

Franklin Borough Planning Board
Meeting Minutes for
January 20, 2009

The meeting was called to order at 7:31 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, Mr. Suckey, Mayor Crowley,
Mr. Maugeri, Mr. Cholminski

ABSENT: None

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. Lermond made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for December 15, 2008**, seconded by Mr. Christiano.

Upon Roll Call Vote:

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

NAYS: None ABSTENTIONS: None

(Motion Approved)

APPROVAL OF RESOLUTIONS:

PB-09-08-1 Ronetco Supermarkets Inc., Extension of Time, Block 70 Lots 1.01 and 1.02.

Mr. Brady said Mr. Litwin found a mistake in one of the sentences. Mr. Brady said the change would be as follows on the "therefore be resolved" portion of paragraph one, two and three. Mr. Brady said paragraph one deals with the extension of the subdivision, paragraph two as written says any outstanding approval of the final subdivision approval shall also expire. Mr. Brady said the word also meant that wasn't supposed to be "the subdivision approval" that was dealt with in paragraph one it was suppose to be the "site plan approval". Mr. Brady said if there is a motion to approve this he would ask that the motion be to approve with the change to that

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paragraph to make it "final site plan approval". Mr. Cholminski said to be clear on page two of the resolution; it would be now "therefore be resolved" subparagraph two, currently reads "any outstanding approval of the final subdivision approval shall also expire on October 1, 2009". Mr. Cholminski said this "is going to be changed to say any approval of the final site plan approval shall also expire on October 1, 2009".

Mayor Crowley made a motion to adopt the resolution for **PB-09-08-1 Ronetco Supermarkets Inc., Extension of Time, Block 70 Lots 1.01 and 1.02**, with the correction as stated. Seconded by Mr. Suckey.

Upon Roll Call Vote:

AYES: Christiano, Oleksy, Suckey, Crowley, Cholminski

NAYS: None ABSTENTIONS: None

(Motion Approved)

APPLICATIONS FOR COMPLETENESS:

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

Mr. Knutelsky referred to his report dated January 13, 2009, item B. Mr. Knutelsky said the following items have been found complete, incomplete and/or lack information for the application or waivers have been requested.

Mr. David Becker, attorney for the applicant stepped forward. (Mr. Tessier, Dykstra Associates, planner for the applicant was present.)

Mr. Knutelsky referred to section B. Mr. Knutelsky said checklist item #13 in regards to plan scale, the applicant requested a waiver. Mr. Knutelsky said he finds the information detailed on the 200 foot scale survey and the 100 foot scale site plan is sufficient. Mr. Knutelsky said he recommends that waiver. Mr. Knutelsky said checklist item #17a, in regards to the key map at a scale one inch equals to 400, if the applicant requests, he recommends a waiver for the scale shown on the cover sheet. Mr. Cholminski asked the applicant if they request that waiver. Mr. Becker and Mr. Tessier said yes.

Mr. Knutelsky referred to item #18; the applicant requests a waiver for showing existing and proposed contours as specific intervals. Mr. Knutelsky said he recommends a waiver for existing contours be granted only with the applicant

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providing the proposed contours in accordance with the requirements stated. Mr. Tessier asked if they were talking about the contours where they end at the edge of the property. Mr. Knutelsky said looking at the plan the applicant has done a good job showing existing contours throughout the site except for one little corner of the property where it didn't have the coverage. Mr. Knutelsky said he would grant the waiver for that area only, but in terms of proposed contours specific grading goes into the graded quarry excavation elevations that should be ponds; (they) don't show the entire excavations to the bottom of the pond. Mr. Knutelsky said we have no way of knowing how deep those ponds are, they could be 100 feet they could be 10 feet, he is looking for those proposed contours to be shown.

Mr. Knutelsky said in regards to a grading plan at a scale of 1 inch equals to 30 (checklist item# 19), the applicant has requested a waiver. Mr. Knutelsky said the applicant has provided grading plans at one inch is equal to 100 for the general quarry activities which is ok, and one inch is equal to 30, he believes the scale isn't on the plan for the entrance. Mr. Tessier said they will mark that on the revised set.

