

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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PUBLIC MEETING

April 23, 2007

PRESENT: John Matsen, Sharon Stevens, Dan Fennell, Peter Geiger, Tom McCaffrey, Wayne Filus and Dave Roberts.

PROFESSIONALS: Jon Drill, Attorney, Cathleen Marcelli, Engineer, Beth McManus, Planner and Rebecca D'Alleinne, Administrator.

ABSENT: Ira Breines and Bill Honachefsky, Jr.

CALL TO ORDER

Chairman Matsen called the meeting to order at 7:32PM.

PUBLIC NOTICE

This is a public meeting of the Zoning Board of the Township of Clinton, County of Hunterdon and State of New Jersey. Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act in that an Annual Notice was published in the Hunterdon County Democrat on January 18, 2007 and the notice of and agenda for this meeting was posted on the bulletin boards in the vestibule of the Municipal Building and outside the Planning and Zoning Office on the 2nd Floor of the building and faxed to the Hunterdon County Democrat, the Express Times, the Courier News, the Hunterdon Review, the Star Ledger and the North County Branch of the Hunterdon County Library the Friday prior to the meeting.

MINUTES

Sharon Stevens moved and Tom McCaffrey seconded a motion to approve the minutes of March 26, 2007. The Board concurred unanimously.

RESOLUTIONS

INDER, Block 68, Lot 9.02

Resolution #2006-17, Application #2004-02

Jon Drill discussed the changes that had been suggested and read them into the record. He commented that there were some outstanding issues concerning the geotechnical issues. The Board determined that one year would be enough time for site plan revisions and to leave the time within which to obtain final site plan approval at two years. John Matsen moved and Sharon Stevens seconded a motion to adopt the draft

dated 4/11/07 with the revisions as discussed. Members in favor: Matsen, Stevens, Fennell, McCaffrey and Roberts.

HENSFOOT DEVELOPMENT, Block 4.03, Lot 29

Resolution #2007-03, Application #2006-14

Tom McCaffrey moved and Dave Roberts seconded a motion to approve the resolution as written. Members in favor: Matsen, Stevens, Fennell, McCaffrey, Geiger and Roberts.

COMPLETENESS WAIVERS HEARING

JULIAN, Block 80, Lot 21

Application #2007-01

Cathy Marcelli commented that she did not have any objection to granting the completeness checklist waiver requests. Dan Fennell moved and John Matsen seconded a motion to grant the waivers as discussed. Members in favor: Matsen, Stevens, Fennell, McCaffrey, Geiger, Roberts and Filus.

EXTENSION OF TIME

ACORN MONTESSORI, Block 24, Lot 6

Rich Schroeder introduced himself and the applicant, Gibson McCartney and asked for ninety days, July 3, 2007 to obtain signatures. Tom McCaffrey moved and Sharon Stevens seconded a motion to approve the extension. Members in favor: Matsen, Stevens, Fennell, McCaffrey, Geiger Roberts and Filus.

PUBLIC HEARINGS

COASTAL ADVERTISING, Block 4.03, Lot 34.01

Application #2006-09

Susan Rubright, Esq. introduced herself on behalf of the applicant and reviewed the history of the application. She reported that the height of the sign would be reduced to 99 feet, noting that a crane test had been performed and that new photos had been created to replace the previous set. Robert Newell, lighting expert, John Varys, and Alex Zepponi, engineer were sworn. She discussed the "scenic area designation" along Route 78.

Robert Newell, lighting expert, presented his credentials, which were accepted by the board. He commented on the sign and the lighting impact. He indicated that there would be five lights on either side of the sign that would be located six feet away from the sign, and reported that it was a standard lighting design. Exhibit A-6 (Report 2/26/07), Exhibit A-7 (Sign Master Color pamphlet) and Exhibit A-8 (Photometric Analysis) were marked into evidence. Mr. Newell indicated that it was important that the sign be legible and that the amount of light be uniform. He reported that there were top mounted and bottom mounted versions. He expressed the opinion that the bottom

mounted was more effective and did not create glare. The vinyl on the sign was shiny and that the reflective light went up. He discussed the definition of glare. Mr. Newell commented on the report from Gary Garofalo, the Board's expert and read the township ordinance concerning sky glow. He noted that there had been a change in the kind of bulb proposed and discussed the difference in the lenses. He commented that it would minimize the light spillage off of the sign. He discussed the report from Mr. Garofalo and expressed the opinion that his figures were incorrect. He noted that the township's ordinance adopted elements of the IESNA, which contains standards for the industry. He noted that during some months the sign would be light colored and dark at other times, depending on which advertiser's message was being shown. He commented that the assumptions that Mr. Garofalo used were incorrect. He discussed the difference between a high reflective sign versus a dark billboard, noting that a sign with a dark background would need more light. Discussion ensued as to how the difference between the light and the dark billboards. Mr. Newell discussed the range of reflectance values in the ordinance.

