

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**April 15, 2013**

The meeting was called to order at 7:00 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, Mayor Crowley,  
Mr. Suckey, Mr. Zschack, Mr. Foulds,  
Mr. Lermond, Mr. Nidelko

ABSENT: Mr. Zydon, Mr. Cholminski

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

**APPROVAL OF MINUTES:**

Mr. Zschack made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for January 23, 2013**. Seconded by Mr. Nidelko.

Upon Roll Call Vote:

AYES: Crowley, Suckey, Zschack, Foulds, Lermond, Nidelko  
NAYS: None                      ABSTENTIONS: None

Mr. Christiano made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for February 19, 2013**. Seconded by Mr. Foulds.

Upon Roll Call Vote:

AYES: Christiano, Crowley, Suckey, Foulds, Lermond, Nidelko  
NAYS: None                      ABSTENTIONS: None

**PAYMENT OF BILLS:**

Mr. Nidelko made a motion to approve the **Franklin Borough Planning Board Escrow Report for March 18, 2013**. Seconded by Mr. Foulds.

Upon Roll Call Vote:

AYES: Christiano, Suckey, Foulds, Nidelko  
NAYS: None                      ABSTENTIONS: Crowley, Zschack

Mr. Foulds made a motion to approve the **Franklin Borough Planning Board Revised Escrow Report for April 15, 2013**. Seconded by Mr. Christiano.

Upon Roll Call Vote:

AYES: Christiano, Suckey, Foulds, Lermond, Nidelko  
NAYS: None                      ABSTENTIONS: Crowley, Zschack

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**PUBLIC HEARING AREAS C & D:**

Mr. Lermond advised areas will be done individually and asked if anyone from the public for Area C were present. Mr. Lermond informed Mr. Nelson, Planner for the Board will discuss (Areas C & D) for the public's knowledge.

Mr. Nelson informed tonight's meeting is for Board discussion for possible recommendation to the Council to designate these two areas as areas in need of redevelopment. Mr. Nelson gave an overview of its inception, studies, reports and the designation recommendations. He said Borough Council ultimately decides actual designation in which then, the State gets involved. If the areas are designated as areas in need of redevelopment, the next step is to prepare a redevelopment plan for each area then the redevelopment plans replace zoning ordinances of the Borough for those properties. If a plan is prepared and ultimately adopted by Borough Council, the final step would be implementation.

Mr. Nelson said the redevelopment designation process is a planning tool available to all New Jersey municipalities. He said at this point, the Borough hasn't used the redevelopment designation as a way to control and shape land use, but there are examples throughout the State. Mr. Nelson said it's a process governed by NJ laws enacted to guide municipalities on designating redevelopment areas and redeveloping those areas. There are a number of criteria established in state statute, and further explained. Mr. Nelson read criterion A, B, C and D and how they were used to determine Areas C and D's designation. He also said not every item on the list has to be met; it may be just one and in many cases focused on one phrase which talks about obsolete layout. Mr. Nelson said many of the properties in these two areas are considered to be obsolete layouts by today's standards and doesn't mean they're dilapidated or falling apart; it just may not be the land development standards commonly used today.

**AREA C**

Mr. Nelson referred to a map of Area C (Route 23 North – Mabie to High Streets) and described them. He said what drove the area to be suggested as an area in need of redevelopment was the centerpiece, the Kulsar Garage site and some very distressed buildings at the north end of that area. He mentioned the properties included and said subsequent to him being authorized to do the designation for that area, the Board of Adjustment was seeing an application for the old Kulsar Garage and approved a site plan for its redevelopment. Redevelopment hasn't begun but understands it will at some point and the question being whether or not this area should move forward as an area in need of redevelopment, as a large portion of that area is already going to be redeveloped by the private sector.

Mr. Nelson said this Board and the Council could choose to move ahead for this portion of the redevelopment area that would then become part of the redevelopment

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plan and then wrestle with what to do with remaining properties. It will require Board discussion and public input; the involved properties in Area C for the record. Mr. Nelson discussed the properties and what qualifying criterion was used and why. He said not every property within a redevelopment area has to qualify on its own, it's essential to developing an overall plan for that area and that property can be included. The approved site plan moves ahead to the implementation stage, then becomes part of the redevelopment plan and this property would be included because it's necessary to the overall plan. Mr. Nelson said in connection with a redevelopment program, redevelopment designation, redevelopment plan, a municipality has the ability to use its powers of Eminent Domain and explained it. He said Borough Council, the Mayor and this Board have said the Borough has no intention of using powers of Eminent Domain in connection with whatever is done in Franklin.

Mr. Nelson said the question is what's next; what would a redevelopment plan look like for this area. We don't know because the next step is getting to the area being designated. Then get involved in doing the redevelopment plan which would involve your (public's) input. We can't say what the long range plan would be for this area; we're here to talk about whether we should put in place that first step so we can go to the 2<sup>nd</sup> step and then hopefully to the 3<sup>rd</sup> step of actual implementation.

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

Mr. Lermont advised the meeting is open for questions and comments about Area C and do the same for Area D. He provided procedure instructions to the public.

Gene Lubowicki, 52 Edsall Drive, Sussex was sworn in. He requested (Mr. Nelson) review, the impact of the Kulsar property in terms of Redevelopment of Area C and its direction. Mr. Nelson said a site plan's been approved, there are changes to the original plan requiring re-approval, doesn't know the timetable, may not happen and further explained. Mr. Lubowicki commented if that moves forward, (Area) C Redevelopment is in more jeopardy. Mr. Kilduff said he wouldn't say jeopardy. Mr. Nelson said this is where we get into a grey legal area because it's such a large piece. If it's redeveloping on its own without municipal assistance; the question then is, does it make redevelopment unnecessary or unsustainable where it would require more Board discussion. He talked about the upper and lower areas needing redevelopment, is less likely able to redevelop on their own without municipal involvement and said in order to connect the upper part to the lower part; you have to have a middle part.

