

**MONTVILLE TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MINUTES OF JANUARY 4, 2017
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

Annabel Pierce - AE

Deane Driscoll - Present

Kenneth Shirkey - Present

Margaret Miller-Sanders - Present

Kurt Dinkelmeyer - Present

James Marinello - Present

Shelly Lawrence (Alt #1) - AE

Ron Soussa (Alt #2) - Present

PLEDGE OF ALLEGIANCE

Swearing in of Professionals

Jamie Giurintano, PE - present

John Szabo, PP- present

Also present: Bruce Ackerman, Esq.

REORGANIZATION

Appointment of Temporary Chairman - Motion to appoint Jane Mowles-Rodriguez as temporary chair made by: Shirkey; Second by: Driscoll; Roll call: unanimous

Appointment of Chairman - Motion to appoint James Marinello as Chairman made by: Shirkey; Second by: Driscoll; Roll call: unanimous

Appointment of Vice Chairman - Motion to appoint Deane Driscoll as Vice Chairman made by: Shirkey; Second by: Miller-Sanders; Roll call: unanimous

Appointment of Temporary Secretary & Assistant Secretary - Motion to appoint Jane Mowles-Rodriguez as Temporary Secretary and as Assistant Secretary made by: Shirkey; Second by: Driscoll; Roll call: unanimous

Appointment of Recording Secretary - Motion to appoint Jane Mowles-Rodriguez as Recording Secretary made by: Shirkey; Second by: Driscoll; Roll call: unanimous

Appointment of Board of Adjustment Attorney & execution of Professional Service Agreement - Motion to appoint Bruce Ackerman, Pashman Stein for Board of Adjustment Attorney & execution of Professional Service Agreement made by: Shirkey; Second by: Driscoll; Roll call: unanimous.

Appointment of Board of Adjustment Engineer & execution of Professional Service Agreement - Motion to appoint Stanley Omland, Bowman Engineering Consulting firm for Board of Adjustment Engineer & execution of Professional Service Agreement made by: Shirkey; Second by: Driscoll; Roll call: unanimous.

Appointment of Board of Adjustment Planner & execution of Professional Service Agreement - Motion to appoint Burgis Associates for Board of Adjustment Planner & execution of Professional Service Agreement through June 30, 2017 made by: Shirkey; Second by: Driscoll; Roll call: unanimous.

Appointment of Board of Adjustment Conflict Engineer & execution of Professional Services Agreement - Motion to appoint Paul Ferriero, Ferriero Engineering for Board of Adjustment Conflict Engineer & execution of Professional Service Agreement made by: Shirkey; Second by: Driscoll; Roll call: unanimous.

Appointment of Board of Adjustment Conflict Planner – Motion to appoint Paul Ferriero, Ferriero Engineering for Board of Adjustment Conflict Planner & execution of Professional Service Agreement made by: Shirkey; Second by: Driscoll; Roll call: unanimous

Designation of Meeting Nights for Board of Adjustment as follows:

1st Wednesday of every month @ 8PM

January 4, 2017	August 2, 2017
February 1, 2017	*August 17, 2017 (Thursday)
March 1, 2017	September 6, 2017
*March 16, 2017 (Thursday)	October 4, 2017
April 5, 2017	November 1, 2017
May 3, 2017	*November 16, 2017 (Thursday)
June 7, 2017	December 6, 2017
*June 15, 2017 (Thursday)	January 3, 2018
July 5, 2017	

*additional meeting if needed

Motion to adopt made by: Shirkey; Second by: Driscoll; Roll call: Unanimous

Designation of Official Newspaper for Legal Purposes

- a) The Daily Record & The Citizen of Morris County
- b) The Star Ledger

Motion to adopt made by: Shirkey; Second by: Driscoll; Roll call: Unanimous

Adoption of By-Laws

Mr. Soussa did not see the portion of the social media friending policy to be acceptable. Ms. Miller-Sanders agreed. Mr. Soussa – The admonishment of not discussing board business on social media should be sufficient. Mr. Marinello – If more than one board member is a friend of an applicant and a comment on an application occurs it can be construed as a quorum. Mr. Soussa – Recommends striking the 2nd sentence in Paragraph 5 of the policy.

Motion to adopt as amended made by: Soussa; Second by: Miller-Sanders; Roll call: Unanimous

Adoption of 2016 Annual Report

Motion to adopt made by: Driscoll; Second by: Shirkey; Roll call: Unanimous

Invoice Review Subcommittee (Marinello, Shirkey, Driscoll)

Motion to appoint made by: Dinkelmeyer; Second by: Soussa; Roll call: Unanimous

RFP/RFI Subcommittee - Recreate subcommittee ad hoc as needed.

Design Review Committee Liaison (Pierce, Soussa, Lawrence)

Motion to appoint made by: Shirkey; Second by: Driscoll; Roll call: Unanimous

OPEN PUBLIC COMMENT

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

None

Mr. Driscoll stepped down for the remainder of the meeting.

