

City of Northfield Planning Board
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Minutes: October 4, 2018

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, October 4, 2018 in Council Chambers, City Hall, Northfield, was opened by Chairman Richard Levitt at 7:00 p.m. with the reading of the Sunshine Law and the following members present or absent as noted:

Mark Bruno-absent
Mayor Erland Chau
Jim Leeds
Dr. Richard Levitt
Joe Massari
Chief Paul Newman
Henry Notaro-absent
Councilman Frank Perri-absent
Daniel Reardon
Ron Roegiers
Derek Rowe
Clem Scharff
Jim Shippen

Matthew Doran, Professional Engineer
Norman Zlotnick, Solicitor

There were two applications on the agenda this evening. The first application was St. Gianna Beretta Molla Parish, Block 40 Lot 29 at 1421 New Road located in the O-PB zone. The church is seeking a "D" variance for an electronic LED sign and a minor site plan waiver. The applicant is proposing to replace a portion of the existing sign with an electronic reader board. The attorney representing the Church is Elaine Dajani Carroll, Esq. of the Michael D. Carroll, L.L.C. law firm in Northfield. The witnesses were Dave Finch from Signarama in Egg Harbor Township and Rev. Father Anthony Manuppella, the Pastor of the Church. Dr. Levitt swore in the witnesses. Mayor Chau and Joe Massari recused themselves from this application.

Mrs. Carroll gave an overview of the application. She stated the sign footprint will not be changing and they are requesting a site plan waiver. The Church property consists of four lots and the lot which contains the sign is in the O-PB zone which does not permit electronic message board signs so they will need a "D" variance. The existing sign permit was obtained in 1987 and is a legal sign. Mrs. Carroll

presented a photograph labeled as Exhibit A-1 showing a before and after depiction of the sign and this was included with the application.

Mrs. Carroll questioned Father Manuppella as her first witness. He testified that there will be no sign footprint change and there will be no additional lighting as there is enough existing lighting for the sign. Father Anthony agreed it would be a hardship to reduce the sign to 50 sf which would comply and he said the sign would not obstruct motorists on Route 9. The new electronic sign will follow all present statutes and he said he would be thrilled to have this sign for the Church. Father Anthony said communication with parishioners and the community is most important and this sign would help with that. There are many events that would be communicated to the public. The AA meeting that utilizes the Church Hall is one of the largest in the area and over one hundred people attend these weekly sessions. The church hosts a chicken BBQ, a St. Anthony Feast, and a Pasta Dinner as well as other events and also communicates the mass schedule. The church wants people to participate and this is a good way to communicate with them. He noted that several Police officers approached him at the carnival last June and they were impressed with the turnout and with the good time people were having. The church wants to communicate in a better way and more effectively. A digital sign would make communication easier. Father Anthony said that banner type signs tend to junk up the property and he doesn't want to go that route. He would advertise events for the parish, and would also be willing to do Amber alerts or emergency communications for the Police Department as well. He also agreed that the newer signs are more aesthetically pleasing and would enhance communication with the public to better serve them. He added that the Church had a Blue Mass a year ago and it would have been nice to advertise this. He said that it is a hassle to change the sign as it is now.

Father Anthony continued by saying that he has the support of the Church, the parishioners, and neighboring businesses. He said the owners of Ronnie's Garden Center could not attend the meeting, but they support the project. Jersey Shore has their own electronic sign directly across the street and is also located in the O-PB zone, and the owner of Swan Cleaners located next door is present. Mr. Roegiers asked if the electronic sign was granted, would the church be willing to forego the use of banners and similar types of signage. Father Anthony agreed and said they would not need them and said that is the beauty of a sign like this. Mr. Roegiers said some LED signs can be obnoxious and can be too bright. Mrs. Carroll stated they would meet all color and brightness restrictions. Dr. Levitt said the Board will be in discussions with City Council about LED Ordinance changes, but it has not been addressed yet. Mr. Scharff suggested that specifics about the sign be addressed to the Signarama witness. Dr. Levitt asked the applicant if they would agree to certain brightness and non-moving aspects that Mr. Scharff will discuss which are currently being proposed, but are not yet ratified by the city. Mrs. Carroll agreed that some industry standard brightness is not always the best thing and text that is too bright can be fuzzy or non-legible. Dr. Levitt gave the example of the accounting office LED sign on Tilton Road that can be blinding at night.

