

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**November 21, 2022**

The meeting was called to order at 7:34 PM by the Chairman, Mr. Suckey, who then led the assembly in the flag salute.

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

**ROLL CALL OF MEMBERS:**

Mr. Wes Suckey, Chairman (Present)  
Mr. John Christiano, Vice Chairman (Present)  
Mr. John Sowden, Mayor (Present)  
Mr. Concetto Formica, Council liaison (Absent)  
Mr. Floy Estes (Present)  
Mr. Jim Nidelko (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, Planning Board Engineer  
Ken Nelson, Planning Board Planner via Phone

**APPROVAL OF MINUTES:**

Mr. Suckey asked if everyone received the planning board minutes from the October 17<sup>th</sup> meeting.

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

Mrs. Babcock stated that there were typos pointed out prior to meeting and she will go back and make the corrections.

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

Seconded by **Mr. Raperto**

**Upon Roll Call Vote:**

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

NAYS: None    ABSTENTIONS: **Sowden**

**Approved.**

**PAYMENT OF BILLS:**

**Mr. Williams** made a motion to approve the escrow report for **November 21, 2022**

Seconded by **Mr. Estes**

**Upon Roll Call Vote:**

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

NAYS: None    ABSTENTIONS: **Sowden**

**Approved.**

**APPLICATIONS FOR EXTENSIONS:**

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

Mr. Suckey asked for Ms. Rubright to step up to the microphone.

Ms. Rubright introduced herself and stated that she was representing JCM investors.

# **Franklin Borough Planning Board**

## **Meeting Minutes for**

### **November 21, 2022**

Ms. Rubright stated that they are here this evening requesting an extension for their 2019 application approvals.

Ms. Rubright stated that her client has been working diligently on getting all the necessary approvals & permits that were stated in the resolution that was approved by this board on November 18, 2019.

Ms. Rubright stated that the pandemic put things on hold as everyone knows.

Mr. Brady asked Mr. Rubright how long of extension they are looking for.

Ms. Rubright stated seven years.

Mr. Brady asked why so long.

Ms. Rubright stated that was the original approval in the resolution and because we lost two solid years with the pandemic it is like my client is starting all over again.

Ms. Rubright stated that her client wants nothing more than to start this project.

Mr. Rubright stated that she would understand if the board was not comfortable with the full seven years.

Ms. Rubright stated that her and her client would be happy with at least three years.

Mr. Brady stated that he is not speaking for the board but believes the board would be more comfortable with a three extension because seven years is a long time.

Mr. Brady stated it would be nice to check in every few years to get updates.

Mr. Brady stated that is up to the board to grant the approval and the length of the approval using their discretion.

**Mr. Williams** made a motion to grant the extension for three years. Seconded by **Mr. Friend**.

**Upon Roll Call Vote:**

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

NAYS: None    ABSTENTIONS:

**Approved.**

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

**390 Rutherford Avenue, LLC. 390 Rutherford Ave Block 605 Lot 5**

**Preliminary & Final Major Site Plan.**

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

Mr. Nimensky stated they are back for the second time, tonight they hope to get through the rest of their testimony and possibly bring the application to a vote.

Mr. Nimensky stated that at the last meeting there was a concern that the person giving testimony on the architect design was not a licensed architect in the state of NJ. Tonight, we have with us Mr. Silvestri who is a licensed architect and was heavily involved in the plans before you. Mr. Nimensky stated the applicant brought Mr. Silvestri here tonight so the board members could ask him any questions that they need answered.

Mr. Sowden excused himself from the meeting at 7:44.

Mr. Brady Swore Mr. Silvestri in under oath.

Mr. Nimensky qualified Mr. Silvestri in as an expert architect. Mr. Silvestri gave his education and professional background.

Mr. Suckey stated that the board would accept Mr. Silvestri as an expert architect.

Mr. Suckey asked him to proceed.

Mr. Silvestri explained that he works very closely with Wendy who was presenting testimony at the last meeting. Mr. Silvestri stated that he oversees everything that Wendy works on related to this project.

# **Franklin Borough Planning Board**

## **Meeting Minutes for**

### **November 21, 2022**

Mr. Silvestri stated that Wendy came back to me with the concerns and questions this board had in regards to the plans at the last meeting.

Mr. Silvestri stated that he went back and made those changes to the plans.

Mr. Silvestri stated that includes the extra storage per unit as requested by the board, we also added the Knock Box, roof access and the small signage which was another suggestion from this board that has also been added to the re submission plans before you.

