

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

**REGULAR MEETING  
February 2, 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:

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**PRESENT:** Cheryl Bethea, Richard Procanik, Alan Rich, Gary Rosenthal, Robert Shepherd (arrived at 7:33 p.m.), Michael Dougherty, Vasiliki Anastasakos, and Chairman Thomas

**ABSENT:** Joel Reiss, Vaseem Firdaus, and Faraz Khan

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

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**MINUTES:**

- **Regular Meeting – January 5, 2022**

Mr. Rosenthal made a motion to approve the Minutes, as submitted. Ms. Bethea seconded the motion, and the roll was called as follows:

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

**AGAINST:** None

**RESOLUTIONS:**

- **Gennaro Costabile / ZBA-22-00020**

Ms. Bethea made a motion to approve the Resolution, as submitted. Mr. Rosenthal seconded the motion, and the roll was called as follows:

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

**AGAINST:** None

- **Dawn Janho / ZBA-2200022**

Mr. Rosenthal made a motion to approval the Amended Resolution, as submitted. Ms. Bethea seconded the motion, and the roll was called as follows:

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

AGAINST: None

Chairman Thomas then told the Board that they received a copy of the Zoning Board By-Laws, and that they were to review it to be voted upon at the next meeting. Ms. Anastasakos mentioned that she found a typo on pg. 16 of the By-Laws, the fourth paragraph from the bottom, item #210-2a, where it said, “a disqualifying interest” where it should say “a disqualified interest”. The Chairman stated that they could make that correction by the next meeting.

**HEARINGS:**

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

Mr. Michael Silbert, Esq., Attorney, appearing before the Board on behalf of the Applicant, American Outdoor Advertising, LLC. 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.

Mr. Silbert then indicated that the property was located along the south side of Rte. 287, containing 3.52 acres, and currently developed with an office building. He then told the Board that the proposal was to have the office building remain and that a two (2)-sided, v-shaped, static billboard be constructed to the left of the existing office building and the builder pole be located within the parking lot. Mr. Silbert then indicated that the property was owned by Pomegranate, LLC who had consented to the Application and would be a tenant on the ground floor of the property where the billboard was to be located. He then told the Board that the property was in the B-I Zone, where billboards were a permitted, conditional use, as stated in the latest Technical Review Committee (TRC) report, last revised on January 23, 2023. He then noted that the sign portion of the billboard would have sign dimensions of 14 ft. x 48 ft., the smallest standard size in the billboard industry, and a 50 ft. height above the elevation of I-287 and 61.5 ft. above the elevation of the parking lot within which the billboard was proposed. He noted that the parking lot elevation was 11.5 ft. below the corresponding elevation of I-287. Mr. Silbert then stated that the Application required D-3 Variance relief from the Township ordinance where the middling distance from any portion of a billboard to any portion of a non-billboard structure should be 100 ft. where the Applicant was proposing to locate the billboard 13.3 ft. from the existing office building on the property. He then noted that their proposal would be compliant with all other conditional use standards.

Chairman Thomas then asked for clarification of which building’s property they were discussing, and Mr. Healey stated that a portion of the building was used for religious purposes and the rest was office use.

Mr. Brett Skapinetz, Director/Engineer, employed with Dynamic Engineering Consultants, and located at 245 Main Street, Suite 110, Chester, NJ, came forward and was sworn in. The Board accepted his qualifications. He indicated that he was involved in the preparation of the Site Plan documents, with a preparation date of July 1, 2022 and last revised on January 18, 2023.

Mr. Skapinetz then proceeded to describe the property, noting that it was a wedge-shaped property, with a majority of the frontage along Elizabeth Avenue and goes to a point as it ran to the east. He was showing an aerial photo on the screen from Sheet 2 of the Site Plan and stated that the proposed static billboard was a conditional use within the B-I Zone under Section 112-53.1. Mr. Skapinetz then proceeded to show the components of the property, noting that the driveway was on the opposite side of the street from the intersection of Elizabeth Avenue and Campus Drive, thus creating a 4-way intersection with the driveway. He then described one (1) dimension for the billboard to the nearest residential dwelling that was off to the west at 584.5 ft. and showing the closest distance to the closest residential at 305.4 ft. to the north across I-287 on Mercury Street to comply with Section 112-53.1.A (6). He then stated that the next dimension he was discussing was 1,014.7 ft., from structure to structure, from the easternmost point of the proposed billboard structure to the westernmost point of the existing billboard structure that lay to the east along I-287 to comply with Section 112-53.1.A (5), where no billboard shall be within 1,000 feet of any portion of another billboard.