Chairman Matsen commented that the ordinance did not allow for billboards and Mr. Newell expressed the opinion that the code allowed billboards. Chairman Matsen noted that there are two "worst case scenarios"; the lighting institute recommends a lot of light, and the Township wants less light. Jon Drill discussed the fact that the use on the property is not advertised on the sign, which is not permitted by the ordinance. Mr. Newell indicated that there would be no direct glare from light source as there is a skirt underneath. He indicated that there will be light reflected off of the billboard, which is not considered glare. Mr. Newell stated that skyglow was indirect light that hits atmospheric particles and indicated that there would be skyglow if the atmospheric conditions permitted. Tom McCaffrey asked how far one could see the skyglow, and Mr. Newell declined to quantify. Sharon Stevens asked about whether there would be less glow if the lights were pointing down, and Mr. Newell responded that it would create glare for drivers. He described glare as a high contrast in light and read the definition in the ordinance. He described the angles of the light from bottom mounted and top mounted lights, discussing the fact that bulbs burn out and that other factors also contribute to light loss over time. Mr. Garofalo's recommendation was 20 foot-candles and Mr. Newell proposed 66 foot-candles.

Jon Drill discussed the ordinance purpose and commented on the negative criterion. It was reported that the sign would be lit from dusk to 2AM. Mr. Newell read the purpose of the ordinance into the record, noting that there were very few fixtures that don't create skyglow. Mr. Newell indicated that that the lower amount of light would just mean that the sign would not be legible, and would not cause accidents. Mr. Newell indicated that the lighting equipment was standard. He indicated that the client would not be in control of what is on the face of the sign. Light is for the visibility of the sign, so that the users of the highway can see the sign. Mr. Newell expressed the opinion that the amount of light was typical and not excessive. Sharon Stevens wondered whether the standards took into account the desires and needs of the municipality. Mr. Newell indicated that some towns do have concerns and have created restrictions, and stated that there will be no negative impact on the surrounding neighborhoods. Dave Roberts asked whether the IESNA was a trade organization, or an engineering organization that would be characterized as neutral. Ms. Rubright expressed concern that Mr. Newell should be

allowed to answer in a more measured fashion that would allow him time to consider his answers. Mr. Garofalo's letter was discussed and he noted that the items that were answered. Sharon Stevens asked for the typical or average amount of reflectance on a billboard. Dave Roberts asked for the range of reflectance for a white to a dark sign. Jon Drill suggested that the applicant find a year's worth of billboards and determine the value. Mr. Newell indicated that the applicant cannot control the colors, but can control the copy. Mr. Drill commented that the applicant might be able to control the reflective value in the agreement. Wayne Filus asked about the different amount of light needed in urban areas versus a rural location. Mr. Newell indicated that in an urban area, the light would have to be brighter. The Board members asked questions for the applicant to address at the next meeting.

Tony Sabatella, 52 Blossom Hill Road, asked about whether the sign would attract animals. Peter Geiger asked whether studies had been done on nocturnal animals.

Tim Fulowan, 50 Blossom Hill Road, asked what the economic impact would be and whether the people on his street could see the light from the sign. Mr. Newell deferred the answer to the applicant.

Chairman Matsen called a recess at 9:47PM.

The meeting was called to order at 9:57PM and it was determined to address the following application and then resume the Coastal hearing.

HONDA, Block 32, Lot 1

Application #2007-02

Anthony Koester, Esq. introduced himself on behalf of the applicant. He discussed the previously approved C2 variance which had granted approval for certain signs. He indicated that they wished to amend their application and that two of the signs would be spread further apart. Mr. Koester described what was previously approved and referenced the applicable drawings. He commented that the changes were minor and less intense than what had been previously approved. Jeffrey Osborne, Honda General Manager, David Mills, Township Zoning Officer and Beth McManus, Board Planner were sworn. Ms. McManus commented that there would be a reduction in the total square footage of signage and would simplify the appearance of the building façade. She commented on the service signs and expressed the opinion that they would not negatively impact the neighbors. Mr. Osborne commented on the location of the service signs. Dan Fennell asked whether the service signs were lit, and Mr. Osborne indicated that they would be internally illuminated. Chairman Matsen commented that the signage now looked better than what had been previously approved. Dan Fennell moved and Sharon Stevens seconded a motion to approve the application as discussed. Members in favor: Matsen, Stevens, Fennell, McCaffrey, Geiger, Roberts and Filus.

COASTAL ADVERTISING, Block 4.03, Lot 34.01

Application #2006-09

Ms. Rubright indicated that there would be a new set of handouts and an engineer to discuss the results of the crane test at the next hearing. She reported that a planner would also testify and that the lighting exhibits would be sent to Mr. Garofalo for his review. The applicant granted an extension of time within which the Board must act to

August 31, 2007. The application was continued to June 25, 2007 and also to July 23, 2007, without the need for further notice.

NEW BUSINESS

1. Vouchers

Sharon Stevens moved and Peter Geiger seconded a motion to approve the vouchers for payment. The Board concurred unanimously.

ADJOURNMENT

Dave Roberts moved and Dan Fennell seconded a motion to adjourn, and the motion passed unanimously. The meeting was adjourned at 10:24PM.

These minutes were approved on May 29, 2007.

Rebecca E. D'Alleinne, Administrator