

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
March 6, 2013

The meeting was called to order at 7:30 PM by presiding Chairwoman, Mrs. Liz Bonis, who then led the assembly in the flag salute.

Mrs. Bonis 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, Mr. Martinez
Mr. Lermond

ABSENT: Mrs. Murphy Mr. Kell, Mrs. Alexander

ALSO PRESENT: Mr. Thomas G. Knutelsky, P.E.
Mr. Ken Nelson, P. P.
Mr. David Brady, Esq.
Mr. Jim Kilduff, Director

Mrs. Bonis said as a point of reference, three people are excused from the Board based on their activities related to this application. Mrs. Bonis will Chair and Mr. Martinez an alternate will sit on the Board and Mr. Lermond, member of the Planning Board will participate as he has from inception of the application.

APPROVAL OF MINUTES:

Mr. Martinez made a motion to approve the **Franklin Borough Zoning Board of Adjustment Meeting Minutes for January 2, 2013**. Seconded by Mr. Swiss.

Upon Roll Call Vote:

AYES: Correal, Gardell, Kopcso, Swiss, Bonis, Martinez

NAYS: None ABSTENTIONS: None

APPROVAL OF RESOLUTIONS:

There are no resolutions to approve

APPLICATIONS FOR COMPLETENESS:

There are no applications for completeness

ADJOURNED CASES:

There are no adjourned cases

OTHER BUSINESS:

Mrs. Bonis requested the Mandated Annual Report be carried to the April meeting.

Mr. Kopsco made a motion to **carry over the Mandated Annual Report to the April meeting**. Seconded by Mr. Correal. All were in favor.

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
March 6, 2013

PAYMENT OF BILLS:

Mr. Gardell made a motion to approve the **Franklin Borough Zoning Board Escrow Report for March 6, 2013**. Seconded by Mr. Swiss.

Upon Roll Call Vote:

AYES: Correal, Gardell, Kopcsó, Swiss, Martinez, Bonis

NAYS: None ABSTENTIONS: None

APPLICATIONS TO BE HEARD:

ZB019-12-1 Eden Franklin LLC, Preliminary and Final Site Plan (Variances Conditional Use) Block 1401; Lots 12, 13 and 14

Mr. Brady said prior to Ms. Nicholson beginning, there's correspondence on the agenda pertaining to the application. He referred to correspondence from the Department of Engineering and Planning in Sussex County indicating no further action was required. Mr. Brady also referred to and reviewed a letter from Mr. Floy Estes. Mr. Brady informed, Mr. Estes should be available to be under oath, the applicant able to cross-examine and the Board should disregard (the letter). He added if Mr. Estes is present later, he can speak during available time.

Ms. Nicholson reviewed items requested by the Board and public from the previous hearing. Ms. Nicholson and Mr. Brady had a discussion regarding the LED sign which may have triggered a Use Variance; (our) engineer's request for a Sight Line for the rear neighbor's view, and of the Monument sign alternative.

Ms. Nicholson informed she brought Emad (El-Mubasher) from Walgreen's who's not a professional witness but can answer operational questions as he operates stores, been in stores, is a community leader for multiple stores, and can respond to employee smoking and compactor (queries). Ms. Nicholson also advised that the Mayor of Maplewood and "Gus", an initial objector of the Maplewood location, were coming but couldn't and explained their absence.

Mr. El-Mubasher was sworn in. Ms. Nicholson inquired of his employment, proposed Franklin store familiarity, its opening involvement, hiring, and operations. He said he's a Walgreen's Community Leader and explained. Mr. El-Mubasher said he oversees the Waldwick, NJ store plus six others. He said 40% is running his store; 60% for the other six, is involved in the community, and has been with Walgreen's since 2001. He said he's not too familiar with "Franklin", but will be in his community, be involved in the store opening, employee hire, and store operations.

Ms. Nicholson asked how many employees would typically work, like for the planned Franklin store, what type of shifts, how many per shift, and of the employee mix. He said between between 15 & 25 employees, three eight hour shifts and gave their

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
March 6, 2013

times, the number of employees and identified the staff team. She asked about a site manager and overnight staff availability. Mr. El-Mubasher said a manager is always on-site and provided staff information.

Ms. Nicholson inquired about late night drive-thru usage, customer counts and of crime concerns as expressed by the community. Mr. El-Mubasher provided answers from his experience and QPI facts. Regarding crime concerns in his career with Walgreen's since 2001, there are no issues of people breaking in or robbing their pharmacies. Ms. Nicholson asked about violent robberies to which he said no.

Ms. Nicholson asked during his Walgreen's career, how many stores he's been connected to, violent crimes within those stores and of the employee smoking policy. He said as a manager, at any given moment between 30-40 stores, no violent crimes in his career, and explained the smoking policy and emergency back door usage. Ms. Nicholson asked him about noise and lighting complaints received in his 30-store experience and of the compactor's noise. He said none at all. As to the compactor, never had complaints; is barely audible even while standing next to it.

Ms. Nicholson asked questions about the LED sign's message frequency, types of messages allowed and requested, who authorizes message content, town event advertising, town ordinance, amber/weather alerts and point of contact information. Mr. El-Mubasher responded. Ms. Nicholson asked if a community required a message be posted 364 days a year, would Walgreen's allow the community message be the only message on the LED sign. Mr. El-Mubasher said he wasn't sure and asked if she meant no Walgreen's advertisements. She asked if it happened that many groups asked, what would likely happen. He said he didn't know. Ms. Nicholson said "it's never occurred that there have been that many community events, but will you find out for us". Mr. El-Mubasher said he would.

Ms. Nicholson asked about store safety and camera surveillance for customer and employee protection. Mr. El-Mubasher said there's a large amount of surveillance cameras dependent upon in-store security issues. There are people monitoring all their stores who are able to make an appropriate decision.

Ms. Nicholson referred to an objector's 900' reduction being not as simple. Mr. El-Mubasher said it's an international company having a specific group of planners and designers using a (scientific method). He said they have a prototype store they want to build having the luxury of an acre and a half which would benefit the community.