Mr. Skapinetz then showed an exhibit that displayed Sheet 3 of the Site Plans and zooms in on the location of the building as it related to the proposed billboard. He noted that when you enter onto the property, the distance from the proposed billboard to the edge of Elizabeth Avenue was 210.5 ft. to comply with Section 112-53.1.A(3) where no portion of a billboard shall be within 200 ft. of a right-of-way of an improved County or local road and complies with the ordinance. He indicated that the proposed billboard was to be located in the back corner of the property, behind the building, by removing the first parking space. Mr. Skapinetz then indicated that placing the billboard in that position would not impede traffic flow.

Ms. Anastasakos asked for clarification regarding the location of the parking area and whether there was only one (1) access point to the property, with nine (9) parking spaces to the left, and then the remainder of the parking lot located behind the building. A discussion ensued regarding the standard locations of billboards and whether or not there was any history of billboards falling down. Mr. Skapinetz stated that no billboards have fallen down. Vice Chair Shepherd then asked how deep into the ground the mounting beams were placed into the ground, and Mr. Skapinetz stated that they still have to do soiling testing post-approval, but typically the hole for the mounting caisson footing that was six (6) feet wide and as deep as they need to go to provide stability.

Chairman Thomas then asked if there was a need for reflective material on the structure, and Mr. Skapinetz indicated that they didn't believe there was a need, but that they were planning to place protective bollards around the structure.

Ms. Anastasakos then opened a discussion as to whether the removed parking space would provide enough space for the base of the billboard, and Mr. Skapinetz answered in the affirmative, giving details. He utilized Sheet 2, the aerial photograph to show the buffering in that area, both with landscape plantings and the natural vegetation that was in the I-287 right-

of-way. He noted that they don't plan to disturb the natural vegetation there, and any disturbance that would occur would require a permit from the NJDOT (Department of Transportation) to deal with any maintenance of that area. Ms. Anastasakos then brought up the fact that religious festivals generate quite a bit of traffic, and she wanted to know if the placement of the billboard would make that difficult or inhibit those activities. Mr. Skapinetz testified that the proposed billboard has no impact to the flow of traffic on-site. He added that it only impacted the parking area by the loss of one parking space, but that there was an area in the back that could accommodate having the addition of two (2) more parking spaces. She then asked what the proposal was for the lighting of the base of the billboard at night. Mr. Skapinetz stated that there was no need to light it up.

Vice Chair Shepherd stated that Section 112-53.1.B (3) indicated that the minimum distance from any portion of a billboard to any portion of a non-billboard structure shall be 100 ft., and they were proposing 13.3 ft. from the office building on the site, requiring a D(3) Use Variance. Mr. Skapinetz stated that he couldn't move the billboard closer to the point because then they would then be closer than 1,000 ft. to another billboard, i.e., Section 112-53.1.A (5) in the ordinance, which they currently were in compliance with. He indicated that the concern for the billboard falling down might be the only issue with the lack of 100 ft. between the two structures, but that he had no concern due to the way it would be designed. The Vice Chair then reflected upon the notation by the Township Planning Director that the previously proposed location for the billboard in an existing striped island further from the building would be preferred. Mr. Skapinetz testified that that location also would cause an issue to comply with the 1,000 ft. distance from the nearest billboard and create two (2) variances instead of just one (1). A discussion ensued. Mr. Skapinetz stated that they would defer to the Board as to their preference and would agree with either location.

Mr. Skapinetz then discussed the lighting of the billboard relating to Section 112-53.1.C (5)(a), noting that it was a static sign with two (2) faces and not digital. He then noted that each side was illuminated by four (4) LED fixtures, manufactured by a company called Holophane, and the technology allowed for the light to be focused on the billboard with no bright spots and shielding to significantly reduce "sky glow". Mr. Skapinetz indicated that the plans for the lighting were included on Sheet 4 in the plan set. Mr. Skapinetz then went on to describe the components of the proposed light fixtures. After Vice Chair Shepherd brought it up, Mr. Skapinetz went on to explain how the illuminating lights shall be shielded from view of all vehicular traffic and shall be arranged so that there existed no glare to any vehicular traffic. Mr. Skapinetz noted that the sign would be 61.5 ft. above the ground, and 50 ft. above I-287, well above the residential dwellings closest to it and that no one would ever see the lens or the source of light with the way they were configured. A discussion ensued.