Mr. Silvestri asked Mr. Brady if he could mark the exhibit he was refereeing to in as A -101 -1.

Mr. Silvestri briefly went over the topography of the exhibit and explained that the proposed building would not look out of place comparison to the houses and development near by the property.

Mr. Silvestri stated that this was not included in the packet. However, he would be happy to pass out copies to the members.

Mr. Nimensky stated that he does not want to take the time for Mr. Silvestri to go over everything that was addressed at the last meeting. At this time the board is welcome to ask any questions they may have to Mr. Silvestri the licensed architect.

Mr. Suckey asked why 4 stories and not three stories.

Mr. Silvestri stated that is basically to fulfill the number of units needed.

Mr. Silvestri also stated that the grade below Rt. 23. It will be 4 stories but it will not look unpartitionable to what is in the area because of the grading being below Rt. 23.

The board members continued to ask questions on why the project is a proposed four-story building.

Mr. Nimensky stated that he did not feel comfortable going into any more detail than he already has and asked for the board members to wait until the planner comes up to testify to answer any further questions in regards to why the building is being proposed as a four-story building.

Mr. Silvestri stated that he would like to mark in exhibit A-101-2 titled floor plans a total of 6 sheets with a revision date of 11/16/22.

Mr. Silvestri briefly went over the changes that were made by request of the board at the last meeting.

Specifically, the Storage, roof access, Knock Box, and signage.

Mr. Silvestri explained the sizes of the proposed signage and the area in which they will be located.

One sign being located at entrance on the Rt. 23 side and one being at the other end which is the Rutherford Avenue side.

There is also proposed signage for the fourth story which is only an outline and sizes and dimensions have not been finalized thus far.

Mr. Knutelsky stated that he is trying to be as flexible as possible however, he or this board will not be able to approve an application that has signage being proposed without having a clear idea of what the signs will look like and the dimensions of the signs.

Mr. Knutelsky although it is appreciated that you came back with signage as part of the application which was discussed at the last meeting, the board and myself need more detail especially as far as the dimensions and the design of the sign. The board has to know if it follows the towns ordinance for signage as well.

Mr. Nimensky said these are just preliminary sign ideas and concepts the applicant would come back to the board for a sign application at a later date.

Mr. Suckey stated that is exactly what he did not want to happen and tried to explain that at the last meeting.

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**November 21, 2022**

Mr. Suckey stated that he did not want this application to be piece milled together with the applicant coming back and forth before the board.

Mr. Friend stated that the papers that have been handed out should be included in the board packets that are delivered prior to the meeting so the board can review them and ask educated questions.

Mr. Suckey stated that it just makes it hard for the board to decide when things are constantly being added and piece milled together.

Mr. Nimensky stated that he and his client want to satisfy the board and if it is drawings and signage documents you need for the next meeting then that is what we will provide the board at the next meeting.

Mr. Knutelsky stated that it makes no difference to him if the signage is part of this application or if the applicant comes back with a sign application.

Mr. Knutelsky stated that he just does not want to waste time on discussing the signage when the board knows nothing about it now.

Mr. Brady stated that because this is a bigger application and not something that is typical for this area on Rt 23 he would suggest the board want to include the signage into this application so everything is discussed and decided on as one application.

Mr. Suckey agreed and stated that they would continue for now but wants the applicant and his professionals to know that the board will want to see signage and details on the signage included in this application.

Mr. Suckey asked if the board had anymore questions for the architect.

Mr. Christiano stated that he asked if the roof could be a white roof.

Mr. Silvestri stated that it would be a PCP roof. Mr. Christiano stated if there was a lighter color of shingle that would lighten the roof as well.

Mr. Silvestri stated that it would not be white but a lighter color is something that can be accommodated.

Mr. Knutelsky as Mr. Silvestri briefly touched on the elevator matter that was brought up at the last meeting.

Mr. Silvestri stated that the elevator would in fact be hydraulic elevators.

Mr. Schoonmaker testified on the elevators and will be working with an elevator expert who stated they no longer use contaminating oil they are now using vegetable oil.

Mr. Nelson stated that he had a question about LEAD certification and it was stated that this project would not be LEAD certified.

Mr. Silvestri stated that everything about this project would be environmentally safe and would uphold on standards but being LEAD certified is not up to me it would be entirely up to the owner.

