

Borough of Lodi
Zoning Board Minutes
March 26, 2009

The meeting was called to order by Chairperson Mr. Inserra at 7:30 p.m.

Members Present: Mr. Bene
Mr. Gilson
Mr. Gaciofano
Mr. Pinto
Mr. Schrieks
Mr. Avola
Mr. Inserra

Also Present: Zoning Board Attorney Marcel Wurms
Zoning Board Engineer Matthew Neuls
Zoning Board Planner Gary Paparozzi
Zoning Board Secretary Marlene Muska

Members Absent: Mr. Paladino

Members Excused Mr. Staine

Problem with the tape recording – as of the break in the meeting the beginning of the tape was re-recorded on with the continuation of the meeting.

There was a motion by Mr. Gaciofano, seconded by Mr. Gilson to approve the minutes of the February 26, 2009 minutes. All members present voted in favor of the motion.

Application: 020609Z
Chabuel/Emmanouilidis
11 Avenue E
Lodi, NJ 07644

Mr. Andrew Cimilucca, attorney for the applicant requested an adjournment for one month. Our next meeting is April 23rd. The attorney stated his client is hiring a professional planner and the will waive the time constraint on this application. Mr. Wurms stated the board will require the applicant to republish only. Mr. Wurms stated that for the record he spoke to Mr. Melfi and there is a temporary Certificate of Occupancy for the Car Wash only.

Application: 052808Z
Klein Outdoor Advertising
123 Route 46
Lodi, NJ
Block 122.01 Lot 69

The attorney for the applicant Mr. Philip Toronto presented the following exhibits for the application:

A1 – Plan Sheet prepared by AJV Engineering dated 11/26/08

A2- Survey prepared by Steven L. Koestner dated 12/4/08 received 12/8/08

A3 – Aerial Bird’s Eye View of Stie and Vicinity – presented by John McDonough Planner for the Applicant

A4 – Aerial & Ground Photos presented by John McDonough Planner for the Applicant

A5 – Zoning of Site and Vicinity presented by John McDonough Planner for the Applicant

The applicant is seeking site plan approval and bulk variances. According to Mr. Toronto the applicant is looking to install a two sided billboard 50 feet high on the property. The applicant will not alter any of the existing variances on the property or will not affect the existing use to the off street parking or on-site circulation. The billboard meets all requirements of the conditional use standards, with the exception it is not in the I-LI Building Zone, however the property abuts the I-LI Building Zone, the property is located on a C-H Zone.

The following people will give testimony for the applicant:

Mr. Angelo Valetutto – Engineer for the applicant

Mr. John McDonough – Planner for the applicant

Mr. David Klein – owner of Klein Outdoor Advertising

The Engineer for the applicant Mr. Angelo Valetutto gave testimony as this a 14’ X 48’ sign in the form of a “V” shape. Mr. Valetutto also stated the applicant is requesting a variance for billboard height, which the required height is 40’ and the applicant, is requesting 50’.

Mr. Neuls the Zoning Board Engineer requested to show the board members where the other billboards are in location to this applicant’s request.

Mr. Valetutto stated the applicant will do maintenance to the sign once every three months and the vehicle used will be a pick up truck

This is the portion of the meeting were the tape was working

Mr. Inserra questioned the lighting fixtures has 18 degrees and actually it is 18 inches in diameter. Mr. Valetutto does not know the actual degree of the lighting. Mr. Inserra questioned the splash of the lighting and interfering with the other properties.

Mr. Gilson questioned the parallel spaces in the rear of the building that the pole would cut them down to 22 feet for each space. Mr. Gilson also questioned the fact that this is Lackland Storage, the cell tower and offices for Lackland and if this is the third use on this property. The planner will answer this question.

Mr. Schrieks questioned the wattage of each bulb – 400 watts per bulb using 10 bulbs.

Mr. Pappozzi is the survey superimposed on the plan different from the survey submitted. This was a 2002 survey. The survey was changed. Mr. Pappozzi was trying to verify the lot

coverage. He was concerned with the parking spaces and handicap spaces. The applicant stated he can stripe an area near the dumpster for handicap parking. Mr. Pappozzi was questioning the applicant as far as the dumpster and Mr. Toronto stated the planner will be able to answer these questions. The applicant will have to check with the owner.

