

TOWN OF NEWTON
PLANNING BOARD
OCTOBER 18, 2017
MINUTES

The regular meeting of the Newton Planning Board took place on the above date. Chairman Le Frois read the Open Public Meetings Act and requested Mrs. Citterbart to call the roll. Mrs. Citterbart stated there was a quorum.

THE SUNSHINE STATEMENT: Was read.

OATH OF OFFICE:

Barbara Vrahnos – Alternate Member

SALUTE TO THE FLAG: Was recited.

ROLL CALL: Was taken

Attendance: Mr. Flaherty, Mr. Marion, Mrs. Larsen, Mr. Majewski, Mr. Butterfield, Mr. Wink, Mrs. Vrahnos, Mr. Russo, Mr. Levante, Mr. Elvidge, Mr. Le Frois

Professionals present: David H. Soloway, Esq. of Vogel, Chait, Collins & Schneider; Tom Knutelsky of Harold Pellow & Associates; Jessica Caldwell of J. Caldwell & Associates

CONSIDERATION OF MINUTES

August 16, 2017

A motion was made by Mr. Flaherty and seconded by Mrs. Larsen to approve the August 16, 2017 meeting minutes.

AYE: Mr. Flaherty, Mr. Marion, Mrs. Larsen, Mr. Majewski, Mr. Butterfield, Mr. Wink, Mr. Levante, Mr. Elvidge, Mr. Le Frois

The motion was carried.

HISTORIC RESOLUTIONS

None

RESOLUTIONS

None

OLD BUSINESS

None

NEW BUSINESS

**Karen Ann Quinlan Charitable Foundation (#PBSP-07-2017)
Block 22.04, Lot 11**

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**99 Sparta Avenue
SD-4 Zone**

The applicant is requesting a minor site plan approval for an electric message board sign.

William Hinkes, Esq. from Hollander, Strelzik, Pasculli, Hinkes, Wojcik, Gacquin, Vandenberg & Hontz, LLC represented the applicant.

Mr. Hinkes stated: We have three people presenting for the applicant tonight. We have Ron Yando, our sign vendor. We have two representatives from Karen Ann Quinlan, Lee Ellison the Director of Marketing and John Quinlan the Director of Development.

Sworn in: Lee Ellison, Director of Marketing at Karen Ann Quinlan Hospice; John Quinlan, Director of the Foundation at Karen Ann Quinlan Hospice; Ron Yando, EM Signs Manager.

Mr. Hinkes stated: What Karen Ann Quinlan is hoping to do tonight is receive minor site plan approval for a replacement of an existing freestanding sign with a new LED sign. Mr. Yando is the contractor who will put the sign in. He will give testimony about how the sign complies with municipal standards. There are some things that can't be done with a sign like this. He will give testimony about this.

Mr. Yando stated: I've been in the sign business for 28 years. I've been with EM Signs for 9 years now. I've done quite a few of these LED signs.

Mr. Hinkes stated: Mr. Jason Dunn prepared the site plan application for us and is not available to join us tonight. You can see the site plan in your package. Mr. Yando will describe the sign.

Mr. Yando stated: The total size of the sign is 37.9 square feet roughly and 40 square feet is allowed in the zone. The only thing we need to adjust as far as the sign goes is it needs to be setback 6" from the right-of-way. It's a sandblasted top sign which is the old school look and the bottom is a full color digital sign.

Mr. Hinkes stated: We would like to address the professional's reports.

Mr. Le Frois stated: Tom Knutelsky is here in David Simmons place.

Mr. Knutelsky referenced Mr. Simmons's report dated October 11th and stated: I discussed this with Mr. Simmons this afternoon. There's no impact to parking or stormwater management that we can see or traffic. But in regards to the actual sign and how it relates to traffic there are nit levels and certain animations maybe looked at as effecting traffic. I know it's a sand blasted sign, but can you describe the visual look of the variable message sign and what it will display?

Mr. Yando stated: It can do a lot. In the location it is going the ordinance calls for no moving animation. It's going to be static messages. The messages are going to come in threes and go out. There are lots of graphics you can do. Basically it's going to be for messages. There will be information about events, fundraisers, shredding events, time and temp. But other than that no motion video or scrolling will be used.

