

Call to Order:

The regular meeting of the Monroe Township Planning Board was called to order at 7:00 p.m. by Chairman O'Brien. The Board saluted the flag. Roll call was as follows:

Present – Mr. Agnesino, Mr. Cooper, Mr. Crane, Mr. Gabbianelli, Mr. Heffner, Mr. Kozak, Mr. Masterson, Mr. Sebastian, Ms. Hui, Mr. O'Brien. Also present – Mr. Schwartz, Solicitor, Mr. Kernan, Planner, Mr. Teefy, Council Liaison.

Proper notice of this meeting was given in accordance with the requirements of the Open Public Meetings Act on January 11, 2013.

Chairman O'Brien read the following statement: "Be advised, no new item of business will be started after 10:30 p.m. and the meeting shall terminate no later than 11:00 p.m."

Mr. O'Brien stated that the Board received a thank you card from Michelle Catania thanking everyone for their thoughts and prayers and the donation to the Sunshine Foundation in Rob's honor. There was also a letter from the Sunshine Foundation thanking everyone for their donation.

Public Hearing:

1. #1828 – Philadelphia Suburban Development Co. – Preliminary Major Subdivision

Mr. O'Brien stated that the application would not be heard this evening because the applicant failed to give proper notice. The hearing is rescheduled for February 14, 2013 at 7:00 p.m.

Discussion:

1. Ordinance 175-135 – Signs

Mr. Kernan stated that this ordinance was discussed by the Board at their November 8, 2012 meeting. At that time it was recommended to the Ordinance Committee for further review. They recommended one change and the ordinance was prepared and moved forward to Council for first reading. Mrs. Farrell commented that the ordinance was supposed to be discussed by the Ordinance Committee so that they could send their recommendations back to the Planning Board; however there was some miss communication and it was scheduled for first reading but the Planning Board never did a resolution recommending that ordinance to Council. It was also sent to Mr. Weikel for any input he may have on the issue.

Mr. Kernan indicated that the Ordinance Committee recommended removing the language "including changeable copy signs" under the section for permitted signs even though they are a permitted type of sign, they did not want to specifically call attention to those types of signs. Mr. Sebastian inquired as to the added sentence at the bottom of the second paragraph and whether or not that sentence was meant for all commercial signs or just the gasoline station signs. Mr. Kernan replied that it is meant for all commercial signs. After some discussion, it was determined that the sentence would be moved up in the paragraph and the language concerning gasoline stations would be under that added sentence.

Discussion: (continued)

1. Ordinance 175-135 – Signs

There was some discussion on the new sign in front of the Grand Theater and how it didn't fit in with the aesthetics of the building. Some members felt the sign was indicative of the times.

Mr. Kernan briefly explained to the new members of the Board that the town wanted to amend the sign ordinance to include changeable copy signs and that his firm did a lot of research on the issue and looked at ordinances from many other towns not just in New Jersey but throughout the country. They put together a model ordinance that allows for electronic messaging signs in non-residential districts and how they have to operate. He stated that starting on page six of the memo there are specific standards such as the electronic signs having a minimal display time of eight seconds and a transition time of no more than three seconds. This prevents the continuous blinking, scrolling, flashing effect.

Mr. Masterson commented that he didn't understand why the ordinance would limit the electronic portion of a sign to fifty percent of the total sign area. He thought the entire sign should be allowed to be electronic. He stated that these signs are in keeping with the times and he didn't understand the purpose of limiting the portion that can be electronic. He mentioned that even the billboard signs are becoming totally electronic. Mr. Kernan replied that he isn't stuck on any percentage but that the sample ordinance before the Board was culled together based on ordinances from other towns, the Sign Council's code, and literature found online. Mr. Agnesino commented that the fifty percent rule was reasonable for a sign that is fifty square foot. He suggested that the percentage of the electronic area should be based on the size of the proposed sign. A fifty square foot sign is a big sign to have completely electronically illuminated. Mr. Masterson replied that the signs have dimmers that can regulate the brightness. Mr. Cooper stated that he liked the idea of only half the sign being electronic so that the other half, maybe the top portion of the sign could indicate the name of the business and then the electronic part could have the message. Mr. Masterson commented that he could write a computer program very easily that would allow one part of the sign to remain constant while the rest of the sign can be changeable.

