

Borough of Pine Hill
Meeting
Planning and Zoning Board of Adjustments
January 14, 2016

- Call to order:** Call to Order by Mr. Felix James 7:43pm
- Pledge of the Flag:** Led by Mr. James
- Sunshine Law:** This is a regularly scheduled meeting of the Pine Hill Planning and Zoning Board. This meeting has been duly advertised and is in full compliance with the Sunshine Law.
- Swearing in of New/
Reappointed Members:**
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| Class I Member: Mayor Green | expires 12/31/19 |
| Class IV Member: Kevin Waddington | expires 12/31/18 |
| Class III Member: Councilman John Robb | expires 12/31/16 |
| Class IV Member: Stephen Shultz | expires 12/31/19 |
| Alternate # 2: Zachery Greer | expires 12/31/17 |
- Members sworn in by Solicitor; Mr. Sitzler
- Roll Call:**
- Present:** Mr. James, Mr. Shultz, Mr. Waddington, Mr. Ford, Mr. Hagy, Mayor Green, Councilman Robb, Mrs. Ciotto, Mr. Greer
- Absent:** Mr. Castor, Mrs. Bruno
- Professionals:** Solicitor: Mr. Sitzler, Engineer: Mr. Dougherty, Planner: Mr. Luste
- Election of Chairman:** Motion made by; Mr. Shultz seconded by Mr. Hagy to nominate Felix James, No other nominations made; Roll Call all "AYE" motion carried
- Election of Vice Chairman:** Motion made by; Mr. Shultz seconded by Mr. Ford to nominate Kevin Waddington, No other nominations made; Roll Call all "AYE" motion carried
- Appointment of Board**

- Secretary:** Motion made by Kevin Waddington seconded by Mr. Hagy to appoint Les Gallagher, No other nominations for appointment made; Roll Call all "AYE" motion carried
- Resolution 2016-1:** Mr. James: next we have Resolution 2016-1 to establish Meeting Dates and Official Newspapers for the Planning and Zoning Board. Is there a motion? Motion made by Mr. Shultz seconded by Mr. Waddington Roll Call: all "AYE" motion carried
- Resolution 2016-2:** Mr. James we are going to skip 2016-2 so we will come back to that next we have resolution 2016-3
- Resolution 2016-3:** Mr. James: Resolution 2016-3 consenting to the appointment of Hugh Dougherty P.E.C.M.E. from Pennoni & Associates as Planning and Zoning Board Engineer. Is there a motion? Motion made by Mr. Ford seconded by Mr. Hagy. Roll Call: all "AYE" motion carried
- Resolution 2016-4:** Mr. James: Resolution 2016-4 consenting to the appointment of Joseph Luste, P.P. from Pennoni & Associates as Planning and Zoning Board Planner and application Process Reviewer. Is there a motion? Motion made by Mr. Hagy seconded by Mr. Ford. Roll Call: all "AYE"
- Resolution 2016-5:** Mr. James: Resolution 2016-5 appointing the Planning and Zoning Chairperson. Do I have a motion? Motion made by Mr. Shultz seconded by Mr. Hagy. Roll Call: all "AYE"
- Resolution 2016-6:** Mr. James: Resolution 2016-6 appointing the Planning and Zoning Vice-Chairperson. Do I have a motion? Motion made by Mr. Hagy seconded by Mrs. Ciotto. Roll Call: all "AYE"
- Resolution 2016-7:** Mr. James: Resolution 2016-7 appointing the Planning and Zoning Board Secretary. Do I have a motion? Motion made by Mr. Ford seconded by Mr. Waddington. Roll Call: all "AYE"
- Correspondence:** Mr. James: Correspondence in your packets you have the New Jersey Planner Vol. 76 No. 6
- Approval of Minutes:** Mr. James: next we have approval of the minutes from December 2, 2015 Special Meeting. Is there a motion? Motion made by Mr. Waddington seconded by Mr. Hagy: Roll Call "AYE" Mr. James, Mr.

Schultz, Mr. Hagy, Mayor Green, Councilman Robb, Mrs. Clotto, Mr. Greer. Abstain: Mr. Waddington, Mr. Ford. Motion carried

Informal Hearing:

Mr. James: We have an informal hearing: Mountain of Fire and Miracles Ministries, Inc.; 717 Erial Road; Block 65 Lot 101 prospective owners of the building.

