

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
March 2, 2011

The meeting was called to order at 7:34 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. Kopcso, Mr. Swiss,
Mrs. Murphy, Mrs. Alexander, Mr. Kell

ABSENT: Mr. Gardell

ALSO PRESENT: Mr. Thomas G. Knutelsky, P.E.
Mr. Ken Nelson, Planner
Mr. David Brady, Esq.
Mr. James Kilduff, Director

APPROVAL OF MINUTES:

Mr. Kopcso made a motion to approve the **Franklin Borough Zoning Board of Adjustment Reorganization Meeting Minutes for January 5, 2011**. Seconded by Mr. Swiss.

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: None

(Motion Approved)

Mr. Correal made a motion to approve the **Franklin Borough Zoning Board of Adjustment Meeting Minutes for January 5, 2011**. Seconded by Mrs. Murphy.

Upon Roll Call Vote:

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

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, D Variance, C Variance, Block 73 Lot 2.

Mr. Kell said Mr. Woop submitted a letter requesting that the application be carried to our next meeting April 6.

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Mrs. Murphy made a motion to carry to the April 6th meeting application **ZB-09-10-1 Chris Woop, Preliminary & Final Site Plan, D Variance, C Variance, Block 73 Lot 2**. Seconded by Mr. Kopcso.

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: None

(Motion Approved)

ADJOURNED CASES:

There were no adjourned cases.

APPLICATIONS TO BE HEARD:

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

Peter Kalafut, architect for the applicant, was sworn in at this time.

James Vallila, applicant, was sworn in at this time.

Mr. Kalafut gave an overview of the application. Mr. Brady said he had checked the notice and it was acceptable. Mr. Kalafut referred to the plans submitted with the application. Mr. Kalafut explained what was on the property now referring to the plans and the changes that the applicant wants to make. Mr. Kalafut said the house will be set up to have dual electric meters, dual water and sewer. Mr. Kalafut said right now there is presently a fuel tank inside the house the property was already tested and remediated for an existing tank in the ground.

Mr. Vallila said he is going to convert that to two furnaces with natural gas. Mr. Vallila said the footprint of the house is remaining exactly the same. Mr. Vallila said the downstairs is as big as the upstairs and it is totally unfinished. Mr. Vallila said at one point in time it was utilized as a business. Mr. Brady asked out of the basement. Mr. Vallila said out of the basement correct. Mr. Vallila said at one time to his understanding it was commercial zoned.

Mr. Vallila had pictures to pass around. Mr. Brady marked exhibit A-1 is a photo of the front of the house from Walsh Road, exhibit A-2 photo of area where the parking would be and exhibit A-3 is the corner of Route 23 and Walsh Road.

Mr. Kalafut described to the Board the neighborhood which is the R-3 zone. Mr. Kalafut said the apartment complex is listed in the R-3 zone. Mr. Vallila said that is directly across the street from the property. Mr. Kalafut said across the street is a museum which was actually a garage converted into a museum: the garage is an office area which is still there on the property. Mr. Kalafut said as far as parking for their place they park on the street; there is no real off road parking in that area. Mr. Vallila said he would be willing to go on record that there will be no parking on Walsh Road on this property. Mr. Kalafut explained other areas in Franklin in the R-3 zone.

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Mr. Nelson asked it was said this property at one time was zoned commercial; have you been able to document that or is that simply a rumor. Mr. Kalafut said he doesn't know if that was ever documented. Mr. Nelson said it was used commercial but we don't know if it was ever zoned commercial. Mr. Kalafut said he doesn't think it was ever zoned commercial.

Mr. Nelson said what is unique about the property is it borders three roads. Mr. Vallila said two roads and one highway. Mr. Kalafut said he doesn't feel that we need to use the lower driveway as a parking area. Mr. Kalafut said if necessary we would need to have access for walking, a walkway going around the house to gain emergency access to get out of the house. Mr. Vallila said there is an existing driveway that gains access to Rt 23 now and a garage door that is accessible too from Rt 23 since they ran a commercial business out of there.

Mr. Vallila said he wasn't planning on closing the right to Rt 23 but if it made the Board feel better and they thought it was a safety issue he would be willing to take out the driveway that accesses to Rt 23 to get everything granted. Mr. Kell asked was the driveway going to be used. Mr. Vallila said he isn't planning on using [it], if he needed to base [it] on getting an approval he would be willing to [take] the driveway out. Mr. Knutelsky said we recommended that either the driveway be removed or an onsite turn around be added; so that if a car did pull in there they can turn around and not have to back out onto [Rt] 23. Mr. Knutelsky said either way the parking might be available for someone in the lower area, when you remove it, it is gone. Mr. Vallila said tell me what you want me to do and we will do it to make it a two family. Mr. Vallila said we are not changing the footprint of the building and we are willing to put parking in.

