

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**June 20, 2011**

The meeting was called to order at 7:38 PM by the Vice-Chairman, Mr. Kevin Lermond, who then led the assembly in the flag salute.

Mr. Lermond 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. Zschack,  
Mr. Oleksy, Mr. Suckey, Mayor Crowley,  
Mr. Maugeri

ABSENT: Mr. Zydon, Mr. Cholminski

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

Mr. Lermond said application Group 5 Development PB-03-11-1 has been carried and will not be heard tonight. Mr. Lermond said it is carried to the special meeting on June 29. Mr. Nelson said they did stake the property line and the base of the wall. Mr. Nelson said he was out there today and he would be sending a brief memo to the Board.

**APPROVAL OF MINUTES:**

Mr. Christiano made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for May 16, 2011**. Seconded by Mr. Suckey.

Upon Roll Call Vote:

AYES: Christiano, Suckey, Crowley, Maugeri, Lermond

NAYS: None            ABSTENTIONS: None

(Motion Approved)

**APPROVAL OF RESOLUTIONS:**

There were no resolutions approved.

**APPLICATIONS FOR COMPLETENESS:**

There were no applications for completeness.

**ADJOURNED CASES:**

**APPLICATIONS TO BE HEARD:**

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

(This application was carried to a special meeting on June 29, 2011.)

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**OTHER BUSINESS:**

**Zoning Code Amendment**

Mr. Nelson referred to two memos from Pat Fischer, the Zoning Officer, dated December 8, 2010 and March 14, 2011. Mr. Nelson referred to the memo of March 14 first. Mr. Nelson said these are things that she has brought to our attention and should be corrected at some point but he doesn't know whether we need to go through the whole process of advertising. Mr. Nelson referred to the third bullet point; theaters are a conditional use. Any time you have a conditional use you should have specific conditions spelled out as to what the requirements that particular use must need. Mr. Nelson said apparently there aren't any in the ordinance. Mr. Nelson said at some point it would be advisable to decide on what appropriate conditions there would be for theaters.

Mr. Nelson said he doesn't think we need to act on this right away; he doesn't know if anybody is going to be building a theater in Franklin any time soon. Theaters by today's standards are usually built in large malls. Mr. Nelson said that is the only one on that list that is substance in nature.

Mr. Nelson referred to the Zoning Officers memo dated December 8, 2010. Item number one should be corrected at some point but doesn't need to be corrected right now. Mr. Nelson referred to the second bullet. Mr. Nelson asked Mr. Kilduff if this was the first time that the Board was discussing the point of multifamily housing requirements. Mr. Nelson said what she [the zoning officer] is dealing with is the problems that she has had with decks; that the multifamily zone establishes 100 foot setback. Apparently over time decks were put on the backs of condos that violate the 100 foot setback. Mr. Nelson said now they want to expand those decks and anyone that is coming in to make changes to those decks are in the 100 foot setback and they need to get a variance. Mr. Nelson said from a practical point of view we probably should take a look at that and come up with some kind of exceptions for decks at the rear of these town houses. Mr. Nelson said this is not something he is prepared to make specific recommendations on tonight. If the Board did not want to make any exceptions and just force anybody that wants to make a change to their deck get a variance then that is obviously a way to proceed. Mr. Nelson said if you want to make it easier on the homeowner you could work up some language in the ordinance that will allow for exceptions if these people want to expand their decks. The Board had a lengthy discussion on decks for [Franklin Meadow] condos, the setback, is it the association's responsibility or homeowner, were decks approved on the original plan for the association and how long have the decks been there.

Mr. Nelson asked the Board if they would like him to follow up on the discussion. Mr. Suckey said somebody better follow up on it because he is not going to do an adjustment until we have information on what is going on. Mr. Nelson said he can talk to Pat Fischer.

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Mr. Lermond asked are we ok with all these other things, does somebody have a list of when is a good time to address [them]. Mr. Lermond said a lot of them are the same ordinance 161:34 conditional uses. Mr. Nelson said he thinks until we get an issue that really needs to be acted on soon and maybe the decks will be that issue these other things can wait. Mr. Nelson said when we do get something that has to be acted on then these others can be incorporated in the same ordinance. Mr. Lermond said see if Pat [Fischer] is ok with that, she raised the issue; she is the one that has to deal with it.

