

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
June 18, 2019

Chairman Leonardis opened the meeting at 7:00 pm.

Please stand for the PLEDGE OF ALLEGIANCE.

This meeting was held in accordance with the Open Public Meeting Act and as such, proper notice of this meeting was published in The Observer, The Courier News and The Star Ledger providing same to the Borough Clerk.

It is the policy of the South Plainfield Zoning Board of Adjustments, not to hear any new applications after 10:00 pm and no new witnesses after 10:30 pm.

ROLL CALL:

Present:

Gino Leonardis, Chairman
James Gustafson, Vice Chairman
Ken Bonanno
Maria Campagna
Darlene Cullen
Cindy Eichler
Frank Lemos
April Wasnick, 1st Alternate

Absent:

Joseph Scudato, 2nd Alternate

Also attending, Michael O'Grodnick, Esq.; Bob Bucco, PE, CME, CPWM; Stanley Slachetka, PP, AICP

MINUTES:

April 16, 2019

Chairman Leonardis called for a motion of **approval** of the above mentioned meeting Minutes. Mrs. Eichler made motion, seconded by Mr. Bonanno. Those in favor: Mr. Bonanno; Mrs. Campagna; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick and Chairman Leonardis. Those oppose: None

May 7, 2019

Chairman Leonardis called for a motion of **approval** of the above mentioned meeting Minutes. Mrs. Eichler made motion, seconded by Mrs. Cullen. Those in favor: Mr. Bonanno; Mrs. Campagna; Mrs. Cullen; Mrs. Eichler; Mr. Lemos; Mrs. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: None

RESOLUTIONS: None

HEARING:

**A. Case #18-16 – James Felix Connors
Block 539: Lot 5: OPA-1 Zone
100 Main Street**

The applicant is requesting a Preliminary and Final Site Plan approval. Use Variance approved April 18, 2017.

James F. Clarkin, III – Clarkin & Vignuolo, PC, 86 Washington Avenue, Milltown, New Jersey – attorney for applicant addressed the Board. Last heard in 2017. Was supposed to return within one hundred twenty (120) days which did not happen. Did file site plan application in February 2018. Several factors resulted in the delay... the Applicants

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
June 18, 2019

financial situation and the attorneys schedule. Have a site that was granted use variance. Admits site needs improvement. Never had a site plan as far back when it was used as combination of a residence and construction yard... Borough's impound yard by Gemini Towing. Need a parking variance. Also need a variance for the enclosed storage yard and dumpster is partially in the front yard. Doll house needs a setback variance since it is being considered as a secondary structure. Will be moving it forward by four feet (4'). To answer Mr. Slachetka's inquiry, the height is eight feet (8'). Open to suggestions for the relocation of the dumpster. It is a corner lot with two (2) front yard setbacks. Can move vehicle storage yard back and eliminate the variance. Can remove the storage no further than the masonry garage. Prior owner use back in 1982. During the last hearing, testimony was given for Gemini Towing which had six (6) tow trucks and flat beds with eight (8) to ten (10) impound vehicles. The Applicant is proposing to park less vehicles and equipment – five (5) pieces of equipment. Therefore, less intense. Two (2) witnesses... the Applicant and Mr. Valetutto as Engineer and Planner.

James Felix Connors – 100 Main Street, South Plainfield, New Jersey – owner, is sworn in. Mr. Clarkin questioned Mr. Connors:

- Owner and occupies 100 Main Street.
 - With wife and three (3) daughters.
- Operates Quality Paving from same location.
- Four (4) employees plus himself.
 - Maximum employees at the busiest time of the season.
 - Employees meet at the construction site... not at 100 Main Street.
- Five (5) pieces of equipment when not at jobsite.
 - Equipment will be at the construction site Monday through Friday.
 - Roller, Bobcat, Small Dump Truck, Two (2) trailers.
 - Small personal pick-up truck.
- Begins work approximately 6 am and returns approximately 6 pm.
- No deliveries to site.
- Only items that return to the site are pavers. Used for personal use... sidewalk.
- Excess asphalt is returned to the facility originally purchased from at no cost.
 - Done the same day as the job.
- Since last time before the Board:
 - Made some improvements:
 - Removed two hundred seventy-five (275) gallon oil tank.
 - Moved the playhouse.
 - Can be moved additional four feet (4').
 - Removed the chain link fence at the rear of the property line.
 - Replace with wooden fence.
 - Have removed the barbwire.
 - Will replace chain link fence along side yard.
- Vehicle storage is on the 'front yard'.
 - Will move the trailer and small dump truck back to the forty foot (40') setback.
- Replaced concrete walks with brick pavers.
- New roof on masonry block building. Also, painted it.
- Trying to improve the property.
- Asked the carting company for a new dumpster per the Environmental Commission request.
 - Does not leak.
 - Exhibit A1 – picture of the new dumpster.
- Will do the improvements once receives approval.
 - Within three (3) months.

Chairman Leonardis asked Mr. Clarkin if the 'doll house' was moved. Per Mr. Connors, yes. Mr. Clarkin stated the doll house was moved closer to the house, but still not compliant.

Angelo J. Valetutto – AJV Engineering, 424 Amboy Avenue, Woodbridge, New Jersey – is sworn in and accepted as a Professional Planner and Professional Engineer. Mr. Clarkin questioned Mr. Valetutto:

- Prepared Engineering Drawings. Based on survey by Hale Associates. By the guidance of the South Plainfield Borough Ordinance and the wishes of the Applicant.
- Testified at the Use hearing.

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
June 18, 2019

- Existing Conditions:
 - Shown on first sheet of site plan submitted. It is what existed at the time of the survey.
 - Applicant has made modifications.
 - Removed concrete walk that was in disrepair.
 - Removed bumper blocks.
 - Fence and stone area beyond limits of the property has been removed.
 - Trying to be a good neighbor.
 - Compliance.
 - South of Bedford Avenue – Lot 1.01
 - Gravel area put there by the prior owner.
 - Was going to clean up but some complications:
 - Per Mr. Clarkin, must obtain owners consent. Did not create the problem
 - Per Mr. Clarkin, would have to obtain a wetlands permit. Withdraw clean-up of neighbor's property.
 - Oil tank removed.
- Proposed Site Improvements:
 - Shown on second sheet of submitted site plans.
 - Residential structure will remain the same.
 - Proposing foundation plantings.
 - Per Professionals review, requested additional plantings. Will comply.
 - Children's play house to be moved an additional four feet (4').
 - Additional plantings to buffer parking.
 - RSIS requires three (3) off street parking spaces for a five (5) bedroom.
 - Will return three (3) bumper blocks to indicated residential parking.
 - Small dump and trailer will be moved back behind the setback of the masonry building.
 - Will eliminate variance.
 - New dumpster replaced. No longer leaking.
 - Barbwire fence will be removed.
 - Will replace with wooden fence.
- No changes to residential structure.
- No changes to masonry block building. Paint and new roof.
- Enclosure around dumpster.
- No known wetlands.
- Fully developed property.
- Has reviewed Najarian Associates letter dated May 15, 2019:
 - Page 2 – discussion of variances. If more equipment, will remove one (1) variance. Proposing three (3) off street parking spaces for residential.
 - Page 3 – Applicant proposed parking. Bumper blocks. Discussed.
 - Driveways to be curbed at both sides. Asking waiver.
 - Item 4 – not industrial manufacturing. No employees to site. Waiver for employee parking spaces.
 - Item 5 – existing driveway exceeds thirty-six feet (36'). Vehicle storage area. Multiple pieces of equipment. Turning radius. Access to the masonry building.
 - Item 1 – height and material of fence and gate. Wooden fence to match existing fence. Ten feet (10') high.
 - Item 2&3 – will comply.
 - Item 4 – no action required.
 - Item E – update Disclosure of Political Contribution. Per Mr. Bucco, it is on the checklist. Will comply.
 - Has walked the property. Property developed. No wetlands. Asked the Board Professionals to reconsider. Expensive to do. Rather put the money into the property. Will file with Middlesex County if approved. Mr. Bucco stated he can have his wetlands staff member look at it. Chairman Leonardis accepted.
 - Page 5 – Resolution compliance – Item 1 - referred to the 'old' Engineers report of September 1, 2016. Mr. Bucco agreed... nothing in that report that is not in this report.
 - Page 6 – doll house. Discussed.
 - Page 6 – off site improvements – Lot 1.01 – did not cause issue.

