

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**June 2, 2021**

The meeting was called to order at 7:32 PM 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 (Present)
- Mr. Floy Estes (Present)
- Mr. Jim Nidelko (Present)
- Mr. Jim Williams (Absent)
- Mr. John Friend (Present)
- Mr. Richard Knop (Present)
- Mr. Michael Raperto, Alternate #1(Present)
- Ms. Sharon Schultz, Alternate #3 (Present)

**ALSO, PRESENT:**

- Robert Correale, Planning Board Attorney
- Tom Knutelsky, Planning Board Engineer

**APPROVAL OF MINUTES:**

NONE

**PAYMENT OF BILLS:**

NONE

**APPLICATION FOR COMPLETENESS**

**I.T.S Properties, LLC (PB# 04-21-01) Block 2602 lot 9 in a R1 zone, Corkhill Road.**

**Amended Preliminary & final site plan.**

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

Mr. Daniel Benkendorf introduced himself and stated that he was the Attorney representing I.T.S Properties

Mr. Benkendorf stated that he also has the architect and planner with him here tonight also.

Mr. Benkendorf introduced Mr. Jason Dunn.

Mr. Dunn introduced himself and stated that he would be giving testimony tonight on behalf of this application.

Mr. Correale swore Mr. Dunn in under oath.

Mr. Dunn continued by explaining the application and what it was that his client was looking to achieve this evening.

Mr. Dunn explained that nothing was being changed on the application.

Mr. Dunn stated that the applicant is looking for relief on the lighting.

Mr. Dunn explained at the last meeting we agreed to reduce the light heights to 18ft.

Mr. Dunn stated that there was miscommunication on his part and he did not communicate that to the owner.

Mr. Dunn stated that the applicant as lighting at 28 ft height.

Mr. Dunn stated that he is asking for the board to give relief on the lighting.

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Mr. Dunn gave a brief update on the completion of the venue and stated that he is very impressed and said that it has really transformed into a beautiful venue.

Mr. Suckey stated at this time he would like to go over the checklist items.

Mr. Suckey asked for Mr. Knutelsky to read through his report at this time.

Mr. Knutelsky stated that he was reading from his May 21, 2021 report.

Mr. Knutelsky stated that the following items are found to be incomplete or waivers have been requested for this application.

**Checklist item #16 – delineation of flood plain and wetlands area.**

**Checklist item # 18 – existing and proposed contours extend 100 feet beyond property.**

**Checklist item # 19 – grading plan at a scale of 1’= 30’**

**Checklist item # 38 – environmental impact statement.**

**Checklist item # 39 – traffic impact statement**

**Checklist item # 43- #47 – final site plans only checklist items.**

Mr. Knutelsky stated that based upon the aforementioned review and subject to the board finding that the recommended waivers are appropriate.

Mr. Knutelsky stated that he would recommend that this application be found complete at this time.

Mr. Suckey asked if the applicant agreed with everything Mr. Knutelsky just stated.

The applicants agreed.

Mr. Suckey stated that he would take a motion for this application to be deemed complete.

**Mr. Estes** made the motion to find the application complete.

Seconded by **Mr. Christiano**.

**Upon Roll Call Vote:**

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

NAYS: None    ABSTENTIONS: None

**Approved**

**APPLICATIONS TO BE HEARD**

**I.T.S Properties, LLC (PB# 04-21-01) Block 2602 lot 9 in a R1 zone, Corkhill Road.**

**Amended Preliminary & final site plan.**

Mr. Knutelsky explained that this application was simple enough where he thought it would be easy enough to read through his report and address the issues as they are read.

Mr. Knutelsky stated that that he would be summarizing his report dated May 26, 2020.

Mr. Knutelsky stated that based upon a review of the aforementioned plans and inspection of the site Mr. Knutelsky offered the following comments in regards to the application.

Mr. Knutelsky discussed the parking and circulation.

Mr. Knutelsky gave a brief description and an update on the building/site layout design.

Mr. Knutelsky stated that the proposed landscaping provided on the plans have been adequately installed on site.

Mr. Knutelsky explained the 3-mount pole cut off type were constructed at a mounted height of 28 ‘whereas 18’ maximum is allowable.

Mr. Knutelsky is stated that the applicant is requesting an amendment to the preliminary site plan approval to allow these higher mounted area lights. The applicants professionals should provide testimony ensuring that these higher lights will provide the necessary parking lot illumination without subjecting the adjoining properties and users of Corkhill Road to errant light trespasses during all season use.

