

ORIGINAL

Franklin Borough Planning Board
Meeting Minutes for
March 19, 2012

The meeting was called to order at 7:30 PM by Chairman 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. Kulsar,
Mr. Lermond, Mr. Oleksy, Mr. Suckey,
Mr. Foulds

ABSENT: Chairman Cholminski, Mr. Zydon, Mayor
Crowley

ALSO PRESENT: Mr. David Brady, Esq.
Mr. Thomas G. Knutelsky, P.E.
Mr. Ken Nelson, P.P.
Mr. James Kilduff, Director

APPROVAL OF MINUTES:

Mr. Oleksy made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for January 17, 2012**. Seconded by Mr. Suckey.

Upon Roll Call Vote:

AYES: Christiano, Kulsar, Oleksy, Suckey, Foulds, Lermond

NAYS: None ABSTENTIONS: None

APPROVAL OF RESOLUTIONS:

Mr. Oleksy made a motion for approval of a **Resolution Recommending Area in Need of Redevelopment and Area B in Need of Rehabilitation**. Seconded by Mr. Christiano

Upon Roll Call Vote:

AYES: Christiano, Kulsar, Oleksy, Suckey, Foulds, Lermond

NAYS: None ABSTENTIONS: None

APPLICATIONS FOR COMPLETENESS:

There are no applications for completeness.

ADJOURNED CASES:

There are no adjourned cases.

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APPLICATIONS TO BE HEARD:

Application PB-01-12-1 Hillside Estates of Franklin LLC. Preliminary and Final Site Plan, C variance, Block 73 Lot 5.01 New block 2702 Lot 17

Michael Meltzer, appearing on behalf of the applicant, 52 Trinity Street, Newton. Mr. Brady said that the notice was provided to his office. The notice was reviewed and found to be good.

Mr. Jason Dunn of Dykstra Associates, a professional planner and landscape architect, was sworn in by Mr. Brady. He has worked with several Planning and Zoning Boards in the area. Mr. Dunn is also Chairman of Montague Land Use Board. Mr. Dunn said he provided some testimony in Franklin and also in Frankford Township, Sparta Township, Warren County and Morris County.

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Mr. Dunn marked Exhibit A-1; an aerial photo of Hillside Estates

Mr. Dunn commented Mr. Knutelsky asked for a photo to show the overall area. Mr. Dunn explained the site to the Board using exhibit A-1. Mr. Dunn said there has been an office on a portion of the site since the beginning of its existence. This is the administrative area, maintenance area and garages. It is a dead-end driveway. The applicant realized the current office has been aging and wants to upgrade the area. This is the first place the people come when they are interested in buying a lot or trailer. They have purchased a pre-manufactured unit which the Board has a photo. This application was brought into question because there were some site changes including a retaining wall, reconfiguration of a parking area, new landscape areas and grading. Mr. Dunn said there is a letter from the Zoning Officer stating that the project be brought to Planning Board for approval.

Mr. Dunn said the second reason the application was brought to this board is that there has been two variances identified. One was set back from the existing pavement of the street which was 15 ft. Second variance was a separation distance between the garage and the new proposed office. Mr. Dunn said since last month he resubmitted plans within the appropriate time and redesigned the site slightly. Mr. Dunn marked exhibit A-2; colorized version of a preliminary and final site plan dated February 29, 2012.

Mr. Dunn said we are here tonight to present to the Planning Board the preliminary and final site plan for a new office/trailer and also for the variance of the distance between the proposed office and the existing garage. Mr. Dunn explained to the

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Board the differences between the former office and the proposed office. Mr. Dunn explained the pre-existing conditions of the site. Mr. Dunn said they are also looking to modify the pre-existing parking area by removing an existing shed and allowing five parking spaces with handicap parking. Mr. Dunn said in order to move the office, they needed to excavate the hillside and propose a 6ft. wall. The wall would have to be engineered and a building permit would be needed. Mr. Dunn explained the proposed landscaping for the site. Mr. Dunn said that in order to enhance the site, we may need to look into some landscaping. The new plan has some of the items the engineer asked for such as the handicap sign, retaining wall, a couple of ballasts to protect the corner of the building and a safety fence along the top of the wall. The lighting is being kept residential; we are proposing one security light that points out to the parking lot and two front porch lights that will be in the front and in the rear. In summary, Mr. Dunn said the office is bigger by 140 square feet from the old building.