Mr. Silbert testified that they could comply with item #17, Section 112-53.1.C (5) (d) where no billboard shall be illuminated by means of intermittent, flashing or blinking lights as it was a static billboard and not a digital one. They then discussed item #19, Section 112-53.1.C(6) where no billboard or billboard display area would be painted with, or composed of, any material of a fluorescent, phosphorescent or holograph material. Mr. Silbert then indicated that they would comply with item #20, Section 112-53.1.C(7) where they wouldn't be displaying pornographic, obscene, or sexually graphic material on the billboard. Further, he indicated that they would comply with item #21, Section 112-53.1.C(8), where no billboard would display any words or symbols that included "stop" or "danger" that would connote traffic control commands. Finally, Mr. Silbert stated that they would comply with item #23, Section

112.53.1.C(10), where no billboard would be erected so as to cause any visual obstruction to traffic or impair traffic control devices. He added that the items discussed that evening were those that were still open-ended and that they wanted to provide testimony for the Board.

Mr. Healey suggested to the Applicant that they show the details of the proposed billboard. Mr. Skapinetz indicated that the view they were showing on the screen that evening had one change to it, and he indicated that the change had already been incorporated into the plan. He noted that the views were from the parking lot grade as well as the view from the grade on Route 287, with the highway being slightly higher than the site by about 13 ft.

Ms. Bethea then brought up item #24 in the TRC report, and Mr. Skapinetz stated that that item dealt with what appeared to be an error on the site plan related to parking lot striping and placement of area lights (light poles in the middle of travel aisles). He indicated that even though a light pole was within a striped spot, the pole was not obstructing the one-way drive aisle. Mr. Skapinetz added that it was not an error on the Site Plan and that it was an existing condition on the property. The associated code was Section 112-88, and the one-way drive aisles were 30 ft. and wide enough to accommodate the parking stalls, with the exception of the one stall.

Mr. Rosenthal then asked if any handicapped parking was eliminated, and Mr. Skapinetz indicated that they were left intact.

Ms. Anastasakos asked how many parking spaces were being provided and if they believed they were adequate for the building. Mr. Skapinetz stated that there were 163 parking spaces required for office use and that there were 160 parking spaces currently. He added that they were short three spaces, however, they were adding one (1) more to bring the total provided to 161. He then noted that at 6:20 p.m. that day, while passing by the site, he indicated that there were about 25-30 cars on the site. He added that he visited the site on a Saturday at noontime in December, 2022, where there were a similar amount of cars on the site. Ms. Anastasakos then asked a question related to item #20 and what the proposed content of the billboard would be. Mr. Skapinetz indicated that it would be the typical advertising that fit within the framework of the Township code. Mr. Silbert added that the advertisement was not site specific and was not intended to draw anyone to the site.

Mr. Skapinetz then addressed a question in item #4 where the angle of the two (2) billboard faces 30 degrees on center (15 for each sign face) would be and would comply. Mr. Healey gave some clarification for the Board.

Mr. Skapinetz then discussed item #2, Section 112.53.1.A (2), where billboards should only be located on a lot fronting on an interstate highway and shall be located, positioned and designed so that the advertising surface is visible only from the interstate highway and not from local roadways or residential uses to the greatest degree possible and that no portion of a billboard shall be more than 200 ft. from the property line adjoining the interstate highway. He did testify that they complied with the 200 ft. requirement, but that shown on the aerial exhibit, motorists driving from South Bound Brook on Elizabeth Avenue would have to look 60 ft. (or 40 ft. outside of the cone of vision of a driver) to catch a glimpse of the proposed billboard at the back of the building. He noted that there would be a 2.5 second window with a driver's head turned 60-90 degrees where they could catch a glimpse of a portion of the billboard. Conversely, a motorist driving northbound on Elizabeth Avenue would not have any

view, but a passenger would have the same 2.5 second glimpse if their head were turned 60-90 degrees.