Mr. Knutelsky stated that a wavier from section 161-24F is required.

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Mr. Knutelsky stated that there should be a note providing the hours of operation for lighting on the plans to include specific usage hours consistent with the resolution condition # 14.

Mr. Knutelsky stated that he would move on to signage.

Mr. Knutelsky stated that the applicant did provide an 8x 33" ground mounted sign at the front entrance as well as way finding signage along the driveway in accordance with the approving preliminary Site plan resolution.

Mr. Knutelsky stated appropriate details should be added to the plans.

Mr. Dunn stated that the applicant has but a triangle sign at the bottom of the drive to help the guests park in the appropriate places such as the venue, stables and or the owner's home.

The signage helps with any confusion on where the guests need to be.

Mr. Knutelsky stated that the sign has been added and is in conformance with the original preliminary plan.

Mr. Knutelsky asked if there would be any other signs placed on the property to help move guests in the right direction.

Mr. Benkendorf stated that his client has informed him that he would be having parking attendants to help park and guide guests to their destination once they have entered the property.

Mr. Knutelsky stated that was also addressed at the first meeting and is happy to hear that will follow through with this application as well.

Mr. Knutelsky went on to discuss the main building and stated that the masonry work and the rustic feel of the building is beautiful and was really nicely done.

Mr. Knutelsky stated that the certificate of occupancy has not been issued yet.

Mr. Butto has it ready to be issued he is just waiting for the site plans to be approved and finalized before doing so.

Mr. Knutelsky stated that he would like an update on the ADA accessibility path leading to the building.

Mr. Benkendorf stated that he was out on the site last week and he can confirm that the rubber mat has been eliminated and Mr. Sherwood has placed brick pavers for a better looking and smoother ADA path.

Mr. Knutelsky stated that the same bricks make a path from the parking area to the building and near the drop off area.

Mr. Knutelsky stated that the pavers and smooth paths are important and make the areas look uniformed and serve the important role of the ADA accessibility.

Mr. Knutelsky stated he feels the applicant did a great job fulfilling that requirement.

Mr. Knutelsky stated that he would move on to mechanical equipment.

Mr. Knutelsky stated that he did not see any mechanics visible.

Mr. Knutelsky stated that he would like for Mr. Dunn to gives us an update on if there will be any mechanical equipment and if so what and where would it be located.

Mr. Dunn explained that there would not be any added mechanical equipment as far as HVAC or other heating or cooling mechanics.

Mr. Dunn explained the only movement of air that the applicant will be relying on are the fan units that are already built in to the wall.

Mr. Knutelsky stated that he knows that it was discussed at the last meeting that any new HVAC, Kitchen or bathroom that would be added in the future would have to be come back to the full board for discussion and details.

Mr. Knutelsky also stated that he would like to mention that sprinklers would also be added to that list in any new approving resolutions going forward.

Mr. Benkendorf stated that his client has no objection to that.

Mr. Knutelsky stated that he would move on to landscaping.

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Mr. Knutelsky stated that there was a landscaping plan on the original application and the applicant followed through and everything looks really good.

Mr. Knutelsky stated that the applicants have really done a good job with saving a lot of trees and shrubs and feels that that applicant really did a great job with the rustic look.

Mr. Knutelsky stated that the venue is very inviting.

Mr. Knutelsky stated that Mr. Nelson had no comments and felt that the landscaping conditions were met.

Mr. Knutelsky moved on to the real issue at hand tonight which is lighting.

Mr. Knutelsky asked if Mr. Dunn could explain the lighting situation and what his client is looking to achieve.

Mr. Dunn went on to explain the current lighting that is on the property.

Mr. Dunn explained that there are three light poles which are 28ft from the ground to the light fixture.

Mr. Dunn stated that if we lower the poles by 8ft to conform to the ordinance the client would have to add another light fixture to get the proper lights distribution.

Mr. Dunn stated after much research and light testing and evaluating the lighting, Mr. Dunn thought that there is little to almost no impact on the Corkhill Road and or neighbors seeing how the closest neighbor is still a good enough amount away from the property with a lot of trees and shrubbery as a buffer that they would also not be affected.

Mr. Dunn stated that is why his client is asking for relief on this.

Mr. Dunn stated that the board should feel comfortable allowing for the lighting height.

Mr. Dunn stated that this is a specific area and almost hidden away.

Mr. Dunn stated that he would ask for the board to approve leaving the lighting the way it is.

