

**Franklin Borough Planning Board**  
**Meeting Minutes**  
**May 21, 2012**

**ORIGINAL**

The meeting was called to order at 7:30 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: Mayor Crowley, Mr. Kulsar, Mr. Lermond  
Mr. Oleksy, Mr. Suckey, Mr. Cholminski,  
Mr. Zydon, Mr. Foulds

ABSENT: Mr. Christiano (arrived approx. 7:33pm)

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

**APPROVAL OF MINUTES:**

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

Upon Roll Call Vote:

AYES: Kulsar, Lermond, Oleksy, Suckey, Foulds

NAYS: None                      ABSTENTIONS: None

Mr. Lermond made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for April 16, 2012**. Seconded by Mr. Suckey.

Upon Roll Call Vote:

AYES: Crowley, Lermond, Oleksy, Suckey, Cholminski, Zydon, Foulds

NAYS: None                      ABSTENTIONS: None

**OTHER BUSINESS:**

**PUBLIC HEARING: A Preliminary Investigation Regarding the Designation of a Proposed Area in Need of Redevelopment Known as Area E.**

Chairman Cholminski gave an update to the public on Redevelopment. Mr. Cholminski said it is nice to see a lot of people at the meeting but it is also sad that the reason why so many people are here tonight is because of a lot of misinformation from an article in the newspaper. Mr. Cholminski said he would also be upset if he received a notice saying that someone is interested in taking his land. Mr. Cholminski said he has been involved with the Planning Board for over 20 years, as a volunteer, and not once has he ever heard anyone in favor of using eminent

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domain to take anyone's property. In fact, if eminent domain was ever discussed, it was discussed that we would never want to do that to someone because we wouldn't want that happening to us. Mr. Cholminski offered his apologies for the misinformation in the paper. The reporter sensationalized the information in the paper and never asked to speak with me and to interview me.

Mr. Cholminski explained the functions of the Planning Board. We develop a Master Plan and the Master Plan contains the zones for the town. The zones are where you can put businesses, gas stations, churches or restaurants. Once the zoning is set, applicants come to build on their land. We have a lot of areas in the town that would benefit from redevelopment. We can create zones to entice builders to come in and do something good for the town and build on that property. There is a certain criteria to make a piece of property in need of redevelopment. The goal of redevelopment creates flexibility for the land owner, for the town and for a potential builder. Mr. Cholminski said the other good thing about redevelopment is tax abatements. Mr. Cholminski explained tax abatement and how it benefits the town. We are all on the same team. The goal is that we are all trying to do the best we can for Franklin. Mr. Cholminski said as we speak tonight remember that our goal is the same, we are all trying to provide the best solutions for Franklin with the highest rate for our taxes in a community we would all be proud to live in.

Mr. Dave Brady, Esq. explained the Redevelopment law. The Redevelopment law was passed by the legislature to address situations where enticing development of property through zoning is difficult. The redevelopment law allows you to address bigger areas rather than single properties. Mr. Cholminski said it also allows homeowners to be involved. The process is two steps. We are making recommendations to the Town Council and then they decide whether they want to adopt it. The town council does not have to have a public hearing; it will act as a public hearing but does not have to give a public notice. Those who have given written objections are entitled to receive specific written notice that a redevelopment plan is being considered.

Mr. Brady said that in the notice, a municipality should notify you that there is a possibility of eminent domain if the municipality wants to move forward. By not doing that, it leaves the municipality open to challenge until the very last minute and if the challenge occurs, there is litigation and a lot of time and money has been spent. Mr. Brady said that no one on the Planning Board or Council ever used eminent domain in their language and there are no plans to use it. Mr. Brady said he followed the recommendations of the Pellet Division and that is why the notices were sent out.

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Mr. Jim Kilduff, Planning and Community Development Director and Administrator, Franklin Borough, explained how the Redevelopment process took place. In 2008, the Mayor Crowley formed an Ad Hoc Committee. The committee began looking at other areas in town that needed to be redeveloped. In June 2010 a report recommended looking at 5 potential areas in Franklin for Redevelopment. The report was sent to the Council. At first the Council declined to do that because it was too costly. The Board prioritized the areas and went back to the Council in October 2010, the Council voted to proceed and fund five studies for areas of redevelopment. The purpose of tonight's meeting is to review the criteria for Redevelopment and see if it meets those criteria. If the Board decides it meets the criteria, it will be referred to the Mayor and Council for a decision.

