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Florence, New Jersey 08518-2323
March 4, 2024

The Regular meeting of the Florence Township Board of Adjustment was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairman Puccio called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Secretary Sullivan read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

Brett Buddenbaum	Anant Patel
Dennis Puccio	Lou Sovak
Daniel Studzinski	Gina Sullivan
Charles Wible	Kevin Minton
James Fevola	

Absent: None

Also Present: Solicitor David Frank
Engineer Hugh Dougherty
Planner Ed Fox

RESOLUTIONS

A. Resolution ZB-2024-07: Approving Bulk Variance for impervious coverage located at 315 West Fourth St, Florence, Block 38 Lot 9.02

It was the Motion of Mr. Patel, seconded by Secretary Sullivan to approve Resolution ZB-2024-07.

Upon roll call, the Board voted as follows:

YEAS: Buddenbaum, Patel, Puccio, Sovak, Studzinski, Wible
NOES: None

MINUTES

It was the Motion of Mr. Studzinski, seconded by Vice Chairman Buddenbaum to adopt the minutes from the Reorganization Meeting of February 5, 2024. Motion unanimously approved by all members present.

CORRESPONDENCE

There was no correspondence

APPLICATIONS

A. . Application ZB#2023-13: Application for CCP Outdoor Media, Premier Outdoor Media 307 Fellowship Rd, Mt. Laurel, NJ 08054 to install a billboard on 2033 Route 130 South. Block 159 Lot 3. *Continued from Jan 8, 2024, adjourned to March 4, 2024*

Mr. Hall, the applicant's attorney, started out by stating there was a correction needed on a letter addressed to the Board Secretary in which he noted there was no need for a D6 variance. However, after conferring with counsel, it was agreed that would be subsumed with the D1 variance we are seeking.

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The applicant was at the Zoning Board meeting on January 8 and has come back to the March 4 meeting to tie up some loose ends.

Solicitor Frank took this moment to swear in Planner Ed Fox and Engineer Hugh Dougherty. He also confirmed with Planner Fox that he listened to the recording of the January 8, 2024 meeting.

Mr. Hall stated that at the first meeting there were some questions about how this billboard would appear. And there was some testimony regarding two other billboards—one in Delran and one in Berlin which are operated by the applicant.

Mr. Robert Stout has some photo exhibits to go over. There are some photos Exhibits A4 (northbound on Route 130) and A5 (southbound on Route 130), which are photos of the property and the existing building. The billboard has been Photoshopped in to scale to show what the billboard would look like as drivers approach the site from 400 feet away.

Exhibit A6 includes photos of three billboards in the area—an LED in Berlin (10x30), an LED in Delran (14x48) and across from the proposed billboard which is a static sign (12x24). Traffic count is what drives the size of the billboard in each area.

Chairman Puccio asked why the sign in Delran looks taller than the building behind it, even though the ground where the sign is set is lower than the ground for the building. Mr. Stout explained that the photo was taken about 30 feet away from the sign looking up at the sign and the sign is uphill.

Exhibit A7 is a chart to compare the sizes of the three signs. Planner Fox mentioned and apologized that, in his report, he has the size of the proposed sign as 12x30, when it is actually 10x30. Mr. Stout said actually there is a 2-foot skirting along the bottom of the proposed sign. The sign itself is 10 feet.

One other thing mentioned was wetlands and the flood plain. We are not in the flood plain area, but the question was if the sign is within 50 feet of wetlands. It is not believed to be within 50 feet of the wetlands. The center pole is more than 50 feet from the rear of the property where there are some wetlands.

The site plan waiver requirements after application and hearing that the construction or change of occupancy or use does not affect the existing circulation, drainage, relationships of buildings to each other, landscaping, buffering, lighting and other considerations of site plan review. Nothing on this site is changing in any of those categories. The site doesn't conform to the parking requirements, but the site does not require parking.

Mr. Minton asked what the distance is from the roadway to the actual sign for safety reasons leaving the building. Mr. Stout said that the pole that is placed in the ground is 24.6 feet back from the roadway.

Mr. Stout said that when/if the billboard needs to be repaired, there will be a small area for the maintenance truck to park. Most of any maintenance would be done remotely since it is a digital sign.

