

TOWNSHIP OF FRANKLIN  
ZONING BOARD OF ADJUSTMENT  
COUNTY OF SOMERSET, NEW JERSEY

REGULAR MEETING  
March 13, 2008

The regular meeting of the Township of Franklin Zoning Board of Adjustment was held at 475 DeMott Lane, Somerset, New Jersey and was called to order by Chairman Thomas at 7:35 p.m. The Sunshine Law was read and the roll was called as follows:

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PRESENT: Raymond Betterbid, Grace Evans, Laura Graumann, Bruce McCracken, Robert Shepherd (arrived 7:50 p.m.), Phillip Kramer, Alan Rich, Anthony Caldwell and Robert Thomas

ABSENT: Donald Johnson and Carl R.A. Wright

ALSO PRESENT: Patrick Bradshaw, Board Attorney, Vincent Dominach, Zoning Officer and Olga Burke, Administrative Officer/Secretary

Mark Healey, Planner, was absent

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## DISCUSSION

### *Payment of Voucher*

- Patrick Bradshaw, Esq. – Board of Adjustment Attorney  
For Services Rendered to February, 2008

Mr. Kramer pointed out a typographical error in the hours logged, but stated the payment amount was calculated utilizing the correct number.

Ms. Graumann made a motion to approve the Voucher as amended. Mr. McCracken seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid, Vice Chair Evans, Ms. Graumann, Mr. McCracken, Mr. Kramer, Mr. Rich, Mr. Caldwell and Chairman Thomas

AGAINST: None

- **Bunker Hill Golf Course / Docket # ZBA-08-00013**

Application for a Temporary Use Variance to allow a trailer for the golf course facility located on Bunker Hill Road, Block 20.02, Lot 23.07, in the (R-40) Residential Zone.

Mr. Dominach indicated that this was a typical Application for a Temporary Use Permit. He stated that the clubhouse burned down and they want to put up a temporary clubhouse with a trailer for a six-month period of time.

Ms. Michelle Tullio, Esq., Attorney and Principal of Lanfrit & Tullio, LLC, appeared before the Board on behalf of the Applicant, Bunker Hill Golf Course. Ms. Tullio reiterated Mr. Dominach's description and asked for a Temporary Use Permit for six months until such time that a new clubhouse can be built.

Vice Chair Evans made a motion to approve the Application for a Temporary Use Permit, commencing immediately and to expire in six months' time. Ms. Graumann seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid, Vice Chair Evans, Ms. Graumann, Mr. McCracken, Mr. Kramer, Mr. Rich and Chairman Thomas

AGAINST:

## HEARINGS

- **New Cingular Wireless PCS, LLC / Docket #ZBA 2005-0004**

Application for a Use Variance and Site Plan to replace an existing lattice tower and place 12 panel antennas at the top of the monopole with associated equipment cabinet located at 1037 Canal Road, Block 12, Lot 3, in the R-40 Residential Zone – **withdrawn without prejudice**

- **Angelo Brooks / Docket # ZBA-07-00066**

Application for a Hardship Variance to construct an addition to an existing single-family dwelling located at 108 Matilda Avenue, Block 148, Lots 25-28, in the (R-7) Residential Zone – **postponed to May 15, 2008 – notification required**

- **Inksanity Tattoos / Docket # ZBA-07-00004**

Mr. Frank Linnus, Esq., appeared before the Board on behalf of the Applicant, Inksanity Tattoos. Mr. Linnus explained that this was an Application for a Use Variance to allow for a tattoo, piercing and retail establishment located at 516 Hamilton Street, Block 182, Lot 1.01, in the (H-B-D) Hamilton Business Zone.

Mr. Dominach's Zoning report stated that the Applicant opened a tattoo and body piercing shop on Hamilton Street several years ago as a permitted use. Subsequently, the Ordinance was changed, making such uses non-permitted in all zones. The building that the Applicant had originally occupied was the subject of a development application and was scheduled for demolition so the Applicant applied for and received

a Temporary Use Permit to allow them to move across the street. The Applicant is now applying for the D-1 variance to allow the tattoo and body piercing shop to continue operating.