Mr. Knutelsky stated that he would like to add that he also believes with the physical barrier of the railroad and the thick vegetation stated by Mr. Dunn in his testimony he does not believe that the lighting will affect any nearby neighbors or anyone who would be driving on Corkhill in that area.

Mr. Knutelsky also stated that he was there on his site visit and could contest to the railroad track and the thick vegetation being a buffer.

Mr. Knutelsky also stated that he would like for a waiver to be added as there will be not more construction added to the site.

Mr. Knutelsky stated that he would also like to see language in an approving resolution in regards to when the lighting would be used and the times.

Mr. Knutelsky stated he would like a note about the use of lighting and timing to be an added note on the plan.

Mr. Dunn stated that he would go back and clarify the times on the plan and makes those notes accordingly.

Mr. Knutelsky stated that he would like to address storage and disposal of waste.

Mr. Knutelsky stated that the applicant did confirm that it is a carry in carry out operation for garbage.

Mr. Knutelsky stated that the existing approved resolution stated that it did have a small dumpster placed on the property.

Mr. Dunn stated that the reason why they are seeking an amendment on this condition is because the small dumpster (2 yards) does not have any screening and has become an eyesore on many levels.

Mr. Dunn explained that no matter where the dumpster is placed it sticks out.

Mr. Dunn also explained that it is also an eyesore for the home owner as well who resides on the property.

Mr. Dunn explained if there was a board-on-board screening it would still stick out like a sore thumb.

Mr. Dunn stated that it is like a catch 22 the guests are told that the venue is a carry in carry out venue.

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Mr. Dunn stated that he and his client thought if they could remove the dumpsters and replace with larger gallon drum garbage containers in different areas of the venue that would collect the miscellaneous garbage that cannot be taken.

Mr. Dunn explained that Mr. Sherwood would then collect the garbage bags from the drums and bring them to the dumpster that he is already paying for on the other side of his property.

Mr. Dunn stated that this would require an amendment to condition 24 letter C trash enclosure.

Mr. Knutelsky stated that would be up to the board's discretion.

Mr. Knutelsky continued to read from his report and stated that he does not believe there would be any obligation to COAH.

Mr. Knutelsky stated that the applicant would have to follow through with the construction office for any and all remaining permits and approvals.

Mr. Dunn stated that his client has been in contact with Mr. Butto and mentioned that there would be no COAH obligation for this particular property and project.

Mr. Dunn stated that Mr. Sherwood was working with Mr. Butto in getting the permits and anything needed from the construction department.

Mr. Knutelsky stated that he is satisfied with that and would again leave it to the board's discretion.

Mr. Knutelsky stated that included his report and would hand the meeting back over to the chairman.

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

Mr. Christiano stated that he feels the small issues that were addressed this evening were well explained and justified.

Mr. Christiano stated his biggest concern was the light trespass but that has been addressed and explained very well.

Mr. Christiano stated that he does not have any questions or concerns at this time.

Mr. Dunn stated that when the timing is right if the applicant could ask the board if they would modify a preexisting modification to one of the conditions on the pre-approved resolution.

Mr. Suckey stated that at this time the board will address the report and take questions and after there are no more questions or concerns the board will address that request.

Mr. Suckey stated that he received a question from a board member that if the venue is a carry in and a carry out venue then there should be no reason for the dumpster and if Mr. Sherwood is going to add it to his household garbage wouldn't that add to the towns tonnage and essentially cost the borough money.

Mr. Dunn asked if his client Mr. Sherwood could be sworn in at this time to give testimony on this question.

Mr. Correale swore Mr. Sherwood in and asked him to proceed.

Mr. Sherwood explained to the board member that he pays for his own dumpster due to needing and using it for his other business.

Mr. Sherwood stated that he already has one on sight and that there would be no additional tonnage added or costs added to the Borough.

Mr. Suckey stated that satisfies the question.

Mr. Suckey stated not hearing any more questions or concerns from the board members at this time the board will address Mr. Dunn's request.

Mr. Dunn thanked Mr. Suckey and stated that he would like to address the approved resolution from March 16, 2020.

Mr. Dunn explained that he and his client are asking for the board to make a modification to condition 22 that states there should be no tents or other structures erected for events.

Mr. Dunn explained ceremonies may be held outside the property with the event being inside the building. No fireworks should be set off at the property after any event.

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Mr. Dunn stated that the he and his applicant are asking for the relief on the first sentence that states no tents.

