

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**November 15, 2021**

The meeting was called to order at 7:30 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 (Absent)  
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. Richard Knop (Present)  
Mr. Michael Raperto, Alternate #1(Present)  
Ms. Sharon Schultz, Alternate #3 (Present)

ALSO, PRESENT:

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

**APPROVAL OF MINUTES:**

Mr. Suckey asked for approval for the October 6, 2021 Planning Board meeting minutes.

**Mr. Friend** made the motion to approve the Planning Board meeting minutes as written.

Seconded by **Mr. Nidelko**

**Upon Roll Call Vote:**

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

NAYS: None ABSTENTIONS: none

**APPROVED**

**PAYMENT OF BILLS:**

Mr. Suckey asked for approval for the November 15, 2021 Planning Board Escrow report.

**Mr. Williams** made a motion to approve the November 15, 2021 Planning Board Escrow report.

Seconded by **Mr. Estes**

**Upon Roll Call Vote:**

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

NAYS: None ABSTENTIONS: None

**APPROVED**

**APPLICATION FOR COMPLETENESS**

**VBM Investments (PB#10-21-01) 22 Walsh Road, Block 1010, lot 9 Amended site plan.**

Mr. Williams stated that he was going to leave the room for this application due to Mr. Haggerty representing this application and Mr. Williams having a conflict of interest.

Mr. Williams left the room at 7:36.

Mr. Suckey asked for Mr. Knutelsky to read his report.

Mr. Knutelsky stated that this application came before us in the way of an amended site plan.

Mr. Knutelsky stated that during the construction inspection we noticed that the driveways were steeper than originally approved.

Mr. Knutelsky stated that the building is 95% complete.

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Mr. Knutelsky stated that the driveway is approximately 2 ½ Ft higher at the garage level than what was originally approved for.

Mr. Knutelsky stated that he believes this is due to encountering rock and the mason constructed the footings higher than what was approved.

Mr. Knutelsky stated that during a site visit he did notice that 4 out of the 5 driveway slopes fall into the driveway resident code of 15% or less. The one on the southerly end of the property could not reach that number and came up higher than 15%.

Mr. Knutelsky stated that he asked the applicant to submit an application to the board asking to permit that wavier.

Mr. Knutelsky stated that he asked for Mr. Brown to talk to the applicant before the meeting to briefly explain how things worked as far as this application needing a completeness report prior to the hearing and also making sure Mr. Markovski aware that for the hearing he would need to be represented by an attorney due to being a corporation.

Mr. Markovski fully understood and stated that Mr. Haggerty from Dolan and Dolan's office would be present at the next meeting for the hearing.

Mr. Knutelsky stated that he does not have a full completeness report as he would with other applications due to the fact of the simplicity of this application.

Mr. Knutelsky stated that he will state verbally for the record at this time he is recommending that this application be found complete and the hearing should be scheduled for next month's meeting.

Mr. Suckey asked for the applicant to come forward to the microphone stating his name and where he lived.

Mr. Suckey asked Mr. Markovski. if he understood that he would have to have an attorney present with him for next months hearing.

Mr. Markovski stated yes.

Mr. Suckey asked if the members had any questions.

Mr. Suckey stated based on Mr. Knutelsky recommendations. I will take a motion to deem this application complete at this time,

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

**Upon Roll Call Vote:**

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

**NAYS: None ABSTENTIONS: none**

**APPROVED**

Mr. Suckey stated that the next meeting will be December 20<sup>th</sup>

Mrs. Babcock left the room to let Mr. Williams know he could return to the meeting.

Mr. Williams returned to the meeting at 7:42

**Ascend New Jersey, LLC (PB#11-21-01) 24 Munsonhurst Road, Block 2401 Lot 21 Preliminary and final site plan with bulk variance.**

Mr. Suckey asked for Mr. Knutelsky to proceed.

Mr. Knutelsky stated that he was reading from his November 11, 2021 report specifically page 2 section B.

Checklist item # 33- All Proposed buffers, landscaping or similar facilities.

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

Mr. Knutelsky stated that there needs to be additional landscaping discussed with the planner and the full board during the hearing.

Checklist Item # 38- Environmental Impact Statement.

Mr. Knutelsky stated that the applicant requested a waiver and Mr. Knutelsky stated that the waiver be granted for completeness only and requires environmental information be provided at the hearing.

Checklist # 39 – Traffic Impact Statement.

Mr. Knutelsky' stated that the applicant requested a waiver. Mr. Knutelsky' recommends that there be a waiver granted for completeness only and requires traffic information be provided at the hearing.

Mr. Knutelsky stated the need for a full TIS will be evaluated at that time.

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Checklist item #43- #47 Final site plan requirements only, as such Mr. Knutelsky recommends that temporary waivers for completeness only be granted for these checklist items with the applicable information provided as a condition to any approval that the board may grant.

Mr. Knutelsky stated that based upon the aforementioned review and subject to the board finding that the recommended waivers are appropriate and recommends that this application be found complete at this time.

Mr. Suckey asked if there was anyone present here representing this application,

Mr. Cutalo introduced himself and stated that he is representing this application.