Ms. Nicholson asked if the prototype operation would have the same item and shelving placement whether you walk into a Walgreen's here, Canada or Kansas. He said correct. Ms. Nicholson asked about the prototype pharmacist's [role]. Mr. El-Mubasher explained the pharmacist's available not only for consultation or prescriptions, but provides immunizations and one-on-one private consultation. Mr. Lermond asked questions regarding the Waldwick store's location and requested Mr.

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
March 6, 2013

El-Mubasher talk about it. Mr. El-Mubasher explained the neighboring lots and said (they) accommodate delivery and trash pick-up guidelines and said they have a great relationship with the neighbors. Mr. Lermond asked questions about the leader board's program ability, other stores and the prototype store. Mr. El-Mubasher responded and informed the prototype store is Lincoln Park.

Mr. Correal asked questions regarding availability should the community have an issue with one of the stores. Mr. El-Mubasher said he's the contact and can be reached directly or via a manager. Complaints can also be made through 1-800 Walgreens which then gets routed to them.

Mr. Martinez asked if Rockaway is part of his area and inquired about truck deliveries, multiple trucks and delivery control to avoid possible collision between trucks. He commented upon seeing it a second time, felt there was a consistency there. Mr. El-Mubasher said Rockaway is not his and explained deliveries come once or twice a week. McLean (Trucking) is their food distributor. He said emergency situations occur causing a delay; there's never been two 18-wheelers or the McLean truck and (Walgreen's) truck there at the same time but will look into it.

Mr. Knutelsky asked if all the stores he manages are 24 Hours. Mr. El-Mubasher said one. Mr. Knutelsky asked if any of the lights on-site go off and allow certain lights remain on for security purposes providing the biggest security benefit. Mr. El-Mubasher said they're on the entire time at his location. Accommodations can be made; those things are controllable. Mr. Knutelsky asked about external cameras. Mr. El-Mubasher said in his location there isn't but when they open a new store, it comes with external cameras.

Mr. Lermond asked if the LED sign is retro-fitted in every store or by ordinance and commented he's driven by stores without LED reader boards and asked if he has one at his stores. Mr. El-Mubasher said his store and others don't. Mr. Lermond commented if Walgreen's didn't warrant it. Mr. El-Mubasher said, like a Drug Fair was bought and others in strip malls where a reader board cannot be put up.

Mr. Lermond asked a question pertaining to lot sizes in the proposed store including Mr. El-Mubasher's other stores. Mr. El-Mubasher said they're all different sizes. Mr. Lermond asked if they're functioning and prospering to which he said yes. A discussion regarding lot sizes, acquired stores and prototype comparisons, differences, dimensions and their services was had. Mr. Lermond requested lot size comparison between Waldwick and Franklin. Ms. Nicholson said (they'll) provide.

Mrs. Bonis provided instructions to the public regarding witness testimony.

Mr. McDermott attorney for Richard and Eileen Durina stepped forward and asked questions regarding LED sign elimination, store reduction, prototype store,

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
March 6, 2013

compliance, other stores, and product/services store arrangement. Mr. El-Mubasher responded.

Mr. McDermott asked drive-thru questions regarding night-time customer count, if it's profitable to keep open at night, and if doctors are available to write prescriptions people couldn't get elsewhere. He also asked questions regarding delivery truck types, delivery types and their frequency at his store; all of which Mr. El-Mubasher responded to. Mr. McDermott asked if other products beside prescriptions can be picked up at the drive-thru. Mr. El-Mubasher said no sir. Mr. McDermott asked how people would know that. Mr. El-Mubasher said they would ask at the drive-thru.

Helen McNamara, 35 Auchte Drive asked if the store can be closed during overnight hours the pharmacy operates and could it close late and open early. Mr. El-Mubasher said from his experience he doesn't think it can. She asked if all his stores aren't open all night and he agreed. Ms. McNamara addressed her issues regarding people hanging out, past experience with other establishments and inquired about intervention responsibility. Ms. Nicholson said as testified, a store manager is on duty 24 hours. Ms. McNamara questioned the (manager's) age. Mr. El-Mubasher said typically, a grown (person) would come out.

Judy Stampone, 59 Woodland Road stepped forward to comment. Mrs. Bonis asked if she had a question pertaining to (the witness). Ms. Nicholson advised there is another time available for her to speak.

Karen Stecher, 60 Washington Avenue asked about 8 hour employee shifts, certain staff inclusion and employee benefits. Mr. El-Mubasher responded to her questions. Ms. Stecher said as a backdoor neighbor, she's concerned with the backdoor on-goings and said she visited three different Walgreens' and spoke about fencing, cardboard bales, and questioned responsibility. Ms. Stecher talked about her experience at the West Milford store regarding deliveries. Mr. El-Mubasher replied.

Dan Dougherty (263 Wildcat Road) asked about new stores having a monument sign to which Mr. El-Mubasher responded. A discussion regarding a property's dwelling status was had.

Mr. Knutelsky requested clarification between a single unit truck and a tractor/trailer. Mr. El-Mubasher said Walgreens and McLean both have tractor/trailer two-unit and said the milk, Coke and Pepsi are single unit trucks.

Engineer Dougherty was reminded he's still under oath and began with Exhibit A-10. Proposed Walgreens – Franklin, NJ Exterior Elevations prepared by RSC Architects dated March 6th, 2013. He said is a colored rendering of the architectural elevations replacing A-6 due to a brick color correction and also explained it to the public. Ms. Nicholson asked if it also shows the Board's request of the rear elevation not being all one color. Mr. Dougherty agreed and explained the band and its placement.

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
March 6, 2013

Mr. Dougherty said the applicant and the architect significantly reduced signage. He said they're proposing three variances and have eliminated ten. Ms. Nicholson asked what the three remaining are. Mr. Dougherty said two of the three are reduced in the variance amount requested. The remaining variance that doesn't change is the LED Reader Board for the type, not size. He said one sign package was eliminated. Mr. Dougherty said the only remaining sign is the "W" logo near the building corner. On the East elevation, the Walgreens sign is still proposed as Walgreens 24 Hour Pharmacy significantly reduced in height and area conforming to ordinance requirements. Also, the "W" logo on the North and East elevations were reduced to conform to the letter height and further explained. He said the total area on east elevation is still within what's permitted and a variance goes away.