Mr. Knutelsky referred to checklist item#26, the tree save plan; the applicant has requested a waiver for this item. Mr. Knutelsky said he recommends a waiver to be granted for showing trees to be saved along areas of disturbance, along the new drive and the grading associated with that. Mr. Knutelsky said the trees that are in the middle of the area to be quarried and any of the processing area, are going to have to be removed. Mr. Knutelsky said to be able to survey them and show them is probably not a requirement he would recommend to the Board. Mr. Knutelsky said he wouldn't recommend a waiver to be granted for the entire tree save. Mr. Tessier said for completeness purposes we will give them a marked up map and we will come to an agreement as to where to do the tree survey and we will submit that with a new revised set of plans. Mr. Cholminski asked Mr. Knutelsky if he was ok with that. Mr. Knutelsky said yes.

Mr. Knutelsky referred to checklist item #27, 29, 30, 31, and 38, he finds to be incomplete at this point. Mr. Knutelsky said checklist item #38 is about the environmental impact statement which was provided by the applicant and he found to be incomplete in regards to what was in that report. Mr. Tessier asked if it has to do with hydrogeology. Mr. Knutelsky said the construction and the quarrying next to the Wildcat Bog, there is nothing in that environmental report that would say if the effects of quarrying is going to have any effect on that Bog. Mr. Tessier said items #27, 29, 30 and 31, were in the process of going ahead and making all those

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revisions. Mr. Cholminski said you agree that they are incomplete. Mr. Tessier said right. Mr. Knutelsky said the last item is 38 the four before that #27, 29, 30, and 31 the applicant agreed that they are incomplete now. Mr. Tessier said for #38 they will provide more testimony and a report on that. Mr. Knutelsky said it's not a waivable item.

Mr. Knutelsky said checklist item#39, in regards to a traffic impact statement. Mr. Knutelsky said he will wait to hear what the testimony is about the increase of truck traffic by the quarry. Mr. Knutelsky said if the truck traffic is the same that is there now, then he wouldn't see a need for a traffic impact statement. Mr. Knutelsky said some of the improvements for Corkhill Road at the new entrance drive, some widening, sectioning to make sure they have adequate site distance drainage that is going to be a requirement of this application. Mr. Knutelsky said he will leave an actual traffic study up to the Board. Mr. Knutelsky said he would have to hear the testimony to determine that, maybe we can give that a temporary waiver for completeness only. Mr. Cholminski said give a waiver for completeness only and then as testimony goes on we can request this. Mr. Tessier said they will testify as to what they feel the traffic would be.

Mr. Knutelsky referred to checklist items#43, 44, 45, 46 and 47 which are final site plan items only. Mr. Knutelsky said the applicant requested a waiver for #46, he recommends a waiver be granted for all those items (with the applicable information provided as conditions of any approval).

Mr. Kilduff said we need revised information 14 days before the next meeting. Mr. Becker asked if we are complete on (February) 17th, they would like to notice and go into the public portion. Mr. Cholminski asked what the schedule looked like. Mr. Kilduff said we have another application Wal-Mart that is in front of this one, and if they notice for February then Braen will be heard in March. Mr. Cholminski said his expectation is we will not be able to hear them next month so we are better off not granting that and doing this right.

Mr. Zschack made a motion to deem incomplete 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 Mayor Crowley.

Upon Roll Call Vote:

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

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NAYS: None ABSTENTIONS: None
(Motion Approved)

ADJOURNED CASES:

APPLICATIONS TO BE HEARD:

There were no applications to be heard.

OTHER BUSINESS:

COAH

Mr. Kilduff explained a flow chart that was in the land use development project memo.

Mr. Kilduff said the Borough signed a non binding petition, (for) the Governing Body to petition the Highlands for Plan Conformance. As part of that we are obligated to pursue the plan conformance process which is the Highlands. Mr. Kilduff said he applied for and today we sent out a signed agreement for a \$15,000 grant to help us do an initial assessment of the Highlands. Mr. Kilduff explained the grant program money.