Dr. Levitt asked Father Anthony to explain why a hardship exists. Mrs. Carroll said a smaller sign would limit what they can communicate. Father Anthony said the current sign is hard to program. Changing the letters is tedious and takes too much time and effort. In this day and age, communication is important and with the tools available today, he thought it was important to take advantage of that. He doesn't want the sign to be dangerous to anyone; it won't be too bright, it will be readable and legible, and it will make communication more effective. A discussion developed between Dr. Levitt and Mr. Zlotnick concerning inconvenience not being a hardship. Mr. Zlotnick said it refers to size and shape and the

Board needs a reason of a legal hardship. Mr. Scharff referred to the Land Use Law. Mrs. Carroll said the sign will promote a more desirable environment as it will be a new state of the art sign which will display more creative development techniques. She added that the Church property is very large and that a smaller sign would be a hardship and would not be effective. Mr. Zlotnick said that explanation falls within the definition. Mr. Scharff agreed that a smaller sign would be more of a distraction because it would be difficult to read. Mrs. Carroll said Mr. Finch will address the sign specifics and sensors would be adjusted according to the time of day.

Mr. David Finch, the owner of Signarama in Egg Harbor Township, addressed the Board. Dr. Levitt asked about the size of the sign referring to the photo exhibit submitted with the application. The total sign area is 93.89 sf. The LED electronic message board is 50 inches in height x 88 inches wide. Mr. Finch said the sign is a full color digital message board controlled by radio and WIFI. There is no change to the footprint and the free-standing sign will remain in the same location. The message signage will be small in the center portion and there is a slight reduction in size. The sign will be one double-sided standing sign with no moving elements or scrolls. Dr. Levitt said any sign changes have to be instantaneous. Mr. Finch said the slides change instantly after the blackout. It is easily programmable and static text is the standard. Dr. Levitt said four colors in each sign change is the new number proposed for the Ordinance. Mr. Scharff agreed. Mr. Finch said concerning brightness and new technology, bright is considered bad in the LED sign business. The standard is .3 candles above ambient light. The light is affected by sunlight. As it gets darker, the light will dim and not be glaring. The objective is to not have people look away. Mr. Scharff discussed nit measurement and Mr. Finch said he did not have a nit reading for this sign. Mr. Finch added that light measurement can be screwy. Foot candles are actual output whereas nits are capability. He added that a typical classroom is 40 foot candles as a standard. Mr. Scharff said we recommend a half foot candle and it should fit into our criteria. He asked if there would be a timer or a sensor. Mr. Finch said the sign will have a sensor and it can be adjusted or turned off at a certain time if need be. The sign will comply by reprogramming. Mr. Scharff said adjustments can be changed with time changes and the sign will last longer if this is done. Mr. Scharff asked about the Mass schedule section at the bottom of the sign. Mr. Finch said it is a fluorescent lighting panel. The bottom tract panel will be removed and will have a static message. Analog is not desired. The lighting is back lit with fluorescence and they are not changing this. Dr. Levitt asked if there will be a new static sign or if they are changing it. Mr. Finch said there are three separate cabinets of the sign. Venting will be on the sides of the LED sign and the static sign will be on the bottom displaying the mass schedule. Mrs. Carroll said the mass schedule times generally don't change and will be unchanged on the static sign. Special events will be displayed on the LED sign. Mr. Scharff commented that the LED sign will be a 16mm pitch sign and Mrs. Carroll said there is no additional lighting proposed. She also added that the vented portion of the sign could display the property address. Mr. Finch added that good signage benefits drivers and what is presently there is difficult to read. Mrs. Carroll referred to the notation in Matt Doran's Engineer's report commenting on the sign being clear of the sight triangle at the site. Dr. Levitt clarified that Mr. Doran was referring to vehicles exiting the driveway onto the road and the sign not affecting the driver's vision from oncoming traffic.

