

AGENDA FOR MEETING
May 7, 2014

1. Call to order.
2. Open Public Meetings Act announcement.
3. Roll Call.
4. Pledge of Allegiance.
5. Vote on minutes of the 4/2/14 meeting.
6. Correspondence
7. Jersey Outdoor Meeting
Application #2014-02
Sign/Variance
Completeness
Possible Approval
8. Tiffany CuvIELLO/Discussion Items
Sapello Redevelopment
Open Space Recreation Plan
9. Other
10. Adjournment

Maurice River Township Land Use Board

The Chairman announced that this meeting was being held in accordance with Open Public Meetings Act of New Jersey.

Meeting Minutes: May 7, 2014
Present: B. Stowman, C. Thompson, A. Sarclette, K. Ireland, R. Chard, J. Carrara, R. Hoffman, G. Gross, T. Imbaratto, M. Benson, D. Galletto, T. Cuvillo
Flag Salute

The minutes of April 2, 2014 were read, Motion to approve Chard, 2nd Hoffman, Thompson, Sarclette Abstained, AIF

*Secretary announced receipt of the following correspondence:

*Township Ordinance #629/Approving Sapello Foundry Redevelopment Plan

*Township Ordinance #628/Approving Ackley Garage Redevelopment Plan

*Letter from Gordon Gross to Gary Elliot

*Copy of letter from Terrance Bennett to Charles Horner, Pinelands/Re: John Lafferty, Sr.

*Nancy Wilson/Application to NJDEP under the Freshwater Wetlands Protection Act/Repair malfunctioning subsurface sewage disposal system.

*Atlantic City Electric/Application to NJDEP under the Freshwater Wetlands Protection Act/Vegetative maintenance, rebuild and upgrade of existing infrastructure, repair and/or replacement of utility infrastructure reconductoring of utility lines

*Letter from NJDEP, Green Acres Program/RE: Dom Zanghi & Sons, Inc./Possible acquisition in fee or through easement of Block 112, Lots 3, 4 and Block 113, Lots 3, 4

*Re: WHIBCO Site #1/Copy of letter from Mike Benson to Charles Horner/Copy of letter from NJ Pineland to WHIBCO/Determination Consistent-Approval (s) may take effect

*Copy of letter from NJ Pinelands to James D'Ambrosio, US Silica/Re: a written determination from the Board Engineer that Resource Extraction plan is consistent with municipality's prior approval.

Jersey Outdoor Media
Application #2014-02
Use Variance

Completeness
Dean Marcolongo, Esquire
Explained the application
Jersey Outdoor Media is a contract tenant.
Block 240, Lot 4

Dan Galletto spoke on behalf of Cormac Morrissey's report. There are four waivers that the applicant is requesting. It can be considered complete.
Tiffany Cuvillo has nothing on completeness.

Testimony on Waivers:
Jerome (Jerry) Irick was sworn in.
Irick Engineering
Licensed Engineer/licensed planner
Mike Benson stated that he has appeared before the board numerous times, the Board can stipulate who he is and his qualifications.

*Waiver from showing trees of 8" in diameter or more:

Mr. Irick stated that the property is heavily wooded and there are many trees greater than 8". It would be a hardship to the client to document them. They are not removing any trees. The site is in a cleared area.

*Waiver from showing all streams within the limits of the property and within 200' thereof and from showing wetlands areas or buffers

Mr. Irick stated there are no streams in the area, they have researched the NJDEP map and showed the apparent wetlands line, the signs are a significant distance from wetlands. There are no streams that run through the property.

*Waiver from showing proposed driveways onto a public street

Mr. Marcolongo stated that at least one driveway is already shown on the plan.

Mr. Irick stated that the driveway towards the residential property is shown. They are not planning on putting in any driveways.

Board Questions/Comments

A. Sarclette asked if there are no driveways how do you do maintenance. What is the protocol for that? If there was a driveway it would have to meet the standards.

J. Irick answered that the site can be entered directly from Route 47 in any numerous manners. It would be an occasional use when they would need to get in to do maintenance.

B. Stowman stated that the site is hard enough to accommodate the vehicles and if they put a driveway in it would encourage people to drive in there.

J. Irick agreed.

B. Stowman asked if the vehicles would be off the road enough for safety?

Yes.

D. Galetto stated that there is adequate area to pull off the road and the surface is hard. He spoke on the adjacent gravel driveway and church driveway, and stated they would want to make sure there is no interference with that. That will be addressed during the technical review.

B. Stowman, How often do you access the signs?

William Chet Atkins was sworn in.