Mr. Suckey asked why the building is bigger. Is it for business growth or just the model they picked? Mr. Dunn explained that he believes it is the building they picked but also brought up to today's standard. There is a dimensional standard that the building comes in.

Mr. Foulds asked what the height of the retaining wall is in relation to the height of the structure. Whereas, can someone jump onto the retaining wall and onto the structure? Mr. Dunn feels it should not be a hazard because it is low. Mr. Suckey said the height of the building is less than 20ft. but more than 6ft. The building is higher than the wall. Mr. Dunn asked if the Board would be agreeable to running the fence behind the extent of the building. All agreed that the fence will be extended another 45 ft. to the end of the building. Mr. Knutelsky said the detail of the fence has been provided on the plan and it is colored black. The detail says it is a 2 inch square mesh which is anti-climb proof. Typical of what you see at athletic parks and recreation areas.

Mr. Knutelsky asked what are hours of operation. Mr. Dunn said that the hours of operation are 9am to 3pm. Once a year they may have to use the office at night. Mr. Knutelsky asked about the landscaping, existing setback and if there is a need for access back there. Mr. Dunn said currently they don't need to get to that side of the building and can access the rear from the other side. Mr. Knutelsky was concerned about getting trucks back there in case of a fire.

Mr. Knutelsky asked about item #7; he wanted to be sure it was for the manager's office only and not a future residential use. Mr. Dunn said not at all. It will only be used as an office. Mr. Lermond confirmed with Mr. Knutelsky that questions 8-15 were answered. Mr. Knutelsky agreed.

Mr. Nelson referred to his report dated February 13, 2012. The primary variance has been corrected and he does not have a problem with the other variance. The

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applicant has been very cooperative. Mr. Nelson has no objections to the application.

Mr. Christiano made a motion to Open to the Public **PB-01-12-1 Hillside Estates of Franklin, LLC. Preliminary and Final Site Plan, C variance, Block 73 Lot 5.01 New Block 2701 Lot 17.** Seconded by Mr. Suckey. All were in favor.

No one from the public came forward.

Mr. Oleksy made a motion to Close to the Public **PB-01-12-1 Hillside Estates of Franklin, LLC. Preliminary and Final Site Plan, C variance, Block 73 Lot 5.01 New Block 2701 Lot 17.** Seconded by Mr. Suckey. All were in favor.

Mr. Brady reviewed what had been discussed:

- Fence will be extended to run behind the building.
- Fence will be black vinyl chain link fence, 2 inch mesh
- Sealed engineering drawings for the wall because of the height
- Only used for office use, not a mobile home

Mr. Christiano made a motion to approve the application **PB-01-12-1 including the variance requested Hillside Estates of Franklin, LLC. Preliminary and Final Site Plan, C variance, Block 73 Lot 5.01 New block 2701 Lot 17.** Seconded by Mr. Oleksy.

Upon Roll Call Vote:

AYES: Christiano, Kulsar, Oleksy, Suckey, Foulds, Lermond

NAYS: None ABSTENTIONS: None

(Motion Approved)

OTHER BUSINESS:

PAYMENT OF BILLS:

Mr. Oleksy made a motion to approve the **Franklin Borough Planning Board Escrow Report for March 19, 2012.** Seconded by Mr. Suckey.

Upon Roll Call Vote:

AYES: Christiano, Kulsar, Oleksy, Suckey, Foulds, Lermond

NAYS: None ABSTENTIONS:

(Motion Approved)

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DISCUSSION:

Redevelopment Area E Report

Mr. Ken Nelson said this redevelopment area is significantly different than the other two redevelopment areas. Portions of the draft did not change much except for a few minor corrections. The Borough Council adopted a new set of tax maps that has changed the Block and Lot numbers. Mr. Nelson said he put in a reference to that fact in the report. Mr. Lermond asked if there is a cross reference. Mr. Kilduff said it is on the Borough website. Mr. Kilduff suggested a summary sheet with the old and the new numbers rather than go through the text and make all the changes.

