

GREENWICH TOWNSHIP BOARD OF ADJUSTMENT

PUBLIC MEETING MINUTES

February 11, 2010, 7:30 p.m.

CALL TO ORDER and PUBLIC NOTICE

Chairman Ray Buckwalter called the meeting to order at 7:30 p.m. Mr. Buckwalter said this is a regular meeting of the Board of Adjustment of the Township of Greenwich. Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act in that a Notice was published in *The Express Times*. Notice was posted on the municipal bulletin board in the Township Municipal Building in Greenwich Township, New Jersey, and notice was filed with the Township Clerk.

FLAG SALUTE

ROLL CALL

Present: Ray Buckwalter, Dan Detore, Steve Babula, Michael Black, Robert Vetrecin, Angelo Faillace, Dawn Marie Kondas, Tom Strozski, Jeanne Zander

Professionals: Jonathan Drill, Esq.; Michael Finelli, P.E., Lisa Specca, P.P.

APPROVAL OF MINUTES

Approval of minutes of meeting of January 14 was tabled until March

RESOLUTIONS

Resolution #2010-01 - Phillipsburg Easton Honda, Application #2010-01

Block 25, Lot 2.01

Grant of completeness waivers for application for "C" variances for additional signage and for amended site plan approval to permit modifications to the site lighting

Members eligible to vote: Steve Babula, Jeanne Zander, Michael Black, Dawn Marie Kondas, Thomas Strozski, Robert Vetrecin, Ray Buckwalter

Motion to grant was made and seconded.

Members in favor: Steve Babula, Jeanne Zander, Michael Black, Dawn Marie Kondas, Thomas Strozski, Robert Vetrecin, Ray Buckwalter

COMPLETENESS

Warren Solar, Application #2009-03

Block 15, Lot 1; Block 17, Lots 1 & 2; Block 13, Lot 3; Block 19, Lot 1; Block 16, Lot 6;
Block 14, Lot 10

Applicant seeks determination of completeness for application seeking “D(1)” use variance and site plan approval for a solar power generating facility.

Dawn Marie Kondas recused.

Mr. Finelli referenced his 2nd completeness review report of 2/1/10. He noted compliance with some outstanding item as well as inconsistency with some plans that had been submitted. As a result of the inconsistencies, Mr. Finelli recommended that the application be deemed incomplete.

Motion to deem Warren Solar incomplete based on Second Completeness Review prepared by Michael Finelli, P.E., dated 2/1/2010 condition on applicant correcting zone depiction on submission item #13 was made by Robert Vetrecin seconded by Angelo Faillace

Members in favor: Steve Babula, Michael Black, Robert Vetrecin, Dan Detore, Angelo Faillace, Ray Buckwalter

PUBLIC HEARINGS

Phillipsburg Easton Honda, Application #2010-01

Block 25, Lot 2.01
400 Rt. 519 (B-2 Highway Business zone)

Applicant seeks amended site plan approval for site lighting and “c” variances for signage.

Angelo Faillace recused.

Having paid the requisite fees and jurisdiction established, Michael Selvaggi, Esq., introduced himself on behalf of the applicant.

The following witnesses were duly sworn: Douglas Mace, P.E. and P.P.; Alan Fox, President, Broadway Lighting; Wyatt Vince, Vice President of Phillipsburg Easton Honda; Lisa Specca, P.P. of Clarke Caton Hintz and Michael Finelli, P.E. of Finelli Consulting Engineers on behalf of the Board.

The Board accepted the credentials of Douglas Mace and Alan Fox to testify as expert witnesses on behalf of the applicant.

Mr. Selvaggi referenced reports of the planner and engineer. Mr. Selvaggi gave the history of the project. Applicant now seeks to amend the site plan to install additional lighting and signage.

Mr. Mace described a plan depicting the lighting, which was marked Exhibit A1. Subsequent to the original plan applicant discovered there were lights that were missing. The lights are located at points of access on Rt. 22 and Rt. 519. He noted this area is a heavily trafficked, and these lights are critical. The proposed lights will be exactly like the ones already installed on site and will be in accordance with ordinance requirements.

Some lights are on from dusk to dawn as part of the security system, and some are turned off when the showroom closes. Mr. Drill observed that technically the new lights must comply with the new ordinance. Concern was raised as to hours of operation as referenced in the new ordinance.

Mr. Finelli indicated the proposed lighting is consistent with the lighting currently on site. Mr. Finelli compared the as built plan and the lighting levels on the ground and noted the existing lighting is less than originally approved. He observed even with the proposed lighting, the levels are still less than required.

Mr. Selvaggi indicated that he believed the new lights should be considered grandfathered. He referenced the total lighting scheme. Mr. Drill clarified that applicant is proposing new lighting and therefore subject to the ordinance.

Mr. Selvaggi confirmed that he believed the applicant met the requirements of the ordinance noting that some of the lights are required for security. Mr. Drill noted the Board could approve conditioned upon applicant receiving a determination from the Police Department.

Mr. Mace testified that he believed the lighting is part of an overall plan and should be considered as a total system. Mr. Drill suggested the applicant consider the new lights according to the new ordinance rather than re-opening the approval of the initial lighting plan.

