

Franklin Borough Planning Board
Meeting Minutes for
July 20, 2009

The meeting was called to order at 7:39 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. Christiano, Mr. Lermond, Mr. Zschack,
Mr. Oleksy, Mayor Crowley,
Mr. Cholminski

ABSENT: Mr. Suckey, Mr. Maugeri

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

APPROVAL OF MINUTES:

Mayor Crowley made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for June 15, 2009**. Seconded by Mr. Christiano.

Upon Roll Call Vote:

AYES: Christiano, Zschack, Oleksy, Crowley, Cholminski

NAYS: None ABSTENTIONS: None

(Motion Approved)

Mr. Cholminski said we have an item on the agenda to approve the Workshop minutes of June 17. Mr. Cholminski said we are going to postpone approval of those minutes until the next meeting.

APPROVAL OF RESOLUTIONS:

There were no resolutions approved.

APPLICATIONS FOR COMPLETENESS:

Mr. Kilduff said in the packets there is a letter from Franklin Village the commercial project requesting to withdraw their application. Mr. Cholminski asked if we need to take formal action. Mr. Kilduff said no. Mr. Cholminski said it withdraws on their own merits. Mr. Kilduff said that application was deemed incomplete two months

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ago they were requested to submit drainage plans. Mr. Kilduff said they didn't do that last month; they asked to carry. Mr. Kilduff said this month they sent a letter requesting to withdraw the application.

Mr. Cholminski said he would like to modify the agenda, pay the bills, correspondence and then move forward with the discussion.

ADJOURNED CASES:

There were no adjourned cases.

APPLICATIONS TO BE HEARD:

There were no applications to be heard.

PAYMENT OF BILLS:

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

Upon Roll Call Vote:

AYES: Christiano, Lermond, Oleksy, Cholminski

NAYS: None ABSTENTIONS: Zschack, Crowley

(Motion Approved)

CORRESPONDENCE:

Mr. Cholminski asked Mr. Kilduff if there was anything in correspondence that he would like to bring to their attention. Mr. Kilduff said it is self explanatory; there was a memo sent to the Council on the sign ordinance. Mr. Kilduff said there is a resolution for the Chairman to sign. Mr. Kilduff said the Board sent the ordinance back to the Council with no comments noting only some suggestions by the engineer and the attorney. Mr. Kilduff said the ordinance has already been passed by the Council.

Mr. Kilduff said there is a letter in the packets requesting a pre-petition meeting with the Office of Smart Growth. Mr. Kilduff said we will be having a meeting at the beginning of next month to discuss pre-petition submissions to the Office of Smart Growth.

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Mr. Kilduff said there is also some correspondence to NJDOT with some comments from Mr. Knutelsky regarding the Group 5 development project. Mr. Kilduff said they have not yet filed a major access permit application but they have had some meeting with DOT. Mr. Kilduff said part of the resolution requires them to be involved with DOT planning for that project. Mr. Lermond asked Mr. Kilduff if he heard anything from that correspondence. Mr. Kilduff said no, the person that he addressed the letter to was away for a month or so.

Mr. Cholminski asked Mr. Kilduff if he was aware of any activity for natural gas lines coming up 517. Mr. Kilduff said Elizabethtown Gas came by the office today with a copy of a plan that they had gotten from Sussex County Soil Conservation. Mr. Kilduff said apparently they are installing six miles of gas pipeline from about 500 feet north of Munsonhurst Road intersection on Rte 23. Mr. Kilduff explained what he new about this project. There was a discussion on the gas lines.

OTHER BUSINESS:

DISCUSSION:

Mr. Nelson said draft 2 of the re-examination report, includes all 5 sections of the report. Mr. Nelson said section 5 is still going to have additional material added to it. Mr. Nelson said sections 1, 2 and 3 he made a number of changes to those sections based on previous discussions with the Board. Mr. Nelson said section 5 of the draft has inserted (in it) the Circulation Plan Summary. Mr. Nelson said in section 5 under subsection D, recommended changes, he listed a number of zone changes. Mr. Nelson said what you have in front of you tonight is that subsection of section 5 with several different properties added; J-N were added after I had some conversation with Mr. Kilduff. Mr. Nelson explained this section of the report.

Mr. Nelson said there was another item distributed tonight that is a brief memo on COAH and the housing plan. Mr. Nelson gave the Board a brief update on the memo.

Mr. Cholminksi asked Mr. Nelson if our main focus tonight was page 22, recommended changes. Mr. Nelson said right. Mr. Cholminski asked Mr. Kilduff who here (in the public) has interest in what (property) since the meeting is not (yet) open to the public. Mr. Kilduff said Mr. Sowden is here for the property on High Street.

