

**MONTVILLE TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MINUTES OF SEPTEMBER 7, 2016
Montville Municipal Building, 195 Changebridge Road
8:00PM**

NOTE: No New Business to be conducted past 10:30 P.M.

STATEMENT OF COMPLIANCE

As required by the Open Public Meetings Act, adequate notice of this meeting has been provided which notice specified the time and place of the meeting to the extent known at that time. The notice was posted on the bulletin board at the Municipal Building, sent to the Daily Record, and the Citizen, posted on the Township's website calendar, and placed on file at the Township Clerk's office. This meeting has been properly noticed to the public in accordance with the Open Public Meetings Act.

ROLL CALL:

Richard Moore – AE	Kurt Dinkelmeyer - Present
Annabel Pierce – Present	James Marinello - Present
Deane Driscoll - Present	Shelly Lawrence (Alt #1) - Present
Kenneth Shirkey - Present	Ron Soussa (Alt #2) - Present
Margaret Miller-Sanders – Present	

PLEDGE OF ALLEGIANCE

Swearing in of Professionals.

Stan Omland, PE – absent
Joseph Burgis, PP– present.

Also present: Bruce Ackerman, Esq.

OPEN PUBLIC COMMENT

The Chairman opens the session to public comment for items not listed on the agenda related to land use matters.

None.

The following application was rescheduled to 10/5/16 with notice required:

ZC05-16 – Ryan, Rachael– 8 Jacobus Ln – B: 98, L: 8 – variance for side setback of 10.5' where 25' required and variance for unimproved road for 2nd story addition to single family residence
ACT BY: 12/15/16

OLD BUSINESS

None

NEW BUSINESS

Stenographer present on behalf of the applicant for the Outfront Media applications.

Mr. Marinello asked the Board if it would be acceptable to open both matters hear the general testimony relating to both of the applications, then close the general section and continue with specifics of the first, complete that application with the vote on the application, and then continue the second application for additional site specific testimony to avoid redundancy? The Board agreed. Both applications were opened.

ZSPPP/FCD03-16– Outfront Media 1 Rt 46 E – 1 Rt 46 E – B: 182, L: 1 - preliminary/final site plan Use variance and c variances for removal of a billboard and construction of LED billboard – Notice Acceptable
ACT BY: 10/14/16

ZSP/FCD02-16– Outfront Media 86 Rt 46 W – 86 Rt 46 W – B: 167, L: 33 1 - preliminary/final site plan Use variance and c variances for removal of a billboard and construction of LED billboard – Notice Acceptable
ACT BY: 10/14/16

Present on behalf of the applicant: Louis D’Arminio, Esq; Brett Skapinetz, PE; Greg Brinster, Outfront Media; Joseph Staiger, Traffic PE

Mr. D’Arminio – Modernizing existing billboard signs to change from static display to digital.

Greg Brinster, Outfront Media – sworn

Mr. Marinello – Apologized, but the Board Engineer will not be able to attend this evening so the application will not be able to finish this evening.

Mr. Brinster – Outfront Media is a national outdoor media company. We advertise on billboard signs, buses, bus shelters, etc. The proposal is to change the existing static billboard signs to be converted to LED. The signs are regulated by the State of New Jersey. The signs cannot change more frequently than every 8 seconds. Some are required to stay a bit longer, 10 sec. They have to be at least 1,500’ from another LED sign.

Exhibit marked in:

A1 for 1 Rt. 46 – photo of portion of LED cell equipment
A1 for 86 Rt. 46 – photo of portion of LED cell equipment

Mr. Brinster – The signs are computer generated. The change in copy is done remotely. Images played every 8 seconds for a 64 second minute. Sign adjusts brightness automatically to ensure it is not too bright. This type of sign allows for more than one advertiser on one sign. Each sign has a camera that monitors the sign 24/7.

A2 for 1 Rt. 46 – photos 5 thru 8 of digital sign showing real time alerts
A2 for 86 Rt. 46 – photos 5 thru 8 of digital sign showing real time alerts

Mr. Brinster – Local municipalities can call in any emergent message that can be posted on the sign.

