

Franklin Borough Planning Board
Meeting Minutes for
April 20, 2009

The meeting was called to order at 7:33 PM by the Vice-Chairman, Mr. Kevin Lermond, who then led the assembly in the flag salute.

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

ROLL CALL OF MEMBERS PRESENT: Mr. Christiano, Mr. Lermond,
Mr. Oleksy, Mr. Suckey, Mayor Crowley,

ABSENT: Mr. Zschack, Mr. Cholminski
Mr. Maugeri

ALSO PRESENT: Mr. Ken Nelson, P.P.
Mr. James Kilduff, Director

Mr. Lermond said (application) PB-10-08-1a Wal-Mart requested to carry. Mr. Lermond said Braen Aggregates PB-12-08-1 has also requested to carry. Mr. Kilduff said Wal-Mart is an adjourned case pending, it would be appropriate for the Board to vote on carrying that application. Mr. Kilduff said it is the COAH issue that remains unresolved, we have carried this for several months and the construction official wants to bring this to closure. Mr. Kilduff said he hopes by next month they are prepared to move forward, since COAH is the only remaining issue, the Board was prepared to take a vote the last time we had a hearing. There was a discussion on Wal-Mart and the COAH issue.

PB-10-08-1a Wal-Mart, Amended Preliminary and Final Site Plan, "C" Variances, Block 70 Lots 1.01 and 1.04.

Mayor Crowley made a motion to carry without further notice until the May meeting application **PB-10-08-1a Wal-Mart, Amended Preliminary and Final Site Plan, "C" Variances, Block 70 Lot 1.01 and 1.04.** Mr. Suckey said he would want the applicant to provide testimony. Mr. Kilduff said you would like to see them at the May meeting. Mr. Christiano said he would like to give them the impression we are going to vote on this in May. Mr. Kilduff said he can convey to them that the Board wants them at that meeting. Seconded by Mr. Christiano.

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Upon Roll Call Vote:

AYES: Christiano, Oleksy, Suckey, Crowley, Lermond

NAYS: None ABSTENTIONS: None

(Motion Approved)

Mr. Oleksy said he would like to point out a correction on the letter; it has PB-10-08-1, it is supposed to be PB-10-08-1a. Mr. Lermond asked the letter they sent. Mr. Oleksy said yes. Mr. Kilduff explained why the "a" was added to the application number.

APPROVAL OF MINUTES:

Mr. Oleksy made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for March 16, 2009**. Seconded by Mayor Crowley.

Upon Roll Call Vote:

AYES: Oleksy, Crowley, Lermond

NAYS: None ABSTENTIONS: None

(Motion Approved)

APPROVAL OF RESOLUTIONS:

There were no resolutions to approve.

APPLICATIONS FOR COMPLETENESS:

There were no applications for completeness.

ADJOURNED CASES:

APPLICATIONS TO BE HEARD:

PB-12-08-1 Braen Aggregates, Preliminary and Final Site Plan/Restoration Plan, Block 64 Lots 53, 56, 49.01 and 49.04.

Mr. Kilduff said Braen Aggregates has requested to carry, they haven't noticed yet.

OTHER BUSINESS:

PAYMENT OF BILLS:

Mr. Oleksy made a motion to approve the **Franklin Borough Planning Board Escrow Report for April 20, 2009**. Seconded by Mr. Christiano.

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Mr. Suckey asked Mr. Kilduff to explain invoice #48926 from Harold E. Pellow; he asked what was the Module 1 Conformance Grant. Mr. Kilduff explained the two grants the Borough has from the Highlands. Mr. Nelson explained the GIS mapping and the work involved with this. Mr. Kilduff said he has a three page itemized bill for the total amount. He read the different charges that were on the bill. There was a discussion on the Grant money.

