

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**February 21, 2023**

The meeting was called to order at 7:34 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 (Absent)  
Mr. Floy Estes (Present) Via Telephone  
Mr. Jim Williams (Present)  
Mr. John Friend (Present)  
Mr. Michael Raperto, (Present)  
Ms. Sharon Schultz, Alternate #1(Present)

**ALSO, PRESENT:**

Michael Brown, Planning Board Attorney  
Tom Knutelsky, Planning Board Engineer  
Jessica Caldwell, Planning Board Planner

**APPROVAL OF MINUTES:**

Mr. Suckey asked for approval for the **January 17, 2023 Re Organization** meeting minutes.

**Mr. Williams** made a motion to approve the **January 17, 2023** meeting minutes.

Seconded by **Mr. Friend**

**Upon Roll Call Vote:**

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

**NAYS: None ABSTENTIONS:**

**Approved**

Mr. Suckey asked for approval for the **January 17, 2023 Regular meeting minutes**. **Mr. Williams** made a motion to approve the **January 17, 2023** meeting minutes.

Seconded by **Mr. Friend**

**Upon Roll Call Vote:**

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

**NAYS: None ABSTENTIONS:**

**Approved**

**PAYMENT OF BILLS:**

**Mr. Williams** made a motion to approve the escrow report for **February 21, 2023**

Seconded by **Ms. Schultz**

**Upon Roll Call Vote:**

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

**NAYS: None ABSTENTIONS: Sowden**

**Approved.**

# **Franklin Borough Planning Board**

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#### **APPROVAL OF RESOLUTION:**

#### **RESOLUTION AND ANNUAL REPORT OF FRANKLIN PLANNING BOARD.**

Mr. Brown asked Mr. Suckey if he would like for him to speak on behalf of this resolution.

Mr. Suckey stated. Yes, please.

Mr. Brown explained what the resolution was about and why they approve this type of resolution every year. Annual Report resolution is required by the planning board under MULU.

Mr. Brown stated that the resolution is a summary of the projects that came across the board that fell under the jurisdiction of a zoning board of adjustments. Mr. Brown stated last year there were only two applications that fell under those criteria, which are listed in the resolution.

Mr. Suckey thanked Mr. Brown for his explanation and asked for a motion to approve the annual report of Franklin Planning Board.

**Mr. Williams** made the motion to approve the Annual Report of the Franklin Planning Board resolution.

Seconded by **Mr. Friend**.

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS:

Approved.

#### **APPLICATIONS FOR COMPLETENESS:**

#### **Irving Fabrication, LLC 597 Route 23 Block 102, lot 3 HC-1 Zone Preliminary & Final Site Plan.**

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

There was no one present to represent the application.

Mr. Suckey asked Mr. Knutelsky to read his completeness report.

Mr. Knutelsky briefly summarized his report.

Mr. Knutelsky stated as far as completeness he would like to discuss five issues that he sees with the board.

Mr. Knutelsky stated that the following items have been found incomplete.

Checklist item 17B and 17C for the 200 ft list. Property owners within 200 ft listed on the site plan. Along with a signature box for the municipal approvals.

Checklist item 23 is a location survey.

Checklist item 37 is a list of any licenses, permits or approvals of proof of application.

Checklist item 38 is the environmental impact statement.

Mr. Knutelsky listed way these items were found incomplete.

Mr. Knutelsky stated that the applicant did ask for the board to grant a waiver for one of the items referring to plans and drawings of the building.

Mr. Knutelsky stated that these sorts of plans are required for the board to see what the building will look like and what the building will be storing.

Mr. Knutelsky stated that he believes that it would be in the best interest of the board to deny this waiver.

Mr. Knutelsky stated that in order for the board to approve this sort of application, plans and drawings of the building are required.

Mr. Knutelsky stated with that all being said. He recommends that this application be deemed incomplete.

Mr. Knutelsky stated everything that was mentioned along with the plans of what the building will look like should be resubmitted 14 days prior to the next meeting.

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Mr. Suckey asked if there were any questions from the board members.

Not hearing any Mr. Suckey asked for a motion.

Mr. Brown stated that he knows that Mr. Brady as also been in touch with the applicant's council and recommended that they set up a TCC meeting prior to the next meeting as well to work out the issues that Mr. Knutelsky has mentioned in his report.

