

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**March 15, 2010**

The meeting was called to order at 7:34 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."

Mr. Brady Led Steve Zydon Planning Board Member Alternate #2 in the Oath of Allegiance.

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

ABSENT: Mr. Christiano (Arrived 7:40), Mr. Oleksy

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

**APPROVAL OF MINUTES:**

Mr. Lermond made a motion to approve the **Franklin Borough Planning Board Reorganization Meeting Minutes for January 19, 2010**. Seconded by Mr. Zschack.

Upon Roll Call Vote:

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

NAYS: None                      ABSTENTIONS: None

(Motion Approved)

Mr. Zschack made a motion to approve the **Franklin Borough Planning Board Meeting Minutes for January 19, 2010**. Seconded by Mr. Suckey.

Upon Roll Call Vote:

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

NAYS: None                      ABSTENTIONS: None

(Motion Approved)

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**March 15, 2010**

**APPROVAL OF RESOLUTIONS:**

There were no resolutions to approve.

**APPLICATIONS FOR COMPLETENESS:**

There were no applications for completeness.

**ADJOURNED CASES:**

There were no adjourned cases.

**APPLICATIONS TO BE HEARD:**

There are no applications to be heard.

**PAYMENT OF BILLS:**

Mr. Lermond made a motion to approve the **Franklin Borough Planning Board Escrow Report for February 16, 2010 and March 15, 2010**. Seconded by Mr. Suckey.

Mr. Christiano joined the meeting.

Upon Roll Call Vote:

AYES: Christiano, Lermond, Suckey, Maugeri, Cholminski

NAYS: None                    ABSTENTIONS: Zschack, Crowley

(Motion Approved)

**OTHER BUSINESS:**

**Plan Endorsement Proposal**

Mr. Kilduff said in your packets is a plan proposal from our planner and an email proposal from our engineer for a total of \$3,000 from the planner and \$1,700 from the engineer. Mr. Kilduff said [this is] for doing the additional work to help us complete our Plan Endorsement application with the state. Mr. Kilduff said this was before the Board last month but we canceled the meeting due to the snow. Mr. Kilduff said this was on the Council's agenda last week and they passed it.

Mr. Kilduff explained a letter addressed to the Planning Board from Elizabethtown Gas.

**Statutorily Mandated Annual Report 2009 Zoning Board Decisions**

Mr. Cholminski asked the Board members if everyone had read the annual report on the Zoning Board decisions. Mr. Cholminski asked if there were any issues or concerns. Mr. Brady said on page 4 of 5 of that resolution, it talks about the Garrera and Millier application. Mr. Brady said during that application the planner for the

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**March 15, 2010**

applicant testified that there was no zone in the Borough that permits the use of property by a small contractor, like a landscaper or a carpenter. Mr. Brady said they made an argument because of that. Mr. Brady said the Zoning Board felt that perhaps someone should think about whether or not that is a use that needs to be regulated, permitted or permitted in a certain zone or permitted as a conditional use. Mr. Brady said the issue in the Garrera and Millier application was outdoor storage, storage yard or the use of property by a small contractor. Mr. Nelson asked if they wanted to discuss this tonight. Mr. Nelson said we were going to bring it up tonight but it was too involved. Mr. Kilduff said the other item in the report was that piece of property that the Board already decided in the Master Plan Reexamination to change.

**OPEN PUBLIC SESSION:**

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

No one from the public stepped forward.

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

**CORRESPONDENCE:**

Mr. Kilduff said one item that was not on the agenda was a letter regarding the New Jersey Land Conservation Rally which will take place on Saturday, March 20. Mr. Kilduff said he wanted to alert the Board if anyone should be interested in that, particularly open space, environmental and Planning or Land Use Board.

Mr. Kilduff briefed the Board on NJDOT major access permit for Group 5. Mr. Kilduff said it took months working with Group 5 Development and Weis to get the easements done. Mr. Kilduff said we had meetings in Trenton for the design on where the new signalized intersection would be. There was a discussion on this project, DOT permit and the new signalized intersection.

