

Franklin Borough Planning Board
Meeting Minutes for
May 16, 2011

The meeting was called to order at 7:35 PM by the Chairman, Mr. John Cholminski, who then led the assembly in the flag salute.

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

ROLL CALL OF MEMBERS PRESENT: Mr. Christiano, Mr. Lermond,
Mr. Suckey, Mayor Crowley,
Mr. Maugeri, Mr. Zydon, Mr. Cholminski

ABSENT: Mr. Zschack, Mr. Oleksy

ALSO PRESENT: Mr. Ken Nelson, P.P.
Mr. James Kilduff, Director

Mr. Cholminski told the public that if anyone was here for the Group 5 LLC application, that application will not be heard tonight. Mr. Cholminski said it is his understanding that there was an issue with the notice. Mr. Kilduff said that is correct, Hardyston Twp. didn't receive notification. Mr. Kilduff said the applicant had asked about a special meeting. There was a discussion on having a special meeting. Mr. Kilduff suggested June 15 for the special meeting which was already a scheduled workshop.

Mr. Robert Podvey, attorney representing Group 5, stepped forward. Mr. Podvey said we were originally scheduled for a workshop meeting for that evening anyway. Mr. Maugeri asked are you saying you would like to have it earlier. Mr. Podvey said everyone on his team is available that evening. Mr. Cholminski asked on the 15th. Mr. Podvey said yes, if it could be earlier that is fine. Mr. Kilduff said what we had talked about is we had this date set on our calendar but it wasn't set as a special meeting. Mr. Podvey said his people are aware of it and set it aside. There was a discussion on the date to have the special meeting. The Board decided that the date for the special meeting would be June 15, 2011, pending the availability of the professionals and Board members that were not present and proper notice by the applicant.

APPROVAL OF RESOLUTIONS:

Extension of Preliminary & Final Site Plan approval and dimensional variance relief Block 70 Lots 7.05 & 7.02 application PB-01-08-1 (ext).

Mr. Kilduff said there was one typo so whoever makes the motion if we could correct that typo on page 2 of the resolution paragraph number 1 the last sentence "in the vent" the letter "e" is missing so it should be "in the event".

Mr. Maugeri made a motion that we approved the resolution **Extension of Preliminary & Final Site Plan approval and dimensional variance relief Block**

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70 lots 7.05 & 7.02 application PB-01-08-1 (ext). with the change on page 2 paragraph 1 the last sentence changing that to "in the event". Seconded by Mayor Crowley.

Upon Roll Call Vote:
AYES: Suckey, Crowley, Maugeri, Cholminski
NAYS: None ABSTENTIONS: None
(Motion Approved)

APPROVAL OF MINUTES:

Mr. Christiano made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for April 18, 2011.** Seconded by Mr. Maugeri.

Upon Roll Call Vote:
AYES: Christiano, Lermond, Suckey, Crowley, Maugeri, Zydon, Cholminski
NAYS: None ABSTENTIONS: None
(Motion Approved)

APPLICATIONS FOR COMPLETENESS:

There were no applications for completeness.

ADJOURNED CASES:

There were no adjourned cases.

APPLICATIONS TO BE HEARD:

PB-03-11-1 Group 5 Development, LLC. Amended Preliminary and Amended Final Site Plan, C Variances, Block 70 Lots 7.05 and 7.02.

Mr. Cholminski said pending applications we have none; as we discussed the Group 5 Development LLC will be postponed hopefully till June 15, pending verification of all professionals and proper notice.

OTHER BUSINESS:

PAYMENT OF BILLS:

Mr. Lermond made a motion to approve the **Franklin Borough Planning Board Escrow Report for May 16, 2011.** Seconded by Mr. Christiano.

Upon Roll Call Vote:
AYES: Christiano, Lermond, Suckey, Maugeri, Zydon, Cholminski
NAYS: None ABSTENTIONS: Crowley
(Motion Approved)

DISCUSSION:

Redevelopment Study

Mr. Nelson referred to his memo dated May 10, 2011, D and E redevelopment study areas. Mr. Nelson said on Wednesday Dave Brady and I will be meeting with Mr. Nardella and his attorney. Mr. Nelson said they had meet previously and discussed

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problems with the properties Mr. Nardella owns in both of these study areas in terms of those properties qualifying according to the criteria for redevelopment areas. Mr. Nelson said Mr. Nardella and his attorney made some arguments that weren't entirely convincing but we felt we couldn't rule them out at this point. Mr. Nelson said they gave Mr. Nardella the opportunity to come back with additional information for us to review and at that time we will then talk to the Board about how we see those two study areas proceeding. There was a discussion on Areas D and E.