Mr. Finch continued by stating this type of sign is being chosen by Churches, and emergency personnel such as Fire and Police and First Aid Squads as a way to communicate with the public. LED advancements are better quality, longer lasting, and lower priced than before and are now more and more common. Municipalities are using them as well and just this morning he worked on a Library sign. Dr. Levitt asked if the applicant would be amenable to turning off the sign at 11:00 p.m. Father Anthony stressed that he wants the sign lit for Midnight Mass. Mr. Scharff agreed and said the sign across the street at Jersey Shore is lit 24 hours, there is no residential nearby, and it is well shielded. Mrs. Carroll mentioned that she had letters of support from Jersey Shore Federal Credit Union, Swan Cleaners, and the Northfield Fire Department. Mr. Zlotnick said the commercial letters of support are not evidential since it is like a petition, but it is noted in the record. Father Anthony asked if he would have to turn off the sign and Dr. Levitt said it has not been discussed yet. Mrs. Carroll asked to have Joe Marincsin, owner of Swan Cleaners next door to the Church, sworn in as a witness. Mr. Marincsin said his address is 1411 New Road, Block 40, Lot 32 and is a commercial use neighbor for the past 17 years. His business and the Church have a beautiful neighborhood relationship and he is in favor of approval of the sign. He said Father Anthony is a marketing genius. His first annual St. Anthony's feast was very successful and the LED sign would have been helpful as he noticed people stopping their cars to read the banners for the event. He said vehicles can't see the banners. LED signage is developing and Jersey Shore was one of the first in the area. The Northfield Community School and Tilton Market have them. Technology is improving and we have to adapt to it. The sign could display funerals on the message board with 'In memory of...' and 'Rest in Peace' or display congratulations for weddings. The visibility on Route 9 in this area is open. He has observed cars with people on their phones and they just don't see the existing sign. The sign will allow the Church to work with the community. He said the Board had a fear factor about these signs in the past and criteria have improved for this. He noted that there are some sign problems on Tilton Road, but Route 9 is a single lane in each direction and the sign would be an advantage.

Dr. Levitt opened the public session to anyone who wished to speak on the application and seeing no one, he closed the public session.

Mrs. Carroll gave a summary of positive and negative criteria. Dr. Levitt asked her to consider the sign being beneficial, but not to the Church itself. She said the sign will be beneficial with communication to the community, and that events held at the Church will benefit community welfare. The sign will also be aesthetically pleasing. She said there is no detriment and the sign would not impair the Ordinance or the public good. She noted that Jersey Shore was granted their sign and other business such as One Stop Car Audio, Mazzeo's, Tilton Market and Bootleggers have gained approvals as well. A Variance can be granted without substantial detriment to the public good.

Mr. Doran stated that everything in his letter has been covered, but the problems come about after the hearing in the Building Department. He asked for clear cut clarifications in the resolution for the Zoning Officer. They need to clarify that the center section is staying the larger size but the text will be smaller. Clarify what the middle section is changing to as well as what the finished product will be outside of the 30 sf message screen. It needs to be specific as to what will be in the bordering section. Dr. Levitt said only the address of the property. Mr. Doran said clarity is needed. Mr. Zlotnick said he would include sign specifics and the balance of the sign area will only include the address. Mr. Doran said that would

work. Mr. Doran said it is now in the Ordinance that the physical address number is required on all signs. Dr. Levitt said the address is important to the public. Mr. Doran added that this is a “D” variance and the testimony addressed two of the fifteen purposes of zoning, general welfare and visual environment or aesthetics, and he urged the Board to keep this in mind when voting.

