

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

**REGULAR MEETING
January 05, 2023**

This 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 7:30 p.m. The Sunshine Law was read, and the roll was called as follows:

PRESENT: Cheryl Bethea, Richard Procanik, Alan Rich, Gary Rosenthal, Vaseem Firdaus, Faraz Khan, Michael Dougherty, Vasiliki Anastasakos, and Chairman Thomas

ABSENT: Joel Reiss and Robert Shepherd

ALSO PRESENT: Francis Regan, Board Attorney, Mark Healey, Planning Director, and Christine Woodbury, Planning & Zoning Secretary

Due to technical difficulties, the first 28 minutes of the meeting that evening was not recorded.

The Oath of Office, and the voting for Nomination/Selection of Chairperson, Nomination/Selection of Vice Chairperson, Appointment of Board Attorney, Witness Oath of Mr. Mark Healey as well as the Resolution for the adoption of the 2023 Board Calendar and the Sharonda Copeland hearing was captured during the meeting via the Tally Sheet, which was compiled by Ms. Christine Woodbury, Planning & Zoning Secretary.

OATH OF OFFICE:

The Oath of Office was administered to the following Board members:

- **Robert Thomas**
- **Faraz Khan**
- **Richard Procanik**
- **Michael Dougherty**
- **Vasiliki Anastasakos**

REORGANIZATION:

- **Nomination/Selection of Chairperson – Robert Thomas**

Mr. Rosenthal made a motion to nominate Mr. Robert Thomas to the position of Chairperson. The motion was seconded by Mr. Rich, and the roll was called as follows:

FOR: Ms. Bethea, Mr. Procanik, Mr. Rich, Mr. Rosenthal, Ms. Firdaus, Mr. Khan, Mr. Dougherty, Ms. Anastasakos, and Chairman Thomas

AGAINST: None

- **Nomination/Selection of Vice Chairperson – Robert Shepherd**

Mr. Rosenthal made a motion to nominate Mr. Robert Shepherd for the position of Vice Chairperson. The motion was seconded by Ms. Bethea, and the roll was called as follows:

FOR: Ms. Bethea, Mr. Procanik, Mr. Rich, Mr. Rosenthal, Ms. Firdaus, Mr. Khan, Mr. Dougherty, Ms. Anastasakos, and Chairman Thomas

AGAINST: None

- **Board Attorney Interviews**

The firm of Decotiis, FitzPatrick, Cole & Giblin, LLP submitted their proposal for 2023 Professional Legal Services for RFP# M-F0-0008-23-3.1, 3.2, 3.4, 3.5, 3.7-3.8. The Board asked questions in an interview with representative(s) of the firm.

- **Appointment of Board Attorney – DeCottiis, FitzPatrick, Cole & Giblin, LLP**

Mr. Rosenthal made a motion to nominate the firm of DeCottiis, FitzPatrick, Cole & Giblin, LLP as Board Attorney for the Zoning Board of Adjustment for Calendar Year 2023. Ms. Bethea seconded the motion, and the roll was called as follows:

FOR: Ms. Bethea, Mr. Procanik, Mr. Rich, Mr. Rosenthal, Ms. Firdaus, Mr. Khan, Mr. Dougherty, Ms. Anastasakos, and Chairman Thomas

AGAINST: None

- **Witness Oath – Director of Planning, Mark Healey**

The Board Attorney then administered the Oath of Office to Mr. Mark Healey

RESOLUTIONS:

- **2023 Calendar**

Mr. Rosenthal made a motion to approve the 2023 Calendar for the Zoning Board of Adjustment. Mr. Rich seconded the motion, and the roll was called as follows:

FOR: Ms. Bethea, Mr. Procanik, Mr. Rich, Mr. Rosenthal, Ms. Firdaus, Mr. Khan, Mr. Dougherty, Ms. Anastasakos, and Chairman Thomas

AGAINST: None

HEARINGS:

- **AMERICAN OUTDOOR ADVERTISING, LLC / ZBA-22-00019**

Preliminary & Final Major Site Plan w/"D" Variance in which the Applicant sought to construct a static billboard at 347 Elizabeth Avenue, Somerset; Block 500.01, Lot 1, in the B-I Zone - **CARRIED TO FEBRUARY 2, 2023 – with no further notification required.**

DL - 3/02/2023

- **SHARONDA COPELAND / ZBA-22-00023**

"C" Variance in which impervious coverage was exceeded by 2.48% for the concrete patio at 14 Larsen Road, Somerset; Block 399, Lot 19, in an R-20 Zone.