**Mr. Williams** made the motion to deem this application incomplete.

Seconded by **Mr. Raperto**

**Upon Roll Call Vote:**

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

NAYS: None ABSTENTIONS:

**Approved.**

**PRESENTATION:**

**Conceptual Town Home Project 116 Rt 23 Block 1601 Lots 5, 12**

Bernd E. Hefele Esq. introduced himself as the attorney representing Ryan Homes the applicant

Mr. Hefele stated that the proposed town home project would be located behind the Mande'e's shopping center. Also known by the board as the "old Walmart site." The property is 40 acres with Rt 23 frontage which is the HC 1 Zone. The zone is also in the zone that is in a re development plan that was put in place for the super Walmart project that was never built.

Mr. Hefele stated that the applicant tonight requested this conceptual plan only meeting to present the idea of a residential townhouse project.

Mr. Hefele stated that he and the applicant have been working with the town for almost a year now.

Mr. Hefele stated that they have met with the TCC committee and received some good feedback.

Mr. Hefele stated a lot of this concept plan is keeping all of those conversations in mind.

Mr. Hefele stated that he and his client are at the point that both they and the TCC committee thought it would be a good idea to get the boards feedback as well before going much further.

Mr. Hefele stated that the next step after this meeting is to meet with council and ask for amendment to the redevelopment plan so that we can start designing and bring the project before this board again for approvals.

Mr. Hefele stated that he will have Jeremy Smith a representative from Ryan Homes explain what Ryan Homes is all about and what the overall design concept is.

Mr. Brown swore Mr. Smith in under oath.

Mr. Smith explained that he is the regional design manger for Ryan Homes. Mr. Smith over sees the land development for all of NJ.

Mr. Smith gave a brief background on what he does and what Ryan homes is and how they started.

Mr. Smith stated that Ryan Homes builds between 1200 and 1300 hundred homes a year. The Business has really started to take off in New Jersey. Mr. Smith stated he is excited to see Ryan Homes finally be able to expand and make it up to Northern New Jersey such as possible Franklin NJ.

Mr. Smith went on to explain what Ryan Homes is looking to do here in Franklin.

Mr. Smith explained that the types and styles of homes vary significantly as much as the price range does. The higher end can go up to over a million and the more affordable ones start in the \$200,000.

Mr. Smith stated that They try to cater to a wide range of lifestyles and incomes.

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Mr. Smith stated that they would be looking to do the Juniper style layout which is a three-story townhome with three different types of configurations.

Mr. Smith knows that there will be walk out basements.

The units will be 1550 Sq Ft units with a one car garage with a nuke that is carved out to house garbage and recycling storage. There will be interior storage, full basements.

Mr. Smith stated that each town home is spacey and has an open configuration.

Mr. Smith stated that this type of style home is typically for the first-time home owner. A family that is just starting out. This style has three bedrooms and 2 and half baths.

Mr. Smith stated that all of their homes are semi-custom.

Mr. Smith stated that this would be the most ideal type of style home and lay out giving a a new family room to grow and have their own space.

Mr. Smith stated as far as the exterior this is just a simple board and batten with slat siding. However, the exterior can also be customized.

Mr. Smith stated that the timeline for a build out is within 150 days.

Mr. Smith stated that they have no problem selling these and believes that they will not have a problem here either. Great price point and an even better location here in Franklin Borough.

Mr. Williams asked if all the houses were all three bedrooms.

Mr. Smith stated yes, that is what makes sense for this area at this price point.

Mr. Williams stated that you do not consider a mix of one bedroom Two or three at all.

Mr. Smith stated that he knew this question would come up and has a researched answer.

Mr. Smith stated that this is what is called a Johnson Turner. Which is a mix of COAH and market value units. This consist of two stories with a unit being on the bottom and one on the top.

Mr. Smith went into an elaborate discussion on the different kinds of styles and different units that Ryan Homes can accommodate different types of families and lifestyles.

Mr. Williams asked if they were considering any of these to be rented out.

Mr. Smith stated that they do not offer these to be rented, but that is not to say someone comes in and purchases a block of these and rents them out themselves.

Ms. Schultz asked how many buildings they are looking to build at this location.

Mr. Smith stated that the minimum is 146 and the maximum being 160.

Mr. Suckey asked what the height would be for a two-story townhouse.

Mr. Smith stated that it depends on how you measure. From the eve it would be 18 Ft and from the peak of the roof it would not be any more than 25 Ft.

Mr. Smith stated that all the buildings would be in compliance in regards to the height ordinance.