Mr. Ken Nelson explained Area E using an Aerial photo of Area E. The other map is a composite tax map of the area. The area that is shaded is defined as Area E. Mr. Nelson pointed out two areas. The Armory (Littell Center) and the other area is the Hardyston School property. Mr. Nelson said that Area E is a big part of the Rte. 23 corridor. The total area shaded is about 100 acres. There is 85 acres on the the East side and 15 acres on the West side. This is one of the most interesting areas. It is a mixed use area. The lot sizes vary from 45 acres to less than ¼ acres. There are 19 lots involved in the study area. The process was explained to you and how it works. The first step is to determine that the area that is shaded qualifies for an area of Redevelopment. There is certain criteria in the state legislation that tells you how to evaluate these properties for Redevelopment. If a property does not qualify, it can still be included in the redevelopment area if it is necessary in the overall planning of the area. The Planning Board is relying on my report that I prepared but ultimately it is their decision as to what I have in the report. They make the recommendation to the Council. The Borough council does not make the final approval because it also has to go to the state for approval.

Mr. Nelson referred to his report dated March 12, 2012 on Area E. Mr. Nelson read and explained the four criterias that relate to Area E. Mr. Nelson explained that the Hardyston School used Criterion E. Mr. Nelson gave a brief introduction to each section and gave a summary of each section; the existing conditions, analysis section and indicated what criteria applied in Mr. Nelson's opinion.

Mr. Nelson referred to the aerial photo and explained the stream that runs off Hamburg Mountain and how it could affect the future development of these properties.

Mr. Nelson said this is the first step in the process of designating this area as a redevelopment area, Mr. Nelson said that the public will be included in the development of the plan if we get to that point.

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Mr. Cholminski said Ken Nelson is a Planner and the purpose of a plan is to entice improvements. Mr. Nelson said that one of the key issues that he wanted to mention is that there is a long standing proposal to create a collector road or bypass road off of Rte. 23. The purpose of the collector road is to relieve some of the traffic off of Rte. 23.

**OPEN PUBLIC SESSION:**

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

Mr. Josh Zielinski, Esq. representing Group 5 Development stepped forward. Mr. Zielinski thanked the Board, the Chairman and the Planner for clarifying what this meeting tonight is about. This is about designating the area in need of redevelopment. Group 5 supports the Board in declaring this area in need of redevelopment. Mr. Zielinski said declaring this site for redevelopment will lead to underutilized land being properly used which ultimately leads to tax ratable, jobs and an improved economy for the area. Mr. Zielinski said that he strongly urges the Board in voting to approve the redevelopment designation this evening.

Mr. Glenn Stumpman, Superintendent, Hardyston School District stepped forward. Mr. Stumpman was comforted to hear that eminent domain is not something that is on people's mind. Mr. Stumpman said the Hardyston Township Board of Education is concerned about the whole designation of Area E. It is currently the Hardyston Elementary School and is home to 439 students in grades Pre-K to 4<sup>th</sup> grade. Mr. Stumpman said that in the report the building is referenced as a facility that is becoming obsolete. The building is 54 years old. The average age of a public school building in the state of New Jersey is 50 years old. Hardyston Elementary School is a typical school facility and younger than half the schools in the state. The Hardyston Elementary School was built in 1958, added onto in 1968 again in 1996. It was renovated in 2003 with new roof, a new playground in 2008. Bids are in for new renovations to the front entrance to be completed this summer. Upgrades are continually planned for the present and for the future. The playing fields are used for recreation purposes outside of the school. Mr. Stumpman said it is hard to understand how the school can be a facility that is increasingly becoming obsolete. It is also difficult to understand how this area is in a need for redevelopment. A question was concerned regarding the connector road. Mr. Stumpman said that 10 months ago, at a meeting of the Board, a question regarding the connector road was brought up.