Mr. Kilduff said there was a letter from the Sussex County Department of Planning regarding their [Braen Aggregates] application [which] was deemed incomplete. They have to submit more items; we just got the first annual report from Braen Aggregates.

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**March 15, 2010**

**DISCUSSION:**

**Master Plan Ordinances**

Mr. Nelson said there are three items on the agenda under Master Plan Ordinance. Mr. Nelson said his intention was to spend 10 or 15 minutes on the two family discussion, maybe get to the Zinc Mine. Mr. Nelson said the bulk of the time tonight should be spent on the NC Zone. Mr. Cholminski asked Mr. Nelson what are we trying to get out of tonight's discussions. Mr. Nelson said in terms of two family some general direction from the Board; in terms of the NC Zone some specific direction from the Board. Mr. Nelson said the Zinc Mine is more or less a discussion on the density issue.

Mr. Nelson said tonight he distributed some material with a cover page dated March 12, 2010. Mr. Nelson explained the material he had handed out that was attached to the cover page.

Mr. Nelson said there was an application before the Board of Adjustment for a use variance for a two family structure. Mr. Nelson said the Borough does not permit two family structures anywhere in Franklin. Mr. Nelson said because the Borough does not allow two family structures anywhere in the community he saw that as a potential weakness that needed to be addressed. Mr. Nelson said in the Master Plan Reexamination report we did mention that as an issue that needed further discussion.

Mr. Nelson said the map and the two page list he distributed indicated a number of two family structures in the Borough and where they are located. They are in two general areas. Mr. Nelson said there are between 50 and 60 two family structures. Mr. Nelson explained to the Board some pros and cons of two family structures. Mr. Nelson said the question is whether the Borough should stay with the status quo, none of the 50 to 60 two family structures would be impacted in any way and maybe over time some would be converted back into single family. Mr. Nelson said the Borough could create a zoning district that specifically allows two family structures as a permitted use along with single family structures. Mr. Nelson said the Borough can selectively decide where to allow two family structures and only allow them as a conditional use and set up a use of conditions. There was a discussion on the history of two family homes. Mr. Zschack said he remembered on the Zoning Board there was an application for a two family at High Point Circle. Mr. Kilduff said that was a mother/daughter; the individual wanted to convert it into a two family [home]. Mr.

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**March 15, 2010**

Kilduff said [with a mother/daughter] there should be an unlocked door; it is usually a family member. They share living space but they might have some sort of informal separation. The only way to ensure [this] is to do an interior inspection. There was a discussion on mother/daughter homes.

Mr. Nelson said if the Board and the Council want to move ahead with some type of two family provisions you are talking about conversions rather than new construction. Mr. Nelson said his recommendation would be to allow it in certain areas as a conditional use having a very detailed list of conditions. Mr. Nelson said if even one of those conditions can't be met then it becomes a use variance and the Zoning Board has to deal with it. Mr. Nelson said if the Board wants to address what may or may not be a need then he would recommend going with the conditional use provision. There was a discussion on the pros and cons of two family homes and the list of two family homes.

Mr. Nelson said he thinks he has a general idea of where they might want to go and he could draft something up. Mr. Brady said he will start with the idea of owner occupied and he would get that research. Mr. Zschack asked nothing here we are talking about is more than two family. Mr. Nelson said right. Mr. Zschack said so if it is three apartments it is not part of our discussion. Mr. Nelson said that is correct.

**NC Zone**

Mr. Nelson said the NC Zone was part of the Munsonhurst District and was included in the Munsonhurst District Master Plan Amendment. Mr. Nelson said the Board had passed on to the Governing Body the recommendation to create the multifamily residential zone in the Munsonhurst District but we tabled the NC Zone for further discussion. Mr. Nelson said only part of the Munsonhurst District Master Plan Amendment was implemented in the way of a zoning district for the multifamily area. Mr. Nelson said the NC Zone we put on hold. Mr. Zschack said the NC Zone does not exist right now. Mr. Nelson said all of those properties along 517 are in the R1 zone.

