

**Franklin Borough Zoning Board of Adjustment**  
**Meeting Minutes for June 3, 2015**

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

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

ROLL CALL OF MEMBERS PRESENT: Mrs. Bonis, Mr. Estes, Mr. Kell  
Mr. Kopcso, Mr. Skellenger,  
Mr. Soules, Mrs. Murphy,  
Ms. Fantasia, Mr. Suckey

ABSENT: None

ALSO PRESENT: Mr. Tom Knutelsky, Harold E Pellow & Assoc.  
Mr. Dave Brady, Brady & Correale, LLP

**APPROVAL OF MINUTES:**

Mr. Kell made a motion to approve the **Franklin Borough Zoning Board of Adjustment Meeting Minutes for May 20, 2015**. Seconded by Mr. Estes.

Upon Roll Call Vote:

AYES: Estes, Kell, Kopcso, Skellenger, Soules, Murphy

NAYS: None            ABSTENTIONS: Bonis

**APPROVAL OF RESOLUTIONS:**

There were no resolutions to approve.

**APPLICATIONS FOR COMPLETENESS:**

**(ZB-05-15-2) Six Gee Corp T/A Irish Cottage, Preliminary and Final Site Plan, Use D Variances, Block 104 Lots 4 & 5.**

Jennifer Kovach the applicant's attorney stepped forward. She stated the applicant is seeking to build an outside wooden structure that will hold 50 seats. She indicated this will be a temporary structure and also seasonal. She added the wooden deck will be located on the property next to the Irish Cottage which use to be the Auto Store. She indicated there is a vacant lot behind that building.

Mr. Tom Knutelsky the board engineer discussed his completeness report dated June 2, 2015. Item #1 (Checklist Item #23) recommended a temporary waiver for completeness only be granted and the information be provided on revised plans. He also indicated we will allow an aerial exhibit so the applicant can show where

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structures are located. Item #2, (Checklist Item #38), Environmental impact statement recommended a waiver be granted. Item #3, (Checklist #39), Traffic Impact Statement Mr. Knutelsky recommend that a temporary waiver for completeness only be granted and request testimony be provided during the public hearing regarding expected traffic conditions for this site. Item #4 (Checklist Items #43 through #47) are required for Final Site Plan and recommended a temporary waivers for completeness only be granted with the applicable information be provided as conditions of any approval the Board may grant.

Mr. Estes questioned the temporary waiver and asked if the applicant would be able to move forward with construction. Mr. Knutelsky indicated they will not be able to move forward without the Board approval. He stated a temporary waiver allows us to ask for any additional information during the hearing so we can proceed with the application at the next hearing. He indicated items on his report are important for the board and the public to hear.

Mr. Estes indicated the Irish Cottage is a very good applicant and good to our community. He suggested not to delay the process of the application. Mr. Brady notified the board the publication notice indicated the incorrect block and lot number therefore we will not proceed with the application tonight.

Applicant's attorney requested a Special Meeting on June 18, 2015 for the application to be heard. Board Members discussed their availability. Mr. Brady confirmed with the applicant the fee for a Special Meeting and voting requirements for "D" variances.

Mr. Estes made a motion to **Approve Special Meeting, (ZB-05-15-2), Six Gee Corp T/A Irish Cottage, Preliminary & Final Site Plan, "D" Variances, Block 104 Lot 4 & 5 on June 18, 2015.** Seconded by Mr. Kell.

Upon Roll Call Vote:

AYES: Estes, Kell, Skellenger, Soules, Fantasia, Suckey

NAYS: Kopcsó      ABSTENTIONS: Bonis, Murphy

Mrs. Bonis made a motion to **Deem Complete Application, (ZB-05-15-2), Six Gee Corp T/A Irish Cottage, Preliminary & Final Site Plan, "D" Variances, Block 104 Lot 4 & 5 on June 18, 2015.** Seconded by Mr. Estes.

Upon Roll Call Vote:

AYES: Bonis, Estes, Kell, Kopcsó, Skellenger, Soules, Murphy

NAYS: None      ABSTENTIONS: None

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**ADJOURNED CASES:**

There were no adjourned cases.