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The High Street property is on the revised list item J. Mr. Cholominski said we will take item J first.

Mr. Lermond said in regards to the draft process can we see these with track changes turned on. Mr. Nelson said yes. The Board discusses track changes. Mr. Lermond said one thing he noticed is not in either of these drafts to this point, is buffering. Mr. Lermond said he thought there was a list and he would look for it.

Mr. Nelson said we will start with item J. Mr. Nelson said this was added as a result of a conversation that he had with Mr. Kilduff. Mr. Nelson said it is his understanding that the property owner would like to have the property rezoned from R-3 to B-1. Mr. Nelson explained item J and the location of the property, High Street and Junction. A copy of the tax map was passed around that the zoning officer drew where the zone line was for this property. Mr. Nelson said part of the lot is in the B-1 zone and the remainder is in the R-3 zone. Mr. Nelson said the property owner would like all of it to be in the B-1 Zone. Mr. Nelson said he agrees with the Mayor that because of various constraints associated with that property it is unlikely that it will be developed residentially. Mr. Nelson said this property along with others around Main Street may have some value in the future in connection with the revitalization of Main Street. Mr. Cholminski asked when you say this property are you talking about Borough owned property. Mayor Crowley said it is marked on the tax map as Borough owned property but it's not; it is privately owned. Mr. Nelson said the current owner bought it from the Borough.

Mr. Cholminski said his question is should we in the re-examination report be even considering anything to do with revitalization because if that gets under redevelopment that has a whole set of separate rules, obligations and authority differences. Mr. Nelson said his understanding is in the reexamination report there will be some language about Main Street. Mr. Nelson said we are waiting for Mr. Suckey's and his committee to provide him with some language. Mr. Cholminski said he would like to talk to the revitalization committee because he wouldn't want to do something now that steps on something that he doesn't know about and stop something good that they may be doing.

Mr. Lermond made a motion to **open to the public the discussion on item J**. Seconded by Mr. Zschack. All were in favor.

Item J – Corner of Junction and High Street

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Phil Crabb, 31 Jenkins Road, Franklin, stepped forward. Mr. Cholminski asked are you the owner of this property. Mr. Crabb said he was the co owner. Mr. Crabb passed around a map showing old residences that were once on this property. Mr. Crabb explained the map, gave a history of this property and described the property, the shafts on the property and surrounding properties. Mr. Crabb said they kept the property clear and kept the up keep on it.

Mr. Lermond asked Mr. Crabb your explanation as to why it should be B-1 or something other than R-3 (is) that you think it has some business value. Mr. Crabb said he is not going to suggest that at this point; it is just not going to be a residential track because you are never going to build dwellings there. Mr. Cholminski said you made a good case for R-3 but you didn't make a case at all as to why it would be Main Street retail or Main Street mixed use. Mr. Cholminski said you almost made a case that it should be open space. Mr. Zschack said you are saying it can't be used for housing then why could it be used for business. Mr. Zschack said if it is not safe to put a house there why would it be safe for a business.

John Sowden, 133 Corkhill Road, Franklin, stepped forward. Mr. Sowden said when we originally started to do the Master Plan back in 2004, he was involved with different projects in town. Mr. Sowden said one thing they had discussed is parking on Main Street. Mr. Sowden explained different areas where there was an issue on parking.

Mr. Sowden said what he was trying to point out on the maps was that there were 6 houses there. Mr. Sowden said if you look at that ground and (if) you put any kind of real building in there you're going to have some serious law suits because things are going to move. Mr. Sowden explained the shafts that run in Franklin. Mr. Sowden said someday as Main Street develops you would have a way to go with parking. Mr. Sowden said they have maintained the property.

Mr. Cholminski said for now you want a place to park your vehicles and by changing the zone that allows you to do that. Mr. Sowden said for the past ten years they have kept that only to their business because we need the space over there. Mr. Cholminski said he heard everything you said from the long term plan and parking long term is a perfect solution to help Main Street Revitalization. Mr. Cholminski said that should be done under revitalization or redevelopment if we should ever do that. Mr. Cholminski said he thinks before he was inclined to change a zone he

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would want to (let) the neighbors there (know) about the parking situation; it is not fair for them not to be here.

