

MAYWOOD PLANNING BOARD
MINUTES
April 26, 2018

A regular meeting of the Maywood Planning Board was held on Thursday, April 26, 2018 in the Council Chambers of the John A. Steuert, Jr. Municipal Complex, 15 Park Avenue, Maywood, New Jersey at 7:30pm. “This meeting was called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was published in the Our Town and The Record newspapers on or about November 23, 2017. In addition, copies of this notice were posted on the bulletin board in the Maywood Municipal Building at 15 Park Avenue, filed with the Borough Clerk and distributed to all persons, if any, requesting copies of the same pursuant to said act. This meeting is a judicial proceeding, any questions or comments must be limited to the issues that are relevant to what the Board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times.”

Flag Salute

Call to Order

The meeting was called to order at 7:32pm with the following members present: Chairman Frank Lichtenberger, Secretary Charlotte Panny, Mayor’s Designee Rick DeHeer, Councilman Michael Gervino, Gary Neumann, John Montel, Harry Hillenius, John McManus and Anthony Klymenko. Board Attorney Kara Kaczynski and Board Engineer Brian Gillen were also present.

Approval of Minutes

Harry Hillenius made a motion to accept the minutes from the March 22, 2018 meeting. Gary Neumann seconded the motion. All eligible members present voted in favor of the motion.

John McManus made a motion to accept the minutes from the April 5, 2018 meeting. Chairman Frank Lichtenberger seconded the motion. All eligible members present voted in favor of the motion.

Bills

Harry Hillenius made a motion to accept payment of the bills. Secretary Charlotte Panny seconded the motion. All eligible members present voted in favor of the motion.

Correspondence

- 4/11/18 letter from Bergen County Department of Planning and Engineering Re: Jay Zee Realty Corp. Application Conditional Approval
 - Chairmen Lichtenberger requested that Board Engineer Brian Gillen review the letter
- 4/12/18 letter from Infante Associates Re: Demolition of 160 Route 17 North, Rochelle Park, NJ (Burger King)

Resolution

Maywood Karate
49 West Pleasant Avenue
Block 71, Lot 9
Calendar #2018-03
Sign Application

Rick DeHeer made a motion to memorialize the resolution as written. Anthony Klymenko seconded the motion. All eligible members present voted in favor of the motion.

Hearing

Outfront Media
99 Essex Street
Block 125, Lot 1
Calendar #2017-14
Variance & Site Plan Applications

Mayor's Designee Rick DeHeer and Councilman Michael Gervino stepped down from the dais.

This hearing was adjourned from the 3/22/18 meeting. During this time, three Board members (Secretary Charlotte Panny, John Montel and John McManus) read the 3/22/18 Outfront Media hearing transcript. As a result, we have seven members eligible for voting where five affirmative votes are needed for approval.

Susan Rubright is an attorney with Brach, Eichler and represents one of the adjoining property owners, Maywood Realty Associates at 113 West Essex Street. She has supplemental questions for John Antal, Outfront Media New Jersey General Manager but she will defer so that the applicant can proceed with testimony from their witnesses.

Mr. Jaworski represents Outfront Media LLC and, nominally, property owner Joseph Muscarelle Investments Inc. He introduced his co-counsel, Louis D'Arminio of Price, Meese, Shulman & D'Arminio who is considered an expert on outdoor advertising land use. At the previous hearing, John Antal, Outfront Media New Jersey General Manager testified. Mr. Jaworski explained that the applicant's engineer will testify tonight. Mr. Jaworski distributed an updated exhibit list.

The applicant's engineer is Alex Zepponi of Entec and he was sworn in, qualified and accepted. He created the site plan package dated 8/15/17 which has the latest revision date of 1/11/18. The reduced site plan was marked as Exhibit #A-3 at the 3/22/18 hearing. Mr. Zepponi began by describing the site plan. The upper right-hand corner has a Google Earth picture of the property with a dot where the pole will be located. The general notes below the Google Earth picture has the property owner and applicant listed as well as the sign requirements with regard to the Borough ordinance for the High Density Office (HDO) zone. Below the general notes, there is an enlargement of the billboard location which has truncated "V" shape and plantings at the base of the billboard. To the left of the enlargement are the details on the planting and a list of which plants are proposed. To the left of the planting detail, there are the details of a sign face including lighting. Continuing to the left is an enlargement of the "V" morph structure with a lower catwalk at the bottom which is where the billboard is serviced from. The billboard pole is

mounted in the center of the "V" which is referred to a center mount. The lower left corner of the site plan shows the profile of the sign with the grade. The dimensions are 43' to the bottom of the sign, a 3' catwalk, 14' face with an overall height from the grade of 60'. The width of the sign is 48' and is structurally broken into 8' panels. The center of the site plan shows the full layout of the property.