Mr. Atkins stated the business address and his position with the company, CEO.

He stated the site would be accessed every two or three months, sometimes longer.

Use Variance, Class I and III members will not be voting.

A. Sarclette and K. Ireland were asked to step down. They both went to sit in the audience.

Motion to deem application complete Carrara, 2nd Thompson, Roll Call Vote AIF

Application

Mr. Atkins explained the business. Where they have signs, etc.,

They purchased these billboards and others in the township from Dan Theokas. There were no leases for the properties the billboards where on. They had to negotiate leases with the property owners.

This particular property they thought there would be three locations, three separate signs. Mr. Rafine did not renew, there are two billboards remaining.

They are existing, non-conforming and allowed to remain on the property.

Mr. Atkins spoke on what they have done to the billboards in terms of maintenance. They have made them look nicer. They are more structurally sound.

They did obtain permits for what is there.

They would like to re-configure the signs. They are having difficulty selling the inside sign because they cannot be seen. They would like to combine the two signs, it would make it more aesthetically pleasing because it will not be two but one location. It is called a "stacked unit."

Mr. Atkins stated that it will be benefit to the business in that it is visible and marketable. And also that it is a benefit to the community because it is combing two signs into one with eight "faces." But, will probably sell it as one "face" and one "face" straight across on both sides. (4 signs)

They believe this relief can be granted with substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and zoning and planning ordinance. They believe it will lessen the impact on the community and also lessen impact to any future development on any adjacent property.

Q Ben Stowman

What are the heights of the old signs that are there now?

Approx. 10 feet

What is the square footage on the signs? Is it basically the same as the proposed?

Yes, the same on actual signage, 6 x 24

So close to 300 sq ft on each side

The height will be going from 10 ft on two signs to 17 ft on one? Yes

Q Michael Benson

Questioned Mr. Atkins' answer in reference to substantial detriment to the public good, what do you base that on?

Mr. Atkins stated he has spent the last 25 years going to these types of hearings and has seen a lot of talk as to what is right and wrong. He states he knows it is a better idea to combine the signs into one instead of leaving two separate signs. He stated he is trying to make them look right, make them saleable, putting lighting on them.

When you are talking about putting in an entirely new sign, the Board may be called to consider that as a brand new sign, and a brand new D1 application. As opposed to taking into considering the impact from taking away the pre-existing signs. If that is the case how do you look at this sign in terms of "no impairment" as if you were coming in here for the first time. This is the question that the Board will have to tackle.

Mr. Atkins stated that where he comes from it is just a typical sign. It is a very small sign and should have no impact on the area.

Q Tom Imbaratto

The new sign will be 7ft taller, have you ever consider going longer?

Mr. Irick stated they believe this approach has less impact to the adjacent properties. He spoke on how it is seen when the road is travelled, visually. And what the effect of making it longer would be. The signs started with 412 sq ft of signage and are now down to 300 sq ft of signage. He spoke on how people see it while traveling at the speed of 50 mph and the impact on how it is seen.

Q Ben Stowman

If it were 30 ft off the right away it would not need a variance for that, what would be the issue if when you remove the older two, propose the higher sign but get it off the road 30ft. And why couldn't the sign come down to meet the 15 ft?

Mr. Irick spoke on the height, he stated that the highway is higher than the ground, if you measure from the crown of the road we are lower than the 15ft.

Stowman asked about moving it back 30 ft, stating there could be other issues with the church, other businesses, the Osprey nest. The forest behind it is not so much of an issue. So, getting it back off the road may be a better idea.

Mr. Irick spoke on site triangle. He stated he spoke with Cormac Morrissey on the matter. He stated he looked at the driveway at the current house and the possible driveway on the adjacent lot. He stated the site triangle is not an issue. It can be moved back some, but the purpose of the billboard is to be readable from the highway. To make it 30 ft would not make it readable.

There are also trees as you are coming north.

Q Michael Benson asked about the history of the signs.

Mr. Atkins stated they are from the early 1960's.

M. Benson stated they were before the existing ordinance, so these are pre-existing, non-conforming signs.

You have to get to negative criteria but before that you have to get to special reasons. What special reasons can you testify to? They will get to that.

Affirmative Testimony

Mr. Irick prepared the plan, he is familiar with the site and familiar with the township zoning ordinance.

Mr. Irick described the site. Showed arial views of the site. Spoke on the house that is on the site, there is a lease from the homeowner, and both signs are covered by state permits.

He spoke on the master plan and other places in the township that are similar that do allow these types of signs.