Mr. Schwartz stated that he had some objections to the language in the ordinance concerning the electronic portion being prohibited from continuous scrolling, flashing, blinking, etc because that is what these electronic signs do. He stated that flashing or spinning may be a problem but the signs do scroll and move. There is also a section prohibiting animation; however the sign at the firehouse has animation. Mr. Kernan replied that the copy can certainly change but it does not have to flash or blink continuously. He referenced the Sign Council code when taking the issue of safety and other issues into account, which is the reason for the eight second display time. Mr. Masterson stated that he observed several of the electronic signs on his way to the meeting and the display time averages about three seconds. He felt three seconds was enough time to read the message and eight seconds is too long because you would never see the next message.

Mr. Schwartz stated that these same issues were the reason the Board sent the ordinance back to the Ordinance Committee for their input and suggestions with regard to the issues. Mr. Kernan stated that the main issues seem to be how animated the signs can be and what portion of the total sign area can be electronic changeable copy.

Discussion: (continued)

1. Ordinance 175-135 – Signs

Mr. Agnesino reiterated that the percentage of electronic copy should be based on the size of the sign. He felt the bigger the sign the more problems there are if the whole sign is constantly animated and illuminated. Mr. Cooper added that he agreed and did not want to see our town looking like Vegas. Mr. Masterson questioned if the town can legally allow some signs to be totally electronic and some not based on the size. Mr. Schwartz stated that it is legal; however there have been challenges raised by the billboard industry. Mr. Heffner commented that business owners would still want the part of the sign that isn't electronic lit up somehow. The Board agreed that the sign would be allowed to be lit up but only a portion can be changeable copy. Mr. Kozak commented that the Board should keep in mind also that they will not be able to control the content of the message on the changeable copy signs.

Mr. Schwartz questioned the section of the ordinance that has been in force for years concerning banners, pennants, spinners, and streamers only being permitted as a temporary use not to exceed thirty days. He stated that section of the ordinance has not been enforced in many years and questioned whether it should be taken out of the ordinance since many of the car dealers have the pennant flags and banners and they haven't been told to remove them. Mr. Kozak stated that we don't really want those in town because it looks horrible and that that portion of the ordinance should be kept in even though it's not enforced at this time.

Ms. Hui suggested the location of any proposed electronic signs should be taken into consideration when discussing the size and what portion can be electronic. There should be limits based on certain areas or corridors in the Township. She pointed out that the theater sign is a really large sign and disproportionate for a small town with two lane bi-directional traffic. Whereas the Black Horse Pike being a four lane highway can handle a sign that large. Mr. Kernan replied that her suggestion is something to consider.

There was further discussion on the issue of the display time. Mr. Heffner felt that three seconds was not enough time for a motorist to read the entire message because any business owner who has spent the money for one of these signs will want to get as much information as possible to people passing by in that three seconds. In addition, a three second display time is pretty much a blinking, flashing sign. After further discussion, Mr. Teefy suggested that since the town controls the sign at the Pfeiffer Center, they can change the display times over the next few weeks so that the Board members can see and get a feel as to which display time is suitable. Mr. Gabbianelli stated he would talk to Mr. Heydel about the matter and then the Board office will be notified as to when the display times will be changed and they will contact the Board members.

Mr. Kernan was instructed by the Board to make the suggested changes to the ordinance with regard to the section limiting the allowable electronic copy to fifty percent of the total sign area and the section concerning gas station signs. Mr. Heffner inquired as to the section that states no sign should be erected that is not aesthetically pleasing, creates a nuisance because of color, content or the use of lewd language, etc. He asked who would make that determination. Mrs. Farrell stated that the Zoning Officer would be the one to make that decision. After some discussion, the words aesthetically pleasing and color were removed from that section of the ordinance. The section concerning signs prohibited from continuously blinking, flashing, scrolling, etc. was removed as well.

Discussion: (continued)

1. Ordinance 175-135 – Signs

Mr. Gabbianelli suggested that the changes to the ordinance be sent back to the Ordinance Committee for their review and their input and then brought back to the Planning Board. Mrs. Farrell stated that she would inform the Clerk's office that the sign ordinance would not be moving forward for first reading until it is reviewed again.

2. 430 Winslow Road – Vacating a portion of Maple Avenue

Present – Lakeisha Colburn.

Member's packets contained: 1. A copy of the Township tax map depicting the property.
2. A copy of the applicant's plan of survey.

