

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**October 16, 2023**

The meeting was called to order at 7:33 PM by the Chairman, Mr. 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:

Mr. Wes Suckey, Chairman (Present)  
Mr. John Christiano, Vice Chairman (Absent)  
Mr. John Sowden, Mayor (Present)  
Mr. Concetto Formica, Council liaison (Present)  
Mr. Floy Estes (Absent)  
Mr. Jim Williams (Present)  
Mr. Jim Nidelko (Present)  
Mr. John Friend (Present)  
Mr. Michael Raperto, (Present)  
Ms. Sharon Schultz, Alternate #1(Present)  
Mr. James Affinito, Alternate #2 (Present)

ALSO, PRESENT:

Dave Brady, Planning Board Attorney  
Tom Knutelsky, Planning Board Engineer

**APPROVAL OF MINUTES:**

Franklin Planning Board Minutes for September 18, 2023 Meeting.

**Mr. Nidelko made** a motion to approve the meeting minutes from September 18, 2023

Seconded by **Mr. Estes**

**Upon Roll Call Vote:**

AYES: **Estes, Formica, Nidelko, Raperto, Williams, Sowden, Schultz, Affinito**

NAYS: None ABSTENTIONS:

**Approved.**

**APPLICATIONS FOR COMPLETENESS:**

Irving Fabrication, LLC 597 Route 23 Block 102, lot 3 Preliminary & Final Site Plan

Mr. Suckey asked if there was anyone here this evening for this application.

Mr. Larry Cali stepped up to the microphone to introduce himself on behalf of the applicant.

Mr. Calli stated that he was the attorney for Irving Fabrication this evening.

Mr. Calli stated that they were here this evening for completeness only. Mr. Calli stated that if the application is deemed complete this evening, they would be interested in scheduling the hearing for next month.

Mr. Suckey thanked Mr. Calli and asked Mr. Knutelsky to proceed with his completeness report.

Mr. Knutelsky stated that he would be reading from his October 12<sup>th</sup> completeness report.

Mr. Knutelsky procced with reading from his report listing the items that were deemed incomplete or required a waiver at this time.

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Mr. Knutelsky also reminded the board of the history of this application that was first presented to the board in February. There it was deemed incomplete for missing pieces that were important to moving forward with the application.

Mr. Knutelsky explained since then the applicant was able to resubmit those pieces and move forward with the application.

Mr. Knutelsky stated that going through the checklist everything looks like it is in order. The only waivers the applicant is looking for are checklist items 42-47 which are typical for only a final site plan application.

Mr. Knutelsky stated that he would recommend temporary waivers for those checklist items and upon any approvals through this board they would be made as conditions to the application.

Mr. Knutelsky stated as long as the board finds those waivers to be appropriate at this time, Mr. Knutelsky stated that he recommends the board to deem this application complete.

Mr. Suckey thanked Mr. Knutelsky and asked Mr. Calli if he had any questions for Mr. Knutelsky.

Mr. Calli stated that he did not have any questions.

Mr. Suckey asked the board members if they had any questions.

Mr. Williams stated that he had a comment to add. Mr. Williams stated that this is for the applicants Engineer.

Mr. Williams explained that on the plans under the list of property owners the spelling of Heavens is spelt incorrectly and should be spelled Havens.

Mr. Calli made note and thanked Mr. Williams.

Mr. Suckey asked if there are no other comments or questions, he would entertain a motion to deem this application complete.

**Mr. Williams** made the motion to deem the application complete with the waivers that Mr. Knutelsky mentioned in his report. Seconded by **Mr. Estes**.

**Upon Roll Call Vote:**

AYES: **Estes, Formica, Nidelko, Raperto, Suckey, Williams, Sowden, Schultz,**

NAYS: None ABSTENTIONS: **Affinito**

**Approved.**

Mr. Suckey stated that you are looking to be on the November agenda correct.

Mr. Calli stated yes if possible. Mr. Suckey stated that meeting will be held on Monday November 20<sup>th</sup>

Mr. Calli stated that they would be there and thanked the board for their time this evening.

**APPLICATIONS TO BE HEARD:**

There were no applications to be heard.

**OPEN PUBLIC SESSION:**

Mr. Suckey opened the meeting to the public.

Mr. Mike Hengge approached the microphone and introduced himself and gave his address as 70 Davis Road in Franklin.

Mr. Hengge apologized for coming unannounced.

Mr. Hengge stated that he and his business partner are in a time crunch situation and wanted to get the boards take on an idea he and his business partner are exploring.