Mr. Nelson said we are looking at this in two segments. The area to the East of Rte. 23, which contains the bulk of the acreage, and the area to the West of Rte. 23. The area to the East includes the Group 5 property, Hardyston School, the former Hardyston Parks and Forestry building and also three additional properties. Two of those properties are residential and one is vacant. The area on the West includes the Littell Center and five residential properties. Beyond the residential properties are seven properties either used commercially, or a mixed use situation. Most of the lots on the West side are small, except for the Littell Center property.

The Group 5 property consists of two components. The first component is the small commercial property that fronts on Rte. 23. This property qualifies for Criteria D meaning that the property is obsolete. The rest of the Group 5 property is explained in the report. There are certain issues relating to the financial transactions going on between the property owner and Wal-Mart. This site is critical for the connector road. The Hardyston School also presents another issue. Mr. Nelson did conclude that the property could be included using Criterion E. Mr. Nelson read Criterion E. This an operating school that services Hardyston Township. This sites meets the provisions of Criterion E in a way not normally anticipated by the statue, specifically Criterion E speaks to a growing lack or total lack of property utilization of the area. Mr. Nelson said in this case, the continued utilization of prime commercial acreage in one municipality for a public purpose, tax exempt use, by another municipality. This is not to say that the use isn't an important one. Mr. Nelson suggested that the Board go ahead with the Public Hearing on this report. Mr. Nelson suggested that prior to the Public Hearing; we reach out to the Hardyston Board of Education and meet with them to explain what we are doing.

Mr. Christiano asked what we are going to tell them. Mr. Nelson commented that at some point, it may be advantageous to sell that property and relocate the school in Hardyston. At the same time, Franklin would have property for redevelopment.

Mr. Nelson said the other four properties in this area all having interesting situations associated with them. Two are residential. Rowett residence is oddly shaped and

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has a smaller amount of frontage on Rte. 23. It is on a curve and site distance is problematic. The stream is running along the edge of it. This property for redevelopment is highly unlikely on its own. Lot 1302, the residential portion, is up toward the front, the rest is under farmland. All four of these properties are impacted by the flood zone making the future redevelopment of those properties somewhat problematic. Mr. Christiano asked what is the level of flood zone. Mr. Nelson said it was 100 years.

Mr. Nelson stated that the one with the greatest concern for redevelopment is the Park's property. It is already a developed site. It will be an issue dealing with DEP on this site. The stream makes it essential for these properties being dealt with together for redevelopment rather than individually. The Parks Bldg. has not been utilized in years and it could be considered abandoned, except equipment is being stored for Hopatcong weed control on that site. The Littell Center is used for public purpose but could the redevelopment of that property for other use benefit the Borough more.

Mr. Nelson commented the residential properties are not in a prime residential area. All five of those structures are right up on the road; they are five residences that are owner occupied. Frontage on Rte. 23 is not pleasant and is not safe getting in and out of their homes but have a pleasant environment in the back. The remaining properties get smaller and smaller as we go north. The motel is abandoned after being torn down. The structure to the South of the motel appears to be vacant, as well as the structure to the North.

Mr. Nelson said all of these properties meet one or more criterion based on his analysis. In summary, most of the properties in this redevelopment area do qualify. Mr. Nelson mentioned the collector road on the East side. Exhibit A-1 does show part of the collector road but we did not get the entire alignment on there. The collector road will show as extending down and connecting with the Rte. 517 and Rte. 23 intersection.

Mr. Brady said that he and Mr. Nelson met with Group 5 and the concerns are the connector road. That connector road will cost a substantial amount of money. It relates to the category C where you have 10 years of property that has not been developed and the location, topography and accessibility of that property affects its development. It is where we want that connector road to go. Mr. Brady said if you don't have something where you can put the connector road in from 517 and loop it around and bring it up towards Weis, none of this gets developed. It would be difficult to access, difficult to develop and that is going to make a difference in the development.

Mr. Lermond asked if a large portion of the connector road is just access. Mr. Brady said no because where it is going, you wouldn't need to have access that is designed to go behind the building, all the way the Hardyston property line.

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The Board had a discussion on the connector road.

Mr. Nelson reminded everyone that the bulk of the Group 5 property qualifies because it has been vacant for so long and even though it was an approved site plan, there is no guarantee that this site plan will proceed to implementation. Mr. Brady said if you look closely at Group 5, it meets the Criteria and also some aspects of it which are more intricate. Mr. Brady said the school has to be included because how do you get those odd shape lots that are developable but unusable and get a collector road out of it.

