

Franklin Borough Planning Board
Meeting Minutes for
February 17, 2009

The meeting was called to order at 7:30 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. Zschack,
Mr. Oleksy, Mr. Suckey, Mayor Crowley,
Mr. Maugeri,

ABSENT: Mr. Cholminski

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 Reorganization Meeting Minutes for January 20, 2009**. Seconded by Mr. Christiano.

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: None

(Motion Approved)

Mr. Zschack made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for January 20, 2009**. Seconded by Mr. Oleksy.

Mr. Maugeri had a correction to page one of the minutes. There was a discussion. After the discussion Mr. Lermond said no **under** then **now** and then open quotes "**therefore be resolved**".

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: None

(Motion Approved)

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APPROVAL OF RESOLUTIONS:

There were no resolutions to approve.

APPLICATIONS FOR COMPLETENESS:

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

Mr. Tessier, planner from Dykstra Associates was present.

Mr. Knutelsky referred to his report dated February 9, 2009. Mr. Knutelsky said section B, item#1 the following items are found incomplete. Mr. Knutelsky referred to checklist item #13. Mr. Knutelsky said he believes the plans are sufficient for this application and recommends a waiver be granted. Mr. Knutelsky said checklist item#17a, the key map at a scale of not less then one inch is equal to four hundred feet. Mr. Knutelsky said the applicant provided a key map with a scale of one inch is equal to six hundred feet and he feels that is adequate for this application. Mr. Knutelsky said he recommends a waiver be granted.

Mr. Knutelsky referred to checklist item#18, existing and proposed contours at specific intervals. Mr. Knutelsky said the applicant did request a waiver of this checklist item. Mr. Knutelsky said he recommends a waiver for display of existing contours only be granted at this time due to the fact that the checklist item was meant in all cases except for one specific spot nearest to lot 61.05. Mr. Knutelsky said the waiver request for showing proposed contours and reasoning for that should be discussed with the Board by the applicant. Mr. Knutelsky said he asked Mr. Tessier to give reasons why those proposed contours could not be shown.

Mr. Knutelsky said the question is in regards to the depth of the ponds. Mr. Tessier said the applicant knows he has at least 200 feet of good material and they requested to come to the Board to explain what they want to do. Mr. Tessier said they don't want to set some final depth when they don't know how deep the good quality white limestone goes. Mr. Tessier said that should be a discussion between the owner and the Board. Mr. Knutelsky said you will be providing testimony as to the depth of the ponds and how much material could possibly be taken out. Mr.

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Knutelsky said his overall comment is he wants to know how deep those ponds are when they ultimately are finished with them. Mr. Knutelsky said he thought contours would show up, but testimony on the matter might be adequate. Mr. Knutelsky said if the Board would agree, a temporary waiver for completeness only with the information we are talking about in terms of depth and future grading be required on the final site plan. Mr. Knutelsky said the applicant is going to have to provide revised maps in the future to meet the conditions of the Quarry Zone and all of the requirements that we have as part of the Quarry Zone. Mr. Knutelsky said maybe this is something that we wait during testimony and we see what the applicant has to offer us. Mr. Knutelsky said he recommends a temporary waiver for completeness only with the information provided during the course of the application. There was a discussion on this.

Mr. Knutelsky referred to checklist item#19, regards to a grading plan. Mr. Knutelsky said a waiver is appropriate for plan scales only and at the provisions for proposed grading elevations should be discussed with the Board. Mr. Knutelsky said a temporary waiver for completeness only but that potential for proposed grading and elevation would be shown on the final plans and during testimony.

Mr. Knutelsky referred to checklist item#26, tree saved plan. Mr. Knutelsky said the applicant did indicate that a tree save plan will be submitted separately but we didn't receive that tree save plan yet. Mr. Tessier said he has a draft done; he can have that prepared ten days before any hearing. There was a discussion on the tree save plan Mr. Knutelsky said he recommends a temporary waiver with that information to be provided 14 days before the meeting.