Mr. Avola questioned the lot coverage again and the applicant will provide if the application is approved they will meet the 86%. Mr. Avola stated Mr. Pappozzi stated there is more lot coverage. Mr. Avola would like our engineer to answer the question.

Mr. Neuls we have an existing building – existing parking lot and grass and Mr. Pappozzi based on his scale has taken some issues with his numbers and the numbers represented saying there is more coverage then what is shown on the plan. It is a valid question and we need more information. The survey submitted was lacking a bit.

Mr. Gaciofano questioned the engineer as far as the wind calibration and hurricane.

Mr. Bene questioned the lighting according to the plan and they will be on the bottom facing up.

Mr. Wurms as far as the recommendations by our Engineer they will agree to all the recommendations.

The applicant's planner Mr. John McDonough gave testimony regarding exhibits A3 – A 4 and A5 listed above. There is low activity land use on the property and along a commercial use far away from residential use. The property in question is only the office and associated parking. They are 2 separate and distinct properties.

Mr. Gilson stated the property in question is the same company, but the space is the office building only.

Mr. McDonough stated the only billboard is on the opposite side of Route 46 triggering the variance. The height of the billboard needs to have clearance for the mechanical equipment and top of the roof, and the parking space shows there is enough room for the pole and the parking space. The applicant picked a bull's eye as far as the location on Route 46.

Zoning consideration the D variance for two uses on one property, the height of the structure being 62' where 40' is allowed, the spacing between billboards 117' separation where the ordinance allows 1000', the front yard setback 4.5', and the existing provisions are not being altered at all.

Mr. McDonough gave testimony to the positive and negative criteria, and stated the applicant will go from the requested 5 lights down to 3 lights.

Mr. Bene questioned why does it have to be 62 feet high, if the building is 24' the sign 14' there is a 23' separation. The 23' is actually for mechanical equipment which is 5 to 10' there is a 3' apron and just for a safe working environment. The applicant stated they can come down approximately 5'.

Mr. Gaciovano asked if there was a photo simulation of the actual sign. Nothing was available. The diameter of the cell tower is approximately 5 foot being a different mass.

Mr. Avola questioned if the F.A.A. approval has been met. The applicant feels they might be exempt as they are not the tallest structure in the area.

Mr. Wurms stated if the application is approved he can put in the resolution that the applicant must seek either approval from the F.A.A. or a waiver from the F.A.A.

Mr. Inserra questioned if a permit from the state was granted.

Mr. Schriecks stated they are approximately 206' from apartment buildings and houses. They comply with the ordinance as the ordinance states 200 feet from the residential area.

Mr. Wurms is not across the street from a residential zone as there are apartments and trailer courts across the street. This is not really a permitted use. There are 2 conditions our ordinance talks about the distance between signs and that it does not block any other sign.

Residential use and residential zone, these signs are oriented to a 90 degree angle and will not really face the apartments and or trailer park. They are 945' from a municipal use.

Mr. Schriecks stated the municipal park is used more then fall and summer.

Mr. Papanozzi questioned Mr. McDonough if he is a licensed surveyor and he stated he is not. Mr. Papanozzi questioned the measurements. The numbers stated should be stated by a surveyor as we are not sure if they are correct. He also stated the sign might be a distraction to the drivers on Route 46.

The measurements were taken from the N.J.D.O.T. database, and were done digitally. The driver distraction, the billboard will really not be in competition with the other signs.

Mr. Inserra questioned the lights again, if it is going to affect the homeowners. The subject lights are 400 watt lights and will not cause glare across the highway. The lights will have reflectors and will increase the wattage to 600 to 800 watts. Mr. McDonough can not say for sure. Will this be controlled lighting, even though the lights will be going up. The lighter the media the more glare.

Mr. Avola getting back to the height and he can see from the pictures approximately 8 signs that are all the same height, and you want to put up a 62' sign. He feels it is overwhelming from what is already there. The signs are "lollipop signs".

Mr. Toronto stated there are 2 signs already put up by Klein Outdoor signs. The Popeye Chicken Sign and the sign across the street, which are closer to the residential zones. There have been no complaints with those signs. This is a new digital design sign. The applicant stated again he is reducing the lights from 5 to 3. The height is because they are going over a two-story building.