Mr. Brian Lozuke: Good evening Mr. Chairman and members of the board; for the record I'm Brian Lozuke for the firm Mattleman, Weinroth & Miller. On behalf of Mountain of Fire and Miracles Ministries Inc. South Jersey: I have with me this evening Pastor Taiwo Odedele he is the principal party and my client. We have asked to meet informally before the board; my client is a contract purchaser and will be the title owner within the next two weeks of the subject property. It is my understanding that this property has had a tortured past in its orientation. I would like to make a full introduction of what we would like to submit to the board by way of an application in the coming weeks specifically. Specifically my client would like to utilize the property as a church and house of worship. There is an existing commercial site on site and there was a prior approval of; prior site plan approval granted by the board as a result by a federal mandated order back in 2011. We are here this evening basically to seek guidance on how to proceed; and specifically I had a very briefly discussion with you solicitor. My initial question before the board is whether or not the board will honor the Federal Order and agree that in fact it is a permitted use to enable us to submit a site plan before the board for approval. Unlike the prior application for the prior church that planned to utilize two units of the four unit commercial building my client will be the title owner of the entire property and intends to use the entire building for worship services. So again the book question that we are asking guidance for is how you are going to allow my client to proceed? It would be our intention to file a site plan with the board to review but the real question is with respect with the use how the board would treat that particular question.

Mr. James: I don't think the board has an objection to the use we have discussed this on numerous occasions as far as the use. I think the prior requestor or candidate did not specify or something else was incorrect so there is no problem with the use.

Mr. Lozuke: Very well; that was tremendously helpful we appreciate your time. It would be our intention then to submit a full blown site plan

application as well as an updated site plan for the boards review and we would like to get that accomplished with in the next month.

Mr. Dougherty: Mr. Chairman if I may; on the prior applications on this because this site has been previously approved for use as a church and retail site as a bargain thrift store there were conditions in the resolution for both the church application as well as the thrift store that had to do with parking and things like that. So just let the applicant be aware that those conditions are things that should be looked at. The site was very strained with parking and

Mr. Lozuke: and to your point; thank you for your comments we do have those resolutions as well as prior resolutions dating back for the last ten years. We made particular attention to the resolution for the thrift store that I believe was approved last spring; our engineer has those comments and is currently working on finalizing the site plan to address most if not all of it.

Mr. Dougherty: Okay; good

Mr. James: Thank You

Mr. James: Okay the Resolution 2016-2 we are going to table that till the next meeting right?

Mr. Sitzler: you are going to need a motion: Motion made my Mayor Green to table and seconded by Mr. Waddington: All in favor "AYE" motion carried

Application 2016-1:

Mr. James: Next we have application 2016-1; WA Outdoor Advertising LLC Variance/ Site Plan Application

Mr. Frank Wisniewski: Good evening members of the board my name is Frank Wisniewski from the firm of Flaster, Greenberg representing the applicant WA Outdoor Advertising, LLC. The application before the board tonight involves a property located at the North West corner of Berlin Cross Keys Road, County Route 689 and Turnerville-Hickstown Rd which is County Route 688 it is block 115.19 and lots 14 & 15 currently owned by WHP KIDS LLC. WA Outdoor Advertising, LLC has a contract currently to purchase the property condition upon getting the approvals that we are here tonight seeking. The approval is a variance

to put a billboard on the property, a variance to reduce the setback, the primary set back from 50ft to 15ft and a variance from your ordinance prohibiting the illumination of signs after 11 o'clock at night and we are also asking for preliminary and final site plan approval with respect to the project.

Mayor Green: Excuse me sir is this a use variance right?

Mr. Dougherty: Yes to have the billboard on the property is a use variance

Mayor Green: Mr. Chairman myself and Councilman Robb need to be excused we cannot be part of this

Mr. Wisniewski: will you still have a quorum?

Mr. James: We still have a quorum

Mr. Gallagher: Yes there are still seven members

Mr. Wisniewski: I would like to have sworn in the two who may be testifying tonight. Mr. Filippone our Engineer and Mr. Aducat representing the applicant.

Mr. Sitzler: swore in Mr. Filippone and Mr. Aducat

Mr. Filippone: (Pointing at drawing) this is the property, down at the bottom of this aerial map is Berlin-Cross Keys Road and to the right is Turnerville-Hickstown Road it is a .465 acre parcel. On the South West side is the Borough of Winslow and the North West Side is the Borough of Pine Hill of Cross Keys Road. Basically the proposal is the property is mostly all wooded as I can attest today. The property cuts across the intersection as you can see here to the County right away. The proposal is to clear this vegetation here grass it all and install the sign; there will be two faces and each will be 288 square feet. The top one is a digital sign which will be internally illuminated with very little dispersion of sight beyond that area and the bottom one is going to be a typical billboard with a fixed copy on it and then on the bottom there will be a 2ft by 20ft public service message sign. I'm not sure if you have ever seen one their bill boards around but the bottom community service signs are on there sometimes it is for emergency sometimes for police use or what have you. This would be available for public service use for whatever the community inclines. One thing I would also like to indicate at this time and put into evidence signs such as this need the approval of the state department of transportation and we do have and we do have an approval and would like to present that as evidence.