Mr. Knutelsky referred to checklist item#38, in regards to the environmental impact statement. Mr. Knutelsky said the applicant did submit an environmental impact statement which he found to be incomplete. Mr. Knutelsky said the applicant intends on providing greater hydrogeologic detail as to the effects of the quarry operation on the Wildcat Bog due to quarrying and watering operations. Mr. Knutelsky said he recommends a temporary waiver for completeness. There was a discussion on the hydrogeologic details and testing. Mr. Knutelsky said a temporary waiver for completeness with the information provided during testimony, then the applicant can be found complete and go on with the application. Mr. Knutelsky said the applicant would have to bring expert testimony on this matter in order for the Board to make a decision. Mr. Knutelsky said the other idea would be to have this

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be a condition of approval, make the applicant come back in a certain time period when the testing is over with and the analysis is done.

Mr. Knutelsky referred to checklist items #43 through 47, final site plan requirements. Mr. Knutelsky said he recommends that the waivers be granted for those items with the applicable information provided as condition of approval.

Mr. Knutelsky said in summary we are recommending full waivers for checklist items #13, 17a, 43, 44, 45, 46 and 47. Mr. Knutelsky said we are recommending temporary waivers for completeness only for checklist items #18, 19, 26 and 38. Mr. Knutelsky said item #26; the tree save plan will be provided to the Board 14 days prior to the public hearing and checklist item #38 the Board is expecting the applicant to have expert testimony on the matter during the public hearings. Mr. Knutelsky said with those waivers and temporary waivers we recommend the application to be deemed complete. Mr. Knutelsky said there are a couple of items in section two that we asked the applicant to provide information for and there will be a full technical report on this matter.

Mr. Maugeri made a motion to deem complete application **PB-12-08-1 Braen Aggregates, Preliminary and Final Site Plan/Restoration Plan, Block 64 Lots 53, 56, 49.01 and 49.04** with the waiver of checklist items#13 as delineated in Harold E. Pellow's report dated February 9, 2009, and a waiver for checklist item#17a. Mr. Maugeri said a temporary waiver on checklist item#18, 19, 26, with a notation that the tree save plan be presented to the professionals 14 days prior to the hearing, temporary waiver on checklist item#38 with a notation that expert testimony is needed. Mr. Maugeri said a waiver for checklist items# 43, 44, 45, 46 and 47. Mr. Maugeri said also item #2 of the same memo, the applicant be prepared to discuss item number 2, a, b and c. Seconded by Mayor Crowley.

Upon Roll Call Vote:

AYES: Christiano, Oleksy, Suckey, Crowley, Maugeri, Lermond

NAYS: None ABSTENTIONS: Zschack

(Motion Approved)

ADJOURNED CASES:

APPLICATIONS TO BE HEARD:

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

Mr. Mark Solomon, attorney for the applicant, stepped forward. Mr. Solomon is from the firm Pepper Hamilton LLP.

Mr. Solomon said one variance that is needed for this application is minimum lot width. Mr. Solomon said the ordinance required 250 feet, there is 174 provided, and 194 had previously been approved by the Board. Mr. Solomon said there is also a variance with parking. Mr. Solomon said the ordinance requires 5 per 1,000 which would result in 502 spaces. Mr. Solomon said there are 496 existing, of that 496 an additional 7 that are taken up, 3 cart corrals that have not been previously approved and 4 by clothing bins. Mr. Solomon said we are going to ask to remove the clothing bins to maintain the cart corrals, so that would be 493 proposed, 502 required.

Mr. John Speer, from Langan Engineering, was sworn in at this time. Mr. Speer said he is a professional engineer in the State of New Jersey.

Mr. Solomon gave a history and background of the Wal-Mart applications. Mr. Solomon said the original size was about 146,000, then reduced to 99,951, it turns out that the store as constructed is 285 square feet larger than the 99,951. Mr. Solomon said the existing store is 100,236 square feet, a difference of 285 square feet. Mr. Solomon said that has resulted in a very small change in the parking requirement. Mr. Solomon said there was also a relocation or creation of handicap spaces which also changed the parking numbers.

