

Call to Order:

The meeting was called to order at 7:05 p.m. by Chairman Salvadori who read the following statement: “Notice of this meeting was given as required by the Open Public Meetings Act in the Annual Notice of Meetings. In addition, a separate notice was sent for tonight’s public hearings in accordance with the Open Public Meetings Act.

The Board saluted the flag.

Roll call: Present – Mr. Cossaboon, Ms. Fox, Mr. Fritz, Mr. Mercado, Mr. McLaughlin, Mr. Salvadori, Mr. Sebastian, Mr. Kozak, Mr. Rybicki. Also present – Mr. Coe, Solicitor, Ms. Pellegrini, Planner, Mr. O’Reilly, Council Liaison, Mrs. Farrell, Secretary, Mrs. Orbaczewski, Clerk Transcriber. Excused – Mr. Sander, Engineer.

Memorialization of Resolutions:

1. #11-19 – App. #18-08A - Williamstown SDA Church – Use Variance Approved

Motion by Mr. McLaughlin, seconded by Mr. Sebastian to adopt resolution #11-19. Roll call vote: Ayes – Mr. McLaughlin, Mr. Sebastian, Mr. Cossaboon, Ms. Fox, Mr. Fritz, Mr. Mercado, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

2. #12-19 – App. #19-03 – Sean Murtha – Front Yard Setback Variance Denied

Motion by Mr. McLaughlin, seconded by Mr. Fritz to adopt resolution #12-19. Roll call vote: Ayes – Mr. McLaughlin, Mr. Fritz, Mr. Cossaboon, Ms. Fox, Mr. Mercado, Mr. Sebastian, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

Public Hearings:

1. #18-08A – Williamstown SDA Church – Use Variance

Present – Pastor Caesar Sprianu, applicant, Edward Fields, Board of Trustees, Joan Adams, applicant’s attorney.

The applicant is proposing to replace an existing church identification sign with an electronic messaging/identification sign. The property is located at 946 N. Main Street, also known as Block 1701, Lot 23 in the R-2 zoning district.

Joan Adams introduced herself as the applicant’s attorney. Mr. Salvadori asked Mrs. Farrell if the application can be deemed complete. Mrs. Farrell replied that she would like the record to reflect the applicant was previously granted a waiver of the filing fee and if the Board will acknowledge that the application can be deemed complete. Motion by Mr. Fritz, seconded by Mr. McLaughlin to waive the fee and deem application #18-08A complete. Voice vote; all ayes, motion passed.

Public Hearings: (continued)

1. #18-08A – Williamstown SDA Church (continued)

Ms. Adams stated that the church received a letter from the Emergency Management Office of the Township to replace their existing sign with an LED display sign which will allow them to not only have their own church messages but also to be used by the Township for any emergency notifications. Pastor Sprianu and Edward Fields were sworn in by Mr. Coe. Ms. Adams submitted a letter sent to her by the sign company which was marked as Exhibit A-1. Pastor Sprianu testified that the church has been part of the community for over 20 years. They are very community oriented and want to comply and respond to the Township's request to replace their existing wooden sign with an electronic sign. Pastor Sprianu stated that the new sign will be placed in the same location as the existing sign. They will register the sign with the Township and agree that they will only use the sign for their own messaging pertaining to the church or emergency messages requested by the Township. The sign will have an automatic dimming control, a minimum display time of at least eight seconds, it will not have any flashing, blinking, twinkling, spinning, scrolling, or traveling effects. The electrical conduits are already located underground. Pastor Sprianu testified that if any of the bulbs blow out they will replace them or turn the sign off until they can be replaced.

