

Franklin Borough Planning Board
Meeting Minutes for
October 19, 2009

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

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

ROLL CALL OF MEMBERS PRESENT: Mr. Lermond, Mr. Zschack,
Mr. Oleksy, Mayor Crowley,
Mr. Maugeri, Mr. Cholminski

ABSENT: Mr. Christiano, Mr. Suckey (arrived at 7:36)

ALSO PRESENT: Mr. David Brady, Esq.
Mr. Thomas G. Knutelsky, P.E.
Mr. Ken Nelson, P.P.
Mr. James Kilduff, Director

APPROVAL OF MINUTES:

Mr. Zschack made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for September 21, 2009**. Seconded by Mr. Lermond.

Upon Roll Call Vote:

AYES: Lermond, Zschack, Oleksy, Crowley, Maugeri

NAYS: None ABSTENTIONS: Cholminski

(Motion Approved)

Mr. Maugeri said, on page two at the bottom of the page, there is a missing period.

Mr. Lermond made a motion to approve with the correction to the **Franklin Borough Planning Board Workshop Meeting Minutes for September 29, 2009**.

Seconded by Mr. Zschack.

Mr. Suckey joined the meeting at 7:36.

Upon Roll Call Vote:

AYES: Lermond, Zschack, Crowley, Maugeri

NAYS: None ABSTENTIONS: None

(Motion Approved)

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APPROVAL OF RESOLUTIONS:

There were no resolutions to approve.

APPLICATIONS FOR COMPLETENESS:

There were no applications for completeness.

ADJOURNED CASES:

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

Mr. Jerome Vogel, attorney for the applicant, said, for this evening's meeting we have a Continental Placer, Hydrogeologic expert. Mr. Vogel said you received from his office on September 8 the Continental Placer Hydrogeologic Assessment of the Quarry, which is a part of your file.

Mr. Vogel said last time the Board inquired about the notice to property owners within 500 feet. Mr. Vogel said he would like to provide you a copy of the letter which was sent to the property owners within 500 feet and a list of those property owners whom we forwarded those notices. Mr. Vogel said you will note that some of the notices went to Franklin, Lafayette, Sparta and Ogdensburg. Mr. Vogel said he would like to mark the letter and the list as an exhibit. Mr. Brady said this will be A-2. Mr. Brady said for the record it is a copy of the notice that was given to the adjacent property owners within 500 feet. Mr. Vogel handed out copies of the letter and the list. Mr. Brady asked how the list of (residents for) Franklin, Ogdensburg, and Sparta that are attached to the last three pages of A-2, were obtained. Mr. Vogel said they were obtained part from the certified list from Franklin and then we did a map. Mr. Vogel said we did not get a certified list from the other two municipalities.

Mr. Vogel said he provided to the Board copies of the report Continental Placer dated September 2, 2009 signed by Mr. William Miller III. Mr. Vogel asked that the report be marked. Mr. Brady said for the record this is a report (A-3) from Continental Placer dated September 2, 2009 addressed to Scott Braen.

William J. Miller a senior hydrogeologist for Continental Placer was sworn in. Mr. Vogel asked Mr. Miller if he prepared the report dated September 2, 2009. Mr. Miller said yes.

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Mr. Miller said his opinion was that because of the geologic nature for the material underneath the bog there would be no detrimental impact to the bog. Mr. Miller said we came about that conclusion by drilling holes and looking at the information that Braen had also done. Mr. Miller said we had two monitoring wells, one shallow and the other deep in the bedrock materials. Mr. Miller said we drilled 40 feet from the top of the rock and there was 10 feet of sandy material then it was clay and gravel. Mr. Miller said not gravel you can flow through but gravel mixed with clay. Mr. Miller said you had 30 feet of that then it was rock and the rock was all limestone. Mr. Miller said the top 30 feet was not very competent; we actually drilled a whole down 300 feet deep. Mr. Miller said we chased all the way down 130 feet then we left an open bedrock hole below that. Mr. Miller said these two wells were surveyed so we could establish elevation of the ground water. Mr. Miller said we also surveyed in the elevations of measuring points, Wildcat Bog, Mud Pond and the Quarry recycle pond. Mr. Miller showed on the map where the two wells are. Mr. Miller explained the difference in ground water elevations. Mr. Miller said the water level in the bedrock has been consistent at 660 feet above sea level. Mr. Miller explained the water levels. Mr. Miller said based on no impacts to water levels in the monitoring wells we have out there and the significant thickness approximately 30 feet of clay material underneath the bog, his opinion is that additional pumping isn't going to impact the bog.