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
June 18, 2019

- Vice Chairman Gustafson asked regarding the dirt pile across Bedford, will it stay? Mr. Bucco stated no it cannot. Mr. Clarkin stated there is a Property Maintenance code, that should be addressed by them. Mr. Bucco agreed... the violation is on Lot 1.01. Property owner of Lot 1.01 must abate. Mr. Clarkin stated prior hearing testimony indicated that the Applicant did not create the 'pile'. Chairman Leonardis stated the owner of the lot is '211 Main Street, LLC Trustees'. Mr. Clarkin stated they still have to address it. Vice Chairman stated need to send notice to Property Maintenance. Mr. Clarkin stated that he will be in the Borough Building tomorrow and is able to speak with Mary Frances at that time. Mr. Slachetka asked any items on Lot 1.01 was not a result of the activities of the Applicant. Mr. Clarkin stated that was the testimony.
- Page 6 – will provide detail of bumper blocks.
- Item 1 – three (3) utilities... electricity is overhead wires and utility pole is shown. Water in front of house. Sanitary sewage field in the rear. Bathroom toilet facility in the masonry building. No gas or underground utilities. Mr. Bucco is satisfied.
- Annual well testing will be submitted to Mr. Bucco.
- Buffer screen at exit of parking. Partially address. Add plantings along masonry building facing the residence. Will work with Mr. Bucco.
- Page 8 – will park in front of bumper blocks. Will comply with RSIS off-street parking.
- Environmental comments – discussed.
- Property survey – will comply with Item 1. Item 2 no wetlands. Will wait for Najarian Associates investigation.
- Page 9 – new wooden fence. New walkway. No permits obtained. Work will be done by Borough Ordinance. Both were replacements.
- Item 2 – will indicate it is a paver sidewalk.
- Item 3 – wooden pallets. Mr. Clarkin asked Mr. Connors regarding the pallets by the dumpster. Mr. Connors stated when you purchase pavers, there is a deposit on the pallets. When have a number of them and return them, the deposit is returned. Not to be disposed of... will return. Mr. Clarkin asked if there is another situation that goes back to the site will it be stored in the masonry building. Per Mr. Connors, yes.
- 'No trespassing' sign. Mr. Clarkin does not understand why the sign is to be removed. Vice Chairman stated believes that the sign should remain. Many people in the area and with three (3) small children. Chairman Leonardis agreed.
- Item 5 – will comply.
- G – will comply with required setback lines.
- Page 10 - Item 2 through 5 – will comply.
- Item 6 – discussed.
- Item 7 – discussed.
- Item 8 & 9 – will comply.
- Item 10 – ADA – not required for the residential use. Masonry building is at grade but will verify and satisfy both the Board Engineer and Board Planner.
- Item 2 – suggestion to extend curb along Bedford Avenue. Borough has not decided what they would like to do. Mr. Slachetka's report also identified that. The street does not go anywhere. Borough does not know if they will vacate it. Borough controls lot 6 which is immediately behind it. Therefore, no need to curb.
 - Chairman Leonardis asked Mr. Bucco how far did he propose the curbing to go. Mr. Bucco stated that the curb should be along Bedford Avenue from the grass yard to the existing parking area approximately one hundred feet (100'). Chairman Leonardis asked if both sides should be curbed. Mr. Bucco stated only on the property side. Chairman Leonardis agreed that there should be curbing to better define the property. Mr. Clarkin stated will comply but requested a year.... Six (6) months for the other items.
- Will comply.
- Variances:
 - Off-street parking
 - Seven (7) required.
 - Three (3) for residence which can be provided.
 - Four (4) for commercial. Per Mr. Connors testimony, employees go to the job site not the Applicant's site.
 - No off-street parking for commercial is required.

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
June 18, 2019

- Setback variance for doll house (play house):
 - Required ten feet (10').
 - Can move four feet (4') giving six feet (6').
- Equipment storage yard will be pulled back.
- Dumpster in the front yard.
 - Mr. Slachetka asked Mr. Valetutto to point out the area on the site plan for the Board Members. Mr. Valetutto pointed out the area
- Masonry Block structure:
 - Required front yard setback – 40' ... Existing setback – 39.8'
 - Fenced in area – demarcation line will be marked .2 behind the masonry block.
- Dumpster:
 - Direct access for hauling.
 - Proposing fence in area.
 - Same fencing as northerly and westerly. All uniform.
 - Mr. Slachetka stated that the fence by the masonry building will be changed to wood fence.... Direct replace. Items will be contained in the fence area but beyond the forty foot (40') setback.
 - Dumpster will remain in the front yard setback. Will be enclosed in wooden fence to match... ten feet (10') tall. To provide maximum blockage.
 - Need front yard setback and side yard setback.
 - Need variance for the height of fence.
- Justify the variance:
 - Hardship argument
 - Existing site with existing structures.
 - Septic field which contained onsite.
 - Corner lot with two (2) front yard setback but Bedford Avenue is an unimproved, dead end street.
 - Lot depth of two hundred feet (200') from Bedford. Difficult to keep all the equipment from the setback.
 - Borough owns lot 6.
 - Flexible C2
 - Site never had site plan approval.
 - Site needs work. Proposed improvements. Buffering and screening.
 - Improvements proposed enhanced by comments from Board Professionals.
 - No detriment to neighboring property owners.
 - Benefits substantially out way any detriment.
- Suggestion that a variance is needed the masonry block building if more forward then the residential structure. Two (2) uses on site... business use and residential use. Block building not a secondary structure but a second primary structure.
- Variances can be granted without detriment to the public good.
 - Making significant site improvements.
- Variance can be granted without substantially impairing the intent and purpose of the zone plan and zoning ordinance.
 - Continuing two (2) uses that have existed for decades without any negative impacts. Significantly lessening impact for non-residential activity on Bedford Avenue.

Chairman Leonardis stated it has been over two (2) years... did not return due to financial issues. Site plan before the Board. What is the assurance that this will get done and timing? Mr. Clarkin stated with the exception of the curbing... three (3) months. Curbing three (3) months to one (1) year. Suggests to revoke the use variance if not completed.

Mrs. Campagna asked for a clarification regarding the fence... will the fence be all wood? Mr. Clarkin stated the fence will be all wood... matching. Various heights with a maximum of ten feet (10'). Mrs. Campagna continued.... Went to the site and did not realize Bedford Avenue was a street. Did not look like a street. Went further than the improvements on the property. Mr. Clarkin stated that Bedford Avenue ends at the side line of the property. Chairman Leonardis stated that since Bedford Avenue does not go through, it feels like someone's back yard. Mrs. Campagna agreed. Mrs. Campagna stated that the gravel ends and the land is overgrown. Mr. Clarkin stated the

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
June 18, 2019

condition of the road differs as you go further down the road. Mrs. Campagna asked if there will be any improvement to Bedford. Mr. Clarkin stated that is up to the Borough but the Applicant agreed to do the curbing on his side. Mrs. Campagna asked if Bedford floods. Mr. Connors stated no.

Chairman Leonardis stated all the water runs off the property and heads towards lot 1.01.

Mr. Bonanno stated when he went to the site. It looked like a loader pushed up the dirt recently on lot 1.01. Mr. Clarkin stated not the Applicant.

Chairman Leonardis opened the discussion to the Public.