Mr. Mace confirmed the need for security on the dealership property.

Mr. Drill pointed out part of the ordinance provides for decreased intensity on the lighting.

As to vandalism, applicant explained approximately twice per year the dealership seems to be subjected to theft of parts from cars on the property.

Members of the Board asked about existing light in the area, and Mr. Finelli confirmed

that the site is more lit than other commercial sites in the Township. He noted he had not heard any complaints on the level of lighting.

Board members wanted confirmation that the lights be dimmed in accordance with the new ordinance. Dimming the lighting would be a condition in the resolution prepared by Mr. Drill. Applicant concurred.

Mr. Vetrecin noted the brightness on the site and the possibility of revisions to the ordinance.

Applicant called Mr. Fox. Mr. Fox explained the intention of the lighting system, namely, that some lights would be turned off entirely while other lights would remain on for the sake of security. He noted there is no sky glow. He described the automated on and off feature. The total number of light fixtures is approximately 28, which would be on different time clocks. Approximately 14 fixtures would be turned off, thereby reducing the illumination of the lighting on the site.

Ms. Specca suggested applicant to show and explain photometrics on the site. Mr. Fox described the process.

Mr. Drill read from the ordinance.

Motion to approve the 4 additional light poles per the plan conditioned upon receiving written determination of Greenwich Township Police and reducing intensity by one half was made by Robert Vetrecin and seconded by Dan Detore.

Members in favor: Dan Detore, Steve Babula, Michael Black, Robert Vetrecin, Dawn Marie Kondas, Ray Buckwalter.

Recused: Angelo Faillace

As to the signage, Mr. Selvaggi gave the history of the original approval as to signage. Applicant proposes additional signage. He said applicant seeks a C2 flexible variance.

Mr. Mace explained there are two kinds of signs, i.e., dealership identification and directional signs for sales or service.

Two pictures taken by Lisa Specca were introduced and marked Exhibit B-1 and B-2.

Mr. Mace introduced a photo marked A-2. He described the signage as it exists as well as what is proposed to make navigation of the site more user friendly. New signs would match the existing signs. Visibility of the dealership from the highway is a goal. He noted car dealerships experience a lot of transient business. To facilitate location of the dealership a sign is proposed for the back of the building.

Mr. Mace referenced Ms. Specca's report. She described the location where she had

taken the photos in an effort to ascertain applicant's need for additional signage. Ms. Specca was looking for the dealership from a customer's perspective. Ms. Specca noted although there is be sign clutter in the area in the front of the building, the request seemed reasonable.

There was discussion as to the visibility and impact of the signs and vegetation on the site and motorists navigating the intersection. Pohatcong Township requirements enter into the formula as well.

It was suggested that there is excessive signage on the site, and perhaps a new plan should be devised that is more effective. Ms. Specca described the existing signage on the site for the Board.

Mr. Mace noted that the signage on the Pohatcong portion is temporary and would be removed in the near future. He noted most of the sign clutter is in Pohatcong Township. Mr. Mace marked the exhibit to accurately demonstrate what the signage on the site depicts. He described the 6 signs currently existing on the site. Five signs were approved for the site.

Mr. Mace introduced Exhibit A-3, Proposed Sign Location Plan. Question was raised as to whether illuminated signs figured into the total illumination on the site. Mr. Mace contended it did not. However, Mr. Drill cited the ordinance, which does include sign lighting. Mr. Mace testified sign lighting is on 24 hours per day. Mr. Drill asked whether applicant would be willing to turn off the signs at 11 pm. Mr. Mace observed there is currently no requirement to turn off the signage. It was suggested that perhaps a trade-off will be appropriate as applicant seeks additional signage.

Mr. Mace will prepare a new exhibit to describe existing and proposed signage, including Pohatcong Township.

Motion to continue the public hearing for the signage on March 11, 2010, was made by Robert Vetrecin and seconded by Steve Babula. There is no need for further notice.

Members in favor: Dan Detore, Steve Babula, Michael Black, Robert Vetrecin, Dawn Marie Kondas, Ray Buckwalter.

Recused: Angelo Faillace

Mr. Drill will prepare a resolution for the approved lighting.

OLD BUSINESS

NEW BUSINESS

Adoption of Annual Report

Mr. Buckwalter noted MLUL requires that the Board prepares an annual report. He distributed the report for Board review. Mr. Buckwalter suggested that the ordinance book be up-dated and recorded on cd rom.

Motion to adopt the 2009 annual report with a recommendation to add to the checklist the requirement that prior to site plan approvals and resolutions be provided to Board professionals, i.e., Secretary, Attorney, Planner and Engineer was made by Robert Vetrecin and seconded by Steve Babula.

Members in favor: Dan Detore, Steve Babula, Michael Black, Robert Vetrecin, Dawn Marie Kondas, Thomas Strozeski, Angelo Faillace, Jeanne Zander, Ray Buckwalter.

Mr. Faillace announced he would be unavailable to attend the March meeting, and Mr. Buckwalter gave him an excused absence.

ADJOURNMENT

The meeting was adjourned at 9:35 pm.