Mr. Sitzler: You present this as proof of approval of the state department of transportation

Mr. Filippone: Yes dated August 28th 2015 for the signage before the board this evening and I mark that as A1

Mr. Dougherty: That was not sublimated as part of the application previously

Mr. Filippone: No I don't believe so. Now the sign on top here is a digital sign and your ordinance talks about not wanting moving signs, signs with characters on them flashing signs; this is not that type of sign. A digital sign is a fixed copy there for it stays there for at least 8 seconds and then it will change but it is not something that is rapidly moving and that is one of the criteria that the state had ordered to allow the signs on the highways. They can't be distracting and they can't be flashing and also this does not violate any of your ordinances standards relative to moving signs, flashing signs those types of signs. One item that indicated that with respect to the municipality if these signs can be changed off site for copy and what have you if there is a particular emergency for the town or county has some sort of an amber alert type thing or maybe flooding or whatever he town if the town or government needs to get a message out; we will give you a number you can call and that particular message will go into the rotation on the copy of this top sign and that is something we would make a condition of. Now this is an aerial of the property line you can probably see up there and all the balance of the property is going to remain totally wooded and this area there will be some trees cut down and there will not be any ground disturbance and this will be grass and some kind of cover and the sign will be put in this location there will be no curb cuts. On the original plan I think it showed Mr. Dougherty an improved area here or around there for clean track I don't think we need that because we are not going to need any county conservation approval. All that is going to happen is some trees are going to be cut down so there is not a lot of traffic in there and the only disturbance there will be is the digging of the holes to put in the post to hold the sign so we don't need that soil erosion control measure on there. There is not going to be anything here other that the sign itself and the ground cover in this area.

Mr. Wisniewski: And then Mr. Filippone did not get into the various issues this plan shows based on your ordinance with the setbacks and the size of this lot the lighter area in here is where a building could be put up on this property if we were going to develop it improving it other than the billboard out along here 15 feet off the highway. So if this property was developed we would be removing all these trees back along this area with parking along here and we would have to make some curb cuts on each of the county highways so that is what could happen if we were not going to put up the billboard which we feel is a low intensity use and will provide income to the municipality through taxes and preserves the property as an open space. I don't know if anyone has any preliminary comments before I ask Mr. Filippone to explain the reasons why we think the application should be approved with the variances.

Mr. Dougherty: Mr. Chairman before we continue with this portion of the application I did issue a letter dated 11/23/15 deem the application incomplete there was not sufficient information in accordance with the ordinance suppliant to that the applicant did submit information and I issued a letter dated 1/11/16. I did email a copy does the board have that okay I thought you did. In that the applicant did address the issues and are requesting for a major site plan as well as the variances the only waiver they are requesting at this time would be the waiver for the site plan report and given the usage of the site would suggest there is no ongoing trash or recyclable materials being generated from the site so I have no objection with the board waiving that and once the board backs away from the trash and recycling

report the application can be deemed complete and we can hear testimony on the application this evening.

Mr. James: any other questions

Mr. Waddington: I have a question is the sign going to be above the existing tree line?

Mr. Wisniewski: No it is not going to be above the existing tree line it is going to be below

Mr. Dougherty: If I can this should be before the testimony, a motion has to be made to accept the application

Mr. Waddington: I make a motion to accept seconded by Mr. Ford

Mr. James: Roll Call: all "AYE"

Mr. Dougherty: So at this time the application can be heard and I would suggest we hear from the applicants Planner and Engineer and then others.

Mr. Wisniewski: maybe another housekeeping item I'm going to put all these items in as exhibits too but here is a photograph of the south bound view on Berlin-Cross-Keys Road towards the intersection. So I would like to mark this as A2-1/14/16 and then I will go backwards. I will mark A3 with same date as the garden state aerial map of the pre development. I marked A4-1/14/16 the board that has combined site plan and sign detail.

Mr. Sitzler: I'm sorry did you mark A3

Mr. Wisniewski: A3 was the pre-construction aerial

Mr. Sitzler: Per-construction area

Mr. Wisniewski: aerial

Mr. Sitzler: again A4

Mr. Wisniewski: A4 is the board that contains both the site plan and the billboard sign details, A5 dated 1/14/16 is the aerial map post development and A6-1/14/16 is the building development plan showing what could be built on the property

Mr. Wisniewski: Mr. Filippone what is your full name please

Mr. Filippone: Steven L. Filippone; Professional Engineer, Professional Planner certified Municipal Engineer in the State of NJ

Mr. Wisniewski: And where do you practice your profession

Mr. Filippone: Engineering Design Associates in the State of New Jersey

Mr. Wisniewski: give us your back ground in respects to Planning and Engineering both on the Municipal side and the private Side.