Mr. Fields testified that the sign is only a foot different in size than the existing wooden sign. He stated that the existing sign is approximately 27 feet from the right-of-way and the new sign will be located a few inches further away from the right-of-way. The overall height of the sign is 8 feet 10 inches and the bottom clearance is 4 feet from the ground. Ms. Adams indicated that the bottom clearance does not meet the Township's ordinance requirements to be 8 feet from the ground so they will need to add that variance to the application. Mr. Fields commented that the sign is important since the church is setback so far off the road you wouldn't know it was there if it wasn't for the sign. In addition Mr. Fields testified that the church has a memorandum of agreement with the Monroe Township Public Schools to use the sign to notify parents of an emergency or evacuation. The church would also be used in the event of an evacuation of one of the schools.

Ms. Pellegrini reviewed her report for the Board. She stated that some of the dimensions have changed for the proposed sign from the sample photograph submitted to the email received from the sign company. She agreed that the sign needs a variance for the bottom clearance but the new sign is less nonconforming than the old sign which only has a clearance of two feet. The sign conforms to the height requirement. The sign area is proposed at 26.18 square feet with the LED portion being 23 square feet which conforms to the ordinance. The applicant has agreed to follow all of the standards set in the ordinance for electronic messaging signs especially those for dimming controls and display features. Mr. Fields commented that the sign company will program the sign to meet the ordinance standards before it is installed. Ms. Pellegrini confirmed with the applicant that the sign will not be placed closer to the right-of-way than the existing sign.

Public Hearings: (continued)

1. #18-08A – Williamstown SDA Church (continued)

Mr. Mercado asked if there is a difference between the sign photograph submitted in the application and the actual sign that will be installed. Mr. Fields stated that the dimensions are slightly different making the sign a little smaller. Ms. Adams replied that the important issue is that the sign conforms to the ordinance and she agreed that they will provide the details and picture of the actual sign. Ms. Pellegrini stated that the identification portion of the sign will be on the top of the sign and electronic portion on the bottom. The overall size of the sign conforms to the ordinance. Mr. Sebastian asked if the applicant has the letter sent to them from the Township requesting them to install an LED sign. Pastor Sprianu stated that he will look for the letter but he received it a few years ago. Mr. McLaughlin asked if the sign will be lit 24/7. Mr. Fields replied that it will remain lit 24/7 but will be dimmed in accordance with the ordinance.

Motion passed to open the hearing to the public. There being none, motion passed to close the hearing to the public.

Mr. Coe reviewed the variance request for the Board. Motion by Mr. Fritz, seconded by Mr. McLaughlin to grant the use variance for the LED sign and the bulk variance for the bottom clearance with the following conditions; the display is limited to church messages or emergency messages, compliance with the standards for electronic signs noted in the Planner's letter, compliance with the dimensions, submission of the sketch and actual sign dimensions, the applicant receiving any and all permits required for construction, and all escrow accounts settled. Roll call vote: Ayes – Mr. Fritz, Mr. McLaughlin, Mr. Cossaboon, Ms. Fox, Mr. Mercado, Mr. Sebastian, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

2. #19-02 – Cross Keys United Methodist Church – Use Variance

Present – Dawn Jennings, applicant's attorney, Carl Sprengle, church member & trustee, Darlene Schoenwald, church member.

The applicant is requesting a use variance to install a double sided LED sign to replace their existing manual changeable sign. The property is located at 1644 N. Main Street, also known as Block 201, Lot 18 in the R-2 zoning district.

Ms. Jennings introduced herself as the applicant's attorney. Mr. Sprengle and Mrs. Schoenwald were sworn in by Mr. Coe. Mr. Salvadori asked Mrs. Farrell if the application could be deemed complete. Mrs. Farrell replied that the applicant is requesting a waiver from providing the filing fee; if waived the application can be deemed complete. Motion by Mr. Fritz, seconded by Mr. McLaughlin to waive the filing fee and deem application #19-02 complete. Roll call vote: Ayes – Mr. Fritz, Mr. McLaughlin, Mr. Cossaboon, Ms. Fox, Mr. Mercado, Mr. Sebastian, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

Public Hearings: (continued)

2. #19-02 – Cross Keys United Methodist Church (continued)