Mr. Hengge explained that he is the owner of his construction company Northern Hills Contracting. He has property on 70 Davis Rd that he is interested in sub dividing into two more buildable lots.

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He stated that he has been working with Michelle the secretary and she explained to him that the property was located in a R1 zone.

Mr. Hengge wanted to get a feel from the board on if that was something that would be entertained by the board.

Mr. Brady explained to Mr. Hengge that this is something that would be for the TCC committee.

Mr. Hengge stated that he understood that and was aware of what a TCC meeting is.

Mr. Brady stated that the TCC meeting is something he should take advantage of and explain in more detail on what he is looking to do. Tonight is not the meeting where we can discuss this matter has a full board. Especially when you do not have an official application before us.

Mr. Brady stated that a TCC meeting is really something that you are looking for at this point in your process.

Mr. Brady explained that Mr. Hengge could reach out to the board secretary tomorrow and set up a meeting. The meetings typically take place on Thursdays @ 4:00 in the afternoon.

Mr. Haggie stated that he would do that and thanked the board for their time.

Not seeing anyone else from the public, Mr. Suckey closed this portion of the meeting to the public.

**DISCUSSION:**

**redevelopment process and scheduling of public hearing.**

Mr. Suckey explained that this is coming down from the council who is asking the Planning Board to conduct a study of re development in the area of **390 Rutherford Avenue**.

Which is **Block 605 Lot 5**. Referred to as the Old Harden Lumber Property.

Mr. Brady asked Mr. Suckey if he could briefly step in and explain to the board members what the redevelopment process is.

Mr. Brady stated that the re development plan allows a municipality to look at a property and to evaluate if it is in need of redevelopment or rehabilitation.

Mr. Brady stated that there are specific standards that that the property has to meet in order to be declared an area in need.

Mr. Brady explained if the property fits the specific standards and is in need of the redevelopment or the rehabilitation a redevelopment plan can be crafted. That plan is then shared with a serious developer or a property owner who has plans to develop on the property.

Mr. Brady stated that typically the process is that the governing body declares a piece of property in need of redevelopment and asks the planning board to conduct a re development plan study to see if the property meets the criteria in the statute. The Planning board then designates a map of the area in question. The study is then conducted and then there needs to be a public hearing on it with notice to the property within 200 feet.

Mr. Brady explained after the hearing is conducted the planning board gives their recommendation to the governing body to go through with the plan or not. If the governing body deems the property a property in need of development they would ask for a redevelopment study to be developed. Technically the governing body can develop that plan and send it to the planning board to review. Mr. Brady stated that the long and short of it is both the planning and council need to have their say in the plan along with the property owner or the proposed developer.

Mr. Brady stated right now we have a resolution from the governing body asking the planning board to conduct a study. However, the planner has already conducted a study.

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Mr. Brady stated now the planning board has to authorize the study that has already been conducted and to set a date for the redevelopment public hearing.

Mr. Brady stated that his recommendation is to adopt a resolution stating the planning board is in favor of the governing body to conduct a study.

Mr. Brady stated that it seems like the date for the public hearing would be the first wed in November which is the 1<sup>st</sup> the meeting date that is reserved for our workshop meetings.

Mr. Raperto asked if the property owner was still the same from December.

Mr. Suckey stated yes, Mr. Schoonmaker.

Mr. Friend asked if the property owner has asked for this.

Mr. Brady stated that he is not aware of that.

Mr. Suckey stated that he has not come before the board to recommend that. Mr. Suckey stated that this is coming from council.

Mr. Suckey is not even sure if the property owner is aware of the study being done.

Mr. Brady stated that the property will be notified for the hearing on November 1<sup>st</sup>

Mr. Suckey asked Mr. Brady if we should touch on the study that was provided by Mrs. Caldwell.

Mr. Brady stated that we will go into a more detailed report that will be given by Mrs. Caldwell at the public hearing. At that meeting is where the board can ask their questions to Mrs. Caldwell and the public will have a chance to ask their questions. After that the board will decide of the property does in fact meet enough of the criteria to be deemed a property that is in need of redevelopment. If the board does believe the property should be deemed in need of the redevelopment plan, they will send their recommendation to the governing body, where they will then adopt a resolution to move forward with the redevelopment plan.

Mr. Brady stated tonight you're deciding to agree or disagree with the council on having a study done on this particular property.

Mr. Suckey stated remember the study is not the plan two separate items.

The study before you is what is currently there as it sits today.

Mr. Brady stated that as a board tonight we have to authorize the study and set a date which we do for the public hearing.

Mr. Eastes made the motion to authorize the study to be conducted and to set the date for the public hearing for November 1<sup>st</sup>, 2023. Seconded by Mr. Raperto.