Mr. Filippone: A Licensed Professional Engineer, Professional Planner for over 35 years in the state of New Jersey. I have been a principal of Engineering Design Associates for 30 Years. I've done site Planning, Professional Planning, Municipal Engineering currently I served as a Planner Municipal Engineer in various municipalities in South Jersey. I have a degree in Civil Engineering from Rutgers University, a Master's Degree in Civil Engineering from Drexel University

Mr. Wisniewski: does anyone have any objections in him giving testimony

Mr. Sitzler: I have no problem with it

Mr. Dougherty: I have no objections

Mr. Wisniewski: okay; thank you. Mr. Filippone the plan that has been prepared and submitted to the board we are going to talk about tonight were all prepared either by you or under your direction

Mr. Filippone: Yes they have

Mr. Wisniewski: will you take the plan that shows the site plan on the billboard details please

Mr. Filippone: This would be A4

Mr. Wisniewski: would you please describe the physical structure of the sign the dimensions of it

Mr. Filippone: The sign is a billboard sign the faces of the sign are two sided, it is 288 square feet for each of the two sides. As mentioned the upper sign will a digital sign and be LED fit. The lower of the two signs will have an upward lamp and the illumination will be a shielded light there will be no glare you will not be able to see that light bulb it will be similar to a typical commercial sign at any commercial development no glare no resonating light coming from that sign. There will be a public service message board that will be fixed that is 2ft by 20ft that is 20 square feet that will be permanently mounted fixed with whatever message recommended by the governing body. The overall sign will be 35ft for the LBD zone the maximum height permitted for LED is 35ft that sign will be typically lower that the typical height of the trees surrounding it.

Mr. Wisniewski: And where will it be located on the property

Mr. Filippone: it is going to be located close to the midpoint of the lot dimensions are the lot is about 162ft deep by 169ft deep off of Turnerville Road the billboard will be about midpoint along Berlin-Cross Keys Road 15 feet from the right away. For this particular zone the LBD zone the primary setback is 50 feet we are requesting a variance for that it would not be practical to place the sign 50ft back it would not allow the sign to be seen efficiently in both directions we thought 15 feet would be a reasonable setback. The State requires a minimal setback for all signs.

Mr. Wisniewski: So you meet the state requirements for setbacks and the setbacks per the ordinance are based primarily to buildings is that correct

Mr. Filippone: That is correct

Mr. Wisniewski: and normally you would find a sign setback closer to the right away/ curb line than 50ft. Setbacks for signs are typically set closer to the road

Mr. Filippone: Setbacks for the signs are never the same setback as the building they have to be much closer to be visible for the traveler

Mr. Wisniewski: In your opinion and experience is the setback of the sign consistent and appropriate for a sign on a county road system

Mr. Filippone: absolutely

Mr. Wisniewski: Now give us a little bit of testimony relative to the light as to from where it can be seen whether from the residence across the street or other traffic and how the light coming from these two signs would compare to the traffic signal light at the intersection or the street lights on either of these roads in the vicinity

Mr. Filippone: Well let's go with the lighting that is naturally there now, you have the traffic signal at the intersection and existing light pole at the intersection the old style program light that is illuminating this intersection. Regarding the application the LED sign is a state of the art style, the amount of the elimination is designed so you can visibility so you can see the light, see the sign is not emitting much light it is emitting about .3ft candles. If you were across the street and looked perpendicular to that sign you would not see the light coming off of that sign in fact the ambient light from that at the corner and the traffic signal would be putting off more light than what would be coming off that LED sign. This is the state of the art this is where the future is going with illuminating lights and there is a number of studies I've read and there is a lot of experience with this type of signs with the lighting and illuminance of these signs there is no sense of annoyance to any traveler or the neighbors across the street with that low level illumination

Mr. Wisniewski: Then the bottom of the public service sign is 7 feet off the ground

Mr. Filippone: Yes it is

Mr. Wisniewski: If the sign was set back to 50ft would it have to be larger in addition to have a lot more trees cut down to make it visible

Mr. Filippone: From the stand point if the sign was 50ft back we would have to clear 2/3's or more of the lot to make it visible, it would have to be larger in size in order to make the sign visible for anyone traveling

Mr. Wisniewski: So it was designed in accordance to DOT standards to be at this spec of a location and this spec of an intersection and this spec of a highway system

Mr. Filippone: Yes, it is consistent with this type character for an enclosure of this size

Mr. Wisniewski: Now can you explain what kind of uses could be on this property and how those uses would impact the zoning and the plan and the whole character of the area and why this would be a better alternative