Mr. Dunn stated simply because sometimes especially with a wedding event sometimes there needs to be a tent for inclement weather or for a spillover of guests used for a photo booth or other entrainment accessories.

Mr. Dunn stated that the tent could easily be placed north of the building.

Mr. Dunn explained there was a paved area that was fairly flat.

Mr. Dunn asked if the board would consider lifting condition 22 on the March 16, 2020 approved resolution.

Mr. Suckey stated that he knows what Mr. Dunn is explaining.

Mr. Suckey stated that he has been to a wedding that was in a barn type venue and the tent was used for the cocktail hour and through out that night for guests to socialize.

Mr. Suckey stated that the applicant would have to obtain a permit from the fire inspector every time the applicant was going to put up a fence.

Mr. Suckey stated there would be fee and the tent would need to be inspected by the fire inspector.

Mr. Suckey stated that if this request was to be approved you would have to comply with all permits and inspections.

Mr. Dunn and Mr. Sherwood and agreed and stated they would follow through with all the guidelines.

Mr. Suckey asked if any of the members had any questions or concerns.

Mr. Christiano asked if the use of the tent would be for every event.

Mr. Sherwood stated that there would not need to be a tent at every event.

Mr. Sherwood stated that it would be for weather issues and by special request.

Mr. Suckey stated that there would need to be a new condition written in an approving resolution if this request was to be granted that stated the tent would need to come down with in 72 hours of the event ending and not be put up anymore then 48 hrs. before the event starting.

Mr. Estes stated that seemed fair and he would agree to that.

Mr. Suckey stated that his suggestion for Mr. Sherwood is that he works this into his contract with clients that will be renting the space from him to hold their event.

Mr. Suckey stated that there should be language in Mr. Sherwood's contact explaining that any tent that goes up would need to be permitted and have an inspection approval from the fire inspector and that any tent should not be put up anymore the 48 hours prior to event and would need to be put down within 72 hours of the event ending.

Mr. Suckey stated that the inspections and permits are a state mandate and something that the board can not waive.

Mr. Dunn and Mr. Sherwood stated they would follow any rules and make sure permits were obtained each time there was a request for a tent at the venue.

Mr. Friend asked how big of a tent were they looking to use.

Mr. Dunn stated a 20 x 40 feet tent.

Mr. Knutelsky stated the placement of tent will be specific to this designated area.

Mr. Sherwood stated that the tent placement would be specific to that designated area.

Mrs. Schultz asked if there would be lighting under the tent.

Mr. Dunn stated yes just simple lighting.

Mr. Raperto asked if there would be some sort of barricade to prevent someone from accidently driving into the tent.

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Mr. Dunn stated that they have not thought about that and they could certainly put-up temporary barriers up when the tents would be in use.

Mr. Raperto suggested oversized flower pots being a good barrier and something nicer to look at.

Mr. Dunn and Mr. Sherwood stated that they would look into that and would certainly put a barrier up when the tents are being occupied.

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

Mr. Correale stated that he had a few quick points that he needed to read off from a memo from Mr. Brady.

Mr. Correale stated that he would like to read a brief memo from Mr. Brady.

Mr. Brady would like to point out at the time of the preliminary approval there were some questions in regards to questions on easements that allow access to the property that go through sliver of the adjoining properties.

Mr. Correale explained that Mr. Sherwood's attorney submitted copies of the easements and Mr. Brady received and reviewed and found them to be acceptable.

Mr. Correale stated the secondly, Mr. Brady thought it would be a good idea to have a condition of the hearing to require a written letter be submitted to the planning board secretary if sprinklers should be installed at a later date and the CO goes from 100 occupants to 200 occupants.

Mr. Sherwood agreed and stated that was fair and he would follow through with that condition when the time came.

Mr. Suckey asked if there were any other questions and or concerns that needed to be addressed.

Mr. Suckey stated not hearing any that he would entertain a motion.

Mr. Suckey stated that there needs to be two different motions.

Mr. Suckey explained at this time he is looking just for an approval or disapproval motion on this preliminary and final site plan application.

Motion made by **Mr. Estes**. Including all conditions and waivers discussed tonight. Seconded by **Mr. Friend**.

**Upon Roll Call Vote:**

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

NAYS: None ABSTENTIONS: None

**Approved**

Mr. Suckey asked for a motion on the resolution that amends the condition numbers 19, 22 &24 with the conditions that were discussed and agreed upon from both the board and the applicant.