Rosemary Leiden, 407 Route 23, Franklin was sworn in. She asked if the property in the middle is redeveloped on its own and the town decides to go ahead with the plans north and south of it, what the town will do with the property. Mr. Nelson said the town will not get involved in any transaction necessarily. She asked if individuals can be forced to sell to this person. Mr. Nelson said no because that's the issue of Eminent

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Domain. Ms. Leiden commented; the plan wouldn't dissipate. Mr. Nelson said no the plan would still be there and hopefully individual property owners would cooperate with the redevelopment of the plan and if a property owner did not want to cooperate, he understands the municipality will not get in the middle; it might not proceed. Ms. Leiden asked if there's a timeframe and if they're waiting for a developer to develop that property. Mr. Nelson said no, the next step is to do a redevelopment plan after the designation occurs. Once the redevelopment plan is adopted, there should be a specific time-table to implement the plan. Ms. Leiden said she's asking as the building's been there since the owner's passing for a few years and not maintained. It finally sold; plywood was placed on windows, never painted them, and commented on other buildings appearances and addressed her concerns about a time frame. Mr. Nelson said the Redevelopment goal is to create an incentive for the private sector. A Redevelopment Plan would aim to prepare a realistic plan for today's market that will be a benefit to the community.

Mr. Nelson said It's always his recommendation in any redevelopment area, for designation occur as quickly as possible, a redevelopment plan put in place and have an implementation plan set up to measure the success.

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

**AREA D**

Mr. Nelson referred to and explained Exhibit 2 Area D to the reduction of that area for designation as an area in need of redevelopment. He explained why those areas were eliminated and said it left nine properties. Mr. Nelson referred to the old Franklin bank as the driving force for the redevelopment area and the gateway to Franklin which sat unutilized for many years. He continued through the Franklin Diner, the little strip mall, an industrial building, four residential properties and Rowett's Garage. He said Rowett's Garage is a commercial property not functioning at a high activity level and it being the key point with respect to this area as it's been reduced to. He said it's one of the community's gateways and focal point when looked at in terms of its totality, its potential, and further explained. Mr. Nelson said using the tool of a redevelopment designation and ultimately a redevelopment plan and redevelopment program, is something that would be in the best interest of the community as a whole and in the best interest of individual property owners.

Mr. Nelson said the Redevelopment Plan goal is not to hurt anyone and should have enough incentives built into it that all property owners will want. The willing participants either are part of the redevelopment activity itself, or sell the property to someone who wants to assemble it into one piece. He said most of the properties qualify under criterion D and explained why. Mr. Nelson said a redevelopment plan doesn't mean you demolish everything, you can work with some of the things already

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there and some of the other things maybe should be demolished. He talked about the three residential properties particularly on the front on Franklin Avenue.

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

Mary O'Connell, 125 Rutherford was sworn in and spoke of her concerns of inclusion in/out of the plan, questioned continuance of making home improvements and if redeveloped, what street access would be had. She commented on the Starbuck's entrance and asked if something will be built, will they be notified. The issues she addressed were responded to by Mr. Nelson, Mr. Brady and Mr. Kilduff.

Emma Osbourne, 14 Franklin Avenue was sworn in and questioned the next step in the plan. Mr. Nelson said designation then preparation of the plan. If this area is never designated as a redevelopment area there would be no redevelopment. She asked how long they wait to find out. Mr. Kilduff said if the Board takes action to recommend, it then goes to Council to act on. He gave a brief overview of the areas and said it comes down to funding. Mr. Kilduff said he'll be talking to Council who decides how much will be appropriated to move forward. Mr. Nelson said it wouldn't be quicker than six months and explained. Ms. Osbourne commented it would be an outside source purchasing the property not the town. Mr. Nelson said the town is not going to be doing it but in terms of an outside source purchasing the properties, all nine property owners could form a development corporation and proceed as the redeveloper. A brief discussion followed.

Mr. Nelson said this is time to move ahead and start planning. She asked if he will inform them. Mr. Nelson said it will all be done in Public. He said their goal is not ownership but enhance value for the benefit of the town and property owners. Ms. Osbourne questioned the next step and how they'll find out. Mr. Nelson said watch the Council and the Planning Board agenda's. Mr. Brady was asked if another notice would go out. Mr. Brady said he doesn't think so. Mr. Nelson said you already got a notice and are aware of what's happening. He said if this clears the Planning Board, it will go to Council for action through a public hearing there. An ordinance will be done at some point for redevelopment, gets introduced at the Council meeting, and then there's a public hearing.

Pat Rowett, 4 Franklin Avenue was sworn in stated her opposition to the adoption of the Redevelopment Plan D and asked her property not be included as it doesn't meet the criteria and is not detrimental to the safety, health, morals or welfare of the community. She said Mr. Nelson's description of her property is inaccurate; relying on superficial observations. She said the property's maintained and in continual business since 1964. Ms. Rowett said the statement of a structure 80 years old or more is inaccurate as the building was built in 1963 and 1969 and none of the buildings are in poor condition. Ms. Rowett described her property. Ms. Rowett referred and read two statements made by Mr. Nelson with her response to them. Mr. Nelson responded with his explanations. He said he would go back with her notes and make description

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adjustments and said hopefully at the end of the process she'll be happy with the results as she'll be a beneficiary of the redevelopment of the area as much as the town. A discussion regarding the properties constraints, DEP involvement and Franklin Avenue was had.

