

Franklin Borough Planning Board
Meeting Minutes for
May 15, 2017

The meeting was called to order at 7:33 PM by the 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."

Oath of Allegiance was administered to Board Member, Mr. Jim Nidelko, Alternate #1, Mr. Floy Estes, Alternate #2, Mr. Sean Kidd, Alternate #3, Mr. Richard Knop, and Alternate #4, Mr. Ted Bayles.

ROLL CALL OF MEMBERS: Mr. John Christiano (Present)
Ms. Dawn Fantasia (Absent)
Mr. Nathan Foulds, Chairman (Present)
Mr. Nick Giordano, Mayor (Present)
Mrs. Louise Murphy, Vice-Chairwoman (Present)
Mr. Jim Nidelko, (Present)
Mr. Wes Suckey (Present)
Mr. Jim Williams (Present)
Mr. Steve Zydon (Present)
Mr. Floy Estes, Alternate #1 (Present)
Mr. Sean Kidd, Alternate #2 (Present)
Mr. Richard Knop, Alternate #3 (Present)
Mr. Ted Bayles, Alternate #4 (Present)

ALSO PRESENT: Mr. Dave Brady, Board Attorney
Mr. Ken Nelson, Board Planner
Mr. Tom Knutelsky, Board Engineer

Mr. Floy Estes sat in for Ms. Dawn Fantasia who was absent from the meeting.

APPROVAL OF MINUTES:

Mr. Nidelko made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for April 17, 2017**. Seconded by Mayor Giordano.

Upon Roll Call Vote:

AYES: Christiano, Giordano, Murphy, Nidelko, Foulds, Estes, Knop

NAYS: None ABSTENTIONS: None

APPROVAL OF RESOLUTION:

Mrs. Murphy made a motion to **Approve Resolution for Zinctown Properties LLC, (PB-01-17-1), Block 904, Lot 1, 95 Main Street, Minor Subdivision and Dimensional Variance Relief**. Seconded by Mayor Giordano.

Upon Roll Call Vote:

AYES: Christiano, Giordano, Murphy, Nidelko, Foulds, Estes, Knop

NAYS: None ABSTENTIONS: None

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PAYMENT OF BILLS:

Mr. Christiano remarked on Invoice# 64381 from Harold E. Pellow and Associates for consulting services on planning study maps. Mr. Tom Knutelsky reported planning maps were completed on the Franklin Hospital site.

Mr. Zydon made a motion to **Approve Franklin Borough Planning Board Escrow Report for May 15, 2017**. Seconded by Mr. Nidelko.

Upon Roll Call Vote:

AYES: Christiano, Murphy, Nidelko, Suckey, Zydon, Foulds, Estes

NAYS: None ABSTENTIONS: Giordano, Williams

Mayor Nick Giordano notified the Board he will be stepping down from the JCM Investors LLC application.

APPLICATIONS FOR COMPLETENESS:

JCM Investors 1012 LLC, PB-04-17-1, Block 2701, Lot 2, 110 Munsonhurst Rd, Use Variance Relief.

Applicants Attorney, Kevin D. Kelly, Esq. from Kelly & Ward, LLC stepped forward. He introduced his client, Mr. Nick Daurio and his Engineer, Mr. James Woods. He remarked on the Franklin Commons approval in 1987 for 350 apartment units and commented on the Beazer Homes and Transbanc property approvals and litigation issues. He said in 2007 the litigation was settled and there was an agreement for Ordinance# 10-2007 that was adopted in May 8, 2007. He discussed how real estate declined in 2008 and commented on age restriction housing. He stated his client is requesting the age restriction on the property to be removed and is asking for approval for 300 apartment units in a multi-family zone.

Board Engineer, Tom Knutelsky said prior approvals for the site included a development of a boulevard between two buildings. Mr. Kelly said there will only be one building and any variance relief will be addressed with the site plan approval. He stated the apartment units will be all rental properties. Mr. Zydon commented on the water system. Mr. Kelly said the first two wells were from 1991 by Franklin Commons and in 2009 there was a second deed for at least a 350 well head buffer and access for the Borough to maintain its infrastructure. Also, in 2009 there was an amendment to the settlement agreement that gave the Borough an easement to service the property and an extra well. Mr. Kelly said he is in agreement with Mr. Knutelsky report dated May 10, 2017.

Mr. Knutelsky referred to Section B of his report dated May 10, 2017. He indicated the plans are acceptable and a waiver is not required on Checklist Item #13. Also, recommended the waiver be granted for the use variance portion of the application only on Checklist Items #14, #20, #22, and #23. He said the variances on the application are density and use and recommended the Engineer provide an aerial exhibit of the property. He also requested the applicant provide a Traffic Impact

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Statement and Planners Report detailing the positive and negative criteria. Also requested these reports to be provided to the board a minimum of 10 days prior to the application hearing date. Mr. Brady requested a Technical Completeness Committee meeting with the applicant prior to the hearing to determine if any additional information is needed that will be relevant to the Boards decision. He briefly discussed details of a Technical Completeness Committee meeting. He said more details will be needed when the applicant submits a site plan application for the property.

Mr. Zydon made a motion to **Deem Application Complete, JCM Investors 1012 LLC, PB-04-17-1, Block 2701, Lot 2, 110 Munsonhurst Rd, Use Variance Relief.** Seconded by Mr. Christiano.

Upon Roll Call Vote:

AYES: Christiano, Murphy, Nidelko, Suckey, Williams, Zydon, Foulds, Estes, Kidd

NAYS: None ABSTENTIONS: None

ADJOURNED CASES:

There were no adjourned cases.

APPLICATIONS TO BE HEARD:

There were no applications to be heard.

OPEN PUBLIC SESSION:

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

Mr. and Mrs. Sherwood a resident of Corkhill Road stepped forward and had some concerns with the JCM Investors application for 110 Munsonhurst Road. Mr. Brady informed them the hearing will take place on June 19, 2017. He said at that time the applicant will present evidence and the public will have the opportunity to ask questions and discuss any concerns.

Mr. Dick Durina resident of 23 Lozaw Road stepped forward and commented on the wells and prior approvals for 110 Munsonhurst Road. Mr. Brady interjected and told him any testimony on the property should be discussed and on the record at the application hearing.

Mr. Donald Barmeland a resident of Hamilton Street in Hamburg stepped forward and said he is concerned with an increase in student population for the schools. Mr. Brady said his concern should be addressed at the application hearing.

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

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ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 8:17 PM on a motion by Mr. Williams, seconded by Mr. Christiano. All were in favor.

Respectfully submitted,

Karen Osellame
Planning Board Secretary