

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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PUBLIC MEETING

June 25, 2007

PRESENT: John Matsen, Sharon Stevens, Peter Geiger, Tom McCaffrey, Ira Breines and Dave Roberts.

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

ABSENT: Bill Honachefsky, Jr., Dan Fennell, and Wayne Filus.

CALL TO ORDER

Chairman Matsen called the meeting to order at 7:39PM.

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 2<sup>nd</sup> 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 John Matsen seconded a motion to approve the minutes of May 29, 2007. The Board concurred unanimously.

RESOLUTION

**JULIAN, Block 80, lot 21**

Resolution #2007-07, Application #2007-01

Jon Drill discussed the resolution. Sharon Stevens moved and Ira Breines seconded a motion to approve the resolution as written. Members in favor: Matsen, Stevens, Breines, McCaffrey and Geiger.

**HENSFOOT/KIMBERLEY, Block 4.03, Lot 29**  
Application #2006-14

Jon Drill discussed the fact that the applicant had asked for a continuance and indicated that Robert Benbrook stated that he had not received the Board's planner's report in a timely fashion. It was determined that the report had been sent on the Wednesday prior to the meeting. Ira Breines moved and John Matsen seconded a motion to postpone the application to July 23, 2007. The Board concurred unanimously. The Public Hearing was postponed without need for further notice.

**RENDA/SAFE STORAGE, Block 3, Lots 27 & 28**

Mr. Drill reported that the board had received a letter from Lloyd Tubman asking for a dismissal without prejudice for the Renda application. He read the rules concerning dismissal. He suggested that the Board not act yet, that the administrator send a copy of Ms. Tubman's letter to the objectors and that the matter be scheduled for the July 23, 2007 meeting. Mr. Drill explained the difference between "with" or "without" prejudice and indicated that the objectors should be able to make their positions known publicly.

**PUBLIC HEARINGS**

**COASTAL ADVERTISING, Block 4.03, Lot 34.01**  
Application #2006-09

Susan Rubright, Esq. introduced herself on behalf of the applicant. She stated that the applicant was seeking variances for a non-permitted use. She indicated that the pole had been shortened from 125 to 99 feet. She noted that the traffic engineer and engineer were in attendance. She reported that the lighting expert would be in attendance at the next meeting. Mr. Zaponi, who was previously sworn, was introduced. Exhibits A-9 (Affidavit of Crane Operator), A-10 (Photos of Frame & Crane Setup), A-11 (Five Photos of Different Views of Sign Frame), A-12 (Ten Photos of Views of Sign Location), and A-13 (12 Photos of Views of Sign Location) were marked into evidence. Mr. Zaponi reported that he had taken photographs of the crane from different angles. He discussed his preparation, noting that there were no leaves on the trees at the time. Spencer Peck introduced himself as an objector.

Ms. Rubright read the operator's affidavit into the record. Mr. Zaponi reported that he thought that the sign could be lower and that the crane test was intended to display the revision. The revised height was determined by viewing the sign from various angles to determine what was visible. He referred to Exhibit A-10 and showed how the frame had been tethered to display an accurate angle of the sign. He discussed the aerial photo with the labels which indicated the angles from which the shots had been taken. Exhibit A-14 (Coastal Advertising Group, LLC) was marked into evidence. Chairman Matsen called a recess at 8:18PM.

The meeting was called to order at 8:20PM. Mr. Zaponi indicated that all of the photos had been taken from the road level. He described the photos and the locations from which each had been shot. Mr. McCaffrey indicated that photo #13 was not shot in the direction of the proposed sign. Mr. Zaponi indicated that there were some pictures in

which the sign could not be seen. He commented that he had used a compass in the truck to try to determine the location of the sign. He continued to discuss the photos of the frame and the distances. Beth McManus asked what the DOT policy was for trimming and clearing the trees in the right of way. Mr. Zaponi discussed the width of the pole and indicated it would be 36" to 42" wide and that it could be grey or pale blue in color. Other colors are available. He stated that the poles are designed for high winds. Dave Roberts asked whether the faces were accurate, Mr. Zaponi answered that the sign had been moved to accurately display the angle from the various viewpoints. He indicated that the 99' is to the top of the frame. Jon Drill asked about Exhibit A-5, and Ms. Rubright responded that the photos do not show the current proposal, which is Exhibit A-14.

Anthony Baiamonte was sworn and presented his credentials to the Board, which were accepted. He stated that Coastal had no permit to trim the trees in the right of way. He indicated that he felt the DOT would not grant one and that Coastal had never applied for one. He discussed the decision to lower the height of the sign and the process that had been used to determine the height. He discussed the factors that had been considered in the decision, noting that they had driven the roads numerous times. He discussed the height changes of the crane that had been made between 8:30 to 10:00AM and noted that they had traveled the roads to check the view. He indicated that the final height had been set at 99 feet at 10:30AM. He stated that Mr. Zaponi had arrived by 10:30AM, at which time the sign frame had been set at 99 feet and that all of the photos had been taken of the frame at the 99 feet height. Jon Drill asked how the optimal height was determined and was told that Mr. Nataro, President of Coastal Advertising would explain the process at the next meeting. Dave Roberts asked about the DOT regulations concerning visibility at the on ramps. Mr. Baiamonte responded that Mr. Varys will testify to that issue on July 23, 2007. Jon Drill asked whether the DOT permit applied to height or location and Mr. Baiamonte responded that the permit was for the location.

