



Peter Bolo started with the Zoning Board of Adjustment Checklist. The applicant felt the topography of the property and architectural elevations required were not applicable to their submission. Mary Dietz said it would be helpful to know the relationship between the height of the diner and billboard. The applicant agreed to discuss this during the hearing.

Next the Checklist for a Site Plan was reviewed. There were 8 waivers requested in a June 1<sup>st</sup> letter from the applicant. Daniel Dougherty, a licensed Engineer in state of NJ, said the site was fully developed. The applicant was only adding a 3 ft. wide pole installed in the current pavement. This was all that effected the actual site, there would be no impact to the ground and there was zero increase in the lot coverage. Khizar Sheikh requested the applicant explain how the ground water would affect the prime aquifer sometime during the hearing.

James McConnell made a motion to allow the waivers and determine the application complete, a second was provided by Mary Dietz. The application was deemed complete by a vote of 7 to 0 with members Bolo, Dietz, Max, Murphy, Tolud, Sheikh, and McConnell voting to grant them.

#### New Application:

Peter Bolo listed the requested variances for the billboard as: use, side setback, front setback, height and ILC (which did not change). Peter Lanfrit, Attorney for the applicant, said he agreed with all the calculations reviewed by Vice Chair Bolo but he did not agree to the bulk variances since billboards are not allowed in the Borough.

Albert Beyda, from Lamar Outdoor Advertising, was a leasing manager for the applicant. He explained the two types of billboards, static and digital. The company plans to do a land lease with the property owner. They always make sure the area they are interested in is not residential or mostly commercial. Whenever they are considering a new board they go to the DOT for review first; they have received their approval for this location. Exhibit A-1 showed on June 18, 2014 Lamar received their DOT outdoor advertising permit for the site. As shown in exhibit A-2 the applicant then amended their permit to change the location of the sign at the site, this changed was approved on April, 15, 2015. They are proposing a standard billboard, 14' x 48', with a height of 43.6 ft. to the top of the board. The height of the sign was determined by the site line of the driver; not too high yet high enough to see over the Citgo gas station canopy. The board has approximately 6 advertisers at a time and the message changes every 8 seconds. The ads can be local and the advertisers can rent for just a day rather than 4 full weeks. They will also provide emergency notices for FEMA and Amber alerts.

Arthur Max asked about the lease with the owner; it is for 15 years and Mr. Beyda was not sure if it was renewable. He continued, did the applicant know a billboard was not a permitted use; yes they did. Mr. Max asked who made the size determination and how they came up with the size; the real estate and sales team makes the determination based on driver visibility. Mr. Max felt the post for the sign was in the access driveway and only 9 ft. from building. Khizar Sheikh asked how the applicant determined economic viability. Mr. Beyda said they looked at the volume of traffic, their coverage in the area, how it helps the local businesses and the exposure to drivers without creating an obstruction during driving. Mr. Sheikh asked who determined the ads; the sales team does. Did Lamar provide space to municipalities and local not for profit groups. Yes they

can, it is viewed as a public benefit and they usually can work it in to their advertising schedule about 90% of the time. Mary Dietz asked what the content of the ads were; they felt they would be mostly local business ads at this site. James McConnell asked Mr. Beyda if he had any idea why the DOT required 3000 ft. between billboards. He suggested the Planner could better answer this question. Michael Sullivan confirmed the DOT permits were conditional and require the approval of one of the town Boards. John Tould asked the applicant what percentage of their applications got approved. Peter Lanfrit felt the percentage was high with a 90 to 95% approval of the static board being converted to digital and about 4 out of 5 new billboards get approved. Michael Sullivan reminded the Board this should not be considered since every application was different. James Murphy asked where their others digital boards were located. They can be found on interstate 80, 95, 78, and 287 as well as route 1, 18 and 3. Mr. Murphy asked how they chose this site. Mr. Beyda said they were working with the landowner on other sites and he suggested looking at this one. They did meet with or talk to the tenants on the site. James McConnell asked how they determined the right location. Mr. Beyda said they use a yellow tape measure, they hold it up in the air and from the road determine if they can obtain 8 seconds of viewing. Can a smaller sign be installed lower on this site; no it cannot. Jim Murphy confirmed the applicant had 3 static signs locations on Route 46. Peter Bolo asked how Lamar could compare the digital billboard sites they have on highways to Mt Lakes since most of them are on the interstate. Mr. Beyda said they also have them on Route 22, 18, 1 and 9 which are not major highways. Jim McConnell asked with the sign changing every 8 seconds from how far away can it be seen. It would be visible at the stop light prior on either side of Route 46. Jim Murphy roughly estimated you could see the sign 600 ft. away assuming a speed of 50 miles per hour if the sign changed every 10 seconds. Khizar Sheikh asked where the closest sign a competitor had on Route 46. They can be found in Denville, Parsippany and Rockaway but they were all static.