Mr. Dougherty presented A-11 comparative to previous Exhibit A5. Mr. Dougherty explained the signage reduction, their placement and setback change on the Right of Way. Mr. Gardell asked for the setback on Route 23. Mr. Dougherty said the new sign is 14' from the edge of the sign to the Route 23 Right of Way.

Mr. Dougherty gave a sign variance summary explaining the initial request for 13 sign variances to the reduced three. Mr. Dougherty said there are two small signs he wanted to point to the (Board) as shown on the architectural sign summary and doesn't believe it counts as a wall sign, a directional or indicator. He wanted to mention it as it's a sign on the building and part of the sign packet. Mr. Knutelsky agreed the drive-thru and exit sign for the drive-thru are purely for directional purposes and agree it wouldn't be part of a sign application. Mr. Gardell commented, they would be standard traffic signs and agreed to by Mr. Dougherty. Mr. Knutelsky said whatever the architectural sign says; there's not even a symbol like Wendy's. A brief discussion on this followed.

Mr. Dougherty said they were able to reduce variances for pylon signs. He said the first item was the 15' setback required and explained. He said theirs is 14' and are requesting a variance. He presented Exhibit A-12 Sign Location Exhibit prepared by Dynamic Engineering dated 3/6/13 and said it's essentially the same view as the site plan sheet. To eliminate any confusion and testify to the fact it's 14', is the location of the new sign and its distance from the Right of Way, he wanted to make sure it's on record so the Board understood it was an actual dimension from the Site Plan and not based on a rendering. Mr. Dougherty described the sign symbol. He said they previously requested a sign variance for the pylon sign area and explained their dimensions. Mr. Dougherty said the total area is 78.9'; within the 80sf permitted by ordinance and no variance associated with the area of that sign. He discussed the Walgreen's panel and Reader Board reduced to conform to the ordinance requirements under the 80sf for the area requirement.

He said they're left with three remaining variances. The setback was greatly increased, the LED sign which is for type of sign and three building mounted wall

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
March 6, 2013

signs; two permitted and reduced from the previous four. Mr. Lermond asked if the wall mounted signs are back lit. Mr. Dougherty agreed and said they're internally lit. Mr. Lermond asked about the 25' pylon sign compared to the ones across the street (Wal-mart and Dunkin' Donuts). Mr. Dougherty said by memory, may range 25' or higher, didn't do a comparison and (hesitates) to give testimony and doesn't have a substantiate comparison.

Mr. Lermond said he'd like to understand from a comparison viewpoint including driving towards the site what will be seen from both directions. Mr. Dougherty talked about his experience this evening regarding Target going north bound on 23. He discussed its approach, entrance, signage, and site identification. He said it was similar to this site. Mr. Dougherty discussed the approach comparisons regarding a 25' sign. He thinks a 25' sign height is important in identifying the site especially on 23 southbound and explained. Mr. Dougherty said they moved the sign further away from the intersection and as an accommodation, he thinks 25' is for identity and safety. Mr. Lermond said he'd still like to know the height comparison to others in the area; is it going to stand out or just be similar. Mr. Dougherty said if you want to compare to most Walgreens, generally, you'll see higher ones and almost don't see lower ones. It's their standard height and can jump around on the panel size; 25' is fit for the use.

Mr. Lermond asked if he'll speak of a monument sign in lieu of. Mr. Dougherty presented Exhibit A-13 (Exterior Rendering Option B) because monument signs were mentioned at the February meeting whether it's considered for Walgreens in some locations. Mr. Dougherty explained the pylon sign and said as an engineer, he would have a lot of issues and questions about identifying the site with that sign due to its low height. A brief discussion between a monument sign vs. a 25' sign was had. Mr. Lermond asked if the sign square footage dimension on the pylon sign is the same as what they're proposing. Mr. Dougherty referred to the dimensions from the architect's detail provided. He said the monument sign has its own sign criteria different from the pylon sign. Mr. Dougherty read the sign dimensions from the architect's sketch. A discussion followed on dimensions and requirements. Mr. Brady requested Mr. Dougherty provide the monument sign's approximate height for what's proposed. Mr. Dougherty said 8'8" wide and 11' high and wouldn't recommend a monument sign for this location as it's not visible enough at that low elevation with this type of highway, the grades and sight lines from both approaches; specifically, south bound.

Mr. Dougherty asked if there were any other sign items. Mr. Knutelsky said on the free standing sign, it's agreed they're seeking a variance to provide the LED portion of that sign to which Mr. Dougherty agreed, Mr. Knutelsky said he's compelled to inform the Board and the applicant an additional variance may be required based on the Walgreen's representative's testimony. Mr. Knutelsky read 161-24 S (m) and advised the Board though the idea there's a tricky tray at the school is nice for the community, it makes sense it would be a variance for the applicant, is in the

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
March 6, 2013

ordinance and is compelled to tell them that. He doesn't know if that can be a requirement or condition that it cannot be stated on the sign; for the Board's awareness.

Mr. Martinez asked if the sign location will now impede parking. Mr. Dougherty said no. He referred to A-12 (Sign Location Exhibit). He said it's in the triangular parking lot island; there's probably about 2 ½ - 3' setback from the curb and a sidewalk will go next to the sign to keep the crosswalk. Mr. Martinez inquired if there are no other parking spaces than on their previous design. Mr. Dougherty said no, this layout was submitted into plans before the New Year. With this layout change, based upon the engineer's suggestion is when the landscape island was created and after its placement, they found the perfect elevation and location for the sign.

Mr. Gardell asked how important is, it to have the LED sign. Mr. Dougherty said it's not an engineering item for him but from his engineering experience working for Walgreen's, it's a standard. He explained what Walgreens looks for regarding their LED Reader Boards on their sites. He said they're proposed in every new project and though Walgreens has modified the look, they've stayed with the same standards from his ten or more year experience. Mr. Dougherty talked about their prototype standard and the evolvement of free standing pharmacies which they've been able to maintain the prototype criteria footprint. He said more goes into the 114 x 30 than when first established. The extra 900sf value loss would equal losing two or three store aisles which make a big difference to what they're able to bring to the store and gave examples. Mr. Dougherty said the sign is the same as in older stores and Reader Boards are generally the same size and haven't changed much.

