

**MONTVILLE TOWNSHIP
ZONING BOARD OF ADJUSTMENT
MINUTES OF MARCH 1, 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 - Present

Annabel Pierce – Entrance Noted

Deane Driscoll - AE

Kenneth Shirkey - Present

Margaret Miller-Sanders – Present

Kurt Dinkelmeyer – Entrance Noted

James Marinello - Present

Shelly Lawrence (Alt #1) - AE

Ron Soussa (Alt #2) – Entrance Noted

PLEDGE OF ALLEGIANCE

Swearing in of Professionals

Stanley Omland, PE – present

John Szabo, 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

MINUTES

Minutes of February 1, 2017 Eligible: Moore, Pierce, Shirkey, Dinkelmeyer, Soussa, Marinello

Motion to adopt made by: Shirkey; Second by: Moore; Roll call: Yes – Moore, Shirkey, Marinello

INVOICES

Burgis Associates – Trust for: \$573.75 (AMJM); \$742.50 (Avalon); \$236.25 (New Montville Realty)

Bowman Consulting – Trust for: \$33.75 (AMJM); \$211.05 (JLJ&J); \$168.75 (Outfront Media 86 Rt. 46); \$168.75 (Outfront Media 1 Rt. 46); \$236.25 (Stonybrook Boutiques); \$337.50 (Senatore); \$303.75 (Sunrise)

Dorsey & Semrau – Trust for: \$435 (Stonybrook Boutiques); \$375 (Morris Animal)

Motion to approve for payment made by: Shirkey; Second by: Moore; Roll call: Unanimous

RESOLUTIONS

ZEXT01-17 Morris Animal Inn – 117 Boonton Ave – B: 3, L: 39.1 & 40.1 – request for extension of approval to January 6, 2018 – Granted to 1/6/18 Eligible: Moore, Pierce, Dinkelmeyer, Shirkey, Soussa, Marinello

Motion to adopt made by: Moore; Second by: Shirkey; Roll call: Yes - Moore, Shirkey, Marinello

OTHER BUSINESS

Planning Board Liaison report – no report

DRC Liaison report – no report

OLD BUSINESS

A court reporter was in attendance for the following hearings:

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 & 1/4/17 – Eligible: Dinkelmeyer; Driscoll; Shirkey; Pierceⁱ, Mooreⁱⁱ, Miller-Sanders; Lawrenceⁱⁱⁱ, Soussa; Marinello
ACT BY: 3/31/17

ZSPP/FCD02-16– Outfront Media 86 Rt 46 W – 86 Rt 46 W – B: 167, L: 33 - 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 & 1/4/17 – Eligible: Dinkelmeyer; Driscoll; Shirkey; Pierce^{iv}, Moore^v, Miller-Sanders; Lawrence^{vi}; Soussa; Marinello
ACT BY: 3/31/17

Present on behalf of the applicant: Louis D’Arminio, Esq; John Antal, Manager of NJ Plant for Outfront Media; Joseph Staiger, PE; Brett Skapinetz, PE

Ms. Pierce certified to the 1/4/17 hearing.

Mr. Moore certified to the 9/7/16 and 1/4/17 hearings.

Joseph Staiger, Traffic PE – previously sworn.

Mr. Dinkelmeyer; Mr. Soussa & Ms. Pierce enter. Mr. D’Arminio repeats his brief opening recap.

A-5 traffic engineering safety study 1 Rt. 46 dated 1/3/17
A-10 traffic engineering safety study 86 Rt. 46 dated 1/3/17

Mr. Staiger reviewed the historical traffic studies for the board as related to billboards and the effect of digital billboards on safety in particular. Reviewed a naturalistic distraction study for the board. Reviewed 2007 naturalistic study relating to digital billboards for the board. Drivers took their eyes off the road to look at billboards for 1 second or less. 2012 study on digital billboards reviewed by Mr. Staiger.

A-6 - 86 Rt. 46 2012 digital billboard study summary
A-11 - 1 Rt. 46 2012 digital billboard study summary

Mr. Staiger reviewed 2009 and 2010 statistical studies on distraction as it related to the difference between static signs prior to and after being converted to digital signs. Reviewed basic NJDOT requirements for approval of digital billboard signs. New Road has a poor level of service as it relates to traffic. Eastbound and Westbound Route 46 have levels of service that are much better.

Using Exhibit A-4 Mr. Staiger reviewed the 1 Rt. 46 location. New Road is congested, but Route 46 runs very well. The V shape of this sign makes it more visible and causes less distraction to drivers.