**Upon Roll Call Vote:**

AYES: **Estes, Formica, Friend, Nidelko, Raperto, Sowden, Suckey, Williams, Schultz,**

NAYS: None ABSTENTIONS:

**Approved.**

**OLD BUSINESS:**

Mr. Suckey stated that Mr. Christiano asked if the board would entertain a motion to send the Mayor & Council and the rails for trails a letter stating that he planning board is in support of their plans.

Mr. Williams made a motion to send a letter to the council in support of the rails for trails. Seconded by Ms. Schultz.

**Upon Roll Call Vote:**

AYES: **Estes, Friend, Nidelko, Raperto, Sowden, Suckey, Williams, Schultz,**

NAYS: None ABSTENTIONS: **Formica**

**Approved.**

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Mr. Raperto asked if there was any sort of update in regards to Braen.

Mr. Suckey stated that he also wanted to address that as well.

Mr. Suckey stated that we can address that now under old business.

Mr. Brady stated that he was going to refer to Mr. Knutelsky for this portion of the meeting. He has first-hand knowledge on what the update is for the Braen property.

Mr. Knutelsky stated that there are three parts to that need to be discussed.

Mr. Knutelsky stated the first one being the perceived drainage issues that is affecting off site properties.

Theres a grading issue in regards to the tailing piles and there is zoning.

Mr. Knutelsky stated that starting with drainage.

Mr. Knutelsky explained that the off-site drainage issue is not coming from Braen in fact when Braen started opening up the west side of their property and digging they actually cut off the drainage from the saddle.

By Braen having that large pile of tailings there it cuts it off and is sending the drainage flow through the quarry itself.

Mr. Knutelsky went on to explain the different accepts of the drainage issues that he discovered with the ultimately findings being there is no reason to believe that there is a drainage concern from the standpoint of Braen causing off site drainage issues.

Mr. Knutelsky stated that he wanted to add the way we look art drainage now has changed. There are new storm management study rules, flood hazard area rules. Mr. Knutelsky briefly went into those and how they have changed within the few years.

Mr. Knutelsky stating the different pattern of rain fall is also something that has to be considered.

Mr. Knutelsky stated that he wanted to touch on the zoning issue.

Mr. Knutelsky stated that there were rumors that there have been additional properties purchased by Brean along Corkhill Rd that they can use for quarrying that is however not the case because those additional properties are in the R1 zone.

Mr. Knutelsky stated suggesting to the quarry to come in and amend their original plan to be able to utilize any additional properties opposed to having the Borough go through a zone change.

This is because of the 150 ft buffer that the quarry needs from the right away.

Mr. Knutelsky stated if there is any other direction you want me to go let me know but as of now everything, I just explained is what is currently happening at Brean.

Mr. Knutelsky answered questions from the board members.

Mr. Knutelsky summarized what he has stated. He assured the board that after much research and investigating he does not find there to be any drainage issues causing a disturbance to neighboring property owners.

Mr. Brady stated with that being said if neighboring property owners who still find that there is a drainage issue on their properties from what they believe is from Braen then it is solely up to those property owners to sue or bring such claims to court.

Mr. Brady stated that it is not this boards obligation to fight that battle for surrounding property owners. The planning board engineer along with a report from the Boroughs engineer both state they do not find there to be any drainage issues that Braen should be held responsible for at this time.

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Mr. Knutelsky stated that besides the tilling pile and the stability of that slope and the outstanding driveway permit that they have out to widen the driveway they are really right where they need to be and are doing what they stated that would be doing.

Mr. Knutelsky stated at the time of the application they believed they would only be there for 20 years in 2014 they will be there for 20 years without any plans of closing.

Mr. Sowden stated our great -great grandkids may be the ones to see that actual close. We won't.

Mr. Knutelsky stated that if there is anything that he would recommend is reaching out to the soil conservation for them to check on things to make sure everything is up to their standards as well. They will do a report and from that I can report back to the board if there were any violations or recommendations that they find that I report back to the board.

Mr. Suckey stated that he felt that was a good idea.

Mr. Suckey asked if all were in favor to have Mr. Knutelsky reach out to the soil conservation to do thorough inspection at Braen and send us the report with any recommendations. From there we will get a better idea on how the board should move forward.

**All Were in Favor.**

**NEW BUSINESS:**

There was no new business addressed

**ADJOURNMENT:**

**Mr. Raperto** made a motion to adjourn.

Seconded by **Mr. Nidelko**

**All were in Favor.**

The Meeting adjourned @8:59