

PLANNING BOARD MINUTES
PUBLIC MEETING
OCTOBER 11, 2018 - 7:00 P.M.
HELD AT OAKLAND SENIOR CENTER
20 Lawlor Drive, Oakland, New Jersey

Pursuant to Chapter 231, Public Law 1975 (Open Public Meetings Act) adequate notice of this meeting has been provided by:

- ❑ Adoption of an annual schedule of meetings
- ❑ Posting a copy of same at Borough Hall
- ❑ Forwarding a copy of same to The Record
- ❑ Mailing a copy to any person requesting same

** MEETINGS CONCLUDE AT 10:30 P.M., THEREFORE, NO TESTIMONY WILL BE TAKEN AFTER 10:00 P.M.

PLANNING BOARD MEMBERS:

Thomas Connolly, John Madden, Sandra Coira, Lee Haymon, Nicholas DiLandro, Dan Hagberg, Elaine T. Rowin, John Morris, Councilman Levy, Mayor Linda H. Schwager and Chairman Thomas Potash.

FLAG SALUTE, MEETING OPENED AT 7:04 P.M., ROLL CALL:

Present Members: Mrs. Rowin, Messrs. Connolly, Madden, DiLandro, Haymon, Hagberg, Morris, Councilman Levy and Mayor Schwager.
Absent Members Mrs. Coira and Chairman Potash.

Motioned by Mr. Connolly and seconded by Mr. Haymon, to excuse the absence of Mrs. Coira and Chairman Potash was voted unanimously by the Board.

Mr. Madden sitting in for Mrs. Coira, Mr. Connolly sitting in for Mr. Morris and Mr. Morris sitting in for Chairman Potash.

Mr. Joseph Russo, Esq., Board Attorney, Steve Lydon, Burgis Associates, John Yakimik, Boswell Engineering were in attendance.

Councilman Levy enters the meeting at 7:08 p.m.
OPEN TO THE PUBLIC:

Motioned by Mrs. Rowin and seconded by Mr. Haymon, to open the meeting to the public regarding matters not on the agenda was voted unanimously by the Board.

No comments

Motioned by Mr. Connolly and seconded by Mrs. Rowin, to close the meeting to the public regarding matters not on the agenda was voted unanimously by the Board.

1. Interstate Outdoor Advertising, LLC- 50 Edison Avenue, Bloc 201, Lot 2.
Public hearing for a billboard sign.

Mr. Ben Cascio, Esq. from Franklin Lakes was before the Board on behalf of the applicant. Mr. Cascio offered a list of exhibits. He explained that this application is the outcome of a settlement between Interstate Outdoor Advertising, LLC and the Borough of Oakland. The settlement involved an amendment to the Borough's sign ordinance allowing a billboard sign, with conditions, on the property of James Construction located in the I-3 Industrial zone adjacent to Interstate 287. The following exhibits were considered by the Board.

Exhibit A-1, Oakland Sign Ordinance adopted August 22, 2018.

Exhibit A-2, NJDOT Advertising permit dated August 24, 2018.

Exhibit A-3, Highlands Exemption Letter dated October 5, 2016.

Exhibit A-4, Resolution granting a variance to construct a building which does not front a municipal road.

Exhibit A-5, Municipal Use Protocol.

Exhibit A-6, Local Emergency Protocol.

Mr. Cascio gave a brief description of the property. He offered the testimony of Mr. Jeffrey Gerber. Mr. Gerber was sworn in and offered his credentials and the Board accepted his qualifications.

Mr. Gerber explained that he is the Chief Operating Officer for the company located in Cherry Hill. He oversees the sites, leasing, state permits and municipal approvals for the advertising signs.

The proposed sign will be double sided, 14' W X 48' L with digital messaging on both sides. Due to the sub-elevated property, they are proposing a height of 149', which will be 70' above the crown of 287. This height is necessary to be seen by passing by motorists.

Mayor Schwager entered the meeting at 7:15 p.m.

Mr. Gerber reviewed the current ordinance, section 6 of 59-65.1 for conditional uses in non-residential zones and verified that their proposal complies with 1 – 15 under, B, conditional uses in the Industrial zone.