Ted Borenius, 129 S. Rutherford Avenue was sworn in and questioned why a plan wasn't done first so they have a purpose. He doesn't understand everything that was talked about and commented on the buildings near the traffic light. Mr. Borenius said all their homes were originally in a few weeks ago, there's nothing wrong with their homes, could use sidewalks and a One Way street to make it better and doesn't know why we're backing into this thought process.

Mr. Nelson said the 2010 Ad Hoc Committee Report identified areas to be studied. In one of the areas, properties were added and after looking at this one we decided to take a number of properties out. Regarding not having a plan first, Mr. Nelson said the authority to do a redevelopment plan comes from the designation of an area as a redevelopment area. Until you start that first step and designate the area there's really no authority to do a redevelopment plan or do a redevelopment plan but would be wasting time because a foundation hasn't been established. Mr. Borenius asked if it was legal. Mr. Lermond said it's all legal and Mr. Brady said that's accurate. Mr. Brady said it's a statutory process and explained it.

Ms. O'Connell said she's been hearing it's going to be a U-turn. It was said it's a rumor.

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

Mr. Lermond asked Mr. Brady if they just need to recommend to Council. Mr. Brady advised that's what you're doing. He suggested take two votes, one for each to make it clear that you considered each area independently and allows people to make one vote; yes or no.

Mayor Crowley said developers owning the hospital property contacted him to be put back into the redevelopment plan. Mr. Zschack said he wanted to comment on (Area) "D". From the beginning he was against "D" because of the size and complexity of it; dealing with residential and the hospital. He thought it a smart decision to shrink it down to an area that can be better controlled, understand and make an easier plan for. When it was so big originally, he thought it would have been very difficult to come up with a plan for it. It was a very good idea to reduce its size and back it at this point because of that.

Mr. Christiano made a motion to **Advance Area C to the Council for an approval as designated**. Seconded by Mr. Suckey.

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Upon Roll Call Vote:

AYES: Christiano, Crowley, Suckey, Zschack, Foulds, Nidelko, Lermond

NAYS: None                      ABSTENTIONS: None

Mr. Foulds made a motion to **Move Area D to Council for their approval**. Seconded by Mr. Suckey.

Upon Roll Call Vote:

AYES: Christiano, Crowley, Zschack, Foulds, Nidelko, Lermond

NAYS: None                      ABSTENTIONS: None

The Board took a recess at 8:09 PM. The Board reconvened at 8:19 PM.

**APPROVAL OF RESOLUTIONS:**

There were no resolutions to approve

**APPLICATIONS FOR COMPLETENESS:**

**PB-01-13-1 Santé Bus LLC & Franklin Square Health & Wellness LLC, Preliminary & Final Site Plan; Block 701, Lots 6 and 11**

Mr. Knutelsky referenced the February 13, 2013 Completeness Report based upon plans prepared by the applicant dated January 16 and January 28, 2013. At the February Planning Board meeting, they were reviewed before the Board and found items requiring waivers, temporary waivers and some items found incomplete. The application was deemed incomplete at that meeting. Following that meeting, new plans were provided to the Board dated February 27, and February 28, 2013. A completeness report was done and pared down; waiver, temporary waivers and incomplete issues.

Mr. Knutelsky reviewed the March 15, 2013 Report:

- **Section B, Item 1; Checklist Item 16.** Recommend Temporary Waiver for completeness only granted for the application with information provided during public hearing. The Applicant provided a letter from ETI Environmental Services describing the wetlands on-site and still remains the same as the ones originally found during the previous applications and believes temporary waiver can be recommended for completeness only and move to public hearing for that issue;
- **Checklist Item #17.** Recommend full waiver granted due to number of property owners required be placed on the front sheet due to town houses adjacent to the property. Information has been satisfactorily provided in the form of a list rather than on the plans. A waiver for providing on the plans is recommended;
- **Checklist Item #20.** Recommend Temporary Waiver for Completeness and rely on applicant's information during the public hearing;
- **Checklist Item #23.** The applicant provided an aerial view of the property in question. The applicants have provided the information, are satisfied, and the item is complete;

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- **Checklist Item #24.** Recommend Waiver be granted due to fact there's not a lot of development going on the property that would change the superficial topography or characteristics. It's not a major project in regard to Storm Water Management and recommend Waiver be granted;
- **Checklist Item #28.** At this point recommend Temporary Waiver for completeness only and have matter be handled as a condition of any approval the Board may grant for potable water and sewer services;
- **Checklist Item #37.** Recommend Temporary Waiver be appropriate and information be provided during the public hearing as testimony;
- **Checklist Item #38.** Due to the minimal nature of development on the property for which an environmental impact statement is usually required; we recommend the waiver be granted;
- **Checklist Item #39.** Recommend Temporary Waiver for completeness only. If through the course of testimony the Board finds additional traffic information is required above and beyond what's testified to, he reserves that right and recommends Temporary Waiver for Completeness only at this point;
- **Checklist Items 43 – 47.** They're final site plan requirements and recommend waivers for all the checklist items granted with information provided on final plans for conditions of approval.

In summary, Temporary Waivers for Checklist Items, 16, 20, 28, 37 and 39 and full Waivers for Checklist Items: 17, 24, 38 and 43-47.

Mr. Gaus, attorney for Santé Bus said he had no problems with the Engineer's waivers. Mr. Knutelsky said with the granting of waivers as recommended, deemed the application complete.

Mayor Crowley made a **motion to deem the application (PB-01-13-1 Santé Bus LLC & Franklin Square Health & Wellness LLC, Preliminary & Final Site Plan; Block 701, Lots 6 and 11) complete with waivers as recommended by Mr. Knutelsky.** Seconded by Mr. Christiano.