Mr. Silvestri stated that he has not discussed this with his client and will later this evening when there is a break in the meeting perhaps.

Mr. Knutelsky stated one final point he wants to address is about the roof and that the architect can confirm there will not be any storage in the attic area.

Silvestri stated that is correct there will be no storage in the attic area.

The only access to the attic is through the janitors closet which will be clocked.

Mr. Nidelko asked if there was going to be always a building supervisor on the property.

Mr. Silvestri stated yes.

Mr. Suckey asked if there were any further questions for Mr. Silvestri. Not hearing any Mr.

Suckey opened this portion of the meeting up to the public to ask questions to the architect.

**Christian Daguin 36 John Wilton Street** approached the microphone and asked Mr. Silvestri.

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**November 21, 2022**

what his view would look like from where his house is. What will he be seeing out his windows. Mr. Silvestri stated that his view wants not change if Mr. Daguin can see above the tree line now from his home he will continue too. The building will not be higher than what is already there now.

Mr. Daguin was also concerned about solar panels being mounted and the sun being reflected off them and possibly reflecting towards his home.

Mr. Silvestri stated that they both those questions can be answered by the civil engineer.

Mr. Suckey asked Mr. Daguin to hold onto his questions for when the applicant's civil engineer gives his testimony later this evening.

Mr. Daguin thanked the board and stated he would come back up to ask his questions.

Mr. Suckey asked if there was anyone else from the public that wished to ask Mr. Silvestri any questions.

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

Mr. Nimensky stated that the next witness that will be giving testimony this evening is Arthur Kuyan who is the applicant's engineer.

Mr. Kuyan stated that he has resubmitted a resubmission with the recommendations and suggestions that were mentioned by Mr. Knutelsky and the board members at the last meeting.

Mr. Kuyan stated that he wanted to keep his new testimony very brief and stated that he went through Mr. Knutelsky's letter and specifically bolt pointed out all of the comments made and addressed them in his report.

Mr. Kuyan briefly read through the report highlighting the new changes that have been made based of the boards and Mr. Knutelsky's recommendations.

Mr. Kuyan stated that the one point that he wanted to point out was the concern of the height of the building. Mr. Kuyan stated that the board must keep in mind that the 1<sup>st</sup> floor of the building will actually be below Rt 23 by 9 or 10 ft.

Mr. Kuyan went on to state that they needed to increase the slope of the driveway entering the site to get to the lower grade.

Mr. Kuyan stated that revised the landscaping plan adding more shrubs and plants replacing anything that dies within the first three years.

Mr. Kuyan stated his applicant is also in agreement to remove the billboard off the property.

Mr. Kuyan stated that summarized his resubmission and would be happy to answer any questions that the board has at this time.

Mr. Suckey asked if Mr. Knutelsky wanted to addresses anything.

Mr. Knutelsky stated that her would briefly go over his letter dated November 18, 2022 which is specific to the readvised plans and the resubmission that was provided by Mr. Kuyan.

Mr. Knutelsky and Mr. Kuyan touched on the drainage. Mr. Kuyan stated that they have not submitted their Storm Water Management Plan yet but will do so soon. Mr. Kuyan stated he will make sure that everything is where is should be and there will be nothing being cut off because of the proposed wall. Mr. Kuyan assured Mr. Knutelsky that there would not be any water trapped and water flow would continue despite of the wall.

Mr. Kuyan stated that he would submit a plan for the submission.

Mr. Suckey asked if the wall was on the original set of plans. Mr. Kuyan stated that they were not once they started getting into the flood calculations, they ran into a deficit. Mr. Kuyan stated that installing the wall will do the opposite of trapping the water, it will give the water a better flow with inlets throughout the wall with new drainage around the entire property site compared to what the current situation is.

# **Franklin Borough Planning Board**

## **Meeting Minutes for**

### **November 21, 2022**

The board had a lengthy discussion on the wall, the height, length and what the wall would look like, color scheme etc.

Mr. Knutelsky stated that he would assume that the resubmission would have a better detail of the wall as discussed by the board what it would be made of and the color scheme.

Mr. Knutelsky stated that he believes and thinks that the board would agree that is something that should not be a condition of the resolution but come back to the board to look at, at the next meeting. Mr. Suckey agreed and stated that he would like for the applicant to come back with a detail on the wall and even an image, if possible, to show exactly how it would look.

Mr. Kuyan stated that is something that can be prepared for the next meeting.

