

City of Northfield Planning Board
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Minutes: November 5, 2015

Notice of this meeting had been given in accordance with Chapter 231 Public Law 1975, otherwise known as the Open Public Meetings Act. Notice of this meeting had been given to The Press, posted on the bulletin board in City Hall, filed with the City Clerk, and posted on the City website, stating the date, time and place of the meeting and the agenda to the extent known.

This REGULAR meeting of the Northfield Planning Board, held on Thursday, November 5, 2015 in Council Chambers, City Hall, Northfield, was opened by Chairman Richard Levitt at 6:59 p.m. and the following members were present or absent as noted:

Timothy Anderson-absent
Mark Bruno-absent
Mayor Erland Chau-absent
Jim Leeds
Dr. Richard Levitt
Lou Milone-absent
Chief Paul Newman
Henry Notaro-absent
Councilman Frank Perri
Ron Roegiers-absent
Derek Rowe
Clem Scharff
Jim Shippen-absent

Matthew Doran, Professional Engineer-absent
Norman Zlotnick, Solicitor-absent

There were no applications scheduled on the agenda. The Board met to memorialize resolutions and to discuss any pending business. There were two resolutions which have been reviewed by the Board members. They were for Jaime Epstein, Block 102, Lot 2, 113 Mt. Vernon Avenue, approved for a "C" Variance for a residential addition and Advanced Building Associates, Block 46, Lots 14,15,& 16 approved for an amended Preliminary and Final Site Plan and Parking Variance at the October 1, 2015 hearing. Abstentions for the voice vote were Tim Anderson and Henry Notaro. The voice vote was all in favor.

There was a discussion regarding the Sign Ordinance and a communication drafted by Kris Facenda, the City Solicitor regarding the Constitutionality of the Sign Ordinance. This communication was distributed to the Board members for review. The Board reviewed the Ordinance as well for comparison. Mr. Perri commented that there was a complaint from one person that political signs were being displayed prior to 42 days before an election. Mr. Leeds commented that the Ordinance is actually less restrictive on the size of political signs at 16 sf (4 ft. x 4 ft.) with real estate signs having a restriction of 15 sf. Mr. Scharff said political signs have a 42 day restriction and commercial signs are allowed 90 days. Dr. Levitt felt the sign ordinance was comprehensive and if it's not broke, why fix it. He said that one individual made a complaint and it did not seem warranted to go to the expense and time to re-write an Ordinance that works as is. Dr. Levitt read the case law section of Mr. Facenda's letter and his conclusion and felt the Ordinance is consistent with other movable sign regulations. Mr. Perri said this came about from politicians putting up signs too early. Dr. Levitt said we cannot regulate free speech and it really hasn't been a problem. The Ordinance clearly states that the regulations for political signs are for politicians running for office. He added that other types of signs that may deal with free speech are usually quickly policed by peer pressure and the neighbors and he noted an issue years ago along Shore Road which was quickly resolved. We can regulate real estate and political signs, but not free speech. Dr. Levitt and Mr. Perri agreed that if this was an everyday occurrence it would need to be looked into further, but it was agreed that what is currently in the Ordinance is sufficient. Dr. Levitt said the political sign portion of the Ordinance has a valid purpose. The signs become road clutter if left up too long after an election. Mr. Perri added that nobody said there was a violation of free speech; the issue related to them simply being put up too soon. Mr. Scharff said there are parts of the Ordinance dealing with all aspects of signage, but many things can occur such as a person driving around with a billboard on their truck and there is really not a whole lot to be done about it. Dr. Levitt concluded that the Board felt it should be reported back to Council that at this time, what we have in the Ordinance is fine, and if someone wants to challenge the constitutionality of it, the Board will re-look at the issue in the future.