Mr. Dougherty presented A-14, Architect (Exterior Rendering) and described it. He said the landscape is represented accurately with the landscape plan. In developing the 3D exhibit, they realized they had a blank spot in their landscaping. He referred back to A-8 (Sight Plan Rendering). He showed where they're putting the proposed fence, why they didn't landscape an area, and realized from a certain angle; they needed a few more pine trees to fill the space. Mr. Dougherty said when they showed an exhibit, they agreed to amend the landscape plan with the same plantings. Ms. Nicholson asked if the vinyl fencing is proposed for this site. Mr. Dougherty agreed and said its solid vinyl fencing.

Mr. Brady asked for the tree height on the rendering. Mr. Dougherty said they're about 10' or 11'; a combination of Colorado Spruce and Norway Spruce. Mr. Brady asked for the height plan. Mr. Dougherty said their planting spec is 6'-7', is their standard planting spec for them and could (increase) it to 8'-10' and still be within typical planting standards if the Board requests. Mr. Dougherty described their growth pattern and said they mix it up.

Mr. Dougherty presented A-15 (Site Section Exhibit) prepared by his office dated 3/6/2013 is in response to a request from the previous meeting for a view from

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
March 6, 2013

Auche Drive. Mr. Dougherty described the building's north elevation, Route 23's location and where homes on Washington Avenue would be, and showed the home based upon scale standards. Mr. Dougherty explained the sources obtained for the exhibit. He talked about sight line views of the home looking towards the building, Route 23, and tree views. He also discussed lighting in response to a question from the previous meeting. Mr. Dougherty talked about their dimensions, placement, lighting types and the neighbor's sight line view.

Mr. Lermond asked if the trees are provided as part of the build. Mr. Dougherty said correct. Mr. Lermond commented, is existing. Mr. Dougherty said there's an existing line of deciduous shrubs on the property line and immediately to the west is a small concrete retaining wall-about a 2' reveal and our first plantings begin right next to that wall and our fence. The plantings shown are about 10' or 11' representing a little growth. If they use 8'-10', even less growth from planting time; then substantially higher years down the road. Mr. Dougherty proceeded to demonstrate to the public as he did for the Board. Ms. Nicholson asked him to summarize the neighborhood impact of lighting, noise and visual. If so, what it is and what's been done to mitigate the impact.

Mr. Dougherty discussed the following: Gulf Station's site view, existing grades with not much impact, lighting fixtures perspectives, speaker's noise with minimal impact and pharmacy usage. He talked about a Board inquiry to shutting down the drive-thru at night being difficult due to circulation and explained. Mr. Dougherty also discussed buffering and what's proposed to buffer site activity, and of lighting along the side of the building. Mr. Dougherty explained candle lighting at the property line, discussed compactor noise and referenced earlier testimony of no complaints. He said they have done a lot to mitigate impact concerns and steps taken to increase buffering, landscaping, setback from residences, and minimized signage.

Mr. Lermond asked Engineer Dougherty if he's been to or seen the (Waldwick store). Engineer Dougherty said no, he's referring to previous testimony from their management record. Mr. Lermond asked how a 6' vinyl fence buffer compares to the Waldwick site. A brief discussion on fence height was had. Engineer Dougherty said based upon satisfying the (Board's) and public's request, if a higher fence is requested, it would be another waiver. He said he doesn't think you could compare Auche Drive neighbors with their Waldwick neighbors and further explained.

Mr. Dougherty said his property line is about 50' from his front step. Engineer Dougherty agreed and said when they prepared the exhibit showing the Washington Avenue neighbor, it was done because they saw it as the worst case sight line from their adjacent neighbors including (Mr. Dougherty's) house. Engineer Dougherty referred to Exhibit A-1 (Aerial Exhibit). A discussion on site comparison, buffering and Right of way improvement was had. Mr. Lermond asked if it includes noise. Engineer Dougherty said absolutely because the whole building moved away and

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
March 6, 2013

doesn't think there was a lot to do for noise because the compactor is not a loud element, especially considering Route 23 [traffic noise] at any hour of the day.

Mr. Knutelsky asked about a home's height vs. another. Engineer Dougherty provided sight explanations. Mr. Knutelsky asked about mechanical equipment buffering and design on top of the building. Engineer Dougherty explained. A discussion on louvered penthouse screening was had. Therein, Mr. Knutelsky recommended Board consideration as it would be a benefit and should include it in the application.

Mr. Lermond said he hasn't heard any testimony to the view of the 25' building height relative to the gas station or Dunkin Donuts. Engineer Dougherty said he doesn't have local comparative building information. Mr. Lermond asked if he knew Shop Rite's height. Mr. Knutelsky said in terms of the building, whatever's surrounding this building is 10' lower than what's allowed by ordinance; 35' maximum height. Mr. Lermond said he's trying to understand the buffer impact and the elevation in the rear. Mr. Knutelsky compared it to a standard 2-story home, provided dimensions and said from ground to roof it's close to 25. Engineer Dougherty said it could be compared to their neighbor's house that's to scale and further explained. Mr. Lermond said it's twice that of the gas station. Mr. Nelson said older commercial buildings along (Route) 23 are lower but in terms of the recent approval, the Staples building in a renovated form, is probably close to what this would be. This matter was further discussed.

Mrs. Bonis asked if any Board members had questions for this professional and also asked Mr. Nelson if he had anything to add. Mr. Nelson said he'll wait to hear the Planner's testimony and comment thereafter.

Mr. Lermond made a motion to **Open to the Public on Engineer Dougherty's testimony**. Seconded by Mr. Martinez. All were in favor.

Mr. McDermott asked if the LED sign could be easily eliminated. Engineer Dougherty said it was the applicant's request. Mr. McDermott said it's primarily to advertise Coke or milk sale price. Engineer Dougherty said he didn't give advertisement testimony of the sign board. Mr. McDermott inquired of the sign above it. Engineer Dougherty asked if it was the Walgreen's sign; it just says Walgreens and Mr. McDermott agreed. A discussion on this topic continued. Mr. Brady said because we're going back and forth to something that's frankly obvious; he's an engineer. From an engineering point of view, the reader sign could be removed, correct. It was said fine. Mr. Brady said that's his expertise, the other stuff has to do with marketing and operation and not ads.