Anthony Risoli – P.O. Box 174, Forked River, New Jersey – property owner adjacent to 100 Main Street is sworn in. Mr. Clarkin reminded the Board that the previous use hearing is not what is before the Board currently. Chairman Leonardis agreed. Owns the property at Block 539 Lot 2 and 3. One (1) lot has a home. Mr. Clarkin asked if it is the lot that is up for sale. Mr. Risoli stated it is two (2) of four (4) lots up for sale on Hamilton Boulevard between Main and Eastern Boulevard. Bedford continues to West End Avenue as a paper street. Only part that is not developed or opened is the area directly behind the property that is owned by South Plainfield. Property is probably wetlands and only use in the future would be park once a residential or business area of the OPA1 zone gets developed. Believes the zone was developed to bring in businesses... municipal complex. Mr. O'Grodnick asked if Mr. Risoli had a question. Mr. Risoli asked why it took so long to return to the Board. It was partially answered. Was notified twice but not notified regarding this hearing. Mr. Clarkin stated the notices were carried. Mr. Risoli stated he did not get a notice for tonight's hearing. Did inquire himself. Mr. O'Grodnick explained to Mr. Risoli that the Land Use Law governs notices and once notices are proved the Board can carry. Mr. Risoli asked the time frame since the last hearing was over two (2) years. Mr. O'Grodnick stated that this is a bifurcated application. Mr. Risoli stated he believes that an OPA1 zone has a maximum of six feet (6') and need permission for ten feet (10'). Mr. Clarkin asked if he is referring to the fence. Mr. Slachetka stated that has been discussed and a variance is required. Mr. Risoli stated that it was testified that the fence will be different heights. Mr. Clarkin stated that was correct. Mr. Risoli asked if the ten feet (10') will be only for the fence around Township property and dumpster. Mr. Valetutto stated all the wooden fencing is existing. Even though we did not return in one hundred twenty (120) days was aggressive and took care of the fencing including the fencing that was infringing on Mr. Risoli's property. The height of the fence that has been discussed is the height around the dumpster... that will be only six feet (6') high. Mr. Risoli stated there was an issue with the fence originally... it was put on his property. Mr. Clarkin stated there was a question with the survey.... Now the fence is on his property. Mr. Risoli stated it was moved twice. When the surveyor came to do the survey there was an issue with having it done.... A correct survey. Mr. Risoli stated it was his survey not the Applicants survey. Mr. Clarkin stated he is not sure where this is going. Mr. Risoli stated he wants to know if the survey that was used to put the fence was followed. The survey that was submitted to the town because it was wrong. Mr. Clarkin asked if Mr. Risoli believes the fence is on his property. Mr. Risoli questioned 'now' and responded no. Mr. Clarkin stated that there is no issue. Mr. Risoli reiterated that the fence had to be moved twice.

Mr. Risoli stated there was an issue on January 8, 2019. There was testimony given during the previous hearing regarding the cleaning of the tools. Has copies of the minutes stipulating what the Applicant stated that he 'scraps his tools'. On January 8, 2019 there was a fire. Gasoline was used on the property to clean tools. Mr. Clarkin asked if he observed the action. Mr. Risoli stated no. Mr. Clarkin stated it is 'here say'. Mr. Risoli stated he has the Police Report. Mr. O'Grodnick stated that it is immiscible. Mr. Risoli continued... received through OPRA. Mr. O'Grodnick repeated that the report is immiscible and this is the time to ask questions regarding engineering or planning.

Mr. Risoli stated parking in the roadway. Mr. Risoli asked Mr. Connors if all the equipment was parked in the fenced area since the last hearing. Mr. Connors stated 'not all the time'. Mr. Risoli asked how often. Mr. Connors stated at times it is parked the fence area, sometimes by the garage. Mr. Risoli stated has pictures for the last two (2) years... in the middle of Bedford and both sides of Bedford. Chairman Leonardis asked if Mr. Risoli if he would like to submit the pictures. Mr. Risoli stated yes.

- Exhibit PC1 – passenger car in street with bobcat and dump behind – perpendicular.
- Exhibit PC2 – bobcat and dump truck behind garage.
- Exhibit PC3 – not recognizable
- Exhibit PC4 – front loader and trailer parked on Bedford.
- Exhibit PC5 – dump truck parked on Bedford
- Exhibit PC6 – truck with small trailer parked on Bedford.
- Exhibit PC7 – not recognizable.

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
June 18, 2019

- Exhibit PC8 – dump truck parked on Bedford.
- Exhibit PC9 – dump truck parked on Bedford.

Chairman Leonardis asked why are there for sale signs. Mr. Risoli stated that he believes the Applicant was trying to reduce his equipment to the number he testified at the last hearing. Chairman Leonardis stated that he does not need advertisement. Mr. Risoli stated that he is showing the number of times equipment was parked on Bedford. Mr. O'Grodnick asked how many photographs and can he authenticate he took the photographs. Mr. Risoli stated yes... nine (9) photographs. Chairman Leonardis asked if having a passenger vehicle on Bedford not allowed. Mr. Risoli stated not the passenger vehicle but behind the passenger vehicle is the commercial vehicle... pickup truck with trailer. Mr. Risoli stated that he does not go onto Bedford because the owner at 100 Main Street may get upset. Chairman Leonardis asked what is the purpose of the picture showing a vehicle parked by lot 1.01. Mr. Risoli stated that is one (1) of the dump trucks. Does not know who pushed the area to make a parking spot. Chairman Leonardis stated that parking vehicles on lot 1.01 is not the Applicants property. Mr. Connors stated that he does and never parks there. The only time he does park there is when he moves one (1) truck out and put another back in. It never stays overnight. It never stays more than twenty (20) minutes. Clearly remembers that from the last hearing. Mr. Clarkin advised Mr. Connors he will have to do a better job of keeping all the equipment out of Bedford. Mr. Connors understood.

Mr. Risoli stated that he wanted to bring to the Board's attention what was attested too is not being followed. Has no problem with Mr. Connor and family living in the house. Has a problem with having a paving company at the site. A ten foot (10') fence so he may hide things. There is a weight problem. Chairman Leonardis asked what Mr. Risoli means by a 'weight problem'. Mr. Risoli stated that Chairman Leonardis showed concerned regarding the location of the roller and the septic system. Chairman Leonardis stated there is nothing proposed where the septic system is located. Mr. Risoli stated there will be more equipment that needs to be parked some place. Vice Chairman Gustafson had stated previously, that how can a business grow if you are limited to the size or your equipment. Chairman Leonardis asked if Mr. Risoli had any more questions. Mr. O'Grodnick asked Mr. Risoli if he had any further engineering or planning questions. Mr. Risoli asked from the way the Township never enforced for the two (2) years... will this be enforced from the senior administration of the Township? However, the other end of Bedford has been enforced.

Mr. Clarkin stated that as a volunteer condition, all equipment will be behind the fence and not on the septic field. Chairman Leonardis agreed.

Mr. Slachetka stated that the Board needs to be clear that the activity of the triangle area of the fenced in area. The provisions on outside storage stated that even with a fence, outdoor storage is not permitted in the front yard. Any outdoor storage must be screened up to ten feet (10') depending on the zone. Mr. Slachetka reads Ordinance 5:40:58-A. A variance is required. Chairman Leonardis confirmed with Mr. Slachetka, inside of the fenced area and outside of the fenced area. Only proposing outside parking for residential vehicles. Mr. Clarkin stated the three (3) bumper blocks are for the personal vehicles. Chairman Leonardis stated that equipment cannot be near the gate.

Vice Chairman Gustafson stated that the variances usually go with the property. Mr. Slachetka stated correct. Vice Chairman Gustafson asked if the Applicant would oppose a condition that if the Applicant no longer uses this for his operation, that the variance is vacated. Mr. Clarkin stated yes.