Mr. Le Frois stated: Mr. Yando provides the sign, but the applicant will be the one operating the sign so we should have the applicant speak to that.

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Ms. Ellison stated: It will be a static sign; not rolling. We will use it to promote events and educate the public about hospice and time and temperature. We understand that animation is not allowed so it will be static and change no more than every 15 seconds.

Mr. Hinkes stated: Regarding the brightness of the sign, the municipal ordinance depending on whether its color or monochrome has certain nit levels. The plans in the application packet indicated that the levels will be met. Would you describe this.

Mr. Yando stated: The maximum is 10,000 nits. The only time it ever reaches that is when it is in full sun. When it meets the maximum amount of light. Basically, all the signs we do we set them up with the auto dim feature. We let the photo sensor do all the work. You can set 100 different settings during the day but you don't know what the suns going to do. So basically the automatic sensor dims and brightens the sign as need be. We went over with your office for another sign in town and did some light readings and came up with 500 nits at night or less.

Mr. Soloway questioned: Was this the Mitchell Agency?

Mr. Yando stated: Yes.

Mr. Hinkes questioned: What is a nit?

Mr. Yando stated: It's a calculation of brightness of light.

Mr. Hinkes questioned: And what is the maximum?

Mr. Yando stated: 10,000 during the day and 500 at night. It is a colorized sign.

Mr. Knutelsky stated: I know there was a discussion with Mr. Simmons regarding foundations. Is there a foundation that will be exceeding the area of the sign?

Mr. Yando stated: It is a 16 inch diameter by 40 inches deep. There are 4 inch steel pipes. It looks like 4" will be leading into the post. It is round footing so there will be 6" of concrete outside of the post.

Mr. Knutelsky stated: Just so I understand, the sign will stand in the applicant's property and not in the right of way? You are already offset 6".

Mr. Yando stated: Correct. So if I understand you correctly it will be back one foot. The concrete is not visible. It is in the ground.

Mr. Soloway questioned: You aren't going to be encroaching into the County Road?

Mr. Yando stated: What I have here is 6". We plan on moving the post back 6" from the existing post. We didn't plan on moving the footing back itself. That would put the sign a whole foot back from where it is now.

Mr. Hinkes distributed Exhibit A1, a footing drawing to show footing calculations.

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Mr. Hinkes stated: We had a meeting with the professionals at the County and John Quinlan can discuss more specifically about that.

Mr. Quinlan stated: They agreed that the 6" move would take us out of the County right-of-way.

Mr. Knutelsky questioned: A few more questions from Mr. Simmons's report. Will the light go off at night?

Ms. Ellison stated: It will be on 24 hours.

Mr. Knutelsky questioned: Will trees be trimmed or removed?

Ms. Ellison stated: They have already been trimmed.

Mr. Knutelsky questioned: Will there be any additional landscaping?

Ms. Ellison stated: No. Just flowers. Nothing that would cover the sign.

Mr. Knutelsky stated: Is there any upgrade needed electrically?

Mr. Yando stated: No. There is already exterior lighting on the sign so we are going to use that circuit to illuminate the sign. I think the sign draws roughly 9 amps. We will put a green ground box in. You can drive a tractor over it and its fine.

Mr. Knutelsky stated: Other than that approval is required by the Construction Official of the Town of Newton and the Sussex County Planning Board. I am done with Mr. Simmons report.

Ms. Caldwell referenced her report dated October 9th and stated: On the second page, I reviewed the size of the sign and the area. It's a 36.97 square foot sign where 40 square feet as a maximum is permitted. All or part of that can be an electronic message board via this minor site plan approval before the Board. Mr. Knutelsky addressed all the items with respect to the brightness and glare issues and these should be conditions of approval that the Board considers. As they said no variances required.

Mr. Elvidge questioned: The clearance between the ground and the bottom of the sign is 8". I would be concerned that with snowfall you could have the bottom of the sign covered. That doesn't seem like enough clearance if you have snowfall. Why is it 8' and not 10'?

Ms. Ellison stated: It is because of the trees.

Mr. Elvidge stated: It's a beautiful sign and I would hate to see it covered during the winter season. Does the sign generate any heat?