Mr. Knutelsky referred to his report dated February 12, 2009, section B. Mr. Knutelsky said starting with item #1, provide a history of the multiple approvals. Mr. Knutelsky said he believes the applicant has done that. Mr. Knutelsky referred to item #2; the applicant should provide testimony on the discrepancies encountered between the site plan submitted. Mr. Knutelsky said there is a parking discrepancy and building area discrepancy. Mr. Knutelsky said areas that you provided does that include the garden center, the total square footage that you gave the additional 285 that was inclusive of the garden center. Mr. Speer said he believes that is correct.

Mr. Knutelsky referred to item #3, in regards to the parking. Mr. Knutelsky said Mr. Solomon indicated 502 spaces are required, 496 are on site. Mr. Knutelsky said he

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heard the number is going to be 493, that is the total parking stalls that are going to be provided on site. Mr. Speer said that is correct. Mr. Knutelsky said that is a total deficiency of nine stalls.

Mr. Knutelsky referred to item #4; he asked the Board Attorney's opinion on the matter for re-issuance of variance approvals, basically for minimum lot width at the setback. Mr. Brady said the Board has a memorandum that he wrote that addresses that issue and since the time of decision rule is generally what applies in New Jersey and since the time of this decision to give final approval there is no such requirement. Mr. Brady said so in his opinion we do not need a variance for that any longer.

Mr. Knutelsky said item #5, is a similar question to the Board attorney, he believes the 500 foot originally required 194 feet approved, 174 currently existing, 250 currently required for minimum lot width at the street. Mr. Knutelsky said the variance condition is the 174 feet currently existing and the 250 feet currently proposed; we can disregard the first two numbers. Mr. Brady said again referring to his memo, it is 76 feet short so the 250 foot minimum is currently effective.

Mr. Knutelsky referred to item #6, the four shopping cart corrals shown on the plans. Mr. Knutelsky said 7 were observed on the site, since each corral is one parking stall that is were the additional three parking stalls would come from that are going to be required in the variance. Mr. Knutelsky asked if those three corrals would be removed from the site or do you want to include them as part of the operation of the site. Mr. Solomon said when they get to the testimony they will request they be maintained. Mr. Knutelsky said that would be a total of seven corrals on the site. Mr. Solomon said that is correct.

Mr. Knutelsky referred to item #7, in regards to the clothing bins. Mr. Knutelsky said they noted that there are four parking stalls in the southwesterly corner of the parking lot which have clothing bins occupying them. Mr. Knutelsky said he is looking for these to be re-located to get uses of the parking stalls or the bins should be removed from the site. Mr. Knutelsky said there was a new regulation passed by the Borough regulating usage of those bins. Mr. Knutelsky asked for the applicant to provide information on that.

Ms. Kellilyn Auryansen, store manager of Franklin Wal-Mart, was sworn in at this time. Ms. Auryansen said she has been the store manager since November of 2007.

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Ms. Auryansen said she doesn't have a problem removing the bins. Ms. Auryansen explained why Wal-Mart had the bins. Mr. Knutelsky said from his inspection of the site they are occupying parking stalls that might be required on the site. Mr. Knutelsky said can they be removed from the parking field and put somewhere else on site. There was a discussion on the clothing bins. Mr. Brady said for purposes of the variance, they are going to be taken out of the parking spaces. Ms. Auryansen said correct. Mr. Brady said what Wal-Mart decides to do going forward is up to Wal-Mart and the ordinance. Mr. Solomon asked Ms. Auryansen how much time would you need to remove them from parking spaces. Ms. Auryansen said 30 days. Mr. Solomon asked are you sure you can do it in 30 days. Ms. Auryansen said maybe 60 days. Mr. Solomon said 60 days to remove them and maybe we can also have a conversation with Mr. Knutelsky as to where they might go. There was a discussion on the removal of the bins.

Mr. Christiano said along the back side of the building where the garden center is, in the summer time you have pallets back there of limestone, mulch, things like that. Mr. Christiano asked are they taking up any parking spaces when they are there. Ms. Auryansen said they have in the past, this year they should not.

