

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
December 7, 2011

The meeting was called to order at 7:41 PM by the Chairman, Mr. Richard Kell, who then led the assembly in the flag salute.

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

ROLL CALL OF MEMBERS PRESENT: Mr. Correal, Mrs. Bonis, Mr. Gardell
Mr. Kopcso, Mr. Swiss,
Mrs. Murphy, Mr. Kell

ABSENT: Mrs. Alexander

ALSO PRESENT: Mr. Thomas G. Knutelsky, P.E.
Mr. Robert Correale, Esq.
Mr. James Kilduff, Director

APPROVAL OF MINUTES:

Mr. Correal made a motion to approve the **Franklin Borough Zoning Board of Adjustment Meeting Minutes for November 2, 2011**. Seconded by Mr. Swiss.

Upon Roll Call Vote:

AYES: Correal, Bonis, Gardell, Kopcso, Swiss, Murphy, Kell

NAYS: None ABSTENTIONS: None

(Motion Approved)

APPROVAL OF RESOLUTIONS:

ZB-08-11-1 CM Franklin LLC. Preliminary and Final Site Plan, Variances Block 29 Lot 30.

Mrs. Bonis made a motion to adopt the resolution for **ZB-08-11-1 CM Franklin LLC. Preliminary and Final Site Plan, Variances Bock 29 Lot 30**. Seconded by Mrs. Murphy.

Upon Roll Call Vote:

AYES: Bonis, Swiss, Murphy, Kell

NAYS: None ABSTENTIONS: None

(Motion Approved)

APPLICATIONS FOR COMPLETENESS:

ZB-07-11-2 Luba LLC. C Variance, Block 70 Lot 1.08

Mr. Knutelsky said he did speak to the applicant today and the applicant's professional concerning this matter. Mr. Knutelsky referred to his November 30, 2011 report, section B. The following items are found to be not applicable and/or waivers have been requested.

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Mr. Knutelsky said he is recommending checklist items 15-22 and 24-49 be waived at this time. That is because the sign is currently constructed and there is no design related reports or plans required for the application going forward. Mr. Knutelsky said it is after the fact either the sign is going to be allowed or the sign is going to be taken down.

Mr. Knutelsky referred to checklist item #23 in regards to a location survey of all structures within 200. The applicant has requested a waiver of this checklist item. He recommends the Board entertain a parcel waiver for structures within 200 feet however the actual sign variance information and setback distances that are provided on the plans need to be prepared by a licensed surveyor. Mr. Knutelsky said in regards to checklist item #23 he recommends a partial waiver with the survey information provided 14 days prior to the next hearing.

Mr. Knutelsky said at this time he recommends that the applicant be found incomplete until that survey information is provided by the applicant and then at the next meeting have completeness again. Due to simplicity if this application if it is found complete he recommends proceeding into the public hearing upon proof of adequate notice.

Mrs. Murphy made a motion to deem incomplete application **ZB-07-11-2 Luba LLC. C Variance, Block 70 Lot 1.08.** Seconded by Mr. Swiss.

Upon Roll Call Vote:

AYES: Correal, Bonis, Gardell, Kopcsso, Swiss, Murphy, Kell

NAYS: None ABSTENTIONS: None

(Motion Approved)

ZB-10-11-1 Franklin 897 LLC. Sign Variance, Block 70 Lot 8.01.

Mr. Kell said if the application is deemed complete the applicant has requested to move right into the hearing.

Lawrence Litwin, Esq. 118 Washington Street, Morristown, attorney for the applicant stepped forward.

Mr. Knutelsky referred to his report dated November 30, 2011, section B, the following checklist items have been found not applicable and/or waivers have been requested. Mr. Knutelsky referred to checklist item #15-16 and 18-49, because the sign that is proposed is going to be located on an existing building with no other site improvements proposed he recommends that all those site plan related items be waived as part of this application.

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Mr. Knutelsky referred to checklist item #17 specifically 17 b. he recommends a partial waiver is regards to a checklist item. In that variance information has been supplied as part of the planner's report and will be provided during testimony.

Mr. Knutelsky said he recommends the application be deemed complete due to simplicity of the matter he recommends that we proceed into the public hearing.

Mr. Kilduff said the application is administratively complete.

Mr. Gardell made a motion to deem complete application **ZB-10-11-1 Franklin 897 LLC. Sign Variance, Block 70 Lot 8.01.** Seconded by Mr. Kopcso.

Upon Roll Call Vote:

AYES: Correal, Bonis, Gardell, Kopcso, Swiss, Murphy, Kell

NAYS: None ABSTENTIONS: None

(Motion Approved)

ADJOURNED CASES:

APPLICATIONS TO BE HEARD:

ZB-10-11-1 Franklin 897 LLC. Sign Variance, Block 70 Lot 8.01.

Mr. Lawrence Litwin attorney for the applicant stepped forward.