Mr. Knutelsky asked if there would be storage in the attic.

Mr. Smith stated that it would just be installation.

Mr. Smith stated that these units do not typically have a huge amount of storage.

Mr. Smith said there is a machinal closet that has storage and closest space with in it.

Mr. Smith stated that the master bedrooms also have a walk-in closet.

Mr. Smith briefly went into the mechanics and the utilities that they provide such as central air forced heat through the gas company that serves our area.

Mr. Friend asked if there would be an HOH fee as well for these units.

Mr. Smith stated yes, a very low fee considered how costly HOH fees can be.

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Mr. Smith explained the HOH fees would go for the typical maintenance fees along with snow removal and lawn maintenance issues.

Mr. Smith stated that you would be surprised how many families especially younger families would be more willing to pay HOH fees than have to worry about lawn maintenance and snow removal.

Mr. Friend asked what kind of HOH fees are we looking at?

Mr. Smith stated less than \$100.00 per month.

Mr. Smith stated that if there are no further questions, he would like to have the engineer come forward.

John Hansen - Vice President of High Bridge engineering.

Mr. Brown swore Mr. Hansen in under oath.

Mr. Brown asked Mr. Hansen to briefly describe his education and professional background.

Mr. Hansen gave a brief summary from where he went to school and his professional background.

The board accepted his qualifications.

Mr. Hansen explained the property that will be used for this project.

Mr. Hansen stated that he will call it the old Walmart site as he knows that's what everyone he has talked to refers to it as.

Mr. Hansen gave the description and lay out of the property, stating it is shaped in an L shape with a small amount of frontage of Rt 23 with a small strip mall that has been under construction for some time now.

Mr. Hansen explained that the neighboring properties are Walmart, Black Bear, Weis and the Strip mall that has a much of commercial businesses.

Mr. Hansen explained the Rt 23 access easement that have been prior approved.

Mr. Hansen stated that there would be a retaining wall constructed on the westerly side which would be behind the strip mall.

The wall was 30 -32 Ft in height.

Mr. Hansen stated that when this was being considered the super Wal-Mart there were a lot of DEP permits that needed to be taken out.

Mr. Hansen stated that there are two little stream threats that come through the Weis property that drains down and goes under a covert under Rt. 23 and eventually to the Franklin Pond.

Mr. Hansen stated that they did have to seek many DEP permits such as the following: flood Hazard verification, flood hazard permits, wet lands permits, transitional permits, transitional averaging permits.

Mr. Hansen stated that they tried to work around having to get these permits with only using the access road that was already approved from the DOT. However, that would not allow for only one access road and would not approve it without having another way in and out. Which means having to go through DEP to receive all of the permits necessary.

Mr. Hansen went on to show the board what they are looking to do.

Mr., Hansen called it the conceptual Townhouse project. Revision one with a date of January 20, 2023.

Mr. Hansen explained to the board what it is that they are looking at.

Mr. Hansen also confirmed the board received this prior to the meeting.

Mr. Hansen explained their vision for the driveway and the loop access that they would use to then get to the access road that is shared by Weis Markets.

Mr. Hansen also showed the board what the units would look like all together in the development, gave a brief description of the layout of the development explaining there would be side walks and water basins.

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Mr. Williams asked if Mr. Hansen was aware of the fact that Rt 23 floods (across from Starbucks) out after a heavy rain storm.

Mr. Williams asked Mr. Hansen if the basins will help prevent this type of flooding on Rt 23.

Mr. Hansen stated that we are required to do soil testing to make sure the basins can accommodate the types of ground water that will be going through them.

Mr. Hansen stated that they are certainly not going to alleviate any flooding that already exists.

What we will do is to make sure we have a plan that will not exacerbate that issue.

Mr. Knutelsky stated and that is storm water management rules. It is not required for new development to have to fix existing developments water issues.

Mr. Knutelsky stated they are only required to make sure once their project is development that the water flow acts the exact way it did before the project went through.

Mr. Knutelsky stated that best case scenario is that the new basins are big enough and effective enough that they slow down the water flow and the flooding actually gets better and does not peak at the same time.

Mr. Hansen stated that he would like to move on to the amenities that the development would provide such as a dog park,

Mr. Williams stated that he sees that there is one fire hydrant listed is that all the hydrant that will be in this development.

Mr. Hansen stated no, they would have to follow the strict guidelines for the requirements of having a fire hydrant every 300 ft or whatever the rule is.