Mr. Sprengle testified that the proposed sign will replace the existing sign on the site. “The new sign will have a lit identification portion that will be lit on the top and the LED changeable copy portion is on the bottom. The sign will come from the factory preprogrammed to dim before sunset and be brighter during the daytime. There will not be any flashing, scrolling, blinking, twinkling, or rotating messages or lights. After 11:00 p.m. there will be a fixed message. The proposed sign is the approximately the same size at the current sign; it is a few inches shorter and narrower. They will need a variance for the bottom clearance where 8 feet is required and they are proposing 20 inches from the ground. Mr. Sprengle testified that the sign will only be used for church messages and emergency messages from the Township and not any off-site advertising. Mr. Sprengle also testified that they will comply with the minimum eight second display time as well as the other standards in the ordinance for electronic messaging signs. Ms. Jennings stated that she will provide the written certification from the sign company with regard to the programming of the sign. There is currently existing electrical conduits underground for the sign. Mr. Sprengle stated that the church has many community events and they would like to have one place to advertise their those events.

Ms. Pellegrini reviewed her report for the Board. She stated that the proposed sign does have a better bottom clearance from the ground than the existing sign but they still need the bulk variance. The copy area meets the maximum permitted size and the overall size of the sign meets the requirements. The applicant has agreed to comply with the standards in the ordinance for electronic messaging signs. The location of the proposed sign is in the same location as the existing sign but she wanted to note that there is a right-of-way easement along the frontage so if the County ever wanted to widen the road the sign would have to be moved. Ms. Jennings replied that they do understand that it might be necessary to move the sign in the future. Ms. Pellegrini also suggested that they add their property address to the sign detail. Mr. Sprengle commented that they do plan to add the address to the sign. Mr. Mercado inquired as to the sight triangle. Ms. Pellegrini replied that the sign is replacing the existing sign in the same location. She asked that the applicant testify as to any past issues with the sight triangle for the existing sign. Mr. Sprengle replied that the current sign is two and half feet outside the sight triangle and they have not had any issues in the past.

Motion passed to open the hearing to the public. There being none, motion passed to close the hearing to the public.

Public Hearings: (continued)

2. #19-02 – Cross Keys United Methodist Church (continued)

Mr. Coe reviewed the variance request for the Board. Motion by Mr. McLaughlin, seconded by Mr. Fritz to grant the use variance for the LED changeable copy sign and the bulk variance for the bottom clearance subject to the following conditions; the display will only be used for church messages or emergency messages from the Township, the top identification portion will contain the address, compliance with the standards for electronic messaging signs, compliance with the dimensions, the applicant receiving all necessary zoning and construction permits, submission of the certification from the manufacturer of the sign with regard to the programming, subject to the County right-of-way, and all escrow accounts being settled. Roll call vote: Ayes – Mr. McLaughlin, Mr. Fritz, Mr. Cossaboon, Ms. Fox, Mr. Mercado, Mr. Sebastian, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

The Board took a brief recess.

3. #18-09 – WA Outdoor Advertising, LLC – Use Variance & Site Plan Waiver

Present – Robert Washburn, applicant’s attorney, Wesley Aducat, applicant, Tiffany Morrissey, Planner, David Shropshire, Engineer, Rick Clemson, Engineer.

The applicant is requesting a use variance to install a single column two faced billboard sign at 328 Berlin Cross Keys Road, also known as Block 101, Lot 3.02 in the BP zoning district. If the use variance is approved the applicant is also requesting a site plan waiver.

Mr. Washburn introduced himself as the applicant’s attorney. Mr. Washburn stated that they are before the Board to request the use variance for the two faced static billboard sign; however if the use is granted they would also like to have approval to convert the sign to a digital sign sometime in the future. The billboard is proposed to be 63 feet tall and the faces are 14 feet by 48 feet. The property is a one and half acre parcel that contains the Cross Keys Pavilion shopping center. Mr. Washburn commented that they need a use variance to allow an off premises advertising sign, a use variance to allow more than one use on the same lot, and a site plan waiver which includes several design and performance standard waivers.

