated that the façade is aluminum Mr. Bettencourt stated that it comes in colors and the board can weigh in on what color they would like to see.

Mr. Cutalo stated that the applicant has no preference.

Mr. Nidelko suggested a matte color something that the sun will not reflect off of.

Mr. Bettencourt stated that could be easily addressed.

Mr. Knutelsky asked Mr. Bettencourt if that particular wall structure would need building permits.

Franklin Borough Planning Board
Meeting Minutes for
January 18, 2022

Mr. Bettencourt stated yes that would be something the construction officer would have to come out and inspect.

Mr. Christiano asked if anyone else from the board had any questions for Mr. Bettencourt.

Mr. Knutelsky stated that he would like for Mr. Bettencourt to explain the fire protection for the building.

Mr. Bettencourt said that the building would be fully sprinkled 100% with a wet system.

Mr. Bettencourt also stated that there would be separation between the tenants.

Mr. Knutelsky asked if there would be anything mechanical added to the roof for this project.

Mr. Bettencourt stated not for this project, it is all internal.

Mr. Christiano asked how would the air filters in the air conditioner equipment be discarded?

Mr. Christiano asked if they were picked up and monitored as closely as all of the other product and part of the waste stream being dis guarded.

Mr. Bettencourt stated no, the air filters and or AC equipment filters do not fall into that category and do not need to be monitored as closely.

Mr. Bettencourt stated that he would like to address a question that was brought up from the public earlier in regards to the odor.

Mr. Bettencourt stated that all the grow rooms are pressurized and monitored very closely to be able to grow the plants properly.

Mr. Bettencourt stated there are times when the CO2 gets a little high.

Mr. Bettencourt stated that when those levels get too high there is a fan that exhausts. The fan is filtered with a carbon filter which is meant to catch any odors from releasing.

Mr. Bettencourt stated that there should be no odor being released unless there is a problem.

Mr. Bettencourt stated that in his experience it happens once a year at most.

Mr. Bettencourt stated so to go back to the question. The product in those rooms are controlled as far as what is being released into the environment.

Mr. Christiano thanked Mr. Bettencourt.

Mr. Christiano stated that he would be opening the meeting to the public at this time.

Mr. Christiano stated that at this time questions and comments can only be addressed to the architect.

Mr. Ryder approached the microphone stating he still was not sure if this was the appropriate witness to ask his questions to and if it was not, he has no problem waiting for the correct witness to ask his questions to.

Mr. Ryder stated that he was not sure if this was the same owners that are currently on the property.

Mr. Ryder stated that the current business there is operating and he knows that the odor can be smelled from all of my staff at the Hardyston Elementary school.

Mr. Ryder stated will there be a new air filtration system once the applicant tonight moves towards with the reinventions and the expansion of the building.

Mr. Bettencourt stated that when AWH got the building there was another company operating in the building and producing medical marijuana.

Mr. Bettencourt stated that their mechanical system has remained in place from what the prior company was using.

Mr. Bettencourt stated that the air filtration system that is currently there has not been tested and can be tested as a condition if the board sees fit.

Mr. Bettencourt stated that if the board was interested in putting a condition in the resolution making sure all of the older air filtrations are changed and upgraded to the newest systems available to perform at the proper design compacity.

Franklin Borough Planning Board
Meeting Minutes for
January 18, 2022

Mr. Bettencourt stated that the intent is not to have any odor come from the building.

Mr. Brady stated that it is his understanding that the current air handling system has not been evaluated and would need to be and if any upgrades needed to be made it would be a condition in a favoring resolution.

Mr. Bettencourt agreed.

Mr. Williams stated his concerns for this application being approved even when AWH changes and does everything they need to with the air filtration systems, and there is still an odor. Then what happens.

Mr. Bettencourt stated that they did not design the one that is currently being used.

Mr. Bettencourt stated that when they build theirs, they are using and following all of the guidelines and procedures that have to be followed by state guidelines for this kind of operation.

Mr. Bettencourt stated that he is sure that AWH does not want to have that kind of issues with neighbors or the town at any of the locations they are at.

Mr. Williams stated that he was still concerned that the new filtration system is not good enough and the smell remains, what does the town do then, when the application has been approved.

Mr. Brady stated that there are town ordinances that towns can require or conduct an air quality test on their own.

Mr. Brady suggested to Mr. Williams that be listed in a favorable resolution for the town to conduct air quality tests and let it be an ongoing condition.

Mr. Williams stated that the biggest concern is the elementary school that is smelling this odor and being about a quarter of a mile from the location.

Mr. Brady stated that if Mr. Ryder was going to give testimony at this time, he would like to swear Mr. Ryder in under oath.

