The Board of Adjustment of the Township of Denville held its scheduled reorganization meeting on Wednesday, October 17, 2018. The meeting was held in the Municipal Building, 1 St. Mary's Place and commenced at 7:00 P.M.

Secretary Unrath read NOTICE OF PUBLIC MEETING.

ROLL CALL:

Present: Dan Roman, Krista Kussoff, Dan Napolitano, Tim Wagner, Tim Fisher, Ed Moroney, Harry Fahrer, Adam Caravaglia
Absent: Christine Hong

Prof. Present: Larry Wiener, Esq., Jason Kasler, PP, John Ruschke PE

MINUTES:
NONE

PURCHASING:

Motion to pay vouchers submitted by Mott MacDonald subject to the availability of funds, was made by Mbr. Moroney, seconded by Mbr. Fahrer and unanimously approved by members able to vote.

Motion to pay vouchers submitted by Kasler Associates subject to the availability of funds, was made by Mbr. Moroney, seconded by Mbr. Fahrer and unanimously approved by members able to vote.

Motion to pay vouchers submitted by Larry Wiener subject to the availability of funds, was made by Mbr. Moroney, seconded by Mbr. Fahrer and unanimously approved by members able to vote.

RESOLUTIONS:

BA 18-34 Catherine Brown
27 Lake Rd
Block 60508, Lot 51
A motion to adopt this resolution of denial was made by Mbr. Fahrer, seconded by Mbr. Moroney and unanimously approved by all members able to vote.

BA 18-30 Michael Elliot
21 Freeman Ave
Block 31001, Lot 21
A motion to adopt this resolution of approval was made by Mbr. Moroney, seconded by Mbr. Fisher and unanimously approved by all members able to vote.

PUBLIC HEARINGS

BA 18-24 Lorenzo Gasperini
342 Diamond Spring Rd
Block 50701, Lot 24
Lorenzo Gasperini (342 Diamond Spring Rd) - Applicant is proposing to construct a shed requiring a variance for side yard setback. The applicant is proposing 12ft where the requirement is 15ft. The permit paperwork mentioned a rear setback, but the applicant is actually within those setbacks. The property already has an existing shed on the property that from 1993 that did not require a variance. The applicant would like to put the proposed shed behind the existing shed. The other part of the property is a garden and the applicant would prefer not to have the shed in the middle of the property.

Open to Board Professionals

Jason Kasler, PP - Clarified there would be no outside lighting proposed on the shed.

Open to Board Members

Mbr. Caravaglia - Clarified with the applicant the shed would be on a wooden platform and with concrete underneath.

Chr. Napolitano - Clarified with the applicant that he is requesting a variance for a side yard setback and not a rear yard. The applicant also stated it would be an 8 x 12 shed.

A motion to approve this application was made by Mbr. Moroney, seconded by Mbr. Fisher and approved by all members able to vote.

AYES - Moroney, Fisher, Roman, Caravaglia, Fahrer, Wagner and Napolitano

Outfront Media, LLC
51 Bloomfield Ave
Block 50202, Lot 22

This application was carried from Oct 3, 2018. Board Secretary Unrath stated that Mbr. Caravaglia and Mbr. Fahrer listen to the Oct 3rd meeting and are eligible to vote on this at the meeting.

Louis D’Arminio - Attorney for this application. The proposed application is to eliminate 3 current billboards and replace the static billboard with 1 multi-messaging billboard.

John McDonough - Sworn in a professional planner. Showed exhibit A-15 which are various photos of existing sign and land use map of the property. Mr. McDonough stated the existing signs are near the residential side and it is a beneficial use because 3 signs would be eliminated. The proposed sign is in a business area, but billboard is still not permitted within the zone. The proposed applicant is requesting a height variance. Mr. McDonough stated that the proposed size is the same height as the current sign. The applicants are also requesting a D1 and D2 variance for a pre-existing non-conforming use. The benefits discussed are allowing open space by eliminating 3 existing signs. The proposed site benefits the general welfare by having real time messaging. It can alert the public good of any amber or weather alerts. It is also a better imagine for the highway/downtown with new landscaping and upgraded sign. It will advance the towns Master Plan by advancing economic efficiency and esthetics.

Open to Board Professionals

Jason Kasler, PP - Clarified with Mr. McDonough that the height of the sign is not changing, but the height is still not permitted and requires a variance.

Mr. Wiener and Mr. McDonough discussed the different legal cases that have taken place on the static vs multi messaging signs.