Mr. Knutelsky referred to item #8, the large dumpster. Mr. Knutelsky said it looks like it is filled with debris in the northeasterly corner by the garden center. Mr. Knutelsky said the dumpster occupies about six parking stalls; we are asking that to be relocated to a permanent location or removed from the site. Mr. Knutelsky asked if it was a temporary dumpster. Ms. Auryansen said yes. Mr. Knutelsky asked if it was a one time thing. Ms. Auryansen said it is like a one time thing. Mr. Solomon asked when do you expect that to be removed. Ms. Auryansen said within 30 days.

Mr. Knutelsky referred to item #9, condition #59 in the December 21, 1991 resolution concerning the use of the garden center. Mr. Knutelsky said the garden center was not supposed to be used for storage or warehousing. During his site visit he thinks that is what it is being used for right now. Ms. Auryansen said it is for garden center merchandise that is coming in right now. Mr. Knutelsky said it is only for the garden center and not for the storage of any other items for the store. Ms. Auryansen said no. There was a discussion of the use of the garden center. Mr. Solomon said condition #59 would require revision consistent with the testimony we would ask if the Board agrees to clean that up. Mr. Knutelsky said he believes it sounds like they are consistent with that condition, so he doesn't think that is an issue.

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Mr. Knutelsky referred to item #10, condition #71 of the December 21, 1991 resolution concerning delivery truck traffic. Mr. Knutelsky said delivery truck traffic wasn't supposed to take place during operating hours. Mr. Knutelsky said he has been there a couple of times and there have been trucks coming in during the middle of the day for deliveries. Ms. Auryansen explained the Wal-Mart truck deliveries. Mr. Solomon said what that condition said was delivery of truck traffic to and from the site shall be to the greatest practical extent. Mr. Solomon asked Ms. Auryansen what are the hours of the store. Ms. Auryansen said 7AM to 10 PM. Mr. Solomon said to comply we have to take those deliveries between 10PM and 7AM in the morning. Mr. Solomon asked if that would be a business hardship and difficult to schedule. Ms. Auryansen said yes. Mr. Solomon said he is asking to change that condition because there is not a lot of truck traffic; it is two trucks a day. Mr. Solomon said it would be difficult to move those between the hours of 10PM and 7AM. Mr. Maugeri asked Mr. Knutelsky what was the conditions of the specifics of condition#71. Mr. Knutelsky read the condition, "delivery truck traffic to and from the site shall be to the greatest practicable extent regulated to the hours to which the store is closed to customers" but then it goes, "however, this condition shall not be construed to mean that occasional deliveries during store hours as may be necessary are prohibited." Mr. Maugeri said in general sense they are complying. Mr. Knutelsky said there is an occasional delivery during store hours; the only deliveries are the occasional one during store hours. Mr. Knutelsky said he doesn't know if we are complying or not. Mr. Brady said he takes it the Board has no difficulty with what is going on there now; it looks like two trucks a day for the most part, arriving later in the afternoon. Mr. Lermond asked if the vendors were delivering in the rear also. Ms. Auryansen said no deliveries are allowed in the front of the building. There was a discussion on the Garden Center deliveries, the truck deliveries and times of the deliveries.

Mr. Knutelsky referred to item#12, in regards to the paved cul-de-sac in the back. Mr. Knutelsky said there is a lot of stuff in there; it looks like the staging for the winter weather. Mr. Knutelsky said there are stock piles of sand and plows. Mr. Knutelsky recommends this area to be cleaned up. There was a discussion on the clean up.

Mr. Knutelsky referred to item#11, to further discuss compliance with condition #7 of the April 21, 1997, resolution concerning final NJDOT approvals. Mr. Knutelsky said all approvals that would have been required for the original approval, soil conservation district, Sussex County Planning Board, if we are going to get this

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cleaned up through the Borough all these other items should be as well or shown that they are addressed. Mr. Speer said we are the third generation of professionals here and he doesn't have any of these original documents. Mr. Speer said they will try every effort to track down the soil conservation district, NJDOT and the Sussex County Planning Board. Mr. Knutelsky said for the Boards knowledge, he did contact a couple of these agencies already. Mr. Knutelsky said the soil conservation district told him already they can't get him the certificate because it is filed away in a trailer somewhere, but it was offered back in 2000, he thinks was the date it was issued.