Mr. Knutelsky asked about the pedometers that were installed; you have a shallow pedometer installed 30 feet deep and another one that was installed 300 feet deep. Mr. Miller said the shallow one was screened 30 to 40 feet right above the top of bedrock. Mr. Knutelsky said your testimony is that there were different water levels readings in both of those wells. Mr. Miller said yes. Mr. Knutelsky said in your opinion then there is continuity between the water system from the Wildcat Bog versus what is present on the ground in the quarry area. Mr. Knutelsky asked if they were connected what would you see. Mr. Miller said the water levels would be a lot closer in terms of elevation. Mr. Knutelsky said right now they are 20 feet apart. Mr. Miller said right 15 to 20 feet apart he believes it is now. Mr. Knutelsky said you would consider the Wild Cat Bog to be perched. Mr. Miller said exactly. Mr. Miller said clay material is very hard for water to move through.

Mr. Knutelsky said the cross section that you are indicating in your report figure #2; it is showing the Wildcat Bog area, perched area as well as the limestone and quarry operation. Mr. Knutelsky said from the report he can sense there is a thick layer of

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clay and nothing is getting through that. Mr. Knutelsky asked is there a way that clay comes unsettled due to blasting operation or operations of the quarry. Mr. Miller said the design and monitor for blasting so that if you are 500 feet away from the blast there isn't going to be any kind of damage. Mr. Lermond asked how far away are you? Mr. Tessier said at the end of the site plan the grade starts 150 feet from the wetlands which is about 150 feet from the edge of the bog.

Mr. Nelson said he understands the quarrying area and Wildcat Bog are not connected but the Mud pond and the Bog are. Mr. Miller said he doesn't think there is a direct flow path between those two. Mr. Tessier explained the surface drainage.

Mr. Lermond made a motion to open to the public application **PB-12-08-1 Braen Aggregates, Preliminary and Final Site Plan/Restoration Plan, Block 64 Lots 53, 56, 49.01 and 49.04.** Seconded by Mr. Oleksy. All were in favor.

No one from the public stepped forward.

Mr. Zschack made a motion to close to the public application **PB-12-08-1 Braen Aggregates, Preliminary and Final Site Plan/Restoration Plan, Block 64 Lot 53, 56, 49.04 and 49.04.** Seconded by Mr. Lermond. All were in favor.

APPLICATIONS TO BE HEARD:

PB-08-09-1 MD-3 LLC. Amended Preliminary and Final Site Plan, Block 28 Lots 4 & 11.

Mr. Laurence J. Rappaport, attorney for the applicant, explained the application. Mr. Brady said the notice was reviewed by his office and found to be in order.

Laurence Bozik, P.E., was sworn in at this time. Mr. Brady marked exhibit A-1. Mr. Bozik said this is a colorized version of sheet 3 of 6 in the site plan package submitted to the Planning Board, Title: plot plan lots 4 and 11 Block 28 prepared for MD-3 LLC latest revised date June 30, 2009. Mr. Bozik explained this plan was approved by the DEP and explained what they had to do to get approved by the DEP.

Mr. Bozik said he would comply with all Mr. Knutelsky's comments. Mr. Knutelsky said two things to point out from the originally approved plan, looking at their

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exhibit, this light line below the parking lot is the wetlands buffer. Mr. Knutelsky said the original parking extended into that area as part of the DEP process; it was going to be difficult to permit to that. Mr. Knutelsky said instead of permitting for that, we added parking along the main route and further towards Mitchell Ave we removed more pavement from the site and enclosed the parking. Mr. Knutelsky said, so now the loading area and the general parking area are disconnected into the grass (with future landscaping pending Mr. Nelson's review.

Mr. Knutelsky referred to his report dated October 13, 2009, section B. item #3, the inlet located at the southeasterly corner of the building will conflict with the proposed curbing. Mr. Bosik said he would take care of it. Mr. Knutelsky said item #4; a new handicap sign should be added. Mr. Knutelsky referred to item #5 painted stop sign and stop bar are needed. Mr. Knutelsky said #6 is a construction detail for proposed bollards that would be provided on the plans. Mr. Knutelsky said item #7; all permits will be applied for and approved including the soil erosion permit. Mr. Knutelsky referred to item #8; he is recommending that the Board Planner work with the applicant to ensure the necessary landscaping is provided.

Mr. Knutelsky asked when will the work be started on this project. Mr. Rappaport said he will talk to Mr. Diamond tomorrow. There was a discussion on the time frame of this project. Mr. Knutelsky said by the next Board meeting November 16 will we have some indication in correspondence fashion; he would recommend the Board ask for that. Mr. Cholminski said appearance isn't necessary but we would like correspondence.

Mr. Rappaport referred to the vacant lot with the parking lot on it; we gave 20 parking spaces the last time by easement. Mr. Rappaport said he believes the town would prefer to see less parking on that easement and bring it down to 17 that will require a corrected easement to be filed which he will provide to the town so we can take back the three spaces. Mr. Rappaport said since Mr. Diamond owns both sides it won't be difficult to do it because he is revoking a portion of the right.

