

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

**REGULAR MEETING  
February 16, 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, Gary Rosenthal, Robert Shepherd, Vaseem Firdaus, Vasiliki Anastasakos, and Chairman Thomas

**ABSENT:** Joel Reiss, Alan Rich, Faraz Khan, and Michael Dougherty

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

---

**MINUTES:**

- **Regular Meeting – January 19, 2023**

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. Rosenthal, Vice Chair Shepherd, Ms. Firdaus, Ms. Anastasakos, and Chairman Thomas

**AGAINST:** None

**RESOLUTIONS:**

- **Sharonda Copeland / ZBA – 22-00023**

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. Rosenthal, Ms. Firdaus, and Chairman Thomas

**AGAINST:** None

## HEARINGS:

- **JAM & JAM CONSTRUCTION, LLC / ZBA-21-00022**

Minor Subdivision w/C & D Variances in which the Applicant requested dividing the property into two (2) lots and build a single-family home at 27 William Street, Somerset; Block 66, Lots 2 & 3, in an R-10 Zone - **CARRIED TO MAY 18, 2023 – further notification required.**

**DL 05/31/2023**

- **DOLLAR TREE STORES, INC / ZBA-22-00025**

Ms. Bridget Sikes, Esq., Attorney, appeared before the Board on behalf of the Applicant, Dollar Tree Stores, Inc. "C" Variance in which the Applicant sought to install signage at 4437 Route 27, Kingston; Block 5.02, Lot 117.03, in the Neighborhood Business (NB) Zone.

Mr. Kevin Dixon, Planner & Traffic Engineer, Dixon Associates, 335 Jimmie Leeds Rd., Galloway, NJ 08205, came forward and was sworn in. The Board accepted his qualifications. Mr. Dixon then described the geographical area and the existing development as part of a strip mall of significant age at the back of the site. He then noted that the subject site was surrounded by a substantial amount of vegetation that shielded a travelling motorist's view of the complex. Mr. Dixon then told the Board that the anchor of the strip mall was a 15,000 sq. ft. unit with a large gable face fronting on Route 27 and a bank building directly in front of that portion of the center such that as a motorist was travelling in front of the site, the subject unit was virtually invisible. He then described the site as having a significant stand of deciduous trees throughout the site and obscured the view of the gable face on the shopping center even without leaves on the trees, but particularly with full foliage, along the roadway. He noted that the rest of the shopping center has a parapet or mansard-style roof over top of the overhang where the various other stores were located and the only sign area for the smaller stores in the shopping center. Mr. Dixon described the signage area for the "end cap" store as having larger square footage with a large gable wall on the front side of the building. He continued by stating that they were proposing a 131.45 sq. ft. linear "Dollar Tree" sign and a 12.25 sq. ft. Dollar Tree logo on top. Mr. Dixon then referred to the signage exhibit that was also included in the signage package that was submitted with the Application. He referred to the exhibit as Exhibit A-1 for discussion purposes that evening and sought the following variances:

- Sign Area: 30 sq. ft. max. permitted – linear sign 131.45 sq. ft. proposed.
- Sign Vertical Dimension: 3 ft. max. permitted – 3.5 and 4.0 ft. proposed for linear and logo signs, respectively.
- Number of Signs: One (1) sign permitted – two (2) signs proposed, with the linear sign and logo sign each considered a separate sign.

Vice Chair Shepherd asked if the linear sign of Dollar Tree was larger or smaller than the Retro Fitness sign that was previously there, and Mr. Dixon indicated that the Dollar Tree linear sign was slightly larger than the Retro Fitness sign was in terms of length but comparable in terms of height, based off the pictures that were taken of that previous sign.