Mr. Knutelsky said there is a traffic signal out there that is operating and DOT doesn't give their approval on a traffic signal unless they have final approval. Mr. Knutelsky said there is some reason to believe the applicant has provided and gone through the whole process to get their final approvals. Mr. Knutelsky said he thinks that can be something that can be conditioned upon an approval. Mr. Brady said so we have all our records straight, put a condition in that within 90 days have copies of all these various approvals be provided to the Board. Mr. Knutelsky said he thinks copies of the various approvals might be a hardship for the applicant because those records are not available. Mr. Knutelsky said the best effort of the applicant providing us with documentation that they have researched, talked to and discussed this with the agencies involved to try to track down the permits to see if they were issued. Mr. Knutelsky said if he can confirm that as a secondary source then he thinks that would meet the condition. Mr. Brady said something that they have to report in 90 or 120 days back to you the engineer what efforts they undertook and their best explanation to the status of those permits. Mr. Knutelsky said he would feel comfortable with that, I don't know if the applicant would agree to the date or the Board. There was a discussion on this condition.

Mr. Speer referred to Mr. Knutelsky's report items #13c and d, paving. Mr. Speer said they would want to do that when the weather gets warmer as well as planting trees. Mr. Speer said they were thinking the end of May would be a good time frame to take care of all five of those maintenance issues. Mr. Speer said at the end of May shoot to track down the prior approvals. Mr. Brady said make all those conditions until May 31. Mr. Speer said that would be fine. Mr. Brady asked Mr. Speer, you address two things in item #13 from Mr. Knutelsky's report, the other things in #13 will they be done. Mr. Speer said they can be done within a month. Mr. Brady said then the rest by the end of May. Mr. Speer said absolutely. Mr. Brady said 30 days for #13a and b and until the end of May for #13c, d, and e. Mr. Suckey said item #11 for May 31.

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Mr. Knutelsky said he didn't hear anything about the two variances requested. Mr. Lermond questioned storm water management. Mr. Lermond said it seems like a good idea when you are plowing a parking lot and clearing your spaces to actually pick that snow up and put it over into the retention basins which is why the fences need to be fixed. There was a discussion about the retention basins and snow removal.

Mr. Knutelsky asked about the two variances. Mr. Speer said in regards to lot width, he can't offer any testimony. Mr. Speer said he does not know how the 194 feet was calculated. Mr. Speer gave some possible causes. Mr. Speer said what I can tell you is we have 174 feet and we need relief for that; we are not proposing to change lines that would affect that. Mr. Speer said they came in with the minor subdivision for lot 1.06 and that was just to correct an old error. Mr. Speer said he has no answers why that 194 feet got into the original approval. Mr. Solomon said the store was built where it was supposed to be built, correct. Mr. Speer said more or less, it is a little bigger then it was supposed to be. Mr. Speer gave the different setbacks.

Mr. Speer said, in regards to parking, we have 496 stripped stalls, the four stalls that took them from 500 to 496 they are stripped out as part of the handicap parking next to the vestibule, the most westerly set of handicap parking. Mr. Speer explained the ADA requirements for the handicap parking and how they had their original loss of four parking stalls.

Mr. Solomon said, Ms. Auryansen we located some additional cart corrals in the parking lot. Ms. Auryansen said correct. Mr. Solomon asked as a matter of operations is that a good thing. Ms. Auryansen said yes, it reduces car/cart claims and it is easier to get them collected and back in the building. Mr. Solomon said would you rather have the Board approve those additional cart corrals then remove them. Ms. Auryansen said that would be nice. There was a discussion on the cart corrals and parking stalls. Wal-Mart is short nine parking stalls. Mr. Knutelsky asked would the absence of those nine stalls have any effect on the Wal-Mart site as a whole circulation or parking requirements during the normal operating season. Mr. Speer said during the normal operating conditions those nine stalls would have a negligible impact.

Mayor Crowley asked how are we going to address the COAH obligations. Mr. Kilduff asked the Board to consider imposing a condition that would protect the town from

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inheriting COAH obligations as a result from this project. There was a discussion on this topic and the applicant agreed to explore COAH and consult with State officials.