OLD BUSINESS

Court reporter in attendance for the following applications:

ZSPP/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 – carried with notice from 9/7/16 & 11/2/16 – Eligible: Dinkelmeyer; Driscoll; Shirkey; Pierce, Miller-Sanders; Lawrence; Soussa; Marinello ACT BY: 1/31/17

ZSPP/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 – carried with notice from 9/7/16 & 11/2/16– Eligible: Dinkelmeyer; Driscoll; Shirkey; Pierce, Miller-Sanders; Lawrence; Soussa; Marinello ACT BY: 1/31/17

Present on behalf of the applicant: Louis D'Arminio, Esq; John Antal, Manager of NJ Plant for Outfront Media

Lou D'Arminio, Esq – All the information in the document handed in today will be discussed at a later hearing. Last time we were here we had the testimony on general information that was shared on both of these applications and then started to get into individual application testimony.

John Antal, General Manager for Outfront Media, Northern NJ- sworn

We have been using LED technology for the past 9 years. We have 45 digital sign locations in New Jersey. If LED becomes obsolete we would have to approach each municipality individually and discuss the current technology and request variances as required. There is a large demand in this area to expand our digital footprint. We can run 8 advertisers on 1 structure allowing for a reduced number of billboards in the area. The agreements signed with our advertisers meet local media standards and general good taste. Political and firearms ads must pass several requirements before they can be put out there on the streets. No pornographic, obscene, or attack ads are permitted. If negative feedback from the community occurs we have taken down ads in the past.

The same Exhibit is marked in:

A-4 – for 86 Rt. 46 – samples of municipal use of billboards
A-9 – for 1 Rt. 46 – samples of municipal use of billboards

Mr. Antal reviewed the exhibits for the Board. The physical construction of these types of billboards typically takes less than 30 days.

Mr. Szabo – How big is the Sayreville sign? Mr. Antal - The same as what is proposed at these sites. Mr. Szabo – Is the advertising for the Township guaranteed? Mr. Antal – Not if it is booked. Mr. Ackerman – That conflicts with prior testimony that committed to public service access. Mr. D’Arminio – We can fit in an occasional 9th term for the Township. Applicant will discuss its stated commitment to either an additional 8 second spot each rotation or a set number per hour. Mr. Giurantano – How often are you on site for maintenance? Mr. Antal – Quarterly. Mr. Giurantano – How long does routine maintenance take? Mr. Antal – A couple of hours.

Open to public – none

Mr. Shirkey – How many brand new billboards do you put up in a year? Mr. Antal – Typically 2 or 3 a year. Mr. Shirkey – Have you used the same contractors on all 45 units? Mr. Antal – No, it can be 1 of 5 contractors that we use through a bid process. Ms. Miller-Sanders – How quickly can an emergency public announcement take to put up on a billboard? Mr. Antal – Within a matter of minutes to a couple of hours depending upon the content needing to be prepared. Mr. Marinello – Which is the closest print to digital billboard conversion to Montville? Mr. Antal – In Totowa a year ago. Mr. Marinello –What are the most frequent complaints? Mr. Antal – Most frequent are about haunted houses on billboards too close to schools or where children frequent. Mr. Marinello – What are the current operable billboards on Rt. 46? Mr. Antal -The ones in Totowa. Discussion ensued regarding political or other First Amendment protected speech, ability or advisability of elected officials directing content, process for responding to objections from community, and the impact of digital signs on the goal of a uniform route 46 corridor development design. Mr. Dinkelmeyer –How many towns required variances for the 45 other signs? Mr. Antal – The vast majority require town variances but I do not know the exact number off the top of my head. Mr. D’Arminio – There have been no complaints on the existing billboards in town. Mr. Shirkey – I would like to see the DOT classification for the locations.

Closed to public for this witness.

Carry with notice preserved to 3/1/17 and an extension of time to act granted to 3/31/17

NEW BUSINESS

None

MINUTES

Minutes of December 7, 2016. Eligible: Moore, Pierce, Shirkey, Miller-Sanders, Dinkelmeyer, Lawrence, Soussa, Marinello

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

INVOICES

Pashman, Stein – Trust for: \$1,161 (New Montville Realty); \$776.25 (Zaccagnino); \$580.50 (Ryan); \$526.50 (Avalon Bay); \$101.50 (Towaco Station)
Bowman Engineering – Trust for: \$135 (JLJ&J); \$712.50 (Morris Animal Inn); \$101.25 (Ryan); \$825 (Sunrise Properties); \$371.25 (Zaccagnino)
Burgis Associates - Trust for: \$977.50 (Morris Animal Inn); \$168.75 (New Montville Realty); \$540 (Towaco Station); \$675 (Towaco Station); \$423.75 (Zaccagnino)
Dorsey & Semrau – Trust for: \$405 (Morris Animal Inn)

Motion to adopt made by: Shirkey; Second by: Miller-Sanders; Roll call: Unanimous

RESOLUTIONS

None

OTHER BUSINESS

Planning Board Liaison report – no report

DRC Liaison report – no report

Discussion ensued on notice of publications for applications. The Board will need input from Township Committee on: provisions for notice should newspapers stop printing, better way of keeping us informed of matters before other boards, status of chief planner position, name of liaison from Township Committee.

Mr. Marinello – Mr. Conklin has moved onto another position.

Discussion ensued on educational training. Board consensus to allow for the hiring of a planning consultant, such as Mr. Szabo, for the training session to be charged against the education line item.

CORRESPONDENCE

None

Respectfully submitted,

Jane Mowles-Rodriguez, Assistant Secretary.

Certified true copy of minutes adopted at Zoning Board meeting of February 1, 2017.