

Franklin Borough Planning Board
Meeting Minutes for
March 21, 2016

The meeting was called to order at 7:30 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. John Christiano
Mr. Nathan Foulds (Vice-Chairman)
Mayor Nick Giordano
Mr. Jim Williams
Mr. Steve Zydon
Mr. James Nidelko (Alt #1)
Mr. Sean Kidd (Alt #2)

ABSENT: Mr. John Cholminski (Chairman)
Mr. Joseph Martinez

ALSO PRESENT: Mr. Dave Brady, Brady & Correale, LLP
Mr. Tom Knutelsky, Harold E. Pellow
Mr. Ken Nelson, Nelson Consulting Grp

APPROVAL OF MINUTES:

Mr. Foulds indicated a correction on Page #1, Second paragraph to read, Mr. Foulds read the Statement of Compliance not Mr. Cholminski.

Mr. Zydon made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for February 16, 2016**. Seconded by Mr. Nidelko.

Upon Roll Call Vote:

AYES: Foulds, Williams, Zydon, Kidd

NAYS: None ABSTENTIONS: Christiano, Giordano, Nidelko

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.

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OTHER BUSINESS:

There were no other business discussed.

PAYMENT OF BILLS:

A brief discussion took place on Professional invoices pertaining to Franklin 116.

Mr. Williams made a motion to approve the **Franklin Borough Planning Board Escrow Report for March 21, 2016**. Seconded by Mr. Zydon.

Upon Roll Call Vote:

AYES: Christiano, Foulds, Williams, Zydon, Nidelko, Kidd

NAYS: None ABSTENTIONS: Giordano

DISCUSSION:

1. Master Plan Re-Examination Report and Master Plan Amendments.

Vice-Chairman, Mr. Foulds discussed the Master Plan Re-Examination Report process. He indicated a zoning decision needs to be made tonight on the Lumber Yard and Meenan Oil properties which was discussed at the last meeting.

Mayor Nick Giordano stepped down from the discussion due to a potential conflict of interest.

Board Planner, Mr. Ken Nelson addressed the Board. He said the Master Re-Examination Report is adopted by the Planning Board and the proposed HC2 Ordinance will be recommended to Mayor and Council to adopt. He discussed multi-family and a mixed use zone for the Lumber Yard and Meenan Oil properties. He indicated the mixed use zone could be a combination of residential and commercial use and the proposed HC2 zone will allow for that. Mr. Foulds feels the Planning Board direction for these properties are leaning towards a more multi-family zone. He commented on the properties current zoning and talked about the Department of Transportation approvals for the site. Board Members went back and forth and gave their opinion on whether the properties should be zoned for multi-family or a mixed use. Mr. Knutelsky discussed Department of Transportation approvals needed on the Lumber Yard site. Mr. Williams suggested a mixed use of commercial on lower floors and apartments on the top level and feels it might give a developer more flexibility. Mr. Nidelko agreed with Mr. Williams. Mr. Christiano said the Meenan Oil property is too narrow for residential zoning and feels it should stay commercial. Mr. Foulds pointed out that more members feel the Lumber Yard property should be a mixed use. Mr. Zydon suggested the HC2 Zoning and said if the property does not show development in the next few years the Board can reconsider rezoning it differently. Mr. Nelson agreed and said the HC2 zone has flexibility.

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Mr. Brady discussed ordinance requirements. Board members had a brief discussion on the benefits of a multi-use zone and talked about setbacks. Mr. Foulds summarized the Master Plan discussion and feels the Board is leaning towards a multi-use zone rather than residential for the Lumber yard property and Meenan Oil.

Mr. Brady indicated the Planning Board can act on the Master Plan Re-Examination Report decision tonight and Ken Nelson can include any changes discussed at tonight's meeting.

Mr. Zydon made a motion to **Approve the Master Plan Re-Examination Report and Amendments prepared by Mr. Ken Nelson with modified changes discussed tonight.** Seconded by Mr. Williams.

Upon Roll Call Vote:

AYES: Christiano, Foulds, Williams, Zydon, Nidelko, Kidd

NAYS: None ABSTENTIONS: None

2. Zoning Ordinance Chapter 161, (Land Development), and Chapter 218, (Signs).

Mr. Brady reviewed Zoning Ordinance Chapter 161, (Land Development), and Chapter 218, (Signs). He said lots and blocks will be added to the ordinance and on Page #3, Category B he recommended the Board discuss wholesale businesses. He talked about the type of trucks permitted in the HC2 Zone. Board Members discussed wholesale operations and commented on the different types of trucks that may visit the site to make deliveries. Mr. Brady indicated large scale wholesale operations with a high volume of truck traffic are not permitted in the HC-2 Zone. Mr. Brady commented on large scale operations and the number of times trucks may make deliveries to the site. Board members went back and forth and discussed different size delivery trucks.