Mr. Irick spoke on what signs were there previously and what has been changed.

The signs are set back 9ft off the road, the proposed is the same. The height is proposed at 17 ft.

Mr. Irick did prepare a rendering of where the new sign would be

Exhibits

A-1 Handout

A-2 Street View North

A-3 South View

Mr. Irick spoke on visual impact. They believe it reduces the impact on the site, reduces the impact on adjacent properties and that it is consistent with the zoning ordinance because this property is very similar to other properties that allow signs. They believe that to leave the signs as they are is a greater impact to the adjacent properties.

In terms of special reasons Mr. Irick stated that he believes it improves public safety and general welfare.

Mr. Irick also believes that it promotes adequate light, air and open space and believes that the proposed development provides for sufficient space for numerous types of uses including future commercial. And that the proposed development will be further away from lot 7.05 so if development occurs on that site, they will be further away.

He also believes that it provides for a more desirable visual environment.

Negative Criteria

Mr. Irick believes that this relief can be granted without substantial detriment to the public. He believes that it can be granted without detriment to the zoning ordinance.

He stated they would also like to light the signs with LED down lit light.

Re: Engineering report

Exhibit

A-4 Document referencing site triangles.

Mr. Irick spoke on the document and the site triangles. He explained the site triangles to the Board. There is no impact on the driveway access at lot 7.05.

Re: Planners report

Mr. Irick spoke on the report. He stated that billboards are permitted on Route 47, close to this site.

Tiffany CuvIELLO explained the VC zone, village center zone and compared it to the VB, VLI, VHB. VC permits more residential than businesses. The commercial uses permitted are conditional uses so they have to meet certain conditions. The difference between them are the intensity of the uses.

Mr. Irick stated they accept that the principal use is less intense but they believe that by stacking the signs that the impact is much less than the sign configuration now.

M. Benson stated that you are putting in a brand new use and that has to be tested in and of itself in special reasons. What special reasons apply looking at this sign as if you are putting it on virgin property for the first time.

Mr. Irick stated that there are many commercial signs, this is not a large sign. 288 sq ft per sign is not excessively large.

Benson, how does that promote the zoning in and of itself.

Mr. Irick stated you reconcile it: It's not obnoxious, it's not overbearing, it's safe, and it's better than what is there, even though you say not to use that.

The sign is being moved further away from the church, further away from the school, and further away from single family development.

There is no development within several hundred feet.

Mr. Irick believes that the simple reconfiguration of the sign is a benefit to the community as a whole and to future development on adjacent properties.

Ben Stowman question for Gordon Gross, asked about lot 4.05

Gordon stated that lot is used for a portable hot dog stand.

Discussion on site triangle from driveway of 4.05.

Vending sits back about 40-50 feet.

Cuviello spoke on perspective of 9ft setback.

In other zones where it is permissible, 32 sq ft is the maximum and 15 ft high is the permitted off premise signage.

Discussion held.

Gordon Gross gave history on how signs came to be.

There was 4 signs on 4 lots.

Now there is 2 signs on 1 lot.

There are 3 buildable lots in between this lot and the church.

How will this impact future development on those lots?

Mr. Irick spoke on the double stack sign and the visual impact.

Discussion on the visual impact and the configuration of the signs.

Jessie Atkins was sworn in.

Vice President, with company for 10 years.

He gave a description of the configuration of proposed signs.

Lengthy discussion held on the property lines, the proposed signs will be 45 feet off of the property line of lot 4.05.

Discussion on the buildable lots and future development. How far signs will be from other lots and future development.

Imbaratto asked Benson if they allow this, what future impact will be.

Benson stated that it could set precedence but it is very hypothetical.

Cuviello stated that every case that come in would be unique.

Carrara stated that it does not feel that they are reducing sign, it is still the same and it is not in agreement with the ordinance.

Mr. Marcalongo stated they do agree with that, but they believe that by moving the sign to the middle of the property it lessens the impact on all the development to the north and improves visibility to all properties going forward.

As a special reason, you can look to whether a development promotes the public welfare and safety, by consolidating it to a smaller area, increasing setbacks, you are promoting public welfare and public good. Things can be left the way it is and that's ok, but

The applicants stated they will agree to pull the signs back to 11 feet instead of 9 feet.

Ben Stowman confirmed that notification was sent out.

Motion to open to public Chard, 2nd Hoffman, AIF

Karen Rafine and Keith Rafine were sworn in.

