

LOPATCONG TOWNSHIP ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
APRIL 12, 2017

Call to Order by Chairman Gary
Silent Prayer
Pledge of Allegiance

Open Public Meetings Statement: “adequate notice of this meeting has been provided indicating the time and place of the meeting in accordance with Chapter 231 of the Public Laws of 1975 by advertising a Notice in The Star Gazette and The Express-Times and by posting a copy on the bulletin board in the Municipal Building”.

ROLL CALL:

Present: Members Horun, Devos, Bittone, Rutledge, Vice Chairman Larsen and Chairman Gary
Absent: Member Unangst

Also present: Engineer, Paul Sterbenz and Planner, George Ritter.

OLD BUSINESS:

- Approve the Regular Meeting Minutes from March 8, 2017.

Motion by: Member Rutledge

Seconded by: Member Bittone

ROLL CALL:

Ayes: Member Horun, Devos, Bittone, Rutledge and Chairman Gary
Abstain: Vice-Chairman Larsen

NEW BUSINESS:

- John S. Hawrylo – Construction of a driveway through a right-of-way between Block 93.02, Lot 6 & 7 in Lopatcong Township to access Block 3, Lot 12.01 in Greenwich Township. Tabled from the January 11, 2017 Meeting.

Attorney Sposaro: I don't think anyone is here for the applicant. I spoke to the applicant's attorney a month or so ago who indicated to me that, uh, given the report that we were able to furnish that access could be, this, this lot could be accessed without having to construct a driveway that's proposed. I don't think they're moving forward; I've not heard from them since, uh, they're not here. I would recommend to the Board that we, uh, someone make a motion to dismiss this application without, without prejudice; they can always come back. Let the records reflect that Mr. Sterbenz is with us, so. (7:04).

Motion by: Member Rutledge

Seconded by: Member Bittone

ROLL CALL:

Ayes: Member Horun, Devos, Bittone, Rutledge, Vice-Chairman Larsen and Chairman Gary

Nays: None

Attorney Sposaro: We're, we're waiting for our, uh, engineer who should be here momentarily, uh, and then we'll proceed with the, uh, Melhelm application.

Chairman Gary: He's stuck in traffic, is that

Attorney Sposaro: If you want to come and set up counselor, you're certainly welcome. See that? Perfect timing. Perfect timing.

Chairman Gary: Okay, now we will proceed.

Attorney Sposaro: Let the records reflect that, uh, Mr. Sterbenz is with us (7:04), so.

Mr. Sterbenz: Thank you.

Attorney Sposaro: Thank you. Mr. Peck?

Attorney Peck: All right, thank you, uh, Mr. Sposaro.

Chairman Gary: I didn't announce this, so.

Attorney Sposaro: Oh, go right ahead, I'm sorry.

Chairman Gary: Yeah, excuse me. Uh, Joseph Melhem – NJ Route 57, Block 116, Lot 32 – Seeking a Variance to construct two (2) townhouses on parcel of .037 acres where 5.0 acres is required for violation of tract width (130' vs. 300' required) and side and rear tract setbacks (28.5' vs. 40' required). Completeness determination.

Attorney Sposaro: I think there's a typo; I think its .37 acres, not .037 acres.

Attorney Peck: That's correct.

Chairman Gary: That seemed a little

Secretary Coleman: I'm sorry.

Chairman Gary: I just read them the way I see them.

Attorney Sposaro: That's all right. That's a shoebox, that's a shoebox.

Chairman Gary: Yeah.

Attorney Sposaro: Go right ahead:

Attorney Peck: All right. Thank you Mr. Chairman, uh, Members of the Board. For the record, my name is Mark Peck. I'm an Attorney with the Florio, Perrucci, Steinhardt and Fader Law Firm; here on behalf of the applicant, uh, Joseph Melhelm. Uh, we're here for, uh, really tonight were only here for a Use Variance application; I'll get into that, uh, in a moment. Uh, but the property, the subject property's located at Lot 32 and Block 116; I know we did not have a street address, uh, it's on Route 57 westbound. Uh, if you're not familiar with the subject property; if you're on Route 57 heading towards Route 22, on the right hand side you pass Piazza, uh, Farms, you pass the mini golf course, there's a little, like, knoll or rise. You've got Warren Heights on the hill, then right past that knoll, it's a little, um, yellow, uh, vacant residential structure. Then if you keep going there's a little brick ranch like structure and then you hit, like, Key City Diner and Town and Country Pools and stuff. Anyway, uh, as the Chairman indicated and, and was clarified, it's a .37 acre lot located in the residential multi-family inclusionary or RMFI Zone District. Uh, we are looking for a Use Variance to permit, uh, the construction of two townhomes on this .37 acre lot, where 5 acres is the minimum lot size, uh, to permit a townhome development. This is a bifurcated application, so, if we do get the Use Variance approval that we seek tonight, all the other "C" or Bulk Variances that we did list in the application; I didn't notice and as Mr. Ritter identified in his review letter, we'll come back and deal with those "C" Variances, uh, at the same time we do site plan. Uh, so tonight we're only up for the Use Variance. Uh, we did, uh, timely publish proper notice and serve that on all the appropriate people on the 200' list, so I do believe the Board has jurisdiction to move forward with this application. Uh, I have two witnesses here tonight with the applicant, Mr. Joseph Melhelm, who I'm not intending to put on for formal testimony but if the Board or the public has any questions that Mr. Melhelm can answer, he's here for that. Otherwise, we have Mr. Gene Weber, who's both an engineer and a planner, who designed the Variance Plan, uh, for the application, so, he'll be the one walking you through, uh, the testimony on the "D" Variance. So without any further ado, I would like to call my first witness, Mr. Gene Weber.

Attorney Sposaro: Mr. Weber, would you, uh, raise your right hand? Do you swear and affirm the testimony you will give in this matter will be the truth, the whole truth and nothing but the truth?

Mr. Weber: I do.

Attorney Sposaro: State your name and spell your last name for the record please.

Mr. Weber: Eugene Weber, W-e-b-e-r.

Attorney Sposaro: Thank you.