Mr. Bartoli was called up by Mr. Hall. Mr. Hall asked what use will be made of the property once the billboard is up and operating. Mr. Bartoli said we may visit the site once or twice a

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year if the electrician needs to visit. But it is very infrequent. The type of truck that repairs it would be a bucket truck and construction of the sign would take about 3-4 days.

Mr. Hall confirmed that Mr. Bartoli had a chance to read Planner Fox's review letter which mentions the mix of advertising that will be shown on the billboard and how it would impact local businesses. Mr. Bartoli found that a billboard like the one that is proposed would have 85% of local/regional advertisers. He looked at the two comparable billboards in the area and over the last 12 months, the Berlin billboard 84% of advertisers were local/regional such as Virtua, Victory Bar & Grill, ECC Roofing. The top categories were restaurants, automotive, HVAC companies. Over the last 12 months, the Delran billboard ran 98% local/regional advertisers such as Atlas Healthcare, Davis Honda, Grocery Outlet as examples. Berlin is the most comparable to the proposed billboard, as it has relatively the same traffic count in that area. The total traffic count in Berlin is 30,000 daily and Delran is 47,000 daily. Florence is 25,000 daily.

Chairman Puccio asked Mr. Bartoli what is considered "regional". Mr. Bartoli said regional is around the Philly/South Jersey area. Chairman Puccio asked if local businesses in Florence have been approached about the potential sign. And Mr. Bartoli said they hadn't yet. Mr. Bartoli stated that they have existing relationships with advertisers who they can reach out to when the proposed sign is approved. This sign is also available to Florence businesses as well as businesses in the immediate area.

Chairman Puccio asked Mr. Bartoli to explain how the 1,000 advertising spots available to the township would work. The ads run on a loop and typically there is space available for ads that township would want to advertise such as the high school play.

Vice Chairman Buddenbaum wanted some clarification for how often the ads for the township would be shown. If a business is paying for ads, and the township doesn't pay for ads, do the paid-for ads get shown more often? Mr. Bartoli said it is the same number of appearances on the billboard for all advertisers.

Mr. Fevola asked if the ads run at certain times of the day. Mr. Bartoli said the ads are in a rotation and loop for 24 hours. There are 8 total spots and each ad is 8 seconds long and it repeats. Chairman Puccio said that it seems like the township gets a small percentage of the ads compared to the paid advertisers.

Mr. Hall called Mr. Vastino to speak about how the program works for the ads. There are different ways to break up the loop of ads by day or week. The township is guaranteed 1,000 spots on the board. Most of the other boards his company operates sells about 65%-80% of the ad space so there is always space for the ads for the township. More than likely there will be more than 1,000 spaces available but not less than 1,000.

Mr Vastino explained that they have in-house operations/creative department so the Township would work directly with the company for any ads they want shown. Since the ad is digital, it takes minutes to add to the loop once the ad is created. There is a dedicated person on staff who would be assigned to work with a designated township official on the ads. The sign is also available for things like Amber Alerts and other PSAs.

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Vice Chairman Buddenbaum mentioned that a lot of the LED billboards have missing panels and wanted to know how they are fixed when that happens. Mr. Vastino said they have technicians that come out to repair them as needed. Mr. Vastino confirmed that PSEG has access to the transformer with a separate meter.

Mr. Hall called Michael Cox from Watchfire and he was sworn in by Solicitor Frank. Mr. Cox has been employed by Watchfire for 17 years as an Electrical Design Engineer and since has managed the engineering electrical department which is responsible for designing the signs like the proposed billboard. The design includes the modules, power sources, wiring. Mr. Cox is involved in the electronic & software part of the sign design as well as provide lighting studies.

Mr. Sovak asked Mr. Cox for his educational and professional background. Mr. Cox has a Bachelor of Science in Electrical Engineering from the Rose-Hulman Institute of Technology and he does not hold any professional engineering licenses. Solicitor Frank stated that it would be almost impossible to find someone else with this much knowledge of this kind of billboard so Mr. Cox should be perceived as having expertise in this area. Mr. Cox stated that the company has 60,000 billboards around the country and he has been responsible for every model that the company makes. His department also provides all the data for the lighting studies. Solicitor Frank asked Mr. Cox to confirm that his department provides the data and another department conducts the analysis. His group is not directly responsible for the report, but provides the data about the lighting. He designs the system to the industry standards for brightness of the sign.