Mr. Williams made a motion to **Approve Resolution Recommending Certain Amendments to Chapter 161, (Land Development) & Chapter 218 (Signs) of the Borough Code and the Zoning Map.** Seconded by Mr. Christiano.

Upon Roll Call Vote:

AYES: Christiano, Foulds, Williams, Zydon, Nidelko, Kidd.

NAYS: None ABSTENTIONS: None

Mayor Nick Giordano returned to the meeting.

Mr. Foulds reported he received a memo from Zoning Officer, Joseph Drossel dated March 16, 2016 regarding Ordinance #13-2015. He indicated Mr. Drossel requested clarification for LED signs and changeable copy signs. Mr. Brady discussed General Requirements and Restrictions. He said Mr. Drossel questioned if applicants are

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required to make a minor site plan application before the Board prior to submitting a zoning permit application. Board Member had a lengthy conversation on LED signs and changeable copy signs. Mayor Giordano commented on the Speedway electronic sign and suggested gas stations should be allowed to modernize their pricing boards. A brief discussion took place on the sign ordinance.

Board Members Mr. Nidelko and Mr. Williams stepped down from the sign ordinance discussion due to a possible conflict.

Mr. Brady said a new sign requires site plan approval but replacement of the existing panels does not. He also indicated if the sign is not compliant then approval from the Board will be needed. Mr. Knutelsky agreed existing signs that are just being updated should not require site plan approval. He would like to see certification from the applicant as part of the sign package submitted to zoning that the applicant does meet the ordinance requirements. He commented on the light level requirements. Mr. Brady felt there should be technical requirements on LED lights and certification from an engineer or a sign company stating that the sign meets the requirements. Mr. Brady said it should be clarified to say if it's a pre-existing non-conforming sign that is being updated then a permit is only needed but if it's pre-existing and not confirming then approval will be needed from the Board. Mr. Brady stated he will address Mr. Drossel memo and follow-up with an ordinance amendment that will clarify the sign ordinance discussed tonight. A brief discussion took place on portable signs.

Board Members, Mr. Nidelko and Mr. Williams returned to the meeting.

OPEN PUBLIC SESSION:

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

Mr. Dick Durina resident of 23 Lozaw Road stepped forward. He is disappointed that the meeting was not Open to the Public tonight before the Board voted on the Master Plan Re-Examination Report. Mr. Brady pointed out that Open Public Session was already Open to the Public on the Master Plan and discussion tonight was for the Board to discuss any changes to the last provision. Mr. Durina talked about the numerous houses vacant in Sussex County. He commented on the last revision made to the Master Plan and said now the revision went from commercial property to a mixed use. He asked the Board what they would like Franklin to be in the next ten to thirty years. He commented on the Zinc Company. He would like to see the Board stick to a Master Plan and not have to revise it every couple of years. He talked about how homes have depreciated and is concerned why more single family multiple dwelling homes are being created. He asked Board members what they would like Franklin to look like for their children and grandchildren. Mr. Foulds talked about how times have changed and discussed Planning Board

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responsibilities. He also discussed the reason the Board decided to do a partial Amendment to the Master Plan Re-Examination Report. He said the goal is to have vacant buildings occupied and commented on taxes that will bring revenue into the town. He feels the current zoning on Route 23 is not working and a zone change is needed. Mr. Zydon talked about population changes in Sussex County. Mr. Durina also commented on the Zoning Boards decision to change the Sterling Plaza building to residential.

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

Mr. Giordano addressed the Board and discussed his vision of Franklin in the future. He said his goal is to bring other types of business that you see on the Main Streets of Sparta and Chester. He wants people to want to stay in the town of Franklin. He talked about the walking path by the pond and feels having a town that cares about its recreation, law enforcement and fire department is important. He hopes this Board along with the Mayor and Council can hopefully stop people from moving out of Franklin and he feels the town of Franklin has a lot to offer. He talked about the different development he would like to see in Franklin and said he is committed and working very hard to make this happen.

Mr. Christiano brought up and commented on the condition of the Franklin Diner site. A brief discussion took place on the property. Mr. Nelson reminded Board Members the Franklin Diner property and several other properties in the immediate area are all part of a proposed redevelopment area.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 9:03 PM on a motion by Mr. Williams. Seconded by Mr. Foulds. All were in favor.

Respectfully submitted,

Karen Osellame
Secretary