Attorney Peck: Okay, Mr. Weber, uh, even though I know that you are previously the attorney for Lopatcong Township Zoning Board of Adjustment, uh, would you give the Board the benefit of your educational and, uh, you know, your, your work experience?

Mr. Weber: Uh, yes, sure. Uh, I have a, uh, a Bachelor of Science and Engineering from Lehigh, 1974. Uh, I've been, since then, licensed as a Professional Engineer, a Land Surveyor and Professional Planner. Uh, and like around 1980 or so, uh, I've been involved in, you know, land use, uh, on this side of the table and represented boards, pretty much, for that entire time period, from 1980 till current.

Attorney Sposaro: I don't think there's any question that Mr. Weber's (inaudible).

(Inaudible – several talking at same time).

Mr. Weber: Can I clarify one thing?

(Inaudible – several talking at same time).

Mr. Weber: I used to be the, uh, Board Engineer for the Board of Adjustment back in the '80s.

Attorney Peck: I misspoke, uh, lawyer's (inaudible), so, uh, anyway, uh, Mr. Weber, can you just briefly, uh, you know, explain to the Board the current, uh, configuration of the property and then why you think a, uh, a townhome development, two unit townhome development would be appropriate and why the "D" Variance should be granted.

Mr. Weber: Uh, yes, sure. Um, the existing lot as indicated is .37 acres, um, it has a (inaudible), uh, dwelling located on it, not in the greatest condition. Uh, it has a paved driveway for access, uh, from Route 57 and it's currently served by public utilities; it has public sewer and water. Uh, Mr. Melhelm, I think has owned the property for about a year or so. It was, when he purchased it, it was occupied, but hasn't been occupied since that time, so it's unoccupied at the current time. Um, the, what Mr. Melhelm would like to do, uh, is basically remove the existing structure, all the framing of the structure down to the foundation and replace that with new structure, two stories, uh, that will be suited for two townhomes; each townhome will then be two stories. Uh, we'll provide as we've shown on the plan on (inaudible) parking, driveway and so forth, uh, and what (inaudible) think of their use, um, is permitted use, uh, in your RMF Zone. (Inaudible) the zone was created, I believe around '98, for the express purpose to build townhouses and garden, garden apartments in that (inaudible). So, what we're proposing a (inaudible) that is in accordance with your (inaudible).

Attorney Peck: And, and the minimum lot size, uh, for townhomes in that district is five acres, correct?

Mr. Weber: That's correct. And that's really the reason why we felt that this was, uh, you have a Use Variance, a "D" Variance, and the way your ordinance is worded and established it permits the townhome to be put on five acres (inaudible).

Attorney Peck: And do you think that there's any special reasons present that would justify the grant of this "D" Variance?

Mr. Weber: Uh, yes, yes. I actually, I actually, you know, submitted what were I thought were the reasons to support the Variance in writing the part of our application. Um, main, and reason being, for a "D" Variance, a "D1" Variance we would show that there are (inaudible). Uh, ordinance states for a "D1" Variance, it necessitates showing that the particular (inaudible). And given situation here, I think that it is pretty evident that (inaudible) the townhouses are exactly one thing this (inaudible), you know, so, I think it's pretty evident that, um, the lot is totally suited for the (inaudible) use. The only issue that will come into play, and I think what the Board would consider with respect to the (inaudible). I think that we're, we need to find that, uh, any problems associated with the lot being too small are (inaudible), or not really. And what I point to there is, uh, in terms of, uh, density, the, uh, RMF Zone permitted townhouses with a density of twelve units per acre; and, so, we're proposing two townhouses and based on area of our Lot .37, that equates to a density of (inaudible), so we're about less than half of the density that's actually permitted if we had a townhouse development on five acres. Um, in terms of Open Space,

Mr. Weber (Con't): your ordinance requires that 30% of the tracts be devoted to, uh, Open Space in (inaudible) of the lot. In our particular case here, um, considering the building itself and the new impervious area (inaudible) that house was out 31% coverage on the lot, so it would end up with, uh, 69% (inaudible). (Inaudible – there is a problem with the mike recording) circulation, so for those reasons I believe that the lot area are insufficient to support what we're proposing to do.

Attorney Peck: And do you see, uh, any substantial detriment to any of the neighboring properties if this Variance were to be granted?

Mr. Weber: Uh, no. Uh, we're not thinking of making huge changes here; we're basically gonna, you know, rebuild the structure, whatever, in the same, same footprint. There will two stories instead of one story, it will still have the driveway from Route 57, so, I don't foresee any kind of impacts to the public.

Attorney Peck: And it is surrounded, the property is surrounded on three sides by the existing Warren Heights Townhome-Condominium Development, correct?

Mr. Weber: Yes.

Attorney Peck: (Inaudible – mic is making voices garbled).

Mr. Weber: (Inaudible).

Attorney Peck: All right. And across the street is, is the railroad and there's no residential structures or anything as far as we know?

Mr. Weber: No.

Attorney Peck: I think that would conclude our testimony on, on the "D" Variance. I know, uh, at least one member is shaking her head skeptically, so, I didn't put a misstatement, um, I waited to be corrected.

Member Devos: I was just commenting on backing back on the condos; you don't back on the townhomes.

Attorney Peck: Okay, you back on the condos.

Member Devos: Um hum.

Attorney Peck: That's right, I should know that.

Member Devos: Yes you should.

Attorney Peck: Yes. Okay, with that, that correction in mind, uh, I think that, that concludes our direct testimony. If the Board or Mr. Ritter have any questions.

Planner Ritter: I have one question. The district you're in, uh, has a mandatory in-lieu of payment to the Affordable Housing Trust Fund, uh, I, what's your intent on that?

Attorney Peck: Hey, you know

Planner Ritter: Okay, no, I'm just asking.

Mr. Weber: I failed to mention that in my testimony (inaudible) that would be (inaudible) in my mind, (inaudible) the Variance, it would certainly enhance the funds in your Affordable Housing Trust Fund. Uh, we've already acknowledge that we went with (inaudible).

