

**Franklin Borough Zoning Board of Adjustment**  
**Meeting Minutes for**  
**November 5, 2014**

The meeting was called to order at 7:30 PM by Chairman 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: Mrs. Bonis, Mr. Correal, Mr. Kopcso,  
Mrs. Murphy, Mr. Soules,  
Mr. Estes, Mr. Skellenger, Mr. Kell

ABSENT: None

ALSO PRESENT: Mr. James Kilduff, Plng. & Comm. Dev Dir.  
Mr. David Brady, Esq.

**APPROVAL OF MINUTES:**

Mrs. Murphy made a motion to approve the **Franklin Borough Zoning Board of Adjustment Meeting Minutes for October 1, 2014** Seconded by Mr. Estes.

Upon Roll Call Vote:

AYES: Bonis, Correal, Kopcso, Murphy, Soules, Kell, Estes

NAYS: None            ABSTENTIONS: None

Mr. Kilduff informed the board that Mr. Swiss has submitted his resignation. Mr. Correal is also resigning and tonight will be his last night serving on the Zoning Board. Mr. Kilduff presents Mr. Correal with a certificate of appreciation for his volunteer work on the board of adjustment. Mr. Kilduff indicated that Mr. Floy Estes (Alt #1) will be a voting member for tonight's meeting.

**APPLICATIONS FOR COMPLETENESS:**

There were no Applications for Completeness.

**ADJOURNED CASES:**

**ZB-07-14-1 MRAN LLC Franklin, (aka Taco Bell) Preliminary and Final Site Plan, "C" Variance and Conditional Use, Block 1101 Lot 2.02**

Mr. George Gloede, the engineer for the applicant stepped forward and discussed the revised site plan. These changes included moving the building forward closer to Route 23, relocating the dumpster, added the order board and additional signs. He indicated the revised plan shows changes that were discussed with Mr. Tom Knutelsky and the board at the last meeting. Mr. Gloede described the location of the sidewalks and trees surrounding the site.

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Mr. Correal made a motion to **Open to the Public ZB-07-14-1 MRAN LLC Franklin, (aka Taco Bell) Preliminary and Final Site Plan, "C" Variance and Conditional Use, Block 1101 Lot 2.02.** Seconded by Mr. Soules. All were in favor.

No one from the public stepped forward.

Mr. Estes made a motion to **Close to the Public ZB-07-14-1 MRAN LLC Franklin, (aka Taco Bell) Preliminary and Final Site Plan, "C" Variance and Conditional Use, Block 1101 Lot 2.02** Seconded by Mrs. Bonis. All were in favor.

Mr. Dave Brady, the Board Attorney stated due to the changes on the Revised Plans the Board had authorized him to Draft a Resolution of Approval. Mr. Brady specified that the lights on the site will be a basic shoebox style like the fixtures on the nearby "Walgreens" site. Mr. Gloede concurred the lights will resemble Walgreens.

Mr. Brady asked Mr. Kell to request one motion to **Approve the Application and to Adopt the Resolution.**

Mr. Soules made a motion to **Approve the Application and to Adopt the Resolution for ZB-07-14-1 MRAN LLC Franklin, (aka Taco Bell) Preliminary and Final Site Plan, "C" Variance and Conditional Use, Block 1101 Lot 2.02** Seconded by Mr. Estes.

Upon Roll Call Vote:

AYES: Bonis, Correal, Kopcso, Murphy, Soules, Kell, Estes

NAYS: None            ABSTENTIONS: None

**APPLICATIONS TO BE HEARD:**

**ZB-8-14-1 Franklin Rest 2011 LLC (aka Burger King) Sign Variances Block 1101 Lot 5.**

Mr. Matthew Schiller, Attorney at K & L Gates representing the applicant came forward. He informed the Board that his applicant is requesting "C" Variances relief for signage on the site. He said there are seven wall signs proposed for the site including, "Home of the Whopper" sign, "Taste is King" sign, and one "Cups" sign.

Eileen Welsh the project manager at K&L Gates came forward and was sworn in by Mr. Dave Brady, the Boards Attorney. She distributed copies of the Signage Plans (Exhibit A1 dated 11-5-14), and reviews with the Board Mr. Knutelsky engineer report dated 11-29-14.

Item: B1. There is one sign currently on the front of the restaurant today and is proposing seven signs.

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Items: B2 & B3. Additional information will be provided and Burger King complies with the ordinances and does not require variance relief.

Items: B4 thru B6. Variance relief is requested.

Items: B7 thru B9. These signs were pre existing on the site and Burger King will be only replacing the faces on the free standing sign.

Item: B10. Variances relief is requested.