Mr. Aducat, Ms. Morrissey, Mr. Clemson, and Mr. Shropshire were sworn in by Mr. Coe. Mr. Salvadori asked Mrs. Farrell if the application could be deemed complete. Mrs. Farrell replied that it could be deemed complete. Motion by Mr. Sebastian, seconded by Mr. McLaughlin to deem application #18-09 complete. Roll call vote: Ayes – Mr. Sebastian, Mr. McLaughlin, Mr. Cossaboon, Ms. Fox, Mr. Fritz, Mr. Mercado, Mr. Salvadori. Nays – Zero. Abstentions – Zero.

Public Hearings: (continued)

3. #18-09 – WA Outdoor Advertising, LLC (continued)

Mr. Washburn displayed a copy of the variance plan for the Board which was marked as Exhibit A-1. Mr. Clemson stated the property is located on the southeasterly side of Berlin Cross Keys Road and has been developed with commercial uses. The two faced panels on the proposed billboard will face north and south. The sign will be supported by a forty-eight inch diameter steel column that will be imbedded twenty-five to thirty feet in the ground and encased in a concrete collar. The furthest edge of the sign will be located twenty-one feet from the right-of-way of Berlin Cross Keys Road and approximately sixty-five feet from the center line of Berlin Cross Keys Road. The steel column will be located forty-five feet from the right-of-way and fifty-four feet from the curbline. There are two billboards closest to this proposed billboard. The one to the north is adjacent to the Car Max by the off ramp of the Atlantic City Expressway which is approximately 5200 feet away. The one to the south is located on the south side of the Black Horse Pike across the street from the Sam's Club and approximately 2200 feet away from the proposed billboard. There is no impact to any property owners within 200 feet.

The billboard will be lit with up lighting that is directed only at the panels. All the electrical requirements will be submitted to the construction department if they receive approval. Mr. Clemson addressed the design waivers required and being requested. The first is for having a billboard outside of the billboard corridor which is along the Black Horse Pike between Sicklerville Road and Berlin Cross Keys Road. Mr. Clemson stated that the proposed billboard will be located in a heavily developed commercial area which is similar in nature to the Black Horse Pike. A waiver is required for the height of the sign where twenty-five feet is permitted and they are proposing sixty-three feet. A waiver is required for the size of the sign face where 150 square feet is permitted with only one panel per structure and they are proposing two faced panels that are 652 square feet each which is actually a national standard for billboard signs.

Mr. Shropshire stated that his company does traffic engineering and transportation planning. He stated that there is a NJDOT permitting process for any off premise outdoor advertising sign. He read the purposes the State looks at with regard to billboard signs which include the safety, size, and spacing. They have already received a permit from the NJDOT for this proposed sign so the State has deemed it safe. Billboards are generally not considered to be a distraction to drivers and are considered part of the normal scenery. From a traffic standpoint, the Black Horse Pike, where the signs are permitted, is considered an Urban Principal Arterial with a daily traffic volume of approximately 27000 to 28000 vehicles. Berlin Cross Keys Road is classified as the same type of arterial roadway with a daily traffic volume of over 31000 vehicles so it meets the same criteria for these types of billboard signs. With regard to the height the sign is above anything that would compete with it to be a distraction. By the time you drive up to the sign the message is out of your cone of vision. When you are further away is when you can read the message otherwise you just see the pole like any other telephone pole you would pass while driving.