Mr. Lermond said the next process is a Public Hearing and finalizing the report. Mr. Christiano asked if we could move this along quicker if we took the west side of Rte. 23 and merged it with Area D. Mr. Brady said we should go ahead with Area E as it is currently configured but during the hearing we may want to separate them.

Mr. Suckey said separating it from Area E would make it sensible because then you can go into the old Fletcher property and attach the unused Fletcher property and now you have an Area F. We looked at it as being part of Area E and bringing it across the street and make the entranceway nicer compared to the backside. Mr. Suckey said it would probably make sense to take that piece out. Mr. Christiano asked Mr. Brady if it would be easier to just merge it with Area D. Mr. Brady said we are just coming up with a recommendation regarding a little strip of land in between and let's connect them somehow; or you can make it E East and E West.

Mr. Foulds said the people that occupy those houses would want to see the East side go through which would alleviate traffic flow in the front of their area. Mr. Christiano asked Mr. Nelson if we created a new area, would there be any increase in costs. Mr. Kilduff said it would have to be budgeted for and the Council would have to go along with creating this new area. Mr. Suckey said the Ad Hoc Committee's view of it was to put those together. That is the entrance to the town. Mr. Suckey said that is the first thing you see when you see the sign that says, "Welcome to Franklin". The idea was to clean all that area and make it more attractive; to make it beautified and attract people into town. Mr. Suckey said we should make it East Side and West Side and use it as two separate pieces but within the Area E. Mr. Suckey said that if we put it with Area D, we will not get to Area D in a long time.

Mr. Lermond said do we leave this report the way it is so we can move on to the public meeting and bring it to resolution. Mr. Lermond said what he hears tonight is take the West side out to make it part of Area D and not make it part of this report or make it part of the public meeting and possibly have two separate portions similar to what we did for Redevelopment and Rehabilitation at the last meeting.

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OPEN PUBLIC SESSION:

Mr. Suckey made a motion to **Open to the Public Any Comment on Redevelopment Area E Report**. Seconded by Oleksy. All were in favor.

Mr. Jerry Nardella, representing Group 5, stepped forward. Mr. Nardella said we should go forward with this Redevelopment on both sides. Mr. Nardella said that if we are lucky enough to get Wal-Mart to start constructing, we can do the front portion. Mr. Nardella commented that Mr. Suckey was correct saying the entrance into Franklin is very important. Mr. Nardella also agrees that it will help to have both sides in one plan. Mr. Nardella said that later on we can incorporate Area D. Mr. Nardella said we need to move forward with the Redevelopment as soon as possible.

Mr. Suckey made a motion to **Close to the Public Any Comment on Redevelopment of Area E Report**. Seconded by Mr. Christiano. All were in favor.

Mr. Suckey made a motion to **Approve the Plan For Development Area E Report and have Public Hearing for April 16, 2012**. Seconded by Mr. Foulds.

Upon Roll Call Vote:

AYES: Kulsar, Lermond, Suckey, Foulds

NAYS: Christiano, Oleksy ABSTENTIONS: None

(Motion Approved)

DISCUSSION:

Mr. Suckey said a letter was sent to the Fire Marshall regarding the Mainardi property and the fire hydrants asking for a follow-up. Mr. Suckey asked if we have gotten anything back from the Fire Marshall. Mr. Knutelsky said he did not get a letter back from the Fire Marshall but had a phone conversation with him. The Fire Marshall has been in contact with the construction official a number of times and asked him how it will be done, when it will done and what final approvals are going to be required for the abandonment as well as the inspections. Mr. Nelson said that since he does not have a letter from him, he will put a memo together for our file and copy the Fire Marshall. We will do this to make sure the Borough is protected.

CORRESPONDENCE:

OPEN PUBLIC SESSION:

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

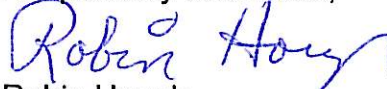
No one from the public stepped forward.

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

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 9:26PM on a motion by Mr. Christiano. Seconded by Mr. Suckey. All were in favor.

Respectfully Submitted,



Robin Hough
Secretary

Prepared by



Ann Grabkowski, Secretary