Dr. Levitt said there are two commercial zones where these signs are not permitted (O-P and OPB) and this is one of them. The Master Plan looks at these areas as being less of a commercial intensity. Setting precedence is a concern. All applications should stand on their own and this application shouldn’t set any precedence and we don’t want to degrade the vacancy rate of this type of zone. Mrs. Carroll said the precedence already exists with Jersey Shore and there is a benefit of eliminating banner signs which is a less desirable type of sign. Dr. Levitt noted that the Jersey Shore sign is smaller and only has one color. Mr. Scharff said he feels the sign will benefit the community and there was positive criteria testimony. Dr. Levitt asked if they were notified by the Police that the sign is too bright for motorists, would they be willing to dim the sign. Mrs. Carroll agreed and said that is not their intention.

Mr. Scharff made the motion for a vote on a “D” variance including a site plan waiver, including no instantaneous message changes, no more than three lines of text, a light level of .3 foot candle above ambient, message changes no more frequent than every three minutes, and all other requirements in the Ordinance, light dimming if the Police receive complaints about brightness and glare. The Board waived the 11 p.m. shut off request. Mr. Shippen seconded the motion.

The roll call vote was as follows:

Mayor Chau-recused

Jim Leeds-He commented that he found no detriment from the testimony presented-Yes

Joe Massari-recused

Chief Paul Newman-Yes

Daniel Reardon-Yes

Ron Roegiers-No

Derek Rowe-No

Clem Scharff-Yes

Jim Shippen-Yes

Dr. Levitt-He did not object to this particular sign, but to preserve the integrity of the O-PB zoning intent of the Master Plan and to be consistent in the future-No

The motion carries with a vote of 5 affirmative and 3 negative votes.

Dr. Levitt added that this sign will take the place of all other free-standing and yard-type signs. The applicant understood.

The second application was from Wawa, Inc. Block 23 Lot 16 at 2403 New Road in the R-1/CB zone for a Use Variance and Preliminary and Final Site Plan Compliance to construct a trash compactor and cardboard dumpster. The attorney present was Tyler Prime of Prime Law in Mount Laurel, NJ. Mr. Prime introduced the professionals. Present were Matthew Sharo, PE,PP and Jeffrey Haberman, PE,PP who are both from Dynamic Engineering in Lake Como, NJ.

Mr. Prime addressed the Board and said this is an expansion of a non-conforming use to construct an external trash area in a fenced enclosure including a second dumpster and a trash compactor. The current set-up is internal trash collection that is placed into totes, emptied outside, and picked up by a trash truck 7 to 10 times a week. This means a trash truck will be on site one to two times a day. With the new proposed method the trash transfer timing will be between 5 and 10 minutes instead of 20 minutes. Recycling is picked up one to two times per week. The new compactor is quiet like a fax machine in an office, there will be no odors, and will be fenced and locked at all times.

Jeffrey Haberman testified first. He presented Exhibit A-1 which was an aerial view from Dynamic Engineering dated 10/4/18. The exhibit is the existing condition of the site showing surrounding businesses. The site is 1.66 acres of land zoned split between C-B and R-1. There are two access lanes to the site. One is for customers and the other is for trucks for loading and trash pick-up. Mr. Haberman displayed Exhibit A-2 which is a color site plan rendering dated 10/3/18 of the proposed external trash enclosure in the northwest corner of the parking lot. They intend to remove two parking spaces and construct an 18.4 ft. width by 14 ft. depth, 258 sf area for a trash compactor for trash, recyclables, and cardboard on a concrete pad. The enclosure will be surrounded by an 8 ft. high white vinyl fence which will require a variance for the height as only 6 ft. is permitted and the area will be properly screened. The opening will be self-closing PVC gated and there will be a man-gate for employee access which will be locked at all times. There are benefits to this improvement since trash is now rolled out in totes and it takes about a half hour to get the truck on site to pick up the trash. With the improvements, there will only be two to three pick-ups necessary per week and the pick-ups will be much faster at only 5 to 10 minutes.

