

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**March 20, 2023**

The meeting was called to order at 7:31 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 (Present)  
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

**OATH OF ALLEGIANCE:**

Mr. Brown swore James Nidelko in under oath as new appointed member to the Planning Board.

**APPROVAL OF MINUTES:**

Mr. Suckey asked for approval for the **February 1<sup>st</sup>** workshop meeting minutes.

**Mr. Friend** made a motion to approve the **February 1<sup>st</sup>** workshop **meeting** minutes.

Seconded by **Mr. Estes**.

**Upon Roll Call Vote:**

AYES: **Estes, Friend, Formica, Sowden, Suckey, Schultz**

NAYS: None ABSTENTIONS: **Williams, Raperto**

**Approved**

Mr. Suckey asked for a motion for the approval of the executive meeting minutes from **February 21, 2023**.

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

**Upon Roll Call Vote:**

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

NAYS: None ABSTENTIONS: **Formica**

**PAYMENT OF BILLS:**

**Mr. Williams** made a motion to approve the escrow report for **March 20, 2023**

Seconded **by Mr. Raperto**

**Upon Roll Call Vote:**

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

NAYS: None ABSTENTIONS: **Formica, Sowden**

**Approved.**

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**APPLICATIONS FOR COMPLETENESS**

NONE

**APPLICATIONS TO BE HEARD:**

NONE

**APPROVAL OF RESOLUTION:**

390 Rutherford Avenue, LLC Preliminary and Final Site Plan denial, Use and Bulk Variance Relief denial for Block 605 Lot 5 PB# 11-21-01

Mr. Estes stated that he would like to make some comments in regards to the denial resolution before the board.

Mr. Estes stated that he wants to address the whole board.

Mr. Estes stated that this applicant came before us in good faith and commended every request we asked of him.

Mr. Estes stated that this applicant is a well-known business man and would be an assist to not only the property that he was willing to develop but also to the community.

Mr. Estes stated that I'm sure the board members have seen this man's projects, He has projects all over Sussex and Morris County. Projects that come out beautiful, they are well taken care for, the landscape is pristine.

Mr. Estes stated that he can not wrap his head around how this board would deny this applicant this project.

Mr. Estes stated to see what it is and what it could have been is so frustrating.

Mr. Estes stated that bothers him the most is that this town is always looking for ratables. Secondly, the town is looking for ecstatically pleasing Rt 23.

Two things that this developer was going to do for our town. On a piece of property that has been rundown and an eyesore for so many years.

Mr. Estes stated that the reason for bringing this to everyone's attention is because this board is lacking forward thinking ideas.

Mr. Estes stated that this board has to change their negative approach to applications that come before this board. This application being the perfect example of what this board has done to applicant's time after time.

Mr. Estes stated that it is to the point where other developers have heard this and developers do not want to come into Franklin.

Mr. Estes asked if there is a chance, we could ask this applicant to come back.

However, what will the board do say no again?

Mr. Estes stated nothing will change if this board continues not to have a forward-thinking mindset.

Mr. Estes stated with all that being said he is suggesting to the board to table the resolution and re think why we denied this application when he said yes to everything that this board asked of him and his professionals to do.

Mr. Friend stated that he spoke to a number of residents who were not in favor of the project and expressed their concerns to him.

Mr. Estes stated that they should have been present at the meetings.

Mr. Estes stated that there was one resident who lived on John Wilton Street who was at all the meetings who asked valuable questions and did not give the applicant or the board any push back.

Mr. Brown explained to Mr. Friend that those residents who expressed their concerns to you should of come to the meeting to have their concerns expressed on record.

Mr. Brown stated that is the only way testimony from a resident can be received and used as valuable testimony. Anything else is considered here say.

The board members discussed their feelings and expressing their concerns that they had with the project.

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Ms. Shultz made a comment stating that she does not remember this board denying any other applications and she is confused by Mr. Estes comment is regards to this board denying projects and giving applicants such a hard time.

Mr. Suckey stated that Mr. Estes comments have been noted and heard however, we as a board still needs to approve the resolution because it is memorializing the decision that was made.

Mr. Brown stated that he wanted to briefly explain who is eligible to vote.

Mr. Suckey thanked Mr. Brown and asked if there were any further comments or questions.

Mr. Suckey stated not hearing any he would take a motion.

Mr. Friend made the motion approving the 390 Rutherford Avenue denial resolution.

Mr. Williams Seconded the motion.

#### **Upon Roll Call Vote:**

AYES: **Friend, Williams, Schultz**

NAYS: None ABSTENTIONS:

**Approved**

#### **DISCUSSION:**

Mr. Suckey gave a brief summary on the TCC meetings that have taken place since the last planning board meeting.

March 2, 2023 – 520 Rt 23 - Sussex Imperatore Partnership, LP

March 9, 2023 -- 41 Rt 23 - Oil integrity

#### **OPEN PUBLIC SESSION:**

Mr. Suckey opened the meeting to the public.

Carol Truhan 20 Nestor Street.

Ms. Truhan stated that she is here tonight before the board because the franklin police told her that she needed to come here to address her issues.

Mr. Suckey asked for Ms. Truhan to explain her issue.

Ms. Truhan stated that she is having an issue with her neighbors. Their fences appear to be on her property.

Ms. Truhan stated that she has a fence permit and she wants to put up here fence but she has to take the existing fences that are up that are on her property.

Ms. Truhan stated that she does not want her permit to expire while she disputes the fence issue with her neighbors.

Mr. Suckey stated that unfortunately, this board can not help her with this issue.

Mr. Friend asked if she has spoken to the Zoning officer.

Ms. Truhan stated that she has not.

Mr. Suckey stated that he believes that this would be considered a neighborly dispute and you would need to sign a complaint through court.

Ms. Truhan stated that the court is not being very helpful with this matter either.

Mr. Brown stated that this board will not be able to help Ms. Truhan as it is out of the board's discretion.

Mr. Formica stated that as long as she has started the process, she has two years until the permit expires.

Ms. Truhan stated that Mr. Formica has just made her day and that helps so much because now she will have time to deal with the neighbors.

Ms. Truhan thanked the board for their time. She knew that this was probably not the right place to go but like she said earlier the Franklin police suggested that she come to a planning board meeting to get some guidance.

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Ms. Truhan walked back to her seat.

Mr. Suckey stated not seeing anyone come forward. Mr. Suckey closed the meeting to the public.

**OLD BUSINESS:**

NONE

**NEW BUSINESS:**

NONE

**ADJOURNMENT:**

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

Seconded by **Mr. Sowden**

**All were in Favor.**

The meeting adjourned at 8:15 P.M