Attorney Peck: Then I think, uh, many of the other issues raised in Mr. Ritter's letter, such as, the trash collection and screening of adjacent properties, we can deal with that, uh, at the time we come in for the Site Plan and, and the Bulk Variances.

Attorney Sposaro: I think it's a sensible approach, I don't have any questions.

Chairman Gary: And, and you, as I understand, so, the, the footprint doesn't change?

Mr. Weber: The building footprint doesn't.

Chairman Gary: Okay, all right.

Member Devos: I have a question. The footprint won't change; are you planning on replacing the current foundation?

Mr. Weber: No, I believe its Mr. Melhelm's intent to build on the existing foundation.

Member Devos: The deteriorating one; the one that's (inaudible)? As, as you look at your driveway, the wall, the retaining wall that's holding up the back yard is kind of falling apart.

Mr. Weber: Well, that retaining wall there in the area where the, you park, that's gonna be removed. We are just talking about the building and the foundation itself.

Member Devos: I see.

Mr. Weber: That's the retaining wall there that, we, we intend to remove those.

Member Devos: And what are you gonna do, what are you gonna do with the slope?

Mr. Weber: Uh, it will be regraded; we'll, we'll deal with that as part of the Site Plan, but the, the area will meet with the (inaudible).

Member Devos: I see. And then I saw that you have five parking spaces in the front and that's going to, uh, and you're going to need to, the, the grade there is fairly substantial. So are you going to cut into the grade and then build the retaining wall?

Mr. Weber: Yeah, we have, I think we haven't designed the site improvements specifically yet, we recognize that we are going to have a need for a retaining wall out there. We actually indicated on our

Mr. Weber: (inaudible) plain and we anticipated the wall there in front of the structure so we can drop the grade down and flatten it out sufficient so we can have a parking area there.

Attorney Peck: Yeah, and I think a lot of these are more Site Plan type issues that we'll certainly work closely with, uh, the Boards professionals to find good solutions to

Attorney Sposaro: They have to come, they have to come back with a separate application that will give us all the details in the Site Plan. All we're, all they're asking the Board to do tonight is to, uh, pass on whether the Use that's proposed is, uh, acceptable to you. That's the only real issue before the Board.

Member Devos: Okay.

Member Rutledge: (Inaudible).

Chairman Gary: Anybody, any, any, any other questions or any comments from the Board? Anyone from the, uh, audience? Are there any questions or comments? Then I would entertain a motion.

Motion by: Member Rutledge

Seconded by: Member Horun

ROLL CALL:

Ayes: Member Horun, Bittone, Rutledge, Vice-Chairman Larsen and Chairman Gary

Nays: Member Devos

Attorney Peck: Thank you very much. We'll see you guys in a couple of months.

Attorney Sposaro: Nice to see you Mr. Peck, thank you.

Attorney Peck: (Inaudible).

Engineer Sterbenz: I just wanted to advise the Board, uh, I worked very closely with the Phillipsburg Board of Education (inaudible – Board member talking at same time) there's certain aspects of the high school regarding improvements, (inaudible) electrical improvements, including electrical improvements associated with the sign that's before the Board tonight. So I think it would be best for me to step aside from the review and really leave the review to George at this point; I think he's more than capable of doing it. So, agreed?

Attorney Sposaro: It's nice to see someone in this town think they have a conflict of interest.

Engineer Sterbenz: I just wanted to advise the Board I'm stepping aside; you should keep this history here, so.

Chairman Gary: Let that be on the record.

Attorney Sposaro: Thank you.

Chairman Gary: Thank you.

Chairman Gary: Phillipsburg High School – 1 Stateliner Boulevard, Block 2, Lot 44, seeking a Variance to permit the placement of a 60 sq. ft. LED Message Board Sign at the intersection of Stateliner Boulevard and Belvidere Avenue to be mounted on a 14' high podium, which will place the sign 20' over grade. This is tabled from the March 8, 2017 meeting.

Good afternoon ladies and gentlemen, uh, Members of the Board. My name's Jeff Russo, I now represent the Phillipsburg School District. Um, initially I just to point out and, and we have a planner here, certainly tonight, um, I don't know, cause I saw in the, uh, in Mr. Ritter's, um, in Mr. Ritter's evaluative, uh, evaluative, uh, report, there's, there's some confusion on pretty basic things here, uh, with regard to the sign, especially with regard to the height of the sign, um, and the setback. And I just wanted to correct that before we went any further. Um, the sign will be, and I think it may have been submitted incorrectly in the initial application, ultimately corrected in the plans that you guys have before you; but the sign will be 11 ½ ft. above grade, um, not 20 ft. and the setback is actually 68 ft. off of Belvidere Road.

Attorney Sposaro: Is that the paved portion or the right-of-way?

Attorney Russo: Uh, the, I think from the curb, so,

Attorney Sposaro: 68 from the curb?

Attorney Russo: Correct. And then it's 18 feet from Stateliner Boulevard.

Attorney Sposaro: From?

Attorney Russo: Stateliner Boulevard, which is essentially the, the road going all the way up to the, to the high school.

Chairman Gary: And, I'm, I'm sorry, and it's how far from the road again, I'm

Attorney Russo: 68 feet, I, I think it may have been incorrectly submitted as, as 22 as Mr. Ritter had (inaudible). So I thought that was important to, uh,

Member Rutledge: How high will the sign be instead of 20 feet?

Attorney Russo: It will be 11 ½ feet above grade.

Planner Ritter: I have a set of plans that were submitted, uh, for the design or the layout of the sign that shows that the, it's, uh, 7.2 feet off the sidewalk or the high school driveway and 19.4 feet off of the sidewalk, uh, for Belvidere Road. I'm trying to figure out how you're getting 60 some feet.

Attorney Russo: Well, that, that, that's quite a discrepancy, uh, quite frankly, but I think we can, we can handle that with the, with the testimony. Uh,

Attorney Sposaro: Do you, do you, do you have updated plans that reflect where this sign is to be located or, or

Attorney Russo: In my, in, in these

Attorney Sposaro: What, what, what plans are we working off here?