Mr. Inserra stated the increase in lights has been a negative impact on the environment.

Mr. Toronto stated billboards are not what they use to be. They are clean and well maintained.

The board members asked for a 5 minute recess.

Members Present: Mr. Bene
Mr. Gilson
Mr. Gaciofano
Mr. Pinto
Mr. Schrieks
Mr. Avola
Mr. Inserra

Also Present: Zoning Board Attorney Marcel Wurms
Zoning Board Engineer Matthew Neuls
Zoning Board Planner Gary Paparozzi
Zoning Board Secretary Marlene Muska

Members Absent: Mr. Paladino

Members Excused Mr. Staine

Mr. Toronto stated during the recess he had a conference with the applicant and they are willing to reduce the sign to 52', he will reduce the lights from 5 to 3 fixtures, and the lights will go on at dusk and shut off at 11 p.m.

Mr. Gaciofano would like to help the board with the perspective looking at the "PQ" section in the photo looking west this sign would be 27' above the building the sign would be larger then the windows – larger then the building.

Mr. Wurms reminded the board the other signs that were put there was prior to the new ordinance there is a new ordinances and these are basically apples and oranges. The new ordinance states the new sign can not block the existing signs.

Mr. Been stated according to his calculations there is only an air conditioning unit and that air condition is no more then 6 feet high. So if you have a 25' building, 10' above the building and a 14' sign that is only 49'. You can do this at 49' if you really wanted to.

The applicant will comply with the OSHA requirements and the minimum amount of space.

Mr. Gilson looking at picture 3 you stated the sign would overhang the building, or will it be even with the building. It will be even with the building.

Mr. Schrieks concerned with the lot coverage and they really aren't impeding the existing condition. The application will not worsen the condition of the impervious space.

Mr. Gilson how does Klein determine the location of sign either the east or west side of the highway.

Mr. Toronto stated it depends on the D.O.T. permit and the landlord cooperation.

Mr. Gaciovano questioned what will be advertised on the sign. It will be changed all the time.

Mr. Wurms stated the new ordinance does not permit animated signs. This will be a multi-message sign there is a time limit between the changes, no rolling or scrolling.

Mr. Toronto called the owner – David Klein – as a fact witness.

Mr. Pinto questioned if the lights have to be on all night. Mr. Klein stated he will comply with the board if they wished to have the lights on all night.

Mr. Gaciovano questioned how many signs he put up. Mr. Klein stated there are 40 throughout New Jersey and he has signs along Route 17 and Route 80.

Mr. Wurms stated the resolution will state with the following conditions subject to F.A.A. approval or non-applicability, subject to verification by the surveyor on all the measurements in dispute, subject to all the engineers comments, subject to D.O.T. approval, and also the applicant agreed to amend the application to reduce the overall sign to 52' and to reduce the lights to 3 on each side. The lights will be on from dusk to 11 p.m.

Mr. Gaciovano stated Mr. Bene stated the overall sign should be 49'.

The applicant agreed to have the engineer certify if it can be done safely at 49' but not greater than 52'.

Mr. Neuls stated the applicant should develop the massing of the building and the allowable differences and submit for approval.

Mr. Gaciovano questioned if we allow this are we going to have problems.

Mr. Neuls stated each application is on its own.

Mr. Gilson stated if the dumpster should be put in the resolution as Mr. Pappozzi state there is no dumpster there now. He also would like to verify that this is not the 3rd use on this property.

Mr. Avola would like to assume this is the 3rd use on this building, what will be done or can be done.

Mr. Bene stated as long as there is a separate deed, they are separate properties.

Mr. Avola stated when the resolution was done on the cell tower you would be able to tell.

Mr. Wurms stated he will call Mr. Lackland tomorrow.

The board members agreed this is a separate lot.

Mr. Wurms questioned Mr. Paparozzi about the dumpster, and the dumpster area is no longer there, and this will also be a condition of the resolution. The dumpster should be returned to the original spot.

Mr. Wurms also stated for the record the affidavit of mailing was in order.

There was a motion by Mr. Bene, seconded by Mr. Pinto to approve with the conditions stated. All members present voted in favor of the motion with the exception of Mr. Inserra who voted no.

Motion by Mr. Bene to adjourn.

Respectfully submitted,

Marlene Muska