Mr. Filippone: I'm looking at exhibit A6, if we were to develop this LBD Zone district the amount of trees that would not be saved and the permitted uses in the LBD zone would be House of Worship, medical clinics, professional offices, and banks. In my opinion it would be very difficult to develop any of these commercial businesses in .465 acres for two reasons one is the size of the lot and the location of the lot on both county roads there is turning off of both roads there appears to be a lot of traffic occurring on both county roads. Another thing when you travel North East on Turnerville road there is a curve in the road that makes it very difficult on a sight distance stand point in locating a driveway so it is my opinion it would be extremely challenging in developing this lot to obtain county planning board approvals. This lane would restrict turning movements you would not really be able to place the right away with both county road ways. So it would be quite challenging to develop this lot with commercial uses that are authorized use in the LBD Zoning District

Mr. Wisniewski: I would like to indicate to the board that we would accept a condition from the board that there will be no adult uses on this sign, there would be no advertising of adult uses of any kind on the sign. Now Mr. Filippone would you address the negative criteria as part of an application for a use variance please

Mr. Filippone: Let's start with the municipal land use law under special waiver of this law under 40:55 A:2A municipal action to deprive the appropriate use to promote public health safety and welfare. In our opinion we are promoting public health and welfare by virtue of the fact we are going to provide public service announcements, Amber alerts, emergency alerts, weather alerts and any community

alerts that are required or suggested for the benefit of the community would be available. The second would be locating the appropriate fences and concentrations for the preservation of the environment I think that purpose is for the fact that there is a limited ability to develop the lot it won't generate utilities, it will not generate monies. We are looking to develop it in one of the few ways it can be developed on this site.

Mr. Wisniewski: bases on all that you said; is that a particular reason you chose this site

Mr. Filippone: for those reasons and parking

Mr. Wisniewski: and then he comment on the fact that those signs will be lit after 11 o'clock at night, does that have any negative impact on the area, what is the possible effect

Mr. Filippone: well If we go back to, it is my opinion that to make it all clear we have some residential neighborhood communities across the street we have held down some of the obnoxious illumination to the sign in Pine Hill the closes residents are about 300 feet away and this sign will not be visible from that location where there is residential will be there. It is my opinion that having the sign on after 11 o'clock is not a negative to the community so again the public service announcement is something that needs to be placed out there after 11 o'clock at night to help the community

Mr. Wisniewski: and the billboards are going to serve a purpose after 11 o'clock at night because traffic still goes on those roads pretty heavily after 11 o'clock at night is that correct

Mr. Filippone: Yes that is correct

Mr. Wisniewski: Well that is the presentation to the board does anyone have any questions

Mr. James: does anyone have any questions

Mr. Waddington: I have a question what is the height of the current tree line there it will be between the traffic light and the tree line and in your plan you say it will be 35 feet. There is a residential area behind the tree line is there a chance they will be able to see that billboard from there

Mr. Wisniewski: they are not going to be able to see it from there. The sign itself is going to be seen from east and west traffic

Mr. Hagy: Is the sign illuminated from both sides

Mr. Wisniewski: it is a two sided sign with the same sign on each side facing each way and it is illuminated the same way

Mr. Hagy: and basically there are three signs up there, the bottom sign

Mr. Filippone: yes and the bottom sign is a community sign and for some reason the board does not want it we won't put it up

Mr. Hagy: and you refer that as a public message sign

Mr. Wisniewski: Yes

Mr. Hagy: do those letters move on that sign

Mr. Wisniewski: No it is a permanent copy

Mr. Filippone: With the public message sign anything message you request is what will be up there

Mr. Wisniewski: Normally we will cycle the top sign and whatever public service announcement the town would want either an emergency of some special event that the town would want would go into that cycle

Mr. James: you are saying public service signs, I know the bottom is to be a public message sign but

Mr. Wisniewski: the bottom sign would be a fixed sign with something like Rotary; the Fore Company is having an event coming up you want to publicize that is the one sign. The top which is the digital the message changes a couple every minute and is up there for 8 to 10 seconds, but in any event if anything is happening in the town one of your emergency things or maybe the County would like to have a message up there in one of those cycles like an Amber alert or a weather alert or some other emergency that could be cycled in there so we are saying that could also be used for public service purposes in one of those messages that go up in that sign in any particular cycle

Mr. James: and is there a charge to

Mr. Wisniewski: No, unless you want to pay for a full thing all the time, I don't think you would do that but no

Mr. James: you said there was no charge for the bottom

Mr. Wisniewski: No charge for the emergency or the public service announcement that would go up there

Mr. Ford: was there any research on how distracting that sign may be to the intersection because there is also the street that the residents live on that is very hard to get out of anyway. You use to have to come way out actually into the intersection and it was changed to curve out it looks like now when they pull out they will actually looking at the sign indirectly