Mr. Zepponi then described the existing conditions which include a two-story building to the west with parking that supports the building. There's a driveway that runs through the property and there is overflow parking to the east. At the end of the eastern overflow parking area in the easternmost corner is the billboard location. Mr. Zepponi described the property as triangular with the proposed billboard in the corner. In terms of topography, Route 17 is slightly lower than the edge of the site at the property line. There is a small wall in this location and then the grade starts rising in the area where the billboard is proposed. The balance of the site is relatively level, but it begins rising to the Route 17 overpass. Therefore, from the roadway there is a 4' or 5' incline and then a slope for a total difference between the base of the sign and Route 17 of about 10'. The area surrounding the property is largely commercial with the nearest residence over 1,000' away. He doesn't believe that the billboard will interfere with the vehicle circulation or the existing parking on the property.

Mr. Zepponi added that the grading raises the billboard over the overpass so there is a northbound read. Speaking to that subject, Mr. Jaworski marked Exhibit #A-9, Photographic Simulations (3 pages) 500', 750', 1,000'. On the first page (500'), Mr. Zepponi explained that driving south, the boom of the crane can be seen as the diagonal line touching the bottom of the billboard. The boom is at the exact elevation and location which sets one perimeter of the billboard. Based on the billboard dimensions, the proposed billboard can be superimposed in the pictures. What is shown in the photographs is proportional to what would be seen when the billboard is installed. Once the measuring board is hung from the crane boom, multiple people including the applicant and engineer drive up and down the highway to make sure that the proposed billboard is at the correct height and doesn't interfere with traffic signs or other signage. While that has already been accounted for by the DOT, the applicant determines any minor adjustments that are required and sets the final height of the sign. Mr. Zepponi was personally on-site for the demonstration and he drove up and down the highway at least a half a dozen times. He believes that the exhibit photographs accurately depict the conditions of the site. He noted that the photographs were taken not from the side of the road but were taken from a moving vehicle. Driving north at 500' from the proposed billboard location, the photograph shows a lighter colored diagonal crossing the sign which reflects the partial interference from the overpass fencing. From this direction and distance, there will be visual static associated with the proposed billboard location. Driving south at 750' from the proposed billboard location, there is a clear view of the billboard and it doesn't cluster in with other structures that are in the area. He noted again that the size is accurate relative to what you would expect to see in reality. Driving north at 750', the billboard view would now be above the fence. Lastly, driving south at 1,000', there is a clear view of the billboard but there starts to get visual interference from utility poles. Driving north at 1,000', the billboard view remains above the overpass.

While the proposed billboard deviates from conditional use criteria for size, Mr. Zepponi explained that the proposed billboard is the standard size of 14' high x 48' wide and there is no

standard size that comports with the ordinance. Board Attorney Kara Kaczynski confirmed with Mr. Zepponi that the ordinance dimensions were never consistent with the industry standard sizes based on his 30 years of experience. Secretary Charlotte Panny clarified that the height of the proposed billboard is 60' to grade and 70' to the adjacent roadway of Route 17. The proposed billboard is 672 square feet where the maximum permitted is 528 square feet. From an engineering perspective, Mr. Zepponi believes that the proposed billboard size is appropriate in order for the letters on it to be large enough to be easily read and proportional, not distorted, which effectuates the ability to read easily and comfortably at the prescribed speeds. He further explained that should the height of the proposed billboard be lowered, visibility would be impacted with overpass, building and tree interference. There are deviations related to setback locations of the proposed billboard. There is a front setback violation from Route 17 and Essex Street. He explained that setbacks are typically established to separate bulk like a building from the adjacent roadways, however, that doesn't apply to an elevated billboard. Additionally, the closer the billboard is to the highway, the easier it is to see and the longer it stays toward the center of your view as you're driving. In his opinion, the proposed location is the "sweet spot" in terms of being able to read, and because the property has a triangle shape and adverse slopes. While there is a frontage issue with regard to Essex Street, but there's no bulk on that side. The proposed billboard location is out of the way of all the parking and the driveway and it's away from the existing structures.