**Mr. Estes** made the motion to include the conditions discussed and agreed upon.

Seconded by **Mr. Christiano**

**Upon Roll Call Vote:**

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

NAYS: None ABSTENTIONS: None

**Approved**

Mr. Suckey asked for a motion to waive the reading of the amended resolution.

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

**Upon Roll Call Vote:**

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

NAYS: None ABSTENTIONS: None

**Approved**

Mr. Suckey stated that concludes all the business this evening with I.T.S. Properties.

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**APPROVAL OF RESOLUTION**

There were no resolutions for approval

**OLD BUSINESS:**

There was no old business to discuss

**NEW BUSINESS:**

**Memo from the Clerk on Ordinance 06-2021**

Mr. Suckey asked if everyone had the chance to read and review the memo and ordinance.

Mr. Suckey asked if there were any questions.

Mr. Suckey stated that he had one and asked if Mayor Sowden could explain it.

Mr. Suckey stated that in section 1-27 zoning districts it seems everywhere is excluded.

Mr. Suckey went on to explain that there is currently a medical marijuana growing facility currently operating in town and that is not addressed in this ordinance.

Mr. Suckey asked Mayor Sowden to explain why there is no mention of the existing marijuana growing facility in the ordinance or why does it not state that there is a zone that is allowing it and will continue to allow it in the ordinance.

Mayor Sowden stated that he believes the town is allowing for the growing for medical reasons to be grown only in industrial zones.

Mr. Sowden explained that the location where the current growing facility is operating is in the industrial zone.

Mr. Suckey stated that it does not state that in the ordinance.

Mr. Suckey stated that the ordinance reads that it is not permitted in any zoning district.

Mr. Suckey asked Mr. Correale if Mr. Brady left him any notes or memos on this particular discussion.

Mr. Correale stated Mr. Brady did leave a memo stating that he sent the board an example ordinance that was similar to the ordinance from the township of Green.

Mr. Correale stated that Mr. Brady stated in his memo that if the board wanted to address the different classes 1-6 the board could do so.

Mr. Correale stated other than that Mr. Brady is just waiting for the board to discuss and then would need to make a motion on recommending adoption with or without modifications.

Mr. Correale explained after that Mr. Brady would then draft a letter to the mayor and council.

Mr. Suckey stated that he still feels there should be a section in the ordinance that states which district is going to allow the growth of cannabis.

Mr. Suckey stated that the ordinance is really focusing on retail. However, if the town is going to allow it in an industrial zone, then there should be a section in the ordinance that states that.

Mayor Sowden stated that he would double check that with Mr. Ursin the town attorney.

Mr. Suckey read the wording from the ordinance that the board received.

Mayor Sowden understood what Mr. Suckey was saying and he stated that he would recommend that Mr. Correale write the letter to Mr. Ursin addressing the board's concern.

Mayor Sowden stated that they would address the concerns brought to his attention and discuss at the next council meeting.

Mr. Correale stated that he just wanted confirmation that the planning board is in agreement to have Mr. Brady draft a letter to Mr. Ursin and Mayor & Council looking for more clarification especially when specifying the zones in which the cultivation facilities are allowed or not allowed in.



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Mr. Sowden stated that there was a change in the wording and that the word combined has been added to that last paragraph Mr. Suckey is referring too.

Mr. Suckey asked if there were two different drafts of this ordinance and why was the planning board not aware of this and sent the most recent draft.

Mayor Sowden apologized and stated that it was changed earlier this afternoon.

Mr. Suckey and the planning board members stated that they felt they could not have a discussion on something they do not have in front of them.

The board continued the discussion and ultimately decided that they would need the new draft that was discussed early before they felt comfortable going forward with making any solid recommendations to the mayor and council.

**Mr. Estes** made the motion to table this discussion until the planning board receives the updated ordinance that was changed prior to the meeting tonight.

**Mr. Estes** also included the approval of asking Mr. Brady to draft a letter to Mr. Ursin and Mayor and council explaining the planning boards concerns addressed tonight. Seconded by **Mr. Christiano**.

**Upon Roll Call Vote:**

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

NAYS: None ABSTENTIONS: None

**Approved**

**OPEN PUBLIC SESSION**

Mr. Suckey opened the meeting to the public.

Mr. Suckey stated not seeing anyone speaking or raising their hand he closed the meeting to the public.

**DISCUSSION:**

None

**ADJOURNMENT:**

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

Seconded by **Mr. Friend**

**All were in Favor.**

The meeting adjourned at 8:55 P.M

Respectfully submitted,  
Michelle Babcock  
Planning Board Secretary