

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

**REGULAR MEETING
March 17, 2016**

This special 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 Robert Thomas, Chairperson, at 7:30 p.m. The Sunshine Law was read and the roll was called as follows:

PRESENT: Donald Johnson, Robert Shepherd, Anthony Caldwell ,Gary Rosenthal, Cheryl Bergailo and Chairman Thomas

ABSENT: Raymond Betterbid, Laura Graumann, Bruce McCracken, Alan Rich and Joel Reiss

ALSO PRESENT: Patrick Bradshaw, Board Attorney, Mark Healey, Planning Director, and Vincent Dominach, Senior Zoning Officer

MINUTES:

- **Regular Meeting – January 21, 2016**

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

FOR: Mr. Johnson, Mr. Shepherd, Mr. Caldwell, Mr. Rosenthal and Chairman Thomas

AGAINST: None

RESOLUTIONS:

- **Polize, Inc. / ZBA-11-00030**

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

FOR: Mr. Johnson, Mr. Caldwell, Mr. Rosenthal and Chairman Thomas

AGAINST: None

- **1340 Hamilton Street / ZBA15-00010**

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

FOR: Mr. Johnson, Mr. Caldwell, Mr. Rosenthal and Chairman Thomas

AGAINST: None

HEARINGS:

- **NY SMSA, LP d/b/a VERIZON WIRELESS / ZBA-15-00026**

Ms. Lynn Dunn, Esq., Attorney, appeared before the Board on behalf of the Applicant, NY SMSA, LP d/b/Verizon Wireless. Site Plan in which the Applicant was proposing to install 12 ballast-mounted antennas to roof at 1350 Easton Avenue, Somerset; Block 424.0, Lot 39.07, in the PRC Zone - **CARRIED FROM JANUARY 21, 2016 – no further notification required.**

Mr. Dominach's Zoning report indicated that the Applicant was proposing to install antennas and associated equipment on/in an existing building in the PRC Zone.

Mr. Dominach, Zoning Officer, explained to the Board that they had the two new staff reports for the Application and the photo simulations. He added that the Applicant created four dormers on the building so that you cannot now see the antennas, noting that they got Historic Commission approval and were recommending that the Zoning Board approve the proposal as well.

Mr. Ronald Igneri, Engineer and Planner employed with Stantek Consulting Services, came forward and was continued to be sworn in. Mr. Igneri came with revised plans, dated 3/2/2016, and briefly described the revisions to the plan. He stated that they originally had the 6 ft. tall antennas ballast-mounted, with four antennas per sector. He then explained that he went back to the Radio Frequency Engineer to see what could be done with the antennas. The end result was reducing the amount of antennas down to two (2) per sector instead of four (4) for a new total of six (6) antennas that were also now only 4 ft. tall. Mr. Igneri indicated that once the antennas had been reduced, both in number and size, he was able to explore some creative designs that would fit on the existing structure and the roof. He stated that the new design included a dormer with faux windows. Mr. Igneri then entered into the record as Exhibit A-1, the photo simulations showing six (6) different views. He testified that the designs shown had also been approved by the landlord of the building. Even though they only needed antennas in three directions, they added an "empty" fourth dormer for symmetry. Mr. Igneri went through each view, noting the location of where each one was photographed from. He also added that the Historic Commission had asked for photos to be taken from a distance to see what the view would be from the canal. He then discussed photo #5, which had been a point of contention at the last hearing, taken from the corner of DeMott Lane and Easton Avenue, because the antennas were visible. In showing the photo from the same vantage point, the dormers now look integral to the building. Mr. Igneri also noted that, in photo #6, there was no visibility now of the antennas from the Van Wyckle House on Easton Avenue. He then discussed the 30 kw/h a/c powered generator that was originally proposed, noting that

Verizon Wireless had now chosen to go with a 10 kw d/c powered generator, which was smaller (5 ft. tall by 3 ft. square).

Mr. Igneri then discussed the “seek a balancing” test for the D-1 Use Variance, to satisfy both the positive and negative criteria. In terms of the positive or special reasons criteria, the Applicant’s burden of proof was to show that the site was particularly suited for a wireless telecommunications facility. Reasons given were that the site was perfectly situation from a radio frequency perspective to achieve the coverage objectives; the site achieves the technical objectives of providing seamless, and provided uninterrupted wireless telecommunications coverage throughout Franklin Township. He added that the site also contained an existing tall structure (building height of 55 ft., 11 inches) and they were not exceeding that prior non-conformance and that the area surrounding the site was densely populated, allowing the addition of the antennas to help to meet coverage in the area. Mr. Igneri then discussed the reduction of antennas and the shielding or incorporation of the antennas within the building by use of residential style dormers, thus minimizing the visual impact. He then noted that the location was considered a co-location by Verizon Wireless. Lastly, Mr. Igneri noted that the site was particularly suited because they had a willing landlord. He testified that Verizon Wireless hold four (4) FCC licenses. He then discussed the negative criteria, noting the four-step “seek a balancing” test. Mr. Igneri testified that he believed the positives outweighed any negatives and that the Board could grant the variance relief without substantial detriment to the public good, without substantial impairment to the Master Plan and zoning ordinances of the Township of Franklin.