Mr. Christiano asked you said there was no list of conditions for a theater. If somebody wanted to restore the theater on Main Street are there any guidelines that they have to meet for that. Mr. Nelson said other than the standards requirements for that zone, no, and that is the point about a conditional use. There was a brief discussion on the theater.

**Redevelopment**

Mr. Nelson said as you know we have pretty much completed reports for Areas A, B and C. Mr. Nelson said each one needs some correction; he knows that until the Board gets done with Wal-Mart you don't want to take that on and get all the public input that we need to get. Mr. Nelson said some point toward the end of the summer beginning of the fall we should start getting those three areas finalized, adopted and sent on to the Council.

Mr. Nelson referred the other two areas D and E. We came to a halt on because of what he proceeds to be some problems with which properties in those two areas would be able to qualify under the current statutory requirements for redevelopment areas. Mr. Nelson said that lead to a couple of meeting between Dave, himself and Mr. Nardella. Mr. Nelson said the meeting resulted in the memo that he put together for your [the Board] review dated June 13, 2011. Mr. Nelson said the intent is not to have an in depth discussion about that tonight, he wouldn't want to have the discussion without Mr. Brady here because this memo is really a joint memo from the two of us. Mr. Nelson said the only reason why he wanted to at least briefly discuss it tonight was to see if any Board members felt you needed additional information or additional research.

Mr. Lermond said at this point unless we have some questions or need more clarification on something that you need to go do; we are not proposing we discuss the topic in any depth. Mr. Nelson said right. Mr. Nelson said if you wanted to further review it or email him a question or comment that is fine to.

**Housing Spending Plan**

Mr. Nelson referred to the COAH spending plan that the Board members received as proposed by COAH. Mr. Nelson said this is to a certain extent based on what had been submitted to COAH previously by the Borough and COAH took the opportunity

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to update it to make it a spending plan for 2011 to 2018. Mr. Nelson said this now has to be readopted by the Planning Board, Council and then sent back to COAH. Mr. Nelson said when the spending plan for the Borough was originally prepared things were booming there was an anticipation of a lot more in the way of development fees that would be collected then we expect to be the case now. Mr. Nelson said they explained that to COAH and they don't seem to have a major problem with reducing the amount that we are anticipating to be collected.

Mr. Nelson referred to a revised page 7 he prepared for the Board. Mr. Nelson said the last paragraph is of importance. Mr. Nelson explained the figures on page 7. The Board had a discussion on the spending plan and the revised figures Mr. Nelson prepared on the revised page 7.

Mr. Lermond asked what is the goal; come up with a strategy that gets this submitted back to COAH to get our spending plan approved. Mr. Kilduff said the Planning Board adopts or recommends it to the Mayor and Council. Mr. Kilduff said the Mayor and Council approves it, it goes to COAH. Mr. Kilduff said COAH says yes we'll accept it as a spending plan for Franklin Borough you can begin spending your housing trust fund on your housing rehab program that you want to do. The Board continued with their discussion on the housing spending plan.

Mr. Kilduff said you need a motion to recommend to the Mayor and Council the Housing Spending Plan which provides for an additional \$125,000 in revenues before the expiration of substantive certification for a total of \$303,906.52 as the Borough fair share.

Mr. Suckey made the motion **to recommend to the Mayor and Council the Housing Spending Plan**. Seconded by Mr. Oleksy

Upon Roll Call Vote:

AYES: Christiano, Zschack, Oleksy, Suckey, Crowley, Maugeri, Lermond

NAYS: None                    ABSTENTIONS: None

(Motion Approved)

**OPEN PUBLIC SESSION:**

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

No one from the public stepped forward.

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

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**PAYMENT OF BILLS:**

There was a discussion on the bill for GS Realty.

Mr. Suckey made a motion to approve the **Franklin Borough Planning Board Escrow Report for June 20, 2011**. Seconded by Mr. Christiano.

Upon Roll Call Vote:

AYES: Christiano, Oleksy, Suckey, Maugeri, Lermond

NAYS: None                      ABSTENTIONS: Zschack, Crowley

(Motion Approved)

**ADJOURNMENT:**

There being no further business to come before the Board, the meeting was adjourned at 8:35 PM on a motion by Mr. Christiano. Seconded by Mr. Maugeri. All were in favor.

Respectfully Submitted,

Robin Hough  
Secretary