A-7 - 86 Rt. 46 aerial

Mr. Staiger reviewed A-7 for the Board. This sign is a single-sided sign that would be visible to westbound traffic only. Straight highway. Same size and location as existing sign. No increased hazard from changing static sign to a digital sign.

Open to public for this witness.

Mr. Szabo – Did the studies take into effect the highly technological cars these days with navigation, music, Bluetooth, etc.? Mr. Staiger – It was based on when a driver passed a sign how long did their normal center of gaze wander to look at the sign. Mr. Szabo – How does the board interpret the safety if there are no studies on numbers of accidents? Mr. Staiger – The billboard signs' distraction rate is less than 2 seconds where distractions such as texting, putting on makeup, or spilling of coffee had a distraction rate over 2 seconds and where more accidents occur. Digital signs are not a safety hazard.

Mr. Omland - Do both signs have good advance visibility? Mr. Staiger – Yes, at least ¼ mile visibility. Mr. Omland- Both sites are constrained by wetlands and natural vegetation. What happens when the vegetation grows, could it interfere with the visibility? Mr. D'Arminio – NJDOT has vegetation regulations.

Mr. Omland – Is there a limit to the amount of text allowed on a billboard? Mr. Staiger – No. Mr. Shirkey – Have you done a recent study between New Road and Hook Mountain Road for this application? Mr. Staiger - No. Mr. Shirkey – I am more distracted by a digital billboard that is going to change advertisements than a static billboard. Mr. Dinkelmeyer requested information on what states have more than an 8 second interval for each advertisement. Mr. D'Arminio will supply to the board. Mr. Ackerman – At what point is smaller or larger sign safer? Mr. Staiger – I find no difference between size and safety.

Mr. Skapinetz, PE – previously sworn

There is vegetation near the New Road sign but there is a clearing before the sign which has low vegetation. The trees, bus shelter and telephone pole currently impede vision of the existing sign. Do not see any vegetation impacting that sign for years.

Mr. Skapinetz reviewed 86 Route 46 plan for the board. 5.25 acres, undeveloped with the exception of the existing static sign. The sign is encumbered by a wetlands area. There is a 9' drop from the highway to where the base of the sign exits. The sign is currently 39' high and 38' is proposed. 14'x 48' sign existing and proposed. 31' setback existing and 28' proposed. Propose new gravel pathway from Route 46 to get to the sign. DEP may make us remove the gravel and revegetate after construction. New foundation, concrete case on footing, steel pole on top and digital sign to be placed upon that pole. Single faced sign. Reviewed surrounding area for the board. Less surrounding neighbors. Wooded area behind us.

A-8 - site plan sheet 3 last revised 8/15/16 for 86 Rt. 46

A-9 - billboard lighting exhibit for 86 Rt. 46 dated 9/7/16

Mr. Skapinetz – reviewed the lighting plan for the board. The lighting would be less than .3 over ambient. Can provide the information requested in Mr. Omland's report to Mr. Omland's office.

Open to the public for this witness.

Mr. Omland – There are 4 significant trees that do not appear to be an issue at this time but may be in the near future.

A-10 - site photos which were part of the original application

Mr. Skapinetz – Those trees are on the slope. There is one tree that sits in the right of way. I will request from DEP approval to limb the tree, do not see the need to remove the tree. We do not propose to remove any tree on this site. Mr. Omland – You will be required to have police assistance during construction of this site. There will be no parking on Route 46 of workers, construction vehicles, etc. during construction for both of these sites.

Mr. Skapinetz – Yes. Discussion ensued on effect of lighting from the digital sign as opposed to the current lighting on the static signs.

Closed to public

The applications were carried with notice preserved to 4/5/17 with extensions of time to act to 4/31/17.

NEW BUSINESS

None

CORRESPONDENCE

None

Motion to adjourn, unanimously voted upon.

Respectfully submitted,

Jane Mowles-Rodriguez, Assistant Secretary.

Certified true copy of minutes adopted at Zoning Board meeting of March 16, 2017.

ⁱ Certified to 1/4/17 hearing

ⁱⁱ Certified to 9/7/16 & 1/4/17 hearings

ⁱⁱⁱ Must certify to 1/4/17 hearing

^{iv} Certified to 1/4/17/ hearing

^v Certified to 9/7/16 & 1/4/17 hearings

^{vi} Must certify to 1/4/17 hearing