A3 for 1 Rt. 46 – protocols for municipal emergencies and municipal informational purposes
A3 for 86 Rt. 46 – protocols for municipal emergencies and municipal informational purposes

Mr. Brinster – There is a 24 hour line for municipalities to call for emergencies. We also allow for advertising of the municipalities’ festivals, fireworks, etc.

Mr. Burgis – Can we have specifics as to safety issues regulated by the State? Mr. Brinster – They regulate setbacks from the street, distance from on and off ramps, 8 second minimum for changeover of copy on sign. Mr. Burgis – Can the municipality have fixed times weekly, monthly etc.? Mr. Brinster – Yes, we can come to an agreement on fixed times. Mr. D’Arminio – We do not take political messages on our billboards from municipalities, though, political advertisements can be purchased. Mr. Marinello – Asked about security controls against hackers. Mr. Brinster – The signs are on secure servers and they can be shut off at a moment’s notice. There are no catwalks on these signs so vandals cannot climb up. There will not be any animation, flashing, or scrolling. Copies cannot follow each other and each new message has to be distinctly different copy from the prior message. Mr. Soussa requested the copies of the protocols be supplied to the board for each member prior to the next hearing.

Board took a 2 minute break.

Joseph Staigar, Traffic Engineer – sworn

Mr. Staiger – Reviewed studies done on LED signs before and after installation. The sign by Home Depot is approximately 600 s.f. and the one by New Road is approximately 200 s.f. each for 2 signs. There was a study done in 2012 on driver behavior. Drivers tend to glance at the signs from .29 to .35 seconds. People concentrate more on

the road where there are more distractions than when they are on an open highway. The study measured eye movement for static signs and LED signs. Reviewed the Tantara Study for the Board. That study found no difference in number of accidents before the installation of the LED signs and after the installation. Discussion ensued on case law and additional studies.

Mr. Staiger – You have to be in front of the billboard screen to see the LED, so there would not be rubbernecking of traffic waiting to see the next image. Mr. Shirkey – I find myself watching the LED billboard in Riverdale, because I find it interesting. Mr. Staiger – The National Highway Transportation Safety Division indicates that people do not look for more than .35 seconds. There are more safety issues when drivers text, eat, light a cigarette or the such. Ms. Miller-Sanders -- concerned with phone numbers, addresses, etc. on messages and the distraction caused to drivers. Mr. Staiger – It has been found that they do not cause a safety issue. Mr. Soussa indicated that the level of detail on a sign will cause a safety issue. Mr. Marinello – Please supply your policies as it relates to drugs, alcohol, firearms, marijuana reform laws, psychics, unregulated mediations or other issues not usually seen during family time. Mr. D'Aminio – If it is illegal in New Jersey, than it cannot be advertised on the billboards.

Open to public for these 2 witnesses - none

Specific testimony begins for ZSPP/FCD03-16– Outfront Media 1 Rt 46 E – 1 Rt 46 E – B: 182, L: 1.

Mr. Brinster – This billboard was originally painted, and then papered, and now biodegradable film. This sign has been there for more than 50 years.

A4 – 1 Rt. 46 aerial map

A5 – 1 Rt. 46 – digital proposal

Mr. Brinster – The existing 2 signs in each direction are appx. 300 s.f. each and we are reducing to one sign in each direction of about 250 sf. New sign will have a single pole where existing sign has 4 poles. There is an NJDOT State permit acquired for this site.

A6 – NJDOT permit for 1 Rt. 46 sign location

Mr. Brinster – Reviewed A6 for the Board. Mr. Burgis – There are currently 2 signs at 238 s.f. each with 4 faces and the proposal is for one 231 s.f. sign with 2 faces.

Brett Skapinetz, PE – sworn

Mr. Skapinetz – Reviewed the surrounding area for the Board. Property located in the B-3 zone on an undersized lot. There are 4 faces currently which will be reduced to 2 faces. Existing setback 3.2', which will be 10'. Side setback existing 5.5' where 22.5' proposed. Proposing pylon sign in concrete foundation. Control equipment will be above ground in the structure. Identified the wetlands limit of disturbance on the property and a permit has been obtained from NJDEP. The section that will be disturbed will be re-seeded. Everything is in place from outside agencies to construct this sign. The sides of the sign will be fanned out so it more directly faces towards oncoming traffic. The existing lighting on the static billboards are not controllable. However, the LED lights are controllable offsite.