Attorney Russo: Let me, I made copies for everyone, so we could make, make sure we are all on the same page. This is the, uh, if I may approach,

Attorney Sposaro: Sure.

Planner Ritter: That's the same one.

Attorney Sposaro: The next to last sheet in the packet that you handed us, in one remark it says, uh, A1; this, it's reduced in size, but it appears to be the same sign placement plan that was submitted, prepared by Maser Consulting; it has no revision date on it, so I think we're both working off of the same plan. So we need some help here because based upon our measurements, the numbers that you've given us are dramatically different than the ones that our, our planner has

Attorney Russo: Yeah, I don't know why that's the case. I think it would probably be best, um, if maybe we could clarify that through the testimony; uh, they could give you exactly how they came up with it, that figure, um, and how it's different from, from the, uh

Attorney Sposaro: Okay.

Attorney Russo: from the drawing. Um, I just wanted to note, firstly, the Board submits that the district submits is certainly without prejudice to, to Title 18 and we're happy to appear, certainly before the Board, um, as we've had a great relationship with Lopatcong; we'd like to continue that. Um, just so we're all on the same page, I, I think it's a very, um, especially with, with regard to the new high school, I, I don't think there could be any issue with regard to the beneficial use to the community, and so on and so forth. The location of the sign, um, which we'll go through the measurements with you, but the general area of it, obviously is at the intersection of Roseberry, uh, and Belvidere Road. Um, the actual, um, area there, in the, in the direction of the placement of the sign, if, if, if you're. We're going to put us at each angle, if you're coming down Roseberry Street, okay, the sign, the grade where the high school property begins steeply drops. So that's the reason for the elevation above grade, um, and we've determined that's the minimum, um, for at least some visualization from Roseberry Street facing the high school. The sign which would be consistent with the drawing, um, will be angled, you're coming down Belvidere Road towards the old high school, will be angled slightly, um, in that direction. While still, almost not visible unless you're coming up, uh, in and around the, the, um, the intersection area. The sign's one sided; it's very similar to the Coordinated Health Sign. It's not a blinking, flashing sign. Um, it's actually manufactured by the same company that made the sign at the current, or, the old high school, um, the digital sign. Um, it's a very, very common, um, sign for, for schools. In fact, Mr. Schneider actually, uh, lives a couple of blocks from Newton High School sign which is, um, almost identical. Uh, it's one sided, so, the, if you're coming from Belvidere Road, down from the old high school, uh, up Belvidere Road, it's not visible. Um, now, obviously, for obvious purposes, the sign can't be placed, um, up at the new high school, um, it would serve no purpose. Um, so, we come before the Board tonight; I brought Mr. Chando, the Superintendent. Um, we have Mike Chihocki, um, is head of the Technology, uh, Department; he deals with the inner workings of the sign, he actually operates the sign right now, uh, at the old high school. Um, Mr. Mengucci is also here, um, who is head of the Physical Department, um,

Attorney Russo (Con't): at, at the high school. Um, I, I think it's, it's a rather, um straightforward application. Certainly this high school, um, needs a sign. Um, we feel this is the least intrusive, um, being that far setback and down, uh, the grade. Um, no interference, um, or certainly no detrimental impact, uh, not only to safety regarding, um, that intersection, but also, um, to the neighbors. Certainly, um, going to the beneficial use, you need to go on and on about this. We know it's permitted and, in the public, uh, public, uh, school and recreation zone, um, but as you'll hear tonight, the use is beyond just the simple, um, school announcements, which are certainly important to the community. It can be used for a variety of different reasons, um, in the community; emergency's. Certainly at some point this school will become, um, a shelter in place. Um, we could add emergency notifications; Amber Alerts and what have you. Um, but the goal here, and we've done everything consistent with this goal, is to accomplish the goal of having a school sign, um, consistent with, um, our community here and not having, certainly, a detrimental impact. So with that being said, um, rather than just, um, relying on Mr. Schneider, um, I'd like to just have Mr. Chando offer a bit of testimony first. He can explain what the sign's gonna look like, (inaudible) uses for the sign.

Attorney Sposaro: Be, before he does, I, I have a question Counsel.

Attorney Russo: Sure.

Attorney Sposaro: In your introductory comments you, uh, made reference to Title 18 and subject to the school district's rights in that regard. I, I'm somewhat confused by that comment for this reason, um, the, the Board, meaning the Board of Education, submitted an application for variance relief. It has, did not indicate in its submission that this was some kind of courtesy review, and normally courtesy reviews occur before Planning Boards not Boards of Adjustment. As I see this, you've submitted to the jurisdiction of this Board. So, if that be the case, what am I missing?

Attorney Russo: No, and I agree with you. I think the, I think, and, and, and I'll state that for the record purposes, we do submit to, um, the jurisdiction of this Board. Um, that's the way it was done and that's what we, we would abide by (inaudible)

Attorney Sposaro: Okay.

Attorney Russo: at this point. Um,

Attorney Sposaro: I'm not rattling any sabers, I just

Attorney Russo: No, I, I

Attorney Sposaro: make sure I understood where you were coming from.

Attorney Russo: Right, I think this is, sometimes it is pro forma, but no, I would, I would agree with your, um, assessment of that.

Attorney Sposaro: And for the Board, the benefit for the Board, let me explain what this discussion is about. Under, as I understand it, under Title 18, municipalities have a right through zoning, within reason, to determine where schools can be located; what zone districts. But the design of schools, uh,

Attorney Sposaro (Con't): their size, their height, what the setbacks are, what the impervious cover limits are, the site details, are outside of the jurisdiction of the municipality. It's done by the, uh, State Department of

Chairman Gary: Education, yeah.

Attorney Sposaro: Department of Education. Uh, candidly, I don't, uh, signage may fall into a grey area. I don't know if you've submitted this to the Department of Education; whether they've looked at it; whether they want to get involved in it, do not want to get involved in it. Maybe you can help us there.

Attorney Russo: Sure, my reading of the statute, um, with what you're talking about, Counselor, it's an either/or proposition. Um, we chose this route.

Attorney Sposaro: Okay. So you don't have a, you, you, you do not have approval from the Department of Education on this signage?

