

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
January 5, 2011

The meeting was called to order at 7:31 PM by the Chairman, Mr. Richard Kell, who then led the assembly in the flag salute.

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

ROLL CALL OF MEMBERS PRESENT: Mr. Correal, Mrs. Bonis, Mr. Gardell
Mr. Kopcso, Mr. Swiss,
Mrs. Murphy, Mrs. Alexander, Mr. Kell

ABSENT: None

ALSO PRESENT: Mr. Thomas G. Knutelsky, P.E.
Mr. James Kilduff, Director

APPROVAL OF MINUTES:

Mrs. Murphy made a motion to approve the **Franklin Borough Zoning Board of Adjustment Meeting Minutes for December 1, 2010**. Seconded by Mr. Swiss.

Upon Roll Call Vote:

AYES: Gardell, Kopcso, Swiss, Murphy,

NAYS: None ABSTENTIONS: None

(Motion Approved)

APPROVAL OF RESOLUTIONS:

There were no resolutions to approve.

APPLICATIONS FOR COMPLETENESS:

ZB-09-10-1 Chris Woop, Preliminary & Final Site Plan, Use "D" Variance, C Variance, Block 73 Lot 2.

Mr. Kell said there is a letter in front you from Mr. Woop requesting to carry his application to the February meeting. Mr. Kilduff said he [Mr. Woop] is in the process of resolving property issues with JCP & L easements that would be required; he wants to make sure [everything is] in order before moving forward with the application. Mr. Kilduff said he respectfully requests the Board to carry this to the February 2 meeting.

Mr. Kell said he needs a motion to approve Mr. Woop's request to carry his application to the February meeting. Mr. Kopcso asked Mr. Kilduff how many requests like that can we handle with any application. Mr. Kilduff said as far as he knows there is no limit; he thinks it is up to the Board to decide if the applicant is doing diligence to move their application forward. Mr. Kilduff said in this case Mr. Woop is a contract purchaser for the property so before he goes forward with the application he wants some insurance that he will be able to do what he wants on the

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property. Mr. Kilduff said by that he means to resolve some questions with easements and JCP & L.

Mrs. Bonis made a motion to carry until the February 2 meeting application **ZB-09-10-1 Chris Woop, Preliminary & Final Site Plan, Use "D" Variance, C Variance, Block 73 Lot 2**. Seconded by Mr. Swiss.

Upon Roll Call Vote:

AYES: Correal, Bonis, Gardell, Kopcsó, Swiss, Murphy, Kell

NAYS: None ABSTENTIONS: None

(Motion Approved)

ZB-12-10-1 James Vallila, Use "D" Variance, Block 49 Lot 5.

Mr. Peter Kalafut stepped forward representing the applicant.

Mr. Kilduff said there is a letter in the Board packets to Mr. Vallila dated December 23, 2010 regarding some administrative items. Mr. Kilduff said we have received the appropriate fees to begin the application. Mr. Kilduff said proof of publication and affidavit of service have been marked complete, these are to be submitted. Mr. Kilduff said it is his understanding that the notice was already sent out but the Board Attorney has yet to review the notice. Mr. Kilduff said if the notice that was sent out is deemed adequate by the Board Attorney this Board can agree to carry that notice until next month, should you determine that the application is complete tonight. Mr. Kilduff said if in the course of Mr. Brady's review he should make a determination that the notice is inadequate then the applicant would make another notice [to] all the people so they would receive a second notice. Mr. Kilduff referred to checklist item #11, copies of relevant documents from the Zoning Officer marked C for complete; we received none.

Mr. Pete Kalafut said he represents Mr. Jim Vallila. Mr. Kalafut said on checklist item #11; there were no relevant documents needed so that would be not applicable. Mr. Kilduff asked Mr. Kalafut to explain to the Board what capacity you represent Mr. Vallila. Mr. Kalafut said he is an architect; we are presently with Elizabeth Reeves Associates out of Newton. Mr. Kalafut said we are doing the architectural drawings and the application for Mr. Vallila; he has a residence on 21 Walsh Road and he is looking to go for a D Variance. Mr. Kalafut said it is a single family residence which he is looking [to make] a two family residence.