Mr. Cholminski wanted to clarify that the plans we are talking about tonight are long term plans. Mr. Cholminski said that we would have to purchase the Hardyston Elementary School and Franklin Borough cannot afford to buy that school. Mr. Stumpman said that he thought the connector road was not going to happen.

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Mr. Stumpman says the report stated that it is a win/win situation. Mr. Stumpman said it is hard to see how this is a win for Hardyston residents. This would be a huge burden to the people of Hardyston. Mr. Stumpman said isn't the education of children a productive and important endeavor; and an important use of the property?

Mr. Ken Nelson responded by saying that if he could change one word in the report it would be "obsolete". Mr. Nelson said that this building is up-to-date and he meant that if they were going to build a new school. Criterion E used to qualify property. It is a unique situation where one municipality has one of its schools in another municipality. Hardyston's point of view is different than Franklin since it is a property utilization. Franklin is different because this property occupies prime commercial acreage. If we get to the point when we get to the plan, it may be a plan with two phases. One with a school there; and one if the school is relocated. Mr. Nelson also said the connector road is an important piece of the puzzle. The connector road isn't that far off in the distance future. Mr. Cholminski said it may not happen but it is part of the plan.

Mayor Crowley said that the connector road is way off into the future. Mayor Crowley said that in his opinion, the connector road will not happen in his lifetime. Mayor Crowley said that no one has the money to put the road in. Mayor Crowley said that if it did happen, it would have to be with the approval of the Board of Education. Mayor Crowley said the land is owned by the Hardyston Township Board of Education.

Marianne Smith, Township Manager of Hardyston Township stepped forward. Ms Smith was here with Mayor Carl Miller and Deputy Mayor Leslie Hamilton. Marianne Smith said she is here tonight to support our school board. Ms. Smith said that she respects Franklin's plans for the future. Ms. Smith said that the Hardyston Elementary School is one of our biggest assets. Ms. Smith said that she is putting on the record their opposition with the Hardyston Elementary School and also the Littell Center. We do not believe these two buildings are in a state of disrepair and are not utilized for the public purpose. Ms. Smith said that the redevelopment does not allow for the use solely for economic purposes. We need to protect the interest of Hardyston residents.

Patricia Rowett, 36 Rte. 23, Franklin, NJ stepped forward. Patricia Rowett said that she was here tonight representing her family. Ms. Rowett asked that her property not be included to Area E as it does meet the criteria. Ms. Rowett made reference to the roadway. Ms. Rowett explained the open pit mine in the back of the property. The property is also surrounded by the Forestry service property and Hardyston Township school. The property is 300 feet from the streams. The property is in the wetlands and has endangered species. This will negatively impact your plan and request that her property be left out of this plan.

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Paul E. Clark, Jr., Lot 16, Franklin stepped forward. Mr. Clark owns Lot 1. Mr. Clark would like to object to the plan which shows the redevelopment would go through the middle of his house. I have no neighbors and I would like to keep it that way. Mr. Nelson asked how that property got its odd shape. Mr. Clark said that it is a unique piece of property and was probably split up in parcels.

Yoon-Juno, 51 Rte. 23, Franklin stepped forward. Ms. Juno asked what is the price of the property if they want to buy out? Ms. Juno said there is water in the back and only so much of the land can be used. Mr. Cholminski said the town has no interest in buying your property. The developer may want to buy her property. Mr. Zydon had a question about the stream and DEP? Mr. Cholminski said that we cannot worry about streams and power lines otherwise we have no imagination and nothing happens. We need to bring developers into Franklin to spend money and bring in ratables. This will help the town survive into the future and save Franklin as a Borough.

Mr. Joe Massey, 21 Straffordshire Drive, Vernon, NJ Owner, Lot 17, Block 70 stepped forward. Mr. Massey wanted an explanation of the wording of the notice. Mr. Massey wanted to know if the position of the Board and the Town Council approves it from now until the project is purposed, is there any way I can sell it or transfer title in anyway. Mr. Brady said no it is not. Mr. Cholminski said it is a matter of opinion as to whether it makes your property worth more or less.

Mr. Kevin Keenan, representing his mother, Block 74, Lot 13 stepped forward. Mr. Keenan stated his mother's home is one of the older homes and the structure of the home is in very good shape. The homes in this area have been renovated even though they are 100 years old. All the homes are on the Franklin Borough Sewer System.