Solicitor Frank is referring to the report from Watchfire that was submitted in October 2023. He asked for some clarification about how lumens are measured and it states the area will see almost an undetectable increase in ambient light after installation of the digital LED billboard. What Planner Fox was asking is if Mr. Cox is able offer an expert opinion on the affect of the light. It is unclear if Mr. Cox is an expert in this area. Mr. Hall stated that because of the nature of Mr. Cox's job, an electrical engineer, that he is capable of giving an expert opinion. The Watchfire report does contain an expert opinion on the affect of the ambient light and it is unclear that Mr. Cox has the expertise to testify to that.

Mr. Cox explained that the light the billboard casts falls under the industry standard for what is considered an acceptable level of light. Solicitor Frank asked Mr. Cox if he tests the light levels on the completed billboards to confirm what the impact is on the environment. Mr. Cox stated he knows that the billboard will not exceed the industry standard of .3 foot candles.

Planner Fox added that while Mr. Cox has expertise in electrical engineering, he is not an expert in illumination engineering. Solicitor Frank is also concerned that Mr. Cox hasn't actually measured the existing light in the area of the proposed sign and is unable to tell us the impact of the additional light since he has not been to the site.

Mr. Hall stated that the signs are designed to be seen by the traveling public, and not someone who is looking at it from a different angle. It is a different type of lighting and is less intrusive than incandescent lighting.

Solicitor Frank said that because the Watchfire report doesn't state what the billboard machines do, it only states what the impact the light would have on the environment, that that is a different discussion. In that case, Mr. Cox doesn't have the expertise in that area.

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Mr. Studzinski asked if the billboard automatically adjusts in brightness levels. Mr. Cox said that all of the billboards have a hardware photo cell and it is constantly measuring ambient brightness and adjusting the brightness accordingly. There is a backup software photo cell that takes over if the hardware photo cell were to fail. The maximum brightness is set for what is allowed during the day and night, and it auto-adjusts accordingly but it cannot go brighter than what is permitted. The brightness is controlled by software and only accessible by Watchfire employees.

Mr. Hall asked Mr. Cox to go over the report from Watchfire that was submitted in January. The table shows an aerial view of the property & the footcandles of light from different angles and distances from the sign. The industry standard is .3 footcandles; the highest footcandle on the table is .29 at 100' distance from the sign. The benefit of digital signs is that they use LEDs which are very directional, which is shown on the table, to focus the light only on the viewer of the sign which would be the roadway.

Planner Fox brought up Township Ord. 2023-20 which is a lighting ordinance that states that no light should be visible from an adjacent property. There is also a maximum of .25 footcandles from 5ft. Planner Fox asked if Mr. Cox can testify about this ordinance. Mr. Hall stated that Mr. Cox hasn't seen the ordinance.

Chairman Puccio asked if the measurements of light on the report were taken in total darkness and Mr. Cox stated yes they were.

Mr. Hall called up Mr. John Polito who is the owner of the property and Solicitor Frank swore him in. Mr. Polito has owned the property since 2019 along with Mr. Joseph Csik. Before Mr. Polito purchased the property, he did his due diligence to look into the property. Mr. Polito stated that he learned about the uses of the property and it was unable to be used as any retail or restaurants. Even if it burned down, it would be unable to be rebuilt because of the environmental problems. He is unable to put any blacktop down because no dirt can be removed from the property. The intended use of the property was for storage and warehouse space for his online business. He has been in business for 53 years this year and has two other locations in Burlington City. The approximate size of the building is 7,000sf has one floor with an attic that is accessed by stairs in the back of the building. His business sells props to Disney, HBO and Netflix, Ripley's and the products are located on the first floor of the building.

When the building was purchased, Mr. Polito met with the township to go over the use of the building and it was approved and he received the Certificate of Continued Occupancy which he has brought with him and is Exhibit A9. There is a use classification marked on the CCO document called S1 which indicates storage. The typical hours of operation are Monday-Thursday from 4:30pm-7:00pm but the hours aren't regular and there are no employees.

Mr. Polito told the applicant about the environmental issues with the property and he gave the name of the LSRP (Licensed Site Remediation Professional) and his firm name to the applicant. The LSRP told Mr. Polito that the billboard does not violate the conditions and it would be OK to install on the property.

Solicitor Frank asked if the LSRP was aware that the billboard would require boring a post into the ground. And Mr. Polito did confirm that the LSRP was made aware of that.