Mr. Raperto asked what the water source would be. Mr. Hansen stated that they are still in the beginning stages of researching and figuring out what the best scenario would be for that.

Mr. Hansen also stated that all other utilities be underground.

Mr. Hansen stated you will not see any overhead wires.

Mr. Hansen went on to explain the basins and why he believes that fencing them would not be the best idea. Mr. Hansen stated if they are designed properly, they do not need to be fenced. Mr. Hansen stated that sometimes the fence brings more attention to them.

Mr. Knutelsky stated that they are what you call a low-profile basin and a bio retention basin which are landscaped in a particular way using specific material to help with proper drainage.

Mr. Knutelsky stated creative landscaping would be sufficient for this type of basin.

Mr. Knutelsky state when the application becomes before the board we will get into the landscaping and the basin design more.

Mr. Suckey started that at the last meeting there was decision on a bike path/ Walling bath from the project down to where Harmons and other stores are located. The other option was putting sidewalk and curbing from the Weis service road to rt 23.

Mr. Hansen stated that they heard the concerns and are working hard on making something like that work for this development.

Mr. William's asked if there was a community center.

Mr. Hansen stated no.

Mr. Knutelsky stated that he would like to just add that during the 116-franklin development project (Mexican restaurant) The board had them put in a sidewalk from the Weis property to the end of the front of the strip mall. Mr. Knutelsky stated that he would advise the board to address that again when

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this application comes before us again to have them continue the sidewalk into their property so it does not become a sidewalk to nowhere. The board agreed with Mr. Knutelsky.

Mr. Hansen stated that he has heard that concern and he and his team would come up with a plan to execute that into the plans.

Mr. Knutelsky asked about importing and exporting materials and what they look like.

Mr. Hansen stated that there is one way in and one way out right now, with one consistent slope.

Our goal would be to be at a net zero. Matching the cut and fill the best they can.

Mr. Hansen stated that he would not know the exact amount of removal of soil until they got in there and started digging around. However, the goal would not to remove an extreme amount of soil at all.

Mr. Suckey reminded Mr. Hansen when going back to his plans specifically the road from Weis to their property to make sure there is enough room for fire trucks and emergency vehicles to be able to turn into the road.

Mr. Hansen stated that he would be in touch with the fire dept to get the measurements of the largest truck.

Mr. Knutelsky asked Mr. Hansen if this would be done in phases. Would this application come in as a preliminary with final in another application because of the size of the project or would you come in with preliminary and final in one application.

Mr. Hansen stated that goal would be to come in with preliminary and final as long as we have everything, we need ready to go and the planning board can digest it all.

Mr. Hansen stated that he has one more professional he would like give testimony in regards to traffic.

Mr. Brown asked Mr. Going to step forward so he could swear him in under Oath.

Mr. Paul Going - licensed engineer in New Jersey along with being a traffic engineer.

Mr. Going gave the board his education and professional background.

Mr. Brown asked if his licensees were still in good standing.

Mr. Going answered yes.

The board accepted Mr. Going as a professional traffic engineer and asked him to proceed.

Mr. Going stated that he is very familiar with the property site as he and his company also worked on the old Walmart site back in the 90's.

Mr. Going said his company worked with the developers to get the proper DOT approvals. The traffic light at the entrance to Weis and the right in right out approvals.

When Walmart pulled out of the project, Weis stated that they were interested in having a traffic light.

Mr. Going stated that his company designed and received the proper approvals from DOT to make that traffic light that you see there now.

Mr. Going stated that there is a separate permit for future development to the "Walmart site" that allows for improvements to the traffic light that is there adding a turning signal lane and light to the existing light that is already in place.

Mr. Going stated that these permits are already approved by DOT and just need to be executed once the time comes that this site does become developed.

Mr. Going stated that they are in the process of doing a traffic study using all the equations and calculations that the DOT requires us to use when hiring a traffic study service.

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Mr. Going explained what peak hour trips are and the peak times during morning hrs. and later afternoon hrs. along with peak trips during the weekend which all are less than 100 trips per peak hour times. ITS the traffic study service and the NJDOT like to see that neighbor being 100 or less. Anything higher than 100 at a given peak time is considered considerable traffic.

Mr. Going stated that he met with the DOT last September to discuss the project and discuss traffic study's. When meeting with the DOT Mr. Going stated that DOT stated that the project going in could go in without having to alter the existing traffic light that is there now.

