

Franklin Borough Planning Board
Meeting Minutes for
March 16, 2015

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."

Board Secretary administered the Oath of Allegiance for new appointment to Mr. Jim Nidelko, Alt #1 member.

ROLL CALL OF MEMBERS PRESENT: Mr. Fred Babcock
Mr. John Christiano
Mayor Paul Crowley
Mr. Nathan Foulds
Mr. Jim Williams
Mr. Steve Zydon
Mr. John Cholminski
Mr. James Nidelko (Alt #1)
Mr. John Friend (Alt #2)

MEMBERS ABSENT: None

ALSO PRESENT: Mr. Ken Nelson/Nelson Consulting Group
Mr. Dave Brady/Brady & Correale, LLP
Mrs. Alison Littell McHose/Administrator

APPROVAL OF MINUTES:

Mr. Foulds made a motion to approve the **Franklin Borough Planning Board Reorganization Meeting Minutes for January 20, 2015.** Seconded by Mr. Babcock.

Upon Roll Call Vote:

AYES: Babcock, Christiano, Mayor Crowley, Foulds, Williams, Zydon, Cholminski

NAYS: None ABSTENTIONS: None

Franklin Borough Planning Board Meeting Minutes for January 20, 2015 approved with changes on Page #2 last paragraph to read "Mr. Cholminski said what use to happen with redevelopment was an option for eminent domain discouraging it." Page #3 last paragraph changed to read "Mr. Christiano said the last planner magazine we had it was mentioned that litigation took place over digital bill boards. "

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Mr. Williams made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for January 20, 2015** with changes discussed. Seconded by Mr. Zydon.

Upon Roll Call Vote:

AYES: Babcock, Christiano, Mayor Crowley, Foulds, Williams, Zydon, Cholminski

NAYS: None ABSTENTIONS: None

APPROVAL OF RESOLUTIONS:

There were no resolutions for approval.

APPLICATIONS FOR COMPLETENESS:

There were no applications for completeness.

ADJOURNED CASES:

There were no adjourned cases.

APPLICATIONS TO BE HEARD:

There were no applications to be heard.

PAYMENT OF BILLS:

Mr. Christiano questioned Invoice#14-083 (\$368.00) from Nelson Consulting Group regarding TH Franklin 01 (Hospital Site). Mayor Crowley confirmed meeting with applicant.

Mr Foulds made a motion to approve the **Franklin Borough Planning Board Escrow Report for March 16, 2015**. Seconded by Mr. Williams.

Upon Roll Call Vote:

AYES: Babcock, Christiano, Mayor Crowley, Foulds, Williams, Zydon, Cholminski

NAYS: None ABSTENTIONS: None

DISCUSSION:

Mr. Nelson, Board Planner discussed his letter dated March 4, 2015, Re: HC Zone Analysis and Master Plan Reexamination Report. He discussed a recent Superior Court decision that complicated a re-exam process in another town. His proposed Reexamination Report will include Route 23 Corridor and the HC Zone and suggested any sign ordinance changes also be included.

Mr. Brady, Board Attorney remarked the Superior Court case had to do with a reexam report and individual notices to property owners. He discussed isolated zone changes on the HC Zone and talked about notification to property owners if there are any changes. He recommended Mr. Nelson prepare a broad base reexam.

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Mr. Cholminski commented we want friendly zoning along Route 23 Corridor that will attract businesses. He says the best and economic way to accomplish that goal is to go back to council with our recommendations on redevelopment.

Board Members discussed properties along the Route 23 Corridor including discussion on lots sizes, setbacks, variances and properties that are not developed.

Mr. Nelson disliked the idea of reducing the minimum lot size requirement from five acres to one acre along the HC Zone. He referred to the maps titled Route 23 Corridor and Environs prepared by Mr. Tom Knutelsky, Board Engineer. He explained the difference between the west side and east side of Route 23 Corridor and talked about type of uses and lot sizes. He indicated residential neighborhoods are close to some of those HC Zone areas. His next step with assistance of the Economic Development Committee is to do a detailed analysis of Route 23 Corridor including types of uses and different lot sizes. He talked about creating two HC Zones one with five acre minimum and the other with one acre minimum.

Mr. Cholminski was concerned that smaller businesses along Route 23 could create more traffic in the town.

Mayor Crowley asked Mr. Nelson if smaller lots could be grandfathered in and referred to the houses between TD Bank and Advanced Auto along Route 23. Mr. Nelson replied the only possibility is to have a limited number of commercial type uses that will be allowed on a half-acre lot.

Board Members had a discussion regarding vacant properties along the east and west side of Route 23 Corridor and talked about the different lot sizes.