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Planner Fox asked if Mr. Polito is a representative or owner of Space Craft Incorporated. Mr. Polito confirmed that he is not nor is he the responsible party that contaminated the site. The LSRP works for both him and Space Craft, which was the former owner of the property. Planner Fox referenced his review letter where he researched the deed that was recorded that indicates that the property owner has completed its NJDEP-approved soil remedies. The deed notice only prohibits future development of single-family residential uses, childcare facilities, and schools. There are no physical or institutional controls restricting the development on Lot 3 of any other typical commercial use permitted in the HC zone. The LSRP did not indicate to Planner Fox that they were not permitted to do anything additional on the property such as parking or black top. Mr. Polito said he was told that if they were to do anything on the property that the dirt could not leave the property.

Mr. Polito stated that every year he files with the DEP and they come for a site visit and put out a report, which is a bi-annual certification.

At this time the board took a brief 5 minute recess.

Mr. Hall called Mr. Bartoli back up. He has communicated with the LSRP regarding what is required to install a billboard on the property and confirmed that the dirt cannot leave the property. The LSRP understood that there would be displacement of soil for the project.

Solicitor Frank asked how deep the direct embedment of the pole would be. Mr. Bartoli said it is 18ft and would be determined by a structural engineer.

Mr. Hall called Ms. Tiffany Morrissey to speak. She confirmed that she reviewed Planner Fox's letters. One of the concerns raised in Planner Fox's report on page 5 that states "There has been no testimony indicating that the proposed billboards on this specific parcel respect existing land use patterns and are compatible with surrounding development i.e. that Lot 3 is particularly suited to the proposed use." In January, Ms. Morrissey stated she provided significant testimony to the positive and negative criteria as well as the suitability. This section of Rt 130 is unique to meeting the suitability standards because of the traffic levels of the property. Also the purpose of the Highway Commercial zone is to encourage economic activity.

Ms. Morrissey wanted to add some more information about why this section of the highway and this lot has unique features that the rest of the HC zone doesn't have. On the Zoning map along the frontage along Route 130, the majority of that frontage is HC. But the corridor is divided by the Turnpike. To the east of the Turnpike, there is HC frontage but also there are areas of open space and vegetation which make it a good location for a sign. The characteristics of Route 130 to the west of the Turnpike are different, there is a small area of residential, but there is a lot of warehouse and industrial development primarily. It makes more sense to find a property which would allow for the location of an off-premise sign that would not impact the site development, the viability of the future use of the property and allow for the enhanced economic development opportunity.

Ms. Morrissey also reviewed Planner Fox's March 1 2024 report which is an analysis of the existing off-premise signs within a 5-mile radius of the Township. This report will be exhibit A10. Each municipality has their own regulations for what is allowed for off-premise signs. In Mansfield they are not permitted, in Bordentown it is allowed on limited and non-limited access

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highways which would be Route 130 up to 1200sf and 90 feet in height. Burlington allows off-premise signs in their industrial zones on limited access highways up to 1,000sf and 100 feet in height. When you look at the report from Planner Fox with the various signs in the area and the permitted signs in the area, the proposed sign is consistent with those.

The four signs currently in Florence township: three at 300sf and one at 144sf. The proposed sign is consistent with those signs. Many of the existing signs are static signs and include local advertisements & public service announcements. The service from the digital sign would have the ability to offer more advertisements.

Mr. Sovak referenced Planner Fox's March 1, 2024 report and asked what "nonconforming NJDOT spacing" means on the report. Planner Fox stated that it means the signs do not conform to the NJDOT rules for spacing. Ms. Morrissey added that at the last meeting, they spoke about the spacing rules for digital signs. The rules for spacing for static signs on a highway is 300ft, Planner Fox has analyzed the distance and they are not conforming.

Chairman Puccio asked to confirm the distance between digital signs which is 3,000ft. He stated that it is about 2.4 miles from entering Roebling until you leave Florence and enter into Burlington. So theoretically, there could be 4 digital signs on each side of Route 130. The length of Florence-Columbus Rd is about 2 miles, and theoretically there could be 3 signs on each side of the road.

Ms. Morrissey said that she did not run those numbers but is sure they are accurate. But there are other factors such as a sign cannot be in a residential zone, it would have to be a commercial zone property. Each site would also have to seek approval and would have to be evaluated on its impact to the area.

