

Township of Hillsborough - BOARD OF ADJUSTMENT

Approved - Meeting Minutes

November 3, 2021

Chairman Herbert called the Board of Adjustment meeting of November 3, 2021 to order at 7:01 pm. All stood to Salute the Flag.

NOTICE OF MEETING

Chairman Herbert announced, this meeting has been duly advertised according to Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975 ("Sunshine Law"). Notice of the 2021 Annual Meeting Schedule has been provided to the officially designated newspapers, the Township Clerk, posted on the Township's Website, and available at the Hillsborough Township Municipal Complex. **Further notice has been provided to the same that as of July 01, 2021, the remainder of 2021 Board of Adjustment meetings will be held in person at the Peter J. Biondi Building. Live virtual participation will no longer be available.**

Application documents have been made available on the Township's website at <https://hillsboroughnj.civicclerk.com/>. Complete applications files are available in the Planning and Zoning Department for inspection, in accordance with the public meeting notice.

OATH OF OFFICE

- Dr. Robert Britting, Jr. – Alternate #1 (Unexpired Term through 12-31-21) – Sworn in October 29, 2021.

ROLL CALL:

Frank Herbert, Chairman – Present	Frank Valcheck – Present
John Stamler – Present	Jim Wohlmacher – Present
Helen Haines, Vice Chairperson - Present	Robert Britting, Jr. (Alt. 1) - Present
Curtis Suraci – Absent	Kelly Compher (Alt. 2) – Present
Philomena Cellilli – Present (arrived 7:07)	

Also in attendance: Mark Anderson, Esq., Board Attorney, (Woolson Anderson Peach, P.C.); Drew Di Sessa, PE, Board Engineer (Pennoni Engineering); David Kois, PP, AICP, Deputy Zoning Official, and Co-Board Secretary; Marcella McLaughlin, Zoning Official and Co-Board Secretary; Michael Lombardozi, Court Reporter.

CONSIDERATION OF MEETING MINUTES

- September 22, 2021
 - Vice Chairman Haines made a motion to approve the minutes as written, seconded by Mr. Stamler. All were in favor, none opposed; motion carries.
- October 6, 2021
 - Mr. Stamler made a motion to approve the minutes as written, seconded by Mr. Wohlmacher. All were in favor, none opposed; motion carries.

CONSIDERATION OF RESOLUTIONS

- Muhammad Tahseen & Ansa Saleem -File BA:21-17
 - Mr. Stamler made a motion to approve the resolution as written, seconded by Vice Chairperson Haines. **Roll Call:** Mr. Valcheck – yes, Vice Chairperson Haines – yes, Chairman Herbert – yes; motion carries.

BOARD OF ADJUSTMENT BUSINESS

- Vice Chairman Haines made a motion to have Mr. Anderson, Board Attorney, write a memo to Mayor Lipani outlining the Board's concern with two ordinances: home occupation and home fire ordinance, seconded by Mr. Stamler. All were in favor, none opposed; motion carries.

BUSINESS FROM THE FLOOR (For Matters not on the Agenda)

- None

PUBLIC HEARING - APPLICATIONS

- **Salvatore and Bernice Romano** (*Application originally submitted under William / Gourley*) – **File BA-21-16** (TOD 12-31-21) – Block 8, Lot 19.03 – 3 Sycamore Lane.
 - Application not heard, applicants have a new attorney and requested to be adjourned to the December 01, 2021 Agenda with notice.
 - All were in favor, none opposed; motion carries.

**Board of Adjustment Approved Meeting Minutes
November 3, 2021**

- **Global Investors, Inc. – File BA-21-13** – (TOD 01-31-22) Block 182.03, Lot 11 – 17 Old Somerville Road.
 - Not on agenda, but requested to be rescheduled to a date to be determined, with re-notice.
 - All were in favor, none opposed; motion carries.

Outfront Media, LLC – File BA-21-10 (TOD 11-30-21) – Block 65, Lots 19 & 20 – 151 Route 206 & Route 206. Applicants seeking “d” and “c” bulk variances and waivers to remove existing billboards and construct a new single pole double-faced LED multi-message billboard on Property in the HS, Highway Service Zone. ***Application continued from the 09-22-21 Agenda without further notice.***