Mr. Healey provided a summary to the board of this application. Ms. Copeland had nothing further to add. Chairman asked if the board had any questions. The meeting was opened to the public for comment/questions but no one came forward. The public session was closed.

Mr. Rich made a motion to approve the Application, and Ms. Bethea seconded the motion. The roll was called as follows:

FOR: Ms. Bethea, Mr. Procanik, Mr. Rich, Mr. Rosenthal, Ms. Firdaus, Mr. Khan, and Chairman Thomas

AGAINST: None

The audio/video of the meeting began here with the K & P Somerset Holdings hearing already in progress.

- **K & P SOMERSET HOLDINGS / ZBA-22-00021**

"C" Variance in which the Applicant proposed three (3) building-mounted signs at 110 Davidson Avenue, Somerset; Block 467, Lot 1.04, in the B-I Zone.

Mr. Gessner, General Manager, indicated that the Marriott Hotel had about 17,000 sq. ft. of meeting space, and that they were asking for a variance to place signs on the front side of the building facing Davidson Avenue. Additionally, he indicated that they also planned to put one (1) sign on the side of the building where an existing sign previously existed when it was under the name of Crown Plaza as well as another sign on the back of the building that would overlook Rte. 287 North. He stated that the latter sign could be seen from both Rt. 287 North and South. Mr. Gessner then told the Board that the signs would all be lit up at night with each block letter having its own lighting. He then stated that he didn't believe that the lighting would deter from the aesthetics of the building or interfere with the traffic on Rte. 287 or impede on any of our neighbors. Mr. Gessner went on to state that they felt it would be a hardship on the hotel because there was no adequate signage for people who were travelling through the area that were looking for lodging to know that the building was a hotel because it currently just looked like an office building. He then pointed out the Doubletree Hotel on Davidson Avenue and their large pole sign that was very visible, particularly since they were the Marriott's leading competitor when it comes to lodging in Somerset County and would be an economic hardship without adequate signage. He placed into evidence as Exhibit A-1, three (3) photographs of the building from each side of the hotel as it existed today. The attorney then passed out a few sets of the photo package to the Board.

Chairman Thomas opened a discussion about the fact that there was minimal intrusion on any of their neighbors. Mr. Gessner indicated that they were near the Ukrainian Church Hall, and nowhere near any residential property.

Mr. Healey asked how tall the hotel was, and Mr. Gessner indicated that it was 11 stories tall and that no other hotel, to his knowledge, is as tall as the hotel in the Township. Mr. Healey then asked how far the building was (approximately) from Rt. 287 and from Davidson Avenue. Mr. Gessner indicated that they were probably closer to Rt. 287 than the building was from Davidson Avenue. Mr. Healey drew the Board's attention to a survey within the Site Plan that was included in their application; however, it was not to scale. The Applicant's attorney then entered into the record as Exhibit A-2, which was an enlarged version of the photograph that was in front of the Board. Mr. Gessner indicated that Mr. Clift, the installer, was able to pull up a map of the site and figured out that the hotel was 478 ft. from Davidson Avenue and 260 ft. from Rt. 287.

Chairman Thomas then opened a discussion about an approval for another hotel on the site. Mr. Healey indicated that he didn't know the status of that project, but that it was only a 3-4 story hotel and more typical of the hotels within the Township. Mr. Gessner stated that the smaller hotel that they were discussing was proposed to be built by the current owners and was going to be a Marriott branded extended stay hotel and proposed to be built on the property where the tennis courts currently exist. He then indicated that the hotel only opened in April of 2022, so that once things stabilize with occupancy and rate, and they determine that the market needs more sleeping rooms, then they would move forward with that plan. He did add that there were no plans to build the smaller hotel anytime soon. A discussion ensued among the Board. They then discussed whether there would be any directional signage off of Rt. 287, and Mr. Gessner indicated that they might only see the blue directional signage on Rt. 287 that listed the hotel among the places of lodging.