Mr. Filippone: you're talking about making a right had turn

Mr. Ford: no up on the other side; yes the residents

Mr. Filippone: They are not going to be able to see it or read it

Mr. Ford: To me like the line of sight part to it you have the trees cleared back, now you have people being distracted not only the people traveling up and down cross keys road, with the intersection it could be very dangerous. The other part would be that sign only 15ft off the road, you were saying there would be no curb

Mr. Filippone: no curb cuts

Mr. Ford: I don't think there is any curb along there

Mr. Filippone: it is 15ft from the property line and then another 15ft to the curb so about 30ft from the edge of the roadway

Mr. Dougherty: according to the site plan there is curbing there along Cross-Keys Road there what is the distance between the curb and the property line

Mr. Filippone: about 14 to 15ft

Mr. Dougherty: I see a traffic study here but I would request that the engineer look at the signal timing of the traffic light and see how that would impact the change in copy. In the introduction it was stated the sign is not flashing but the ordinance specifically says signs with optical illusion, movement by means of design to present pattern capable of diverse able perspective giving the illusion of motion or changing of copy. That is a prohibited sign so I know you are changing copy every 8 seconds I think is what I read in the report.

Mr. Wisniewski: It is my understanding as the DOT interprets even though the traffic study was done in another state and another location it is still relevant to these types of signs. That sign specs for 8 seconds in that area is not considered changeable copy because it is not something you have to quickly look at because there is plenty of time, if you just take 8 seconds know it is a pretty long time if you are going to look at it, it is not a rapid changing sign with things moving across that type of thing

Mr. Waddington: There is no way to determine how long someone is going to look at the sign if the light turns red or someone is pulling out, if it is changing every now and then like the home screen saver you see a little flash that is another one of my concerns the homes across the street and those residents across the other side how much of that are they going to see out their window will it affect the lighting into their home at all and how much more brightness will that intersection be affected by

Mr. Wisniewski: I think we covered those it is not going to add any brightness to the area, the existing street lights and the traffic light are brighter than what will be measured from the sign. So what light there will be will be reflected or blocked by the street lights that are already there so it is not going to add or increase any of the light there it will just fall into the back ground and you won't even see it.

Mr. Greer: When that changes the color and goes from a straight white billboard to a light black billboard you are going to see big variance

Mr. Wisniewski: you are not going to see it that much and as far a light coming out it is not there

Mr. Filippone: If we were to change the angle of the clearing here to block anything coming to this intersection here would that be something that would of value to? If we change this angle of the tree line so that any cars at this intersection; there would be trees blocking that sign would that be effective for our application

Mr. Wisniewski: You would not be able to see it from over here; if there is a concern that people would be looking at it when they are trying to get out here we can prevent that

Mr. Waddington: there is still the property on the right hand corner

Mr. Wisniewski: This is commercial

Mr. Wadding: no there is a property

Mr. Ford: there is a park and a house right there

Mr. Dougherty: Just a point to the board members the people that live right across Cross-Keys Road are within 200 feet and have been notified by letter

Mr. Greer: The people off to the bottom left of your drawing are certainly going to be impacted by the changing of the colors

Mr. Wisniewski: They may be able to see that there is a light over there but I don't think they are going to be impacted. I don't think they are really going to be able to notice anything or have a reaction to it. It is far away the lights are dull you have the street lights that are going to intercept what is ever going on over there

Mr. Filippone: When you look at the digital/LED billboard there are only 3ft candles coming off of that. So they will see very little light coming off they will be able to see some light off the side of it

Mr. Ford: I guess another question on the diagram it has the lights to light up the regular billboard

Mr. Wisniewski: Right tit is a shielded light

Mr. Ford: I should say they are illuminated how strong they are going to be

Mr. Filippone: they are 144 watt is the lighting for that bulb

Mr. Wisniewski: and it is shining up so the only thing you are worried about is the reflection from the 144 watt bulb and I believe the study shows that the illumination is less than the digital light coming out or equal to it so it is not any brighter than that

Mr. Dougherty: it was alluded to here that a study being done on these; I don't remember seeing anything information submitted is there on them essentially they are flood lights pointing up to the billboard. Mr. Wisniewski indicated they are less intense than the digital display and I don't remember seeing that in any of the reports

Mr. Wisniewski: Mr. Aducat can testify here; the street light that is right about here is 400 watt metal halide right beside the building so whatever is here will be absorbed by the street lights

Mr. Dougherty: was there any kind of foot candle estimate of the property set up on the billboard

Mr. Filippone: I don't know if it was submitted but usually the State goes by the billboard itself it is not its reflectiveness of the light it's just going to illuminate the billboard. We can supply that as supplemental information. We have a lot of information on the lighting of signs and I forgot that information. I don't remember seeing in the application where that needed to be provided but I can give you an opportunity to look at that

Mr. Dougherty: I would like you to forward that information

Mr. James: IS the size that you presented the only option can it be smaller?