1. David Kois introduced the application.
2. Mr. D’Arminio applicant’s attorney summarizing variances requested and professionals that will testify.
3. First to testify was Jon Antal of Outfront Media, previously sworn in.
4. **Exhibit A-8** was introduced – flash drive video.
5. Mr. Antal introduced the 1 minute, 20 second timelapse video of the billboard at various times of the day into the night.
6. The billboard exhibit location is located in Denville, NJ on highway 206 and east of Route 23 in the downtown business district.
7. Mr. Stamler asked if the video contains the same billboard, same angle and approximate location/distance from the road of the proposed billboard for Hillsborough. Mr. Antal confirmed it is.
8. The Board further asked if the size is the same. The video shows a 14’ tall 48 feet wide approximately 44’ away from base of structure/40 feet from roadway on a 40 MPH road.
9. Mr. Antal testified that the Hillsborough proposed billboard will be 10 ½ feet x 36 feet wide (378 sf.) vs the Denville size which is 14 feet tall by 48 feet wide (672 sf.).
10. The Board continued its query regarding all aspects of the proposed Hillsborough billboard.
11. Mr. Stamler added that his concern is how far back from the widening of route 206 the sign will be.
12. After viewing the drone captured video, taken 20 feet off the ground, the Board asked about traffic at the Denville location versus the Hillsborough location.
13. The reason traffic seemed lighter is the daytime footage was taken at 10:30 a.m., after the morning rush hour and the nighttime footage was taken around 7:30 pm after evening rush hour.
14. Discussion continued regarding visuals of the changing advertisements, drone footage particulars and how there is automatic dimming of the billboard lights in the evening.
15. Mr. Antal testified the billboard allows for multiple advertisers, eight in total, with 8 second rotations each.
16. After the video, the Board continued asking questions regarding the billboard’s distance away from the road.
17. Mr. Antal testified to the fact that they do not have a final road plan with the widening of Route 206.
18. Mr. D’Arminio testified that they will be staying 20 feet away from the Road not knowing where that will be.
19. Mr. Anderson stated that witness should testify not the lawyer.
20. **Exhibit A-9** was introduced, showing the construction and function of the billboard.
21. Board asked questions regarding the assembly, weight, and wind mode of the billboard.
22. Mr. Antal deferred these questions for the applicants engineer.
23. **Exhibit A-10**/revised Protocol B was introduced incorporating the Board’s previous comments.
24. Protocol B reviews timeline for township’s non- emergent advertising in 24-hour period, seven days a week.
25. Questions from the Board: None
26. Questions from the Public: None
27. Mr. D’Arminio introduced next witness, Tiago Duarte, applicant’s Engineer.
28. Mr. Duarte was sworn in and his credentials accepted by the Board.
29. Mr. Duarte testified that his office prepared the site survey of the existing conditions and revised site plans dated June 14, 2021 submitted with the application.
30. Mr. Duarte reviewed proposals of the new digital billboard giving testimony to billboard specs.
31. Board discussed setbacks of the proposed billboard – current versus future with the expansion of Route 206.
32. Vice Chair Haines asked if the” proposed plan” with a 10-foot setback for billboard from Route 206 is accurate.
33. Mr. Duarte testified that NJ State has not released final plan for widening of Route 206 at site location.
34. Vice Chair Haines noted the proposed site plan is not accurate if it is unknown what the state plans are.
35. Mr. Duarte testified that they will maintain the 20-foot setback required from DOT and provide the Board with a revised proposed plan.
36. The Board continued questioning Mr. Duarte regarding all aspects of the proposed billboard’s size, design, illumination, and site plan.
37. The Board asked if the applicant had gone through the Environmental Commission.
38. Mr. D’Arminio testified that they had not.
39. Mr. Britting asked if environmental features such as landscaping or sun gardens would benefit water runoff.
40. Mr. D’Arminio testified that Outfront Media would be amenable to doing some landscaping there.
41. Mr. Kois noted that application notes there is a submission for an Environmental Commission waiver.