Mr. Cholminski asked for an update from Mayor Crowley and Mr. Lermond who both attended the design subcommittee meeting for Group 5. Mayor Crowley said they meet with the engineers from Bohler, Mr. Podvey, Esq. and their architect. Mayor Crowley said they looked at different patterns and colors for the upcoming wall. Mayor Crowley said they had a truck there with the actual stone. Mayor Crowley said they talked about shrubbery at the base and some of the fencing. Mayor Crowley said we picked a color [and] we picked a stone pattern.

Mr. Lermond said they presented an illustration [of] a wall and post behind Mainardi looking from that intersection. Mr. Lermond said they showed the difference of what they are proposing to do differently to that wall.

Mayor Crowley said they picked foliage at the bottom that would be almost impossible to get through to discourage people from getting onto the wall itself at the base. There was a discussion on the wall, shrubbery by the wall and fence. Mr. Kilduff said for the record field stone collection sierra series the Tahoe Blend was the color selected by the committee for the wall, 6 foot black chain link fence, Japanese Barberry to be planted at the base of the wall with the plant sizes to be reviewed by the engineer. Mr. Kilduff said planner.

Mr. Cholminski said we have a subcommittee that has worked with the applicant and we did that for the purpose of not spending three hours on a wall at a meeting. Mr. Cholminski asked during that discussion is someone from the subcommittee going to talk to the Board because you want something on the record. Mr. Kilduff said he mentioned [it] to the Board now so you know going forward it can be acknowledged. Mr. Kilduff said the applicant can acknowledge it at the meeting. Mayor Crowley said when we get to that point during the presentation the Board is free to ask more questions and discuss it again. Mr. Cholminski said his point for the record [and] for the minutes that [subcommittee] meeting minutes aren't in these minutes. Mayor Crowley said there were no minutes at that meeting. Mr. Cholminski said right because it was a subcommittee so the question is how do you get on the record the right amount of information. Mayor Crowley said their engineers will present it and we will discuss the fact that we've talked about [the wall] at [the] subcommittee [meeting] and that is still open for questions and discussion. Mr. Kilduff said he wanted to point out [with] the subcommittee not everyone was available so we made a lot of calls, Kevin Lermond sat in and the Mayor was at that meeting. Mr. Kilduff was at the subcommittee meeting along with the Boards three professionals. The

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Board continued to discuss the wall, the tree line, what trees should be saved and the concern of trash by the wall.

CORRESPONDENCE:

Mr. Kilduff referred to the letter dated April 14, 2011 to Marilyn Lennon, Assistant commissioner NJDEP Re: Proposed Sewer Service Area Mapping & Nitrate Dilution Standards. Mr. Kilduff explained the letter to the Board. The Board had a discussion on Sewer Service Area.

Mr. Kilduff referred to the letter dated April 14, 2011 to Kevin Kelly Esq. Re: Transbanc International Investors Corporation. Mr. Kilduff explained the letter to the Board.

Mr. Cholminski asked Mr. Kilduff to fill the Board in on what is going on, we hear all the rumors around town about Hooters and Kulsars garage. Mr. Kilduff said we have had no contact from the new owners of the Kulsar's garage, he thinks maybe the construction official and zoning officer may have talked to them. Mayor Crowley said right now until they pull permits they don't have to tell us what they are doing and they say all they are doing is cleaning the area up. There was a discussion on Hooters, Kulsar's garage, vacant property owned by Mr. Nardella, the Blockbuster property and getting a yield sign by the Shop Rite Liquors.

OPEN PUBLIC SESSION:

Mr. Christiano made a motion to Open to the Public. Seconded by Mr. Suckey. All were in favor.

No one from the public stepped forward

Mr. Lermond made a motion to Close to the Public. Seconded by Mr. Suckey. All were in favor.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 8:17PM on a motion by Mr. Lermond. Seconded by Mr. Christiano. All were in favor.

Respectfully Submitted,

Robin Hough
Secretary