

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for December 7, 2016

The meeting was called to order at 7:30 PM by Vice-Chairman, Mr. Wes Suckey, who then led the assembly in the flag salute.

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

ROLL CALL OF MEMBERS PRESENT: Mr. Floy Estes
Mr. John Kopcsó
Mr. Richard Knop
Mr. Wes Suckey
Mr. Rafael Burgos (Alternate #1)
Mr. Ted Bayles (Alternate #2)

MEMBERS ABSENT: Mrs. Liz Bonis
Mrs. Louise Murphy (Chairwoman)
Mr. Glen Soules

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

APPROVAL OF MINUTES:

Mr. Knop made a motion to approve the **Franklin Borough Zoning Board of Adjustment Meeting Minutes for November 2, 2016**. Seconded by Mr. Bayles.

Upon Roll Call Vote:

AYES: Knop, Suckey, Bayles

NAYS: None ABSTENTIONS: None

APPROVAL OF RESOLUTIONS:

(ZB-08-16-2), Franklin American Legion, Sgt. Francis Glynn Post 132, 1 Legion Rd. Block 1101 Lot 9, Use and Bulk Variance Relief.

A correction was made on Page #3, Paragraph #5, to read: The existing pavilion is approximately 2, 200 square feet.

Mr. Knop made a motion to **Approve Resolution for Application (ZB-08-16-2), Franklin American Legion, Sgt. Francis Glynn Post 132**. Seconded by Mr. Bayles.

Upon Roll Call Vote:

AYES: Knop, Suckey, Bayles

NAYS: None ABSTENTIONS: None

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APPLICATIONS FOR COMPLETENESS:

There were no applications for completeness.

ADJOURNED CASES:

There were no adjourned cases.

APPLICATIONS TO BE HEARD:

(ZB-09-16-1), Russell Anema, 27-31 Church Street, Block 2003 Lot 5, Use D Variance Relief.

Mr. Russell Anema stepped forward and was sworn in. Mr. Brady confirmed with Mr. Anema the public hearing notice sent certified was the exact notice that appeared in the NJ Herald newspaper. Mr. Anema explained the project and said he would like to convert the first floor of his building into residential property that would include a one bedroom apartment. He indicated the property has been vacant the last few years and is having a difficult time renting commercial space.

Board Engineer, Tom Knutelsky reviewed his report dated December 1, 2016. The applicant confirmed the commercial hair salon equipment was removed from the site. Mr. Knutelsky indicated the commercial use of the site has been abandoned and an EDU reduction was granted in 2015. He discussed zone standards for the existing structure and talked about front yard requirements and existing dimensional variances. Mr. Anema testified he has been the owner for the past twelve years. He said there are currently four units inside the building now and three of them are single bedroom units and one is a two bedroom unit. Mr. Knutelsky commented on parking requirements and said there is sufficient room in the existing paved parking area to accommodate the parking demand. Mr. Knutelsky did suggest the parking stalls be marked (striped) in the paved area as a condition of approval. He also stated a site plan is not necessary for this application and confirmed with the applicant that no other site changes are proposed. Mr. Knutelsky also indicated the existing lot configuration extends to a point into the intersection of Dixon Road and Church Street. He recommended that a right-of-way return be provided and the area encroaching into the streets be deeded to the Borough. He did not feel that COAH provisions are required and pointed out the survey provided by the applicant indicated gravel parking and the site is paved. He commented on the water meters and said there are five meters on the site that were installed on November 24, 1998. Mr. Knutelsky said the property is not in a flood zone and asked the applicant if any flooding ever occurred. Mr. Anema did indicate the first floor did receive water from a storm but reported no serious damage occurred. Mr. Knutelsky suggested as a condition of approval the flood coordinator from the building department should look into flood requirements since the opposite side of the street is a flood zone. A brief discussion took place on flood insurance. Mr. Knutelsky indicated Sussex County

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Planning Board, Department of Public Works, Water and Sewer, and Construction Department approvals are required for the project.