Mr. Massari asked about the employee walk up. Mr. Haberman said the employees will enter from the side and the ground is level. There was a discussion between Mr. Shippen and Mr. Haberman about the 6 bollards and whether or not they will adequately protect customers and the structure. Mr. Haberman said they can possibly add another bollard and he will discuss with the Engineer to make sure it is safe. He noted that employees will be parking nearest to the structure. Mr. Massari asked if there was water access to wash the enclosure. Mr. Haberman answered yes. Mr. Massari said he had concerns with recycling filth and asked about drainage. Mr. Haberman said the drainage is designed as it now and there will be no stagnant liquid or odor problems. Mr. Prime agreed. Mr. Massari asked about compactor noise, buffering, and expressed concerns about metal doors. Mr. Haberman said the gates are self-closing PVC doors. Mr. Massari asked about actual container noise when employees open and close the doors. Mr. Prime said the doors will be airtight and sealed and there won't be any noticeable clacking noise. Mr. Haberman said there will be evergreen screening around the enclosure and the fence is over 40 ft. from the property line. Mr. Haberman said they are not making any change to the lighting and they will be requesting a waiver for landscaping around the entire enclosure.

Dr. Levitt said they will be removing one of the required shade trees and asked if they would replace it. Mr. Prime said they can plant two shade trees and they will work with Mr. Doran on this. Dr. Levitt noted there is an open lawn area and two shade trees in that area would be sufficient.

Mr. Doran addressed his Engineer's letter to cover anything not already mentioned. He noted that the Ordinance requires double staggered evergreens as a buffer. Dr. Levitt said the triangular R-1 section of the property is landlocked and created an excellent buffer for the community. Mr. Doran noted that there are houses and Nick's Pizza surrounding the site. Noise was addressed and Dr. Levitt said they can't have trash pick-ups at 4:00 a.m. Mr. Prime said trash pick-ups are not done during the busiest times and are after 7:00 a.m. Mr. Prime said there is a buffer and foliage along the fence. The buffering was discussed and it was agreed that additional buffering would be added where the houses are located and this would be done administratively with Mr. Doran.

Mr. Doran addressed parking and said 26 spaces are required, they will have 43 spaces with the loss of the two spaces. Mr. Doran noted the gate opening in the drive aisle will open 4 ft. Mr. Prime said there are employee parking spots in this area where the gates are opening and it is an existing condition and they are hoping to make it better. Mr. Doran said impervious area is being added and Mr. Haberman said it is not a detriment to drainage.

Mayor Chau asked about the trash pick-up and would they use the alley or the public drive. Trucks will enter by the alley to the angled enclosure and will leave by the parking lot. Chief Newman said he has seen trucks traveling in the opposite direction. Mr. Prime said he will make a note of it for the store operations manager. Chief Newman noted for the record that pick-up times will be between 7:00 a.m. and 5 p.m. during off-peak hours.

Dr. Levitt opened the public session. Sherri Yahn of 425 W. Revere Avenue, Block 23 Lot 2 addressed the Board. She stated that she likes the neighboring Wawa, but had concerns with the placement of the enclosure. The enclosure abuts the trash enclosure at Nick's Pizza and she has concerns about increased odor, noise, and rodents. She said the prior restaurant had a problem with rodents, and there are many squirrels, possums, and raccoons. She was glad to hear tonight that it will be enclosed, washed, odor free, that there will be less trash pick-ups, less noise, and she asked if it will be cut back further into the wooded area. Dr. Levitt said they do not intend to disturb the tree line. Mr. Prime pointed this out to Ms. Yahn on the site plan. The wooded area is on the other side of the fence. Ms. Yahn said the noise has increased with the growth of the business, but she feels they are generally wonderful neighbors. Mr. Prime added that this type of trash operation exists in 350 stores and he is confident it will be an improvement. Ms. Yahn said she is thankful this store is not one of those giant Wawa stores. He said that the applicant has agreed to address any noise issues.