Mrs. McHose talked about the lack of developers and economy changes. She hopes to attend the next Economic Developers Committee meeting for suggestions and ideas. Mr. Christiano pointed out there is more ideas on the east side of Route 23 Corridor than on the west side. Mr. Zydor commented the west side of Route 23 Corridor is mostly commercial buildings and thinks this is the biggest problem that needs to be addressed.

Mr. Christiano commented about the issues encountered during the Walgreens process. There was a lot of animosity among neighbors and a lot of litigations. If we do not do something about the west side of Route 23 it is only creating misery among neighbors.

Mr. Cholminski commented we need development in town and need to clean up Route 23 Corridor. He talked about having flexible land use ordinances and tax rebates.

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Mr. Ken Nelson referred to the Route 23 Corridor and Environs Maps and pointed out Area E-East Redevelopment, (Red Area), is a majority of the HC Highway Commercial Zone. He talked about the changing nature of retail industry and stated many people are now shopping on-line. He suggested the board consider zoning changes in that area. Mr. Cholminski commented on the traffic in that area.

Mr. Zydon talked about economic conditions when the last Master Plan Reexamination was completed.

The board had a discussion on economy changes included discussion on smaller stores and strip malls along Route 23 Corridor. They discussed population in Sussex County and concluded less people are shopping in stores and more people are shopping online.

Mr. Nelson suggested the Reexamination Report include the Hospital Property and Mr. Cholminski also suggested the properties along Main Street.

The board had a discussion regarding the budget of the Master Plan. Mr. Nelson stated he is committed to staying within the borough budget at this point.

Board Chairman Mr. Cholminski summarized the meeting and commented our objective is to entice businesses with flexible zoning.

The board members discussed information they would like to see included on the Rexam Report. They indicated property usages, block and lot numbers, properties occupied or abandoned, and are they developed or under developed. Mr. Nelson commented he is trying to stay within the borough's budget. Mr. Zydon suggested an EDHAC book he uses at the Economic Development Committee (EDC) Meetings may be helpful. Mr. Cholminski recommended a sub team be developed that can work with Mr. Nelson. Mr. Zydon commented the Economic Development Committee (EDC) is trying to get more involved.

CORRESPONDENCE:

OPEN PUBLIC SESSION:

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

Mr. Shawn Kidd resident of 3 Evans Street stepped forward and expressed his concern of five acre lots sizes on Route 23. He would like to see more restaurants in Franklin and feels the town lacks entertainment. He commented Franklin needs to

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turn away from retail outlets and focus on bringing more restaurants into town. He has lived in town for 25 years and has seen a turnover in population.

Mr. Cholminski commented the function of the planning board is to establish a master plan. The master plan is the foundation for our zoning and ordinances and having a friendly master plan and ordinances that are flexible will attract businesses.

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

The board members had a discussion on sign ordinances including electronic signs and billboards. Mr. Nelson talked about electronic signs and billboards in other towns. He indicated there are electronic signs that advertise businesses on their site and signs that are off site. Two different types of electronic signs will be separate in the ordinance.

Mayor Crowley commented the town's sign ordinance is already restricted. He talked about electronic signs he has seen in other towns. He has been approached by sign companies and the trend is billboards are going electronic. Board members discussed the sizes and brightness of electronic billboards they have seen in other towns.

Mr. Christiano talked about a litigation in the New Jersey Planner magazine regarding bill boards. Bill boards that change messages every few seconds can be distracting to drivers and neighbors. Mrs. McHose asked if times and strengths of changing billboards could be added to the ordinances. Mr. Brady commented bill boards are all nonconforming uses in town. You have to be careful about regulating a nonconforming use.

Mr. Cholminski discussed the Resolution and Annual Report of Franklin Borough Zoning Board of Adjustment adopted on February 4, 2015. Mayor Crowley commented on a property on Main Street, the property owner wanted to place residential into commercial zoning on the first floor because renting commercial space is difficult. Mr. Cholminski discussed some of the issues and problems with apartments on Main Street. Mr. Zydon commented on some of the front yard regulations indicated in the Annual Report.

Mr. Nelson addressed the board and discussed COAH. (Council on Affordable Housing). He said this is a state agency that for many years have been charged with the responsibility in determining where affordable housing should go in the state of New Jersey. Municipalities have had obligations relating to this and municipalities that have participated in this had to prepare housing plans and COAH has certified those plans. Also, Governor Christie has tried to defund COAH. Recently a Supreme Court has issued a ruling that now puts the whole affordable housing issue back into the courts at a superior court level.

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Mr. Brady commented on the COAH and Mount Laurel decision. He talked about the COAH process, certification and rules. He indicated the rules of COAH does not work and is now going back to Mount Laurel where courts are going to make decisions as to whether towns have met their requirements to provide lower moderate housing.

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

No one from the public stepped forward.

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

Mr. Cholminski thanked Mr. John Friend for his services on the Planning Board.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 9:05 PM.

Respectfully submitted,

Karen Osellame
Board Secretary