Mr. Nelson asked if there would be wheel stops placed in the parking areas.

Mr. Kuyan stated that they did not have any intentions of putting wheel stops in but if that was a condition from the board, they would have no issue putting wheel stops in.

Mr. Daguin 36 John Wilton Street.

He wanted to know how high will the building be compared to the tree line.

Mr. Kuyan stated that if you are seeing trees now you will continue to see trees. The building would not be easily seen over the tree lines.

Mr. Daguin stated he also wanted to know about the solar panels.

Mr. Suckey stated that it sounds like Mrs. Schoonmaker is not interested in putting solar panels on the building at this time if ever.

Mr. Suckey asked if there were any other questions or comments.

Mr. Knutelsky stated that he just wanted to give a brief summary of what the applicant was going to resubmit at the next meeting.

- Signage plan
- Lighting plan
- Traffic signage and stripping to be added to the plan

Mr. Suckey agreed and thanked Mr. Knutelsky and asked if there were any other questions or comments from the board. Mr. Suckey also opened the meeting to the public asking if there was anyone from the public who wanted to ask Mr. Kuyan any questions or make any comments on behalf of Mr. Kuyan testimony. Not hearing any Mr. Suckey thanked Mr. Kuyan.

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

Mr. Suckey stated he would like to take a 10 min break.

Mr. Suckey stated that there would now be a 10-minute break and for everyone to return to their seats at 9:10.

Mr. Suckey brought the meeting back to order at 9:11.

Mr. Nimensky stated that in regards to the LEAD certification the professionals are not LEAD certified but rest assured this development will be energy efficient.

Mr. Nimensky stated that the next witness we have this evening is the Traffic engineer.

John Corak with Stonefield engineering. Mr. Nimensky qualified Mr. Corak.

Mr. Corak listed his education and his professional qualifications.

Mr. Suckey stated that they would accept Mr. Corak as a traffic expert.

Mr. Corak gave a brief summary of his traffic report that he conducted on Rt. 23.

Mr. Corak stated that they evaluate the peak hours of trip generation with a morning peak hour and an evening peak hour using the Trip Evaluation it figured that this 51-unit apartment building would generate an average of 20 cars going in and out within the greatest peak hour.

Mr. Corak went on to explain his traffic study report. Mr. Corak stated that the DOT has also addressed the study and did not make any comments or place any restrictions on left turns coming out of the proposed site. At the end of Mr. Croak's testimony Mr. Suckey asked the

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**November 21, 2022**

board members if they had any questions. The board members asked several questions. Mr. Estes stated that Mr. Corak stated that the difference in traffic would be 19 cars. This is what the board needs to take away from this. Mr. Suckey stated that is correct but we have other developments twice this size with this number of cars it all depends on what data and tests they use.

The board continued to ask the traffic study engineer questions in regards to left hand turns, speed bumps, shrubbery not being in the line of sight when entering or exiting the development, there was a question on if this development would have a bus stop.

Mr. Estes stated that he feels that the traffic engineer has given his report and has given enough testimony on traffic related questions but there comes a time when the board has to stop asking what if type of questions and moving along.

Mr. Suckey stated that when he feels that the members are satisfied by asking their questions he will move on.

Mr. Suckey asked if Mr. Corak had anything else. Mr. Corak stated he did not.

Mr. Suckey asked if the board had any further questions, the board did not.

Mr. Knutelsky stated that he just wanted to make sure that the 24ft width would be adequate for the firetrucks to be able to make the turn into the proposed development.

Mr. Raperto stated yes anything less than 20ft would be a problem.

Mr. Suckey asked if there were any more questions.

Mr. Suckey asked Mr. Nelson if he had anything to add. Mr. Nelson stated no, not at this time.

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

Mr. Suckey stated not seeing anyone from the public he would close this portion of the meeting to the public.

Mr. Nimensky stated the next witness he has for this evening is Phil Smith the engineer.

Mr. Nimensky stated that Mr. Smith went back and addressed a lot of the Fire Dept questions that came up at the last meeting.

Mr. Brady swore Mr. Smith in under oath.

Mr. Nimensky qualified Mr. Smith as a professional engineer.

Mr. Suckey accepted Mr. Smith's qualifications as an expert engineer.

Mr. Smith stated that one of the conditions discussed was that the applicant and Myself Phillip Smith would meet with the Franklin Fire Dept to go over some of the fire Matic issues that have come up during the last two nights of testimony.