Dr. Levitt asked the Board for questions. Chief Newman asked where the closest stores are that have the new trash set-ups and he was told Egg Harbor Township and Pleasantville have them. Any of the newer locations would have them.

Mr. Scharff made a motion for a vote on the "D" variance for expansion of a commercial use of the trash compactor into the R-1 portion of the site. Mr. Shippen seconded the motion.

The roll call vote was as follows:

Mayor Chau-no vote as elected official

Jim Leeds-Yes

Joe Massari-No

Chief Paul Newman-Yes

Daniel Reardon-Yes

Ron Roegiers-Yes

Derek Rowe-Yes

Clem Scharff-Yes

Jim Shippen-Yes

Dr. Levitt-Yes

The motion carries.

The next motion was for the "C" variance for the fence height of 8 ft. where 6 ft. is allowed and for the waivers and conditions involving shade trees, the short time the drive aisle will be less than 25 ft., no odor or excessive noise during pick-up times, and addressing any neighborhood complaints. Mr. Scharff made the motion and Mr. Shippen seconded. Mr. Prime requested and preferred that the same voters for both motions cast their votes and said this is mentioned in Cox.

The roll call vote was as follows:

Mayor Chau-no vote as elected official

Jim Leeds-Yes

Joe Massari-No

Chief Paul Newman-Yes

Daniel Reardon-Yes

Ron Roegiers-Yes

Derek Rowe-Yes

Clem Scharff-Yes

Jim Shippen-Yes

Dr. Levitt-Yes

The motion carries.

Dr. Levitt mentioned that Wawa got its start as a Dairy in Delaware County that first opened a store at the side of the Dairy to sell milk to the public. It clicked and was the start of this company.

There were two resolutions to memorialize. The first was for Dr. Boris Kalika, Block 82, Lot 7.01 at 2325 Merritt Drive for "C" variance relief for installation of a 6 ft. fence in a residential zone. Abstentions were Mr. Notaro, Mr. Reardon, Mr. Scharff, and Dr. Levitt. The voice vote was all in favor. The second resolution was for Ronald Mitchell, Block 46, Lot 13 at 1023 New Road for an Interpretation/Appeal of the Administrative Officer. Abstentions were Mr. Massari, Mr. Notaro, Mr. Reardon, and Mr. Scharff. The voice vote was all in favor except Mayor Chau who opposed the interpretation and the memorialization of the resolution.

The other business discussed involved the electronic sign committee and its progress. Dr. Levitt said the Planning Board electronic sign committee modernized the sign ordinance and sent the proposals to City Council; it has not been acted upon. Dr. Levitt reported that he has heard that Council is preparing their own Ordinance changes and it is not compatible with the Planning Board suggestions. Mayor Chau said as of the last City Council meeting, Jeff Lischin is in charge of the Council committee. The Mayor said he wants to see the proposals finalized and is in the dark about any changes. Dr. Levitt said the Planning Board committee should meet with the City Council committee to discuss this and come to an agreement. He asked the secretary for a letter or email to be sent to Mr. Lischin to set up a time to meet with his committee to discuss proposals for a united front and unified agreement. Mayor Chau said in reference to measuring noise and sound, the City has no enforceable Ordinance in place and does not have the equipment to measure sound. Dr. Levitt and Mr. Doran agreed; a certified person and state mandated gauge is necessary. Chief Newman said the City is not equipped, trained, or certified to monitor it. Mr. Scharff said the City would need a \$3000 sound unit. Mr. Roegiers commented it seems to be another non-enforceable entity. Mr. Leeds said some of the barrier islands have Ordinances concerning dumpsters and Porto potty noise and when they can be cleaned and also trash removal noise and they don't require a sound machine.

A meeting will be set up as soon as possible.

Mr., Shippen made the motion to close the meeting and Mr. Roegiers seconded the motion. Dr. Levitt closed the meeting at 8:56 p.m.

Respectfully submitted,

Robin Atlas, Secretary to the Board