

Franklin Borough Planning Board
Meeting Minutes for
May 15, 2023

The meeting was called to order at 7:30 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 (Present)
Mr. John Sowden, Mayor (Absent)
Mr. Concetto Formica, Council liaison (Present)
Mr. Floy Estes (Present)
Mr. Jim Williams (Present)
Mr. Jim Nidelko (Present)
Mr. John Friend (Absent)
Mr. Michael Raperto, (Present)
Ms. Sharon Schultz, Alternate #1(Present)

ALSO, PRESENT:

Michael Brown, Planning Board Attorney

PAYMENT OF BILLS:

Mr. Williams made a motion to approve the escrow report for **May 15, 2023**

Seconded by **Mr. Nidelko**

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: **Formica**

Approved.

OPEN PUBLIC SESSION:

Mr. Suckey opened the meeting to the public.

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

DISCUSSION:

Mr. Suckey gave the planning board a brief update on the TCC meetings from the last few weeks.

One being 25 Susquehanna Street.

Mr. Suckey stated this house is going to be built through Habitat for Humanity.

Mr. Suckey stated that the house that is there is in disarray and needs to be torn down. The applicant is looking to rebuild the structure to relocate someone who is in need of a home through the Habitat for Humanity program.

Mr. Suckey stated that they have to work on a few things and go back to their engineer to work on the plans.

Mr. Suckey stated that he hoped that they would be back to the board with a full application in June or July.

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Mr. Suckey stated the next meeting was held on May 12th this property is located on Rt 23 across from Quickchek and the corner of Taylor Rd. The property includes the two houses on Taylor Rd.

Mr. Suckey stated that they are looking to merge the three pieces of properties together, by tearing down the two houses on Taylor Rd. The applicant intends to build a new building with commercial on the bottom floor with two floors of residential on top.

Mr. Suckey stated that are looking to come back to the board with a full application in July.

Mr. Suckey went on to explain what the TCC meeting does. Mr. Suckey explained the Borough charges a \$500.00 escrow fee for them to hold the meeting. The meetings are typically an hour long.

Mr. Suckey stated that the \$500.00 is no longer satisfying the professionals invoices and that we are now recommending to the council to change the ordinance from a \$500.00 escrow fee to a \$600.00 escrow fee. The professionals would charge a flat fee of \$ 200.00 for every TCC meeting going forward.

Mr. Suckey stated that he discussed this with the professionals and they were on board as well.

Mr. Suckey stated that he would need a motion to have Mr. Brown draft a letter to Council asking to have an ordinance adopted. Changing the \$500.00 escrow fee to a \$600.00 escrow fee.

The board members were all in agreement.

Mr. Suckey stated that he would like for the motion to include that after the approval from council that the new fees would go into effect 30 days after the approval.

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

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: **Formica**

Approved.

Main Street Zone change specifically in the area of 175 Main & 174- 176 Main Street Block 607 Lot 28 currently a B2 Zone.

Mr. Suckey explained to the board where this specific property was located on Main Street.

Mr. Suckey stated that there was a TCC meeting on this particular location. The applicant asked if there was a possibility of converting the commercial space on the first floor into residential space.

Mr. Suckey stated it use to be a bar called the "Grape Vine" which has been out of business now for 20 plus years and has been sitting vacant since.

Mr. Suckey stated that it falls on the end of Main Street that is more residential.

Mr. Suckey explained that from Hudson Street down to Rutherford, the area is made of residential except these two properties and the one on the corner of Main and Rutherford which currently has the Auto body shop.

Mr. Suckey stated that is an active business that he is not looking to change.

Mr. Suckey stated that it makes sense to allow these two properties to be changed from the B2 zone which is what they are zoned for currently to R1 zone.

Mr. Formica stated that this was also discussed at the last council meeting.

Mr. Formica stated that he knows that a letter from Mr. Ursin was provided explaining exactly what the council discussed doing.

Mr. Formica stated that it would be keeping the B2 zone and just adding the residential to it as well giving the property owner an option to do commercial or residential.

Mr. Formica stated allowing the property owner to choose whatever makes sense to him or her.

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Mr. Nidelko asked if that would change the Master Plan.

Mr. Suckey stated yes.

Mr. Formica explained that Council is not looking to change all of Main Street's zone only from Block 18 down to Rutherford and by change keeping the B2 zone but adding the R as well to give the property owner the option to do more with their property.

Mr. Suckey stated that changing only two properties that have empty commercial spaces makes sense but to change the zone for the other active business does not.

Mr. Suckey explained that once the board gives the property owner the option. The owners could tear that building down and rebuild it into apartments.

Mr. Suckey stated that building on the corner of Main and Rutherford was built in the early 1900's.