Mr. Wisniewski: From a safety stand point if it gets smaller it gets more dangerous because people have less time to see it, they have to wait till they get closer to it and there is a smaller amount of time to see the sign. As I was saying this was designed in accordance with the DOT standards to make sure it is the proper size for the speed of the cars on the road and the availability

Mr. James: well that presents a different problem without a traffic study that light at the intersection that light changes very quickly for people coming down Hickstown Road when that light switches. First of all you have three lights a right hand turn signal coming south off of that intersection while cars can turn left out of Hickstown Road. There is a lot of traffic moving all at once and it could be confusing if I'm trying to make that turn there; and I have thought about this a lot if I'm looking at your sign and making the turn at the same time I'm not really paying attention to what is going on in front of me.

So at that intersection; that signs becomes a major distraction. Further down the road it may not be but at that intersection it is a major distraction and if you try to time that signal change with the sign you have 3 or 4 signals going all at the same time

Mr. Wisniewski: You're talking about cars that are going to make a right hand turn here

Mr. Warrington: There are cars coming in the opposite direction making a right

Mr. Wisniewski: this is a T intersection so you're talking about cars that are going to make a right hand turn here cars that are going straight here; cars that are going to make a left or right here

Mr. James: Right

Mr. Waddington: that is a double left there

Mr. James: right it is a double left there and there is a merge if you turn right

Mr. Ford: yes and that merge is short and plus just past your property there is a little hill there and you can't see what is coming until it gets over the hill

Mr. Wisniewski: You're talking about this end

Mr. Ford: yes

Mr. Wisniewski: Well you are not going to see this sign until you get about here

Mr. Ford: Well the traffic coming over that hill may be distracted looking over at that sign and not paying attention and looking at that signal it is a slight hill but still

Mr. Wisniewski: that is what I'm saying they are not going to turn around and look back at the sign they won't be able to see the sign till they get about here

Mr. James: even with that there is a merge right there, there is a double lane that comes down to a signal real quick and on the other side the same exact thing.

Mr. Wisniewski: it becomes a single lane

Mr. Waddington: the two become one

Mr. James: If you make a left or right they both become one lane and they become one lane very quickly. So if you are distracted looking at the sign and someone stops in front of you because they are trying to merge

Mr. Ford: And traffic does back up on Cross Keys road a lot because of that one lane merge

Mr. James: on both sides

Mr. Ford: and that is if it is not backed up from something that is farther up the road because there is significant right and left hand turns and as soon as someone stops there is no third lane and nowhere to go so it backs up in an instant, I live farther down Cross-Keys Road and I deal with it all the time it is a very dangerous intersection

Mr. James: it is dangerous with no sign there; so I don't know if you took time to look at that but if you are at that intersection it is crazy because once people try to make those turns they drive like crazy

Mr. Dougherty: In my review letter and this is jumping ahead a little bit I was concerned about the traffic light. In the New Mexico study it wasn't site specific so I was asking for more of a site specific study because of the dwell time of that light and how it effects the changing of the copy. If you look at it from a site specific stand point you would have to get the operations of that traffic signal I guess from the county would have that information, and then you would have to actually do a study on the changing copy verses the dwell time of the operation of that light. So that is something I would request this applicant to provide especially with the conversation we are having because there is a concern without a doubt, there is a concern about the movement and also the operation with the traffic light itself

Mr. Wisniewski: Well we can do that. If there any other comments you would like us to look at before we come back? Hopefully we can be ready before the next meeting; we understand your questions and your concerns. We don't think there is an issue but we will get a traffic consultant out there and get the signal timing and try to formulate your questions with what reality is

Mr. Ford: I have just one more quick one on the issue with the traffic study I guess maybe when you are coming down how much space or angle when you are looking at the sign being in the intersection. Like if the sign is here and the green light red light what are they 15 20ft off the ground I guess how much of an angle would be in zone say the signal is green and the sign is green and hey blend in and you may not be able to tell what signal you have. You look at it and it looks green then the sign changes, you know what I mean the angle on that the signal is red and the sign changes and its red.