Mr. Knutelsky referred to his report dated December 28, 2010, section B item 2. Mr. Knutelsky said the applicant did submit a fine set of plans to the Board for consideration. Mr. Knutelsky said the first sheet is supposed to contain a key map on a scale of 1" = 400' showing zone boundaries. Mr. Knutelsky said the applicant submitted a map that did show the zone boundaries since the entire area is all in the R-3 zone. Mr. Knutelsky said he doesn't necessarily need a different key map on the scale; he recommends a waiver be granted. Mr. Knutelsky referred to checklist item #23, location surveys

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of all existing structures within 200 feet of the property. Mr. Knutelsky said he has recommended before that the applicant be able to utilize an aerial survey that you get from Google map, the DEP website or something that they can provide to the Board to show the structures. Mr. Knutelsky said there aren't any exterior modifications being done to the building; this is relatively simple application in regards to that 200 foot property structure survey. Mr. Knutelsky said as part of the waiver request he recommends that 14 days in advance of the public hearing the applicant provide that map to the Board so we have it in our packets for the public hearing. Mr. Knutelsky said with those two waiver requests he recommends the application to be found complete before the Board. Mr. Kell asked if there were any questions for the Board members.

Mr. Kell asked should he include the public notice. Mr. Kilduff said he thinks you could. Mr. Kilduff said it would be a motion to deem this application complete subject to submission for the items that Mr. Knutelsky just mentioned in his report and a motion to carry the notice until February 2, pending satisfactory review by the Board [attorney] and confirmation that all of the people have been properly noticed. Mr. Kalafut said ok. Mr. Kell said he needs a motion to approve the application with the waivers for completeness, as indicated by Mr. Knutelsky and also their notice for this date to carry to our February meeting pending that Mr. Brady doesn't find anything wrong with the notice. Mr. Kalafut said the notice for the New Jersey Herald still has to go in; all they did was notify all the people within 200 feet so that notice still has to go out. Mr. Kilduff said it wasn't noticed in the paper. Mr. Kalafut said not in the paper. Mr. Kilduff said we will see what Mr. Brady has to say. Mr. Kilduff said he wasn't aware of that, the individual people within the 200 foot were noticed but the newspaper publication wasn't done. Mr. Kilduff said pending legal review.

Mr. Correal made a motion to deem complete application **ZB-12-10-1 James Vallila, Use "D" Variance, Block 49 Lot 5**, and to carry the notice pending legal review by the Board Attorney. Seconded by Mr. Gardell.

Upon Roll Call Vote:

AYES: Correal, Bonis, Gardell, Kopcso, Swiss, Murphy, Kell

NAYS: None ABSTENTIONS: None

(Motion Approved)

Mr. Knutelsky said one additional item with his report; the applicant did request a site plan waiver for the application in his section B item #1; it is his opinion at the moment that a full site plan wouldn't be necessary for this application. Mr. Knutelsky said something like this seems to lend itself to more of a driveway permit after the fact if a favorable decision is made by the Board. Mr. Knutelsky said the site plan waiver portion of the letter is something he is going to recommend that the Board address during the public hearing. Mr. Kilduff said there will be a formal vote on the site plan waiver if the Board agrees with his opinion.

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ADJOURNED CASES:

There were no adjourned cases.

APPLICATIONS TO BE HEARD:

There were no applications heard.

PAYMENT OF BILLS:

Mrs. Murphy made a motion to approve the **Franklin Borough Zoning Board Escrow Report for January 5, 2011**. Seconded by Mr. Correal.

Upon Roll Call Vote:

AYES: Correal, Bonis, Gardell, Kopcso, Swiss, Murphy, Kell

NAYS: None ABSTENTIONS: None

(Motion Approved)

OTHER BUSINESS:

Report of Franklin Borough Zoning Board of Adjustment

There was a discussion on this report.

Mrs. Murphy made a motion to accept the **Report of the Zoning Board of Adjustment**. Seconded by Mrs. Bonis.

Upon Roll Call Vote:

AYES: Correal, Bonis, Gardell, Kopcso, Swiss, Murphy, Kell

NAYS: None ABSTENTIONS: None

(Motion Approved)

DISCUSSION:

Sign Ordinance

Mr. Kilduff said he wanted the Board to be aware the Council is working on some revisions to the sign ordinance. Mr. Kilduff said the sign ordinance now is divided into two chapters in our municipal code; chapter 161 is the land use ordinance which we follow in our cases. Mr. Kilduff said a new chapter was created last year chapter 218 and that primarily has to do with temporary signs. Mr. Kilduff explained what the revisions would be in these two chapters.

CORRESPONDENCE:

OPEN PUBLIC SESSION:

Mr. Correal made a motion to Open to the Public. Seconded by Mr. Swiss. All were in favor.

No one from the public stepped forward.

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Mr. Swiss made a motion to Close to the Public. Seconded by Mr. Correal. All were in favor.

ADJOURNMENT: There being no further business Mrs. Murphy made a motion to adjourn the meeting of the Franklin Borough Zoning Board of Adjustment. Seconded by Mr. Swiss. All were in favor. Meeting was adjourned at 7:50 PM.

Respectfully Submitted,

Robin Hough
Secretary