Mr. Cutalo stated that he understands and is in agreement with everything that Mr. Knutelsky has stated from his completeness report.

Mr. Suckey asked if the board members had any questions or concerns at this time.

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

Mr. Cutalo also stated that if the application is found complete tonight that he would like to request to have the public hearing at the next available meeting.

Mr. Suckey stated ok.

Mr. Williams made the motion to deem this application complete. Seconded by Mr. Estes

**Upon Roll Call Vote:**

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

**NAYS: None ABSTENTIONS: none**

**APPROVED**

Mr. Suckey stated as discussed at the TCC meeting we can schedule this hearing for December 1<sup>st</sup>

Mr. Cutalo thanked the chairman and the board and left the meeting.

**APPLICATIONS TO BE HEARD**

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

Mr. Suckey asked if anyone was here this evening representing this application.

Mr. Peter Kalafut came forward and introduced himself and stated that he was the project manager for the Garrity family.

Mr. Brown stated that at this time he would like to swear in Mr. Kalafut.

Mr. Kalafut stated his name Pete Kalafut 11 Walsh Drive, Sparta New Jersey.

Mr. Brown swore Mr. Kalafut in under oath.

Mr. Brown asked if Mr. Kalafut was a licensed architect.

Mr. Kalafut stated that he was not a licensed architect he was the project manger who would be over seeing the project.

Mr. Suckey asked for Mr. Kalafut to explain the project.

Mr. Kalafut stated that Mrs. Garrity the home owner is looking to put an addition on the back side of the house 20x 23 which will include a master bedroom with its own suite.

Mr. Kalafut stated that there is a shed in the back yard that will have to be removed prior to construction.

Mr. Kalafut stated that the edition will fit the aesthetics of the house which is a ranch style house.

Mr. Kalafut stated that the edition would follow the same roof line and have the same shingles and fit like it was meant to be there all along.

Mr. Kalafut stated that this is what he projects entailed.

Mr. Suckey stated at this time we will hear Mr. Knutelsky' s report.

Mr. Knutelsky stated he was going to read from his October 14<sup>th</sup> report.

Mr. Knutelsky stated that he knows that this application was found complete at the September meeting.

Mr. Knutelsky stated that the key element here as Mr. Kalafut indicated that there is an expansion that will be added to the principal structure.

Mr. Knutelsky stated that this property is located on a corner lot between Butler and Haines Court.

Mr. Knutelsky stated by definition this property has two front yards with two setbacks that are required, along with one rear yard and side yard setback.

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Mr. Knutelsky stated that the definition reads that which every way the house faces is considered the front yard which makes Butler Street the front yard and the rear yard with the setbacks that go along with that.

Mr. Knutelsky stated this is what causes the applicant to need a variance.

Mr. Knutelsky asked if the applicant provided notice to the neighbors meaning the 200 ft list.

Mr. Kalafut stated yes.

Mr. Knutelsky stated the only reason for bringing that up is because there is no one here in the audience besides the applicant this evening. That being said there is no one who has any questions or seems to have a problem with the proposed project and or the approaching setbacks.

Mr. Knutelsky stated that is important to keep in mind when hearing this application.

Mr. Knutelsky stated that the shed was addressed in Mr. Kalafut's testimony and he stated that the applicant was going to remove the shed.

Mr. Knutelsky asked if there were any utilities proposed.

Mr. Kalafut stated that overhead wiring would come from the Butler St west side of the existing structure.

Mr. Kalafut stated that the fuel is located inside the home.

Mr. Kalafut stated that everything would be coming from the main dwelling.

Mr. Knutelsky asked Mr. Kalafut to describe what the project will consist of.

Mr. Kalafut stated it is a master bedroom with an attached bathroom.

Mr. Kalafut stated the roof lines will match and not exceed what is currently there now.

Mr. Knutelsky stated he is aware of the fence around the pool on the Haines Court side of the house and that there is another brown fence that will run right through the new addition.

Mr. Knutelsky asked Mr. Kalafut how the brown fence will be relocated.

Mr. Kalafut stated it would be replaced once the addition was finished due to pets and privacy.

Mr. Knutelsky stated that concludes all his questions and points that needed to be addressed from my October 14<sup>th</sup> 2021 report.

Mr. Suckey asked if there was any new lighting on the addition.

Mr. Kalafut stated just a small light off the patio door. Just a normal outdoor sconce.

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

Mr. Kalafut stated that, if possible, he and his clients would ask for a waiver for the resolution.

Mr. Suckey stated as long as they know if something goes wrong it is at their peril.

Mr. Kalafut stated that he and his clients understood.

Mr. Nidelko asked if the property owners were in agreement to make a buffer in-between the two property lines.

Mr. Kalafut stated yes, the property owners would do something as far as landscaping to make sure there was a nice clean buffer between the properties.

Mr. Nelson stated that he took a quick look at this application and due to the simplicity of the application I did not feel it necessary to do a report.

Mr. Nelson stated that he felt Mr. Knutelsky's report would be sufficient and he has nothing to add.