Mr. Nelson said off street parking is listed as a permitted use in certain zones but only as an accessory use. Mr. Nelson said you would have to allow storage of commercial vehicles as a permitted use without it being associated with a principal use; it is changing the language of the ordinance. There was a discussion on the rezoning and ordinance. Mr. Cholminski said rezoning alone doesn't solve your problem; the ordinance doesn't match what you want to do. Mr. Cholminski said it would require a zone change and an ordinance change. Mr. Cholminski said we can't close this tonight because if the future holds community parking there then we have to design that ordinance wording that specific purpose. Mr. Cholminski said he would like to hear from the adjacent property owners. Mr. Cholminski said on long term he agrees with everything these guys said but he thinks this will come under redevelopment for Main Street and should be considered part of redevelopment. Mr. Sowden said they were not looking for anything tonight; we wanted to just discuss these options and what we are trying to attempt to do. There was a discussion on parking on this property.

Betty Allen, 24 Jenkins Road, stepped forward. Mrs. Allen said it was very disappointing to us as a committee when that property was sold to John (Mr. Sowden) but he has had ownership for 10 years. Mrs. Allen said she suggested to him that they take a corner of that and lease it back to the Borough for parking. Mrs. Allen said they had always envisioned that as off Main Street parking in order to revitalize Main Street. Mrs. Allen said the Zinc Company moved all the buildings on Main Street and that was all developed into housing. Mrs. Allen explained to the Board what used to be on High Street and Junction Street.

Mr. Lermond made a motion to **close to the public item J**. Seconded by Mr. Oleksy. All were in favor.

Item N – Zinc Mine Property.

Mr. Kilduff said at the last meeting Mr. Patire and Mr. Prol were here. Mr. Kilduff said we left it that Mr. Nelson and himself would be discussing with Mr. Patire the zinc mine. Mr. Kilduff said he has been in contact with him (Mr. Patire) and we are going to meet to discuss his property. Mr. Kilduff said (Mr. Patire) did offer to come tonight but he told him that he would brief the Board.

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Mr. Lermond said what is the request, to develop the upper portion of the property; he thought that was the plan all along to develop the upper portion of the property. Mr. Cholminski said the biggest concern when we did the last Master Plan was that the lower portion of the property was going to be a problem. Mr. Cholminski said the cost to clean that up is going to be considerable just to make it usable. Mr. Cholminski said our biggest concern was that if (we) subdivide that piece of property, and allow someone to build the top, it is a different piece of property; they are going to walk away and the Borough will own that piece of property with the cost that is associated with that bottom piece of property. Mr. Cholminski said with the logic being if you separate the upper portion that has value and the bottom would be dead, the town would be stuck with that. Mr. Zschack said we also felt that the bottom section housing down there would be a big support for Main Street. Mr. Zschack said you are building commercial and you are losing the residence. Mr. Cholminski said in his opinion the Borough is probably over zoned in terms of density. Mr. Cholminski said because there is such a parking problem on Main Street the only real viable way to put businesses on Main Street is to have people and the only way to have people is if people live there and can walk. Mr. Cholminski explained the logic of why they didn't want to separate the property. Mr. Nelson said he had promised to come up with some kind of solution that would allow Mr. Patire to move ahead and at the same time would protect the Borough. Mr. Nelson said he is not sure he has that solution, but the first step would be to speak with Mr. Patire and to get familiar with that lower part.

Mr. Christiano said he had discussions with some industrialist and he thinks what we need to do with that bottom half of the property is not to forget that there is an active freight on it. Mr. Christiano said the rail service is getting more and more emphasis on all levels of government. Mr. Christiano said locally we see the interest in resurrecting the Andover and Lackawanna cut off in Andover. Mr. Christiano explained some of the articles he has seen regarding the railroad. Mr. Christiano said we have to think of a way to work that into our future plans.

Mr. Christiano said other conversations that he has had was with two companies who are in the process of building ethanol plants; one in Middletown NY and one in Cap May NJ. Mr. Christiano told the Board that he explained this piece of property to these men. Mr. Christiano said the one was interested in this property. Mr. Christiano said the concept of ethanol plants is getting a lot of attraction and is rapidly becoming one of the leading industries in the United States. Mr. Christiano said he doesn't know if this property is big enough for an ethanol plant but the two

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people he spoke to are interested in this property. Mr. Christiano said freight lines do figure into it.

Mr. Cholminski said we can zone this thing but at the end of the day it can be open to anyone that can come in there and put anything on it. Mr. Cholminski said he has not studied ethanol plants but he does know about chemical industries. Mr. Cholminski said if someone wants to put a plant here and they (can) make a case here to revitalize that property. Mr. Cholminski said we need someone to sell it and get those people in here with an application. There was a discussion on the use of this property.

Mr. Nelson said he wants to meet with Mr. Patire and hopefully at the next meeting he can offer some thoughts. Mr. Cholminski said Mr. Patire has talked many times about just Sterling Street for 6 condo units subdivide that little piece out; that doesn't hurt the upper piece and the redevelopment plan. Mr. Cholminski asked Mr. Nelson to give some thought to that.