**APPLICATIONS TO BE HEARD:**

**(ZB-05-15-1) MRAN Franklin Realty, (Taco Bell), Sign Variances Bulk "C", Block 1101 Lot 2.02.**

Mr. Dave Wallace applicant's attorney stepped forward. He reviewed with the Board the sign proposal for wall signs, freestanding signs and discussed illumination. Mr. Knutelsky confirmed the wall signage, freestanding signs and the menu board are internally illuminated. Mr. Wallace indicated the two directional signs on the Walmart side are not to be illuminated.

Mr. George Gloede applicants engineer stepped forward and was sworn in by the board's attorney. Mr. Gloede confirmed the wall signs all show dimension of 5" off the face of the building and all wall mounted signs are located 10" above the sidewalk or ground level below. Mr. Knutelsky pointed out the architectural plans and elevations were approved as part of the last application we are only approving the signage that will be mounted on the walls for this application.

Mr. Gloede indicated the bell, the lettering, and swoosh signs are three separate signs. He described the location of each sign on the two faces of the building. Mr. Knutelsky pointed out the swoosh and the taco bell are right next to each other on the vertical face of the wall and indicated two wall signs are allowed and six are being proposed. Mr. Wallace indicated a variance is required for the three (3) bell pendants. He stated the wall sign height of 4 feet is allowed and he is proposing 4.56 feet high.

Mr. Wallace explained the Taco Bell directional signs. Mr. Gloede commented these signs have a rounded top and are Taco Bell corporate directional signs. Mr. Knutelsky commented if you add a logo to a directional sign then it's considered a ground mounted sign. He said if the taco bell word, taco bell or the swoosh is added then it will be considered a ground sign. Mr. Knutelsky discussed directional signs used in other businesses. Mr. Gloede said the directional sign is needed because when you pass Wine Country you may not notice the Taco Bell because of the slop and the Dunkin Donuts.

Mr. Wallace reported a variance is required for the two additional signs in addition to the free standard sign and the menu board. He added the free standing signs exceeds the eight feet allowed and a variance is required. He explained dimensions of the menu board ground sign using Exhibit A-1 prepared by Everbrite. The sign is over nine feet and the decorative figure on top is a little over seven feet.

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Mr. Wallace indicated Mr. Gloede will work with Mr. Knutelsky and revise mounting height of the Taco Bell directional sign. Mr. Knutelsky suggested three foot from the bottom of the sign would be recommended.

Mr. Wallace indicated the directional sign and menu board are considered ground signs and a variance will be needed for the proposed free standing sign. He discussed setback dimension of the freestanding sign. Mr. Gloede indicated a fifteen foot dimension from the side line going down to the Walmart drive but said when you measure from the front curb it does scale at eleven feet. Mr. Wallace confirmed the hours of operation will be 6:00am to 12:00am and from 10:00pm to 12:00am will be the drive thru only. He indicated the free standing sign area complies with the ordinance and a Signature box will be added to revised variance plans.

Mr. Knutelsky indicated the bell pendant is 4.56 feet high and said the ordinance allows 4 feet. He asked if Taco Bell had smaller bell pendants that will meet the ordinance requirements. Mr. Wallace said this is Taco Bell's standard bell and he discussed the size and shape.

Mr. Gloede discussed LED lightning. He indicated the lights last longer, saves energy and is decorative. He feels the lightning benefits the site and commented on the safety of the lightning. Mr. Gloede talked about the traffic coming from both directions on Route 23. He commented on the traffic light control at the intersection is a big help and described the entrance and exit to the Taco Bell. He talked about the advantage of the signs identifying the Taco Bell business.