Robert Bengivenga – 133 South Plainfield Avenue, South Plainfield, New Jersey – is sworn in. Addressed the Board. Stated he had come to view the plans, which were not available. Would like to view the plans. The Board handed a copy of the plans to Mr. Bengivenga to view. Mr. Bengivenga asked where the curbing will be. Mr. Valetutto showed the area to be curbed. Mr. Bengivenga asked Mr. Valetutto if he had a copy of the survey. Mr. Valetutto stated that the survey was the basis in which shows the existing conditions and the proposal is on the second page. Mr. Bengivenga asked if Mr. Valetutto had a copy of the survey. Mr. Valetutto showed Mr. Bengivenga the survey. Mr. Bengivenga asked during the time the survey was taken, was there any evidence of a dirt being put on the southerly side of Bedford Avenue. Mr. Valetutto stated when he was at the property there was construction debris. Did not see any movement of dirt. Mr. Bengivenga asked if there were any indication of dirt, stone or any type of widening in the area. Mr. Valetutto stated no. Mr. Bengivenga asked Mr. Valetutto if he is aware of burning of toxic material on the premises. Mr. Clarkin objected to the question. Asked Mr. Bengivenga if he is an environmental engineer. Mr. Bengivenga asked Mr. Valetutto if he is aware of burning of tar on the property. Mr. Clarkin asked Mr. Valetutto if he has witnessed it. Mr. Valetutto stated no. Mr. Bengivenga proceeded to describe the fire and burning of debris in a bucket. The Fire and Police Department had arrived. Mr. Clarkin asked if

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
June 18, 2019

this is attributed to the Applicant. Mr. Bengivenga stated yes... he had seen it and made the report to the Police. Mr. Bengivenga asked Mr. Valentutto if he is aware that the Applicant parks his trucks and equipment on the roadway. Mr. Clarkin stated that through Mr. Connors testimony, he had admitted on occasion he does. Mr. Bengivenga stated that has been going on over two (2) years and travels by the property every other day. Is afraid this will continue. His understanding was that the equipment was to be in the fenced in area. Mr. Clarkin stated that this is what this application is about. Mr. Bengivenga asked about the runoff water that crosses Bedford Avenue going south. Mr. Valentutto stated there is no change in the grading of the property... nothing to increase the runoff.

Mr. Bengivenga introduced Exhibit PC-11 – photograph showing pick-up truck and trailer in the driveway and partially in the street and Exhibit PC-12 – photograph similar to PC-11 but different angle. Mr. Clarkin asked Mr. Bengivenga if he had taken the photographs. Mr. Bengivenga stated yes... last night – 5:30 – 6:00 pm.

Chairman Leonardis asked Mr. Connors if he is aware of the conditions shown in Exhibit PC-11 and PC-12 last night. Mr. Connors reviewed the photographs. Mr. Clarkin asked Mr. Connors to identify the black vehicle. Per Mr. Connors, Chrysler Pacifica. Mr. Clarkin asked if this is his personal vehicle. Per Mr. Connors, yes. Mr. Clarkin asked regarding the pick-up, is it his personal vehicle. Per Mr. Connors, yes. Mr. Clarkin asked what is it doing. Per Mr. Connors, towing a trailer. Mr. Clarkin asked if it is bringing it back... reversing back. Mr. Connors stated pushing it back but did not push it all the way back. It is not fully back. Mr. Clarkin explained to Mr. Connors for the third time... that he must adhere to the plans and asked what is he going to do to prove to the Board he will. Mr. Connors stated will rectify all issues.

Using Exhibit PC 10 and PC-11, Chairman Leonardis asked Mr. Connors that there is a Quality Paving truck connected to a Quality Paving trailer. Mr. Connors stated yes. Chairman Leonardis asked Mr. Connors if he realizes that the trailer will not be able to be parked were it is in the picture. Mr. Connors stated yes. Chairman Leonardis advised Mr. Connors that the trailer needs to be behind the fence. Mr. Connors stated yes. Chairman Leonardis stated that the pickup truck is his personal vehicle but the trailer is a commercial vehicle. Behind the trailer is a tailgate of a dump truck... black dump truck. A trailer attached to it with a roller. That is also parked in the forty foot (40') setback from Bedford. Moving forward, that too cannot be parked in that area. That is to be behind the fence. Mr. Connors stated yes. Chairman Leonardis stated there is a large dump truck parked in the same forty foot (40') setback. That too, has to be behind the fence. Behind the fence, there is an office trailer, space for a trailer and small dump... where is the rest of the equipment going? Mr. Connors stated behind the fence. Mr. Clarkin stated there is sufficient room behind the fence for all five (5) pieces of equipment without being in the forty foot (40') setback. Chairman Leonardis stated that the personal vehicles... Pacifica and silver dump truck can be parked in the forty foot (40') setback where there will be parking bumpers. Mr. Connors stated yes.

Vice Chairman Gustafson stated if there is a violation of the parking, a positively identification of commercial vehicles parking in the right-of-way, the use variance can be rescinded. Mr. Clarkin stated yes and a Jurisdiction 39 can be given to the property. Vice Chairman Gustafson asked if the Applicant is aware of this and possibly a 'three strikes you're out'. The Board is being very patient. It is a small business and the Borough is a small business town. Mr. Clarkin stated it is understood. Believes that the Applicant can be brought back and use variance rescinded if there is not enough compliance. Vice Chairman Gustafson stated that he would like to add that to the compliance aspect if approved. Mr. Bucco stated that a Title 39 allows Police to give tickets.

Mr. Clarkin stated that Mrs. Connors asked him a question.... They have a daughter with muscular dystrophy. Wanted to know if they can park their personal vehicle on Bedford for a few minutes so they may bring in the child who cannot walk into the house. Chairman Leonardis stated absolutely. Vice Chairman Gustafson stated that it is a residential street.

Mrs. Cullen asked Mr. Connors if he understands what is being discussed. Neighbors do have legitimate complaints. Mr. Connors stated yes.... Would like to 'get onto the right track and follow the rules'. Mr. Clarkin stated 'if he is coming back, it will not be with him.'

Chairman Leonardis asked the audience if there were any further questions or concerns.

Jon Dean – 3321 Evergreen Lane and 1910 Roosevelt Avenue, South Plainfield, New Jersey – is sworn in. Mr. Dean addressed the Board. He agreed with Vice Chairman Gustafson that South Plainfield is built on small businesses... he too a small business owner. Has seen the improvements on the property. This property was a

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
June 18, 2019

major towing company for a long time that was storing impound vehicles, wrecked trucks. Gemini Towing had highway heavy duty towing. Anything could have been leaking on the ground and utilized more of the property than suppose to. Trucks all over Bedford. Most people didn't realize where Bedford Avenue ended and the property began. Hoping the Board would grant the Application... the Zoning Office stays on compliance. If there are issues, people need to call Code Enforcement or Zoning Officer. If he stops home during the day, for lunch, use the bathroom, he will have to park his truck in the street to open the fence to get the vehicles behind the fence. Doesn't want to have people constantly taking pictures and stating the trucks out on the road while he opens the gate. Would like the Board to look into the Application in depth.

Chairman Leonardis asked the audience if, there were any further questions or concerns.

Chairman Leonardis asked Mr. Clarkin to review the variances. Per Mr. Clarkin:

- Required number of parking spaces.
- Setback for the dollhouse – accessory structure.
- Dumpster within the front and side yard setback.
- Storage within the front yard within the fence.... Triangle piece. Not vehicles.
- Vehicles beyond forty foot (40') setback.

Mr. Slachetka verified that ten foot (10') high fences are permitted.

Vice Chairman Gustafson believed that was a comment from a neighbor who requested a taller fence so they would not see within the fence area.

Mr. Bucco confirmed with Mr. Clarkin that the Applicant will grant a Title 39. Mr. Clarkin stated if there is a piece of equipment within the forty foot (40') setback, 'he deserves a summons'.

Chairman Leonardis asked if Mr. Connors is aware of Title 39. Mr. Clarkin stated yes... but not as the wording of 'Title 39'.

Chairman Leonardis stated that the variance for storage goes along with the owner.

Mr. Bonanno questioned the sign... 'private property'. Mr. Clarkin stated that the sign is on his property and small.

Mrs. Campagna asked for when these improvements will be done. Mr. Clarkin stated November 1, 2019 and one (1) year for the curbing... starting after the appeal period.

Vice Chairman Gustafson asked Mr. Clarkin to contact the Board Secretary if there is an appeal so the Board Members will be advised that there is a delay.

Mr. Bucco asked for a detail for the curbing from Mr. Valentutto. Mr. Valentutto will do so.

