

MINUTES OF CLINTON TOWNSHIP BOARD OF ADJUSTMENT

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PUBLIC MEETING

December 10, 2007

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

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

ABSENT: Wayne Filus and Dan Fennell.

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 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.

RESOLUTIONS

LBP CLINTON, Block 90, Lot 2

Resolution #2007-13

Jon Drill noted that there were too many open issues to address the resolution at the meeting, and the matter was postponed until the 2008 reorganization meeting.

Mr. Drill announced that the Clinton United Methodist Church application would be continued to the 2008 reorganization meeting on January 14, 2008.

COMPLETENESS WAIVERS HEARINGS

EVERGREEN CEMETERY, BLOCK 69, Lot 1

Michael Textores introduced himself on behalf of the applicant. Chairman Matsen noted that many of the submission requirements were not necessary due to the

minor nature of the application. Cathy Marcelli read the waiver requests into the record and noted that all of waivers should be granted. Dave Roberts asked about whether there was a well on the property and the applicant stated that there was public water. Peter Geiger moved and Ira Breines seconded a motion to approve the waivers as requested. Members in favor: Matsen, Stevens, Breines, McCaffrey, Geiger, Roberts and Switlyk.

LBP CLINTON/HIDDEN MEADOWS, Block 90, Lot 2

Sharon Stevens, Ira Breines and Dave Roberts recused themselves due to a conflict of interest. Cathy Marcelli noted that she had no objections to granting the requested waiver requests. Discussion ensued as to whether additional copies of the site plan should be submitted. Tom McCaffrey moved and Amy Switlyk seconded a motion to approve the waivers as requested. Members in favor: Matsen, McCaffrey, Switlyk and Geiger.

PUBLIC HEARINGS

COASTAL ADVERTISING, Block 4.03, Lot 34.01

Susan Rubright, Esq. introduced herself on behalf of the applicant. She indicated that planner Richard Lipinski had not completed his testimony and would do so that evening. Jon Drill suggested that Beth McManus present her materials first, before the planner testified. The applicant preferred to have Mr. Lapinski proceed and he was introduced. He reviewed the Master Plan documents and noted that there was no mention of billboards in them. The Outdoor Advertising Act of 1990 gave power to the DOT to regulate billboards. He noted that the governing body had not changed its position on billboards after that. There were no references to billboards in the township planning documents. The negative impacts were discussed. Strip malls and automotive uses were discussed. Changing the character of Route 22 was discussed. He expressed the opinion that some of the recent changes were healthy, even though now they were not permitted. He commented that billboards were more likely placed in industrial, not in strip commercial development areas. Design standards and the need for buffers along Route 78 were discussed. Mr. Lapinski expressed the opinion that the property was particularly suited for a billboard. He commented that the township cannot apply a design standard to the property as rural farmland along the highway. He noted that the area along Route 78 would be developed and the rural design standards would probably not apply in the future. He expressed the opinion that the site was particularly suited for the use and that the variance should be granted. Mr. Lapinski addressed the concern that the negative impact could be a potential proliferation of billboards along the highway as referenced in Beth McManus' report. He noted that future applicants would have to meet the same tests. The DOT issues permits, and sets the criteria for spacing. Billboards must be 1,000 feet apart to be licensed, along with other criteria.

Beth McManus indicated the language concerning the design standards in her report should remain the same. Chairman Matsen discussed Mr. Lapinski's argument concerning particular suitability, based on his assertion that it didn't create visual pollution in a residential area. Mr. Lapinski noted that neither the ordinance, nor the Master Plan mentioned billboards. Chairman Matsen commented that it would be much

safer not to have the sign located there at all. He discussed the purposes of the MLUL, which was created to serve the needs of the citizens and noted that under that criteria, it would be hard to give priority to a sign such as the proposal. He discussed services and directional signs as necessary uses. He indicated that the Master Plan was designed to serve local needs with local services. Mr. Lapinski discussed identification signs versus advertising signs, stating that billboard must be large, as they contain a more complicated message. Chairman Matsen commented that there was a greater need for identification signs. Mr. Lapinski indicated that the overall public good included commercial growth. Mr. Matsen stated that it was possible to address the public good in a fashion that was not so large and close. He wondered why it was essential to put on a public highway that has a beautiful view-shed and Mr. Lapinski responded that it was a reasonable place to put it. Chairman Matsen discussed the vegetation on the north side of the property, and screening was discussed. Mr. Lapinski commented that the other sites were not suitable because they currently had a wooded buffer. Chairman Matsen noted that any new development on Route 78 would require buffering. Beth McManus asked whether the site plan indicated that the billboard was screened. Mr. Lapinski responded that it did not. Jon Drill asked whether it was possible to put the billboard in a location so that it would be obscured by the buffer from the residential area. Mr. Lapinski indicated that he had checked aerial maps and visited several properties to locate the site.