Mr. Linnus reiterated the statements made in Mr. Dominach's Zoning report and added that they have also received an extension for the Temporary Use Permit, during which time they applied for a Use Variance.

Ms. Susan Zrinko, Applicant and Operator, came forward and was sworn in. Ms. Graumann opened a discussion regarding the licensing of the facility. Ms. Zrinko indicated that there was a lapse of licensing as they are waiting for the paperwork to be processed. She also added that she and all of her employees are licensed by the State of New Jersey.

Chairman Thomas reminded Ms. Zrinko that the last time she was before the Board, she brought a list of State requirements and inspections. He wanted to know if those requirements and inspections were still valid and if she plans to continue to adhere to them. Ms. Zrinko indicated that the same requirements and inspections are still required and she will put together a listing and submit those to the Township for their record. She then detailed for the Board the licenses and permits that are required to operate her establishment. Ms. Zrinko discussed the hours of operation of the facility and the number of employees that work at that location and their schedules and responsibilities. She also detailed the busiest days/times of business and discussed the parking situation for the site. Ms. Zrinko then went on to speak about their methods of hazardous waste disposal, regular refuse disposal and the safety and security lighting of the property after dark. She also added that they have an ADT security system for their operation. She testified that she has not received any complaints for loitering and/or nuisance to the surrounding area.

Chairman Thomas asked Mr. Dominach if he knew of any complaints lodged against the establishment and he answered in the negative. He then asked Mr. Dominach if there was adequate square footage in the facility to accommodate up to the 12 people, including employees, Ms. Zrinko indicated was the maximum number in the store at any one time. Mr. Dominach indicated that there was adequate square footage to handle that many people at one time.

Mr. Linnus marked into the record, Exhibit A-1, which is a brochure that details the corporation certificates, business registration, tax certificates along with a daily as well as hourly sales comparison. Also included in the brochure are the merchandise sales and photographs of the interior, exterior, parking area and former location.

The Board discussed age limitations, hygiene methods and inspections and employee recognition of infection. Ms. Zrinko brought up her own ethical compass that drives her business in relation to age limitations and that is not regulated by the State.

Chairman Thomas opened the meeting to the public. Seeing no one come forward, the meeting was closed to the public.

Mr. John Chadwick, Planner, appeared before the Board and was sworn in. The Board accepted his qualifications. Mr. Chadwick gave the Board his planning and zoning analysis of the subject Application and included his opinion that the Application adds positively to the mixed use area. He brought up the year time frame in which the Applicant has operated and co-existed within the business district to further display its suitability at the present location.

Mr. Kramer opened a discussion regarding the zoning ordinance that does not allow the particular use and the Zoning Board's authority to deal with these types of Applications on a case by case basis.

Chairman Thomas asked Ms. Zrinko if she still provided what was called "cosmetic tattooing", which was discussed at a previous hearing. She described for those on the Board who were not present at that particular meeting the type of procedures they offer for scarring, disfigurement and cosmetic replacement techniques for cancer patients who have lost their eyebrows and eyelashes due to chemotherapy.

Chairman Thomas opened the meeting to the public. Seeing no one come forward, the meeting was closed to the public.

Vice Chair Evans made a motion to grant the Use Variance to allow a tattoo, piercing and retail establishment, with hours of operation from 12 Noon to 10:00 p.m. weekdays (Sunday through Wednesday) and 12 Noon to Midnight on weekends (Thursday through Saturday) with the last customer arriving no later than 10:00 p.m. on the weekend nights. Ms. Graumann seconded the motion and the roll was called as follows:

FOR: Mr. Betterbid, Vice Chair Evans, Ms. Graumann, Mr. McCracken, Mr. Shepherd, Mr. Kramer and Chairman Thomas

AGAINST: None

## **WORK SESSION / NEW BUSINESS**

There was no new business

## **MEETING ADJOURNED**

Ms. Graumann made a motion to adjourn the meeting at 8:25 p.m. and the motion was seconded. All were in favor.

Respectfully submitted,

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Kathleen Murphy, Recording Secretary  
April 4, 2008