Mr. Suckey suggested leaving that particular property alone. If and when the time comes, those businesses are no longer there then it can be addressed. Until then leave it alone. It is currently an active business.

Mr. Christiano stated that he does not believe that the property owners should be given that much of an option.

Mr. Christiano stated that 50 years ago they were given the same option and look what has happened to Main Street.

Mr. Christiano stated that if there comes a time when they need to change the commercial floor to apartments than that is when they come to the board asking for a variance.

Mr. Christiano stated that it is just not a good idea to give the property owners too much leeway.

Mr. Christiano asked who is planning this town or them.

Mr. Formica stated that it is a combined effort. It's not one side against another. It is on the end of Main Street that is made up of more residential buildings anyway, so why not just change it instead of having these property owners come to us every time or not want to purchase it at all.

Then we have a Main Street full of vacant buildings.

Mr. Suckey stated that he understands that.

Mr. Suckey stated that is why he is recommending that the board just changes these two properties because they have been vacant for 20 years.

Mr. Suckey stated he does not agree with changing the building on the corner of Main and Rutherford because it is an active business.

Mr. Suckey stated that he does not believe there is any reason to change it at this time.

Mr. Estes asked Mr. Brown if he has seen this kind of flexibility with other boards that he or Mr. Brady work with.

Mr. Brown stated that this is not a new concept.

Mr. Brown explained other towns have what they call a flexibility zone. A zone that gives them one or two zones that they have to work with.

Mr. Brown stated that is what he believes Mr. Formica is trying to say.

Mr. Brown explained that adding this zone would stop a lot of these vacant buildings from not being purchased because of the zone restraint that comes with them.

Mr. Brown stated that having to come to the board for a use variance comes with a lot of cost as well.

Mr. Estes stated that he felt that was the right approach.

Mr. Estes stated that it is giving the town a building that was neglected for 20 plus years a little life and cleans up Main Street.

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Mr. Estes stated it also gives the property owner a break as far as having to come before the board and paying upwards to \$25,0000 dollars in professional fees.

Mr. Christiano asked the chairman if there could be a court of order.

Mr. Christiano stated the question before the board is not what we should do with the rest of Main Street. The question before us now is whether we as a board rezone this area because we have a potential applicant who wants to convert the commercial space to residential.

Mr. Formica stated that this was discussed at the Council meeting and he knows that Mr. Ursin drafted a letter explaining what was discussed on the Council level.

Mr. Suckey stated that this all came from the TCC meeting discussing this property.

Mr. Formica stated that the letter specifically states the specific block that the Council would like to start with (Block 18) all the way down to end of Main corner of Rutherford.

Mr. Formica stated the Council is just asking the Planning Board for their recommendation.

Mr. Suckey stated that they are going to give the council a recommendation of just changing two properties 174- 176. If the board is in agreement.

Mr. Suckey stated that there needs to be some sort of motion on what this board wants to recommend to the Council.

Mr. Christiano made the motion to recommend to the Council that they change 174-176 from a B2 zone to Residential. Seconded by **Mr. Nidelko**.

Upon Roll Call Vote:

AYES: **Christiano, Nidelko, Raperto, Suckey, Williams, Schultz**

NAYS: **Estes, Formica** ABSTENTIONS: **None**

Mr. Suckey stated that a letter will be drafted to the council giving our recommendation.

Mr. Suckey also asked if it can be added that the town council meet with the board to explain to them exactly what they are looking to do with Main Street.

NEW BUSINESS:

Mr. Suckey stated that he met with the Mayor and the Zoning officer in regards to a few leads that they gave the Zoning officer which still have not been resolved.

Mr. Suckey stated that they discussed emailing each other and working with each other via email if something should come up from now on.

Ms. Schultz asked if we would be discussing the next item on the agenda Mogul Enterprises.

Mr. Suckey stated that has been withdrawn from the agenda and will not be discussed tonight.

Mr. Raperto asked for an update on his request a few minutes back on asking the historical society to come up with names of older people who played a big part in Franklin's history to be honored on a street sign for upcoming new projects or developments.

Mr. Suckey stated that he has not heard anything from the Historical Commission.

The board had a brief conversation in whether or not they were allowed as a board to make a new development name their streets these particular names.

Both Mr. Estes and Mr. Suckey stated that it can be recommended but an applicant does not have to follow that recommendation. The board can not force an applicant to use a specific name for their development or street.

Mr. Williams stated that he was at Provident Bank and noticed they did not have a KnockBox and explained to them how it works.

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Mr. Williams stated how he also explained to them how important it is for them to have one in the case of an emergency.

Mr. Williams stated with his help they now have an appropriate KnockBox.