Chairman Leonardis called for a motion of approval for a preliminary and final site plan with the variances, waiver and conditions discussed. Mrs. Campagna made motion, seconded by Vice Chairman Gustafson. Those in favor: Mrs. Campagna; Mrs. Cullen; Mrs. Wasnick; Vice Chairman Gustafson and Chairman Leonardis. Those oppose: Mr. Bonanno; Mrs. Eichler and Mr. Lemos.

Chairman Leonardis called for a recess.

Chairman Leonardis called to order the meeting.

B. Case #42-18 – Billybordz 287, LLC
Block 528.01: Lot 46.04: M-2 Zone
5000 Hadley Road

The applicant is requesting a Preliminary and Final Site Plan with Conditional Use & Bulk Variances to construct a billboard.

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
June 18, 2019

Thomas Monahan, Esq. - Gilmore & Monahan, PA, 10 Allen Street, Toms River, New Jersey - attorney for the Applicant addressed the Board Members. Application for billboard use at 5000 Hadley Road. Block 528.01 Lot 46.01 - M-2 Industrial zone. Seeking preliminary and final site plan approval for billboard. A conditional use. Does not meet all the conditions.

William Stapleton - 34 Roosevelt Avenue, East Brunswick, New Jersey - is sworn in. Mr. Monahan questioned Mr. Stapleton:

- Owner and manager of Billybordz 287, LLC.
 - In business twenty-one (21) years.
- Has built another billboard on Route 287 in 2003.
 - One thousand feet (1,000') north of the proposed site.

Mr. Stapleton presented Exhibit A1 - consisting of seven (7) pages. Chairman Leonardis asked Mr. Stapleton if the billboard pictured on the front cover is the proposed billboard. Mr. Stapleton stated no... it is a picture of one (1) of the other billboards he owns. Chairman Leonardis advised the Board Members that the picture does not show Route 287, Hadley Road or any other South Plainfield road. Mr. Stapleton stated that the billboard that is pictured is on Route 35 'down the shore' at Kelly's Tavern.

Mr. Stapleton begin to describe the contents of Exhibit A1:

- Second page - Ariel view of the site in red. Location of other billboards in South Plainfield along Route 287 marked in yellow.
 - Listed Department of Transportation number, the number of panels and owner of the billboard.
 - Total eight (8) existing panels. Three (3) are electric message - LED.
 - Proposed lot is 17.9 acres.
 - Approximately one thousand five hundred (1,500) to one thousand six hundred (1,600) feet off of Hadley Road.
 - Existing office building on site.
 - Chairman Leonardis stated that this is the same building that Motor Vehicles has recently moved into.
- Third page - two (2) photos of existing billboards.
 - Owned by Mr. Stapleton.
 - Same side of the road.
 - Shows the contrast in height between the existing billboard and proposed billboard.
 - Maximum height fifty feet (50') over Route 287.
 - On Ariel - Lamar #66200.
 - Similar topography.
- Fourth page - Landscape
 - Trees proposing to remove.
 - Orientation of sign.
 - Two (2) panels.
- Following three (3) pages - smaller version of the site plan. Ease of opening instead of the thirty-six inch (36") size plans.
- Last page - lighting.
 - Over distance.

Vice Chairman Gustafson asked who will be speaking to the site location. Mr. Stapleton stated that he selected the site. Vice Chairman Gustafson asked why this site was chosen. Mr. Stapleton answered that Route 287 is a very desirable. High traffic count. Advertising aspect - demographic desired. Owner of site was happy to generate more revenue with a declining office market.

Chairman Leonardis opened the discussion to the Public. No questions or comments.

****At this point, it is decided that the next applicant, T-Mobile will be carried due to time constraint.****

Dave Violette – 19 Wiggins Lane, Belle Mead, New Jersey – is sworn in. Mr. Monahan questioned Mr. Violette:

- Property Manager of 5000 Hadley Road.
- Since 2014
- Approximately, two hundred thirty thousand (230,000) square feet of office space.

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
June 18, 2019

- Approximately, seventeen (17) acres.
- Parking ratio is six (6) per one thousand (1,000).
- Phone company left twenty (20) years ago.
- Occupancy:
 - DMV – ten thousand (10,000) square feet.
 - Owner – seventy-seven thousand (77,000) square feet.
 - Zenith Trade School vacated. Lease up April 2020.
 - Vacancy - one hundred twenty-two thousand (122,000) square feet.
 - AT&T original occupant. Building built for them in the 1980's.
 - Built sixty thousand (60,000) square foot data room.
 - Not fire sprinklered.
 - Borough Building Department will not allow space to be leased due to the lack of fire sprinkler.
 - To retro fit – must change pump. Bring larger waterline into building.
- Billboard significant income.
- Four (4) parking spaces to be removed.
 - No impact on current parking.
 - Located in rear, furthest from the building.
 - Seventy-five percent (75%) of parking lot empty daily.

Mr. Lemos asked Mr. Violette if the back end of the property has wetlands. Per Mr. Violette, no. Does not believe so. Mr. Monahan stated that the Landscape Architect will address. Chairman Leonardis believes there is a swale in the back. Mr. Monahan stated have Engineer and Landscape Architect who will address.

Chairman Leonardis opened the discussion to the Public. No questions or comments.

Gary Vecchio, PE – Taylor, Wiseman & Taylor – 124 Gaither Drive, Suite 150, Marlboro, New Jersey – is sworn in and accepted as a Professional Engineer. Mr. Monahan questioned Mr. Vecchio:

- Prepared documents under his direction.
- Presented Exhibit A2 – Existing conditions of the site.
 - Sheet 2 of the set of plans before the Board.
 - Points to rear right-a-way.
 - Found monuments for property line.
 - Billboard to be fifteen feet (15') from right-a-way.
 - Existing office building – approximately two thirty thousand (230,000) square feet.
 - Remaining is parking lot.
 - Eighty-one percent (81%) developed.
 - Points to the proposed area of the billboard.
- Presented Exhibit A3 – Proposed site plan.
 - Billboard will be fifteen feet (15') from property line.
 - Rear of the parking lot.
 - Four (4) parking spots to be removed.
 - Access of one hundred (100) parking spaces.
 - No variance for parking spaces.
 - Seventeen (17) trees to be removed.
- Billboard to grade of parking lot is thirty-six feet (36).
 - Must measure from edge of Route 287 – height of 47.38'.
 - A car can drive under the billboard.
- Debiose Environmental – consulting firm used for wetlands. No wetlands found.
 - No drainage swale per their report.

Chairman Leonardis asked if Mr. Vecchio is able to discuss the distance between billboards. Mr. Monahan stated Traffic Engineer will address.

Mr. Vecchio stated there are many waivers being requested. The work area is two hundred feet (200').

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
June 18, 2019

Mr. Slachetka asked regarding the height of the billboard, the variance is for the height of the billboard, not the clearance. Mr. Slachetka asked what the clearance will be. Per Mr. Vecchio, twenty feet (20').

Vice Chairman Gustafson confirmed with Mr. Vecchio that the twenty feet (20') is from the macadam to the billboard structure. Asked what possible vehicle would be twenty feet (20') in height. Mr. Vecchio stated there should be no tractor trailers by the billboard. Vice Chairman Gustafson stated that the billboard could be lowered and prevent anyone to drive underneath with block or jersey barriers. Mr. Vecchio stated yes. Mr. Stapleton stated that when the height was set that was not a criteria. Compared the height of all four (4) billboards that exist. Had to lower. With topography and hill, lose the back quarter view. Set the height to be safe, viewable, visible and clear. Height costs money. Tried to get lower than fifty feet (50') of the previous Ordinance. Vice Chairman Gustafson asked, it can be lowered. Mr. Stapleton stated it could, but it may impair the visibility and safety. Vice Chairman Gustafson asked who's safety. Mr. Stapleton stated the traveling motorist. Vice Chairman Gustafson asked if a higher sign is safer. Mr. Stapleton deferred to Traffic Expert. Vice Chairman Gustafson asked why center of the property and not to one side. Mr. Stapleton stated initially had it located somewhere else. When advised had to have landscaping, that is when it was moved and four (4) parking spots removed. Have to be one thousand feet (1,000') feet from other signs per DOT Regulations. Best location on the property. Vice Chairman Gustafson asked if the proposed sign is at the minimum distance to the west. Mr. Stapleton stated approximately one thousand one hundred feet (1,100').