Board Planner, Mr. Nelson summarized his report dated November 28, 2016. The applicant indicated the first floor apartment would be about 900 to 950 square feet. Mr. Nelson commented on the positive aspects of the application and indicated the site is located in the R-4 Zone and discussed lot size requirements. He said the property appears to be over a half acre and has the elements of a variance related to the expansion of a non-conforming use as well as a density variance. Mr. Brady talked about the mixed and multi-family zones. Mr. Suckey asked the applicant to describe the size of the other apartments in the building. Mr. Anema indicated the first floor apartment will be approximately 1000 square feet and said the reason its only one bedroom is due to egress. A brief discussion took place on the buildings exits and entrances.

OPEN MEETING TO PUBLIC:

(ZB-09-16-1), Russell Anema, 27-31 Church Street, Block 2003 Lot 5, Use D Variance Relief.

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

No one from the public stepped forward.

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

APPLICATIONS TO BE HEARD: Continued

Mr. Suckey commented on the garbage storage on the property. The applicant indicated garbage cans are stored on the site. Mr. Knutelsky said usually multi-family dwellings do require a dumpster but indicated the site is well maintained and clean. He said according to design standards the Board can require a dumpster location at the site but the applicant can request a waiver based upon existing conditions. Mr. Knutelsky did not feel a dumpster is needed. The applicant said they never had any issues with garbage. Mr. Brady confirmed the applicant is requesting a waiver from the design standards. Mr. Knutelsky confirmed the number of bedrooms on the site will require ten parking stalls and said there are thirteen on the site.

Board Members had no further comments or questions for the applicant.

Mr. Brady indicated the following conditions: The applicant will obtain a drive-way permit from D.P.W. and a deed for the right-of-way. Also, contact the Construction

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Official regarding flood insurance, County Board for parking issues, D.P.W. for the drive-way, and the Borough for water and sewer EDU's.

Mr. Kopcso made a motion to **Approve Application ZB-09-16-1, Russell Anema, Block 2003 Lot 5.** Seconded by Mr. Knop.

Upon Roll Call Vote:

AYES: Kopcso, Knop, Suckey, Burgos, Bayles

NAYS: None ABSTENTIONS: None

Mr. Brady discussed the Resolution process with the applicant.

OTHER BUSINESS:

There was no discussion on Professional Performance Evaluation Results and Meeting Dates for 2017.

PAYMENT OF BILLS:

Mr. Estes made a motion to approve the **Franklin Borough Zoning Board Escrow Report for December 7, 2016.** Seconded by Mr. Burgos.

Upon Roll Call Vote:

AYES: Estes, Knop, Suckey, Burgos, Bayles

NAYS: None ABSTENTIONS: Kopcso

DISCUSSION:

Mr. Suckey commented on the Region Oil/Meenan Oil property and is concerned with the fuel storage tanks stored on the property. Mr. Knutelsky reported the tanks are empty and Mr. Suckey indicated the site plan does not show an area designated as a storage area. Mr. Suckey said the tanks are probably filled on the site and then are placed at residential homes or commercial businesses. Mr. Knutelsky said Region Oil claims this has always been an existing condition and the tanks are not filled until they are being delivered to a site. Mr. Suckey also reported he has seen Petro trucks parked on the site for several weeks and is not sure they are part of Region Oil. Mr. Suckey suggested the Board send a letter to the Borough Zoning Officer to further investigate and Mr. Knutelsky agreed.

Mr. Knop made a motion to **Approve Board Secretary to Address Letter to Borough Zoning Officer.** Seconded by Mr. Kopcso. All were in favor.

CORRESPONDENCE:

Mr. Suckey thanked Mr. Kopcso for his service to the Zoning Board of Adjustment.

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OPEN PUBLIC SESSION:

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

No one from the public came forward.

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

ADJOURNMENT: There being no further business Mr. Kopcsó made a motion to adjourn the meeting of the Franklin Borough Zoning Board of Adjustment. Seconded by Mr. Bayles. All were in favor. Meeting was adjourned at 8:23 PM.

Respectfully submitted,

Karen Osellame
Board Secretary