Attorney Russo: Correct. The, the statute, um, is or. Um, we, we could have went that route which, quite frankly I believe, would have given the Township a lot less input which we don't necessarily agree with. You know, we're neighbors here; we'd like to come before the

Attorney Sposaro: Agreed

Attorney Russo: local, local Board, um, and I believe that's probably, uh, one of the major reasons that path was taken. Um, so it's an either/or proposition and here we are.

Attorney Sposaro: Fair enough. I, I appreciate the clarification.

Attorney Russo: Sure. Um, okay, Mr. Chando.

Mr. Chando: Yes. Thank you very much members of the Board.

Attorney Sposaro: I need to swear, I need to swear you in.

Mr. Chando: Certainly.

Attorney Sposaro: Would you raise your right hand; do you swear and affirm the testimony you will give will be the truth, the whole truth and nothing but the truth?

Mr. Chando: I do.

Attorney Sposaro: Would you state your name and spell your last name please?

Mr. Chando: George M. Chando, C-h-a-n-d-o.

Attorney Sposaro: Go right ahead Counselor.

Attorney Russo: Okay, will the mics pick me up? I know I have court here a lot, but for

Member Bittone: I guess, speak loud.

Attorney Russo: Okay. Uh, Mr. Chando, I'm gonna ask you, I'll try to cut through this, should be, um, some basic questions. We're you currently employed?

Mr. Chando: Phillipsburg, uh, School District.

Attorney Russo: And in what capacity?

Mr. Chando: Superintendent of Schools.

Attorney Russo: And as Superintendent, were you involved, uh, with the construction, uh, process of the new high school?

Mr. Chando: Yes.

Attorney Russo: All right. And as, and the high school is now complete, is that correct?

Mr. Chando: Correct.

Attorney Russo: All right. Uh, now, as part of that, um, ongoing process, um, we've come to a point now where the school district would like a sign, is that correct?

Mr. Chando: That's correct.

Attorney Russo: All right. Can you explain a little bit to the Board about this particular sign? Um, why it was chosen and what purpose it would serve in our community at the high school?

Mr. Chando: Certainly. Um, this is part of the last phase of trying to complete the entire campus, uh, for Phillipsburg High School and, um, the intent always was, um, to have some type of message board sign, uh, that would be available to the school district to, um, advertise and, um, publicize all the various activities that are going on in the school district so the community could see it. Um, it al, can al, would also serve as a point for any type of emergency messages, uh, that had to be put out there by the school district and or by the municipality; it could also be publicized on there. Uh, but the intent was, um, and obviously because of the location of the high school being on the upper part of the campus, um, we had to find a location where we could still meet the, um, the focus of advertising all the activities going on in Phillipsburg High School and yet have, having it be seen by in, individuals in the community. So that was the purpose for that, the sign itself. Um, for the one sided sign, was chose, we, uh, only because of, um, the, um, angle of the sign that it had to be for site purposes, um, so there's no need to go with it, with a second side assigned to it. Uh, and it, is, is basically for, uh, enhancements of the high school as well as advertisement into the community.

Attorney Russo: Okay. And, um, were you part of the, uh, process, uh, with regard to locating where this prospective sign would go?

Mr. Chando: Yes.

Attorney Russo: And how, how was that process (inaudible), how did you come up with that location?

Mr. Chando: Well, the location, uh, we, we looked at both sides of the, of Stateliner Boulevard to see which one would have the better site lines; that was the first thing to take a look at. The second thing with respect to height and whatever, we, if you, um, are out at the site and you see the traffic control box that's there, um, that obviously serves as a hindrance to the site line for the sign itself. Um, and that's why it, it had to be raised, um, to the height that, uh, it's being proposed, as well as the grade drop off there. Uh, it just did not permit us to go with a, um, a ground level type sign because the, uh, traffic control box would, uh, really take away any site lines for anybody that's on Roseberry Street and going to the end of the property, where anybody on Belvidere Road, uh, to be able to see.

Attorney Russo: Why not put the sign right up, uh, next to the sidewalk like many schools does?

Mr. Chando: Uh, we didn't think that was, um, that was necessary, only because of sight lines and the fact that, um, we wanted it to set back off of all, all, on to our property, not to cause any issues.

Attorney Russo: Um, I don't know if anyone has any questions for Mr. Chando, um. Oh, you know what, before I get there, how about the appearance of the sign? Can you describe that generally?

Mr. Chando: Uh, the appearance, I think you provided that, but, uh, we're going with a, um, a stone, um, encapsulating the, the pillars and then the sign is sitting in there. It is going to be earth tone col, uh, colors of that stone so it blends into, uh, the scenery of, of the property itself.

Attorney Russo: Thank you Mr. Chando.

Mr. Chando: Thank you.

Attorney Russo: Does anybody have any questions of Mr. Chando?

Member Bittone: I have a question. Uh, as is usually concern with, uh, a lot of lighted signs or variable message boards, uh, neighboring properties of, often have concerns with

Mr. Chando: Uh huh.

Member Bittone: night, nighttime, especially changing message boards. Is this going to be a 24 hour lit sign?

Mr. Chando: The, the sign itself, um, has the, um, light either increases or decreases in daytime/nighttime, the sign dims itself down, if I'm correct Mr. Schneider.

Attorney Russo: I, I can have the technical

Member Bittone: Okay.

Mr. Chando: But, yeah, we're very cognizant of the brightness and what that would mean to the surrounding neighbors.

Member Bittone: Okay.

Attorney Russo: Yeah, and I'd just like to indicate that we did send all the, uh, I checked the, the previous law firm did send all the adequate notices and 200', uh, notice. Uh, we did get a correspondence from a potential objector. I don't know the whole (inaudible), um, but that was the only potential objector and that objector actually would be on the, would be any (inaudible) portion of the sign, not facing that, um, that individual.

Attorney Sposaro: Which one of your, go ahead George.

Planner Ritter: Oh no, I'm sorry. I just wanted to follow up. His question was not so much the technical aspect of the dimming of the light based on the background light; is it going to be on all night? That was, I think, one of the questions

Member Bittone: Yeah.