Chairman Leonardis asked Mr. Stapleton to repeat the DOT requirement. Mr. Stapleton stated 'a minimum of one thousand feet (1,000') on a limited access highway'. It is three thousand feet (3,000') to a digital multi message sign. Vice Chairman Gustafson asked regarding the Clearwater sign to the north. Mr. Stapleton stated that New Jersey DOT regulations are for the same side of the highway. Relationship across the highway does not require spacing. Chairman Leonardis stated even though they are two (2) panels. Mr. Stapleton stated yes. There are regulations regarding exit and entrance ramps. Cannot be within five hundred feet (500') of a widening. Does not impact this application. Cannot be in a residential zone. There are thirty-five (35) pages of regulations. Vice Chairman Gustafson stated that he has not seen the regulations and asked if they are part of the submission. Mr. Stapleton stated no... but they are in some of the Professional comments. Vice Chairman Gustafson asked the Board Professionals if they are well versed in the billboard regulations. Mr. Bucco stated for the DOT signage. Mr. Stapleton stated that by the submission of the DOT permit that is in the application, indicates that met all the regulations. The operation of the signs is different. There are dimensional regulations. Vice Chairman Gustafson questioned that DOT is requiring one thousand feet (1,000') between signs. Mr. Stapleton stated no... that is Borough Ordinance.

Mr. Slachetka stated in his report, he addressed the use requirements, not the DOT requirements. Mr. Bucco stated that he did the same thing.

Vice Chairman Gustafson asked Mr. Stapleton if he did in fact have the DOT approval. Mr. Stapleton stated 'absolutely'.

Mr. Lemos asked per Ordinance, how many signs are allowable for one (1) mile.... Four (4). Mr. Stapleton stated yes, per Borough Ordinance. Mr. Lemos continued... two (2) on each side? Mr. Stapleton stated the Ordinance does not indicated which side. Mr. Slachetka stated four (4) within one (1) mile. Mr. Bucco stated per Ordinance, one (1) per parcel. 'The number of billboards shall not exceed four (4) for any linear mile considering both sides of Route 287'. Mr. Slachetka stated that the Applicant does not comply. Mr. O'Grodnick stated that is the conditional use.

Mr. Slachetka stated the Applicant is not in compliance with the height as well as the number of billboards per one (1) mile. They did step back the setback. That is in compliance.

Mr. Stapleton stated that the height is for the south bound side due to the topography. Did not clip the viewing. North bound is not an issue. If it is too high, cannot see due to roofs and mirrors. Mr. Monahan stated that the height is not met. Seeking a variance.

Mr. Monahan asked if the Board would like to review the waivers. Chairman Leonardis stated there are many. Mr. Bucco stated does not object to the waivers for the checklist items.... They do not apply. Few items that require testimony.

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
June 18, 2019

Mr. Monahan confirmed with Mr. Bucco that the waivers he is pertaining to begin on page 5 of Mr. Bucco's March 7, 2019 review letter. Mr. Bucco stated that from an Engineering standpoint, does not have any objections. Many items have been addressed. Would like to hear from the Landscape Architect. Need testimony that less than five thousand (5,000) square feet is being disturbed so there is no need for Freehold Soil Permit. Mr. Vecchio stated that less than five thousand (5,000) square feet is being disturbed. Mr. Bucco did have several conversations with Mr. Vecchio and the waivers went away. Would like to hear Landscape Architecture and Traffic testimony.

Mrs. Cullen asked if Mr. Bucco was satisfied with the Environmental Impact. Mr. Bucco stated yes. Vice Chairman Gustafson stated that there is correspondence with Environmental Commission.

Chairman Leonardis opened the discussion to the Public. No questions or comments.

Cicelia Schmidt – 24 Gaub Drive, Mount Laurel, New Jersey – is sworn in and accepted as a Landscape Architect. Mr. Monahan questioned Ms. Schmidt:

- Did Architectural Landscape for this property.
- Did tree survey.
 - Did not do tree survey on all trees onsite. Only those impacted by the sign.
 - VCM – Visual Canopy Management. Cone of site. The visibility from the sign to the street.
 - Shown on Exhibit A-3
- Walked the site.
- Twenty-seven trees found.
 - Calipers between six (6) and twelve (12) inches.
 - One (1) is eighteen inches (18').
 - Different levels of condition.
 - Several dead trees.
 - Seventeen (17) trees to be removed.
 - Shown in orange 'X'.
- Screening bottom of structure – post.
 - Arborvitaes. Soften area.
 - Removed four (4) parking stalls to install landscaping.
 - Chairman Leonardis asked if a fence is being proposed around the landscaping. Ms. Schmidt stated no. Chairman Leonardis stated then Arborvitaes should not be planted. Many deer. Asked to plant something different. Mr. Bucco stated that Rutgers has different other plantings that are deer resistant. Chairman Leonardis stated not proposing a fence, but the deer will attack the Arborvitaes within a week. The Applicant agreed to work with the Board Engineer on the type of plantings.
 - Mr. Stapleton offered to put the landscaping somewhere else. The only people that will enjoy them is the person who will read the electric meter and Mr. Violette when he does property inspection. Mr. O'Grodnick stated the landscaping is to remain on site. Mr. Slachetka agreed... there is 'no landscape trade-off'. Mrs. Cullen stated there is a Borough Tree Fund.
- No tree replacement proposed. Willing to work with Borough. Mr. Monahan stated somewhere else onsite. Ms. Schmidt agreed.
 - Chairman Leonardis asked if that would be in addition to the plantings around the base. Ms. Schmidt stated yes.

Mr. Slachetka stated that the painting on the tower should be 'stealth painting' per conditional use in the Ordinance. Mr. Stapleton stated usually use dark gray. Blends into background. Can do camouflage. Nothing bright. Mr. Slachetka stated it is not defined in the Ordinance. Possibly dark green on the bottom then darker grey going up.

Chairman Leonardis opened the discussion to the Public. No questions or comments.

John Tobias – 101 Covered Bridge Lane, Oxford, Pennsylvania – is sworn in and accepted as Lightening Engineer. Mr. Monahan questioned Mr. Tobias:

- Using last page of A1:
 - Calculated contribution of lighting.
- Light Emitting Diodes

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
June 18, 2019

- Just over five hundred thousand (500,000) of lights.
- Grouped into three (3) - red, blue and green.
- Using his phone.... Shows advertisement samples.
- View time is eight (8) second.
- No movement or animation. Changes instantly.
- At three hundred feet (300') looks like your phone size.
- Measured in foot candles.
 - Fourteen (14) to fifteen (15) foot candles.
- Industry standard... less than .3 at a range of two hundred fifty feet (250')
- Daytime – sign brighter.
- Nighttime – progressively darker. One hundred (100) 'steps'.
- Moving vehicle covers eight hundred feet (800') in the eight (8) seconds.
 - Will only see one (1) advertisement.
- Range of one thousand feet (1,000') – approximately size of a thumb.

Chairman Leonardis asked if the operation of the billboard will be remote. Per Mr. Tobias, yes... Remotely programmed. Adjustment for brightness is automatic. Built-in ambient photocell. Has camera.

Chairman Leonardis asked who monitors the billboard. Mr. Tobias stated Watchfire. Mr. Stapleton stated that the photo on Exhibit A1 was taken from an extended camera on the billboard. Can log on and view what is on the billboard.

Vice Chairman Gustafson asked what is the fail or success rate for the diming and other effects from the photocell. Mr. Tobias stated never heard one to fail. Only time seen it was when asked Watchfire to purposely change the dimming to test it. Explained that different colors in the advertisement may seem brighter. Mr. Stapleton stated that part of the contract with Watchfire is that he gets informed by email when the brightness is not within the spectrum assigned. They are eighteen inches (18") by eighteen inch (18") panels. Any function out of 'its parameter' will receive an email. Chairman Leonardis asked how often has Mr. Stapleton received an email. Mr. Stapleton answered once.... Has four (4) signs that have been running for three (3) years.