Public Hearings: (continued)

3. #18-09 – WA Outdoor Advertising, LLC (continued)

In conclusion Mr. Shropshire stated that from a traffic perspective he believes there is no detriment to the public good and no impairment of the Township's zone plan. Ms. Morrissey spoke to the use from the planning perspective and commented that they need the use variance because the billboard sign is not permitted on Berlin Cross Keys Road and because there would be more than one principal permitted use on the property. She stated the special reasons as being the site and use are suited to one another and promotes the general welfare. The property is an existing developed property in the BP zone and the proposed billboard sign does not interfere with the function of the existing commercial uses. She stated that the ordinance was done in 2009 when the Black Horse Pike was the main arterial roadway; however since then Berlin Cross Keys Road has experienced a lot of development and is considered a principal arterial road with more daily traffic. She believes this use meets the intent of the ordinance to promote local business uses that will have a place for advertisement given the traffic volume. She stated that there is a need for local businesses who have expressed their desire to advertise within the Township.

With regard to the negative criteria, Ms. Morrissey discussed the 2009 ordinance and the changes to the area since that time which are important because she believes they are fulfilling the same goals and objectives of the ordinance in terms of the BP zone and where billboards are appropriate. She listed the goals and objectives of the Master Plan and how they relate to the proposed use. She stated that there are no conflicts with the existing and surrounding uses or the traffic. The sign will help local businesses to advertise to the large volume of people that travel Berlin Cross Keys Road. The size and height of the sign have been determined not to be a safety concern given that the applicant has received a permit from the NJDOT. For all the reasons stated she believes there is no substantial detriment to the zone plan or ordinance, no detriment to the Master Plan, and no detriment to the public good. The positives and special reasons to grant the variance far outweigh any negative detriments. Mr. Kozak asked if the sign offers any aesthetic value to the area. Ms. Morrissey replied that it depends on the definition of aesthetic value. It will be as visible as looking at a utility pole and is all a matter of perspective but with a variety of uses and signage it's what you would expect to see in a commercial area.

Mr. Salvadori asked if the size of the sign is similar to other signs in the area. Mr. Aducat testified that there is one going east on the Black Horse Pike that is larger. There are also some with four faces and similar in height. Mr. Washburn stated he did not think the NJDOT permit was part of the application; he submitted a copy to the Board. Mr. Washburn added they if the use is granted and they are also granted the approval to convert to a digital sign in the future, they agree to comply with all of the standards in the Township's ordinance for digital signs. In addition, the applicant will give one eight second spot to the Township for any message they want to get out to the public.

Public Hearings: (continued)

3. #18-09 – WA Outdoor Advertising, LLC (continued)

Ms. Pellegrini reviewed her report for the Board. She stated that the Township developed a billboard ordinance to control their use along the Black Horse Pike. The standards in the ordinance were prepared in relation to where the town permitted the use of billboards. The design waivers they asking for a significantly greater than the ordinance standards. She reviewed the height and size again for the Board and what is permitted under the ordinance. She agreed that Berlin Cross Keys Road has changed a lot in terms of development; however the Township has not found it necessary to this point to change the ordinance to include any other corridors. She stated there are a plethora of commercial business signs along Berlin Cross Keys Road and she does not believe a billboard sign of this size is a necessity but applicant driven. She stated it comes down to necessity and whether or not the Township wants to see billboards outside of the corridor where they are permitted. The NJDOT permit is subject to Township approval so it is the Township's decision.

Mr. Washburn commented that the billboard standards in the ordinance do not really apply since they are the standards for billboard signs within the corridor and they are asking for a use variance outside the billboard corridor. He stated that he believes the waivers would be subsumed within the use variance if the Board approves the use. Ms. Pellegrini agreed that when there is a use variance there aren't any specific standards that go directly to the use variance; however you generally use the standards for similar uses within the Township and that's why in her report it states they are provided for reference. She also referenced the standard in her report with regard to electronic changeable copy signs; however there isn't anything in the ordinance that would be able to apply to this billboard because of the size of it and the standards are much smaller and pertain to a typical sign. Mr. Sebastian asked Mr. Washburn if they are applying for both the static sign and the digital sign. Mr. Washburn replied that they would like to be able to convert the sign at some point without coming back to the Board. After some discussion it was determined that the applicant will only be asking for the static sign and not for any conversion to a digital sign without coming back to the Board for approval.