Dr. Levitt said the other sign issue relates to LED boards. He said that there are some questions from members of Council claiming the Ordinance is too

burdensome on businesses. He felt differently in that there is a good balance between business and residential and the Board tends to be liberal when considering variances to the extent possible. There are some sign restrictions that can be looked into and changed. The Ordinance can permit a business logo, but not changing images. It is too much of a distraction to motorists. Sign content has been difficult to control. The Ordinance permits changes every three minutes and that is reasonable. Minor tweaks can be made. There are many businesses on Tilton Road and if every business had a flashing sign, it would be a dangerous distraction. Mr. Scharff said that his amendments could plug right into the existing sign Ordinance. Dr. Levitt said computerized signs today have settings based on a percentage of brightness. Mr. Scharff said from experience that 50 nits is about where the level of brightness should be so as not to lose night vision. The Ordinance should limit nighttime brightness to 5% of daytime brightness. Mayor Chau has expressed in the past that we would need certified light meters and a certified person to operate them. Mr. Scharff said that would not be necessary and Dr. Levitt agreed due to the computerized signs used today. It was discussed that the Capaldi-Reynolds sign is an example of a sign that is burning too brightly. Mr. Perri asked how we would know the brightness of 50 nits. Mr. Scharff said for reference, it is about the brightness of the face of a clock. It can be seen at night, but doesn't adversely affect night vision. For clarification, Mr. Perri asked if there was any limit on brightness now and Dr. Levitt said there is not. Mr. Rowe asked how this can be measured. Mr. Scharff described a device meter that calibrates brightness on a computer screen and added that it is not something that needs to be continuously checked and measured. It is not difficult to tell if a sign is too bright. Dr. Levitt said we need regulation in case of problems or issues that develop and there is a complaint that needs enforcement and court is involved. Mr. Leeds suggested that it be put in the Ordinance that new applicants will need to provide documentation as to proposed sign brightness. Dr. Levitt agreed with this that they should have to certify daytime and night time brightness with documentation and that this should be included in the Ordinance. We will then have an objective way to deal with any issues should a complaint in court be involved.

Mr. Leeds began a discussion of the Bandi Group site located where The Sugar Pine Workshop existed, and more recently, an interior design store operated, that recently received approval for a minor site plan and a parking variance. He felt

there were too many units operating in the building. Dr. Levitt said unless this was restricted by the Resolution, he saw no problem with a business utilizing available space as long as there is no overextension of parking or overflow parking into the City streets. He added that this is the importance of being very specific with applications and asking many questions. A discussion developed concerning the requirements and costs of a sign variance with amended site plan. Dr. Levitt stressed the importance of having an Engineer's rendition of what the sign will look like and where it will be located on the site including setbacks and height. Mr. Perri said that what we have in the Ordinance for signage is sufficient depending on what zone is being considered since they are all different. Dr. Levitt said clutter and competing signs gives the look of decay and desperation. It does not show an area of successful retail. Mr. Perri said we have actually reduced the square footage of signage allowed. Businesses operating as an LLC must have an Attorney represent them and that cost cannot be eliminated as it is the law. The Board is certainly not anti-business. The Board has every interest in every business in town being successful. The Board does not want to see a sign brightness war, especially near the street and affecting sight triangles. There is a reason behind the regulations in place. Mr. Perri thought it has taken a good many years to get the Ordinance where it is at. Dr. Levitt said Council has formed a sign committee and suggested they possibly come before the Board for a discussion so the issues are understood and the Board understands what they are looking for. Another aspect that needs to be addressed is the language dealing with moveable billboards. The City cited Bootleggers and the Judge decided the truck was not a sign. It is a moveable billboard. Dr. Levitt said it is basically a moveable billboard parked in the same spot every day on a fairly regular basis, it is oversized, clearly an advertising use, and it is using up a parking spot; it should not be permitted. Mr. Scharff addressed another area of issue regarding the LED window signs. They are not neon, but they are really bright. There is one located outside Island Gym. Mr. Scharff said throughout the Ordinance, neon has to be interchangeable with LED. Dr. Levitt added that architectural outside lighting can be nice, but it needs site plan control. Dr. Levitt said Mr. Scharff and he will work on the language and it will then be forwarded by email to the Board members for review. Mr. Perri noted that it is important for Council to meet with the Board so that everyone understand the Ordinance changes and additions.

Mr. Scharff made the motion to close the meeting and Mr. Rowe seconded. Dr. Levitt closed the meeting at 7:50 p.m.

Respectfully submitted,

Robin Atlas, Secretary to the Board