Upon Roll Call Vote:

AYES: Christiano, Oleksy, Suckey, Lermond

NAYS: None ABSTENTIONS: Crowley

(Motion Approved)

DISCUSSION:

Master Plan

Mr. Nelson said last meeting we discussed the initial draft of the report, we went through three sections of the document and based on your comments he will be making revisions on the first three sections. Mr. Nelson explained the first three sections. Mr. Nelson said section four gets into identifying what changes occurred in connection with any assumptions, policies and objectives that conform the basis of the Master Plan that was adopted in 2003. Mr. Nelson said we are now looking at what has happened since 2003. Mr. Nelson said he divided that section into non-local changes and local changes. Mr. Nelson explained what was in these two sections. Mr. Nelson said the Highlands Regional Master Plan, that is something new since 2003. Mr. Nelson said we have the State Plan and cross acceptance process that probably started in 2003 but hasn't been completed. Mr. Nelson said part of that process involves Plan Endorsement; we are going to participate in that process. Mr. Nelson said we are supposed to go through a visioning process that will either revise or confirm the vision for the Municipality as identified in the 2003 Master Plan. Mr. Nelson said he prepared a revised vision statement, which had been distributed at the last meeting. Mr. Nelson said those two items are probably two of the three biggest new issues that have come across our desks since 2003. Mr. Nelson said the third big issue is the whole situation with COAH. Mr. Nelson continued going down the list in the non-local section A.

Mr. Nelson referred to item #9 on page 13, the economic downturn and its long term effects. Mr. Nelson said he thinks this is something we will be dealing with for awhile and it will have an impact on the rate of development in the Borough. Mr. Nelson referred to his report item #10 page 13, McMansions/Teardowns. Mr. Nelson

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explained this process. Mr. Nelson said he put this in (the report) as something to be aware of.

Mr. Nelson referred to the section B. Local Changes. Mr. Nelson said item#1 identifies the Main Street Revitalization Strategy; this was mentioned in sections 2 and 3 and now in section 4. Mr. Nelson referred to item #2 the Zoning Board Recommendations. Mr. Nelson said they came up with several issues for the Planning Board to address. Mr. Nelson said he noticed as a trend with some Zoning Board applications that you have a number of commercial establishments that ended up having to go for a use "D" variance approval not because the use wasn't permitted in the zone but because the drive thru facility did not meet the acreage requirement associated with a commercial establishment. Mr. Nelson said this is something that needs to be addressed in the land use regulations.

Mr. Nelson said another issue that came up in a Board of Adjustment meeting in connection with an application is an auto repair facility not permitted in the Industrial Zone. Mr. Nelson said there are also a number of zoning map and/or land development related issues that have come up since the 2003 Master Plan. Mr. Nelson explained some of these issues.

Mr. Nelson said Historic Preservation has become an important issue not only in the Borough but State wide. Mr. Nelson said the last two items you are familiar with the Quarry Zone expansion and the Zone expansion of the Munsonhurst District litigation and settlement agreement. Those two items are significant in terms of changes that have occurred since 2003.

Mr. Kilduff handed out to the Board a list of properties that we may want to look at with zoning changes. Mr. Kilduff went through the list and explained each property. There was a discussion about the properties.

Mr. Lermond asked is the next step at the next meeting you would start to give us a proposal. Mr. Lermond said you have an outline as to how section five would be structured, would there be a draft of five like you've done of (section) four. Mr. Nelson said that would be the intent to get some material to you ahead of time.

Mr. Nelson said they are trying to do a lot of things simultaneously, the re-examination report, the Highlands Plan Conformance and the State Plan Endorsement. Mr. Nelson said he is hoping that a lot of the material in the re-

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examination report can be used in connection with Plan Conformance and Plan Endorsement.

Mr. Nelson said the DOT Route 23 Corridor Study, we intend to incorporate into the re-examination report and we should have that so we could discuss this at one of the June meetings. Mr. Kilduff said he exchanged emails with David Cox from Urban Engineering and he expects to get a draft if this shortly. Mr. Kilduff said this would become an addendum or a new element.

Mr. Nelson said he can start on section five when he has enough for you (the Board) to review he will get that to you. Mr. Lermond asked the Board if there was any discussion, in the non-local and local section.

Mayor Crowley said he knows that McMansion/Teardowns have been a problem in other towns. Mayor Crowley said when they tear down the smaller building the larger building can't be made unless it fits into the zoning. Mr. Nelson said we need to take a look at our setback requirements in all our residential zones. There was a discussion on McMansions and setbacks.

