The Board of Adjustment of the Township of Denville held its scheduled meeting on Wednesday, March 6, 2019. 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 Napolitano, Tim Wagner, Tim Fisher, Ed Moroney, Harry Fahrer, Krista Kussoff, Christine Hong
Absent:  Ed Moroney, Adam Caravaglia

Prof. Present:  Larry Wiener, Esq., Jason Kasler, PP, Samantha Anello, PE

MINUTES: None

PURCHASING:

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

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

PUBLIC HEARINGS:

BA/PSP/FSP 18-20  Outfront Media, LLC (carried from 1/2/19)
2980 Route 10
Block 31501, Lot 5 (Block 18 & Lot 19 Parsippany)

Lou D’Arminio- Attorney for the applicant. This application has been previously heard on November 7th and January 2nd. The applicant being presented is to modernize an existing sign located at the Pelican Shop. There was testimony from the traffic expert, general manager and engineer. The proposed sign would be 50ft high and 14 by 48 ft. The sign would also be shifted slightly toward the east to be inline with the existing pelican sign. Mr. D’Arminio stated that the sign does not move, no videos and no animation. It provides static messages that changes instantly.
The light changes to the ambient light and would be no more than a tenth of a foot candle. Mr. D’Arminio briefly went over the traffic study conclusions and planner’s testimony.

**John McDonough, PP** - Stated that Land Use has the right to evolve and modernize. The three variances this application is seeking are a use, height and to move the sign closer to Route 10. When moving the sign closer to Route 10 you are eliminating the side yard setback that exists at this location currently. Mr. McDonough referred to Exhibit A-1 to show where the proposed billboard would be in correlation to Route 10 and Exhibit 9 shows a picture of the existing sign and proposed sign.

Open to the public for questions

**Gladys Williams** (140 Flintlock Rd) - Questioned why there is a sign there? Mr. McDonough stated the sign currently exists because it is lawfully protected to be there. Questioned if the sign would a distraction. Mr. McDonough stated no it would not be.

**Patty Paton** (17 Claude Ave) - Clarified the sign would be double sided. Questioned if the sign would be higher than the trees. It was stated that the sign would not be higher than the surrounding trees. There will be no landscaping around the sign but a decorative base.

**Jennifer Schermerhorn** (4 Druid Wood Rd) - It was discussed that the different elevations were taken into account with measuring the height of the sign.

**Todd Leonard** (3010 Route 10 W) - It was stated that the sign would be closer to route 10, but be more in line with the existing Pelican sign. Mr. Leonard questioned the phrase Mr. McDonough used about “sign clutter” Mr. McDonough stated that it is an overabundance of signage in a specific location. It was stated that the proposed sign is 20 times the limit of what the town permits. Mr. Leonard questioned if there were any signage over 52 ft height in Denville. Mr. McDonough was not aware of any in his analysis. It was stated by Mr. McDonough that the proposed sign would blend in with the landscaping and it would not create a skyline. It was clarified that moving the sign 10 or 15 ft would need approval from NJ DOT and it would be a condition of approval.

**Donna Andrews** (35 Mt Pleasant Turnpike) - It was discussed that the height of the crane is not the actual height of the sign, the proposed height of the sign is 52 ft.

**Sue Schmitt** (12 Birch Run Ave) - It was clarified that sign would be 6.1 ft away from the right of way line of Route 10. There was discussion of previous testimony of why he applicant is proposing to move the sign.

**Patty Paton** (17 Claude Ave) - Clarified that the sign would be 90 degrees perpendicular to the highway. There was a discussion that light can be adjusted on the sign, but the applicant does meet the New Jersey standard.

**Bruce D’Adamo** (6 Wilson Ave) – It was stated that 52 ft in height is the right of the sign.
Gabriella Esposito- Is an attorney at Griffin Alexander. Confirmed with Mr. McDonough that he was at both crane raisings and went to different properties around the sign. Mr. McDonough did state he was at various locations during the crane test and one of the tests was done during the winter months

Break

Open to public for testimony

Erin Schermerhorn (4 Druid Wood Rd)- Stated that the lights are going to shine into her bedroom.