Mr. Nelson said the Master Plan reexamination report does mention the NC Zone and that the Board and the Governing Body should take the next steps toward implementing the recommendation from the Munsonhurst District Master Plan Amendment. Mr. Nelson said the purpose of the NC Zone or several purposes is to acknowledge the fact that there are existing commercial uses along 517. Mr. Nelson said his understanding is prior to those properties being zoned R1 that they were in

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**March 15, 2010**

an industrial zone of some type that allowed commercial uses in addition to industrial. Mr. Nelson said the NC Zone area has been seen as part of that larger Munsonhurst District which we anticipate may in the future include several 100 housing units. Mr. Nelson said this commercial area along Rte 517 may continue to serve a local and regional commercial function as it does now or its commercial activity could increase if there is an additional several hundred people living in close proximity to it. Mr. Nelson said this could also serve as a model for parts of Rte 23 and possibly the Hardyston School. Mr. Nelson reviewed the three commercial zones that the Borough has now.

Mr. Nelson said the document dated March 8<sup>th</sup> 2010 originally prepared back in 2007 is a proposed ordinance creating the NC Zone. Mr. Cholminski said what is the difference in why we want different things on [Rte] 517 then we want on [Rte] 23. Mr. Cholminski said if you look at a map of Franklin and you follow the road on 23 it looks like a natural corridor for commercial from Ogdensburg all the way through Franklin from 517 up through 23. Mr. Cholminski said the wetlands on 517 made the lot depth there a problem. Mr. Lermond said it couldn't meet the dimensions. Mr. Cholminski said you didn't have the depth to go back because you ran into wetlands. Mr. Lermond said he remembers a lot of discussion on traffic and supporting the mixed active adult housing. Mr. Lermond said there were pros and cons about that. There was a discussion on the current zoning of these lots and different approvals on 517.

Mr. Cholminski said the question is now what do we want there. Mr. Cholminski said we have one strip mall. Mayor Crowley said another strip mall was approved already. Mr. Kilduff said that is an 11,000 foot strip mall. Mr. Cholminski asked if that is approved. Mr. Kilduff said that is approved, it was sold to BM Investments; they have the property with that approval in place. The Board discussed the different uses in the HC, B1 and B2 Zones, the Hardyston School property and what would be in the NC Zone.

Mr. Kilduff asked Mr. Brady if the Board should expand the NC Zone into various lots along [Rte.] 23 that is not part of our Master Plan; it is not part of our revision to the Master Plan where these lots on [Rte] 517 are. Mr. Kilduff asked do we have to notice all the property owners within 200 feet to accomplish something. Mr. Brady said he would have to look at that; there are special requirements and you have to have special findings as to why you did it that way.

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**March 15, 2010**

Mr. Nelson said the ordinance is divided into three parts, uses, dimensional requirements and an amendment to section 161-33 with a new subsection L., which gets into how you see the NC Zone developing. Mr. Nelson said 161-33, for some zones there are specific requirements, the provisions he is proposing here [are] for NC but not for all the zones. Mr. Nelson said his recommendation is to include in 161-33 these provisions.

Mr. Cholminski asked Mr. Nelson to go through the uses. Mr. Nelson said apartments we list them as being a conditional use on the upper floors only; a mixed use building would be a permitted structure; retail sales and trade would be a permitted structure, financial institutions but without a drive thru. Mr. Cholminski asked why did we say without a drive thru. The Board discussed a drive thru in the NC Zone. Mr. Nelson said financial institutions we would want to allow a drive thru and set it up as a conditional use, no fast food restaurants. Mr. Nelson said in previous discussions we had there were some concern about restricting offices to only the upper floors. Mr. Nelson said he believes that Mr. Brady's concern was how do you decide which offices are appropriate on the ground floor and which aren't. Mr. Maugeri said how do you define an office. Mr. Nelson said that gets difficult; [on] the ground floor you want uses that are going to have a lot of traffic in and out. Mr. Nelson said some offices do have that, Real Estate offices have traffic, some offices there is never anyone going in or out. Mr. Lermond asked about a dentist office or a doctor's office. The Board had a discussion on what kind of office would be upstairs versus downstairs. Mr. Nelson went over the list of conditional uses in the zone. The Board had a discussion on conditional uses, how to address changes as they occur with businesses in a zone and permitted uses in a zone.