Jim Pauze, 19 Cokesbury/Califon Road, asked questions about the angle of the signs. Mr. Zaponi showed him the site plan dated 10/13/06. It was reported that the open end of the "V" was 15 feet wide.

Traffic engineer Joseph Staigar was sworn and presented his credentials to the Board. He reported that he had been tasked to determine the readability and visibility of the signs. He indicated that he had both visited the site and reviewed the photos to determine at what distance the sign was visible. He discussed the cone of vision, noting that the ideal placement is 20%. He explained the center of gaze is 20%. 40% includes the peripheral vision. He indicated that a driver was not taking his eyes from the road to read a sign when it was in the 20% range. He discussed Photo #19 and the visibility from Route 78. He explained the distance and speed factors involved and how that would influence the length of time that the sign could be seen. He stated there would be sufficient time to read the message, as there would be very few words on the sign. Sharon Stevens asked whether the size of the sign determined the amount of verbiage. Mr. Staigar responded that there were limitations to what can be read.

Discussion ensued concerning whether Coastal advertising screened the messages on the sign and whether there was a standard of safety for the number of words or the size of letters. Mr. Staigar reported that the simpler the message, the easier it would be to comprehend. He stated that the rule of thumb is that the sign companies like a minimum

of a 4-second read as the standard. The size of the sign and whether the exhibit accurately portrayed perspective was discussed. Chairman Matsen called a recess at 9:45PM.

The meeting was called to order at 9:52PM. Mr. Baiamonte testified that the graphic had been superimposed on the frame in the photo in order to give an idea of the size of the sign. He noted that his intention was just to show the contrast, not for perspective or readability. Discussion ensued as to whether an exhibit could be created of the sign in the cone of vision. Sharon Stevens commented that the exhibit did not accurately represent the perspective, noting that everything but the lettering was to perspective. Cathy Marcelli asked about the angle of vision. Mr. Staiger responded that further away is more in the cone, closer is out of the cone. Ira Breines asked about the sun on the sign, especially in the morning. Mr. Staiger discussed the distraction of the sign and the other drivers. He discussed the various types of signs and safe locations. He commented that drivers don't have to react to billboard signs. Sharon Stevens asked whether there were studies on how people react to signs. Tom McCaffrey wondered whether there were any studies to show increase in accident levels. It was determined that at the following hearing, the applicant will show accurate perspective on Exhibits 25, 26, 27 and 28. The application was continued to July 23, 2007 without need for further notice.

### **PARTELOW, BLOCK 34, Lot 3**

Application #2006-02, Resolution #2006-02

Lance Partelow explained that he was asking for a change on the approval of the exterior, an amendment to allow. Lance and Kathy Partelow were sworn. Jon Drill read the section of the resolution which was applicable. Exhibits A-1, A-2, A-3 and A-4 were marked into evidence. Only four members were eligible to vote: Roberts, Matsen, Breines, and McCaffrey. The request was whether the applicant can keep what was done which did not comply with the resolution. Tom McCaffrey commented that neither condition in the resolution had been met. Cathy Marcelli stated that the parts of the addition that are not covered with the proposed stone exterior, should match. Jon Drill described the vertical board and batten of the addition and the horizontal boards of the original clapboard siding. Exhibit A-5 was marked into evidence. Mrs. Partelow stated that their intent was to break up the mass of the building. Jon Drill asked Mr. Partelow whether he had read the resolution before he had gotten the building permit or if had had revised the plans for the building permit. Mrs. Partelow said that they had been excited to start the project. Discussion ensued as to how the problem had surfaced.

Tom McCaffrey noted that he was uncomfortable agreeing with the applicant's request as it would set a precedent. Mr. Partelow stated that it was not their intention to circumvent the resolution conditions. Tom McCaffrey replied that it was not an excuse. Chairman Matsen agreed with him, but wondered should be done next. He commented that he didn't like surprises and that if the applicant had come in with a plan without stone, the Board would probably have agreed to modify the resolution. He indicated that he was unhappy with the appearance of the addition and he suggested that the applicants talk to their architect to see what could be done. Jon Drill explained the Board's position. Chairman Matsen commented on stone and frame buildings in the township. Jon Drill displayed the plans and asked about the horizontal siding. The foundation was stone.

Tom McCaffrey stated that he liked the chair's suggestion. Ira Breines expressed concern that allowing the change would open Pandora's Box. Dave Roberts noted that the resolution required that the township engineer review the addition before a CO would be issued. It was noted that the Construction Department had the original design, not a modified copy that showed the board and batten siding. The applicants were directed to contact their architect, get some options and come back with ideas. Tom McCaffrey and John Matsen were appointed as a subcommittee to meet with the applicants and their architect.

#### NEW BUSINESS

1. Vouchers

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

#### ADJOURNMENT

Sharon Stevens moved and Peter Geiger seconded a motion to adjourn, and the motion passed unanimously. The meeting was adjourned at 10:58PM.

These minutes were approved on July 23, 2007.

Rebecca E. D'Alleinne, Administrator