Chairman Thomas asked if the Application would allow for a co-locator of wireless antennas. Mr. Igneri indicated that it would not allow for that because of the custom design for a particular carrier.

Chairman Thomas then opened the hearing to the public for questions. Seeing that there was no public in the chambers, the meeting was then closed to the public.

Mr. Healey brought up the new staff reports and asked whether they would be able to comply with all the comments. He asked that details regarding the photo simulations be put on the plans, and Mr. Igneri said that they could comply.

Mr. Shepherd made a motion to grant the variances necessary to install six (6) antennas on the roof. Mr. Caldwell seconded the motion and the roll was called as follows:

FOR: Mr. Johnson, Mr. Shepherd, Mr. Caldwell, Mr. Rosenthal, Ms. Bergailo and Chairman Thomas

AGAINST: None

- **PJ CAVANAUGH'S / ZBA-16-00002**

Mr. Russ Finestini, Esq., Attorney and Principal of the law firm of Finestini & Malloy, appeared before the Board on behalf of the Applicant. He indicated that they were seeking a Sign Variance that evening in which the Applicant was proposing to erect a sign at 195 Davidson Avenue, Somerset; Block 502.02, Lot 37.01, in a CB Zone

Mr. Dominach's Zoning report indicated that the Applicant was proposing to erect a sign in the CB Zone and that the following variances were needed:

1. Sign area: 30 sq. ft. maximum, 58.25 sq. ft. proposed
2. Sign height: 3 ft. maximum, 4.5 sq. ft. proposed

During the hearing, Mr. Dominach told the Board that what was before them was the typical signage application that was seen for a rather large building. He noted that the sign requirements were limited to 30 sq. ft. maximum no matter how large the building was and that there were no staff reports because of that reason.

Mr. Bruce Waugh, General Manager for PJ Cavanaugh's, came forward and was sworn in. Mr. Waugh indicated that PJ Cavanaugh's was located inside the Holiday Inn on Davidson Avenue and were the restaurant/catering service for the hotel. He asked the Board that if they granted the variance for the sign, he would be able to hopefully draw people into his establishment outside of the hotel clientele. Mr. Waugh indicated that PJ Cavanaugh's took over operations inside the hotel on November 5, 2015. He went on to explain why they wanted the larger sign, most notably to break with the tradition and draw in patrons from the neighboring residential areas as well as from the people who work in the area. Mr. Waugh also explained that they were told they could utilize the extra panels on the Holiday Inn sign when they signed their lease, but then when the time came, they were told they could not and would need to look into their own sign. Since the Township also did not allow for more than one sign, they were limited to providing a building sign for the restaurant. The hotel sat back pretty far from Davidson Avenue, so that was why they were proposing such a large sign, mostly for sight recognition.

When asked by Mr. Shepherd, Mr. Waugh indicated that they did get permission from the owner of the property as well as the owner of the hotel to be able to put the sign up on the building.

Mr. Larry Gliozzi, Owner of Lumark Signs, came forward and was sworn in. He testified that PJ Cavanaugh's engaged his company to design the sign that was part of the plan presented to the Board that evening. Mr. Gliozzi stated that there was an identification issue as well as a safety issue for motorists who don't know that PJ Cavanaugh's was located there and those who were looking to find the establishment, but couldn't due to the lack of signage. He noted that they were trying to maximize visibility as much as they can. Mr. Gliozzi entered into the record as Exhibit A-1, which was the sign proposal. He then discussed the distance of the building to the street, which was 280 ft. He went on to discuss a Letter Visibility Chart that was included in the exhibit and prepared by Penn State University and the United States Sign Council that showed how far the average letter at a certain height can be seen. He testified that the sign that they were proposing would include letters that would be 30 inches high, which would allow for 750 ft. visibility. Mr. Gliozzi then discussed the LED lighting that would

be utilized in the proposed sign, noting the lower wattage and safer use as opposed to the older style neon lights. He added that the effect of the lighting was very similar to the older, neon style lighting.

Mr. Healey reiterated testimony by saying that the Applicant had originally planned to include its signage on the Holiday Inn signage at the street, but found out after signing a lease that doing so was not in agreement with Holiday Inn corporate policy regarding signs. In including that testimony, Mr. Healey indicated to the Board that he believed the situation had created a hardship for the Applicant and felt that it was certainly within scale of the building size. He also stated that he could not see any detriment to the area or the zone plan.

Chairman Thomas then opened the meeting to the public. Seeing that there was no public, the Chairman closed the meeting to the public.

Mr. Shepherd made a motion to grant the sign variances requested, based upon the proposed sign shown by the Applicant during the hearing. Mr. Rosenthal seconded the motion and the roll was called as follows:

FOR: Mr. Johnson, Mr. Shepherd, Mr. Caldwell, Mr. Rosenthal, Mr. Bergailo and
Chairman Thomas

AGAINST: None

WORKSESSION/NEW BUSINESS

There was no new business

MEETING ADJOURNED

Mr. Shepherd made a motion to adjourn the meeting at 8:15 p.m. and the motion was seconded by Mr. Johnson. All were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
April 10, 2016