Upon Roll Call Vote:

AYES: Christiano, Crowley, Suckey, Zschack, Foulds, Nidelko, Lermond

NAYS: None                      ABSTENTIONS: None

**APPLICATIONS TO BE HEARD:**

**PB-01-13-1 Santé Bus LLC & Franklin Square Health & Wellness LLC, Preliminary & Final Site Plan; Block 701, Lots 6 and 11**

Mr. Kilduff requested the (town's) attorney comment on the Notice. Mr. Brady said Notice was accepted.

Mr. Gaus provided property, access and ownership information and plans for the building. He said Dr. Bonnet, Architect, Yogesh Mistry, and Engineer, Michael Kolody



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are present. Mr. Gauss said they'll be commenting on the items in Mr. Knutelsky's report and requested they be sworn in. Mr. Brady said they'll be sworn in en masse then individually for confirmation. Mr. Brady stated for the record each have replied "yes" starting from his left to right. Mr. Kolody, Dr. Bonnet and Mr. Mistry each provided their credentials and information. Mr. Brady addressed the Chair and advised professionals typically put their qualifications on record. Mr. Kolody and Mr. Mistry provided their licensure and qualification information.

Mr. Knutelsky said prior to getting into reports, it would be prudent for the applicant's professionals to describe the site and specific uses on-site. A brief discussion on which way to proceed with the application was had as there was a time constraint. Mr. Gaus said they'll start with Dr. Bonnet.

Dr. Bonnet said as a founding member of Skylands Medical Group, have built six community-based medical centers over the past 20 years. They believe the primary care physician belongs in the community and healthcare should be delivered locally. He talked about his plans for a modern medical center and said they're in discussion with other healthcare facilities for their view of a future community-based facility. Dr. Bonnet said they're structuring financial relations with people who will take part of the profits to help the uninsured stand strong. He also talked about the plans and services for the back of the building and said it's about making Franklin a healthier community and building a healthcare template for the future.

Mr. Gaus asked Dr. Bonnet to generally review the potential service types in the units submitted on the architectural. Dr. Bonnet said a Lab Drawing Station and may have a small lab providing employment to the local community, there will be Physical Therapy, an Imaging Center, Urgent Care, Counseling, and Psycho-Social which is under-served in Sussex County. He said it's not going to be a center driving everyone with a mental health problem in the County but will address mental health and have Psychiatry and Psychology as part of their facility.

Yogesh Mistry referred to Sheet A1.01 architectural drawing dated 2/28/2013. Mr. Gaus asked if there were any changes from what was submitted. Mr. Mistry said it's a reproduction. Mr. Brady said it didn't have to be marked. Mr. Mistry explained sheet A1.01. Regarding the signage photos he said there's a terminology mix-up. He said he'll refer to the small sign as a ground sign which is in front of the building; a small masonry sign, and the one closer to Route 23 he referred to as a Free Standing existing sign they are looking to re-use and re-implement.

Mr. Mistry reviewed Sheet A2.01 and presented an exhibit. Mr. Brady said to mark it today's date with designation A1 and describe it. Mr. Mistry said it's a color rendering of the front right corner of the building facing Route 23. Mr. Brady questioned if it was prepared by his office and what it's called; and said it says Skylands 3/18/2013. Mr. Mistry said yes to both. Mr. Mistry distributed it and described the drawing and said it's going to be more of an office than a warehouse building. He referred to Sheet

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A2.01 and gave explanations of the proposed floor's potential uses and explained the proposed Agricultural & Employee Dining and the proposed Medical Center. He said they're unsure of some of the tenants and won't know until (Dr. Bonnet) has specific signed leases. Mr. Mistry said they're dedicating the rear corner for doctor's offices and across the hall an urgent care and imaging center and said (Dr. Bonnet) is in talks for them. Also, they aren't sure of some of the other uses. Mr. Brady commented they're going to be some form of medical. Mr. Mistry agreed and said the 29,071sf quadrant of the building they want to call Medical use.

Mr. Lermond asked if the main hallways are fixed or movable. Mr. Mistry said they can still move around and want a skylight in the middle. The building is too deep and need hallways to break it up, subdivide the space. Their general intent is to have access from the side so people can enter, have portico share, and wanted a connector to the cafeteria. Mr. Lermond asked where the cafeteria is. Mr. Mistry said down the corridor; it's a small cafeteria toward the front of the building. Mr. Lermond asked, just that front corner and Mr. Mistry agreed.

Mr. Mistry said they're changing an existing sign on 23 and calling it a Free Standing sign which the Engineer's report lists as a ground sign. He said they're wrapping it with decorative material and want to put columns on the side and a crown atop to look more like the building and aren't changing the actual signage area. Mr. Mistry described the sign and said the existing small ground sign will be eliminated. Mr. Brady referred to what Mr. Mistry calls the Free Standing sign and sees in the detail it says signage and assumes it indicates specific tenant uses. Mr. Mistry agreed.

At this time a discussion regarding signage was had. During the discussion Mr. Mistry presented a sign picture marked A-2 dated 4/15/13 to which Mr. Brady requested he describe and Mr. Mistry did so. A discussion on the canvas sign followed during which Mr. Mistry said the panel couldn't just be changed and (Dr. Bonnet) had to apply for temporary signage. The discussion continued where the sign definition, criteria, columns addition and area were discussed. Mr. Mistry said they're not changing the area and explained; the discussion continued. Mr. Mistry said they have proposed signage on the building which meet all requirements for signage on the building itself and described them. He said they desire to put more but by ordinance, that's the limit.