Vice Chair Shepherd asked if the billboard was positioned on the island that was preferred by Mr. Healey, Planning Director, would that further reduce the likelihood of the billboard being seen from Elizabeth Avenue by a driver or a passenger. Mr. Skapinetz testified that it would have the same results. He noted that the school property would not see the sign or the light source and would only see the back of the "V". He added that the warehouse building across Elizabeth Avenue would have the view going through the building and would have limited visibility from that location. A discussion ensued regarding the visibility from Campus Drive, and Mr. Silbert stated that the view would not be completely eliminated, but the positioning was chosen to minimize the view of it from Elizabeth Avenue and Campus Drive to the greatest degree possible.

Mr. Healey then stated that he had a discussion with Mr. John Hauss, Fire Prevention Director, who stated that he didn't have a concern with the placement of the billboard in its present location. Mr. Healey then stated that in order to eliminate a variance, he believed that it was possible to locate the billboard in the far back corner 1,000 ft. from Elizabeth Avenue, but it would create other variances to do so. Mr. Skapinetz stated that additionally, a motorist would have to know that the sign was there to want to look for it and a person would have to look up to see it as it was 50 ft. above Route 287. A discussion ensued among the Board members as to whether the billboard could be seen on the other side of the overpass (I-287). Mr. Skapinetz testified that he went to drive on Mercury and Nassau Park with all residential properties, the current billboard can be seen from those areas, but that there would be no negative impact to those properties. He indicated that they would be meeting the setback requirements of over the 300 ft. and were reducing the impact to the greatest degree possible from Elizabeth Avenue. He also brought up the angle of the billboard faces being significant as it would be difficult to see the message with that configuration.

Mr. Healey asked if he 1,000 ft. Township requirement was also a NJDOT requirement as well. Mr. Skapinetz indicated that they do have similar requirements, but that they were just written differently. He added that they did receive a NJDOT permit for the proposed billboard. A discussion ensued. Mr. Silbert then stated that they could not have placed the billboard anywhere on the property or they wouldn't have received a permit from the NJDOT. They then discussed the negatives and positives of moving the sign from one island to the other that Mr. Healey suggested.

Mr. Connor Hughes, Traffic Engineer employed with Dynamic Traffic, 245 Main Street, Suite 110, Chester, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Hughes indicated that he prepared a Site Visibility Study and passed 2-page copies around to the Board members, which was entered into the record as Exhibit A-1. Noted that one view was looking along Route 287 northbound and the other looking along Route 287 southbound. He then indicated that they would be establishing some terms and definitions related to how the travelling motorist perceived and saw things while they were driving. He indicated that when travelling, a driver's eyes would be looking all around and taking in information around them (scanning) until they were fixated on an object. He next discussed a "dwell", which was described as successive fixations on an object over time. Mr. Hughes indicated that there were humanistic studies taken up by the federal government about

motorists looking at objects and how long they were doing so. He then discussed the study that was conducted by the National Highway Traffic Safety Administration (NHTSA) with findings noting that “fixations” no more than 2 seconds did not increase risk to the driver or the drivers around them. He then discussed the Federal Highway Administration’s (FHWA) study that was particular to billboards and also analyzed the humanistic behaviors of drivers as they were viewing billboards and how long they were looking at them. He noted that the findings were that the average “fixation” was under half a second (0.3 seconds or so) at a time that someone would be looking at a static sign, and, alternatively, the average “dwell” time was at a range between 0.7 seconds and 1.4 seconds. He indicated that the “dwell” time was not continuous, but a combination of multiple “fixations” that added up to those stated numbers. Mr. Hughes indicated that their conclusion was that because it was less than the two (2) seconds established by the NHTSA, there would be no increase in risk in placing the billboards, static or digital. Mr. Hughes then discussed the “cone of vision” or “center of gaze” already discussed by Mr. Skapinetz and indicated that the FHWA’s publication called the Manual on Uniform Traffic Control Devices (MUTCD) already established the 40 degree “cone of vision” for the placement of roadway signs, guide signs, traffic signals, etc. Mr. Hughes then discussed peripheral vision and how it related to those views from a motorist’s perception. He then discussed the proposed site for the subject billboard and how it related to the stream of traffic approaching it. He then drew the Board’s attention to the Site Visibility Study exhibit looking along Route 287 northbound as a motorist would be approaching the sign (page 1), showing that the billboard would become visible about a thousand feet away and enter into that 40 degree “cone of vision” for about 460 feet for 4.8 seconds and another 3 seconds or so of peripheral vision for a total of 7.9 seconds. Mr. Hughes then discussed the parameters when looking along Route 287 southbound, noting similar distances/time of the billboard’s visibility, up to a total of about 9 seconds until it would no longer be visible to the travelling public. In conclusion, Mr. Hughes indicated that there was more than adequate visibility time for the subject proposal and felt that it was in an appropriate location and an appropriate design for the suitability of the site.

