

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**February 16, 2016**

The meeting was called to order at 7:37 PM by the Vice-Chairman, Mr. Nathan Foulds, who then led the assembly in the flag salute.

Mr. Foulds read the Statement of Compliance pursuant to the "Open Public Meetings Act, Chapter 231, PL 1975."

ROLL CALL OF MEMBERS PRESENT: Mr. Nathan Foulds (Vice-Chairman)  
Mayor Nick Giordano  
Mr. Joseph Martinez  
Mr. Jim Williams  
Mr. Steve Zydon  
Mr. Sean Kidd (Alt #2)

ABSENT: Mr. John Cholminski (Chairman)  
Mr. John Christiano  
Mr. James Nidelko (Alt #1)

ALSO PRESENT: Mr. Ken Nelson, Nelson Consulting Group  
Mr. Dave Brady, Brady & Correale LLP

**APPROVAL OF MINUTES:**

Mr. Williams made a motion to approve the **Franklin Borough Planning Board Re-Organization Meeting Minutes for January 19, 2016**. Seconded by Mr. Zydon.

Upon Roll Call Vote:

AYES: Foulds, Giordano, Martinez, Williams, Zydon, Kidd

NAYS: None                    ABSTENTIONS: None

Mayor Giordano made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for January 19, 2016**. Seconded by Mr. Zydon.

Upon Roll Call Vote:

AYES: Foulds, Giordano, Martinez, Williams, Zydon, Kidd

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.

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**APPLICATIONS TO BE HEARD:**

There were no applications to be heard.

**OTHER BUSINESS:**

**Statutorily Mandated Report 2015 Zoning Board Decisions. (Resolution/Annual Report)**

Board Attorney, Mr. Dave Brady explained the purpose of the Annual Report. Mr. Williams commented on the Taco Bell site. He has observed several cars in the drive up lane exit the location and drive up over the curb. He said cars are having a difficult time making the turn to exit the site. Mr. Zydon commented on Taco Bell's sign application. He feels the Bell, Swoosh, and the Taco Bell make up the sign and asked why four variances were needed. Mr. Brady discussed a possible change in the sign definition to say what is a sign and if it has components are they treated as one sign. He did indicate by treating the Taco Bell components different it did give the Zoning Board opportunity to ask the applicant if the bell was needed in every sign. Mr. Zydon said the Bell is Taco Bell's trademark and feels multi component sign should be treated as one sign. Mr. Brady suggested the Board look at changing the Ordinance definition. Mr. Kidd also indicated Burger King had the same issues with their signs. A brief discussion took place on other fast food restaurants signs and taglines. Mr. Nelson talked about sign regulations and said it is based on square footage. Mayor Giordano asked what flexibility the Planning Board has when it comes to deciding whether three components become one sign or three components are three separate signs. Mr. Brady suggested the Board review the Sign Ordinance and discuss at another meeting.

Mr. Williams suggested Board Members visit the Taco Bell site and Mr. Martinez said it is almost impossible to make the turn without going into the other lane. Mr. Brady said the applicant submitted an application to the Zoning Board of Adjustment for an amendment to the site plan on the sidewalk along Walmart Drive Way. He will have Board Engineer, Tom Knutelsky review the site plan. Mr. Martinez would also like the parking spaces looked at. He said if cars are on line for the drive up and someone is trying to pull out of a parking space to exit the site it is almost impossible for cars to back up. A discussion took place on the layout of the Taco Bell parking lot and the width of the parking lot.

Mr. Kidd talked about Ordinance definitions on yard setbacks and identifying the front yard of a property. He said the language in the ordinance needs to be written more clearly. Mr. Zydon talked about side yards, rear yards, and front yards definitions. Mr. Brady also commented and indicated definitions are not completely consistent and can be very confusing. Mr. Brady discussed side yard, rear yard and front yard setbacks. Mr. Kidd talked about RV vehicles and commercial vehicles parking on properties. Mr. Brady said the roll of the Planning Board is to amend any changes to Council. A discussion took place on different size properties in town and what declares a front yard. Mrs. Alison McHose pointed out the tax accessor is also

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involved in the approval process. Mr. Williams discussed a resident who lives on Oak Street and said he uses Evans Street to park his car and uses the back door to enter into the house. He also talked about a resident on Fowler Street who has no drive up and no access to his house from the front. Mr. Foulds discussed ordinance regarding mobile homes and trailers. Mr. Brady suggested Board Members review ordinance definitions on yard setbacks. Board Members went back and forth and discussed properties on Route 23 and the parking on Church Street. Mr. Foulds said the town has different size lots and said no one ordinance is going to fit the entire town.