Mr. Foulds questioned if the common hallways will have independent businesses running their own hours, own lock and key and hallways open all the time. Mr. Mistry agreed. Dr. Bonnet added they want to create a medical mall and explained. Mr. Foulds questioned the eatery area purported as a restaurant or if it's internal for employees and patients. Mr. Mistry said they're not calling it a restaurant it's for the patrons, clients receiving medical treatment or employees. Dr. Bonnet said it's a café for patients. A discussion regarding the parking lot requirements and potential café usage by the public was had. Mr. Gaus said to be clear, we are absolutely not proposing to have the restaurant open to the public as far as this application. When they see how it develops down the road, they may be back. He said it's limited strictly

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to patrons coming for various services and employees. Mr. Lermond asked if it's somehow limited. Mr. Mistry said he thinks it would be no different than a hospital but are not advertising it either. Its entry was discussed. Mr. Brady said to keep it from being seen as a restaurant maybe there should be some restriction on one of the signs out front and was briefly discussed further.

Mr. Knutelsky said, obviously the use is permitted. He said if it's going to be advertized as a learning kitchen that's a separate use that may require its own parking vs. a snack area for people who work there. If it's an actual use, parking should be accounted for and the applicant might want to make sure of the correct number of parking stalls for on-site uses.

Mr. Knutelsky asked about the location of public pedestrian ways into the building. Mr. Mistry said right now there are no other pedestrian ways into the building, have to have some exits or egress doors outside at various points but they're fire safety and emergency exits. At this time a discussion regarding entrance access and parking was had. Mr. Gaus said Mr. Kolody will review parking with engineering.

Mr. Mistry talked about a doctor only exit/entrance. Mr. Suckey asked if it will be labeled for public awareness. Mr. Mistry said either labeled or locked from the outside for non-access. Mr. Knutelsky asked about cafeteria access according to the architectural plan. Mr. Mistry said there's no sidewalk in the front, just grass and we are putting a little door to a little patio not meant to be a front door. Mr. Knutelsky asked where the gardening area access is. Mr. Mistry said they have corridor access, and from the north side. Mr. Knutelsky inquired about the loading area and employee or public access. Mr. Mistry said he doesn't know the exact use to come out of Hydroponics. Mr. Lermond commented, public is delivery. Mr. Mistry said there will be some deliveries. At this time a discussion regarding the loading area access and pedestrian entry ways was had.

Mr. Suckey questioned the patio's accessibility. Mr. Mistry responded. Mr. Suckey asked if there's a way of separating (access). Mr. Mistry said the only access is coming out from the cafeteria and has 200' of grass before Route 23. A discussion was had on this issue. Mr. Nelson said it should be defined with landscaping (preventing) access. The discussion continued. Mr. Suckey said to not make it an entrance way to which Mr. Mistry agreed.

Mr. Nelson asked where Hydroponics activity would occur and if it's conceptual. Mr. Mistry said it's conceptual right now and said they grow on tables like farming-in rows, and Dr. Bonnet can clarify. Mr. Nelson asked about waste products associated with it and if drainage is needed. Mr. Mistry said not that he knows of. Mr. Gaus said Mr. Kolody will cover that.

Mr. Knutelsky asked Dr. Bonnet about doctor usage and the respective parking requirements. Dr. Bonnet said he thinks 10 doctors at any given point and time is a

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realistic number and are hoping to attract physicians in every specialty. He said most doctors are not going to find a full time practice; will be rotating office space and explained. He said here's a formula they use in other offices; it brings the specialist to the community. Dr. Bonnet said the reality is most facilities have 2, 3 or 4 doctors at any given time. He hopes ultimately 20; every specialty that exists.

Mr. Lermond commented about a flex space having tenants come and go where review is required for the Zoning Officer. He asked Mr. Brady if that kind of philosophy applies here. Mr. Brady said it does exactly, whereby it's probably less turnover in the building you're talking about. It was an industrial building but the same idea that as medicine changes, you get a different type of service provided and the new type of service provided might generate a different parking characteristic or traffic flow characteristics. The idea of saying as new tenants come in, a copy of the lease should go to the Zoning Officer so he can check and say do we still have sufficient parking here. Then if you don't, you have to come back and make some other arrangement to get parking, add another lot or something of that nature. Mr. Lermond said it's something so you don't have to keep coming back. Mr. Brady said you don't have to come here you just go to the Zoning office. Mr. Gaus said he was going to suggest they'd probably take out separate construction permits for each unit as they develop them and when they apply for that construction permit, they'll submit a copy of the underlying lease for that to the Zoning Officer at the same time.

Mr. Kilduff said what's different about this application is these types of uses generate a lot of plumbing and need to get good understanding of what that could be. Flex space with warehousing is easy but with this; he'll ask the engineer tell him what the requirements are based on what's approved. Mr. Gaus said Mr. Kolody will cover that when he testifies.

Mr. Christiano asked of the roof's color. Mr. Mistry said it's silver. Mr. Christiano said is it reflective. Mr. Mistry said it's a silvery finish to reflect heat. A discussion regarding the roof's reflectivity and maintenance was had. Mr. Mistry said he thinks they can maintain what's there.

Mr. Nelson said solar panel comments were in the plans or application forms and thinks Dr. Bonnet indicated to him solar panels are not part of the application but might be in the future and doesn't know if they have to come back to this Board to put solar panels on the roof. Mr. Brady said he didn't think so if it's going to service that building; it's like putting HVAC or any equipment on unless it goes a certain height; he's not sure and Mr. Knutelsky would have to look up the ordinance. Mr. Gaus said it was strictly in conjunction with the Hydroponic use if it was to get used at all; totally for internal consumption.