Mr. McDermott referred to A14 saying it doesn't depict accurately and questioned the evergreen height in terms of building height. Engineer Dougherty said he didn't personally prepare the exhibit but after reviewing it disagrees. Mr. McDermott asked

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
March 6, 2013

if it was to scale. Engineer Dougherty explained perspective drawing and said it doesn't mean the images in the drawing are not a correct perspective in scale to each other. Mr. McDermott questioned the evergreen trees in relation to the building scale. The evergreens and building height comparison were further discussed.

Judy Stampone, 59 Woodland Road, sought Engineer Dougherty's opinion regarding a certain view preference. Mr. Brady advised her (query) has nothing to do with his testimony about the site and how it works as an engineer and if Mr. McDermott's client testifies later, she may ask.

Karen Stecher, (60) Washington Avenue talked about her visit observances to the Maplewood store regarding trees and the building's structure. Engineer Dougherty gave explanations and referred to prior testimony from Mr. El-Mubasher.

Ms. Nicholson said the trees being planted start at 8'-10' and not 2'-3'. Ms. Stecher said the Maplewood store were what she observed. Engineer Dougherty said he couldn't speak to what they planted and said the (proposed trees) are hardy, provided their growth information, and said they're appropriate for this screening use. Ms. Stecher expressed her concern as it's close to where she is and wants the maximum. Engineer Dougherty showed the trees and evergreen (path) on the (exhibit) and said they'll have the same on that property. Ms. Stecher expressed her concern after seeing different locations. Engineer Dougherty said she's looking at something special for this use and the neighbors' concern was considered compared to other applications. Ms. Stecher mentioned she visited the Millburn store and one in Passaic County saying they're not as lush as what's proposed and asked if it's a company standard or specific to (Franklin). Engineer Dougherty said the planting type is an industry screening standard and is used because it works well, and the density is specific to (Franklin).

Lisa Dougherty (283 Wildcat Road) asked how many variances are being sought for the entire project. Engineer Dougherty said 7 Bulk Variances. Four are associated with front yard setbacks for Auch Drive, Washington Avenue, Route 23 and the rear yard setback to the neighboring property. She asked what he meant by Bulk. Engineer Dougherty explained. Mr. Brady said it essentially means differences in distances and measurements as opposed to uses. Ms. Dougherty said you're saying there were 10 for the signage and 7 for the entire project on top of that. Engineer Dougherty said no; there were 13 for the signage and now there are three.

Ms. Dougherty asked Mr. El-Mubasher if someone comes through the drive-thru at night and no one's at the window, is there a buzzer to alert someone. Mr. El-Mubasher said there's a buzzer next to the sensor. Mr. Brady said for the record, testimony by Mr. El-Mubasher was that there's a buzzer someone can hit or a sensor that sets off a bell or tone inside the store. Mr. El-Mubasher agreed.

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
March 6, 2013

Joan Gaba, 29 Auchte Drive said she's opposed to the 6' fence and asked for a higher fence. Engineer Dougherty said he can speak for the applicant, that they will put as high a fence as the Board allows conceding to the neighbors' concerns. Fence height was briefly discussed. Ms. Gaba reiterated her opposition.

Dan Dougherty (283 Wildcat Road) addressed his concern about distance. Engineer Dougherty referred to exhibit A-2 (Site Plan Rendering) and explained the increase from 45' to 49' which changed parking dimensions and landscape buffering between the loading curb area and the property line being 5' at that time. Mr. Dougherty asked where the loading zone curb was. Engineer Dougherty showed and explained how the landscaping space increase from 5' to 17' which allowed for additional plantings as seen in the exhibits, and the western façade increase from 77' to 81.1'. At this time a discussion on buffer requirement, yards, variance request and setbacks were had. Mr. Dougherty questioned garbage truck and tractor/trailer circulation and if they have a revised route and wanted to see it. Engineer Dougherty addressed Mr. Dougherty's issues wherein he referred to Sheet 17 currently before the Board which is the WB50 circulation plan. He explained it was in response to a request from Mr. Knutelsky at a previous meeting and was discussed then.

Mr. Lermond made a motion to **Close to the Public Engineer Dougherty's testimony**. Seconded by Mr. Correal. All were in favor.

A Board discussion regarding meeting continuance with the next witness was had. It was decided to proceed with Mr. Kauker's testimony.

Michael F. Kauker was sworn in and provided his professional licensure and credentials. Ms. Nicholson requested he tell why the Board has the authority and power to grant relief the application has requested and why Land Use Law gives all reasons for the Board to grant the Variances requested. She requested he walk us around the site, pull witness together, and show how the Board can vote yes tonight.

Mr. Kauker gave explanations why they're before Board and presented his Exhibit entitled "Exhibits In Support of Variance Application for a Walgreen's Pharmacy dated March 6, 2013." He referred to and reviewed "Proportional Compliance Analysis; The Test of reasonable Hardship" table in his Exhibit. A brief discussion regarding the number of Bulk Variances which was resolved was had. Mr. Kauker continued with his presentation. He said overall, these particular Bulk Variances under C2, the benefits outweigh the detriments and asked the (Board) consider in support of the C2 Variance Bulk Requirements.

Mr. Kauker believes the nature of the use being 24 hours and providing a multiple product approach to medical needs and other medical related convenience needs for the public inures the public and purposes as set forth in the (Town's) 2009 Re-exam. He said they take the form of two objectives that relate to this application. He

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
March 6, 2013

said one is to provide for economic development and the other to protect the integrity of surrounding or adjacent areas.

Mr. Kauker discussed parking spaces and the incorporation of increased buffers, the 24 Hour service to the community, the site's acreage and the ordinance, and building height. He said they must show compliance with MLUL in support of a C2 variance; that section is 40:55D-2 and comply with sub section a, b, c, g and i which the (Board) will see what's proposed in terms of design, landscaping, aesthetic design and nature of the building meeting those requirements. Mr. Kauker believes because of the unusual discrepancy between the recent ordinance passage, and the reduced acreage requirement from 5 to 1 was not tempered to relate to a smaller scale site. He said the dichotomy between the two presents a documentable C1 hardship in support of the application and believes the C2 benefits outweigh the detriments, is the more weighty and substantial proof approach to support the deviations from the ordinance they documented.