Open to Board Members
Mbr. Caravaglia- Questioned Mr. McDonough if this sign is esthetically pleasing to a residential area and it is stated that the sign is facing towards the highway. The side would not affect or distract the residential side closest to the sign.

The Welcome to Denville sign was discussed and it us up to the board of what the sign should look like and it should be angled.

Open to the public for questions

Lesile Kelem- It was discussed that this would be an open-air sign but closed from the “Welcome to Denville” sign.

Don Tidey- It was stated from by Mr. McDonough that the sign would be illuminated 24.7 and seen from both side of Rt 46.

- Next witness

Alex Zipponi- Still under oath from the previous meeting. Mr. Zipponi was previously sworn in a professional engineer. Showed exhibit A-16 which is an aerial shot of the property. It is explained in this exhibit the foot-candles and how on an all-white background how far the light shines. In Exhibit A-17 it shows the lighting on ground level. Mr. Zipponi explained foot-candle in correlation to 50ft, 60ft and 70ft away from the sign. It was stated from Mr. Zipponi that no residential area would be affected from the illumination of the sign. The ambient light and the standards were also discussed by Mr. Zipponi stated that a 100-amp light is put on every screen.

Break 8:20-8:30

Open to Board Professionals

Mr. Ruschke, PE- Questioned Mr. Zipponi if there would be a glare from the sign on the surrounding buildings. Mr. Zipponi clarified with the foot-candle radius that it would not be an issue to the surrounding buildings.

Jason Kasler, PP- Clarified with the application that the ladder would not be easily accessible for pedestrians to climb.

Open to Board Members

Mbr. Caravaglia- Discussed the ambient light vs Led lights and what is best recommendation for the company. It is also mentioned that the lights would not be reflected off the surrounding buildings.

Mbr. Kussoff- Clarified there are no fans within the billboard needed for cooling.

Mbr. Fahrer- Questioned if the applicant would consider making the billboard smaller and not have to request a bulk variance. Mr. D’Armino stated the applicant would prefer to keep the original size. It is the same size as the existing sign and it is actually smaller than what the DOT allows on a highway. It was stated that if the light is a nuisance within the resolution it would state that the lights would need to be dimmed.

Chr. Napolitano- The ambient lights and foot-candles were discussed with Mr. Zipponi

Open to the Public for questions

Bruce D’Adamo (Wilson Ave)- Discussed ambient light into detail and foot-candles and what are the standards. It was stated that the sign would be “visible” from 200ft away.
Open to the Public for comments

**Charles Botti (73 Mt. Pleasant Tpk)**- Read a letter (letter is in BA File as exhibit O-1)- The letter discussed the different lighting proposed for the sign and the LED calculations. Mr. D’Arminio stated the there was a lighting calculation submitted to the board’s files. There was a discussion of what the industry standards are for a billboard sign.

**Sue Filauro (2 Kill Hill Ct)**- It was discussed that there were no comments from the police department regarding this application. Mrs. Filauro questioned how the public is notified and if they have a concern or comment. Larry Wiener explained that this application had to notify everyone within 200ft from the sign and if a resident had a question or comment this public hearing is when it would be addressed. Mrs. Filauro does not believe the look of a digital billboard goes with the look of the downtown. Mr. D’Armino explained that sign pole matches all the poles that are in the downtown and the billboard itself would promote any downtown activities.

Break 9:21-9:25

**Ryan Gleason (52 Jefferson St)**- Executive director of the downtown business improvement district. Mr. Gleason stated that the downtown is in favor of this application. This application would be a positive devolvement for the downtown. It would beautify the downtown with the proposed landscaping, free advertising and promote the idea of shopping local. The letter read by Mr. Gleason is in the application as exhibit O-2

Public portion closed

**Mr. D’Arminio**- Thanked all the board members for their time during this hearing process. Stated that this application is a benefit to the community.

A motion to approve this application was made with conditions by Mbr. Moroney, seconded by Mbr. Moroney and approved by all board members able to vote.

**ROLL CALL**
**AYES**- Moroney, Fisher, Roman, Caravaglia, Fahrer, Kussoff, Napolitano

Ringo Supply Hearing- Larry Wiener stated that the Ringo Supply hearing will be carried to December 5, 2018 without further notice.

**OLD BUSINESS- NONE**
**NEW BUSINESS - NONE**

Meeting adjourned at 9:43 PM

Minutes Approved: December 5, 2018 Melissa Unrath, Board Secretary.