Ms. Bethea then asked what the actual “sweet spot” was when travelling to actually see the sign and be able to read it. Mr. Hughes indicated that it would be the 40-degree “cone of vision”.

Ms. Anastasakos asked whether the study undertaken included the view from Elizabeth Avenue to look to see what the sign said as well as from Campus Drive. Mr. Hughes reiterated Mr. Skapinetz’s testimony that there would be no time to view the billboard from Elizabeth Avenue and that a motorist would have to know it was there to actually have any time to look/see the sign. He indicated that the billboard would be directly in front of a motorist as they approached the stop sign with Campus Drive/Elizabeth Avenue, and would not create a safety hazard as the motorist would have to come to a complete stop in that location before proceeding onto Elizabeth Avenue. He then stated that Route 287 (northbound and southbound) was their target audience and not anyone travelling along Elizabeth Avenue or Campus Drive.

Mr. Healey then asked for clarification regarding the sight lines on the exhibit and if they would be above the tree line. Mr. Hughes then answered in the affirmative. Mr. Healey then asked if there was any need for the Applicant to seek approval from NJDOT for the removal of trees in their right-of-way. Mr. Hughes agreed with that statement but clarified that they would

only be trimming existing vegetation and not removing full tree. He also indicated that they would have to receive the proper approvals from the NJDOT for that purpose.

Mr. Matt Flynn, Planner, 101 Gibraltar Drive, Morris Plains, NJ, came forward and was sworn in. The Board accepted his qualifications. Mr. Flynn indicated that the Applicant was requesting a D(3) Use Variance as the Application did not meet all of the conditional standards in the zone. He then noted that there were about 23 conditions for the B-I Zone for the use being requested, stating that they comply with all but one (1) or two (2) of those conditions. He added that the one that they were requesting was for relief from was the minimum distance of the billboard to the existing building on the property by proposing 13.3 feet, whereas 100 ft. was required per the ordinance. The other relief requested, if the Board deems it necessary, would be whether the Applicant had used, to the greatest extent possible, limited the visibility of the billboard from local or county roadways. Mr. Flynn indicated that he believed that there was substantial testimony on the record regarding how, based on all of the conditions and requirements for where a billboard can be located, the Applicant had made do and found the location on the site where the least amount of variances were required and where, to the greatest extent possible, limited visibility to Elizabeth Avenue. Mr. Flynn then discussed the positive criteria for the conditions, he noted that billboards are a message board that benefitted the public, with real time communication, and benefitted the community, local businesses and regional businesses, including inherently beneficial uses such as schools, hospitals and religious practices. He then noted that the NJDOT has determined that it was a permitted location that met State regulations. Mr. Flynn then discussed the negative criteria and indicated that it came down to visibility and who can see the billboard, traffic and any distraction to drivers, and brightness that would infringe upon residential areas. He told the Board that he felt that there was extensive testimony to indicate that the billboard would not be easily visible, no distraction to the travelling public and no light spillage as it was proposed as a static billboard. He then discussed the variance being requested for distance of the billboard to the existing building, and noted that the building coverage for the property was only 13.6% coverage where 50% coverage was allowed by ordinance. Mr. Flynn indicated that FAR is about half of what was permitted in the zone. He then spoke of the billboard as a functionally innocuous land use in terms of no traffic generation, no noise, no waste, etc. He then spoke about promoting elements of the Master Plan, including economic development. Mr. Flynn then reviewed the conditions that they complied with related to the proposal.

Mr. Rosenthal then asked about the negative criteria, and Mr. Flynn indicated that none of them rise to the level of being substantial impacts.

Mr. Healey then discussed meeting quantifiable conditions, but asked the Board Attorney for clarification on conditions that include the wording, to the greatest degree possible, that was included in the condition of minimizing the view of billboards from local and County roadways. Mr. Regan, Board Attorney, stated that Mr. Healey's description that it was up to the Board's discretion was accurate, and that if the Board determined that the condition was met, to the greatest degree possible, than the variance would not be required. Mr. Healey indicated that if that was what the Board determined, then their focus should be on the two issues that play against each other, which was the 1,000 ft. from the other billboard and then the separation from the building.