Mr. Kauker said the last part of variances asked for consideration relates to design standards contained on Page 1 of his packet (A-16). He said they are deviations from the design requirements associated with parking area, elaborated and said they do not meet that requirement. Mr. Kauker explained parking and landscaping and said they've done something to further strengthen (the Board's) basis for consideration of this variance. They're taking additional landscaping area over and above the 15% requirement. They're dedicating it and concentrating that on the perimeter of the site. He referred to his table and provided further explanation.

Mr. Kauker said the two deviations including fence height to be determined by the Board and added as a variance, must meet the test. He explained a D3 Variance, referred to the Coventry case and respectfully submits the site is very appropriate to accommodate the permitted use. He said there's no connectivity between the fact they don't have 58% of trees or landscaping within the parking area and the site's ability to accommodate the proposed use of the additional 900sf. Mr. Kauker submitted it's an integral, critical part of the nature of products Walgreens' considers essential; a component of the land which they designed their business model. He explained their pharmacy involvement. Mr. Kauker said Walgreens is one of the largest drug store chains whose module serves the product and public need that satisfies as a product of this application and is one of the cornerstones of the support for the variances. He believes you can consider these deviations from the point of view from the bulk deviations and the D3 Conditional Use without any substantial impact on the intent purpose of the zone plan and explained. Mr. Kauker said Borough fathers gave this kind of site life, from the point of view of at least setting the table for developers to look at and find ways to make it work for certain kinds of building scales and certain kinds of special products such as Walgreens.

Mr. Brady asked if he was going to provide testimony with regard to the sign variances. Mr. Kauker said yes. Ms. Nicholson said to do that now.

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
March 6, 2013

Mr. Kauker reviewed signage as the application evolved, discussed the LED sign and explained their relation to the Ordinance, Variances and the MLUL. Regarding the LED sign, he believes it serves a public benefit to have that external to the site in an aesthetic and controlled way. The benefit outweighs any detriment with no traffic blockage and adds visibility. He talked about the safe decel approach on the highway for a pylon sign. Mr. Kauker said 25' is typically conservative in his experience and any lower looks cluttered given the scale, size and sign height as opposed to a pylon. In that context, he respectfully observes and requests the Board consider an LED external as opposed to having it in the windows.

Mr. Gardell asked if (Mr. Kauker) feels the LED sign is absolutely required and said larger stores don't have LED signs. Mr. Kauker said he understands and believes it's an enhancement to the pharmacy's nature. He talked about Walgreen's stores (signage) while on Florida trip and compared the LED aesthetics vs. old Reader Board signs as visually cleaner, more attractive, and effective. Though he admits the business could get along without it, Walgreen's nature and intent is to do it in a reasonable and intelligent way with the state of the art business product they intend to provide the traveling public and customers based upon its inclusion. If implemented in non-garish way, it could be accomplished in an acceptable way to the Board's high standards. Mr. Gardell said there's nothing else like that on Route 23. Mr. Kauker agreed. Mr. Gardell commented, you're going to be the first ones to put up an LED sign and everyone's going to want one. Mr. Kauker said each application stands on its own merit. Most businesses don't view it as an integral part of their basic design product and agrees it would be the first.

Mr. Nelson said he generally doesn't disagree with (Mr. Kauker's) analysis and touched all the bases needed. He thinks the bottom line which Mr. Kauker emphasized is the various deviations needed or existing deficiencies is if the site is still appropriate for the particular use. (Mr. Kauker) testified some commercial use would be site appropriate and may have a greater impact. The question is whether this one can. Mr. Kauker agreed. Mr. Nelson said what's triggering the D3 Variance and wrote a report to the Board indicating it's a relatively minor part of the Ordinance triggering it. Nevertheless, he believes the objective and can't speak to the objective but thinks the perception is it's an intrusion into the residential neighborhood. However, as a planner, the fact it's zoned commercial, wouldn't categorize it as an intrusion. Mr. Kauker agreed and said they have a foundation to at least proceed with proposal for commercial uses.

Mr. Nelson said, given the fact it's an adjoining residential neighborhood that for many years saw most of the site as residential property, he believes (Mr. Kauker) would agree it's essential to substantially buffer the property from it. Given the fact the applicant has modified the application to enhance the buffer, it's his view the buffer can be further enhanced and hopes (Mr. Kauker) agrees to possibly involve the neighborhood in the decision making process to ensure the use is substantially

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
March 6, 2013

buffered from the neighbor. Mr. Kauker said he's impressed with the creativity extent and response from his client as to the existing and nature and design of the buffer. It's come a long way and it goes beyond what would normally be provided in any site even adjacent to residential areas. His client and Walgreen's would be open and responsive to finding ways to further tweak it to the particular needs of the surrounding residential area.

Mr. Nelson said the enhancement of the buffer would be a condition the Board might impose; to further enhance the landscape plan. Mr. Kauker agreed. Mr. Nelson felt (Mr. Kauker) agrees there are a number of reasonable conditions the Board can impose to ensure the use will not have a negative neighborhood impact the objectors are concerned about. Mr. Kauker said he agrees and recognizes the process is voluntary to an extent, but that's not where the applicant is coming from. He wants to integrate it into the neighborhood as possible.

Mr. Nelson thinks they don't want to integrate it into the neighborhood, they want to separate it. Mr. Kauker said it's an integral part of the uses on that side of the highway and will never make it go away. The building will be seen regardless, from various points of view like the neighbors see the commercial scale community on the other side of Route 23. The greatest reasonable extent possible to find ways to recognize and be sensitive to the residential area is the common, good goal.

Mr. Kauker said Mr. Nelson reminded him of an aspect of the two deviations; 1 tree per 10 spaces and the 15% he cited and wanted to make the Board aware they substantially comply with section "N" which is the design section for parking areas. There are 21 separate requirements; they comply with 19. An extent of deviation from that particular section is very minimal.

Mrs. Bonis asked if the LED lights are similar to lights seen outside in newer gas stations advertising price per gallon; if they're electronic lights having prices up high. Mr. Kauker said he has no detailed knowledge of that aspect and referred to Engineer Dougherty. Engineer Dougherty said he's represented several gas station applications for LED price points and said they're the same type of light. It's a field of LED's to convey different messages, where a gas station is set on a sheet or grid to convey numerical pricing. It's the same light type; the actual individual LED itself.