Mr. Suckey questioned the entrance into the site, stacking, and the location of the menu board. He indicated a concern regarding the amount of signs on the building. Mr. Gloede explained stacking and discussed location of the menu board using a Site Plan. Mr. Suckey said six signs are proposed on the building and three of the signs on the street side can be seen at the access road coming from the Walmart and the highway. Mr. Gloede explained the menu board is not a Taco Bell sign and only advertises menu items which you will not be able to read from the highway. Mr. Gloede stated you will not be able to read menu board from the highway. Mr. Suckey disputed the signs located on the side of the building. Mr. Wallace stepped in and pointed out the entrances into the property. He said the property has three different travel ways. He asked Mr. Gloede from the rear of the property will you have people approaching from the Walmart area. Mr. Gloede responded yes. He asked Mr. Gloede will they see the signs facing the dunkin donuts. Mr. Gloede stated no.

Mr. Suckey questioned the free standing sign in the front. Mr. Gloede explained the traffic approaching from the Shop Rite Area and discussed the need for the Taco Bell sign facing McDonalds. Mr. Suckey commented on the Taco Bell logo on the bell. Mr. Gloede said this is Taco Bell's new configuration. Mr. Suckey feels the bell

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represents Taco Bell and sees no need for all the other signage. Mr. Gloede and Mr. Brady commented on the Taco Bell corporate design and discussed Land Use Criteria and ordinance requirements.

Mr. Wallace stepped in and stated Mr. Gloede is talking about the advantages of visibility. They discussed the benefits of the signs facing Route 23 and all other locations. Mr. Suckey indicated the traveling public will know this is a Taco Bell when they see the free standing sign in front of the site. Mr. Gloede summarized the different directions people will be approaching the site using a Site Plan. He explained the signage that will be visible approaching from the north and south of Route 23. He said coming from the Shop Rite they will also see the same signs but did bring to the Boards attention the trees along the entrance that may block the signs. He stated coming from Wine Country we are asking for the directional sign so people will know to turn into the site. He indicated the signs are there for a reason and also for safety reasons. Mr. Suckey said his concern to the Board is that other businesses may have the same type of signage situation and will that open the door for future applications.

Mr. Brady commented on the corporate branding and questioned why the variances are linked to safety. There are roads on three sides of the property and visibility does not justify the variances. He feels there was not enough testimony linking the variances for the reasons.

Mr. Gloede commented on the sizes of the signs and stated cost is not an issue. The signs are designed in standard sizes and if you go to a custom size the cost of these signs become astronomical. He talked about the cost of custom signs.

Mr. Brady commented on Mr. Gloede testimony and feels they have not clarified the variances and specific issues. Mr. Suckey said the applicant is giving us the north and south direction but is not giving the board sight distances on the signs. He said he is looking for the justification on why all these signs are needed. Mr. Kell commented on the trees located on the side of the building and also feels there is no need for signs on both sides of the site.

Mr. Gloede indicated eliminating the sign on the side of the building that faces the Dunkin Donuts. He agrees the sign is not visible because of the Dunkin Donuts and the free standing sign will resolve the issue. Mr. Brady confirmed with engineer there are six signs so both signs on the drive thru side of the building which faces Dunkin Donuts will be eliminated. Mrs. Murphy said the swoosh and the taco bell are considered one sign. Mr. Knutelsky indicated the two signs on the front of the building will be the Bell and the Taco Bell swoosh. Board Members had a discussion and reviewed the site plans.

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Mr. Knutelsky stated the left elevation with the swoosh and the taco bell sign we will recommend the sign be positioned for maximum visibility from the south of Route 23 depending on the trees. Mr. Wallace talked about the pylon sign and traffic coming from the Shop Rite area. He indicated visibility on Route 23 is most important. Mrs. Murphy stated she does not understand why you would put signs on the side of a building behind trees. She feels leave the logo on the front and a bell on each side.

Board Members discussed the bell, swoosh, and the sign visibility from all directions into the site. Mr. Suckey indicated the applicant's testimony did not include site distances from all directions into the site. Mr. Wallace said the trees are interfering and also making the signage a decorative branding fixture. He discussed visibility and landscape on the site. Mr. Gloede commented on the visibility of the signs south of Route 23. He agreed to go with the bell on the front of the building and directional sign by the Walmart. Board Members went back and forth and discussed signs on the building. Mr. Gloede stated on the McDonald side of the building we are proposing the bell, the wording and the swoosh and on the McDonald side just the bell.