Ms. Anastasakos brought up the topic of the religious activities of the tenant being planned at the site, and enumerated the many dates of festivals/holidays. She asked Mr. Flynn how concerned he was about the location of the billboard just before the parking area for that building and the increased traffic that would accompany the listed festivals/holidays. Mr. Flynn fell back on Mr. Skapinetz's testimony that if he had a concern it might be the speed with which the cars would travel within the drive aisles, however, that would significantly slow down with the addition of more cars entering the site. A discussion ensued.

Chairman Thomas then made a motion to open to the public. Seeing no one coming forward, the meeting was then closed to the public.

Vice Chair Shepherd then opened a discussion related to the visibility of the billboard from a local roadway (Elizabeth Avenue). He indicated that he felt the Applicant did, to the greatest degree possible, place the billboard for the least visibility. He did, however, state that he felt the billboard should be placed in the originally proposed location.

Chairman Thomas indicated that he was not sure what the benefit was of adding the billboard, other than to the Applicant. A discussion ensued regarding economic development and assist charitable organizations. Mr. Healey indicated that billboards were a conditionally permitted use in the zone, despite the deviations, but the Applicant needed to provide testimony that the site continued to be suitable for the use despite those deviations.

Ms. Bethea stated that she believed that the heart of the concern was the distance of the billboard from the building located on the site. She was asking for what the biggest concern was, i.e., such as the visual appeal to the community or the safety concern. A discussion ensued and included the fire official's agreement that the separation between billboard and building was adequate.

The Applicant's attorney, Mr. Silbert, asked for a few minutes with his team to discuss the issues of concern to the Board. When they returned, the Chairman opened the meeting again for continued discussion.

Mr. Silbert then gave his summary of the Application, indicating that they had put forth testimony to support the safety concerns and would leave it to the Board to determine what variances were necessary for relief.

Chairman Thomas then asked that the Planner give testimony as to what the impact on the Master Plan might be. Mr. Flynn then focused on the separation from the billboard and the building, stating that he felt the crux of the issue should be concerned as to whether there was still enough light, air and open space provided, which was an underlying goal of the Municipal Land Use Law (MLUL). He indicated that he believed that that component of the MLUL was compliant and that the property would not appear overcrowded due to the smaller building currently on the property.

Ms. Anastasakos asked Mr. Flynn what the dimensions of the parking lot were, and deferred the question to Mr. Skapinetz, the Site Engineer. Mr. Skapinetz stated that the space where the billboard base would be was about 9-1/2 ft., with the pole holding up the sign was 3 ft. in diameter and roughly 6- 9 ft. on either side of the pole that would remain empty space. He then noted that most of the billboard space would be 30 ft. up in the air and not disturbing

anything on the ground. Mr. Skapinetz described the billboard pole as the size of one of the light poles within the parking lot that was an existing condition and had zero impact of the operation of the remainder of that site. He reiterated the testimony that Mr. Hauss, the fire official, was okay with the current proposed location of the billboard. Mr. Skapinetz indicated that he was okay with placing the billboard in the original location 30 ft. further away from the building. He indicated that it would put the proposed billboard about 980 ft. away from the other billboard and would trigger a second de minimus variance. A discussion ensued.

Vice Chair Shepherd then opened a discussion regarding the view of the billboard from Elizabeth Avenue. A discussion ensued, and the Board Attorney explained what the Board needed to consider in order to decide.

Vice Chair Shephard made a motion to grant the Applicant two (2) variances to allow them to erect a static billboard on the subject property. He noted that the first variance would be to allow them to situate the billboard 40 ft. away from the current building and 980 ft. from the next closest billboard and would cover ordinance 112-53.1.B(3) and ordinance 112-53.1.A(5). Additionally, the billboard had been located as close to the required parameters, to the greatest degree possible, to minimize any view from Elizabeth Avenue. Mr. Procanik seconded the motion, and the roll was called as follows:

FOR: Ms. Bethea, Mr. Procanik, Mr. Rich, Mr. Rosenthal, Vice Chair Shepherd, Mr. Dougherty, and Chairman Thomas

AGAINST: None

**MEETING ADJOURNED:**

Vice Chair Shepherd made a motion to adjourn the meeting at 8:37 p.m. The motion was seconded by Ms. Bethea, and all were in favor.

Respectfully submitted,

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Kathleen Murphy, Recording Secretary  
March 16, 2023