Mr. Speer said he wanted to bring to the Boards attention condition#4 from the February 15, 1993 resolution on page five of his letter discussing those prior site plan approvals. Mr. Speer said it states "A certification from a qualified expert shall be supplied by which the expert attests to the stability and safety of final rock cuts prior to issuance of a Certificate of Occupancy." Mr. Speer said the only rock cuts they see out there right now are near that truck spin area, they are approximately 30 foot high and 40 feet away from the curb line. Mr. Speer said there is no motor vehicle or pedestrian traffic in there. Mr. Speer said the rock cuts have probably existed for the past 10 years safely. Mr. Speer asked if that condition could be lifted. Mr. Knutelsky said from the site inspections conducted by his office we did not notice where rock cuts would have any impact on the site in regards to stability or danger to the general public. Mr. Knutelsky said he believes that condition, by the act of construction on site, has been met without the appropriate certification from a qualified expert. Mr. Knutelsky said the site construction doesn't utilize the rock as part of the site itself. Mr. Knutelsky said he doesn't believe this is an issue that has to be satisfied by the applicant at this point. Mr. Lermond said the applicant is looking for this relief. Mr. Speer said yes.

Mr. Suckey made a motion to open to the public application **PB-10-08-1a Wal-Mart, Amended Preliminary and Final Site Plan, "C" Variances, Block 70 Lots 1.01 and 1.04**. Seconded by Mr. Oleksy. All were in favor.

Mr. Laurence Litwin, attorney for Ronetco Supermarkets stepped forward. Mr. Litwin is concerned about getting documents from Wal-Mart. Mr. Litwin asked as part of this resolution for this site plan, if you (the Board) would have them provide us with the documents so he doesn't have to come back for another extension.

Mr. Oleksy made a motion to close to the public application **PB-10-08-1a Wal-Mart, Amended Preliminary and Final Site Plan, "C" Variances, Block 70 Lots 1.01 and 1.04**. Seconded by Mr. Zschack. All were in favor.

Mr. Brady said it is a private matter between Mr. Litwin's client and Wal-Mart. Mr. Brady referred to Mr. Litwin's letter to the Board. Mr. Brady said he would like us to have a condition in this application relating to that issue. Mr. Brady said he thinks it is improper so he would like Mr. Solomon to tell the Board what is missing. Mr.

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Brady said we are not in a position to grant Mr. Litwin his wish. Mr. Solomon said we appreciate Mr. Litwin's frustration. Mr. Solomon explained where the documents were. Mr. Solomon said he agrees this is a private matter and not one appropriate in a resolution.

Mr. Brady said the applicant is requesting to be carried. Mr. Solomon said yes. Mr. Brady asked carry until the next meeting. Mr. Lermond said the next regular meeting is March 16, it is a Monday.

Mr. Zschack made a motion to carry until the next month meeting application **PB-10-08-1a Wal-Mart, Amended Preliminary and Final Site Plan, "C" Variances, Block 70 Lots 1.01 and 1.04**. Seconded by Mayor Crowley.

Mr. Solomon asked is the sole issue outstanding the COAH issue, that the Board heard testimony on all other issues and is not looking for anything other than something on COAH. Mr. Lermond said he thinks everyone asked all their questions, something might come up.

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: None

(Motion Approved)

The Board took a break at 9:57.

The Board reconvened at 10:05.

PAYMENT OF BILLS:

Mr. Suckey made a motion to approve the **Franklin Borough Planning Board Escrow Report for February 17, 2009**. Seconded by Mr. Oleksy.

Mr. Christiano asked about Courter, Kobert & Cohen. Mr. Kilduff said that is the municipal attorney there were no bills. Mr. Lermond asked about the bill that didn't have a Planning Board number against it, invoice 48452 Bubalo. Mr. Kilduff explained why the escrow was Bubalo-01.

Upon Roll Call Vote:

AYES: Christiano, Oleksy, Suckey, Maugeri, Lermond

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NAYS: None ABSTENTIONS: Zschack, Crowley
(Motion Approved)

OTHER BUSINESS:

Statutorily Mandated Report 2008 Zoning Board Decisions

Mr. Kilduff went over the statutorily Mandated Report. Mr. Kilduff said in the report the first recommendation is to give consideration to establishing a two family residential zone. Mr. Kilduff said the second was to consider a mother daughter provision. There was a discussion on the report.