Jennifer Schermerhorn (4 Druid Wood Rd)- Stated that from her property during this time of year that she is able to see the stop lights from Route 10. She is very concerned that with a 20ft billboard the light would also be visible from her property.

Patricia Paton (17 Claude Ave)- Expressed for the height and the lighting of the sign and how it could be a nuisance to the surrounding properties.

Sue Schmidt (12 Birch Run Ave)- Did an Opra request for accidents for both Parsippany and Denville along the intersection on Route 10. It was discussed that Mr. Simoff the traffic expert would have the right to look these over before they were made an exhibit. Expressed concern about Route 10 and the dangerous intersection. She stated that she was in a car accident along that road and the proposed billboard would be major distraction.

Todd Leonard (3010 Route 10)- Also expressed concern that this proposed billboard would be a distraction to drivers could be hazardous. Mr. Leonard brought up issues regarding DOT approval because the applicant is proposing to change the sign. It was stated that this would have to be a condition of approval.

Mr. D’Arminio questioned Mr. Leonard about the variance he requested about his signage. Mr. Leonard stated that he did get approval for the expansion of his business sign.

It was clarified that there were no police comments regarding this application.

Gabriella Esposito- Represents Par Troy Community Association

Michael Greenberg (4 A Yacenda Dr)- Expressed concern that this part of Route 10 is a dangerous intersection and the board should consider this while looking at the application. Mr. Greenberg stated that this billboard would also cause a negative impact on his community.

Bruce D’Adamo ( 6 Wilson Ave)- Marked Exhibit O-1 3/6/19. Stated he is not a electrical engineer. Mr. D’Adamo believes that the viewing angle would be greater than what the testimony stated of a 70-degree viewing angle. Mr D’Arminio stated he would answer all testimonies with his rebuttal.
Todd Leonard- There was a discussion about showing a police report that happen at the intersection where the proposed sign is location.

Donna Andrews (35 Mt Pleasant Tpke)- Expressed concern for the brightness of the proposed billboard.

The meeting was carried to March 20, 2019 without further notice.

BA 18-41

Linda Ludwig
24 Basswood Rd
Block 50902, Lot 12

Jason Rittie, Esq- Representing the applicant for 24 Basswood Dr. The applicant is seeking to construct an elevator within the residents requiring a variance for a rear yard setback. The rear yard requires a 50ft setback and the applicant is requiring a 36ft setback.

Arnold Ludwig (24 Basswood Rd)- Owner of the property. The house is 91 years old and the accessway way for the interior and exterior is getting more difficult for the homeowners to maneuver.

Stephanie Pantali- Sworn in as a professional architect. Showed Exhibit A-1 shows the existing property and a drawing where the proposed elevator would be. The proposed elevator is located in the back of the house towards the garage. Part of the sunroom would be closed off for the elevator. There would be a mud room and then the proposed elevator that would be bring them to the main level of the house. The elevator is a total of 64 Sq. Ft.

Open to Board Professionals

Ms. Anello, PE- Verified with Ms. Pantali that the application is NJDEP compliant for the Riparian zone

Mr. Kasler, PP- Clarified that the elevator will bring them from the garage to the main level.

Open to Board Members

It was discussed that there is a generator to the property in case of the power outage.

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

AYES- Fahrer, Fisher, Wagner, Kussoff, Hong, Napolitano

Closed Session – Ringo Supply V DTZB

A motion to go into closed session was made by Mbr. Hong and seconded by Mbr. Wagner

A motion to come out of closed session was by Mbr. Hong, and seconded by Mbr. Wagner
OLD BUSINESS- NONE
NEW BUSINESS- NONE

Meeting adjourned at 10:31 PM

Minutes Approved: April 3, 2019    Melissa Unrath, Board Secretary.