Vice Chairman Gustafson stated the reason for his questioning is that he has noticed the billboard on Hamilton Boulevard is very bright.... Sign #69347. Mr. Stapleton stated that there are two (2) additional panels. Mr. Tobias stated he cannot speak about the manufacturer. Vice Chairman Gustafson stated 'technology is great until it fails'. Mr. Tobias stated without knowing which manufacturer that is being used, he cannot explain it. Would be surprised if it is far out of the parameters. Mr. Monahan stated as a condition of approval, the Applicant must comply with the 'Firefox'. Vice Chairman Gustafson asked who or how would the Borough contact someone. Mr. Monahan stated it can be measured. Mr. Tobias stated would take a luminance meter and would measure to see if it meets the parameters. Vice Chairman Gustafson asked if the testing is a regular occurrence of a sign. Mr. Tobias stated no. Mr. O'Grodnick asked who creates the standards.... NJDOT? Mr. Tobias stated no... It varies. The prevailing standard is the Illumination Engineering Society of North America. Their recommendations are adopted by OAA – Outdoor Advertising Association. Mr. O'Grodnick questioned that the illumination is not governed by State Regulation. Mr. Tobias stated checks the local Ordinance first... but not in New Jersey. Vice Chairman Gustafson asked if Billybordz has an operational procedure testing their signs. Mr. Stapleton stated he relies on Watchfire's technology to keep him informed.

Mr. Lemos asked if the sign changing is 'tied in' to the speed limit. Mr. Stapleton stated he can manage the time an ad is on but the change to the next ad is instantaneous. Runs ads at six (6) seconds, eight (8) seconds and ten (10) seconds 'hold time'. Mr. Tobias explains the advertisement will 'linger' for eight (8) seconds and transition immediately. Does not scroll or have any type of effects. Chairman Leonardis confirmed with Mr. Tobias that the images go from screen to screen. Mr. Lemos asked there are any data conducted that a driver gets fixated at the sign and continues to read and take their eyes off the road. Mr. Tobias stated yes. Mr. Stapleton stated that there are studies and the Traffic Expert can discuss those.

Mrs. Cullen asked who determines the amount of time an advertisement stays on. Mr. Stapleton stated that he uses a longer 'hold time' and as demands increase then he will decrease the time. Mrs. Cullen asked how many advertisers. Mr. Stapleton stated that his runs one (1) minutes cycles.... Seven (7) advertisers in a minute... but leaves four (4) seconds. In Neptune City, he donates that 'empty flip' to the city for advertisements... police for drunk

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
June 18, 2019

driving, click it or ticket it, town wide events... etc. Public services announcements. Does not affect his rotation... has that time built in.

Chairman Leonardis asked what is the benefit to the community to have another billboard besides the landlord making money... the owner making money. Mr. Stapleton stated promotes commerce.... Local businesses... with multiple changes lowers the cost for advertisers. His static billboard is \$6,000 for one (1) month... one (1) side. Digital is under \$2,000 per month. Pays taxes. Mr. Lemos stated it does not improve the area.

Vice Chairman Gustafson requested to remove economics.

Chairman Leonardis stated there are two (2) seconds to donate. Mr. Stapleton stated there is fifteen (15) 'holds' for each hour. Chairman Leonardis asked how the small business of the Municipality take advantage of this billboard... not discounting of advertising. Mr. Stapleton stated the attractiveness of the Route 287 corridor... volume... demographic. National advertisers show higher end items. Mr. Stapleton stated the challenge is the management. Chairman Leonardis stated that the Borough is very proud of our sporting teams. Mr. Stapleton stated has slots... makes it work.

Mrs. Cullen asked if Mr. Stapleton has worked with local Police Departments for Amber Alerts. Mr. Stapleton stated has gone to State Police and offered to work with them with Amber Alerts... or other alerts. State Police stated they cannot work with him. State Police told him they have to control the message... when it goes up and when it comes down. Thanked him for the offer. Can work with local police. Has technology to override a message.

Mr. Tobias stated that it does not shine lighter than a regular illuminator... it just changes.

Chairman Leonardis asked if there is a way to monitor the power at any time of day... the intensity. Mr. Tobias stated that can be monitored. If there is a problem it can be turned off.

Mr. Slachetka read the Borough Ordinance regarding lights. Mr. Tobias stated there cannot be any blinking, flashing etc. It is prohibited. Mr. Slachetka read the Borough Ordinance regarding smoke and sense. Mr. Tobias stated that would be outside of normal operation. Mr. Slachetka read the Borough Ordinance regarding representing signs or signals. Mr. Tobias stated that is prohibited... It is in the thirty-five (35) page regulations. Chairman Leonardis asked what type of advertising that would be on the billboard. Mr. Stapleton stated he prohibits lewd, offensive, pornographic, tobacco. Has a clause that the property has the right to tell him to remove a sign.

Mr. Lemos asked regarding political advertisements. Mr. Stapleton stated he may not believe in what is being said, but if they pay the rate then it will be advertised. Has said 'no' to ads.

Vice Chairman Gustafson asked if there are anything that governs what is advertised besides his own restrictions. Mr. Stapleton stated tobacco. Vice Chairman Gustafson asked is there list by DOT. Mr. Stapleton stated no... the regulation states must be 'lawful'.

Mrs. Eichler stated has seen billboards for cars with headlights. Vice Chairman Gustafson stated that is a static sign. Mrs. Eichler stated it is distracting. Mr. Tobias stated this sign does not function that way.

Mr. Slachetka read the Borough Ordinance regarding illumination and spill over. Mr. Tobias stated that these are defused light that adjust. Mr. O'Grodnick asked if there is relief needed. Mr. Slachetka stated that the Applicant conforms to the requirement.

Mr. Stapleton read one of the regulations regarding that intensity of the light causing glare. If the static billboard with the headlights is causing glare, it is in violation.

Vice Chairman Gustafson asked if the homes on Kissam Court will be able to read the sign. Mr. Tobias stated it will be the size of a thumbnail... maybe smaller. It will look like a 'point source'. Vice Chairman Gustafson asked if his vision was 20/20, if he would be able to read it from that point. Mr. Tobias stated no.

Chairman Leonardis opened the discussion to the Public. No questions or comments.

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
June 18, 2019

Alan Lothian – 989 Lenox Drive, Lawrenceville, New Jersey – is sworn in and excepted as a Traffic Engineer. Mr. Monahan questioned Mr. Lothian:

- Billboards not a traffic generator.
 - Meter reader.
 - Maintenance.
- Has permit from DOT.
- Meets all criteria of New Jersey Access Code - Section 16:41C.
- Does not create motorist concern.
- Has proper spacing of the one thousand feet (1,000') and three thousand feet (3,000') from another digital billboard same side of highway.
- Minimum eight (8) seconds of message with immediate turnover
- Will not be mistaken as a regulatory device
- Won't create glare.
- Won't interfere with the motorists of the highway.
- Located where it will not be a physical obstruction.
- There was a study done by the Federal Highway Administration in 2012.
 - Completed a detailed a study of multi message sign and the impact on motorist on the highway.
 - Their reaction time and how long they look at the sign.
 - Hooked up video camera.
 - How long someone focused on the sign.
 - The average of someone looked at a static sign - 335 millisecond.
 - The average of someone looked at a multi-message sign - 379 millisecond.
 - Longest for a static sign - 1,284 millisecond.
 - Longest for a multi-message sign - 1,335 millisecond.
 - Threshold for safety impact is 2,000 milliseconds
- Height is not a safety concern. Visibility of sign is the concern.
 - Height of sign is at 47.3 feet.
 - Entire sign is visible.
 - Any lower, portion of back of the sign is not visible.
 - Driver will be wondering where the remainder of the sign is.
 - Linger longer.
- Within the view shed of the driver.

Mr. Lemos stated that the sign changes every eight (8) seconds. Mr. Lothian stated per DOT that is the minimum. Mr. Lemos continued... how do you come up with how often it changes? Mr. Lothian stated that the minimum is so it is not a constant distraction. If it was every five (5) second it will be distracting to the motorist. They would see it cycle through more than it should. Mr. Lemos asked if speed has anything to do with it. Mr. Lothian stated yes... going sixty-five (65) miles per hour at eight (8) seconds you might see it change once. If the time is longer, it acts like a static billboard. As someone driving only see one (1) advertisement. The next time you drive down will see something different.