Mayor Giordano commented on the Sterling Plaza application. He is concerned with the pump station capacity on the site. Mrs. McHose said the pump station is owned by the Borough. According to Mr. Brady the resolution indicates any upgrade needed on the pump station will be the applicant's responsibility and also responsible for the cost.

**PAYMENT OF BILLS:**

Mr. Williams made a motion to approve the **Franklin Borough Planning Board Escrow Report** for February 16, 2016. Seconded by Mr. Zydon.

Upon Roll Call Vote:

AYES: Foulds, Martinez, Williams, Zydon, Kidd

NAYS: None                      ABSTENTIONS: Giordano

**DISCUSSION:**

**1. Franklin Borough Proposed/Designated Redevelopment Rehabilitation Area Status:**

Mr. Nelson displayed exhibits of the Redevelopment Areas and discussed his letter dated February 8, 2016. He indicated Area A, (Zinc Mine) and Area B, (Main St) are currently being looked at by a group from the Department of Community Affairs and will provide the Borough with free planning assistance and at some point will be coming before the Board to have discussions about it. He indicated Area C, (STS Tire/Auto Zone) is no longer designated as an area in need of redevelopment. Mr. Nelson said the Board should have an in-depth discussion on Area D, (Franklin Diner) and Area E, (Super Walmart Site) at a later date when Chairman, Mr. Cholminski is present. Mr. Nelson discussed Area D and said in 2013 the Planning Board recommended to the Borough Council this area be designated as an area in need of redevelopment. He also discussed Area E and said this area was recommended by the Planning Board to be designated as an area in need of redevelopment in 2012. Mr. Zydon talked about consolidating Areas D & E and Mr. Foulds discussed both areas and would like the town to meet with Department of Transportation and see what their Master Plan is for the Route 23 Corridor. Mr.

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Nelson indicated funding was provided for a Master Plan of Route 23 but is not sure if they are going to move ahead with any improvements that were included in the plan. Mr. Nelson suggested talking to Department of Transportation, (D.O.T) to see what their plans are. Mr. Foulds said those plans could be incorporated in our plans. Borough Administrator, Alison McHose indicated knowledge of the NJTPA plan and said Franklin is very low on their list for any major projects but will follow-up to see if there are any future plans for Route 23 Corridor. Mr. Foulds commented on how long it takes the state to act on any plans. Mr. Zydon and Mr. Brady talked about D.O.T involvement with abandoned commercial properties along Route 23.

**2. Master Plan Re-Examination Report and Master Plan Amendments:**

According to Mr. Nelson further discussion is needed on properties taken out of the commercial zone such as the Lumber Yard, Meenan Oil and residential property south of Meenan Oil.

Mayor Giordano stepped down from the Master Plan discussion due to a possible conflict.

Mr. Nelson said the Lumber Yard and Meenan Oil property would be good for multi-family development. He talked about resident Mr. Durina concerns regarding those properties during the open public hearing. He indicated Council has complete control over the zoning and amendments. Mr. Zydon discussed the Lumber Yard property and commented on the egress and ingress of the property. He thinks residential is more suited for the area. Mr. Zydon talked about zoning the property for single family homes. Mr. Brady said part of the problem with the property is its odd shape and can see more of a commercial use, mixed use or multi-family use.

Mr. Martinez brought up the Meenan Oil propane tank that was recently installed across the street from the Lumber yard property. He is concerned with safety issues and asked if the Borough has the facilities to safeguard the area if something was to ever happen. He said changing the Lumber Yard site to residential will create more residents in the area and is concerned how that will impact the area. Mr. Brady talked about state approvals for the tank and also commented on the fire department and OEM approvals. Mr. Martinez would like the safety of that area be taken into consideration when looking to change the use into residential. Mr. Foulds commented on the population increase whether it's residential or commercial. He said it's important that the device is safe. He also talked about how important it is for the Fire Department to be educated to handle a fire. Mr. Brady stated Meenan Oil will pay for Firefighters to attend a special school to learn how to deal with a propane fire. Mr. Williams commented on the Meenan Oil propane tank and discussed safety measures and state approvals on the tank. He discussed how the Fire Department would keep the tank cool if there ever was a fire. Mr. Williams talked about Able Energy in Newton and commented on the truck to truck transfer that caused the fire.

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Mrs. McHose talked about her family propane business. Mr. Martinez said he is very concerned if the Lumber Yard property is changed to a mix residential use and concerned that the town is prepared to handle a more densely population. He talked about the liability and the safety of the town. He said safety measures were looked at now not what could be in the future. He also pointed out if there is enough water flow in the area to handle a more populated area. Board members went back and forth and had a lengthy discussion on the Lumber Yard and Meenan Oil property. They discussed safety measures and the town's liability. A discussion was had on propane facilities in other towns. Mr. Brady said he does not think liability will be a concern. Mr. Foulds discussed the pros and cons of changing the zoning from commercial to residential and said he would like the zoning change to entice a builder. Mr. Martinez does not think residential will work with the propane tank located across the street. Mr. Zydon said the property has been vacant for ten years and commercial zoning is not working.