Mr. Nelson said there is a section of the ordinance 161-24 13, that talks specifically about location of parking. Mr. Nelson read this part of the ordinance. Mr. Nelson said he would recommend to the Board if this would be approved that the parking for the lower unit be on the Rte 23 side, as Mr. Knutelsky suggested with a turn around so people don't back out on Rte 23, rather than paving over the front yard on Walsh Street. Mr. Vallila said whatever works; he is open to suggestions, if that is a condition that you like to make he can adhere to that.

Elizabeth Reeves, Architect for the applicant, was sworn in at this time. Mr. Brady asked if she was a planner. Ms. Reeves said she was a planner for many years and she let the planning license go with the economy. Ms. Reeves said she works full time down at Rutgers University as a preservation architect; she is within the planning department.

Mr. Correal asked Ms. Reeves what is the height of the ceiling to the floor in the basement. Ms. Reeves said the ceiling will be 8 foot ceilings. Mr. Correal asked about the windows. Ms. Reeves explained the basement windows and the benefits of having this a two family home.

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Mrs. Bonis said by her count [with] the number of bedrooms, potentially there could be about 7 cars at this location. Mrs. Bonis asked how many cars would fit in your proposed parking area now. Ms. Reeves said 4. Mrs. Bonis asked what do you anticipate for storage availability for the people living there. Mr. Vallila explained where the storage would be for both apartments.

Mrs. Bonis asked is the attic only accessible from the main floor apartment. Mr. Vallila said correct. Mrs. Bonis asked the basement would be accessible from both apartments. Mr. Vallila said the mechanical room would be accessible to the upstairs tenants because there would be a fire door between the mechanicals and that common stair well. Mr. Vallila said this way the tenants downstairs could get to their mechanical room and the tenants upstairs could get into their mechanical room; this way there is two separate of everything. Mr. Vallila explained the mechanical room. There was a discussion on storage.

Mr. Kell asked will there be one common entrance in the front of the house for both the upstairs and the downstairs. Mr. Vallila explained the entrances for the apartments. Mr. Kell asked is the heat going to be oil or gas. Mr. Vallila said natural gas, it is oil now. Mr. Kalafut said there is a 275 gallon tank that is in the basement now. Mr. Vallila said if he wasn't able to gain access to natural gas he would use propane. Mr. Kell asked if he plans on keeping that door that is in the back of the house, right now there is a garage door then there is a door right next to the garage. Mr. Vallila said there will be a door back there, whether it goes into the spot where the garage door is now, we will maintain a door in the back of the house. Mr. Knutelsky said one thing about that it is an egress that actually exists onto the paved drive so if we are contemplating removing the paved drive as part of the application. Mr. Vallila said there would have to be a sidewalk to go out to the front. Mr. Vallila said we are trying to be as flexible as we can to get this approved.

Mr. Nelson said can you in some way document for the file the fact that this property was used partially for commercial purposes. Mr. Kalafut said he doesn't have anything on file or that he could physically show. Mr. Vallila said we never looked for it. Mr. Nelson said he was wondering if the Zoning Officer might have a file on it. Mr. Nelson said if the Board was to act favorable on this he would recommend that information be included. There was a discussion on the commercial use of this property.

Mr. Knutelsky referred to his report dated January 25, 2011. Mr. Knutelsky said he touched on the parking that was one of the main issues on his report. Mr. Knutelsky said the other issue is the applicant did request as part of the Use variance a site plan waiver for the application. Mr. Knutelsky said with the minimal improvements proposed he would believe if the Board does act favorably that waiver of a full site plan would be appropriate except the applicant would be required to submit a driveway permit for the work to be done in the front. Mr. Knutelsky said he would

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recommend that be a condition of the approval. Mr. Kalafut explained where the lighting was on the house now. Mr. Knutelsky said if there is any additional lighting to be proposed we request that be shown on that plat as well.

Mrs. Murphy made a motion to open to the public application **ZB-12-10-1 James Vallila, Use "D" Variance, Block 49 Lot 5**. Seconded by Mrs. Alexander. All were in favor.

Jim Kilduff, Borough Administrator/Planning Community Development Director, stepped forward. Mr. Brady asked are you testifying on that regard because you waited until it was open to the public. Mr. Kilduff said right, he didn't know if this was testimony or not he wanted to address the Board on the Master Plan. Mr. Kilduff read one section of the Master Plan to the Board from the Circulation Plan Element page 16. Mr. Kilduff said he heard Mr. Vallila say he would be willing to vacate the use of the driveway if that is what the Board wanted. Mr. Kilduff said he is here asking the Board to follow your Master Plan. Mr. Kilduff said basically the more driveways we have on Rt 23 the more potential conflicts we have. Mr. Kilduff said from the testimony he heard and the plan to put additional parking up on Walsh Road, he thinks this could be made to work so if the Board moves favorable on Mr. Vallila's application he can still get the parking that he needs. Mr. Kilduff said Rt 23 is at capacity; it is a major problem for us. We are trying to make it better and the more we can eliminate accesses to Rt 23 the better we will be. Mr. Kilduff asked the Board to keep that in mind as you consider this. Mr. Vallila said he would be willing to take out the driveway. Mr. Nelson said if the Board is inclined to put all the parking up by Walsh Road you might want to require some additional landscaping to soften the view.

