

**Franklin Borough Zoning Board of Adjustment**  
**Meeting Minutes for**  
**May 2, 2012**

**ORIGINAL**

The meeting was called to order at 7:30 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, Mr. Gardell, Mr. Kopsco  
Mr. Swiss, Mrs. Murphy, Mr. Kell,  
Mrs. Alexander, Mr. Martinez

ABSENT: Mrs. Bonis

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

Mayor Crowley presented Mr. Joe Martinez with a certificate from the Department of Community Affairs for his participation and completeness of a required land use class.

**APPROVAL OF MINUTES:**

Mr. Kopsco made a motion to approve the **Franklin Borough Zoning Board of Adjustment Meeting Minutes for April 4, 2012**. Seconded by Mr. Swiss.

Upon Roll Call Vote:

AYES: Gardell, Kopsco, Swiss, Kell, Alexander, Martinez

NAYS: None      ABSTENTIONS: None

(Motion Approved)

**APPLICATIONS FOR COMPLETENESS:**

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

Mr. Kilduff mentioned that this Application for Completeness was last brought to the Board on December 7, 2011. The application was incomplete due to a survey requirement. Mr. Kilduff said administratively it is complete.

Mr. Knutelsky said the documents were signed by a professional engineer and not a licensed surveyor. Mr. Knutelsky said we requested that document be provided for the actual plan for the application. Mr. Knutelsky said that on January 24, 2012, we received a sign variance plan, as originally submitted, with an addition of a signature of William F.Score, NJ Licensed Land Surveyor in the State of New Jersey. Mr. Knutelsky said we received the information needed and recommend the application

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be complete. Mr. Knutelsky said there are checklist items that require full waivers. They are checklist items 15-22 and 24-29. Mr. Robert Correal mentioned, for the record, that Mr. Nardella handed him proof of mailing and proof of notices. Mr. Correal handed them to the secretary and notices are proper.

Mr. Gardell made a motion to approve **Application for Completeness ZB-07-11-2 Luba, C Variance, Block 70 Lot 1.08**. Seconded by Mrs. Murphy.

Upon Roll Call Vote:

AYES: Correal, Gardell, Kopcsó, Swiss, Murphy, Alexander, Kell

NAYS: None      ABSTENTIONS: None

**ADJOURNED CASES:**

There were no adjourned cases.

**APPLICATIONS TO BE HEARD:**

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

Mr. Jerry A. Nardella was sworn in at this time. Mr. Nardella said the sign was installed; it is about 6 or 7 feet off. The sign is within an area where no one can build. Blockbuster was ok with it. Mr. Nardella said that a letter from his engineer states that the site visibility of the sign does not interfere with traffic and any other business signs. Mr. Nardella asked for a variance because of a few feet of differences.

Mr. Correal asked if the letters were part of the original report or just used for exhibits. Mr. Knutelsky said they should be marked as exhibits since they were just provided today.

Exhibit A-1 – a two page notarized letter dated June 6, 2011

Exhibit A-2 – A letter dated May 26, 2011 from George Glody, Engineer.

Mr. Nardella is asking for the approval of the variances being 7ft. off the side yard and an additional 3.2 feet closer to Rte. 23. Mr. Knutelsky clarified that the original sign was suppose to be 7 feet off the right away of the rear property line and 25 feet off the southerly line proposed. Mr. Knutelsky said it appears that the sign is 3.8 feet from the right away instead of the 25ft. The sign is 19.48ft. at the most eastwardly post 20.58 at the most westward post. These are the specific numbers from the survey.

Mr. Knutelsky went over the November 30, 2011 report. The one variance we know about is the moving of the sign closer to the right away on Rte. 23. Mr. Knutelsky said the other variance that he is not too sure about is Section C, Item # 1 A. That

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variance does not meet the 300 ft. frontage. Mr. Knutelsky said we will need a variance for a minimum distance for a property line; 23.2 feet is the height of the sign with 19.4 feet of variance relief.

Mr. Gardell asked if we should relist everything since they did not build the Radio Shack sign. Mr. Knutesky said that it should be mentioned and added that the Radio Shack sign will not be built. Mr. Knutesky referenced the original resolution which was decided on October 7, 2009 and memorialized on November 4, 2009; Mr. Knutelsky said as part of this resolution, we will reference the old resolution. Mr. Correal said the old resolution is part of the conditions of potential approval. Mr. Kell said at the time of the original application, there was suppose to be multiple stores at that location but now it is just Wine Country.

Mr. Kell asked why the sign was moved from the original location in the first place. Mr. Nardella explained that the sign company made a mistake. Mr. Knutelsky gave his reason as to why he thought the sign was constructed that way. Mr. Nardella mentioned that no one wanted to move someone else's sign. Mr. Knutelsky said the original sign was proposed to be internally illuminated and is 64 sq. feet. Mr. Knutelsky said as a condition of approval of this plan, have an as-built that shows the sign for the file and that it has met the conditions.

Mrs. Murphy made a motion to Open to the Public **Application ZB-07-11-2 Luba, C Variance, Block 70 Lot 1.08**. Seconded by Mrs. Alexander.  
All were in favor.

No one from the public stepped forward.

Mr. Swiss made a motion to Close to the Public **Application ZB-07-11-2 Luba, C Variance, Block 70 Lot 1.08**. Seconded by Mr. Correal  
All were in favor.

Mr. Correal asked Mr. Knutesky to summarize application **ZB-07-11-2**. Mr. Knutelsky explained that a variance to construct a free standing sign on a frontage with a dimension of 204 ft. whereas 300 ft is required. Also, to construct a property sign with setbacks less than 25 ft, which is required, whereas 3.8ft and 19.48ft. have been provided. The conditions would be that the original 48 ft. sign, known as the Radio Shack sign, has been rescinded. Mr. Kell said the sign does not interfere with the site as you are driving by. The sign is fine where it is.

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

Upon Roll Call Vote:

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

NAYS: None            ABSTENTIONS: None

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Mr. Nardella thanked the Board for their patience.

**OTHER BUSINESS:**

**PAYMENT OF BILLS:**

There is no Zoning Board Escrow Reports to approve for May 2, 2012

**DISCUSSION:**

Mr. Kilduff updated the Board on the Redevelopment of Area E. The Public Hearing for Area E was rescheduled to the May 21, 2012 Planning Board meeting due to an issue with the notice. Mr. Kilduff discussed the articles in the Advertiser that has caught a lot of press and feels they have been exaggerated. Mr. Kilduff said he has never heard at any Council meeting anyone express interest in acquiring any properties in the Borough.

**CORRESPONDENCE:**

**OPEN PUBLIC SESSION:**

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

No one from the public stepped forward.

Mrs. Murphy made a motion to Close to the Public. Seconded by Mr. Swiss. 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 8:02 PM.

Respectfully Submitted,



Robin Hough  
Secretary



Ann Grabkowski  
Secretary