Item: B11 & B12. Pre existing regarding the free standing signs.

Item: B13. Applicant has agreed to replace the guide rail.

Mr. Samjay Patel, the owner of the franchise came forward and was sworn in. He has been with the Burger King Corporation for over 15 years. He explained the renovations Burger King has done to add a frozen yogurt stand to their business and is requesting additional signs on the site. Mr. Patel indicated he was informed by the Zoning Officer that a variance relief is required for the seven wall signs that are being proposed. Mr. Patel referred to Exhibit A-1 dated 11-5-14 and explained the location of the signs along the walls of the building. Mr. Brady confirmed with Mr. Patel the location of the "Cups" Sign and wanted clarification that the "Taste of King" sign is not illuminated.

Eileen Welsh distributed Exhibit A-2 dated 11-5-14 to the Board which illustrated the frame of the pre-existing free standing sign. Mr. Kell questioned the need for two signs by the drive thru area. Mr. Patel explained the signs are requirements for the Burger King Franchise and that one of the signs currently on the site is blocked by a tree. Mr. Patel said the lights on the signs are LED energy efficient and are on timers to go off at night when the business is closed. Mr. Patel stated the "Cups" sign is only on the free standing sign. Mr. Patel referring to Exhibit A-1, specified that Item H and Item I are signs that exit on the building now. Mr. Brady stated to the Board there are five signs that are not up yet. Mrs. Murphy felt that Item E on Exhibit A-1 is not necessary. The Board questioned the size of a single wall sign. Mr. Kilduff confirmed that a single wall sign should not exceed 80 square feet and only one wall sign for each road frontage can be viewed from the street. Mr. Schiller clarified that on the side of the building the "Burger King" logo and "Home of The Whopper" sign will be on an awning and is part of the new renovation.

Mr. Patel concluded he will eliminate the sign (Item E on Exhibit A-1 dated 11/5/14). He feels that the sign is blocked by a tree anyway and agrees with the Board Members that the sign is not necessary.

Mrs. Murphy confirmed with Mr. Patel there is one sign coming south and two signs coming north. Also, on the front of the building there will be two signs and one free standing sign. Mrs. Murphy stated you want to be noticed but also you want it to look nice.

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Mr. Correal made a motion to **Open To The Public ZB-8-14-1 Franklin Rest 2011 LLC (aka Burger King) Sign Variances Block 1101 Lot 5**. Seconded by Mrs. Murphy. All were in favor.

Mr. Shawn Kidd from 3 Evans Street stepped forward and stated that branding is very important to companies these days. He feels that the "Taste of King" sign fits in with the building and matches the new decor. Also, Mr. Kidd said it's not a visual eye sore in anyway.

Mrs. Bonis made a motion to **Close To The Public ZB-8-14-1 Franklin Rest 2011 LLC (aka Burger King) Sign Variances Block 1101 Lot 5**. Seconded by Mr. Estes. All were in favor.

Mr. Brady questioned the setback dimensions of the free standing sign in front of the Burger King. Mr. Kilduff confirmed it's a preexisting sign and has not been moved.

Mr. Kell stated the applicant has agreed to eliminate Item E from Exhibit A-1 dated 11-5-14.

Mr. Soules made a motion to **Approve the Application ZB-8-14-1 Franklin Rest 2011 LLC (aka Burger King) Sign Variances Block 1101 Lot 5**. Seconded by Mr. Estes.

Upon Roll Call Vote:

AYES: Bonis, Correal, Kopcso, Murphy, Soules, Kell, Estes

NAYS: None            ABSTENTIONS: None

**PAYMENT OF BILLS:**

Mrs. Bonis made a motion to approve the **Franklin Borough Zoning Board Escrow Report** for November 5, 2014. Seconded by Mr. Estes.

Upon Roll Call Vote:

AYES: Bonis, Correal, Kopcso, Murphy, Soules, Kell, Estes

NAYS: None            ABSTENTIONS: None

Mr. Kell requested a motion to go into **Executive Session**.

Mrs. Bonis made a motion to enter **Executive Session**. Second by Mr. Correal. All were in favor.

Mr. Kopcso made a motion to **Adjourn Executive Session**. Second by Mrs. Bonis. All were in favor.

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**OPEN PUBLIC SESSION:**

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

Mayor Crowley thanked Mr. Correal for his Volunteer service on the Board of Adjustment.

Mr. Soules made a motion to **Close to the Public**. Seconded by Mrs. Murphy . 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 Mrs. Bonis. All were in favor. Meeting was adjourned at 8:30 PM.

Respectfully submitted,

Karen Osellame  
Secretary