Mrs. Cullen asked if there are any newer studies then 2012 with billboards 'popping up' within the last seven (7) years. Mr. Lothian stated no, that is the latest study.

Mr. Gustafson asked if Mr. Lothian knows the corridor of highway the study was conducted and was it taking account billboard on both sides or one (1) side. Mr. Lothian stated billboards on both sides. A mixture of static and multi-message billboard. One of the cities was Reading Pennsylvania and Richmond Virginia. Mr. Gustafson asked if this would be the standard study that most people would follow. Mr. Lothian stated yes. Mr. Stapleton stated it was a Federal Highway Administration study. Mr. Gustafson stated that assuming it was highway speeds. Is there a study for stand still traffic? Mr. Lothian believes the study did not take in account stand still traffic. Mr. Gustafson asked if there is a study that a vehicle is moving three thousand foot (3,000') to two thousand foot (2,000) range. Mr. Lothian stated not that he is aware of. Mr. Gustafson stated that this highway is mainly, 'park and sit and look at billboards'.

Mr. Lemos stated that this billboard is on a bend... is there any studies that test billboards on straight roads versus bends. Mr. Lothian stated that the only difference is there is a less of a 'view shed' to the sign.... On the south bound direction.

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
June 18, 2019

Chairman Leonardis asked what type of study was done for this location. Mr. Lothian stated for this location it was to make sure met the DOT criteria, the access criteria and Federal Regulations. Chairman Leonardis continued... any requirement to look at sunrise, how the sun impairs traffic versus a sign. Mr. Lothian stated not that he is aware of. Chairman Leonardis asked what other items was looked at for this location... from a transportation standpoint. Mr. Lothian stated it meets the regulations.

Mr. Slachetka stated there has been a lot of focus on Route 287. This sign is usual in comparison to other four (4) signs along the corridor, it is right in a parking lot. Approximately twenty feet (20') above a circulation line of a parking lot. Was there any information regarding the parking circulation? Mr. Lothian stated it is in a remote area of the parking lot which does not obstruct circulation. The height of the sign does allow free flow. Mr. Slachetka stated if there are signs changing, the lightening pattern and the area around parking lot being illuminated changes every eight (8) to twelve (12) seconds. Has a billboard ever been seen in this type of location. Mr. Lothian stated that he has seen them in parking lots. Mr. Lothian stated typically they are located in remote areas of parking lots and removed from any circulation. Mr. Slachetka asked if there are studies that evaluate the level of distraction on an off/on ramp, traffic etc. Mr. Lothian stated that in the regulations there are limitations as where the billboards can be placed... in proximately of ramps.

Mr. Slachetka stated that it is up to the Board if they would like to hear the lighting expert answer the question regarding the changing of illumination relative to the parking area. Chairman Leonardis agreed... would like to have the lighting expert answer. Mr. Tobias stated that the amount of light that falls is the function of angle... an elevation angle. Used his phone as an example.... Region around the sign post would be darker. When you pull away it will be brighter. It is the same intensity as parking lot lighting. Mr. Slachetka stated that the down cast will continue to change... people trying to park and pedestrians walking. Mr. Tobias stated that the way the sign functions it flips... the effect of the change it would walking along the parking lot and someone turned a light off and on. There would be a color and intensity change. Mr. Slachetka stated looking at the site, west of the sign, there is a significant circulation isle. People getting out of their vehicles and walking. A parking lot that someone is not used to. Motor Vehicle Commission with many people who only come once, wouldn't that be a hazardous condition. Mr. Tobias believes it is not. The difference between flip to flip will be less. If two (2) ads have a lot white space, wouldn't notice it. It would similar when a car turns a corner with the head lights. Not sure it will be a distraction. Mr. Slachetka would like some testing. Mr. Monahan stated the sign is located in 'nowhere land'. Mr. Slachetka stated it may be now but need testimony. Mr. Stapleton presented Exhibit A4 - picture of the parking lot on May 2, 2019 at 1:30 pm. From the sign looking towards the building. Only a handful of cars in the parking lot. Vice Chairman Gustafson stated there is no DMV sign. There is a sign now. Vice Chairman Gustafson asked if things change and the building is occupied. DMV may not be able to see the sign. Looking at the north side of the building will have a different view of the sign. Mr. Monahan stated how the parking lot is functioning. Mr. Violette stated that DMV was occupying at the time of the picture. Vice Chairman Gustafson asked if there is a sign today. Mr. Violette stated it was recently installed. There are things that can be done.... Speed control. When the building was built in 1980's, the occupancy is much more. Believes very remote chance that this area of the parking lot will ever be used. Vice Chairman Gustafson asked Mr. Violette if his testimony is that if the building is occupied that those in the north end will not see the billboard. Mr. Violette stated he cannot testify to that. Knows that general facility, the use of the lot is not likely. Vice Chairman Gustafson asked as a hypothetical condition, if the building is retrofitted and becomes one hundred percent (100%) occupied, left side of the parking lot becomes full, will the billboard be taken down. Mr. Stapleton stated no. Mr. Monahan stated something can be done to the parking lot if it is a problem. Mr. Bucco stated safe pedestrian walkways can be created... elevated walkways.

Chairman Leonardis asked Mr. Stapleton if he has his permit and when was it issued. Mr. Stapleton stated yes... it was issued January 18, 2018. Renewed and current. On April 15, 2019, ran a new permit list. Presented as Exhibit A5 - list of Outdoor Advertising Services. Valid from May 1, 2019 through May 15, 2020. They are annual renewed.

Mr. Stapleton stated he understands the issue of the parking lot. Used Times Square as an example to the number of pedestrians and vehicles in the area. Mr. Slachetka stated that there are a lot of traffic controls.

Mr. Tobias stated that the study that was done remains valid... 1.5 second 'loiter time'. More dangerous at speed then pedestrian distraction. Mr. Slachetka stated it is a parking lot. The zero angle is pointing right at the circulation isle in the back. Someone getting out of the car and then look at the sign, may cause a distraction. At some time, that parking lot may be filled. Mr. Tobias stated that the 'loiter time' for static and multi-message sign are almost the same. How does that more distracting then a regular sign.... It is no worse or better than a parking lot at a movie theater when walking through the parking lot and a headlight is illuminated. There is no glare issue. Mr. Slachetka

BOROUGH OF SOUTH PLAINFIELD
ZONING BOARD OF ADJUSTMENT MINUTES
June 18, 2019

asked if their design of the sign can mitigate the concern. Mr. Tobias asked what above the grade the sign is. Mr. Stapleton stated twenty feet (20') to the skirt. Mr. Tobias stated it is not a lighting issue.

Chairman Leonardis stated that the hearing will end for tonight and that the Planner and Lighting expert should return. It is determined that the Applicant will return on September 17, 2019. Mr. Monahan and Mr. Stapleton stated that they will grant any extension. Mr. Monahan stated would like to be granted for no further notice. Board agreed.

C. Case #44-18 – T-Mobile Northeast, LLC
Block 528.01: Lot 46.03: RH Zone
4701 Stelton Road

The applicant is requesting a Preliminary and Final Site Plan with Use & Bulk Variances to construct a twelve (12) communication antennas and generator.

***Warren Stillwell, Esq - Attorney for Applicant. Requested to carry due to time constraints and would like notices to carry. Grants extensions. Chairman Leonardis advised that the next meeting is July 2, 2019 and it is already known four (4) members of the Board will not be able to attend. The second meeting in July has three (3) commercial applicants. Recommends to move to August 20, 2019. Mr. Stillwell agreed.

INFORMAL HEARINGS: None

OLD BUSINESS: None

NEW BUSINESS: None

CORRESPONDANCE: None

EXECUTIVE SESSION: None

ADJOURNMENT: 11:00 PM

Respectfully Submitted,
Joanne Broderick
Recording Secretary