Mr. Nelson asked if the urgent care part of the operation going to be 24/7, if there will be ambulance activity, and assumes that's what that entrance is for. Mr. Mistry said the intent of the portico share is whether it's an ambulance or other patients being

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dropped off to have a nice drop-off point. Mr. Gaus said a lot of senior citizens are brought through various services. Dr. Bonnet explained its use and if they have urgent care right now, it will probably function during normal hours like their offices. He discussed the current healthcare cost effects, probably have Saturday and Sunday hours and doesn't foresee as 24 Emergency Room; it's not cost-effective to do it right now.

Mr. Knutelsky commented on it being an ambulatory drop off in front with lights & sirens next to a residential area. Mayor Crowley explained when talking about ambulatory many patients are brought by transportation services that are ambulance; not lights and sirens and further explained. Dr. Bonnet said the position is ambulatory care. He talked about urgent care centers locales. Dr. Bonnet explained the urgent care they will provide. Mr. Brady commented your intention is not to have ambulances show up with the guy who's been waffled in car accident. Dr. Bonnet (agreed) and said as healthcare changes in Sussex County as it is with Saint Clare's, he encourages to transport most services to Franklin; it's a better location; bring imaging here and talk down the road (to) possibly have some sort of surgical center; bring it all close to home it's better for the patient. Mr. Gaus explained the term Ambulatory Care. Dr. Bonnet said he's sensitive to where they're coming from and to the residential neighborhood.

Mr. Knutelsky asked Mr. Mistry regarding the projection of the wall mounted signs be 6" or less. Mr. Mistry said they'll make them 6" or less.

Mr. Knutelsky questioned the southeasterly corner re-enforcement. Mr. Mistry said he would agree to put a bollard there. Mr. Mistry asked if he was okay on all the signage. A discussion on the terminology and plans, between free-standing and ground sign was had. Mr. Mistry agreed to call it a ground sign, asked for variances required to approve what's proposed, and will change it on their drawings. He said there was a comment on details of the trellis which they can add to the drawings. Mr. Knutelsky said anything constructed at the site should be detailed on the plan and has general comments about details needed in his report he'll review as part of the final check in inspection of the site. Mr. Gaus said its fine; Mr. Knutelsky said concrete patio and trellis details to which Mr. Mistry said yes. Mr. Suckey inquired about a window sign. A discussion on this issue followed. Mr. Gaus said it will be looked at in between meetings.

Mr. Kolody talked about parking space usage, said ten doctors are a large number, and the parking requirement standard may not apply and explained. Mr. Kolody said the restaurant will be accessible internally with no indicators to eat there. It's a large lunchroom included because of the Hydroponic use which may be featured as part of the restaurant's main focus. Public access will be mainly from the adjacent parking lot and other entrances and exits are basically exits; and not for the public. He said the ten parking spaces have to be re-paved, repaired, and would be employee parking.

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Mr. Kolody said the third delivery zone services the Hydroponic section only. Mr. Kolody talked about the removal of things on that side of the building thereby improving residences and said the 10 spaces are screened from the adjoining property owners. He said he discussed the Hydroponic layout with Arthur & Friends, that there's no constant water use; it's recycled and low water usage is associated with it. Regarding the rest of the building he contacted the mechanical engineer for Dr. Bonnet and has anticipated use figures and could prepare an application for the utility so they will have a chance to input to the Board if they desire, prior to the next meeting. They don't expect large uses and on his site plan he has a table layout having fewer tables than the architect shows, as he had more information.

Mr. Nelson inquired if the architect's testimony was open to the public for questions. It was briefly discussed. It was determined to have questions upon conclusion of Mr. Kolody's testimony.

Mr. Kolody described the site, the building's location and accessibility. He said he's been to the site, thoroughly discussed it with Mr. Krueger, Environmental Consultant who inspected the site, found no change in conditions and talked about the stream flow. Mr. Kolody discussed Lot 6 usage; tract of land dedicated to the township and pre-existing variances prior to Dr. Bonnet's purchase and also discussed its condition. He said they would prefer to clean it up but would require a State permit first.

Mr. Kolody referred to Lot 11, Block 701 and discussed its previous use, said pavement markings are worn off, have two combined entrance and exits and is lit by two tall area lights and talked about the west side of the property. They propose additional vegetative screening required by ordinance; they're attempting to increase it from what it is right now and explained. He described Lot 11's access to the building. He said trees on the property will remain. If the plan is approved the way it's formed right now, impervious coverage will be lessened so there's no need to enter into the major development storm water aspects and explained why.

Mr. Kolody reviewed signage, talked about entrance way to the property and are not proposing to change it. Mr. Kolody said Zoning is HC with a number of existing variances they're not planning to aggravate. None of their proposed construction is within the existing wetlands, open waters or approved buffers by DEP.

Mr. Kolody referred to Sheets 2 and 3 of the revised plans dated February 27, 2013. He said presently there is a surface water control issue at the building entrances and explained it. Mr. Kolody said they're proposing to re-grade the front area under the ambulatory entrance and raise the grade in the existing parking area to keep water out. He talked about the drop off area and said there will be sufficient room to drive in with a car, an ambulance-sized vehicle, and is not intended for a box truck or larger. He said the existing loading dock is proposed for a larger truck.

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Mr. Kolody talked about an existing door entrance they will screen from the street and are proposing to put the common dumpster for all internal uses as well as maintain the second parking area for either the Hydroponic or Medical Center use. He talked about UPS/FedEx deliveries to which they'll make legal places for them and will have signage. Mr. Lermond inquired of its location, if they'll pull on a concrete pad, and of dumpster screening. Mr. Kolody responded. Mr. Brady asked where the dumpster goes for his notes. Mr. Kolody referred to Sheet 2 of 3 with his response.