Board of Adjustment Approved Meeting Minutes
October 6, 2021

42. Chairman Herbert stated that he has in hand the request for the waiver written by Mr. Duarte.
43. Mr. Kois clarified that Mr. Duarte's request was for waiver of an Environmental Impact Statement and according to a note in the file, EC chair waived review.
44. Further discussion continued regarding wind speeds that may affect the foundation of the billboard, structural requirements and building code requirements.
45. Mr. Stamler asked about height of sign – why 30' vs why not 20' etc. and if other features of the location were taken into consideration such as how is the railroad overpass going to be redone.
46. Vice Chair Haines asked if two important factors are unknown: 1) size of route 206 widening and 2) what will be done with the railroad overpass, how the proper height of the billboard can be determined now.
47. Vice Chair Haines further states that the Board wants to know facts not simulations.
48. Vice Chair Wohlmacher asked at what point after going under the railroad trestle does the sign become visible going northbound on 206.
49. Mr. Duarte deferred that question to their traffic engineer when he testifies.
50. Chairman Herbert asked what is the minimum clearance over a bridge, over a state highway in NJ.
51. Mr. Duarte did not have any information regarding the current clearance of the existing overpass.
52. Mr. Di Sessa noted a range of 13 to 14 feet.
53. Chairman Herbert had obtained the clearance numbers: 13'8" north and 13'10" south.
54. Mr. Kois asked if they had pictures of the Crane test.
55. **Exhibit 11** was introduced- existing conditions photos reviewed.
56. The location of the proposed new over pass was discussed – just south of the existing.
57. Chairman Herbert asked about the current height of the "dip in the road" under the existing overpass.
58. Mr. Duarte stated the size of the dip - 65' at the top and near 56' the rail trestle. A 9' difference.
59. Discussion continued regarding the possibility of the state eliminating the dip with the new overpass.
60. Mr. Duarte confirmed that it depends on what the state does with the new overpass.
61. Discussion on the visibility and safety/security of the sign height – ground level versus up high.
62. **Exhibit 12** was introduced – crane test photos.
63. Discussion continued regarding crane test, proposed height, location, and setbacks of the billboard north and south bound.
64. Mr. Duarte confirmed that they are not sure if the billboard will be a center mount or slide mount at this time.
65. **Exhibit 13** was introduced – proposed conditions photos.
66. Mr. D'Arminio explained that this exhibit answers questions raised by the Board at previous meeting regarding other signs at various locations around town - focusing on comparing setbacks, dimensions, and height.
67. Mr. Duarte further addressed Board's concern of possible distraction of digital LED light of the billboard.
68. He provided comparisons of existing static signs with a flood light that shines on the face of the billboard versus the digital face proposed signs.
69. The last **Exhibit, A14** was introduced - billboard lighting exhibit.
70. Mr. Duarte gave overview of the billboard light output - current with spotlight and proposed digital, noting that proposed digital light output is less comparing foot-candle over ambient limit.
71. Vice Chair Wohlmacher asked questions regarding at what point one can no longer read what is on the billboard? Mr. Duarte deferred to the traffic engineer.
72. Mr. D'Arminio confirmed traffic engineer will address that.
73. Question raised for clarification on comment regarding the billboard sign at the corner of Raider Blvd and Amwell Road (High School) being brighter in comparison to the proposed sign on 206 northbound.
74. Mr. Duarte explained that the Raider Blvd. sign is smaller but if the proposed billboard is scaled down to the same size, the proposed billboard will not be as bright- discussion continued regarding light comparison.
75. Mr. D'Arminio reminded the Board of the video previously presented, (Exhibit A8) depicting digital billboard at various times of the day.
76. Mr. D'Arminio asked Mr. Duarte if there were any site plan concerns that would impact the digital sign?
77. Mr. Duarte testified that there are none, only an improvement in that regard.
78. Mr. D' Arminio further asked if there were any drainage issues relating to stormwater due to the sign?
79. None noted – minimal impervious coverage as sign is open.
80. Mr. D'Arminio noted that they addressed comments on the Pennoni report by moving back the billboard pole away from the drainage easement for a drainage pipe along the side of the site.
81. Mr. Duarte testified that only the physical overhang, and not the pipe, that will be over the easement.
82. Mr. D'Arminio further noted that they will come up with a creative landscape design per the Board's suggestion, that was not previously proposed.
83. To clarify, Mr. Anderson reviewed what was discussed at this meeting regarding height, setbacks, visibility of the billboard travelling north bound before the overpass and comparisons to the Raider Blvd digital sign.
84. Mr. Anderson asked on which lot is the proposed billboard to be placed?
85. Mr. Duarte testified – Lot 19.

**Board of Adjustment Approved Meeting Minutes
November 3, 2021**

86. Mr. Anderson asked for clarification on who is the owner of Lot 19 as there is conflicting information - application consent shows Norfolk Southern Railroad as owner, formerly Consolidated Rail. Title information states transfers to Pennsylvania Lines, LLC leaving it unclear as to who the owner of Lot 19.
87. Mr. Duarte testified that he cannot confirm other than what the Property Survey shows owner as Consolidated Rail.
88. Mr. Anderson further noted that if application does not have the proper consent from the property owner, a requirement, the Board cannot act on the application without that knowledge as per the Municipal Land Use Law.
89. Examination continued regarding preexisting non-conformity use, legality of the sign being erected on a lot that owner has not been clearly identified or that has granted approval for the billboard to be erected.
90. Chairman Herbert presented another comparison regarding the brightness of the billboard in comparison to the traffic light at Brown Avenue as one heads south.
91. Vice Chair Haines asked various questions regarding if DOT has denied any digital billboard applications, approved final plans for expansion of 206 and light safety issues.
92. Mr. Duarte did not have answers, stated that to obtain a permit you have to comply with the DOT requirements and offered to research questions relating to same.
93. No further questions from the Board.
94. No questions from the public.
95. Discussion about hiring a traffic engineer, Outfront providing the Board with a traffic report, the traffic report being reviewed by Pennoni, Board's engineer who will produce a report on that traffic report.

Vice Chair Haines made motion to carry the application to December 1, 2021, without a need to hire a traffic engineer and without further notice; motion seconded by Mr. Stamler; all in favor; motion carries.

ADJOURNMENT

- The next meeting will be December 1, 2021.
- The meeting was adjourned at 8:52p.m.

Respectfully submitted by:

Marie Kane, Planning and Zoning Clerk

David Kois, PP, AICP, Deputy Zoning Official, and Co-Board Secretary