Mr. Williams stated that he mentioned the same to TD Bank but they have yet to get back to him.

Mr. Williams stated that he would like to see every business have a KnockBox in town to make emergency situations easier for the first responders.

Mr. Williams explained how it would also be cost effective to the business owners in the long run.

Mr. Williams stated that costly damage can be avoided.

Mr. Suckey stated that is why when we have a new application before the board, we mention it to them so they can figure that into their plans and new construction.

Mr. Brown stated yes, but at the same time we as a board cannot reinforce that, especially with preexisting businesses.

Mr. Brown stated that would have to be another discussion beyond this board. This sort of recommendation does not fall under our jurisdiction. This would have to be mandated by Fire Code as well as a town ordinance. This is not something we can have much control over as a land use board.

Mr. Suckey asked Mr. Christiano what he wanted to address in new business.

Mr. Christiano stated that Mr. Estes and Councilman Formica can continue their discussion on the Main Street zone change.

Mr. Formica stated that there was nothing else to discuss. The Council brought this up at the meeting the whole council was on board. It was suggested that the council have Mr. Ursin draft a letter to the planning board asking their recommendations to ultimately go forward with the zone change.

Mr. Suckey stated that there should be a workshop meeting where the Planning Board and the Council meet to discuss what exactly what they want to do as far as this zone change for Main Street.

Mr. Formica continued to explain what it was that the council was looking to change.

Mr. Suckey was still not in agreement with what Mr. Formica was suggesting.

Mr. Formica stated that Main Street has been vacant for years and he does not see it changing in the near future either.

Mr. Suckey asked what is the council doing to get businesses on Main Street.

Mr. Formica said the council cannot force people to open businesses on Main Street.

Mr. Suckey stated that there is a disconnect with the Council and the Planning Board.

Mr. Suckey stated that he is still waiting on a Redevelopment Plan, Housing Plan and Solar ordinance response. He has not received anything from the Council on any of those matters.

Mr. Suckey stated that the Council wants one thing and the Planning Board wants another thing.

Mr. Suckey stated we are not working together.

Mr. Suckey stated that there needs to be a joint meeting to further discuss this all.

Mr. Raperto made a motion to recommend having a joint meeting with the Council.

The motion was never seconded.

Mr. Christiano stated that he had Michelle research something.

Mr. Christiano stated since 2020 we have had 22 applications. 18 approved 2 denied and 2 still pending.

Mr. Christiano stated that seems like a pretty good batting average.

Mr. Suckey stated that the boards stance is to help applicants with these properties to get them sold and back on the rolls where they should be.

Mr. Formica stated that this plan is looking to do the same thing minus some of the hurdles.

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Mr. Christiano stated that a lot of the hurdles are not coming from this board but actually coming from the Council level.

Mr. Formica stated that he sits on these meetings now and he begs to differ

Mr. Suckey stated that applicants are not just going to come in and present their plans and were going to hand them over approvals.

Mr. Suckey stated that some applicants come over with plans that need to be cleaned up and revised.

Mr. Suckey stated that he does not want to present junk applications to the board. That's why the TCC meeting is a good start. However, it is only a start. Most times they need to go back to their plans and re consider some things and change or add things before it should be presented to the whole board.

Mr. Christiano stated as a board our first priority is the community not the applicant.

Mr. Christiano stated putting the applicants through hoops is our job.

Mr. Suckey stated that the hoops are not hard hoops but need to be addressed before we are left with projects that aren't great.

Mr. Suckey stated that there are still people who want to come to town.

Mr. Suckey asked if there was any more discussion.

Ms. Schultz asked to discuss the cannabis memo from Mr. Brady.

Ms. Schultz stated that she was flabbergasted by the lack of things that are missing.

Ms. Schultz is concerned and asked if the town is protected.

Mr. Brown stated that everything is so very new and Dave and himself are still trying to work through it all but the good thing is so is the state in whole.

Mr. Brown explained that the cannabis lounges are new to this new cannabis world and Dave and I just wanted to make sure that the ordinances be recommended to follow the other cannabis ordinances that the town has already adopted. The Borough of Franklin does not allow retail dispensaries, Mr. Brown stated that this lounge issue maybe something the town wants to add to the ordinance under the not allowing retail dispenser.

Ms. Schultz asked if Ascend would ever be able to have one of these lounges?

Mr. Brown explained they are cultivators and distribute to other facilities one being for medical reasons and others to dispensaries (Not in Franklin because it is not allowed in our town)

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

Not hearing anything else.

Mr. Suckey asked for a motion to adjourn.

ADJOURNMENT:

Mr. Christiano made a motion to adjourn.

Seconded by **Mr. Nidelko**

All were in Favor.

The meeting adjourned at 8:49 P.M