Dr. Bolo asked if there were any questions from the public. Lori Jacovsky, of 11 Fox Lane, lives behind Paul's diner. She asked if Lamar was aware there was a substantial residential development behind the diner. She asked why they chose to install a digital sign rather than a static one. The applicant said it was for quality of life reasons. Daniel Dougherty, a licensed Engineer in the state of New Jersey, presented exhibit A-3, dated December 8, 2014, sheet #3 of 4 labeled Site Plan. Paul's Family Diner and the H2O Nail Salon are located on the site. There is parking for both locations and a free standing sign for both Paul's and the nail salon. Mr. Dougherty said the circulation on site consisted of 2 informal driveways with the driveway to the west being shared with the gas station. The pole will be located on the west side of the property with a shallow V shaped sign attached. The pole will be 36" in diameter with a 48 ft. deep foundation. The pole is 39 ft. from Route 46 but the sign itself is 5 ft. from said road. The sign is not in the drive aisle and there would be no loss of parking spaces. The area is already impervious and will remain impervious. The electricity that is needed will come from the pole in front of the diner. There is a cable line on the pole that will have to be relocated. There is a catwalk planned for the replacement of vinyl signs. If the sign was digital they would not need the catwalk and would gain 3 to 3.5 ft. Paul Phillips, the Borough Planner, suggested bollards around poles. Mr. Dougherty felt the pole was a bollard itself but if the Board thought them necessary they could be installed without losing parking

spaces. Mary Dietz said the driveway on the side of the building where the proposed pole would be located would become non-functional. There would only be 9ft of drive to the property line and 1.5 ft. off the current sidewalk on the other side of the pole. Mary Dietz considered 9ft. too narrow to be a drive and the pole an obstruction. Arthur Max asked what the height to the bottom of the sign was. From the ground it would be 29.5 ft. if the front catwalk was removed. Arthur Max added the Board needed to consider this design caused the elimination of the west side driveway once the sign was installed. The driveway is shared by people entering the diner and exiting the gas station. Daniel Dougherty said there were no defined driveways on this part of Route 46. Arthur Max continued there is currently a traffic flow around Paul's diner and the pole would interfere with that; the sole access to the rear of the diner would become the east side of the building. Michael Sullivan clarified the cat walk would be eliminated changing the side setback from 1 ft. to 4.5 ft. and increase the front yard setback to about 6ft. Michael Sullivan confirmed the current sign at Paul's diner was 59 sq. ft. The applicant will get the size of the nail salon sign. Mary Dietz asked if the electric power from the pole could be changed to underground. Daniel Dougherty thought they could request that from the electric company if the Board wished.