Mr. Kell said would you allocate two parking spots one for the upstairs apartment and one for the downstairs. Mr. Vallila said that is what he proposes. Mr. Vallila said maybe what we will do is try to get five, this way upstairs has three bedrooms; they have three [spots] and the downstairs has two [spots]. Mr. Knutelsky said he recommends to the Board that he thinks going with five parking stalls here is starting to exceed the caring capacity of the site for parking because we are using RSIS standards that are basically what he would use as his design element. Mr. Knutelsky said there is just enough parking to satisfy RSIS and he would put in the lease agreement two and two. No on street parking; those types of restrictions just so we know that we are going to maintain the corridor for Walsh Road. There was a discussion on parking spaces and sidewalks. Mr. Brady marked exhibit A-4 photo of Rt 23 and the rear of the building. The discussion continued on sidewalks and parking.

Mrs. Murphy made a motion to close to the public application **ZB-12-10-1 James Vallila, Use "D" Variance, Block 49 Lot 5**. Seconded by Mr. Kopcsó. All were in favor.

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Mr. Knutelsky said he recommends the applicant [provide a possible] landscaping plan and the driveway application submitted as a condition to the favorable resolution. He also recommends that the applicant prior to getting the actual building permit provide architectural plans along with those other plans. Mr. Knutelsky said just to make sure that the architectural plans are consistent with some of the testimony. Mr. Knutelsky said he is hearing a couple of walls and partitions are going to be added, there is a laundry room/bathroom, just to make sure that what is going before the building department would be the same as what we are hearing tonight. Mr. Vallila said he would agree with that.

Mr. Kell asked Board members for their opinions. The Board discussed the application and Board members gave their opinions.

Mr. Kell made a motion to approve application **ZB-12-10-1 James Vallila, D Variance, Block 49 Lot 5**. Seconded by Mrs. Murphy.

Mr. Brady said as we just discussed the conditions that he noted are: there are two areas one the mechanical/storage area in the basement and the second is that upper floor second laundry room/bathroom that the Board wants the applicant to make sure there is private access so they are not sharing. Mr. Brady said the Board wants the Rte 23 paved drive to be removed and a sidewalk to be installed from that rear man door around to the front parking area. Mr. Brady said Mr. Knutelsky has indicated that the site plan waiver could be part of the approval as long as he has to get a driveway permit and have everything reviewed by his office in terms of the turn around and parking area. Mr. Brady said there should be a lighting plan shown for the parking area to be approved by Mr. Knutelsky for that rear door if there is going to be a sidewalk. Mr. Brady said the parking area on Walsh Road will [need] buffering and landscaping that is going to be submitted to Mr. Nelson. Mr. Brady said in the lease agreement we would like to put a condition in there that only two parking spots per apartment with no on street parking. Mr. Brady said some sort of restriction on storage outside; we want to be clear here given the visibility on three sides and you have a two family use in a one family zone. Mr. Brady said the architectural plans showing those interior changes may be showing the exterior too. Mr. Vallila said he would like to keep the inside separate from the outside to start right away. Mr. Knutelsky said he is not changing the size or shape of the building at all; he thinks the external architectural are as critical as the interior. Mr. Brady said new architectural plans on the interior before the building permit.

Upon Roll Call Vote:

AYES: Bonis, Kopcsó, Swiss, Murphy, Alexander, Kell

NAYS: Correal ABSTENTIONS: None

(Motion Approved)

OTHER BUSINESS:

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PAYMENT OF BILLS:

Mrs. Murphy made a motion to approve the **Franklin Borough Zoning Board Escrow Report for February 2, 2011**. Seconded by Mrs. Bonis.

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: None

(Motion Approved)

Mrs. Bonis made a motion to approve the **Franklin Borough Zoning Board Escrow Report for March 2, 2011**. Seconded by Mr. Correal.

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: None

(Motion Approved)

DISCUSSION:

CORRESPONDENCE:

Mr. Kilduff explained the Hillside Estate correspondence.

OPEN PUBLIC SESSION:

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

No one from the public stepped forward.

Mr. Correal made a motion to Close to the Public. Seconded by Mr. Swiss. 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 Mrs. Bonis. All were in favor. Meeting was adjourned at 9:09PM.

Respectfully Submitted,

Robin Hough
Secretary