Mr. Khan asked whether they knew where the signage was located on the building when it was a Crown Plaza Hotel but testified that he did not have the paperwork that showed the size of those signs. The Applicant's attorney then pointed out the paperwork that was submitted showed the old sign. They then discussed the size of the signs of the other hotels in the area. Mr. Gessner spoke about the pole sign on the Doubletree property that was approximately 30-40 ft. high or more, with the smaller hotels having smaller/lower signage on their buildings. Mr. Khan then asked how many stories the Doubletree Hotel had, and Mr. Gessner indicated that they had around four (4) stories. The Applicant's attorney

Ms. Bethea asked for clarification of the stated signage square footage, noting 403 sq. ft. for each sign. The Applicant's attorney wanted to defer that question to the sign installer.

Mr. Gessner indicated that he originally was asking for a rooftop sign, but that was being withdrawn because they didn't think that the top of the elevator shaft was an appropriate place for a sign.

Mr. Matthew Clift, Sign Installer for MRC Signs for Persona who designed and manufactured the signs, came forward and was sworn in. He then indicated he reviewed the approved plans for the installation of the proposed signs. The Applicant's Attorney then entered into the record as Exhibit A-3 and was a colorized sketch consisting of four pages. Mr. Clift indicated that two (2) signs were 403 sq. ft. each and one (1) sign was 405.6 sq. ft. He also stated that each sign included 140 sq. ft. of proposed lettering. He then described the components of the signs, noting that the "D" for "Delta" would be a 6 ft. x 5.5 ft. and the word Delta would be comprised of a 43 inch letter set, "Hotels" would be a 23 and 15/16 letter set and "Marriott" a 16-inch letter set. He described them as all channel letters with LED lighting inside of each letter that would be front-lit and would be illuminated at night through a translucent vinyl covering. Mr. Gessner pointed out that sign #1 would be on the side of the building that overlooked the parking lot. Mr. Clift then drew the Board's attention to the sign on the second page that was going to be roof-mounted but was eliminated from the plan. He then showed sign #3. Mr. Gessner indicated that that sign would be located on the front of the building as you pull through the front parking lot of the hotel towards the front door. Mr. Clift indicated that the size of sign #3 replicated sign #1. He then referred the Board to the last page that showed sign #4. Mr. Gessner indicated that that sign would be located on the back of the hotel facing Rt. 287 North. Mr. Clift again indicated that the size of that sign would be similar in size, dimension and lighting as the other two signs. He indicated that the size and illumination of the signage would be adequate for the area and would not intrude on any residential properties or interfere with any traffic movements. Mr. Clift then agreed to comply with any conditions the Board might impose upon the installation of the signs.

Mr. Khan asked if they were planning to remove any trees to improve sign visibility from the highway. Mr. Gessner answered in the negative.

Mr. Healey then asked about "Pin" lettering where each letter was applied to the side of the building and illuminated individually. Mr. Clift agreed with his description. Mr. Healey stated that the 140 ft. lettering square footage was effectively the total square footage of each sign. Mr. Healey stated that the depiction of the signs showed them from what appeared to be taken from the ground as opposed to a photograph that appeared to have been taken from about 100 ft. up in the air and made them look larger. He then asked if sign #3 similar in scale to the way sign #1 was depicted. Mr. Clift answered in the affirmative.

Mr. Healey then told the Board that the hotel was unique in the Township, both in its mass and its height. He stated that he didn't think the Township ordinance took into account a building of its size and felt it would be a hardship, both financially and sign size to building ratio.

Chairman Thomas noted that there appeared to be no public present at the hearing and then gave his comments/opinions. A discussion ensued.

Mr. Rich made a motion to approve the Application. Ms. Bethea seconded the motion, and the roll was called as follows:

FOR: Ms. Bethea, Mr. Procanik, Mr. Rich, Mr. Rosenthal, Ms. Firdaus, Mr. Khan, and Chairman Thomas

AGAINST: None

MEETING ADJOURNED:

Chairman Thomas made a motion to adjourn the meeting at 8:25 p.m. The motion was seconded, and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
January 26, 2022