Mr. Knutelsky just wanted to confirm that the driveway that is there now, there is no intention of extending that with the addition correct. Mr. Kalafut stated no.

Mr. Knutelsky stated he did not think so but he just wanted to confirm.

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

Mr. Suckey stated not seeing or hearing anyone he would close the meeting to the public.

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

Mr. Suckey stated not hearing any he would take a motion at this time.

Mr. Williams made the motion to approve the application with bulk variance.

Seconded by Mr. Nidelko,

**Upon Roll Call Vote:**

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

**NAYS: None ABSTENTIONS: none**

**APPROVED**

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**APPROVAL OF RESOLUTION**

In the matter of Frank & Robin Elmo (PB#08-21-03) 7 Estell Drive Block 1701 Lot 3

Mr. Suckey asked if everyone read and reviewed the resolution.

Mr. Suckey asked if anyone had any questions or concerns.

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

Motion made by Mr. Williams. Seconded by Mr. Raperto.

**Upon Roll Call Vote:**

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

**NAYS: None ABSTENTIONS: none**

**APPROVED**

In the matter of Patricia and Stanley Rak (PB#06-21-02) 7 Estell Drive Block 1701 Lot 3

Mr. Suckey asked if everyone read and reviewed the resolution.

Mr. Suckey asked if anyone had any questions or concerns.

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

Motion Made by Mr. Williams. Seconded by Mr. Nidelko

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

**NAYS: None ABSTENTIONS: none**

**APPROVED**

**OPEN PUBLIC SESSION:**

Mr. Suckey opened the meeting to the public.

Mr. Suckey closed the meeting to the public due to no one being in the public at this time.

**DISCUSSION:**

Main Street B-2 Zone

Mr. Nelson stated that everyone should have received a map in their packets that showed the area of Main Street that will be addressed.

Mrs. Schultz asked if there was a better map. The map in the packets were very blurry and hard to read and make out the street names.

Mr. Suckey stated if it comes down to doing an ordinance, we will make sure we get a better map to use.

Mr. Nelson stated that this issue came up with a TCC meeting that we had with 35 Main Street.

Mr. Nelson explained it used to be the Kovach Law office building.

Mr. Nelson stated that the current owner who purchased the building a few years ago is looking to convert the first floor into apartments.

Mr. Nelson stated that he was not sure what the property owner was going to do as far as leaving it as is or coming to the board asking for a Use Variance.

Mr. Nelson stated that the B2 Zone currently does not allow for apartments on the 1<sup>st</sup> floor and either does the B1 Zone.

Mr. Nelson stated as he was meeting with the property owner at the TCC meeting he started really thinking about and paying attention to that area and started to question why that area is under the B2 Zone.

Mr. Nelson stated that this area is substantially different than the rest of Main Street.

Mr. Nelson stated that most of that area is residential.

Mr. Nelson stated that during the TCC meeting we told the property owner there are two ways you could handle this.

Mr. Nelson stated one, put in an application looking for a use Variance or two request a zone change which could take a long time to get all the procedures for that into place.

Mr. Nelson stated that this goes far beyond just this one property owner.

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Mr. Nelson stated that he thinks it should be something that the board looks further into.

Mr. Nelson stated that he was not sure how the board wanted to address it.

One of the suggestions made by Mr. Nelson is making a sub committee made up a few members to look into this a little more weighing the pros and the cons of a zone change in this particular area.

Another suggestion from Mr. Nelson was having the whole board have a discussion at another meeting to get discuss in more detail.

In closing Mr. Nelson stated that there are three ways to deal with this.

One leave it alone and have applicants come in for use variances like they have to do now.

Two is to create a new zone all together. Possibly calling it the b3 zone and let it have its own set of regulations orientated around what is currently there now.

Three would be to amend the B2 Zone keep this zone, and amend the restrictions for this area allowing first floor space. Amending it to have its own set of standards.

Mr. Nelson stated that his recommendation is to either leave it as is which is the B2 zone or create a new zone entirely.

Mr. Nelson stated this is something that is clearly going to need more of a discussion than I'm prepared to have tonight.

Mr. Nelson stated that it also demands me to go out and look and gather some more information and take a better look at the area.

Mr. Nelson stated that he also needs the board to think about what they think this area should be or how they see it going in the future.

Mr. Suckey stated that he thinks Mr. Nelson should go out gather some more information and research the area a little more and come back to the full board for a more elaborate discussion before making any sort of discussions tonight on what way the board wants to go as far as changing the zone or keeping it the way that it is.

The board members stated both pros and cons to changing the zone or leaving the zone the way it is.

Ultimately, Mr. Suckey stated that Mr. Nelson will have to do more research on this and write up a brief report and present it at the next meeting before any discussions can be made.

Mr. Suckey stated this would be tabled for the December 20<sup>th</sup> meeting,

The members agreed that was the best idea.

**ADJOURNMENT:**

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

Seconded by **Mr. Nidelko**

**All were in Favor.**

The meeting adjourned at 8:22 P.M

Respectfully submitted,  
Michelle Babcock  
Planning Board Secretary