

Franklin Borough Planning Board
Meeting Minutes for
September 20, 2021

The meeting was called to order at 7:30 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) arrived at 8:10
Mr. John Sowden, Mayor (Present)
Mr. Concetto Formica, Council liaison (Absent)
Mr. Floy Estes (Present)
Mr. Jim Nidelko (Present)
Mr. Jim Williams (Present)
Mr. John Friend (Present)
Mr. Richard Knop (Present)
Mr. Michael Raperto, Alternate #1 (Present)
Ms. Sharon Schultz, Alternate #3 (Present)
ALSO, PRESENT:
Dave Brady, Planning Board Attorney
Tom Knutelsky, Planning Board Engineer
Ken Nelson, Planner

APPROVAL OF MINUTES:

Mr. Suckey asked for approval for the September 1, 2021 Planning Board meeting minutes.

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

Seconded by **Mr. Raperto.**

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS:

PAYMENT OF BILLS:

NONE

APPLICATION FOR COMPLETENESS

Frank & Robin Elmo- (PB# 08-21-03) 7 Estell Dr. Block 1601, lot 3 R1- zone Use D Variance.

Mr. Suckey stated that he believes there was some sort of issue that was brought to his attention in regards to their notice.

Mr. Knutelsky stated yes, the notice was inadequate. However, the board can proceed with the completeness portion of this application.

Mr. Suckey agreed and suggested Mr. Knutelsky proceed with his completeness report.

Mr. Knutelsky proceed by reading from his September 17, 2021 completeness report.

Mr. Knutelsky stated that the applicant asked for a waiver of site plan for this application referencing that site plans are not required for a single-family home construction.

Mr. Knutelsky stated that he believes that waiver should be granted.

Mr. Knutelsky stated based upon a review of the submitted information for plan and report completeness,

Mr. Knutelsky finds this application completes and recommends that a favorable resolution indicate the need for a zoning permit application which will formally describe the permanent location of the shed and driveway access.

Mr. Knutelsky stated at this time he finds the application complete and recommends that the planning board does as well, considering everything that has been stated and addressed from his September 17, 2021 completeness report.

Mr. Knutelsky stated that he would amend his section B in the report to state that if the application was deemed complete by the board the application would be heard at the next available hearing date.

Mr. Suckey stated yes, that this application would be on for the October 18th meeting.

Franklin Borough Planning Board
Meeting Minutes for
September 20, 2021

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

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

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

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS

Franklin 116 Development, LLC (PB# 08-21-04) 116 Rt 23, Block 1601, Lot 5 Minor Site Plan

Mr. Knutelsky stated that he would be reading from his September 17, 2021 report page 2, section B.

Mr. Knutelsky stated that the applicant is not here this evening to answer this question. Mr. Knutelsky stated that the applicant applied for a minor site plan. The application at hand requires a variance where a minor site plan does not allow.

Mr. Knutelsky stated that the engineers' plans are correct and they indicate amended preliminary and final site plans but the actual application indicates minor.

Mr. Knutelsky stated that he wished the applicant was here this evening to correct the record.

Mr. Knutelsky stated because the applicant his not here to correct the record we need to find this matter incomplete until that is corrected.

Mr. Knutelsky stated that would have to be at the next available meeting.

Mr. Brady asked if this was something that could be corrected by submitting the correct forms.

Mr. Knutelsky stated yes.

Mr. Brady stated that he would send an email to the applicant's attorney explaining what changes need to be done and if they can get an updated application in 10 days prior to the next meeting they will be on for the next meeting.

Mr. Suckey stated that the next available meeting would be October 18th

Mr. Knutelsky stated that the application would have been found complete if this issue was addressed.

Mr. Knutelsky stated that the plans were well done.

Mr. Suckey asked if there were any questions or concerns.

Not hearing any Mr. Suckey asked for a motion to deem this application incomplete at this time.

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

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: NONE

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

Bulk C.

Mr. Knutelsky stated that this application has been going around for some time now. Starting with a zoning application which was denied.

Mr. Knutelsky stated that it took some time to get all the appropriate paper work to the board.

Mr. Knutelsky stated that he feels that this application is ready for review,

Mr. Knutelsky stated that the applicant has checked off all the boxes on the checklist.

Mr. Knutelsky stated the plans were well presented and the application is correct.

Mr. Knutelsky stated that he recommends that this application found complete.

Mr. Knutelsky stated if the board should find this application complete the applicant has asked to be heard at the next available meeting if notice is adequate.

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

Mr. Suckey stated not hearing any questions from the board, he would take a motion to find this application complete.