1. The proposed sign will not exceed the maximum number, which is (1) off-premise sign on any property.
2. The lot of the off-premise sign will border interstate highway, 287. However, because of the steep topography, the applicant is proposing 1-foot setback where a maximum setback of 10-feet is required from a highway right-of-way.
3. The off-premise sign shall be constructed so that the sign message(s) shall be oriented only toward the 287 interstate highway.
4. The off-premise sign will be a V-type construction which is an allowable design for off-premise signs to enable the sign to be viewed from both travel directions of said interstate highway.
5. Due to the requirements of NJDOT, the off-premise sign will be setback 10-feet more than the required 500-feet of an interchange, intersection at grade, or safety rest area measured along the pavement edge of the highway nearest.
6. There is no sign to require a minimum of 3,000-feet spacing between off-premises signs measured along the nearest edge of the pavement between points directly opposite the edge of the sign face nearest the pavement edge.
7. The sign will not exceed the 672 square feet, 14-feet vertical and 48-feet horizontal, dimensions.
8. The sign will not exceed the maximum height of 70-feet between the interstate highway pavement crown and the top of the advertising structure including extensions.
9. The sign illumination will not exceed the brightness level of more than 0.3-foot candles above ambient light. This design will not impair the safe operation of a motor vehicle or cause glare.
10. As required by the NJDOT, the multiple message default design of the sign will display a message for at least an 8 second during it interval and freeze a message to one frame if an error occurs.
11. As a required by the NJDOT, the sign shall not display any flashing, animated or movement of changes of light.
12. The applicant has secured the appropriate permits from the NJDOT for the sign pursuant to the NJAC, Title 16 Transportation Chapter 41C Roadside Sign Control and Outdoor Advertising regulations.
13. The applicant does comply with the requirements contained within NJAC 16:41C-11 for the design default of multiple messages.
14. The applicant has obtained an exemption from the New Jersey Highlands Council.
15. Local and emergency messages will be displayed consistent to the Municipal Use and the Local Emergency Protocols as set forth in Exhibits A-5 and A-6.

In addition, Mr. Gerber explained that their proposal will comply with the General Prohibitions set forth in paragraph N in section 5 of the amended ordinance.

Mr. Gerber went on to address some of the concerns in Boswell Engineering's report concerning the dimensions, additional advertising at the base of the sign and necessary plan revisions to include the sign's illumination.

Mayor Schwager verified that the applicant agrees to display any emergency message the Borough needs displayed. Mr. Gerber assured Mayor Schwager and the Board that arrangements will be made between their agency and emergency officials from the Borough to have displayed traffic advisories and other emergency messages.

Mr. Morris questioned the statistics on the number of vehicles that pass during an 8 second interval. Mr. Gerber responded approximately 80 vehicles. Mr. Morris questioned their

Mr. Cascio offered the testimony of Mr. Tibor Latincsics with Conklin Associates, Inc. Mr. Latincsics was sworn in and offered his credentials as a licensed engineer and the Board accepted his qualifications. Mr. Latincsics entered an exhibit.

Exhibit A-8, Drawings entitled, Proposed Outdoor Advertising Sign Location prepared by Conklin Associates dated June 17, 2016 last revised August 21, 2018 consisting of 1 sheet.

Mr. Latincsics gave the Board an overview of the property which exists as a 58,000 square foot lot located in the I-1 Industrial zone where there is an existing two-story building and outdoor storage for equipment and materials. The subject property was landlocked when part of the lot was cut-off by Interstate 287. The property owner received made application and received approval to construct a building with no frontage to a municipal road. Currently, there is a 40-foot easement leading from Edison Avenue to access the property/building and allow the ingress and egress of heavy construction equipment.

The application is to erect a billboard sign measuring 148-foot in height from the base and 70-feet from the crown of the road on Interstate 287. The sign will be supported by a 66" in diameter pipe column on a 30' X 30' concrete base. Mr. Latincsics entered an exhibit. In addition, due to the topography of the proposed site and the crown of Interstate 287, they are proposing that the sign be setback 1-foot from the 287 right-of-way and 510-feet from the exit ramp on to West Oakland Avenue which has been approved by the NJDOT.

Exhibit A-7, Soil move permit application.

Mr. Latincsics reviewed the soil move permit application to remove 240 cubic yards or 40 truckloads of soil will be removed from a 36' X 36' area to locate the foundation/base of the sign. The trucks exporting the soil off site will exit will follow directions to Edison

Avenue to West Oakland to Interstate 287. He informed the Board that he has reviewed the Borough's ordinance and will comply with the soil erosion and sediment controls regulations.

Mr. Russo questioned the type of engineering in place for storms and wind damage. Mr. Gerber responded that they had 15 signs located in New Orleans during the storm Katrina hit and there was no damage to or caused by their signs. In addition, there are codes to follow for these types of signs pertaining to wind and storms.

The Board questioned if there were any issues with falling ice and the construction timeline. Mr. Gerber responded that there is usually nothing below the sign so there has never been an issue. Construction and erection of the sign usually is completed within a week to 10 days. The sign itself is erected in one day. There were questions concerning radiation and voltage. Mr. Gerber responded that radiation does not emanate from the sign and the voltage is 54 amps/220v.

Mr. Yakimik questioned the structural stability, professional sign off, color and tree removal. Mr. Gerber responded that structural stability is part of the permit process, professional engineers design all the signs, the color sky blue is their trademark and there will be no tree removal necessary.

A discussion ensued concerning a possible variance necessary and access for emergency vehicles. Mr. Cascio disagreed that a variance would be necessary for the building since it already received approval during the original application. He also assured the Board that fire trucks will be able to access the site.

Mr. Cascio offered his next witness. Mr. Charles Heydt, licensed planner, offered his credentials and the Board accepted his qualifications.