Ms. Colburn is before the Board requesting that a portion of the paper street, Maple Avenue, be vacated since part of her grandparents home was built in the middle of the right-of-way. The property is located at 430 Winslow Road, also known as Block 3003, Lot 9. The family also owns Block 3002, Lot 7, which is across from the existing home.

Mrs. Farrell informed the Board that this matter was submitted to the Board office last year. At that time she informed the person that they would be required to obtain an affidavit from the owners of Lots 6 and 8 indicating that they would waive their rights to Maple Avenue. The owner of Lot 6 was unwilling to relinquish his rights because he uses the driveway to get to the back of Lot 6. He also is the owner of Lot 5 which he accesses from Filbert Street.

Ms. Colburn stated that the house was built in the middle of Maple Avenue. Her grandfather had an asphalt paving business, so he installed a paved driveway for access to his garages located on Lot 7 which is across from the house on Lot 9. She stated that if you took away the portion of the house that is built in the road away, the road would be a straight road; it does not curve to the right; however the owner of Lot 6 uses the driveway her grandfather installed to get to his property. Technically he has never used Maple Avenue to get to his property because the house was built in Maple Avenue. The owner of Lot 6 stores vaults from his business on what she considers to be part of her family's property although he says they are on his property. She explained that she cannot get a proper survey done because the surveyor could not read the true lines. Ms. Colburn had an old survey where the lines are shown more clearly. Mr. Masterson commented that building the house in the middle of the road took away the access. Mr. Heffner stated that the owner of Lot 6 is under the impression Maple Avenue has a hook in it, but it doesn't, and the house is on Maple Avenue, so he does not have a claim to that road.

Mr. Schwartz inquired as to the owner's of Lot 8 and indicated that they would get a portion of Maple Avenue if it is vacated. Mrs. Farrell stated that it can be split just in that small portion but the rest of Maple Avenue has to be given to Ms. Colburn in order to correct the situation with the house being built in the middle of Maple Avenue. Mrs. Farrell explained that Lot 8 has access from Winslow Road, so Ms. Colburn could get an affidavit from the owner of Lot 8 indicating they would relinquish their rights to any portion of Maple Avenue. Mr. Masterson asked if Lot 6 is a viable building lot. The Board did not think so since it only has thirty-five feet of frontage. The owner of Lot 5 and 6 has access from Filbert Street, so that if Maple Avenue is vacated, Lot 6 would not be landlocked.

Discussion: (continued)

2. 430 Winslow Road (continued)

Mr. Schwartz stated that the owner of Lot 6 could argue in the courts that he has always had an easement through Maple Avenue to get to Lot 6; however because there is another access on Filbert Street, he may not win the argument. Ms. Colburn stated that she cannot sell the house and the property because of this issue. After further discussion, the Board agreed that the owner of Lot 6 should appear before the Board so they can determine if vacating Maple Avenue would cause him a hardship. Mr. Heffner suggested that Maple Avenue be dead ended with a little cut in it so that the owner of Lot 6 can access his lot from the other end of Maple Avenue; where you can give him fifteen feet of road and a ten foot access to his lot.

Mr. Gabbianelli stated that the owner of Lot 6 should be present at a meeting so that the Board can understand how vacating the road would affect him. Ms. Colburn stated that if this is going to cause a big issue, she doesn't have a problem with giving the owner of Lot 6 the portion of Maple Avenue that he needs for access. Mrs. Farrell stated that Ms. Colburn was advised she needs an affidavit from the owner of Lot 8 relinquishing their right to any portion of Maple Avenue. Since the owner of Lot 8 has some medical issues, someone in that family would have to have power of attorney in order to sign an affidavit. Ms. Colburn was in agreement with having to get the affidavit and then she will return to the Board. Mrs. Farrell stated that once Ms. Colburn gets that affidavit, the owner of Lot 6 will be notified, by certified mail of the situation and that he can attend the meeting when the issue is rescheduled.

Approval of Minutes:

1. 1/10/13 Reorganization meeting.

Motion by Mr. Cooper, seconded by Mr. Gabbianelli to approve the minutes from the January 10, 2013 reorganization meeting. Voice vote; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 8:26 p.m.

These minutes are an extract from the meeting that was held on the above date and are not a verbatim account or to be construed as an official transcript of the proceedings. The tape of the meeting is stored in the office of the Board.

Ninette Orbaczewski
Clerk Transcriber