Mr. Kilduff said the notice was reviewed by Mr. Brady's office. Mr. Kell said Mr. Brady's office did review it and did not have a problem. Mr. Correale said Mr. Brady reviewed the notice and it is sufficient.

Francis Banisch III, Planner for the applicant was sworn in at this time. Mr. Banisch gave the Board his credentials.

Mr. Banisch described the variances that the applicant is requesting. Mr. Banisch said relief that is requested is having more than one wall sign for road frontage. The existing signage is considered as one sign. Mr. Banisch said a logo being added makes that a second sign. Mr. Banisch said the maximum sign height is 4 feet permitted. The original denial from the Zoning Officer indicated that there is an 8 foot in diameter logo sign requested. The denial also included a reference to a 72 in diameter or a six foot logo which is being requested. Mr. Banisch explained the number of variances requested.

Mr. Banisch referred to his report that had been submitted with the application. Mr. Litman said the report dated September 20, 2011 and was submitted with the application.

Mr. Banisch stated that the Shop Rite logo has a high recognition factor. Mr. Banisch referred to Franklin Borough Master Plan and Chapter 161 to provide information

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that this application should be granted. Mr. Banisch explained to the Board the positive and negative criteria.

Mr. Banisch marked exhibit A-1 photo of pylon sign.

Mr. Kell asked why not replace the existing sign with the logo since they both say the same thing. Mr. Banisch said the Shop Rite logo is used both for the supermarket and the wine and liquor stores. There is a variation in the logos.

Mrs. Murphy commented she doesn't understand how this would promote the public, health and safety of general welfare and free flow of traffic. How a sign is going to do that. Mr. Banisch explained how they feel it would benefit the public good.

Mrs. Bonis asked how far from the wall is the circular sign and how high was the sign. Mr. Banisch explained the dimensions of the sign.

Mr. Kopsco said in your analysis you commented 133 sq. feet was in error. Mr. Knutelsky explained the calculations that were changed again referencing back to the ordinance. Mr. Knutelsky said the calculated area would be 104.75 square feet. That is what the total of the two combined signs would be. The existing sign was 68.75. There was a brief discussion on wall signs.

Mr. Kopsco made a motion to open to the public application **ZB-10-11-1 Franklin 897 LLC. Sign Variance, Block 70 Lot 8.01**. Seconded by Mrs. Bonis. All were in favor.

No one from the public stepped forward.

Mr. Swiss made a motion to close to the public application **ZB-10-11-1 Franklin 897 LLC. Sign Variance, Block 70 Lot 8.01**. Seconded by Mrs. Murphy. All were in favor.

Mr. Correal made a motion to approve application **ZB-10-11-1 Franklin 897 LLC. Sign Variance, Block 70 Lot 8.01**. Seconded by Mr. Swiss.

Upon Roll Call Vote:

AYES: Correal, Bonis, Kopsco, Swiss, Murphy, Kell

NAYS: Gardell ABSTENTIONS: None

(Motion Approved)

OTHER BUSINESS:

PAYMENT OF BILLS:

Mrs. Murphy made a motion to approve the **Franklin Borough Zoning Board Escrow Report for December 7, 2011**. Seconded by Mrs. Bonis.

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Upon Roll Call Vote:

AYES: Correal, Bonis, Gardell, Kopcso, Swiss, Murphy, Kell

NAYS: None ABSTENTIONS: None

(Motion Approved)

DISCUSSION:

CORRESPONDENCE:

Mr. Kell commented in the packets was a memo on the professional review report; the Board will review that in executive session.

OPEN PUBLIC SESSION:

Mr. Swiss made a motion to Open to the Public. Seconded by Mrs. Bonis. All were in favor.

No one from the public stepped forward.

Mrs. Bonis made a motion to Close to the Public. Seconded by Mr. Swiss. All were in favor.

EXECUTIVE SESSION:

Mr. Kopcso made a motion to go into executive session to discuss professional contracts. Seconded by Mr. Swiss.

Mr. Kell read the resolution to go into executive session at 8:20 PM.

Upon Roll Call Vote:

AYES: Correal, Bonis, Gardell, Kopcso, Swiss, Murphy, Kell

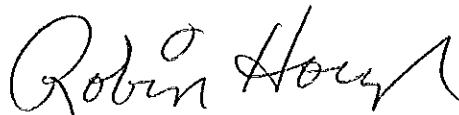
NAYS: None ABSTENTIONS: None

(Motion Approved)

Mr. Swiss made a motion to come out of executive session at 8:45PM. Seconded by Mr. Correal. All were in favor.

ADJOURNMENT: There being no further business Mrs. Murphy made a motion to adjourn the meeting of the Franklin Borough Zoning Board of Adjustment. Seconded by Mr. Swiss. All were in favor. Meeting was adjourned at 8:46PM.

Respectfully Submitted,



Robin Hough
Secretary