Mr. Kilduff told the Board that the Borough Council passed an ordinance to amend the sign ordinance that was just passed. Mr. Kilduff said there is a provision in it for a \$15.00 non refundable fee. There was a discussion on the ordinance.

DISCUSSION:

Sewer Service Area

Mr. Knutelsky asked the Board if there were any provisions on the maps that were handed out at the previous meeting. Mr. Zschack said he was confused about the last map and the first map. Mr. Knutelsky went over the two maps and what the colors stand for. Mr. Knutelsky said the third map is what we want to add back in.

Mr. Knutelsky said he has received calls from the DEP requesting the list, if you remember the memo that was provided before the maps that you have, they are looking for that tabled list. Mr. Knutelsky said he hasn't called them back yet; he is waiting for more comments so that everyone is comfortable with it. Mr. Lermond asked how do we give Tom (Mr. Knutelsky) the direction to give this list or does the Board recommend to the Council and the Council gives direction. There was a discussion on this.

Mr. Suckey made a motion to recommend to the Council Map #3 and the list that goes with it for their review. Seconded by Mr. Maugeri.

Upon Roll Call Vote:

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

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NAYS: Christiano ABSTENTIONS: None
(Motion Approved)

Mr. Nelson said in the next few weeks he will be putting together the Master Plan re-examination report, the issues and problems from 2003 to now, how those problems have been addressed or not addressed. Mr. Nelson said at the March meeting we can begin discussion on the re-examination report draft.

Plan Endorsement

Mr. Nelson said Mr. Kilduff is requesting a pre-petition meeting with OSG. Mr. Nelson said after that meeting occurs we will have to do a self assessment report. Mr. Nelson said we are hoping that pieces of the re-examination report can be cut and pasted and become the self assessment report. Mr. Nelson said in connection with the plan endorsement process is the issue of a vision statement. Mr. Nelson said at the meeting last week he had passed out the vision statement that is currently in the 2003 Master Plan plus a document entitled plan endorsement community visioning standards.

Mr. Nelson said there are two possibilities; the Borough might be able to convince the Office of Smart Growth that we already have gone through a visioning process as part of the 2003 Master Plan, and therefore be granted a waiver in terms of going through the visioning process. Mr. Nelson said we are not sure they are going to agree to that. Mr. Nelson said if they decide not to grant us a waiver then we need to go through an elaborate visioning process which in their rules and regulation must include three to five meetings, hearings and the plan endorsement committee is suppose to be coordinating all of this with an extensive public outreach. Mr. Nelson said he wanted to make sure the Board was comfortable with requesting that waiver. Mr. Nelson said we will be discussing this with the Office of Smart Growth. Mr. Kilduff said we did a fairly extensive visioning process for the 2003 Master Plan so if we don't have to repeat the entire process that would be beneficial.

Mr. Kilduff said Mr. Maugeri has suggested to add something about the (Rte) 23 corridor and Mr. Knutelsky made a comment that the current vision statement talks about a destination place for hiking trails. Mr. Kilduff said if anyone else had other comments to let him know. Mr. Kilduff explained what was needed for the pre-petition meeting. There was a discussion about the vision statement.

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CORRESPONDENCE:

Mr. Kilduff explained the Plan Conformance grant and the Planning Assistant Grant.

Mr. Kilduff said he sent a letter to Vince Mazzi and Mr. Knutelsky sent a similar email to him. Mr. Kilduff said Mr. Knutelsky and himself went to Trenton last month to meet with the DEP and the representative from MD-3 LLC. Mr. Kilduff said the meeting was very productive; the applicant can construct a parking lot and satisfy the requirement of their original approval.

OPEN PUBLIC SESSION:

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

No one from the public stepped forward.

Mr. Zschack 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 10:41PM on a motion by Mr. Christiano. Seconded by Mr. Oleksy. All were in favor.

Respectfully Submitted,

Robin Hough
Secretary