Chairman Lichtenberger asked about the slope easement line which cuts right through one corner of the billboard. Mr. Zepponi replied that the 42" pole does not encroach onto the easement. He added that the location does not interfere with any of the existing site improvements, parking stalls, circulation or utilities. The base underneath the structure will have landscaping; a selection of evergreens which will give year-round color. The pole is a monopole and it has been upgraded to withstand a hurricane. Part of the service maintenance is the inspection of footings. With the static billboard, maintenance is generally consisting of replacing vinyl and the inspection of ratchets and connectors. Digital billboards are self-monitoring with cameras facing the sign face which are remotely monitored 24 hours a day. Chairman Lichtenberger confirmed that the goose neck lights are for the static billboard only. Mr. Zepponi passed around to the Board a small piece of the digital billboard panel. He noted that there are three LEDs, red, green and blue which can generate billions of colors. The projection is from the rear outward, toward the traffic which is different than the static, which is illuminated from the bottom. The digital billboard uses LED bulbs that are elliptical. As you go sideways, the light deteriorates which is ideal for billboards since extraneous light won't spill out to the sides. He pointed out the louvers on the board that protect it from the sun so that the color doesn't get washed out and helps minimize night glow. At several hundred feet, there is a fraction of a candle power that is detectable. Mr. Jaworski marked Exhibit #A-10, LED Photos, (2 pages) which are photographs of the sample LED billboard. Mr. Zepponi continued to discuss the digital billboard lighting. He explained that the digital billboard is fully adjustable so when it is bright outside during the day, the billboard is at it's brightest. When it is dark outside at night, the billboard dims down. The digital billboard adjusts to be relative to the ambient light. The static billboard has typical lighting; on or off.

Secretary Panny asked about the LED billboard at Carvel on Route 17 South in Hasbrouck Heights and Mr. Zepponi confirmed that the LED structure would be the same as what is being

proposed. She inquired if there are any safety issues associated with digital billboards and Mr. Zepponi answered that the screen changes every 8 seconds and must change in less than a second as a state mandated safety precaution. Anthony Klymenko questioned the light wash on Essex Street from the digital billboard. Mr. Zepponi believes that the bottom of the digital billboard is 35'+ feet above Essex Street so the light wash would be minimal. Gary Neumann asked if the billboard would distract drivers on Essex Street and Mr. Zepponi responded that numerous studies show that it's not a distraction. Board Attorney Kaczynski added that the DOT takes that into consideration before approving the location. Gary Neumann asked if the proposed height was determined so that Essex Street drivers could view the digital billboard message. Mr. Zepponi replied that the height was determined to rise over the Essex Street overpass so that Route 17 North drivers could have a clear view. He added that the traffic counts for Route 17 greatly surpass Essex Street. Chairman Lichtenberger asked how the billboard would impact properties in the area and Mr. Zepponi answered that the lighting should not impact the area properties. In fact, area businesses may want to utilize the billboard for advertising. Mr. Zepponi summarized his testimony by stating that as an engineer, there are no site planning issues associated with the project since the proposed billboard doesn't generate any drainage concerns nor any pollution. Since service maintenance is minimal, there's no significant additional traffic in and out of the site. Additionally, the grading will not change. The proposed billboard will not impact traffic or parking. Lastly, the site will be enhanced with landscaping.

Chairman Lichtenberger asked about the depth of the pole in the ground and Mr. Zepponi answered that a boring test will be conducted. Secretary Panny confirmed that the static billboard has DOT approval and the digital billboard DOT approval is not dependent on Board approval. Board Engineer Brian Gillen asked about the impact within 400' of the billboard as there is an existing retaining wall, overpass and other structures. Mr. Zepponi answered that his firm doesn't deal with the structural portion of the billboard, but the structural engineer has indicated that none of those items will be impacted. However, before the billboard is installed, the structural engineer will do a complete structural design with geotechnical data that can be submitted to the Board prior to construction as a condition of approval. Board Engineer Gillen then questioned the wind load and Mr. Zepponi responded that the billboard meets hurricane strength code which is for winds up to 130 miles per hour. Chairman Lichtenberger inquired if any of the billboards have blown down in hurricanes but Mr. Zepponi has not experienced that situation during his career. Board Engineer Gillen asked if there are earthquake design standards and Mr. Zepponi answered that his firm wasn't involved in that portion of the project but he knows that New Jersey has earthquake design standards.

Chairman Lichtenberger invited the public to ask questions of Mr. Zepponi.

Susan Rubright is an attorney with Brach, Eichler and represents one of the adjoining property owners, Maywood Realty Associates at 113 West Essex Street. Ms. Rubright asked Mr. Zepponi a series of questions related to how he was hired, how the site plan was prepared, property survey preparation, billboard ownership, billboard maintenance, setbacks, location selection, traffic counts, slope easement, the Borough ordinance related to the HDO zone, property topography and proposed billboard height.