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

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

NAYS: None ABSTENTIONS

Franklin Borough Planning Board
Meeting Minutes for
September 20, 2021

APPLICATIONS TO BE HEARD

There were no applications to be heard.

APPLICATION FOR INTERPERTATION

Mark Hamilton & Georgianne Diehl (PB# 09-21-01) 36 Wildcat Rd. Block 1801, lot 2

Mr. Brady stated that he would like to swear both Mr. Hamilton and Ms. Diehl under oath as they will both be giving testimony.

Mr. Suckey asked the applicants to give a brief summary of the application and what it is they are looking to achieve.

Mr. Hamilton stated that they are looking to construct a single-family home with a mother daughter above the garage.

Mr. Hamilton stated that the existing home on the property he would like to turn that into storage particularly for farming equipment and necessities.

Mr. Suckey asked Mr. Hamilton to give a brief description of the property.

Mr. Hamilton stated that there was a house, a three-bay garage and property where they want to build the new house.

Mr. Hamilton stated that he had 2 ½ acres of property with half of it being farm assessed.

Mr. Hamilton stated that they are here to get approval to build the mother daughter home for Ms. Diehl son who is special needs.

Mr. Hamilton stated that the first plan was to keep the house that is there now and fix it up to allow Ms. Diehl's son to live there however the DEP will not allow that.

Mr. Hamilton stated that now leads us to being before you to seek approval for us to build a mother daughter and for Mr. Diehl's son to have his own apartment above the garage.

Mr. Brady gave the board a brief summary of how this application came about and why it is being presented as an interpretation.

Mr. Brady stated that Mr. Hamilton wants to build another single-family home with an attached apartment for a family member without a separate entrance. There would not be any separate heating or cooling systems.

Mr. Brady stated that it is more of single- family home with extended family living there.

Mr. Brady stated the reason why it was suggested to come to the board was so that there could be an opportunity for the board to ask the appropriate questions and to approve the applications with conditions and of course so there is a paper trail and everything is documented appropriately.

Mr. Brady's stated that the boards' role is to think about what the town's ordinance states about single family houses.

Mr. Brady stated to see if this represents the figuration that is proposed.

Mr. Brady stated that the board will have to think of the kind of conditions that will need to go along with this application for future owners as well.

Mr. Hamilton and Ms. Diehl will not always live there.

Mr. Suckey stated because the front house is in a flood zone.

Mr. Suckey asked if they were approved by the DEP.

Mr. Hamilton stated that they have received full approval from the DEP.

Mr. Hamilton stated we would not be here now before this board if we did not.

Mr. Suckey asked for Mr. Hamilton to present any approvals from DEP and asked Mrs. Babcock to make copies for both himself and Mr. Brady.

Mr. Suckey asked what did the approval say and what were the conditions for the house that is there now.

Mr. Hamilton stated that it is vague but states it is not to be used as a residential dwelling.

Mr. Suckey asked if that is why you are proposing to use the front dwelling which is a house now and use it for storage for farming equipment.

Mr. Suckey asked what would be removed from the house to make it into a storage building.

Mr. Hamilton stated the kitchen, bedrooms, bathroom, and closets.

Franklin Borough Planning Board
Meeting Minutes for
September 20, 2021

Mr. Knutelsky stated that they applied for a general permit to apply to construct this home in a 100-year flood plain.

Mr. Knutelsky stated that as far as the driveway goes the applicant and DEP would prefer to keep it at grade level as it is in the flood zone. DEP will not allow for any other accommodations done to the driveway area.

Mr. Knutelsky stated that the home will be raised above flood levels. A condition made by DEP.

Mr. Williams asked if Mr. Hamilton was going to hook up sewer to the new house.

Mr. Hamilton stated yes.

Mr. Knutelsky asked the board to look on the plans that were provided and to look right below the crease in the plans where it says *FEMA MAP REFERENCE*.

Mr. Knutelsky stated that there it shows all the flood plain studies.

Mr. Williams stated his concern about the property especially during storms.

Mr. Williams stated that he knows how bad the water can get in the back fields.

Mr. Williams stated that he would hate for the applicant to build and have water damage.

Ms. Diehl stated that they are well aware of Mr. Williams concerns.

Ms. Diehl stated they have been working on this plan for over two years.

Mr. Hamilton stated he knows where the water levels are.

Mr. Hamilton stated he knows he has to build above that.

Mr. Brady explained what flood gates are and how they work.

Mr. Brady stated that Mr. Hamilton has listed that on his site plans.

Mr. Schultz asked if the oil tanks will be removed.

Mr. Hamilton stated yes, of course.