Ms. Anastasakos asked if the proposed signage for this particular Dollar Tree store the same size in square footage and height as other Dollar Tree signs at other locations throughout the State. He was able to address Ms. Anastasakos' question regarding the sign size as it related to the sign space available on the large gable wall that was in proportion to the building size. Additionally, he mentioned that the ordinance asks for 30 sq. ft. maximum for sign size for a building that might be 20 ft. from the roadway in the NB Zone, where the proposed shopping center was set back 350 ft. back from the roadway. He then noted that a compliant 30 sq. ft. sign on a building set back from the roadway that far would not be visible to the travelling public, wearing his Planner as well as his Traffic Engineer "hat". He indicated that the size of the sign would grow as the distance of the building to the roadway increased for convenience and for safety purposes. Mr. Dixon then testified that the proposed signage was a standard sign arrangement for Dollar Tree, and the design was immediately recognizable. He gave his professional opinion of whether the proposed signage was consistent with the purpose and intent of the sign ordinance for the Township (Section 112-106), as Ms. Sikes read through the verbiage of the ordinance for clarification. Mr. Dixon then pointed out that the Pennsylvania Dutch Farmers Market sign was 143 sq. ft. and was situated right next door to the proposed Dollar Tree and consistent in scale with neighboring stores/signs. He noted that the Dollar Tree proposed signage was on a much larger gable wall and created a sense of scale on the face of that building that was much more balanced than the Farmers Market sign. Mr. Dixon also testified that the sign was not distracting, noting that a too small sign would create a safety issue if it were not readable by the travelling public. Mr. Dixon then discussed the variances that support various purposes of zoning that were supported in the Municipal Land Use Law, including open space, the free-flow of traffic, the adaptive reuse of property, and to promote a desirable visual environment through creative development techniques and good civic design and arrangement. He stated that he did not believe that the granting of the variance would be detrimental to either the zoning ordinance or the surrounding properties for the reasons previously discussed. He indicated that it would also not be an impairment to the intent and purpose of the zone plan and zoning ordinance for all of the aforementioned reasons. Mr. Dixon then testified that the benefits of the signage, as presented, far outweigh any detriments to the public good.

Vice Chair Shepherd asked for clarification regarding the lighting of the sign, and Mr. Dixon indicated that it would be backlit from the time the store opens at 9:00 a.m. till one (1) half hour after the store closes, at 9:30 p.m. The Vice Chair then asked to discuss the photo they were given of what appeared to be a monument sign/pillar sign/marquee sign at the front of the property. He then asked Mr. Dixon why they needed such a large sign on the building if they would also be having a sign for Dollar Tree on the monument sign. Vice Chair Shepherd stated that he was not comfortable with the arguments given for the larger building sign due to the distance from the roadway and mature vegetation on the site obscuring the view of the building sign. Mr. Dixon indicated that he was not a fan of monument signs to highlight the presence of any business because of the speed with which motorists travel by those type of signs does not allow for the safety of the travelling public while trying to peruse the multiple signs at 50 mph.

Ms. Anastasakos opened a discussion regarding the size of the shopping center, and Mr. Dixon indicated he would categorize it as a medium-sized shopping center with 12 units in it with 300 parking spaces available. She then asked him what was surrounding the subject property, and Mr. Dixon indicated that there were offices and residential properties nearby. He described the sign as not detrimental to the public good because the sign was not

obtrusive and located 350 ft. from the edge of the property. He added that the sign would appear very small in the view of the residential properties. He further indicated that the property was on a State highway and that was where the Township's Master Plan encouraged development in support of existing development. Chairman Thomas showed an aerial photo that was provided to the Board members, noting that he could not see how the proposed sign would affect area residents as it was so far away from any of them. A discussion ensued.

Mr. Healey then asked why the Applicant chose that particular sized sign as opposed to any other size for the sign.