Mr. Kolody discussed the recently constructed parking lot's usage exceeding the number of spaces required and also explained other space's usage. He said it's a large parking lot and doesn't think it will ever be full due to its staggered facility use. Mr. Kolody explained the drop off use. He said based on the high number of parking stalls to meet ordinance standards, they propose to use approximately two thirds of the existing parking area which they'll restripe and dedicate it by deed restriction to the Medical Center and the Hydroponics to meet zoning requirements. He talked about the 11 traffic islands and internal walkway lighting. Mr. Lermond asked if it's just a striped area. Mr. Kolody agreed and said, is slightly depressed; it is where storm water is supposed to collect.

Mr. Christiano asked what type of day/night control they plan for parking lot lights. Mr. Kolody said control will be based upon office hours and is unsure if a late date's been set, but will have them off at that time and don't expect to have anybody coming out of the building in late evening needing light. Mr. Christiano commented about the lights being off at some point and time. Mr. Kolody said they will be controlled and are currently controlled in a small building located within the road Right of Way. Mr. Brady asked if they'll be off at a certain time or reduce to minimal levels for security purposes. Mr. Kolody said they haven't decided. At this time a discussion regarding lighting was had. Mr. Kolody said the parking area, what remains, they plan to leave in the condition it's in now, seal the portion they're using, and restripe it completely.

Mr. Christiano asked if they have plans to rehabilitate the parking lot drainage or do as needed. Mr. Kolody said its functioning fine as it is right now and no indication it overflows; there's an overflow area in the North West corner shown on Sheet 2 of 3 and explained. He said it works fine now; the only surface water problems are along Mitchell Avenue near Independence which they'll handle themselves. Mr. Lermond asked about the striping on Sheet 2 showing the whole parking lot striped to which Mr. Kolody agreed. A discussion regarding striping was had. Mr. Kolody referred to the reserve area; said it's a desirable corner and at some point in the non-reserved area, will be back before the Board with a site plan for it. Right now, the goal is to get use of the building approved and functioning to become an asset. The striping discussion briefly continued. Mr. Lermond commented the only deviation is you don't intend to stripe the whole length which was agreed to by Mr. Kolody.

Mr. Nelson questioned the south entrance remaining open. Mr. Kolody said they're leaving it open, not going to sign it and are not going to encourage people use it. Mr. Suckey said when you mentioned before doing your maximum building use, do you

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have enough parking with what you want to do and leave this with non-parking. Mr. Kolody said yes, they comply with the ordinance standards and explained. A brief discussion regarding 20 spaces to 17 and potential future parking space usage was had. Mr. Brady inquired about material donations. Mr. Kolody explained and said it's not a major intended use. A brief discussion on donation and storage was had.

Mr. Lermond inquired about delivery regarding Hydroponic and medical supplies. Mr. Kolody said the internal portion of the Hydroponic/non-profit facility hasn't been fully established and showed where the central heating and water utilities are located, a combined common area and an area for medical people's waste which is handled separately. They don't want service people coming in the main entrance where patients are. A discussion regarding the loading dock and the common area connection was had.

Mr. Lermond questioned ambulance/portico share circulation being clockwise. Mr. Kolody agreed and said it will be changed. Mr. Lermond inquired about ambulances waiting to pick somebody up. Mr. Kolody said as shown on the plans, he's moving one curb back 5' to increase the turning radiuses. Mr. Lermond inquired about ambulances and keeping them moving. A discussion on this matter followed. Mr. Kolody said there's an extra area in front of the portico where they can pull up. Mr. Lermond addressed his concern for the community when they stage and suggested staging on the other side of the fence to which Mr. Kolody said he'll look at it. The discussion continued. Dr. Bonnet understands the concern and doesn't see it as a heavy ambulance service area. Para transit was briefly discussed.

Mr. Knutelsky referred back to Lot 11's parking striping testimony, addressed his concern and thinks the applicant may want to come up with another striping arrangement to funnel traffic and said the best way would be to stripe it all. Mr. Zschack commented he made the same note and explained. Mr. Knutelsky said it brings up its own problems, explained, and said delineation is best. He understands the applicant's utilization intentions and said there has to be more than one egress and ingress for a parking lot that size, and recommends it. He discussed the 24' aisle widths and requested the applicant look to modifying them to comply with the 30' width and explained. Mr. Knutelsky also gave his recommendation regarding the southerly parking area. He said pedestrian access between the parking stalls can be used, but is a drainage way and can't be used as a drain as people will wet their shoes as they walk. He said unless there's another [way] to provide a higher pedestrian sidewalk in that area; he's not so sure that's the pedestrian way. Mr. Kolody said it was designed that way. It's basically a swale whose height is no more than one, possibly two pence because they surveyed it. A discussion on this matter and the pedestrian way followed. Mr. Kolody said he will speak to Mr. Nelson regarding signage for ambulances to wait.

It was agreed Mr. Kolody will be back. Mr. Nelson said he has some things and will wait for the engineer's review. Mr. Knutelsky said the next meeting is about



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pedestrian and vehicular access, took away the counterclockwise vs. clockwise director and made it counter-clockwise. He recommends the Board look at changing the entrance way, explained, gave his recommendation and requested the applicant look at that for the next meeting. He also talked about the pedestrian way and the 159 stall use. Mr. Knutelsky said there must be a way to increase the walkway width to compensate for that many people coming across and might be something the Board may entertain. Mr. Kolody said theoretically, that's a tremendous idea but it's been the wetlands within the buffer and is existing. A discussion on this matter was had.

Mr. Lermond said he thinks the applicant agreed to everything the engineer suggested they look at for the next meeting.