Mr. Kilduff said we have the COAH sub certification to do and we have an extension based on our agreement to petition the Highlands. Mr. Kilduff said that gave us an extension of a year, until December 8, 2009, to submit a COAH plan. Mr. Kilduff explained a scarce resource restraint that COAH passed.

Mr. Kilduff said it has been six years since we did the master plan so we need to do a master plan re-examination. Mr. Nelson said the re-examination report has to be done, and the intent is for a lot of the work to be used to satisfy plan endorsement and plan conformance with the Highlands. Mr. Nelson explained the re-examination report and how that (the report) would include some Master Plan amendments. Mr. Nelson explained the re-examination report looks at what the problems were, issues were and how those issues have or have not been addressed, new issues and problems, locally as well as State and County wide. Mr. Nelson explained plan conformance which deals with the Highlands Master Plan and Plan Endorsement which deals with the State Master Plan and how this will tie into the re-examination of the master plan along with COAH.

Mr. Kilduff said he has a specific set of tasks that have to be done with the initial assessment grant we (the Borough) received from the Highlands. Mr. Kilduff said as we go through the Master Plan process, there is funding in the Highlands grant for

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this, it will be to add a Highlands plan element into the master plan. Mr. Kilduff said as a planning area town we don't have to conform we have the ability to change our minds on that. Mr. Kilduff said we will have the Highlands Plan element, and when we finish the master plan we will have a new Housing Plan, Circulation Plan, and we need to talk about some zoning changes. Mr. Kilduff explained some of the zone changes and changes in the zone map. Mr. Nelson explained a GIS analysis and procedure that you have to go through. Mr. Nelson said Mr. Knutelsky's firm will be the primary lead on that. Mr. Knutelsky explained some of the mapping they were looking at. Mr. Knutelsky said the Highlands have prepared a CD showing every single lot, whether it is developable or not. Mr. Knutelsky said they are checking that right now to see what is developable and what isn't.

Mr. Cholminski asked about the zinc property. Mr. Suckey said in regards to redevelopment the committee is making up a proposal for the town ordinance that will govern the redevelopment committee or commission depending which way we go. Mr. Cholminski asked is that the ordinance that will set up a framework as to how the commission operates. Mr. Suckey explained how the commission operates. Mr. Suckey said we are looking at outlining redevelopment areas and the overall town itself. Mr. Suckey explained what the committee is looking at. There was a discussion about the zinc property, cleaning up the property and the progress on Main Street.

Mr. Kilduff said we need to have a workshop meeting. Mr. Cholminski asked the Board members who was available on February 11. There is a possibility that the chairman and vice-chairman will not be there. Mr. Cholminski said then our attorney needs to find out who can run the meeting. Mr. Brady said he would take a look (into this). Mr. Kilduff said we will notice for the benefit of the public. Mr. Kilduff said this is a scheduled workshop for Wednesday February 11. Mr. Cholminski asked what was due the end of February. Mr. Knutelsky said the Highlands mapping. Mr. Cholminski asked if that would be brought to the Planning Board for any kind of approval. Mr. Kilduff said at some point there should be some discussion. There was a discussion on this. Mr. Lermond asked about a time line as to how we get this whole thing done. There was a discussion about the time line.

Mr. Kilduff asked Mr. Brady if there could be a meeting without a chair or vice-chair. Mr. Brady said he has to find out who can chair.

PAYMENT OF BILLS:

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

Upon Roll Call Vote:

AYES: Christiano, Lermond, Oleksy, Suckey, Cholminski

NAYS: None ABSTENTIONS: Zschack, Crowley

(Motion Approved)

DISCUSSION:

CORRESPONDENCE:

OPEN PUBLIC SESSION:

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

No one from the public stepped forward.

Mr. Lermond 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 8:33PM on a motion by Mr. Lermond. Seconded by Mr. Zschack. All were in favor.

Respectfully Submitted,

Robin Hough
Secretary