Mr. Brady stated that now Mr. Ryder can state his concerns and questions and then the architect can help clear up some concerns.

Mr. Ryder stated that he put out a google survey to his staff and within a few days he had over thirty responses.

Mr. Ryder proceeded to read some of the responses he received before Mr. Cutalo objected and Mr. Brady agreed and stated that was testimony from someone who was not sworn in under oath and can not be used.

Mr. Ryder stated that the point he is trying to make is that almost all of his staff has reported the smell at some point and at all different times of day.

Mr. Brady asked Mr. Ryder if he smelled it and he replied that his office is not at that school.

Mr. Ryder stated his office is on Wheatsworth Road.

Mr. Ryder asked if there was a way not to run the operation during school ours from 8:00 till the last bus that leaves at 3:45.

Mr. Ryder stated that it is not a good association for the school.

Mr. Cutalo stated that the applicants would be willing to follow the recommendation that was given by Mr. Brady on doing an air quality testing procedure to make sure the air filtrations are working at the best of their abilities on a regular basis.

Mr. Cutalo stated that he is not sure if the smell can be eliminated all together and for lack of better words comes with the territory with this type of permitted use in a zone that it is approved for.

Mr. Raperto asked if there was a way to have the system not vent out until after school hours.

Mr. Cutalo stated that would be something he would be willing to talk to the applicant about.

The board members and Mr. Bettencourt discussed at length the different kinds of methods that can be done to help prevent the odor of being a nuisance

Franklin Borough Planning Board
Meeting Minutes for
January 18, 2022

Mr. Friend suggested that the old system should be reevaluated first and foremost it could be as simple as needing a new updated system.

Mr. Friend stated that then the applicants can replace it with the new system that they have to add to the existing system anyway.

Mr. Bettencourt stated yes, starting with the old system and reevaluating what needs to be done first.

Mr. Williams expressed more of his concern and hoped that the applicant is able to find a way to make sure all of the air filtrations are running to the best of the abilities and that the odor issue that has been brought to our attention by Mr. Ryder is resolved.

Mr. Ryder thanked the board for their time and taking his concerns seriously.

Mr. Christiano asked if there were anymore questions for Mr. Bettencourt at this time.

Mr. Christiano stated not hearing any he would close the meeting to the public at this time.

Mr. Christiano asked Mr. Cutalo to proceed.

Mr. Cutalo stated that he would like to ask Matthew Murello acoustical engineer.

Mr. Brady swore Mr. Murello in order oath.

Mr. Cutalo qualified Mr. Murello in as an expert giving the board his education and business background.

Mr. Christiano accepted Mr. Murello in as an expert.

Mr. Cutalo asked Mr. Murello to briefly explain the report that was conducted on January 4, 2022.

Mr. Murello stated that he would briefly summarize the results of the sound study.

Mr. Murello stated that they tested the sound study with a worst-case scenario, meaning all of equipment was being ran at one time.

Mr. Murello stated that they compared the numbers received with the Municipal and the state noise code.

Mr. Murello also stated that they ran the tests at different times.

Mr. Murello also stated that they conducted two different models, one in the middle of the night with a reduced amount of compacity, the other test being during the day with all of the equipment being used simultaneously.

Mr. Murello stated that when they conducted their tests

Mr. Christiano opened the meeting to the public for anyone who has questions for Mr. Murello in regards to the sound tests that were conducted.

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

Mr. Brady stated that he had a question going back to his notes from the last time testimony was given in regards to the generators running.

Mr. Brady stated that he remembered something being stated about the generators running if the algorithm is off and AWH did not want to deal with JCP &L costs when prices were at a peak.

Mr. Brady asked Mr. Murello if that was considered when he ran his tests.

Mr. Murello stated that as long as only two of the generators were running at the same time during day or night they would still come under the regulation.

Mr. Christiano asked if there were any further questions before Mr. Murello took his seat.

Mr. Cutalo stated that they would like to point out that until JCP&L comes through with the electric they need these generators they will be the power source for the building.

Ms. Schultz asked how long will that take.

Mr. Cutalo stated three months.

Mr. Christiano stated the generators would be running around the clock.

Mr. Cutalo was not confident in his answer and asked for Mr. Bettencourt to come forward to better answer the question.

Franklin Borough Planning Board
Meeting Minutes for
January 18, 2022

Mr. Bettencourt confirmed that the generators would be supplying the power to the building for the three or four months until JCP& L can come out and upgrade the system.

Mr. Bettencourt stated after that happens those generators will be solely for backup support.