Mr. Nick Kappatos, Owner/Operator of Sign Pros, 1215 Back Horse Pike, Glendore, NJ 08026, came forward and was sworn in. The Board accepted his qualifications. Mr. Kappatos indicated that their goal was to do things proportionally, and in the case before the Board, the ordinance did not take into consideration the size of the property and the size of the store. He also noted that they were designing a sign for a national store brand and they had to match the new branding that Dollar Tree was using. He then indicated that he didn't think that the logo should be considered a separate sign because it was integral to the sign. Mr. Kappatos then spoke about the lighting of the sign, noting that they did not have the sign illuminating during the daytime when the sun was out to save electricity. He elaborated by stating that either by a photocell or timer, the lighting turned on in the evening and then turns off one half hour after store closing for employees' safety.

Mr. Kappatos responded to Mr. Healey's questioning regarding the number of smaller sized stores that could fit within the square footage of the proposed Dollar Tree, to determine how many conforming signs of 30 sq. ft. would be allowed if there were smaller stores within the same footprint as the proposed Dollar Tree. Mr. Kappatos stated that they had 83 ft. of frontage for the proposed Dollar Tree store and that five (5) or six (6) storefronts could occupy that same space and would be allowed a maximum of 30 sq. ft. for a sign for each one of those storefronts. He did also tell the Board that there were approximately 15 spots on the monument sign out in front of the shopping center.

Mr. Kappatos then described the sign as having individual letters that would be internally illuminated with LED lights within an aluminum box and mounted to the building controlled with a timer that turned the lights on and off.

Mr. Healey then asked why larger anchor stores have larger signs than other stores in a shopping center, and Mr. Kappatos stated that it was again a proportional issue for, in this case, a 15,000 sq. ft. store. Mr. Procanik then discussed the reasons for highlighting what was being considered an anchor store in a shopping center, and Mr. Kappatos stated that it was determined to be what would draw customers to the shopping center to hopefully bring business to the smaller stores.

Ms. Sikes then mentioned a portion of the ordinance, Section 112-113, stated that related to design standards, that every sign should be in good scale and designed to be proportionate in its visual relationship to structures, buildings and surroundings. Mr. Kappatos agreed with Ms. Bethea's comment that the design aesthetics do come into play when designing signs. Mr. Kappatos then addressed Ms. Anastasakos' question about whether Dollar Tree would increase their sign size if the rest of the shopping center were to be split up into double the amount of stores it already had, and his response was in the negative, stating

that they were only designing the sign for Dollar Tree based upon the space on the front of its portion of the shopping center.

Ms. Bethea asked for a clarification from Mr. Dixon on the benefit/justification of having the larger sign based upon the distance from the roadway if the vegetation was still going to obscure the sign, despite the larger size. Mr. Dixon indicated that the sign was not completely obscured and was still visible and provided a benefit of aesthetics as well as proportion.

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

Ms. Sikes then gave her closing comments related to the testimony given in support of the variances.

Mr. Procanik made a comment that he passed by the site every day and could not read one other sign on the monument sign. Ms. Bethea indicated that she was happy that the sign was made up of individual illuminated letters as opposed to one big sign.

Vice Chair Shepherd then made a motion to approve the variances necessary to place the sign that was proposed before the Board that evening in the exact format as it appeared in the Application. Ms. Firdaus seconded the motion, and the roll was called as follows:

FOR: Ms. Bethea, Mr. Procanik, Mr. Rosenthal, Vice Chair Shepherd, Ms. Firdaus, Ms. Anastasakos, and Chairman Thomas

AGAINST: None

## **DISCUSSION:**

- **Zoning Board By-Laws**

Chairman Thomas then turned the meeting over to the Board Attorney, Mr. Frank Regan, related to the Zoning Board By-Laws. Mr. Regan indicated that he made some changes based on the previous discussions with the Board. He then wanted to point out that he had included some additional language under 3:4-2, which was an automatic vacancy which was based on State law. He then added that it was not necessarily complimentary to 3:4-1 and suggested that it not be included in the by-laws, even though it was State law and it becomes necessary for the Board to apply it.

Chairman Thomas asked the Board to take a look at the changes incorporated into the by-laws and that they would take a look at the Resolution at the next meeting.

**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,

---

Kathleen Murphy, Recording Secretary  
March 29, 2023