Mr. Fritz inquired as to the height of the sign in relation to the Cross Keys Airport. Mr. Aducat testified that the regulations for the airport are only if the sign is 100 feet or above. Ms. Pellegrini commented that the applicant is also asking for a site plan waiver if the use is granted. Mr. Washburn replied that there is very little site disturbance other than drilling the hole for the pole and filling it with concrete. There really isn't any other site issues. Mr. Mercado replied that some landscaping around the pole would be appropriate. Mr. Clemson replied that they would work with Ms. Pellegrini's office with regard to landscaping if that's the Board's pleasure. Mr. Mercado commented that there really aren't billboard signs along Berlin Cross Keys Road other than around the expressway so there must be a reason for that with the other towns and a reason our ordinance only allows them on the Black Horse Pike. Mr. Clemson responded that there are other billboard signs more north on Berlin Cross Keys Road.

Public Hearings: (continued)

3. #18-09 – WA Outdoor Advertising, LLC (continued)

Mr. Mercado replied that he has not heard much testimony on how this billboard will benefit Monroe Township. Ms. Morrissey replied that the benefit to the Township is that local businesses have an opportunity to have advertising space they wouldn't otherwise have. The applicant has had local businesses express the desire to advertise on a billboard in Monroe Township. She stated there is a lot of competition so smaller business love the opportunity to advertise. Mr. Mercado stated that may be true but for a small business it would depend on the price charged for a billboard advertisement. He stated most of the billboard signs he sees promote everything else but local business. Mr. Kozak also commented that he travels along the Black Horse Pike every day and the billboard signs do not promote the local businesses. If the local businesses were able advertise on the billboards located in town they would have done so. There was further discussion concerning the types of businesses that want to advertise on the billboard. Mr. Aducat stated that he does have local businesses interested in advertising on the billboard. Mr. Mercado commented that there isn't that much roadway on Berlin Cross Keys Road that is in Monroe Township so he did not see the benefit to the Township. He asked if the applicant was willing to downsize the sign to be in conformance with the standards in the ordinance. Mr. Aducat replied that it isn't feasible for him to downsize the sign.

Motion passed to open the hearing to the public. There being none, motion passed to close the hearing to the public.

Mr. Coe stated that the question before the Board is whether or not the applicant has satisfied the positive and negative criteria. There have been questions on the need for the billboard sign and comments concerning the height and size in relation to our ordinance standards. Mr. Coe outlined the requested variances and design waivers. Motion by Mr. McLaughlin to vote on the application, seconded by Mr. Fritz with all the conditions and design waivers testified to on the record. Roll call vote: Ayes – Mr. Salvadori. Nays – Mr. McLaughlin, Mr. Fritz, Mr. Cossaboon, Ms. Fox, Mr. Mercado, Mr. Sebastian. Abstentions – Zero. 1 aye, 6 nays, the use variance failed.

Public Portion:

Motion passed to open the meeting to the public. There being none, motion passed to close the meeting to the public.

Reports:

1. Mrs. Farrell stated that the IPADs are in and the members should pick one up before leaving the meeting.

2. Mrs. Farrell informed the Board that the Director would like to hold a joint meeting with the Planning Board to discuss ordinance changes. The meeting will be held on Thursday, April 25th at 7:00 p.m. in the courtroom. Mr. Sebastian asked if the professionals will also be at the meeting since they may have input on the ordinance changes. Mr. O'Reilly commented that he would like to check with Mr. Marino on his availability since he is the ordinance Chairman. Mrs. Farrell stated that there will be an agenda and the meeting will be structured.

Approval of Minutes:

1. 2/19/19 regular meeting.

Motion by Mr. McLaughlin, seconded by Mr. Fritz to approve the minutes from the February 19, 2019 regular meeting. Voice vote; all ayes, motion passed.

Adjournment:

The meeting was adjourned at 9:14 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.

Respectfully submitted by:
Ninette Orbaczewski
Clerk Transcriber