Mr. Knutelsky said in regard to the landscaping testimony, Mr. Kauker indicated the dedicated landscape perimeter and how 15% is being achieved; the plan shows 23.2. He knows that's what the picture shows but so the Board understands, the shown landscaping is part of a bank parking scheme the applicant doesn't intend on using. Mr. Kauker agreed. He said a reverse order cited that as a unique beneficial aspect of the use itself because of the reduced parking need which they have the opportunity to achieve and treat it temporarily as landscaping; probably as long as the use remains on the site as it's the proposed design. Mr. Knutelsky said he specifically brings it up for that case so in the future, should that parking be needed,

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
March 6, 2013

that dedicated landscaping now has been constructed, what triggers that, and that's something the Board will have to implement in any type of affirming action on the application for the future from landscaping to parking. There's no parking variance, they're just planting plants and grass in the parking area and wanted to make sure it's apparent. Mr. Kauker was appreciative.

Mr. Brady said if the banked parking was to be put in place, would your testimony be the same about the impact of the development on the neighbors. Mr. Kauker said yes it would namely because of a topographical differential and the way in which the reduced buffer is tucked into the slope; it would be substantially the same but obviously the buffer would be of less width and it would slightly water down the strength of his testimony as presented.

Mr. Nelson said one of the reasons he suggested landscaping be enhanced is if the parking is constructed, he thinks it's essential there would be more of a landscape buffer, not just a green space lawn along the westerly boundary. Mr. Kauker agreed.

Mr. Lermond made a motion to **Open to the Public Mr. Kauker's testimony.** Seconded by Mr. Martinez. All were in favor.

Mr. McDermott requested to carry or reserve right to continue to the next meeting. Mrs. Bonis asked if any member of the public had questions while Mr. McDermott organized his thoughts.

Lisa Dougherty, (283 Wildcat Road) asked if he gave an overall of what the engineer and architect already presented. Mr. Kauker agreed, and explained as a Planner. Ms. Dougherty said she didn't hear him speak about traffic issues. Mr. Kauker said he hadn't as he doesn't recall or perhaps due to missed meetings. Ms. Dougherty asked for his opinion. Mr. Kauker said he couldn't as he wasn't present but doesn't believe the traffic aspect is related to any of the variances he testified to. Ms. Dougherty asked if he realized the school is within 200'. He said yes.

Mrs. Bonis advised Mr. McDermott that Mr. Kauker was given time this evening and would appreciate he ask questions this evening. Mr. McDermott said it will take him awhile and asked for the Board's indulgence. Mr. Brady provided advice and a discussion of the meeting's continuance was had. It was decided to continue.

Mr. McDermott asked Mr. Kauker questions of who advised Franklin needs another 24 hour pharmacy, amount of other area drug stores, and of Walgreen's attempt to service as other drug stores do and if it's not sufficient enough that a Walgreen's is needed. Mr. Kauker responded and said he believes if a business entity such as Walgreen's understands their market expertise, area demographics and as a result submit the lengthy application process, there is a documentable sustainable need for an additional pharmacy; in this instance, a pharmacy having an added dimension.

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
March 6, 2013

Mr. McDermott asked if it's based in terms of anyone from Franklin saying this even exists. Mr. Kauker said it's his professional opinion based upon 40 years of experience dealing with land uses. Mr. McDermott said you're basing it only on what Walgreen's tells you. Mr. Kauker said he's basing it only on his experience in land use demand, the construction of zoning, ordinances and master plans coupled with his client's expertise. Mr. McDermott asked what his client's expertise he's specifically relying on. Mr. Kauker said their expertise is they're the largest pharmacy within the United States; understand what it takes to construct a successful business model and successful stores.

Mr. McDermott asked Mr. Kauker questions regarding the site's vacancy status and the lease not renewed by the property owner. Mr. Kauker responded. Mr. McDermott commented it was not renewed so this owner could seek this use. Ms. Nicholson said she doesn't feel this is a question of testimony given. Mr. Brady allowed the question. Mr. McDermott said it's more for the economic benefit achieved by selling to Walgreen's instead of renting to a person who can operate it as a service station. Mr. Kauker said that wasn't part of his direct testimony and has no knowledge of what they're asking. Mr. Brady said that's irrelevant in Franklin because the economic motivations of property owners. As long as they're complying with the ordinances or making applications for variances is irrelevant to the decisions of the Board.

Mr. McDermott asked Mr. Kauker questions regarding the site be used for alternative uses and variances, and questions regarding a 100 page document. Mr. Kauker responded and the document was discussed. Therein, Mr. Brady provided advice. Mr. McDermott said he's speaking about traffic, retail, economics; the entire aspect of the application. Mr. Kauker said he didn't look at it all. Mr. McDermott asked if he looked at some of it and if it provided basis for his testimony. Mr. Kauker responded possibly and agreed it provided basis for his testimony. Mr. McDermott commented you're not willing to produce that. Mr. Kauker said that's correct.

Mr. McDermott asked of Mr. Kauker's awareness of other 24 hour pharmacies nearby for overnight prescriptions. Mr. Kauker responded.

Mr. McDermott asked Mr. Kauker questions about the residential topography and Route 23's commercial development. Mr. Kauker responded. Mr. McDermott asked if the proposed store were reduced, some or all the variances go away. Mr. Kauker said not within the framework he terms to be a reasonable use of this property. Mr. McDermott commented, if the building were cut. Mr. Kauker said a fully compliant development on this site would create a building coverage of around 4% which he doesn't believe represents a reasonable use of the property for its zoned purpose. Mr. McDermott said you can do that with just one of the three parcels. Mr. Kauker said he thinks the intent of carving out parcels to aggregate into 1.59 acres is clear in terms of the town fathers' decisions and Planning Board made in creating the zone.

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
March 6, 2013

Mr. McDermott asked Mr. Kauker questions regarding the elimination and/or reduction of the drive-thru and of its effects on the variances. The Route 23 east and west side corridor were discussed regarding commercial zoning and noise, to which Mr. Kauker responded.