Mr. Going stated therefore they would not need a new permit they would just ask for a letter of no interest for DOT to continue with the project.

However, we would still do a traffic report and analyze the traffic light to get a better look at the traffic flow using a current data for that area of traffic.

If the timing of the traffic signals needs to be adjusted that is something that can easily be done.

Mr. Knutelsky stated when the full application comes before the board the board will want to review the whole traffic report along with calculated numbers and times of peak traffic.

Mr. Going stated they will provide everything needed when that time comes to share that data with the board.

Mr. Going stated that concluded his testimony for this evening.

Mr. Hansen stated that is all we have to share with the board this evening.

Mr. Hansen stated that this was only a concept hearing.

Mr. Hansen stated that this project is being worked on very hard and wanted to board to know that their ideas and comments would be taken in consideration for when the time comes that we present a full application.

Mr. Hansen thanked the board for their time and stated that they will be back and look forward to working together in the future.

Mr. Suckey thanked Mr. Hansen for his presentation.

Mr. Suckey asked the board to take a seven-minute break at 9:17.

Mr. Suckey brought the meeting back to order at 9:26.

**OLD BUSINESS:**

Ms. Schultz gave a brief update on the vape shops.

Ms. Schultz stated the last time she gave an update she stated that Mr. Brady stated that they ran into a road block because putting restrictions on such shops would be considered targeting.

Ms. Shultz stated that she dug a little deeper into that and with help found a different way to possible but restrictions on such shops without targeting them.

Ms. Shultz explained that there is something you can do to regulate these types of things in your community, it's called alcohol outlet destiny, if it is something unhealthy in your community.

Mr. Brown stated that he is familiar with it but it is something that has to be carefully tailored and there needs to be a lot of research done before putting these types of procedures in place.

Mr. Brown stated that alcohol and tobacco have been around forever so there is a lot of data and research provided for those type of things marijuana is new to the scene in a sense that there is a lot of unknowns and a lot of trial and error happening now.

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Mr. Brown stated that there just doesn't seem to be enough evidence, statistics and data to back this up at this time. However, you are in the researching stage so asking other municipalities on what they are doing is a good idea.

Ms. Shultz asked if that was something she was allowed to do as a board member.

Mr. Suckey stated yes, you are the chair of this committee and you are "running the show"

Ms. Shultz thanked the board for listening and stated that she would continue to research this topic.

**OPEN PUBLIC SESSION:**

Mr. Suckey opened the meeting to the public.

Rebecca Downy – 5 Andrea Court

Mr. Brown swore Ms. Downy in under oath.

Ms. Downy stated that she represents the Wallkill Valley Coalition who is investing 2.3 million dollars into our town and surrounding Wallkill region to help reduce the youth substance abuse.

Our mission is to help make sure our youth is safe. Know one is looking to put anyone out of business.

These businesses are legal business for the adult population and there is nothing wrong with that.

There just needs to be a better way to protect our youth and make sure these shops are not easily accessible to them.

Last year alone we lost 107,000 children to drug poisoning/overdoses.

Ms. Downey stated that she is willing to help Franklin in anyway she can to help Franklin eliminate the best they can the underage usage of these dangerous products.

Ms. Downy stated that there are recourses that we can reach out to get sample ordinances and specific language used to get the proper laws in place so that we protect our youth.

Ms. Downy thanked the board for their time an she would be in touch with Ms. Shultz to help her with her research if needed.

Mr. Suckey stated not seeing anyone else in the audience he would close the pen public session.

**NEW BUSINESS:**

There was none.

**DISCUSSION:**

Mr. Raperto asked if there is a way to name upcoming developments or street after veterans from our town.

Mr. Raperto stated that there have been streets renamed to veterans and would like to see that carried out, if possible, to new streets.

Mr. Raperto asked if it is something the Historical committee can look into.

Mr. Knutelsky stated that it is an ask not a requirement correct.

Mr. Raperto said yes, something for them to think about and consider when new developers come into town.

Mr. Suckey stated it was a good idea and we will look into it further.

Mr. Suckey asked if there was anything else to discuss.

Not hearing any Mr. Suckey asked for a motion to adjourn into executive session to discuss matters subject to the attorney client privilege related to pending personal matters.

Mr. Suckey read the resolution in full and stated that this act would take place immediately and the board would be adjourning from executive session.

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Mr. Williams made the motion. Seconded by Mr. Raperto.

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS:

Approved.