Mr. Bettencourt stated to Mr. Brady that the generators would not be running for anything other than emergency.

Mr. Brady stated the testimony given about the generators running when the JCP&L prices were peaking is no longer true.

Mr. Bettencourt stated yes, that is no longer the case.

Mr. Brady stated that Mr. Murello stated that only two of the generators could run at night will that be enough for the building to operate for the next three months.

Mr. Bettencourt stated yes.

Mr. Christiano asked for Mr. Cutalo to continue.

Mr. Cutalo introduced Corey Chase a professional Traffic engineer with Dynamic Engineering.

Mr. Brady swore Mr. Chase in under oath.

Mr. Chase gave his education and professional background.

Mr. Christiano excepted Mr. Chase as an expert traffic engineer.

Mr. Cutalo asked if Mr. Chase prepared a traffic report prior to this meeting.

Mr. Chase stated that he did.

Mr. Chase stated that he conducted a traffic and parking assessment.

Mr. Chase briefly read his report out loud to the board.

Mr. Cutalo thanked Mr. Chase and stated that he had one question for Mr. Chase.

Mr. Cutalo asked Mr. Chase if he believes the site will have adequate parking and will have a safe traffic flow.

Mr. Chase stated that he did.

Mr. Christiano asked if what was mentioned in his report about 2-3 tractor trailers visiting the site a month included the vehicles that will be picking up the cannabis.

Mr. Chase stated the tractor trailers were once a month or few months depending on the equipment.

Mr. Chases stated that the delivery trucks that would be coming to transport the cannabis are vans comparable to the size of an AMAZON van.

Mr. Christiano asked if Mr. Nelson or Mr. Knutelsky had any questions.

Mr. Christiano asked if the applicant has any desire to renew the parking contract with Brick and Brew once things get back to normal.

Mr. Cutalo stated no, the applicant does not want to renew this or any new parking contracts from here on out.

Mr. Cutalo stated that AWH will only be allowing tenants affiliated with the building to park on the property.

Mr. Christiano asked if there were any other questions not hearing any he would like to open the meeting to the public at this time.

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

Mr. Christiano stated that it was 10:00 and the board does not typically hear new testimony after 10:00.

Mr. Christiano asked Mr. Cutalo how many more witnesses he had tonight.

Mr. Cutalo stated that he just had the planner left this evening.

Mr. Christiano asked the board members if they were all ok with hearing testimony from the planner and wrapping this application up tonight.

The board members agreed to move forward with the application.

Franklin Borough Planning Board
Meeting Minutes for
January 18, 2022

Mr. Christiano asked for Mr. Cutalo to continue.

Mr. Cutalo introduced their professional planner Alexandra Handel.

Mr. Brady swore Mrs. Handel in under oath.

Mr. Cutalo qualified Mrs. Handel in as a Professional planner.

Mrs. Handel gave her educational and business background.

Mr. Christiano accepted Mrs. Handel as a professional planner.

Mrs. Handel gave a brief summary of the property location and the variances being proposed.

Mrs. Handel stated that there are 143 existing parking stalls with another 43 parking stalls being proposed.

Mrs. Handel went on and stated the other proposed improvements for the site.

Mrs. Handel continued to read her report.

Lastly, Mrs. Handel stated that she believes the variances requested will not provide any substantial or detriment I to the public good and the variances will not substantially impair the intent and purpose of the master plan and zoning ordinances.

Mr. Christiano asked for the total of variances being requested

Mrs. Handel stated five.

Mr. Christiano asked if anyone from the board had any questions.

Mr. Christiano opened the meeting to the public for anyone who had any questions or testimony for Mrs. Handel.

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

Mr. Christiano asked Mr. Cutalo if he had anything else to add this evening.

Mr. Cutalo stated that concluded this application and he would request the board approve the application this evening keeping in mind everything they heard the last two meetings.

Mr. Christiano stated that if there were no more questions or concerns from the board he would ask for a motion.

Mr. Estes made a motion to approve the application Seconded by **Mr. Friend**.

Upon Roll Call Vote:

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

NAYS: **Williams** ABSTENTIONS: None

Approved.

OLD BUSINESS:

None

NEW BUSINESS:

None

OPEN PUBLIC SESSION:

Mr. Christiano opened the meeting to the public.

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

DISCUSSION:

None

ADJOURNMENT:

Mr. Estes made a motion to adjourn.

Seconded by **Mrs. Schultz**

All were in Favor.

The meeting adjourned at 10:53 P.M

Franklin Borough Planning Board
Meeting Minutes for
January 18, 2022

Respectfully submitted,
Michelle Babcock
Planning Board Secretary