Planner Ritter: that he asked.

Mr. Chando: At this particular time, we, we envision it to do that, yes. But it would be dimmed down to the point whereas the brightness (inaudible) you know, (inaudible), what it would be during the normal daytime hours.

Planner Ritter: Okay, well that's, okay, so it's 24 hour operation is what you're talking about?

Mr. Chando: 24 hours.

Attorney Sposaro: Which one of your witnesses will be addressing the confusion we're having right now (inaudible) it's location?

Attorney Russo: Mr. Mengucci.

Attorney Sposaro: Okay. Is, before, uh, does anyone have any, uh, questions for Mr. Chando? Anybody on the Board?

Member Horun: Was, was, was signage addressed during the original site plan at all, or it just, it's just the normal procedure in terms of how a, a high school's constructed?

Mr. Chando: Well, obviously, the SDA wasn't in, involved

Attorney Sposaro: Sir, would you just come up so we can record you?

Mr. Chando: Oh, sorry.

Attorney Sposaro: Thank you. Ob, obviously, the SDA wasn't going to be involved with any type of signage, um, that the school district was looking at. Uh, they certainly weren't going to fund it. Um, so, they, they were out of the picture.

Member Horun: But in the original plans there was nothing that addressed

Mr. Chando: No.

Member Horun: signs at all?

Mr. Chando: No. Uh, and obviously those plans being drawn up several years ago and with these signs, I don't believe were out at that time. Um, so it was just a matter of what type of message board; once we, you know, obtained the campus, what we were going to put there.

Planner Ritter: I, I, I have another question. I'm not sure of, uh, the superintendent is the right one, so correct me if I'm wrong,

Mr. Chando: Sure.

Planner Ritter: but I guess the question I have is, how did you decide, uh, besides the location which we have to clarify,

Mr. Chando: Exactly.

Planner Ritter: that it should be on, on the side of the driveway that it's being proposed on? When you pointed out, and I agree with you, the electrical boxes sit right on that corner and if you move it to the other side of the driveway you don't have the restriction of the electrical boxes

Mr. Chando: The sight lines, the sight lines are, are not good at all if it's on that other side. We, we looked at that with, um, a consultant, okay, and, uh, they, there sight lines in terms of the, the way the road leads in from Roseberry into Stateliner Boulevard, um, those, those sight lines are, are, are not good at all; we wouldn't even be able to angle the sign to be able to be seen, uh, very well.

Planner Ritter: Really?

Mr. Chando: It's too, it's too far to the right.

Planner Ritter: Okay. Uh, oh,

Attorney Sposaro: Go ahead.

Planner Ritter: no, the, the only other question I guess I had was that you suggested that you have to have the sign height because of the grade and I know both sides of the road drop off. I notice on the plans that were submitted, that the ba, the, the grade was to be brought up level to the signals before you build the sign; that's what the notes on the drawings say. In other words, you were going to fill the area under the sign so it came up to level with the traffic signals. So I guess my question is, is that if you're bringing that up the two or three or four feet that it takes to bring it up to road height, would you necessarily need the sign to be as high as you're proposing?

Mr. Chando: Well, you still, your, your still set back to a point, whereas, there has to be some height to this sign so people can see it.

Planner Ritter: Well, I, okay, we'll, we'll continue

Mr. Chando: Okay.

Planner Ritter: cause I'd like to see where it's actually being located.

Attorney Sposaro: Are you going, do you have an engineer here to testify to give us some clarification on the location and to address the, the sight line issues that were referred to by the superintendent?

Attorney Russo: I, I don't have an engineer here.

Attorney Sposaro: Okay.

Attorney Russo: Um, I have, uh, Mr. Schneider here.

Attorney Sposaro: He knows his drill, but he also knows what his not his drill.

Attorney Russo: But maybe we could clear up at least the, the, uh,

Attorney Sposaro: Fine, Mr. Mengucci is, uh, often a wealth of knowledge, so perhaps he can help us. Um, do you swear/affirm the testimony you'll give in this matter will be the truth, the whole truth and nothing but the truth?

Mr. Mengucci: I do.

Attorney Sposaro: Would you state your name and spell your last name for the record?

Mr. Mengucci: James Mengucci, M-e-n-g-u-c-c-i.

Attorney Sposaro: Thank you sir. Go right ahead.

Mr. Mengucci: What is, what is it exactly you would like to know?

Attorney Russo: Mr. Mengucci, um, where are you currently employed?

Mr. Mengucci: Phillipsburg School District.

Attorney Russo: And what's your title? I, I know I miss

Mr. Mengucci: Director of, Director of Facilities.

Attorney Russo: All right. And what, what are your job, uh, duties as Director of Facilities, generally?

Mr. Mengucci: Basically the daily operation of all the plants and facilities for the new district.

Attorney Russo: All right. And what involvement did you have with regard to the placement or measurement of these, this perspective, uh, sign location?

Mr. Mengucci: Uh, there was a group of us that got together and discussed where we thought it would be best to be placed. Um, we determined the left side as you're coming down Roseberry Street; we thought that there was more traffic that would catch that sign, uh, then it would be had we placed it on the right had side. Uh, there's more traffic we feel coming down Belvidere Road and down Roseberry Street that would catch the visual sight lines of that sign and it would be coming up from the old high school. Um, so, that was our, our determination.

Attorney Russo: All right, now at some point, you were made aware of, uh, measurements that, uh, Mr. Ritter had, um, relied upon?

Mr. Mengucci: Correct.

Attorney Russo: Um, and you were asked, um, to do what?

Mr. Mengucci: To go out, to go out and measure where we, where we would be putting that sign. And that sign will go 68' off of the curb line from the road to the start of where the sign will be; uh, that's Belvidere Road. And I believe it was 19' was the measurement taken from, uh, Stateliner Boulevard to the start of that sign. It was not taken off the sidewalk; there's a macadam sidewalk on that side, uh, it was taken from the actual edge of the road itself.

Attorney Russo: Did, did you, did you render those measurements yourself?

Mr. Mengucci: I did.

Attorney Russo: And how did you take those measurements?