Dr. Bolo asked if there were any question from the public. Lori Jacovsky, of 11 Fox Lane, asked if there were driveway curb cuts; there are no curb cuts on Route 46. She mentioned four recent power outages in the area. Her power goes out with the diners so can't we assume the power will go out more with more electrical demand? JCPL determines where the power will come from so it was not in the applicant's control. John Koletis, the operator of Paul's Diner, located at 320 Route 46 said the westerly driveway serves as an exit for large trucks making deliveries. Mr. Dougherty thought the pole did not interfere with the traffic pattern and the location was determined by the client. Michael Sullivan suggested they look at the site plan approved by the Planning Board and determine if the approved handicapped ramp would affect the location of the sign. Glen Wiebe, the Engineer for Daktronics, had visited the site. His company provides the digital billboards and was familiar with digital and static billboards. With a static billboard the lights shine onto the face of the board. The lights are the same all around the board and you get some light spillage. On digital billboards the lights are a directional device. The front of the board is the brightest point and the light diminishes as you move away from the light source. Exhibit A-4 was a light analysis for a DB-4200 digital billboard and its effect on the site. It showed the number of foot candles at various locations as you move away from the billboard during the day. The exhibit presented was calculated at 3% of maximum daytime brightness. In the exhibit the lights on the board were all white. If you were to stand behind the billboard you would not see any light. Peter Lanfrit asked Mr. Wiebe what the light impact would be for the neighbors on the other side of the railroad tracks; it would be 0 foot candles. They designed the digital board to give off more light than a static board. The board will change brightness depending on the light outside and is not effected by car headlights. The boards are angled toward Route 46 rather than the houses, they are surrounded with a black or silver frame and are 10" deep. There will be a controller that runs the ads and monitors the health of the system, they can be accessed by a rear catwalk. There is cabling to the control system and a monitor for the visual effects. There is a command center in Sioux Fall, Minnesota which monitors the billboards. They can see the board at any time plus

they do two physical inspections per year. The message changes every 8 seconds without a fade in or fade out. The software does not allow for moving or blinking on the screen so the messages are all static. You can register with FEMA and AMBER to show alerts on the board but you have to opt in. The board's lighting is designed to handle the traffic on the highway.

Khizar Sheikh asked if Daktronics monitored the amount of traffic. Mr. Wiebe said Lamar Outdoor Advertising could purchase a camera to monitor the traffic but their company does not. Mary Dietz asked what was the chance someone could convert the billboard to a moving image; there would be none since the software would not allow it. There is a catwalk behind the V made by the billboards which will be for servicing the units. Michael Sullivan confirmed the ordinances prohibiting moving signs (245-17C 11a) would not apply to this billboard design.

Dr. Bolo asked if there were any questions from the public. Lori Jacovsky, of Rainbow Lakes, confirmed she would not see any light from the billboard and asked if she would see a glow. Mr. Wiebe said she would only see a glow on a misty day. She said the lights for Paul's and Citgo go off at night will I see the glow of the billboard from my window then; no she would not. Do they do an overnight study when they are installing billboards near residences; yes they do. In this instance they did not do one since light diminishes over distances and the light was so small once it reached the residential area. John Koletis, of Paul's Diner, asked if the billboard would give off light in the parking lot and through the windows into the diner. Mr. Wiebe said there were louvers or sun shade on the board. The bottom row of shades are at an angle so that should block most of the light into the building. Mr. Koletis asked if the billboard would overpower the Paul's Diner sign; no but some light will spill onto the parking lot. What about in the diner? It depends where you are sitting in the diner. The window that is the furthest point away may be the most effected. Lori Jacovsky asked if the site plan changed due to the handicap ramp would the light change. The amount of light the board throws off would not change. Arthur Max asked if the sign would be on 24/7, 365 days a year; yes it would. Khizar Sheikh asked if Lamar would be doing any surveillance of the traffic patterns. He asked his question be handled at the continuation of the hearing.

Attendance at the August meeting was not sufficient to hear a D variance so Arthur Max made a motion to carry the hearing to September 3<sup>rd</sup> and James McConnell provided the second. The application was carried by a voice vote with members Bolo, Dietz, Max, Murphy, McConnell, Tould and Sheikh voting in favor.

#### **Other Matters / Public Comment:**

No one from the public wished to speak during the public comment period.

Mary Dietz made a motion to adjourn the meeting and James McConnell provided the second. The meeting was adjourned at 9:59 PM.

Respectfully submitted,

Cynthia Shaw, Secretary