Mr. Ed Allen, 36 Jenkins Road, Franklin stepped forward. Mr. Allen has lived in the town for over 60 years. When you come down Rte. 23 it is the gateway into Franklin. Mr. Allen said we need to do what we can to beautify the area. This redevelopment is good for everyone. There are low interest loans that come with this redevelopment program. Mr. Allen was on Council when Walmart came in and gave them a tax abatement. Mr. Allen said today we are making about \$350,000 a year from that project.

Mrs. Pat Rowett, 36 Route 23 stepped forward. Mrs. Rowett spoke about the odd shaped property that partially joins her property. It was part of the Munson property. Mrs. Rowett said it followed the stream and wetlands and right away for power lines. That is how it got it's odd shape. When the property was sold, the people accepted it in the condition that it was.

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Virginia Littell, Jenkins Road, Franklin, NJ stepped forward. Mrs. Littell would like to applaud everyone for being here tonight. Mrs. Littell said next year we will be celebrating 100 years of Franklin. Many people have served for the municipality over the 100 years and they have done what they feel was best for the community. Mrs. Littell is very happy to have a redevelopment in the town. This does not mean they are going to take anyone's home or land. It means we can bring developers in and get low interest loans. Mrs. Littell's father-in-law (Alfred Littell) proposed the roadway many years ago in the 50's so it has been a long time since it was proposed. Mrs. Littell said that she would like to see the Board vote on the Redevelopment.

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

Mr. Cholminski wanted to thank the public for a civil discussion tonight on Area E. Mr. Cholminski said that our intent is to better Franklin and make sure Franklin is here forever. This is a beginning process for a very long term plan.

Mr. Chrisitano objects to the Wal-Mart property as part of Area E Redevelopment. Mr. Christiano said that if you look at all of this redevelopment, we already approved this area for redevelopment and sees no advantages. Mr. Cholminski said that is the tax abatement.

Mr. Zydon said he has to sit back and think about it. Mr. Zydon said he felt better when Mr. Cholminski explained what the redevelopment is. Mr. Suckey said it is up to the developers.

Mr. Suckey said when he was on the Ad Hoc Committee, they looked at the gateway area. Traffic through the town keeps on increasing. If you don't fix the gateways to the community, you are not going to get the people into town. The gateways have to be improved. Mr. Suckey has been on the Planning Board for 26 years and the bypass road has been discussed four times. Mr. Suckey said he has been listening to people talk about traffic in town especially during the summer months. We need to do something help alleviate traffic along the Rte. 23 corridor. We have to get it back into the plan Mr. Suckey said that during the day some of the small roads throughout town have been congested and this does help relieve some of that highway congestion but something has to be done to relieve the congestion on Rte. 23 and off these smaller roads. Mr. Suckey said he is not in favor of anyone's property being taken away and the only reason eminent domain was mentioned because of the word Redevelopment. Mr. Suckey really believes in this project. In the long road, Mr. Suckey said Redevelopment is necessary. Mr. Suckey said we need to take some steps and take the opportunity to make changes. Mr. Suckey

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served on this Board to help the town and believes the effort of Board has made a lot of improvements to the town.

Mr. Rob Oleksy said he agrees with John Christiano about the WalMart property. Mr. Oleksy suggested that the Forestry Building could be used as a welcome center into the town of Franklin since this would be the gateway into the town.

Mr. Nathan Foulds said he is new to the Planning Board. Mr. Foulds said he learned that the town is not going to buy up properties and that this redevelopment may open more opportunities for people as with the low-interest loans.

Mr. Tom Kulsar said that he is new to the Planning Board and getting familiarized with the process. Mr. Kulsar agreed with Mr. Cholminski's presentation and feels this Redevelopment is necessary for Franklin and that this should happen.

Mayor Crowley feels that this Redevelopment is good for this section of town. I do not see any disadvantages. Any properties do not have to take part in this plan. There is no down side to this. The Forestry Building is not being utilized and asked the state to sell it. The state decided it would be better used as a junkyard. The Littell Center was up for sale at one point and the state may sell it. Mr. Cholminski believes it is for sale again. There is no guarantee we can keep this building. The Hardyston School area is not up to us. It is up to Hardyston Township. Mr. Crowley said he does not see them selling it in the near future and that is their right. Mr. Crowley would recommend that we improve this plan with all the properties listed. There is a lot potential for good for all the properties if they want to take advantage of it.