Tom McCaffrey asked who benefited from the advertising if it fostered commerce and free speech. Mr. Lapinski noted that those who viewed the billboard would be the beneficiaries. Tom McCaffrey noted that under the Highway Beautification Act, billboards were not allowed. Mr. Lapinski reported that the Supreme Court had ruled that limiting billboards would limit free speech. Tom McCaffrey discussed weighing the benefits versus the detriments for the members of the community. He wondered who was actually benefiting from the information on a billboard and whether they were truly beneficiaries when it was information that they didn't want. Mr. Lapinski discussed the availability of the message for all of the citizens, not just the residents of a particular area, stating that it would not substantially impact the surrounding residential area. The measure of the public benefit, court cases, and land use law were discussed. Tom McCaffrey asked about other lots and whether they were not suitable. Mr. Lapinski indicated that the other lots were more completely developed and that the billboard may be in the right of way, noting that the proposed site was not currently very active. Discussion ensued concerning future redevelopment and whether the property would be able to support that. Mr. McCaffrey asked why Route 31 was considered unsuitable and Mr. Lapinski noted that the lots are much smaller in the area and that there would be visual intrusion on residential areas. Sharon Stevens discussed the criteria for a non-residential area and Mr. Lapinski noted that more uses are permitted in a non-residential zone. Discussion ensued as to how the sign could be less visually intrusive. Mr. Lapinski stated that the billboard would not be visually intrusive for the adjoining residential area to the south. Dave Roberts commented that the sign would be visually intrusive for the adjoining business areas. Chairman Matsen noted that community standards would govern what was intrusive.

Andy Kozlowski, 61 Old Readington Road, commented on the definition of visual intrusion and Mr. Lapinski noted that it was a subjective conclusion. He asked

about the different target audiences: those looking at the billboard versus those looking at local service signs.

Jim Pauze, 19 Cokesbury-Califon Road, stated that he could not see the sign from his house. Mr. Lapinski discussed higher vs. lower density.

Michelle Sullivan, 8 Haytown Road, discussed the suitability of the site and asked about the proposed billboard in Lebanon Borough.

E. Patrick McGuire, Center Street, Clinton, asked whether any research had been conducted concerning the distraction effects on drivers or any truck traffic analysis, and Mr. Lapinski responded there had not.

Mr. Lapinski stated that the applicant had not taken a physical or geotechnical analysis of other sites. He noted that billboards are by definition in commercial zones and that there may be juxtaposition with conflicting land uses. Chairman Matsen called a recess at 9:18PM. The meeting was called to order at 9:26PM.

Ms. Rubright introduced Mr. Newell, lighting expert, who distributed a packet of letters that he had exchanged with the Board's expert, Mr. Garofalo. He read from his 12/10/07 response letter to issues raised by Mr. Garofalo. The outstanding issues were sky glow and the reduction of luminance. He discussed his effort to control the output of the fixtures. He reported on research he had done to find louvers and a system that could be dimmed in response to concerns about potential reflection. He discussed the light spill issue, the ability to reduce the light output and indicated the specific halide lamps that were proposed. He commented on the fact that lamps decrease their light level over time, noting that a photo meter that would control the amount of luminance. The system would maintain an average level of light. Mr. Garofalo will issue a report. Mr. Newell indicated that the only way to eliminate light was to turn it off. He stated that the applicant couldn't control sky glow, but could eliminate spillage. Jon Drill commented that, if the billboard is not a permitted structure, the Board could ask that it not be lighted. Mr. Newell discussed sky glow and pointed out that particles in the air were the root cause. Sky glow has been reduced by the louvers and baffles. He stated that there would be no direct light off of the sign. Direct light goes straight into the sky, and sky glow is reflected light. Mr. Newell expressed the opinion that the applicant had satisfied the ordinance. Mr. Garofalo discussed the December 10, 2007 document, stating that the proposal would be a condition of approval and that if it didn't work, the sign may need a shadowbox element.

Andy Kozlowski, 61 Old Readington Road, asked about the calibration of the light fixtures.

Michelle Sullivan, 8 Haytown Road, expressed concern about the impact on the local observatory.

It was determined that the applicant's traffic expert would need to return to see the power point presentation from the Board's planner.

Cathy Marcelli presented her report. She noted that the proposed sign was visible from Route 22 and that there had been no testimony as to the effect on the drivers on that road. She requested that additional testimony be presented that standards for Route 22 had been met. She noted that information had been given concerning the accident rate for the specific location on I-78 and that none had been provided for Route 22. She discussed a study on driver inattentiveness. Ms. Marcelli commented on the height of the billboard and the height of the surrounding trees. She discussed the fact that she had tried

to find other billboards that were similar in size to check readability. She noted that her office had provided the exact location of the photo sites by a licensed surveyor. She discussed the billboards on Route 22 that were in close proximity to the proposed sign. She pointed out that the applicant would get a “double bonus” because the billboards would be visible from both roads.

Patrick McGuire, Center Street, Clinton, asked about target acquisition rates.

Gary Garofalo asked about the study concerning nighttime vision, and whether there would be an adjustment for the eyes between dark and light.

Michele Sullivan, 8 Haytown Road, asked about the possible addition of a ramp to I-78.

Cathy Marcelli indicated that she would add the sign in Lebanon Borough to her map and send a hard copy of traffic study to Susan Rubright. The applicant agreed to extend the time within which the Board must act to March 24, 2008 and the hearing was continued to February 25, 2008 without need for further notice.

NEW BUSINESS

1. Vouchers

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

ADJOURNMENT

Tom McCaffrey moved and Sharon Stevens seconded a motion to adjourn, and the motion passed unanimously. The meeting was adjourned at 10:38PM.

These minutes were approved on January 28, 2008.

Rebecca E. D’Alleinne, Administrator