Mr. McDermott said the proposed sidewalks in front and around the property will cause children to walk across the site's entrance. Mr. Kauker said in a safer manner than if the sidewalks weren't there. Mr. McDermott asked how it would be safer. Mr. Kauker said there's a designated walkway designed to accommodate pedestrian movement in a safe manner. Mr. McDermott said there are no sidewalks there now. Mr. Kauker agreed. Mr. McDermott said school children aren't coming to the front of the site now. Mr. Kauker said he has no knowledge if that's the case or not and suspect that's not the case.

Mr. McDermott asked how many times he's performed services for Walgreen's and applications similar to this. Mr. Kauker said to his recollection, a 2nd time several years ago for an application in Wayne Township.

Mr. McDermott asked Mr. Kauker questions regarding tractor/trailer noise onsite interfering with surrounding residences, if Mr. Kauker was onsite to hear Route 23 noise and the time of day. Mr. Kauker responded.

Mr. McDermott said you're saying the benefit, reason you believe the Board should grant variances for the LED sign is so people in Franklin and those driving by would become aware of special priced items. Mr. Kauker said yes.

Mr. McDermott asked from a planning perspective if the building were made smaller, buffer area size bordering the residential zone would increase. Mr. Kauker said yes, ever so slightly. Mr. McDermott asked if it would benefit the surrounding residences. Mr. Kauker said it would increase the size of buffers but doesn't know if it would be a discernible benefit. Mr. McDermott said you don't know that it wouldn't be do you. Mr. Kauker said he wouldn't be able to tell with the naked eye that 900sf was either in or out of the structure. Mr. McDermott said I didn't ask about the 900' of the structure, I said if the structure were reduced, it could increase the buffer area significantly. Mr. Kauker said no, that's not correct; you're speaking of the 900sf. Mr. McDermott said he's speaking of more than just 900sf. If it was reduced in size by a couple thousand square feet, the buffer area on all three sides could be increased significantly. Ms. Nicholson said it was in the testimony and direct. Mr. Brady said he can ask his question on cross examination and thinks it's a fair point to make. Mr. Kauker said he doesn't think it's reasonable to assume any applicant would unless it were a unique special kind of a use proposed a building scale that obviously can be served by appropriate infrastructure and parking, significantly below that allowed by the ordinance. Mr. McDermott said you're saying one doctor would not be able to have a much greater buffer between the building, the site and

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
March 6, 2013

the adjoining residences. Mr. Kauker said he's not saying anything about a doctor's office or any other use because he has not made those studies.

Mr. McDermott said, you indicated the building could be 35' high. Mr. Kauker agreed. Mr. McDermott said and there wasn't any variance for that. Mr. Kauker agreed. Mr. McDermott asked questions regarding the building being smaller and of alternative usage and buffers. Mr. Kauker responded.

Mr. Zydon said, excuse me if I may. Mr. Brady said we have to go through the cross-examination. Mr. Zydon asked where he is going with this. Mr. Brady said it's up to the Board to decide.

Mr. Vinob Patel asked Mr. Kauker what services does (Walgreen's) provide other pharmacies don't. Mr. Kauker said, 24 hour service, a balanced mix of convenience products and services such as photo, pharmacy, other things and has its own unique mix and business formula. Mr. Patel inquired about the unique mix, said there are two supermarkets and asked if bigger is better. Mr. Kauker said no, it speaks to the fact they're very successful, a business organization and model that work.

Mr. Patel asked what the benefit of a 24 hour pharmacy is. Mr. Kauker said It provides an opportunity for those in need at a critical hour during the day, gave an example and said if it happens to one person in a month and is aided, that's a benefit. Mr. Patel said that is true but is there any doctor open after 9, 10 o'clock. Mr. Kauker said not normally. Mr. Patel asked if it's an emergency to get the medicine or something at night time. Mr. Kauker said what if you have an emergent need for a prescription you ran out of and wake up with a symptom in the middle of the night and need to go to the pharmacy. Mr. Patel asked if he knew there's a pharmacy 10 minutes away to get it. Mr. Kauker said it's not within Franklin; this application is in Franklin. Mr. Patel said that is true; but did he know a 24 hour pharmacy also will attract unwanted people. Mr. Kauker said he didn't know and it wasn't part of his testimony.

Mr. Correal made a motion to **Close to the Public Mr. Kauker's testimony.** Seconded by Mr. Swiss. All were in favor.

Mr. Brady asked for Ms. Nicholson's point of view where to go from here as it's usually the planner who does the clean-up. Ms. Nicholson agreed and said he was their last witness and members of the public want to make their statement and has a brief summation. Mr. Brady said he'll leave it up to the Board and gave his advice. A brief discussion followed.

Ms. Nicholson reviewed the items to be followed up on.

Mr. Brady advised Madame Chair of procedure for the public. He said everybody in the public will now have a chance to make their own statements, go under oath,

Franklin Borough Zoning Board of Adjustment
Meeting Minutes for
March 6, 2013

come up and make statements as opposed to questions. As a matter of procedure, if someone's represented by Counsel and Mr. McDermott's here, he will go first. Mr. McDermott said he'll be prepared. Mr. Brady said he doesn't need to reveal all his witnesses and asked if he'll have an expert in addition to fact witness. Mr. McDermott replied, yes. Mr. Brady asked if more than one. Mr. McDermott said one expert and several fact witnesses. Mr. Brady said just so we have a feeling for what the Board has. Mrs. Bonis said at that time you'll be welcome to make your statement as well as members of the community.

OPEN PUBLIC SESSION:

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

Ms. Nicholson asked about a special meeting. The matter was discussed. Ms. Nicholson requested to carry without further notice to the April 3rd meeting.

Steven Zydon, 346 Rutherford Avenue expressed his opinion about the signs being appalling and of using children. Mr. Brady advised it relates to this application, and the signs of this application are not allowed. Mr. Brady said you're trying to impugn the neighbors or the objector's motivations or techniques and can't allow this to go on because it's related to the application. Mr. Zydon said it should be out of Zoning. Mr. Brady advised he can complain to the Zoning Department or maybe the Town Council.

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

DISCUSSION:

CORRESPONDENCE:

ADJOURNMENT: There being no further business Mr. Lermond made a motion to adjourn the meeting of the Franklin Borough Zoning Board of Adjustment. Seconded by Mr. Correal. All were in favor. Meeting was adjourned at 11:37PM.

Respectfully Submitted,



Ruth Nunez
Secretary