Mr. Zschack made a motion to **open to the public item N**. Seconded by Mr. Christiano. All were in favor.

Robert Allen, Jenkins Road, Franklin, stepped forward. Mr. Allen said he is Mr. Patire's chief manager down there and he has the keys for all the gates. Mr. Allen said he went to higher officials to tell them what was happening in town. Mr. Allen told the Board what officials he was sent to. Mr. Allen showed the property to Ms. Emelius. Mr. Allen talked about trees by the library.

Betty Allen, 24 Jenkins Road, Franklin, stepped forward. Mrs. Allen said many years ago we thought this was great we have natural gas, sewers, we have everything to attract the kind of businesses that we need and now all around us is building up. Mrs. Allen said here we sit with this property which has its problems but she thinks they could have been resolved a long time ago. Mr. Cholminski said they can be resolved by a landowner coming in with an application to do something. Mr. Cholminski said he has been sitting on this Board for 20 years and he has never seen an application presented before this Board. The Board discussed a conceptual plan that was once before the Board. Mrs. Allen is concerned about businesses on Main Street. There was a discussion on businesses on Main Street.

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Mr. Zschack made a motion to **close to the public item N**. Seconded by Mr. Lermond. All were in favor.

The Board took a break at 9:22 PM.

The Board reconvened at 9:26 PM.

Mr. Cholminski asked Mr. Nelson if we need a workshop to do this. Mr. Kilduff said we may have a busy agenda in August with possible applications but it is too early to tell. Mr. Cholminski said he would like to schedule a workshop to get this done; his concern is we hit the two big areas. Mr. Cholminski said this is a re-examination report and this isn't a whole Master Plan again; we are not looking to rezone everything; we are looking to clean this up and revisit for any material changes. Mr. Christiano said if you are going to wrap it up in that fashion as a re-examination report then he would say leave it the way it is. Mr. Cholminski said lets wait for Mr. Nelson's analysis. Mr. Cholminski said an applicant can come in at any time and request a zone change.

Mr. Cholminski asked Mr. Kilduff to schedule a workshop. Mr. Kilduff said after the August meeting because we are in the middle of the summer. Mr. Kilduff said at the August meeting, go over some dates and try for September. Mayor Crowley said the land development regulations are things that he brought up to Jim (Mr. Kilduff) and were given to Ken (Mr. Nelson). There was a discussion on some of these issues which were auctions, zoning and drive thru's.

Mr. Kilduff said on the Franklin Village application we talked about the letter to withdraw. Mr. Kilduff said he thinks it is appropriate that the Board take action to dismiss the application without prejudice that way they know they have a clear signal from the Board to return to the Board at a later date. Mr. Lermond said a different application. Mr. Kilduff said without prejudice means it allows them to come back with the same application or any other application. Mr. Lermond asked a completely new (application) you don't come back where you left off. Mr. Kilduff said they were deemed incomplete. Mr. Kilduff said without prejudice means they weren't denied. Mr. Cholminski said he would like a motion to dismiss without prejudice the Franklin Village application.

Mr. Zschack made a motion to dismiss without prejudice application **PB-03-09-1 Franklin Village LLC. Amended Preliminary and Final Site Plan, "C" Variances, Block 3 Lots 4, 7, 10 & 14.03**. Seconded by Mr. Lermond.

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Upon Roll Call Vote:

AYES: Christiano, Lermond, Zschack, Oleksy, Crowley, Cholminski

NAYS: None ABSTENTIONS: None

(Motion Approved)

Mr. Kilduff said we haven't taken any action on the zoning map. Mr. Kilduff said he thinks that it would be appropriate for the Board to recommend to the Council to adopt an ordinance to update the zoning map with the changes that he had already discussed with the Board. Mr. Kilduff said there are three changes to the current zoning map, one is the addition of the MAAH zone that was already done by Master Plan and ordinance but we never updated the zoning map. Mr. Cholminski asked what is the cost to update the zoning map. Mr. Kilduff said this was part of the contract with Civil Solutions to do our tax maps and they have completed their assignment which was to redo the zoning map. Mr. Cholminski said aren't we going to do this at the end of the year. There was a discussion on whether or not the Board should recommend the zoning map now or wait. The Board members expressed a preference to wait on recommending the zoning map.

OPEN PUBLIC SESSION:

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 9:44PM on a motion by Mr. Zschack. Seconded by Mr. Lermond. All were in favor.

Respectfully Submitted,

Robin Hough
Secretary