Mr. Smith stated one of the issues being the ladder and what size is going to be needed and where it should be stored.

Mr. Brady wanted to confirm that Mr. Schoonmaker will be providing a ladder to the Fire Dept.

Mr. Schoonmaker stated yes.

Mr. Smith stated that he will also talk to the fire dept representatives about all other matters fire related.

Mr. Suckey stated no matter what window the ladders incline needs to be at a 75-degree angle.

Mr. Smith stated that can be accommodated.

Mr. Christiano asked if the building would be equipped with a sprinkler system. Mr. Smith stated yes.

Mr. Raperto asked if the charging stations will be solely on the outside.

Mr. Raperto stated that at the last meeting it was mentioned not to have the charging stations in the parking garage.

Mr. Smith stated he will work out all those details with the fire representatives at the meeting that he coordinates with them before the next planning board meeting.

# **Franklin Borough Planning Board**

## **Meeting Minutes for**

### **November 21, 2022**

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

Not hearing any Mr. Suckey opened the meeting up to the public asking if there was anyone from the public who wanted to ask any questions on behalf of the testimony that was just given. Mr. Suckey stated not seeing any one coming forward he closed this portion of the meeting to the public.

Mr. Suckey stated that it would be best for Mr. Smith to have the meeting with the Fire Dept before the next planning board meeting which is on December 19<sup>th</sup>.

Mr. Phillips asked for a contact for the firehouse.

Mr. Williams gave him the chiefs number to contact to set up a day and time to meet.

Mr. Suckey stated that at the next meeting we will start with your planner.

Mr. Suckey also announced to the public that there would be no further notice and that this meeting would be continued to December 19<sup>th</sup>.

Mr. Suckey stated that the next item on the agenda was the approval of resolution.

#### **APPROVAL OF RESOLUTION:**

**Ascend New Jersey, LLC (PB # 11-21-01) 24 Munsonhurst Rd, Block 2401 Lot 21  
Amended Preliminary and Amended Final Site Plan**

**Mr. Christiano** made a motion to approve the resolution. Seconded by **Mr. Estes**.

Upon Roll Call Vote:

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

**NAYS:** None    **ABSTENTIONS:** Williams

Approved.

#### **OPEN PUBLIC SESSION:**

Christian Daguin 36 John Wilton Street. Mr. Daguin asked if there was an ordinance for Jay breaking on Rt 23 near the Mabie Street light.

Mr. Suckey stated that was a Council question and advised Mr. Daguin to go to a Council meeting.

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

Mr. Suckey stated not seeing anyone come forward from the public, he would close the meeting to the public.

#### **DISCUSSION:**

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

Mr. Brady explained the letter from Askin & Hooker. Mr. Brady stated that he sent the attorney from Askin and Hooker an email looking for a little more information in regards to all this. Mr. Brady has not received that email or phone call as of this afternoon. Mr. Brady stated that he believes that the board should table this until the next meeting in hopes that he talks to their attorney prior to the next meeting.

Mr. Suckey asked if everyone was in favor to move this to the next meeting on December 19<sup>th</sup>  
All members agreed.

#### **OLD BUSINESS:**

There was none

#### **NEW BUSINESS:**



**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**November 21, 2022**

Mr. Suckey asked Mr. Brady to clarify who and who should not be attending the meeting with the applicant and the Fire Dept.

Mr. Brady stated that there is the sunshine act that we must be aware of and to take into consideration.

Mr. Brady's recommendation is that only two or even one planning board member would be ideal.

Mr. Suckey suggested Michael Raperto go and take notes and report back to the board.

Mr. Knutelsky stated whatever is agreed upon between the firehouse and the applicant should make the plans as well.

Mr. Friend suggested Mr. Knutelsky go to the meeting as well to make sure that suggestions from the Fire Dept can be done and added to the plan.

Mr. Suckey stated that yes, Mr. Knutelsky can attend the meeting as well. Mr. Suckey stated that way the Fire Dept's suggestions in regards to the plans can be discussed with Mr.

Knutelsky which he would make sure were feasible.

The board agreed.

Mr. Suckey asked if there was anything else that the board needed to discuss.

Not hearing anything.

Mr. Suckey asked for a motion to adjourn the meeting.

**ADJOURNMENT:**

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

Seconded by **Mr. Nidelko**

**All were in Favor.**

The meeting adjourned at 10:49 P.M

Respectfully submitted,  
Michelle Babcock  
Planning Board Secretary