Mr. Yando stated: Not particularly. But it may keep the initial snow from accumulating, but over time, a 24 hour snowstorm you would get some snow on the sign. I wouldn't think it would affect the sign. I wouldn't leave the sign in a foot of snow. It's something they will have to keep their eye on.

Mr. Quinlan stated: We do have a maintenance crew.

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Mr. Butterfield stated: So the 8" clearance is based upon the existing platform but once you remove that it will be higher clearance?

Mr. Hinkes stated: Based on Mr. Elvidge's comment, if approval is granted we would like to request that it be between 8" and 15" from the ground subject to approval by the Board Engineer.

Mr. Elvidge questioned Mr. Le Frois: Regarding the right-of-way, what does it mean in the future? You set the sign back a minimal distance from the right-of-way. Does it mean that the edge could go up to within 6" of that?

Mr. Le Frois stated: They very rarely extend to the right-of-way line. There is usually a shoulder, or curb, sidewalk, something in between the curb and the right-of-way line.

Mr. Elvidge stated: My concern for that would be that I wouldn't want to see any County directional sign blocking the illuminated sign. I would present in this an opportunity to switch the height. So maybe they could put the illuminated sign above and the Karen Ann Quinlan sign below. So they can do it without having to come back here if they encounter this problem in the future.

Mr. Le Frois stated: So they could flip flop the sign. I don't have a problem with that.

Mr. Soloway stated: It is ok as long as it does not create a variance.

Portion opened to the public. None stepping forward, portion closed.

Mr. Soloway crafted a motion to grant a minor site plan approval with the finding of the sign as proposed does not cause nuisance or glare. The site plan approval would also allow for the bottom of the sign to be anywhere between 8 to 15" above ground subject to height limitations in the ordinance. It would be conditioned that the applicant comply with the requirements that there be no animations, videos, flashing displays, that it comply with nit limitations, that the dimensions of footing concrete be provided to and to the satisfaction of the Town Engineer, that an as-built be provided after it's installed and that it changes no more frequently than every 15 seconds.

Mr. Hinkes questioned: Could we ask that we waive the resolution and allow us to proceed with the building permits we need.

Mr. Soloway stated: This would be done at the applicants own risk and subject to Mr. Knutelsky stating to us if there is anything his office would need to see before a building permit could be issued.

Mr. Knutelsky stated: Just the proof of Sussex County Planning Board approval.

Mr. Hinkes stated: If we must have that, that makes perfect sense.

Mr. Soloway stated: We don't put that in the resolution because it's too late because they're waiving the resolution. I would ask you to take a separate vote on that.

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A motion was made by Mr. Majewski and seconded by Mr. Marion to approve the minor site plan.

AYE: Mr. Flaherty, Mr. Marion, Mrs. Larsen, Mr. Majewski, Mr. Butterfield, Mr. Russo, Mr. Levante, Mr. Elvidge, Mr. Le Frois

The application was approved.

Mr. Soloway stated: I would ask the Board to confirm that they recognize the waiving of the resolution as discussed.

Chairman Le Frois entertained a motion to authorize a waiving of the motion as discussed. Mr. Marion made the motion. Motion seconded by Mr. Flaherty.

AYE: Mr. Flaherty, Mr. Marion, Mrs. Larsen, Mr. Majewski, Mr. Butterfield, Mr. Russo, Mr. Levante, Mr. Elvidge, Mr. Le Frois

Motion approved.

CORRESPONDENCE – Reviewed

Ordinance 2017-16 – Ordinance deleting Sections 100-17.C, 100-22.G(1)(3), and 100-23.J of the Code of the Town of Newton, regarding Planning Board & Retail Food Establishment Fees.

The New Jersey Planner – July/August 2017 Vol. 78, No. 4

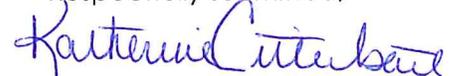
EXECUTIVE SESSION - None

PUBLIC PORTION - None stepping forward

ADJOURNMENT

Mr. Flaherty made a motion to adjourn the meeting. Motion seconded by Mr. Marion. The meeting was adjourned at 7:35 PM with a unanimous "aye" vote. The next meeting will be held on December 20, 2017 in the Council Chambers of the Municipal Building.

Respectfully submitted,



Katherine Citterbart
Planning Board Secretary