Mr. Wisniewski: His question is does out sign interfere with the operation of the traffic signal

Mr. Ford: yes

Mr. Dougherty: I would like to get that with digital effects, if that light is in front of you and the sign is behind that is there any conflict with the actual visual part of the sign which he is correct it is about 15 feet off the surface and how would that conflict with the sign so if we can have a perspective with that perspective it would be useful

Mr. James: basically if the person is at the light and it is red and the sign is red did the person know the light is red

Mr. Wisniewski: understood; anything else

Mr. Greer: I would be interested to see something very similar all together; like if you guys installed one with in that same distance at an intersection maybe not exactly like this but extremely similar to this and get an idea of what a before and after it was. If you can accident reports before and after the board was installed

Mr. Sitzler: correct me if it is my misunderstanding is the question do you have a similar board and a similar location that

Mr. Wisniewski: I'm sure there are; the study that we presented did that it talks about accidents before the signs were there. As Mr. Dougherty had asked for site specific and I think that is what the question just was and I assume there is something in the area that has a similar set up

Mr. Sitzler: yes there are a lot of billboards that are digital or fixed on major highways where there is straight roadway and they just have to be site where you can see for a long distance coming and going in both directions. That is not exactly the case here with the T intersection and the lights and all

Mr. Wisniewski: And we can come up with that, but what you are saying here is something the DOT put the Aducat's through before they issued the permits, those type of questions but you were not there and I understand we will come back and bring the information to answer those questions direct but we went through all this with the DOT and got issued these permits so they are satisfied with those type of questions and were answered about adverse impact on the traffic

Mr. Hagy: Just to make sure you understand what we understand what you have in pink there is a road going in the opposite direction and what you see in black that is a divided highway that is where it goes into a signal lane that is the car traveling to the left what is in pink is the car traveling to the right so that is a complete set of roadway going in the opposite direction

Mr. Waddington: I saw the drawing but do you have an actual picture of that the sign would look like, I seen the drawing but that is hard to see

Mr. Wisniewski: A similar type of billboard

Mr. Waddington: Yes

Mr. Wisniewski: Yes

Mr. Waddington: what is the actual size of the billboard you gave Square footage what is the actual dimensions

Mr. Wisniewski: The signs are 12x24 and the bottom is 2x20.

Mr. Waddington: and you said 35'high

Mr. Wisniewski: from the grade to the top, there is a little space between each sign and 7 feet from the bottom of the bottom sign to the grade. So taking all that from the grade to the top is 35 feet

Mr. James: question on the bottom sign the one you said was fixed. How long will that advertisement be up there?

Mr. Wisniewski: depending on what the tenant wants the town can control it

Mr. James: no not the bottom sign the middle sign

Mr. Wisniewski: It depends on whoever buys that space if they want it up for a year it stays for a year

Mr. James: I was asking what would be the minimum

Mr. Wisniewski: the standard is about 6 months maybe longer

Mr. James: okay I was just asking how long it would be fixed so that is about standard

Mr. Filippone: Yes that is standard sometimes they do 3 months and sometimes they do 2 year contracts it all depends on what they want

Mr. James: okay

Mr. Greer: I have one more question. Are there precautions in place around it to prevent the high school students from climb it when they are not supposed to be up there

Mr. Ford: maybe like a fence or some type of enclosure

Mr. Filippone: How we build it the supports are I beams so there is no way to climb it without a ladder. We have never had that problem before; none of our signs have an accessible bottom so we have not had any problem with that

Mr. Wisniewski: it is not like in any 24hr period you won't have someone driving by there that won't be able to see somebody trying to do something to it

Mr. Waddington: when I was in high school you should have lived on my street

Mr. Ford: I was just going to say there are a two of billboards down Cross Keys on the Winslow side they go right up there they don't care

Mr. Wisniewski: those are more isolated aren't they?

Mr. Ford: they are right across from the street from the technical school

Mr. Greer: you can check out any overpass from here to there and you will see the graffiti

Mr. Wisniewski: If there are no further questions can I ask the Board continue us to your next meeting so we don't have to republish

Mr. Sitzler: Anyone who is present here and I don't see many; the applicant has requested to continuance in order to comply or to present the board with additional evidence this meeting would then be heard at the next scheduled Board meeting which is Mr. Gallagher

Mr. Gallagher: February 11th at 7:30 PM

Mr. Sitzler: February the 11th at 7:30 PM, so anyone who would like to return who might be here that is when it will be. I have made that announcement so you will not have to advertise again

Mr. Wisniewski: Thank you very much

Mr. Sitzler: Thank you

Open Floor to the Public: Mr. James: Do I have a motion to open the floor to the public

Mr. Shultz: I make a motion to open the floor to the public; seconded by Waddington: Roll Call all "aye" Motion carried "No Public"

Close Floor to the Public: Mr. Waddington: seeing no public I make a motion to close the floor to the public; seconded by Mr. Shultz: Roll Call all "aye" Motion carried

Old Business: **No old business**

New Business: Mr. James does anyone have any new business, " none"
reminder the next meeting is February 11th at 7:30

Motion to Adjourn: motion made by Mr. Shultz, second by Mr. Hagy, all others "aye"
motion carried