Mr. Foulds suggested before a decision is made and we proceed with the HC2 recommendations we should wait until Mrs. McHose has further information from the Department of Transportation on any future changes to the Route 23 corridor. Mr. Nelson does not anticipate any changes from D.O.T but would like to see the HC Zone more attractive and business friendly. Mr. Brady discussed the process of adopting the Re-Exam Report and commented on the procedure.

Mr. Nelson discussed the zoning change on the Meenan Oil and Lumber Yard property. He said the proposed HC2 zone will have a residential component where residents can be over commercial. He talked about the minimum lot size and variances. He feels there is too much commercial zoning along Route 23. He said the Lumber Yard and Meenan Oil property is separated from the rest of the commercial area along Route 23 and recommends rezoning to a multifamily zone.

Board members talked about the residential properties that are located behind the Lumber Yard property. Mr. Williams said if it was a mixed use it could also produce some development on Main Street and commented on the road closed off by the Red Deli. He said when there is an accident on Route 23 the traffic is backed up for a long time. He thinks if Route 23 was open to Rutherford Ave you will have more people coming into the center of town. Mr. Williams said a mixed residential and commercial will work on the Lumber Yard Site. Mr. Nelson agreed and indicated adding residential in as a component in the HC2 zone may interest someone to look into the property. He also said most commercial developers will want access to Route 23 and indicated maybe that is why this property has never been developed. Mr. Foulds brought up the problem with the Department of Transportation approval and commented on the access to Rutherford Ave. He also discussed how difficult it is to fill the vacant commercial properties. Mr. Williams thinks Franklin is the place and more businesses that come to Franklin will draw more businesses to do the same. He talked about new businesses that opened along the Route 23 Corridor and how much it draws people from other towns to come to Franklin and spend

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money. Mr. Foulds would like to see more family style restaurants along Route 23. He said the Lumber Yard property has been abandoned for a long time and no developers has been interest in the site and also indicated commercial is not working. He would like to see multifamily zoning in the area.

Mr. Williams suggested the decision on the Master Plan wait until next month when all members are present and since there are different opinions on the zoning change to the Lumber Yard property. Mr. Nelson indicated the potential changes to the Master Plan are minimum enough that it can be adopted subject to any changes. A brief discussion took place on redevelopment areas and Board Members decided to wait until next month's meeting to act on the Master Plan Re-Exam Report.

**3. Proposed HC-2 Zoning Ordinance Amendment:**

Board Planner, Ken Nelson reviewed with the Board his memo dated February 10, 2016. He commented on Item#6 the expanded Home Occupation Provision. He said currently the residential zones in Franklin allow home occupation but on a very restricted basis. Also, the HC Zone does not allow either residence or home occupations but said the proposed change would allow residences in the HC2 to have a more intensive home occupations. He talked about the uses allowed in the HC2 zone and commented on the minimum acre size. Mr. Nelson also indicated he will have the Borough Attorney review the draft ordinance.

**CORRESPONDENCE:**

**OPEN PUBLIC SESSION:**

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

Councilman Bob Dabinett stepped forward and commented on the front and side yard setback ordinance. He reported at the last council meeting he discussed having an ordinance committee meeting. He would like any members from the Planning and Zoning Board to attend and offer any comments they may have.

Mr. Dick Durina resident of 23 Lozaw Road stepped forward. He said Mr. Williams commented on the safety of the propane tank located on Meenan Oil property. Mr. Durina discussed the amount of water needed to protect the tank if there ever was a fire and said the Borough is responsible to make sure there is enough water. He feels the application should have went before the Franklin Board of Public Works for approval regarding the adequate water and sewer for the site. He indicated the state is responsible to make sure the propane tank and safety valves are working properly they are not interested in how much water is supplied in the ground. He said he asked the Zoning Board to give him a flow test on the fire hydrants. Mr. Durina explained the process of the flow test. He said somebody has to be responsible to

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make sure there is enough adequate water to protect the tank. Mr. Foulds said as a Planning Board member there is no action the Planning Board could take. Mr. Durina said the discussion tonight on the Lumber Yard property opened up a discussion on the surrounding areas around the tank. He commented on the Planning Boards responsibility of the Master Plan and said safety is a big concern of his. He discussed his experience in safety and fires. He would like to see the Board of Public Works sign off on these types of applications.

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

**ADJOURNMENT:**

There being no further business to come before the Board, the meeting was adjourned at 10:00 PM on a motion by Mr. Zydon. Seconded by Mr. Williams. All were in favor.

Respectfully submitted,

Karen Osellame  
Board Secretary