A7 – aerial plan sheet with billboard lighting shown.

Mr. Skapinetz – Reviewed how the intensity of light would be established with the construction of the new sign. The power of illumination fluctuates during different times of day/night. The equipment keeps the illumination to not more than .3 foot candles more than the ambient lighting.

Mr. Burgis – Besides a billboard what may be another use that could be put on this property? Mr. Skapinetz – Maybe a cell tower, but the property is so constrained probably nothing else. Mr. Burgis – Is the camera arm extending toward the street? Mr. Skapinetz – No. Mr. Driscoll – Is there a fence around the property? Mr.

Skapinetz – No. Mr. Marinello asked for the comparative safety from the existing sign to the proposed sign. Mr. Skapinetz – The proposed sign is safer. The existing sign is 40-50 years old, the posts are rusted, the new billboard will have more weight and will have more modern materials used. Mr. Marinello – The LED signs seem brighter based on better graphics. Are there studies done on how it may affect the nocturnal animals in the area? Mr. Skapinetz – Yes, there are studies done on the illuminants from the sign. The LED lights can be turned down. Mr. Marinello – Please supply the standards at the next hearing. Mr. Shirkey asked for an exhibit of the extent of the effect of the present 400 watt bulbs versus the exhibit showing the effect of the LED lighting.

Open to public – none

Questions to be answered at a later hearing: length of project; pole safety for traffic and vandals; history of billboards from 1960's to present; how much is too much; testimony on flexibility of these signs as to when technology changes; testimony on what you would tell objectors after the sign is constructed; testimony of effect of Rt. 46 redevelopment zone; standards of limits or standards of advertising.

Carry with notice preserved to November 2, 2016 with an extension of time to act to November 30, 2016 for both 1 Rt. 46 & 86 Rt. 46. Exhibits remained in the possession of the applicant.

MINUTES

Minutes of August 3, 2016 Eligible: Dinkelmeyer; Driscoll; Shirkey; Miller-Sanders; Lawrence; Soussa; Marinello

Motion to adopt made by Driscoll; Second by: Shirkey; Roll call: Yes – Dinkelmeyer; Driscoll; Shirkey; Miller-Sanders; Lawrence; Soussa; Marinello

INVOICES

Bowman Engineering Trust for: \$371.25 (In Creations); \$67.50 (Kirk); \$371.25 (Leff); \$776.25 (Outfront Media 1 Burgis Associates – Trust for: \$ 660 (Outfront Media 86 Rt 46); \$67.30 (Sabatino); \$438.75 (Towaco Station); \$1,957.50 (Towaco Station)

Pashman, Stein – O/E For: \$202.50; Trust for: \$627.75 (Towaco Station); \$479.25 (Leff)

Bowman Engineering – Trust for: \$135 (Kirk); \$33.75 (Leff); \$738.71 (Towaco Station); \$33.75 (Outfront Media 1 Rt 46)

Mr. Shirkey – There was a question on a bill a few months ago. Ms. Rodriguez indicated that the bill was revised and resubmitted last month

Motion to approve made by: Shirkey; Second by: Driscoll; Roll call: Yes – Unanimous

RESOLUTIONS

None

OTHER BUSINESS

Planning Board Liaison report. (Driscoll) – no report

DRC Liaison report – (Pierce, Soussa, Lawrence) – meeting was canceled

RFP Subcommittee (Dinkelmeyer) – Comments. Mr. Soussa indicated we should get RFP's for all 3 professionals. Mr. Dinkelmeyer to speak to Mr. Conklin from the Land Use office to supply a list of names of professionals for the Board to be submitted by the October meeting. Mr. Shirkey indicated that our current professionals are doing a good job.

Ms. Lawrence voiced concerns about not getting an answer on getting ID cards for site visits. Ryan told me to contact Meghan for the ID cards and she has not returned my emails. Ms. Lawrence to contact Mr. Canning about

getting the ID cards for better visibility when doing site visits. She also wanted to know when the education session is going to be held that was supposed to be done in February.

ADJOURNMENT

Respectfully submitted,

Jane Mowles-Rodriguez Assistant Secretary.

Certified true copy of minutes adopted at Zoning Board meeting of October 5, 2016.