



**Neptune Township ~ Zoning Board of Adjustment  
Regular Meeting Minutes  
Wednesday, April 3, 2019 at 7:30 PM  
Municipal Complex, 2<sup>nd</sup> Floor, 25 Neptune Boulevard**

**ATTENDANCE:**

**Present:** Barbara Bascom, William Frantz, James Gilligan, Thomas Healy, Frances Keel, Michael Pullano, Naomi Riley, Monica Kowalski, Esq. – Board Attorney, Jennifer Beahm, PP, AICP - Board Planner, Matt Shafai, PE, PP, CME – Board Engineer, and Torro Reporting, LLC.  
**Absent:** Dr. James Brown, Ashley Vidal, and Paul Dunlap

**OPENING:** Meeting called to order by Chairman William Frantz at 7:33 PM. Chair Frantz advised the public of fire exits and how the meeting will proceed.

**CORRESPONDENCE:** None.

**RESOLUTIONS MEMORIALIZED:** None.

**DISCUSSIONS:**

**ZB18/06 – (Use Variance and Minor Site Plan w/Bulk Variances)** – Outfront Media, LLC – Block 1004, Lot 3 – 55 Highway 35 – Applicant is seeking to replace an existing billboard. Application was partially heard on December 5, 2018.

Louis D’Arminio, Esq. for the Applicant. Mr. D’Arminio indicates this is for reconstruction of a long existing billboard.

The General Manager spoke at the last hearing and the billboard dates back to 1947 and the engineer will provide testimony.

Daniel Dougherty, PE, PP sworn in – Partner of Dynamic Engineering – Lake Como. Licensed in 1999 – qualified and accepted by the Board. Mr. Dougherty discusses the plan which has been prepared and the background.

Exhibit A-7 (Sheet 3 of Site Plan) Aerial Exhibit

Currently there are 2 signs (10x23) side-by-side totaling 460 s.f. The new sign being proposed will be 378 s.f.

Currently there is a 17.6 foot front yard setback and the new sign is proposed to be 20 feet; currently there is a 15.7 foot side yard setback and a 14.3 foot side yard setback is proposed.

The height of the existing sign is 20 feet and the new sign is proposed to be 40 feet as measured to the top of the sign.

Exhibit A-8 – Photo location Map.

Exhibit A-8 is reviewed and described by Mr. Dougherty and the distances of each photo to the proposed billboard are reviewed.

The Board questions what is going to be advertised on the billboards. Advertising regulations are discussed and how advertising works.

The Applicant is flexible on the height of the billboard, but not the size of the sign as this is 10 s.f. smaller than what exists today.

Exhibit A-9 – LED Board Photo (actual board is passed around for Board member inspection).

Exhibit A-10 – Billboard Lighting Exhibit at 0.3 footcandles – compliant with ordinance.

Exhibit A-11 – Billboard Lighting at 0.1 footcandles measured from ground proposing angling sign and planting arborvitae to lower footcandles.

William Frantz asks if plans for billboard near the Canada Dry facility – it is indicated there are no plans to update that sign.

Open to Public – No public for Mr. Dougherty

Hal Simoff – sworn in – Traffic Expert – qualified and accepted by the Board.

Exhibit A-12 – Aerial with photos depicting current views of billboard and visibility with current sign height. (prepared by Simoff)

Exhibit A-13 – Viewing Angle Study (prepared by Simoff)

Mr. Simoff discussed the impacts of reducing the height of the sign.

Naomi Riley is upset because we do not know what will be advertised on the billboard. Mr. D'Arminio indicates they will be sensitive to what is advertised.

Exhibit A-14 – September 2012 – Federal Highway Administration Study of Driver Visual Behavior in Presence of Commercial Electronic Variable Message Signs.

**\*\*BOARD TAKES A BRIEF RECESS AND RETURNS AT 9:35 PM – ROLL CALL TAKEN ALL MEMBERS STILL PRESENT\*\***

George Williams, PP, AICP – sworn in and accepted as an expert planning. Mr. Williams reviewed reports, the Township Ordinance, and the Township's Master Plan.

Exhibit A-15 – Planning Exhibit – Mr. Williams reviews the application and his exhibit. This is a d2 expansion/intensification of a Use – Conditionally Permitted Use. This is a modernization which the courts have suggested is acceptable – there is negligible change. The sign has been there approximately 71 years. There will be a benefit of public service announcements and fewer trips to the site to change the billboard.

Mr. Williams elaborates and discusses the exhibit he prepared. There is more advertising opportunity for digital billboards and the monopole is safer and more aesthetically pleasing.

Mr. Williams provides the positive and negative proofs for a d2. This is a pre-existing non-conforming use and d2 vs. d3 is explained.

It is indicated the non-conformity is being reduced and it improves the safety and welfare of the public and it is consistent with the Zone Plan.

Mr. Pullano questions if he was there during school hours? Mr. Williams indicates he is unsure as he was there at various times.

Thomas Healy – feels 40 feet is too high if 30 feet would testimony be retracted? It is indicated no.

Frances Keel – questions if there is any other way to modernize other than digital? Mr. Williams indicates this is the most current technology and improvement to other modernizations.

Matt Shafai – Questions what the impact is to 2 of the mobile homes on the property? It is indicated it is negligible as testified before. This will be less of an impact than what is there and Outfront will accept and respond to complaints.

Jennifer Beahm – corrects Exhibit West Lake Avenue Redevelopment – confirms 30 foot amenable height lessens relief – the Zoning Plan mantra has been “Zone what you want to see, not what is there”. Lots along 35 are shallow which pushes residential neighborhoods closer to the Highway than other highways in town.

Mr. D’Armino provides closing statement/summation.

**Based upon the application submitted and the testimony provided to the Board, Barbara Bascom makes a motion to approve with the condition that the height of the sign be lowered to 30 feet, proper angling, and planting of arborvitae, 2 to 1 sign, and the allowance of public service announcements, moved and seconded by Thomas Healy.**

**Those who voted YES:** Barbara Bascom, William Frantz (w/comment), James Gilligan (w/comments), Thomas Healy

**Those who voted NO:** Frances Keel, Naomi Riley, and Michael Pullano (w/comment)

**Those who ABSTAINED:** None.

**Those ABSENT:** Dr. James Brown, Paul Dunlap, and Ashley Vidal

#### **APPLICATION DENIED 4-3 VOTE**

**ZB19/01 – (Bulk Variances for Additions to SFD) – Irene Shenouda & Andrew Orefice – Block 5601, Lot 2 – 506 Concourse West – Applicant is seeking bulk variance relief to convert the existing front porch into habitable living room extension and add a new front porch on as well as remove the existing rear wooden deck and add a rear addition to create a mudroom/entry from the garage.**

**Due to time constraints it is agreed to by the Applicant and the Board to carry this matter to the May 1, 2019 meeting with no further notice being required.**

#### **ADJOURNMENT:**

A motion was made by James Gilligan and seconded by Thomas Healy to adjourn the meeting at 10:38 PM. All in favor. The next meeting of the Zoning Board of Adjustment will be a Regular Meeting on Wednesday, May 1, 2019 at 7:30 PM which will be held here at the Neptune Township Municipal Building, Township Committee Meeting Room, 2<sup>nd</sup> Floor.