Mayor Crowley said the Munsonhurst District when that was changed for the settlement the Beazer people still have a project with the adult community. Mayor Crowley said as far as he can see the Hovnanian people have pulled out completed, yet the area where the Hovnanian people were going to build is now part of the MAAH. Mr. Kilduff said the MAAH zone is two of the three lots that Beazer owned. Mr. Kilduff said the third lot was planned for open space.

Mr. Kilduff said the NC zone is six lots along the 517 corridor, several are already developed commercially or maybe there is an approval on the property or some potential for redevelopment. Mr. Nelson said it is his understanding that the Beazer people have to accomplish certain things in a certain period of time otherwise the settlement is void. Mr. Kilduff said there is a seven year lock on the settlement, the zoning and the Master Plan can't be changed for seven years. Mr. Nelson asked if this should be mentioned in section five or at least go on record that this isn't something that necessarily can't be changed in the future. There was a discussion on the settlement and the age restricted zone.

Mayor Crowley said we should look at the drive thru on the Zoning Board recommendations. Mayor Crowley said the trend is now for drive thru's with just

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about everything and if you talk to the people who are in that business like McDonald's they do most of the business through the drive thru. Mayor Crowley said at one point White Castle was looking to come into town; they do most of their business through drive thru so when these regulations were made they put restrictions on it to keep control of drive thru. Mayor Crowley said it has become a burden on the commercial investors because rather than going to the Zoning Board we should have a more practical ordinance in there for the drive thru's. Mr. Kilduff said that relates specifically to the minimum lot size for the HC Zone. Mr. Kilduff said drive thru's are a conditional use and that means you must meet every condition of the conditional use requirements in order to be in front of the Planning Board. Mr. Kilduff said if there is any condition you can't meet then you are in front of the Zoning Board.

Mr. Christiano asked Mr. Nelson, if allowing two family homes would that be building a new two family or converting an existing house into two family. Mr. Nelson said that is something that should be discussed but right now no zone allows new construction of a two family house. Mr. Nelson said he thinks he needs to write up a memo on this issue and give you some options and discuss that as part of section five. There was a discussion on two family houses.

Mr. Lermond said under local, he was thinking about the allowable buffers between adjoining zones. Mr. Nelson said that was an issue with Group 5 and the buffer with the school. Mr. Nelson said he would add that under item #3 Zoning Map and/or Land development regulation issues.

Mr. Lermond referred to item #7, Smart Growth/ Green Buildings. Mr. Lermond said back in January or February you had talked to us about forum based code and you didn't know if it applied. Mr. Nelson said he should make some reference on forum based code. Mr. Nelson said he believes that there is something now in the Municipal Land Use Law about form based code.

Mr. Nelson said he suggests on putting off a discussion on the vision statement for when we have a full Board and we probably should get some input from the Plan Endorsement Committee on the vision statement. Mr. Lermond said he had one question about the vision statement. Mr. Lermond asked why did you pick the year 2030. Mr. Nelson said the State Plan or the Office of Smart Growth is telling you to look 20 years into the future.

CORRESPONDENCE:

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Mr. Kilduff referred to the letter in the Boards packets dated March 26, 2009, Re: 2009 Plan conformance Grant.

Mr. Kilduff said we did get the grant; we executed the grant agreement and returned it to the Highlands.

OPEN PUBLIC SESSION:

Mr. Suckey made a motion to Open to the Public. Seconded by Mayor Crowley. All were in favor.

Joann Tatka, 151 Maple (Road), Franklin, stepped forward. Ms. Tatka is concerned about the signs that were put up for the Girl Scout garage sale; she was told they were illegal. Ms. Tatka told the Board about a conversation she had with the zoning officer concerning the signs. There was a discussion about the sign ordinance. Ms. Tatka is concerned about what signs she should use in the future for the garage sale.

Mr. Suckey made a motion to Close to the Public. Seconded by Mayor Crowley. All were in favor.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 9:16 PM on a motion by Mr. Oleksy. Seconded by Mr.Christiano. All were in favor.

Respectfully Submitted,

Robin Hough
Secretary