Mr. Nelson said basically there are uses permitted in the HC Zone that he would characterize as being large scale in nature which are not being allowed in the NC zone as per this ordinance. Mr. Nelson said as an example theaters, animal hospitals was another one allowed in the HC Zone that we restrict here. Mr. Nelson said theaters, commercial recreation facilities, hotel and motels, retail greenhouses and nursery, bowling alleys and health clubs. Mr. Cholminski asked why not a health club, when you say health club he thinks of Curves. Mr. Nelson said you are right in respect to that type of health club but there are other larger scale facilities that you wouldn't want. Mr. Cholminski said he sees Curves next to a dance studio, drop your kid off at the dance studio and go to Curves, that works. Mr. Nelson said the bottom line is we have a balancing act here; we are trying to craft a commercial zone that includes residential in it. Mr. Nelson said we included some uses that might be

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**March 15, 2010**

attractive to residents in that multifamily zone. Mr. Lermond asked is that retail and personal service shops? Mr. Nelson said right and medical facilities to a certain extent. Mr. Nelson said we wanted to restrict uses that would be drawing from the surrounding region and potentially effecting existing businesses on route 23 so that is why some of these larger scale uses are restricted from the NC [Zone].

Mr. Nelson asked if anyone had any specific comments about those provisions that would apply to the NC Zone as they are spelled out in the proposed 161:33L we should discuss them now. Mr. Cholminski said I think we have enough to go. Mr. Nelson said he thinks he can come back with a final draft that we can then get to the Council.

Mr. Cholminski asked for a motion to open to the public to discuss this [NC] Zone.

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

Dawn Rowe, 140 Munsonhurst Road, Franklin stepped forward. Ms. Rowe said this has all been educational. Ms. Rowe showed on the map where her property was. Ms. Rowe told the Board what she thought about different drive thru's. Ms. Rowe gave her opinion about including an animal hospital or medical in the zone. Ms. Rowe said this was interesting and she was supportive of the NC [Zone]. Mr. Lermond said as opposed to Highway Commercial. Ms. Rowe said yes. There was a discussion about the zones and lot sizes.

Mr. Zschack made a motion to Close to the Public the **NC Zone**. Seconded by Mr. Suckey. All were in favor.

**Zinc Mine**

Mr. Nelson said during the Master Plan Reexamination report process, there was some thought that there should be immediate action to reduce the allowed density. Mr. Nelson said the allowed density is pretty high; it is 35 units per acre which has translated into one development proposal. Mr. Nelson said the thinking in allowing that density back in the 2003 Master Plan [was] that was going to be the catalyst for the revitalization of the Main Street area. Mr. Nelson said there is some question as to whether or not that can realistically happen. Mr. Nelson said the question that he proposes to the Board is, does the Board want to make a recommendation to the Governing Body to simply reduce the density at this point or do you want to leave

**Franklin Borough Planning Board**  
**Meeting Minutes for**  
**March 15, 2010**

the density issue to be incorporated into the whole comprehensive review that is going to be done for the Main Street area and the Zinc Mine property. Mayor Crowley said the density was also age related. Mr. Nelson said yes. The Board discussed density, whether to leave it alone or change the density, the Zinc Mine property, Main Street and redevelopment.

Mr. Cholminski said do we leave the density as it is knowing that we have a redevelopment activity that is progressing. Mr. Lermond said leave it. Mr. Zydon said leave it like that until we figure out something. Mr. Zschack said that is kind of what he was thinking. Mr. Cholminski said leave it until the redevelopment issue comes to surface. Mayor Crowley said even saying we are leaving it that doesn't preclude the owner from coming in and requesting a zone change or asking for variances. Mr. Kilduff said next month we are going to wrap up the NC Zone and the two family.

**OPEN PUBLIC SESSION:**

Mr. Maugeri made a motion to Open to the Public. Seconded by Mr. Zschack. 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 9:44PM on a motion by Mr. Lermond. Seconded by Mr. Maugeri. All were in favor.

Respectfully Submitted,

Robin Hough  
Secretary