Mr. Knutelsky stated for the Boards knowledge the applicant's structure within 200 feet exhibit presented at the site plan hearing indicated the trees. He discussed the elevation of the site. Board Members discussed and reviewed the Site Plan.

Mr. Knutelsky asked the applicant to give the dimensions of the directional signs. Mr. Gloede said he will include dimensions on revised plan. A discussion took place on the size of the menu board. Mr. Gloede indicated there are many items on the menu board and if we make it smaller customer may have a hard time reading it. He said Taco Bell corporate has determined this is the appropriate size sign for maximum visibility. Mr. Knutelsky commented on the dimensions of the menu board illustrated on Exhibit A1. He said fast food places only have menu boards and suggested the ordinance should be reviewed.

Mr. Gloede commented on the free standing sign located in the front yard on the corner of Route 23. He indicated the plans shows fifteen feet off the Walmart side property line and eleven feet off the curb. Mr. Knutelsky commented the variance required a free standing sign to be set back from the property line no less than its height. He discussed the dimensions indicated on Site Plan and explained the reason a variance is required.

Mr. Gloede indicated the pylon sign should be close to the corner as possible. Mr. Knutelsky indicated the ordinance requires twenty feet. Mr. Gloede commented on the parking and said if he pushes the sign back it may interfere with the sidewalk. Mr. Gloede discussed the distance in that area. Mr. Knutelsky suggested a possible change to the sidewalk plan which would give more room for the pylon sign. Mr.

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Knutelsky and Mr. Gloede discussed relocating the sidewalk and commented on the grades.

Mr. Brady reviewed with the Board the following highlighted items discussed and resolved at the meeting:

1. Directional signs in the back are going to be Taco Bell logo type four feet square internally lite with three feet to the bottom of the sign. (variance)
2. Eliminate signs on south side of building (Dunkin Donut side)
3. The North side of building is just going to have a bell.
4. There will be three wall mounted signs (two bells and one Taco Bell Swoosh.)
5. Free standing sign remains at 8.76 and is a variance.
6. Menu order board is as shown
7. A sidewalk change due to the pylon sign.

### **OPEN PUBLIC SESSION:**

Mr. Kell made a motion to **Open to the Public Application, (ZB-05-15-1), MRAN Franklin, (Taco Bell) Sign Variances Bulk "C", Block 1101 Lot 2.02.** Seconded by Mr. Soules. All were in favor.

No one stepped forward from the public.

Mr. Soules made a motion to **Close to the Public Application, (ZB-05-15-1), MRAN Franklin, (Taco Bell) Sign Variances Bulk "C", Block 1101 Lot 2.02..** Seconded by Mr. Skellenger. All were in favor.

Mrs. Estes made a motion to **Approve Application, (ZB-05-15-1), MRAN Franklin, (Taco Bell) Sign Variances Bulk "C, Block 1101 Lot 2.02.** Seconded by Mr. Kell.

Upon Roll Call Vote:

AYES: Bonis, Estes, Kell, Kopcsó, Skellenger, Soules, Murphy

NAYS: None            ABSTENTIONS: None

### **OTHER BUSINESS:**

There were no other business to discuss.

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**PAYMENT OF BILLS:**

Mrs. Bonis made a motion to approve the **Franklin Borough Zoning Board Escrow Report for June 3, 2015**. Seconded by Mr. Skellenger.

Upon Roll Call Vote:

AYES: Bonis, Estes, Kell, Kopcsó, Skellenger, Soules, Murphy

NAYS: None            ABSTENTIONS: None

**OPEN PUBLIC SESSION:**

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

No one from the public stepped forward.

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

**ADJOURNMENT:** There being no further business Mrs. Bonis made a motion to adjourn the meeting of the Franklin Borough Zoning Board of Adjustment. Seconded by Mr. Estes. All were in favor. Meeting was adjourned at 9:22 PM.

Respectfully submitted,

Karen Osellame  
Board Secretary