Mr. Zschack made a motion to Open to the Public for professional testimony for **PB-01-13-1 Santé Bus LLC & Franklin Square Health & Wellness LLC, Preliminary & Final Site Plan; Block 701, Lots 6 and 11**. Seconded by Mayor Crowley. All were in favor.

Nick Giordano, 42 Mabie Street questioned ingress and egress regarding cars and ambulances into the facility and what roads they're planning to route them to. Mr. Kolody said he always comes in from the light towards the shopping center. It was established to be Mitchell Avenue. Mr. Giordano asked if due diligence was done as far as flooding in that building. Mr. Kolody said yes, and knows it's flooded in the past. Mr. Giordano provided a history of water issues with the building with his over 20 years knowledge and experience. Mr. Kolody said they're conscious of the water issue, are going to do a site plan and will address the pump issue for their protection.

Mr. Giordano questioned if vehicles bringing people in will be parking where the trash compactor and other things are. Mr. Kolody said it will be for employees. Mr. Giordano said it was never a parking area since the building was constructed; it was a garbage area with minimal use and neighbors constantly complained daily. Mr. Kolody said than they know what we're dealing with and said he's talking about are the 10 parking spaces closest to the road. Mr. Giordano said it's where the trash compactor is now. Mr. Kolody said no. A discussion regarding that area was had. Mr. Giordano addressed his issue over idling delivery trucks, ambulances and asked about a no idling policy. Dr. Bonnet said he doesn't like it either and referred to a long time resident being enthused about what he's doing. Mr. Giordano commented he'd like to see the buildings used for good and commented on Napa's water issue.

Mr. Giordano addressed his concerns regarding what may be grown in Hydroponics considered medicinal. Dr. Bonnet said he doesn't have those intentions. Mr. Giordano wants that as a restriction from the Planning Board in this application. He doesn't want needle exchanges, is aware it may not be his intention but is concerned for down the road and tax credits. Mr. Giordano said he doesn't need it 300' from his house, elaborated and wants it 100% restricted. Mr. Gaus asked if his question is will there be needle exchanges. Mr. Giordano agreed. Mr. Gaus said he'll take it into

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consideration. Mr. Giordano said he wants it restricted and is prepared to retain an attorney for it.

Mr. Giordano provided his opinion about giving, charitable institutions, soup kitchens, charity care and people from other areas coming in to cause damage and wants the Board to consider restricting them from the application as non-usage. Mayor Crowley said he doesn't think he can restrict charity care, Medicaid and things like that. Mr. Giordano said you could restrict needle exchanges. Mayor Crowley said he doesn't know about needles. Mr. Giordano made comments regarding medicinal marijuana growing, lot/building controversy, and things being regulated. Mayor Crowley said, what he said was he didn't think you could regulate against charity care or Medicaid. Mr. Giordano reiterated his opinions. Mayor Crowley responded. Mr. Giordano referenced the Davenports and said he has a list of names going from one charity care to another. Mr. Brady advised Mr. Giordano he can make this decision for himself as to what he wants to put on the record in a public forum about individuals and their names. Mr. Giordano gave his opinion.

Mr. Christiano said if we look at Dr. Bonnet's original presentation, I don't think we're heading anywhere toward that. Mr. Giordano said it would be nicer restricted because sometimes you need to make sure that things are what they say they are; sometimes things change. Mr. Christiano said he thinks [Dr. Bonnet's] testimony into the record is adequate. Mr. Giordano said then we should possibly build it up near your house; would that be favorable to you. Mr. Brady said the purpose of opening this to the public at this point is for questions of the witness; now we're getting into statements, closing arguments and was interrupted by Mr. Giordano. Mr. Brady said excuse me, you will have a chance to make those statements at the end of the application but let's go on with questions. Mr. Giordano said he asked his questions.

Mr. Lermond asked if anyone else from the public had questions for the witnesses. No one came forward.

Mr. Foulds made a motion to Close to the Public **PB-01-13-1 Santé Bus LLC & Franklin Square Health & Wellness LLC, Preliminary & Final Site Plan; Block 701, Lots 6 and 11**. Seconded by Mr. Nidelko. All were in favor.

Mr. Gaus made a request to arrange for a special meeting prior to the May 20<sup>th</sup> meeting. The matter was discussed. Mr. Gaus withdrew his request. Mr. Lermond said the application is carried to May 20, 2013 with no further notice needed at 7:30.

Mr. Lermond asked Mr. Kilduff if anything is needed with Correspondence. Mr. Kilduff said the item regarding Sewer Service Area could be done another night.

Mayor Crowley informed Super Wal-Mart decided not to go forward with the plan, are closing out their escrow, and Group 5 will no longer go forward with the Super Wal-Mart project. Mr. Lermond commented they still definitely have approvals.

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Mayor Crowley said Group 5 has approvals. Super Wal-Mart is no longer interested and said it was a business decision.

Mr. Gaus said he had a procedural question. He said they thought environmentalist who submitted reports the middle of March were pretty clean. If the engineer is satisfied, they'd like to avoid the cost of bringing that person to testify. Mr. Brady left that [decision] to Mr. Knutelsky. Mr. Knutelsky said ETI; he basically wanted to get the report in hand for the file and agrees with the findings in that report.

**ADJOURNED CASES:**

There were no adjourned cases

**OTHER BUSINESS:**

**DISCUSSION:**

**CORRESPONDENCE:**

**OPEN PUBLIC SESSION:**

Mr. Zschack made a motion to Open to the Public. Seconded by Mr. Suckey. All were in favor.  
No one from the public came forward.

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

**ADJOURNMENT:**

There being no further business to come before the Board, the meeting was adjourned at 10:28 PM on a motion by Mr. Christiano. Seconded by Mr. Suckey. All were in favor.

Respectfully Submitted,



Ruth Nunez  
Secretary