Mr. Mengucci: With a, with a measuring wheel.

Attorney Russo: Okay, and as we sit here today, is there anything, um, in or around that area, uh, demarking or signifying where the prospective sign would go?

Mr. Mengucci: Uh, yes.

Attorney Russo: Ok.

Mr. Mengucci: Yes.

Attorney Russo: What's there now?

Mr. Mengucci: There is a hole there now

Attorney Russo: Okay.

Mr. Mengucci: with a construction fence around it.

Attorney Russo: And is that where you measured from?

Mr. Mengucci: Yes.

Planner Ritter: I measured from the curb for some reason, I'm sorry, I, I guess I'm, I'm confused because if I measure from the Belvidere Curb to the sign, it's 30'. So you're pushing it back another 30'?

Mr. Mengucci: 68' is what it is off, off the curb line of Belvidere Road back to the start of that hole.

Planner Ritter: Okay, well then the site plan is not close, unless, I guess that's what's confusing me. I mean if you're moving it back, you know, I'm just, I'm just telling you.

Mr. Mengucci: Are you looking at a, uh, site plan that indicates that sign is on the left?

Planner Ritter: On the left

Mr. Mengucci: Okay.

Planner Ritter: and, and if, if I measure 68' from the curb, it's gonna be twice as far back from the, from Belvidere as shown on the site plans.

Member Rutledge: Is that where the excavation is there already?

Mr. Mengucci: Correct, yes, on the left hand side as you drive in there.

Planner Ritter: Oh know, I'm just, all I'm trying to do is figure out where those footing plans are.

Mr. Mengucci: Then it gives, Mr. Chando had indicated where the light box is there, um, we had to take that into consideration, if we leave those light boxes, correct me if I'm wrong George, were, uh, 6' high, 5'?

Planner Ritter: Oh I don't disagree with you,

Mr. Mengucci: Yeah.

Planner Ritter: when I was out there and looked, and then I thought they were 5 or 6' high. That's one of the reasons why I thought the other side of the road made some sense, (inaudible)

Member Rutledge: What do they control, the stop light?

Planner Ritter: They, they control the stop lights.

Member Rutledge: Yeah.

Planner Ritter: It just seems, okay, anyhow. Okay, so it's back 68, where is it from the school driveway then?

Mr. Mengucci: From the school driveway to the start of the hole is 19'.

Planner Ritter: All right, so that's a little closer. Okay. All right, that's right in there somewhere, okay.

Attorney Sposaro: And so, and so we're clear, because your testimony is, uh, different than the plan, what part of the sign, will the closest part of the sign to the road, is that the measurement you're giving us?

Mr. Mengucci: Correct.

Attorney Sposaro: Okay.

Chairman Gary: So, so you're saying that if you're, um, in a vehicle that, that, that the sight line is, is, um, I'm a little confused; you know I don't there's a depression there that we spoke, spoken of, so, are you saying that it's going to be, uh, should the site line just gonna be that you can just look straight, I mean, are you going to have to look up at it or just gonna

Mr. Mengucci: No, I believe it will be straight up, yeah.

Chairman Gary: Okay.

Mr. Mengucci: Yeah.

Attorney Sposaro: Is that area going to be filled?

Mr. Mengucci: The area itself, as far as any grading or just around the sign itself?

Attorney Sposaro: There's a depression where, for the, where the sign is proposed to be located.

Mr. Mengucci: Correct.

Attorney Sposaro: Is that depression going to be filled

Mr. Mengucci: It will be a footing.

Attorney Sposaro: and regraded so that it's level with the area that's around it? I want to make sure I understand that your

Planner Ritter: Yeah, the, the notes on, on the submission on the site plans say that the area around the sign is to be filled to the height to the base of the traffic signals. So, what I'm saying is, I, I agree with you that if the ground falls away, but the way this describes it, you're gonna put 3 / 4 feet of fill on this side.

Mr. Mengucci: No, that is not our intent at all. Not the way I'm understanding it.

Planner Ritter: That's all I've got. I'm just, again, trying to figure out what you're trying to do.

Mr. Mengucci: The sign is going to be on posts. you're gonna see the posts.

Planner Ritter: You're gonna see the posts, correct?

Mr. Mengucci: Yes,

Chairman Gary: They'll be on a pole, they'll be elevated

Mr. Mengucci: They'll be, they'll be, the base will be some, some fill alongside of the sign, will be

Chairman Gary: (Inaudible).

Mr. Mengucci: The actual sign itself is gonna be above.

Planner Ritter: Well, yeah, cause the sign itself, if I read it correctly, is 6' high and it's on 11 1/2', in another words,

Mr. Mengucci: The top of the sign.

Planner Ritter; There's, there's a 5' base on this sign.

Chairman Gary: So if I stretch this, (inaudible), so if I put a string from the sidewalk, on, uh, Belvidere Highway and ran it to, a level string,

Mr. Mengucci: If you're looking at that sign the way it is now, lay it on holes, it's on an angle, from the curb to this side of the hole, is 68'.

Chairman Gary: Okay.

Mr. Mengucci: Okay? From the road to this side, is 19'.

Chairman Gary: Okay. I'm just thinking about height though. So, so when I run that string level from, uh, the sidewalk on Belvidere Highway,

Mr. Mengucci: Uh huh.

Chairman Gary: will that then, will that, uh, be at the bottom of the sign? I'm assuming it will be, at least, at the very least, or actually the sign will, will be somewhat above that, above that right? That

Mr. Mengucci: Yes.

Chairman Gary: And about how much do, uh, I, you know, I don't want to split hairs, but

Attorney Russo: Well we do have a benefit of, Mr. Schneider, could make a statement with his perspectives, he knows exactly where, um,

Chairman Gary: Okay.

Attorney Russo: that that may be more beneficial to us to visualize it. Um, you know, to the extent, um, and I guess it's a positive amendment, but to the extent that would be considered an amendment. I mean that it's, its back there. (Inaudible).

Member Horun: When, when they're traveling west on Belvidere, how far are you away before you pick up the sign, giving an approximation how far you're away?