Mr. Heydt testified that the subject property is located in the I-1 Industrial Zone. He explained that the Borough had recently adopted an amendment to Ordinance 18-CODE-772 permitting billboard signs. The site can be accessed by an approved driveway/easement off of Edison Avenue for a building that was granted approval by the Planning Board in 1999. During this approval, the applicant received a variance for no frontage on a municipal road due to the construction of Interstate 287. The applicant is requesting the same relief to erect their billboard sign. Mr. Heydt expressed that this application poses no detriment to the public.

There were no questions and Mr. Morris entertained a motion to open the meeting to the public.

Motioned by Mrs. Rowin and seconded by Mr. Connolly, to open the meeting to the public regarding matters concerning Interstate Outdoor Advertising, LLC was voted unanimously by the Board.

Ms. Carol Peterson questioned if the billboard sign emanates ultra violet rays or radiation. Mr. Gerber responded no radiation or ultra violet rays emanates from the billboard sign.

Motioned by Mr. Connolly and seconded by Mr. Haymon, to close the meeting to the public regarding matters concerning Interstate Outdoor Advertising, LLC was voted unanimously by the Board.

Mr. Morris and Mr. Russo reviewed the conditions as follows:

- Documentation shall be submitted to the Board Engineer showing that the brightness level does not exceed the 0.3 foot candles.
- Advertising shall be G-Rated and no inappropriate material be can be advertised.
- Certification by a professional engineer of construction details.
- No cell tower or antennae to be erected on the sign or the pole.
- Applicant to provide emergency contact number for any graffiti or similar types of tampering of the pole.
- The area above and around the structure's footing will be restored "in kind."
- Provide the Borough with a key for the fence surrounding the property for emergency purposes.

Mr. Morris entertained a motion.

Motioned by Mr. Connolly and seconded by Mr. Haymon, to approve the Interstate Advertising application contingent to the conditions mentioned above.

Roll Call Vote: Ayes: Mrs. Rowin, Messrs. Connolly, Madden, DiLandro, Haymon,
 Hagberg, Morris, Councilman Levy and Mayor Schwager
 Nays: None
 Abstain: None
 Absent: Mrs. Coira

MEMORIALIZATIONS:

1. Stern and Stern – 5 Raritan Road, Block 4005, Lot 4. Approval for an amended site plan.

Eligible voters: Mmes. Coira and Rowin, Messrs. Madden, DiLandro, Haymon, Morris, Councilman Levy and Chairman Potash.

The Board made some amendments to the resolution. Mr. Morris entertained a motion.

Motioned by Mrs. Rowin and seconded by Councilman Levy, to memorialize the above resolution of approval.

Roll Call Vote: Ayes: Mrs. Rowin, Messrs. Madden, DiLandro, Haymon, Morris and Councilman Levy.
 Nays: None
 Abstain: None
 Absent: Mrs. Coira and Chairman Potash.

APPROVAL OF MINUTES:

Motioned by Mr. Morris and seconded by Mr. Haymon, to approve the August 9, 2018 minutes.

Roll Call Vote: Ayes: Mmes. Rowin and Coira, Messrs. Madden, DiLandro, Haymon, Morris, Councilman Levy, Mayor Schwager and Chairman Potash.
 Nays: None
 Abstain: Mmes. Rowin and Coira, Messrs. Madden and DiLandro.
 Absent: Messrs. Connolly and Hagberg.

NEW BUSINESS:

None

OLD BUSINESS:

Mr. Russo expressed that he had a difficult time drafting his letter to Mayor and Council concerning the Marijuana Ordinance. He recalled that there was a difference of opinion between members and wanted to confirm, before he drafted the letter, that the consensus of the Board was to recommend that “retail” of marijuana be prohibited in all zones of the Borough and that cultivation, manufacturing, processing, storing, distribution, etc. marijuana would be prohibited in all Residential, CBD and Drug Free Zones and permitted in I-1, I-2, I-3 and I-P Industrial zones as long as there is no overlap of a Drug-Free Zone. The Board agreed to this recommendation to Mayor and Council.

Mayor Schwager invited Carol Peterson to come up and share her thoughts about the proposed ordinance.

Motioned by Mayor Schwager and seconded by Mrs. Rowin, to open the meeting to the public was voted unanimously by the Board.

Carol Peterson expressed her concerns with the proposed ordinance. She explained that on social media, she is seeing from residents in town that they favoring medicinal,

cultivation and distribution of marijuana. She read her letter giving her view of the proposed ordinance.

Mr. Russo advised the Board that the letter he drafts to amend the accessory structure ordinance will simply state that a POD is not considered an accessory structure

Motioned by Mr. Haymon and seconded by Councilman Levy, to open the meeting to the public was voted unanimously by the Board.

PUBLIC MEETING ADJOURNED AT 9:21 P.M.

Motioned by Mr. Haymon and seconded by Councilman Levy, to adjourn the meeting by a unanimous vote by the Board.

Respectfully submitted by,

Kathlyn Gurney/Administrative Assistant

*Next meeting on November 8, 2018.