A short recess was taken at 9:06pm. The meeting resumed at 9:12pm with all members present.

Susan Rubright continued her cross-examination of Mr. Zeponi with a series of questions related to setbacks, the Borough ordinance related to the HDO zone, proposed billboard size, bucket/crane test, accident data and billboard lighting.

Chairman Lichtenberger announced that the Board would like to end the meeting by 10pm since many in attendance needed to work the next morning.

Susan Rubright continued to question Mr. Zeponi about proposed billboard location, LED bulb colors, the photograph simulation exhibit and advertising message text sizing.

Mr. Jaworski asked if the application hearing could be carried to the 5/24/18 meeting since the 5/3/18 meeting will likely be cancelled. The application was carried to the 5/24/18 meeting without any obligation to re-notify the public. Mr. Jaworski agreed to extend the timeframe for the Board to act through and including 6/15/18. He indicated that he has two more witnesses. Board Attorney Kaczynski confirmed with Ms. Rubright that she planned to call two witnesses; a traffic engineer and a professional planner.

Mayor's Designee Rick DeHeer and Councilman Michael Gervino rejoined the dais.

New Business

Chairman Lichtenberger notified the Board that Borough Administrator Roberta Stern asked if the signage proposed by Sussex Bank (formerly Community Bank) needed to come before the Board. He answered that the Board makes that determination. Members of the Board agreed that bringing the applicant before the Board was appropriate. Board Attorney Kaczynski added that Board members can ask questions of the applicant at the hearing.

Closed Session

Rick DeHeer made a motion to go into Closed Session. Chairman Frank Lichtenberger seconded the motion. All eligible members present voted in favor of the motion.

BOROUGH OF MAYWOOD PLANNING BOARD Closed Session Resolution # 2018-05

BE IT RESOLVED by the Planning Board of the Borough of Maywood, pursuant to the provisions of the Open Public Meetings Act, that the Maywood Planning Board met in closed session to discuss the following subject matter(s): Personnel matters

which subject matter(s) is (are) permitted to be discussed in closed session pursuant to the following designated sub-section(s) of Section 7 of the Open Public Meetings Act:

- () Sub-section 1 dealing with material rendered confidential by express provision of Federal or State law
- () Sub-section 2 covering a matter in which release of information would impair a right to receive federal funds

() Sub-section 3 involving disclosure of material that would constitute an unwarranted invasion of privacy, including material related to an individual's personal and family circumstances, without the express written consent of the individual involved

() Sub-section 4 pertaining to collective bargaining agreements and the terms, conditions and negotiations thereof

() Sub-section 5 dealing with the acquisition of real property, the setting of bank rates, or the investment of public funds where discussion thereof would adversely affect the public interest

() Sub-section 6 dealing with tactics and techniques used in protecting the safety and property of the public where disclosure could impair such protection or investigation of violation of the law

() Sub-section 7 dealing with pending or anticipated litigation, contract negotiations, or matters falling within the attorney-client privilege

(X) Sub-section 8 concerning personnel matters dealing with employment, appointment, termination, or terms and conditions of employment of any person or persons, or the evaluation, promotion or disciplining of employees unless all employees involved consent to disclosure thereof

() Sub-section 9 involving deliberations after public hearing on a matter which may result in the imposition of a civil penalty or the suspension or loss of a license

AND BE IT FURTHER RESOLVED that, as precisely as can be determined at this time, the discussion conducted in the said closed session can be disclosed to the public upon taking final action thereon, provided disclosure shall not violate the attorney-client privilege or constitute an undue invasion of privacy; and

BE IT FURTHER RESOLVED that the Planning Board of the Borough of Maywood

(X) Will return to open session after this meeting.

() Do not envision that they will return to open session after this meeting but reserves the right to do so.

Date of Passage: 4/26/18 Time: 10:04pm

Rick DeHeer made a motion to return to the regular order of business. Anthony Klymenko seconded the motion. All eligible members present voted in favor of the motion.

Informal Hearing None

Old Business None

New Business (cont'd)

- Board Recording Secretary reminded the Board to complete the Financial Disclosure Statement before the 4/30/18 deadline
- All members agreed to cancel the 5/3/18 meeting

Open Meeting to the Public**Adjournment**

A motion to adjourn the meeting was made by Harry Hillenius. John McManus seconded the motion. The meeting was adjourned at 10:14pm.

Respectfully submitted,

Tara Grunstra
Planning Board Recording Secretary