Mr. Kevin Lermond said the whole concept of redevelopment and the benefit is what we need especially with the Gateway. Mr. Lermond is torn down the middle about redevelopment. Mr. Lermond said that he would be opposed.

Mr. Ken Nelson said he stands by what is in his report except for a few phrases that he would of phrased differently. The Littell Center zoning may have been left out. He needs to make that one correction.

Mr. Jim Kilduff wants to clarify for the public record that the planners report would recommend that all of the 19 properties in this area be in need of redevelopment.

Mr. Dave Brady said we have gone through this as a first step and council has to take a closer look and a plan has to be developed. It is a long process.

Mr. Cholminski is ready for a vote tonight and he explained the voting. This is only step one.



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Mayor Crowley made a motion to recommend to the **Mayor and Council Area E, An Area in Need of Redevelopment**. Seconded by Mr. Kulsar.

Upon Roll Vote:

AYES: Crowley, Kulsar, Suckey, Cholminski

NAYS: Christiano, Lermond, Oleksy      ABSTENTIONS:

(Motion approved)

**APPROVAL OF RESOLUTIONS:**

There were no resolutions to approve.

**APPLICATIONS FOR COMPLETENESS:**

There are no applications for completeness.

**ADJOURNED CASES:**

There are no adjourned cases.

**APPLICATIONS TO BE HEARD:**

There are no applications to be heard.

**OTHER BUSINESS:**

**PAYMENT OF BILLS:**

Mr. Oleksy made a motion to approve the **Franklin Borough Planning Board Escrow Report for May 21, 2012**. Seconded by Mr. Cholminski.

Upon Roll Call Vote:

AYES: Christiano, Lermond, Oleksy, Suckey, Cholminski

NAYS: None      ABSTENTIONS: Kulsar, Crowley

**DISCUSSION:**

Mr. Cholminski asked the Board to review the Planner's Report for Area D.

Mr. Ken Nelson asked the Board to recall Area C which includes the Kulsar garage property. He finished the report on that put never had a hearing since the Board was advised the Board of Adjustment approved of a site plan for the Kulsar property. The Board has put that on hold and that was in January. Since that time, there has not been much activity. Mr. Crowley said that the developer may rent it out and is actively pursuing the property. Mr. Nelson said the Planning Board should advise

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the Council that you are holding up on Area C because the developer is moving ahead. Mr. Crowley said there is a Council meeting tomorrow. Mr. Suckey said this is a problem that we have had on the Board. Mr. Suckey said that we approve plans and nothing happens with the properties. Properties just sit and we try clean up spots in town. Mr. Cholminski agrees with Mr. Suckey; since he has been on the Board, we have approved more plans than have not been built than plans that have been built. Mr. Cholminski said we should move forward and include it. Mr. Nelson said how much time should we give this guy before we have a public hearing. Mr. Suckey said leave it in and let him come to the meeting. Mr. Christiano also agreed and said to leave it in the plan. Mr. Cholminski said we should schedule it. Mr. Kilduff is going to schedule the public hearing and combine Area D & C together. Mr. Cholminski said we will finalize D at our next meeting.

**CORRESPONDENCE:**

Mayor Crowley presented a certificate from the Department of Community Affairs to Nathan Foulds for his participation in the basic Land Use and Planning course.

**OPEN PUBLIC SESSION:**

Mr. Lermond made a motion to Open to the Public. Seconded by Mayor Crowley. All were in favor.

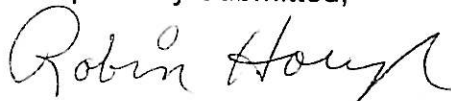
No one from the public stepped forward.

Mr. Lermond 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 9:11PM on a motion by Mr. Lermond. Seconded by Mr. Oleksy. All were in favor.

Respectfully Submitted,



Robin Hough  
Secretary

Ann Grabkowski  
Secretary