Mr. Mengucci: I would say you're probably, you're probably a good 150' before you pick it up. I would think you'd have to clear, uh, Jiorle's office there before you actually pick that sign up. You know, I don't, I don't know that.

Vice-Chairman Gary: The fact that you face the way; I'm sorry.

Planner Ritter: No, no. I guess my question is now that the sign is moved back to 60 some feet from the curb line, if it was moved forward on the other side of the road and brought up, wouldn't the visibility be about the same? In other words, you could reduce the height of the sign; get it out from being in back of the control box and, and have it up on the corner a little closer?

Mr. Mengucci: It makes sense from, maybe possibly from sign perspective, but you would also be angling that sign towards some residents.

Planner Ritter: Well, uh, across the street there is a parking lot.

Mr. Mengucci: No, across the street, if, if you angle that sign the same way, you'd be, you'd be facing the houses on the corner of Roseberry and Belvidere and also Hillcrest and Belvidere.

Planner Ritter: Well, down the road, cause there's an office building, well, okay. There's an office building further to the, what is that, right if I'm facing the road?

Mr. Mengucci: Correct. You are in front of Dr. Grubb's.

Planner Ritter: Yeah, there's, there's an office building over there.

Mr. Mengucci: If you look at, if you look, then the office building would be closed at night, obviously. During the day it really wouldn't affect anything, you know, nor would it affect anything in the Brass Rail. I would think it would be better to, to, you now point the sign toward the Brass Rail and the doctor's office then in would be to point it towards to residential houses.

Chairman Gary: And, and that's where it heading right?

Mr. Mengucci: Yeah.

Chairman Gary: I mean toward the Rail?

Mr. Mengucci: Correct.

Planner Ritter: Well, it's, it's pointed that way on either side of the road, isn't it?

Mr. Mengucci: No, no. You come down Roseberry Street, the way you're talking about, it would be, you'd be looking at it from your right. If you come down Roseberry Street now, it's going to be on your left.

Planner Ritter: Yes, yes, no I agree, I agree. I see where you're, what you're talking about.

Mr. Mengucci: Yes.

Member Horun: The old high school sign, is that on 24/7?

Mr. Mengucci: Yes.

Chairman Gary: I like the angle. Uh, how about if we take about a 10 minute recess, uh, walk around a little bit and, um, let some folks talk a little bit, okay?

Attorney Russo: Sure.

Secretary Coleman: We're on now.

Attorney Russo: All right. Thank you for your patience. Um, I've consulted with, um, our, our experts here, I, I think, I'm slightly concerned with regard to the discrepancy in the, um, not only in the topography, um, um, but also the, the distance. I'd like to request an adjournment. Um, I, I think we could clarify this, in fact I think it's even better because it's, it's a lot further back than was envisioned and probably envisioned by this court. I think that will make it a lot easier for everybody, um, if, if you guys are willing to do that.

Attorney Sposaro: Yeah, I, I think it's a great idea and the record should reflect, I suggested to the Chairman that we take a break and I had informal discussions with, uh, some of the applicant's representatives indicating that we're very uncomfortable, the Board Professionals, uh, George and I, because we weren't sure what was being presented to you. We weren't really sure of the location, we weren't sure of the, uh, of the grade at which this sign was going to be located. As Counsel indicated, the testimony is different than the plans and we need to get that straightened out, because those are two very important considerations. Counsel, while you're at it, there, in the packet that you handed up to us that is A1, the first sheet shows a decorative finial at the top,

Attorney Russo: Yes.

Attorney Sposaro: but there's another plan, in fact there is

Planner Ritter: Actually it's, that's the plan they attached to the most recent, same one as we had.

Attorney Sposaro: Uh, that is Sheet 4 of the plans that you distributed to us, it doesn't show that decorative,

Attorney Russo: Gottcha.

Attorney Sposaro: and we're not sure which one it is and that would impact the size and the height of the sign. So we just need some internal consistency and some clarification. Uh, and, uh, we can move forward with this application.

Attorney Russo: Got it, I appreciate it.

Attorney Sposaro: Um, if we, we need additional time, I will trust you will give us an extension, is that okay?

Attorney Russo: Yeah, well, we're gonna try to do this, I mean, we'll do this expeditiously (inaudible).

Attorney Sposaro: Good enough.

Attorney Russo: All right, thank you so much.

Attorney Sposaro: Thank you.

Attorney Russo: I appreciate it.

Attorney Sposaro: The public should be advised, Phyllis, when is the next meeting?

Secretary Coleman: I will be on May 10th.

Attorney Sposaro: It's adjourned till May 10th, uh, there will be no further notice of this, so, uh, there won't be anything in the newspaper, there won't be anything mailed to you. You may want to check with our clerk to confirm that the application is still on, talking to the public, not so much the applicant. So, if you don't come out for no reason or some reason, they're not ready to, uh, it's carried to the 10th with no further notice. Thank you Counsel.

Attorney Russo: Thank you.

PUBLIC COMMENT:

Attorney Sposaro: Is there any public comment on any

Audience Member: I just wanted to ask, uh, are you going to have new plans drawn up? Aren't they required to have them at the municipal office building so we, like, I couldn't get a copy of anything

Attorney Sposaro: Yes, they should be submitted, uh, no less than 10 days prior to, so they'd have to be submitted by May 1st and you're certainly entitled to a copy. They will be submitted to our Secretary, Phyllis Coleman and if you give her a call and stop by here, you're entitled to a copy.

Audience Member: Well, I, I tried (inaudible) get one (inaudible).

Chairman Gary: That's because we didn't have any.

Attorney Sposaro: Well, if they're not on file here, the application is not going to be heard, it's that simple. You're entitled to reasonable opportunity to review those plans in advance of public hearing.

Chairman Gary: Okay?

Attorney Sposaro: Thank you.

Chairman Gary: Anyone else? Any concerns? All right.

MOTION TO ADJOURN

Motion by: Member Rutledge

Seconded by: Member Horun

ALL IN FAVOR: Ayes

NAYS: None

Respectfully submitted,

Phyllis D. Coleman
Secretary

Fred Gary
Chairman