Mr. Lermond made a motion to open to the public application **PB-08-09-1 MD-3 LLC, Amended Preliminary and Final Site Plan, Block 28 Lots 4 & 11**. Seconded by Mayor Crowley. All were in favor.

No one from the public stepped forward.

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Mr. Zschack made a motion to close to the public application **PB-08-09-1 MD-3 LLC, Amended Preliminary and Final Site Plan, Block 28 Lots 4 & 11**. Seconded by Mr. Oleksy. All were in favor.

The Board had a discussion on the buffering. Mr. Cholminski said what we need is a motion to approve the application PB-08-09-1 and that would include the October 13, 2009 Harold Pellow associates report; the applicant will and has agreed to comply with section B, items, 3, 4, 5, 6, 7 and 8 and eight was to include buffering with the north east corner. Mr. Brady said all conditions will apply from the prior approval.

Mr. Lermond made a motion to approve application **PB-08-09-1 MD-3 Amended Preliminary and Final Site Plan, Block 28 Lots 4 & 11**. Seconded by Mr. Oleksy.

Upon Roll Call Vote:

AYES: Lermond, Zschack, Oleksy, Suckey, Crowley, Maugeri, Cholminski

NAYS: None ABSTENTIONS: None

(Motion Approved)

OTHER BUSINESS:

PAYMENT OF BILLS:

Mr. Oleksy made a motion to approve the **Franklin Borough Planning Board Escrow Report for October 19, 2009**. Seconded by Mr. Lermond.

Upon Roll Call Vote:

AYES: Lermond, Oleksy, Suckey, Maugeri, Cholminski

NAYS: None ABSTENTIONS: Zschack, Crowley

(Motion Approved)

DISCUSSION:

Visioning

Mr. Kilduff said we will discuss this in more detail at the public hearing. Mr. Kilduff said we will be asking the Office of Smart Growth to waive the requirement they have for visioning within the Plan Endorsement process. Mr. Kilduff said we are basing that on our Vision Planning; we did our Master Plan in 2003, and we put this on the agenda numerous times during the course of the Reexamination process. Mr.

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Kilduff said we went through a very extensive public process in our Transportation Vision Plan. Mr. Kilduff said in November of 2006 we had a public kick off meeting; we had stake holder interviews March 1, 2007. Mr. Kilduff said we had a stake holders meeting August 8 and a Planning Board Workshop, another public meeting to discuss all of our vision plans for the corridor and Franklin Borough.

Mr. Nelson said the 2003 vision statement is a relatively brief one; what we did in the Master Plan Reexamination report is a new Vision Statement which builds on the one from the 2003 plan but it is a little more expansive and detailed. Mr. Nelson said that is in the section of the reexamination report that includes Master Plan Amendments. Mr. Nelson said this is actually an amendment to the Master Plan. Mr. Nelson said this focus on the fact that growth will continue in the Rte 23 Corridor, the intent is for it to be more of a mixed use type of growth with some residential. Mr. Nelson said the vision statement clarifies that Main Street and the Main Street area is still a priority of the Borough in terms of encouraging more growth area and revitalizing that part of town.

There was a discussion by the board on age restricted housing and an article entitled: New Law Authorizes Conversion of Age Restricted Housing, Genova, Burns and Vernoia.

Mr. Nelson said we have a public hearing Wednesday night regarding the reexamination report and amendments to the Master Plan that are included in the reexamination report. Mr. Nelson said, on Wednesday the Board can adopt this, defer adoption or, if there is going to be any changes, then it will require another hearing and additional notification. Mr. Nelson said if there are just minor changes then that will become a judgment call. Mr. Brady said it will be a judgment call if there are minor adjustments; his sense is you can go ahead and do that. Mr. Brady said it can't be something with substantive change since the public hasn't had an opportunity to see the document. Mr. Maugeri said what was in our packet was what the public got. Mr. Kilduff said it is available to the public. Mr. Kilduff said it was also sent to the County Planning Board. Mr. Nelson said he would give a presentation to the audience and go through the section of the report. Mr. Maugeri asked about the notification. Mr. Kilduff said we had to notice the adjacent municipalities; County Planning Board had to receive a copy of the document. Mr. Maugeri asked about the publication to the New Jersey Herald.

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Mr. Lermond asked if there is a vote on the whole reexamination report and you are in an area that could be noticed by some of these properties is that an abstain. Mr. Brady said generally he would say no because it is a reexamination report. Mr. Brady said he would let him know.

CORRESPONDENCE:

OPEN PUBLIC SESSION:

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

No one from the public stepped forward.

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

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 8:51PM on a motion by Mr. Lermond. Seconded by Mr. Suckey. All were in favor.

Respectfully Submitted,

Robin Hough
Secretary