Mr. Brady stated the main reason why we are here is to discuss the second dwelling which will be the new house.

Mr. Brady stated if we could get Mr. Hamilton's testimony on that issue for now.

Mr. Brady stated that is the primary reason we are here tonight to discuss.

Mr. Suckey stated yes, that is the direction we are going.

Mr. Suckey asked Mr. Hamilton to describe the house he is looking to build.

Mr. Hamilton asked if everyone received copies of the floor plan.

Mr. Hamilton stated that the goal is to have a one-story ranch house with a half story on the second floor for attic space for all the mechanicals.

Mr. Hamilton stated that way everything mechanical is way above any flooding level.

Mr. Nelson stated that his report is dated September 14, 2021.

Mr. Nelson explained what a mother – daughter home is essentially and stated in this case it will be for the purpose of a special needs family member.

Mr. Nelson stated that municipalities have to be very careful when approving these types of plans as municipalities do not want them to become a two-family house.

Mr. Nelson stated that this was a discussion that the TCC committee discussed at length that there would be no separate entrances and there would be shared laundry facilities along with other shared rooms for family activities.

Mr. Nelson stated that is fine however, when the Hamilton's no longer live here and it becomes someone else's property the municipality has to protect them selves that this does not become a two-family house.

Mr. Nelson stated that he would defer to Mr. Brady on this, but he is thinking along the lines of a deed restriction.

Mr. Nelson stated other than that he has no objection to the application.

Mr. Williams stated that isn't there a way to have something in writing where years down the road when Mr. Hamilton wants to sell his property there is something in writing that states that this house is a single-family home and under no circumstances should it be used for a two-family home.

Mr. Brady agreed with Mr. Williams.

Mr. Brady stated that is what a deed restriction is for.

Franklin Borough Planning Board
Meeting Minutes for
September 20, 2021

Mr. Brady stated that the deed restriction is per resolution and will be attached to the resolution so any new buyers will be fully aware upon purchase.

Mr. Williams asked if they would be paving the driveway to the new house.

Mr. Hamilton stated that he was not sure at this time.

Mr. Friend asked if the house would be handicap accessible.

Mr. Hamilton stated yes.

Mr. Williams asked Mr. Knutelsky to confirm that all the mechanicals of the house would be raised up.

Mr. Hamilton stated yes, they will be in the attic.

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

Mr. Suckey asked if Mr. Knutelsky had anything to add.

Mr. Knutelsky stated that the items listed on the plans are items that the applicants are going to move and should be added to the resolution.

Mr. Knutelsky stated that he would also like to add that the closet should be removed from the bedrooms in the existing house as well.

Mr. Knutelsky stated it can not be considered a bedroom if it does not have a closet in it.

Mr. Knutelsky stated that the resolution should also read that this existing building should be a non habitable building.

Mr. Knutelsky stated as far as the driveway goes however that was approved via the DEP approval permit is the way that it will have to be done.

Mr. Knutelsky stated that is out of this board's jurisdiction.

Mr. Knutelsky stated that we have not gotten into the variance aspect of this application.

Mr. Knutelsky stated that right now the board is looking at an interpretation.

Mr. Knutelsky stated as a board you are interpreting what the applicant is proposing to see if it meets with our development ordinance.

Mr. Knutelsky stated if the board doesn't meet the Boroughs development ordinance, then the applicant has to apply to this board for a use variance in order to build the home that we are discussing.

Mr. Knutelsky stated that the board should vote on the interpretation before even discussing any variance plans at this time.

Mr. Brady agreed.

Mr. Brady stated that it was discussed at the TCC meeting that this would be done in phases the most important one being the interpretation that was discussed this evening and then working through the phases of different variances if need be.

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

Mr. Suckey stated not hearing any he would take a motion to approve or deny this interpretation.

Mr. Williams made a motion to accept the interpretation with all of the comments and conditions that will be added to a favoring resolution. Seconded by **Mr. Nidelko**.

Mr. Brady asked Mr. Knutelsky as to what kind of time line he suggested as far as to get the work done at the existing house to make that a non-living space.

Mr. Knutelsky stated that the dates should be from the issued CO.

Mr. Knutelsky suggested 6 months from CO to remove and do everything that needs to be done to convert the house into a storage area.

Ms. Diehl stated that the plan is to make the storage house into something nice and to match the new house that will be built.

Ms. Diehl stated we do not want it to look the way it does now. We would like for it to just be a place to store things. Long term goal would be to come back to the board for a variance to turn that house into a nicer looking garage that will match new house.

Mr. Brady asked to vote on the interpretation at hand right now and after that is approved or not approved the board can then work on the second phase of this application.