78 Railroad Ave., Dorchester

Owners of Kake Realty, LLC, Lots 4.05, 4.06, and 4.07

They spoke on the history of the lots and the signs.

Early July 2013 Chet Atkins contacted Mr. Rafine in reference to leasing the land, Mr. Rafine stated he had reservations about leasing the land for billboards because 1) it would block the view of potential development and 2) the long term lease was for 20 years and he want to commit to that.

He stated that he reiterated that the existing billboards on 4.05 and 4.07 were going to come down.

May 2013 they put in a parking area, hot dog stand.

They took out one sign on 4.07 and the sign on 4.05 came off in December.

Between May and December Mr. Atkins purchased the billboards.

Mr. Atkins made several offers and the Rafine's kept denying the offers. He stated he had several conversations about removal of the billboards with Mr. Atkins.

He spoke on the restructuring of the signs, where they were moved to.

He stated neither sign is original, both are new and are not in the same spot as originally.

Mr. Rafine also spoke on the plan review meeting he previously had in reference to some of the development he was looking at on his property.

He believes that the current signs are new construction. He spoke on the zoning in the area. He believes that if they were dismantled they should not be reconstructed.

He also spoke on his business being visible, traveling north. He stated when you come around the bend you see a wall.

He stated you are by his business before you see it behind the billboards. That is his main objection.

He stated he turned down \$1200/month to have the billboards on his property because of the view.

He also stated the Mr. Atkins told him if he backed him, Mr. Atkins offered to put a super structure with the billboards 24 ft off the ground so that you could see his business underneath them.

Referenced 35-7.1

Ben Stowman asked if the sign Mr. Rafine took down on 4.05 was the sign they put on lot 4.

It is 11 feet off the property line.

Clarification on "V" shaped sign.

Q Ben Stowman to Keith Rafine: Do you want the visibility to the 40 ft. setback? Of course.

Mr. Rafine explained using the pictures, where his intended building will go and how a stacked billboard will block it.

He explained what ideas he has for development he will be looking to do on his lots.

Discussion on the visibility.

Mr. Rafine believes the visibility will be an impact on his properties.

Mr. Marcolongo questioned Mr. Atkins in reference to Mr. Rafine's testimony.

Chet Atkins spoke on signs again. He stated nothing was done without permission.

Gordon Gross commented on the "V" sign and the signs on Rafine's property. He stated they did get permits for the signs.

Mr. Atkins stated they are permitted through the state also.

Mr. Rafine stated that local businesses used to advertise on billboards, not the rent is \$750-1000 month versus the \$200 it used to be.

Mr. Rafine also brought up other signs that the company has done and/or had problems with.

Mr. Marcalongo objected to any testimony on other signage outside this area. It is not relevant.

Mr. Rafine spoke on court cases in reference to this company and other signs. Several people were commenting at once.

Jessie Atkins spoke on the advertisers they have now. He stated that 95% of the advertisers are local advertisers.

Adrian Vanaman was sworn in
Resident in Port Elizabeth

He lives approximately 602 feet from the north billboard. He gave a history on the billboards in the area. Spoke on resale of homes near billboards. He stated that there was a 32% decrease in Philadelphia areas of resale on homes where billboards are.

He stated that billboards are an insidious form of blight.

Motion to close public comment Chard, 2nd Hoffman, AIF
Board discussion

Carrara stated she feels the billboard will undermine the ordinance and the master plan.
Stowman stated that if sign was put back 30 ft it is still outside of ordinance.

Marcalongo stated that if the Board says No to this, what is there will stay, if you say Yes to the application it will increase the view set and they will agree to a 14 ft setback instead of 9.3.

Gross stated that it would be an impact on future businesses.

Motion to Deny Imbaratto, 2nd Hoffman. All in favor of denial on a roll call vote.

Sarclette and Ireland returned to the Board.

Cuviello spoke on the redevelopment.
Sapello has to be approved by Pinelands
2 things have to be amended.
1) Solar, put in ordinance
2) Waste and recycling facilities, types
Will clarify in redevelopment plan.
Cuviello will add to plan.

There are grants available, deadline is June 6th. The township should submit CVA.
\$15,000 Public Access Plan
10,000 CVA

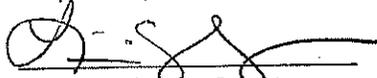
Open space plan will be next meeting.

COAH update
There were 65 obligations previously
There is now 38 obligations
Assuming they get adopted.

Motion to close Chard, 2nd Hoffman, AIF

The meeting was then adjourned.

Respectfully Submitted,


Lillian J. Johnson, Secretary