Mr. Suckey repeated that there was a motion by Mr. Williams and a Second by Mr. Nidelko.

Upon Roll Call Vote:

Franklin Borough Planning Board
Meeting Minutes for
September 20, 2021

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

NAYS: None ABSTENTIONS: Mr. Christiano

Approved.

Mr. Brady stated the board should think of some sort of condition of having Mr. Hamilton and Ms. Diehl come back to the board to receive a variance on their house that they want to turn into a garage.

Mr. Hamilton suggested 6 months to come back with a plan on converting the existing house into a garage.

Mr. Hamilton stated that he does not want it to sit like it is now and look like an old house that stores things.

Mr. Hamilton explained it is his property, he wants it to look nice and match the rest of his plans for the property.

Mr. Brady stated that is what we discussed at the TCC meeting.

Mr. Brady stated this is a phased application.

Mr. Brady stated phase one being interpretation had been approved before moving to the next phase which in this case would be a variance.

Mr. Knutelsky stated that a normal residential lot size is limited to a specific size. If you are using a part as farm use, there are bigger sizes and options.

Mr. Brady stated that getting into the residential lot size may cause for applying for two variances because the land is farm assessed.

Mr. Hamilton stated that yes it will be one variance and if the word farm needs to be attached then so be it.

Mr. Hamilton stated as long as they live there it will be for farm storage and equipment.

Mr. Brady stated that the board will need to make a motion that the applicant has twelve months to apply for the accessory structure variance.

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

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS:

Approved.

Mr. Brady stated he will be drafting a resolution that address' all of the points made, and conditions discussed this evening.

Mr. Suckey stated that this will be memorialized at the next meeting.

Mrs. Diehl thanked the board and stated that her son Jason would like to thank the board as well.

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

APPROVAL OF RESOLUTION

In the matter of Mogul Enterprises LLC, Zoning Interpretation

Block 1004 lot 10. (PB# 08-21-02)

Mr. Suckey asked if the members received the resolution.

Mr. Suckey asked if anyone had questions or corrections.

Mr. Suckey stated not hearing any he would take a motion to accept the resolution,

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

Upon Roll Call Vote:

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

NAYS: None

ABSTENTIONS: NONE

OLD BUSINESS:

Mr. Suckey read the memo from the Mayor & Council aloud.

Ordinance 13-2021 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING ARTICLE V "ZONING," SECTION 161-27(B) OF THE BOROUGH CODE AND THE ZONING MAP OF THE BOROUGH TO CHANGE THE ZONE

Franklin Borough Planning Board
Meeting Minutes for
September 20, 2021

CLASSIFICATION OF BLOCK 2401, LOT 20 FROM "R-1" SINGLE-FAMILY RESIDENTIAL TO "I" INDUSTRIAL".

Mr. Nelson stated that he is not sure if there is a problem or if there has just been a clerical error.

Mr. Nelson stated that the map attached to the ordinance is dated 2010.

Mr. Nelson stated that there is a newer updated map that he used for his housing plan with the date of 2018.

Mr. Suckey asked if Mr. Brady could reach out to Mr. Ursin to see why this map was attached to the ordinance opposed to the updated map.

Mr. Nelson stated that the change is not the issue. The zone has always been residential.

Mr. Nelson stated that he is more concerned the correct map is being amended.

NEW BUSINESS:

None

OPEN PUBLIC SESSION:

Mr. Suckey stated there was no one in the public.

DISCUSSION:

Mr. Suckey stated that there will be a meeting on October 6th the first Wednesday of the month which is reserved as the workshop meeting.

Mr. Suckey stated that night the board will hear the Housing Plan from Mr. Nelson and Jessica Caldwell.

Mr. Suckey stated that will be the only item on the agenda that night.

Mr. Suckey stated that he has no intentions on canceling this meeting and everyone needs to show up.

Mr. Nelson stated that this will be adopted as part of the Master Plan. However, this acceptance of the plan allows for the town council to contribute.

Mr. Nelson stated that it would be a good idea if the Council's representative was present at the meeting.

Mr. Brady asked if the climate changes need to be considered in this plan as well.

Mr. Brady asked if this was one of the changes that require you to address that.

Mr. Nelson stated that he was not 100% sure he just became aware of that and said he would look into it.

Mr. Suckey asked if anyone had any other questions or comments.

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

ADJOURNMENT:

Mrs. Schultz made a motion to adjourn.

Seconded by **Mr. Estes**

All were in Favor.

The meeting adjourned at 8:15 P.M

Respectfully submitted,
Michelle Babcock
Planning Board Secretary