Mr. Hall asked Ms. Morrissey, in her opinion, if the proposed sign fills a local and regional need which is a specific purpose of the zoning under the Municipal Land Use Law. Ms. Morrissey confirmed.

Mr. Patel asked if the digital signs are more distracting to drivers. Ms. Morrissey stated that the NJDOT has set standards and done analysis for the distancing between signs. Driver safety is a part of that analysis as well. Digital signs have a greater separation than static signs.

Planner Fox added that the reason why the report was put together is because it was unclear as to the different signs in the corridor after the last meeting. In 13 miles (5 miles on either side of Florence) there are 41 billboards, 12 of them are advertising NJ state agency programs, or nonprofit corporations. When billboard companies cannot find advertisers, they put up a public service announcement. It is unclear if those agencies pay as much money as a business corporation.

Planner Fox stated that there was testimony that the remedial action plan says that one couldn't do anything else on this property. Ms. Morrissey said the deed notice impacts how the property can be utilized, as we heard tonight about the removal of soil from the property. If we feel we can build it to another use, the site still remains undersized and irregularly sized and there is no ability to accommodate all the improvements that might be necessary for a new development including stormwater management that would require excavation of a lot of the property. The report also talked about the possibilities of consolidating and sharing with the adjoining

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properties. Placing the sign on this property does not take away the ability to do so in terms of working with other lots.

Planner Fox referenced his report where he has outlined "Other Concerns" in his recommendations:

- a. The billboard sign will not be erected until it is approved by the NJDOT and the license issued for the proposed location is filed with the Zoning Officer.
- b. The billboard will remain in compliance with the Roadside Sign Control and Outdoor Advertising Act.
- c. The billboard will comply with the recommendations of the Outdoor Advertising Association of America (OAAA) for brightness, frequency of message change and in the event of any failure, the sign shall automatically turn off.
- d. Signage will not interfere with or contain advertisements that resemble any official traffic sign, signal or device.
- e. Signage will not advertise activities that are illegal under federal, state or local law
- f. Signage will not impair the vision of motorists.
- g. The billboard owner will provide the Township Engineer, every third year after approval, a structural inspection of the billboard by a NJ-licensed engineer certifying that the billboard is structurally sound.
- h. The billboard will be properly and adequately secured to prevent unauthorized access and vandalism
- i. The billboard owner will provide the Township, annually or otherwise required, with the current name, address and phone number of the local registered agent responsible for maintenance and care of the billboard.
- j. All maintenance, cleaning and repair, including removal of signage defacing materials shall be performed promptly. In the event the Township notifies the owner or its local registered agent of any damage, vandalism, or graffiti on the billboard, the owner or agent shall repair or correct the problem within 48 hours of such notification. If repairs and corrections are not timely, the Township shall have the right, but not the obligation, to make repairs or corrections and be reimbursed the cost thereof by the owner or lessee.
- k. The billboard owner will post a bond, or other security, in the form and amount satisfactory to the Township, with the Township to ensure that the billboard will be properly maintained to prevent structure failure and removed after the termination of its use.

The applicant has agreed to comply to all of the above concerns if approved. Solicitor Frank stated that the only bonds that the board can require are the maintenance & performance bonds. There doesn't seem to be authority under the statute to impose a removal bond. Engineer Dougherty asked what happens when the billboard is no longer in use. Mr. Vastino stated that they would have a lease with the property owner, they could come and remove it. Solicitor Frank said that if the board is not in use for 6 months, and there is no plan to use it again, that it should come down.

Engineer Dougherty stated that it would come down to the site plan waiver with regard to what is required. The building and parking are existing, the use variance is for the billboard. The Board has the jurisdiction to grant a site plan waiver because the testimony stated there is no additional impact to the site other than the pole itself. Engineer Dougherty has no objections to the site plan waiver along with the application.

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The application was opened to public comment. It was confirmed that no one was present in the room except for the individuals that were a part of the application. Seeing no one on Zoom and no one was being held back motion to to close public comment was made by Vice Chairman Buddenbaum and seconded by Mr. Patel.

At this time, Mr. Patel, who was absent from the January 8 meeting stated that he did watch the Zoom recording from that meeting when the applicant first appeared and agreed to sign an affirmation to that effect.

It was the motion of Mr. Studzinski seconded by Mr. Wible to approve Application ZB-2023-13 with the stipulations and site plan waiver.

Upon roll call, the Board voted as follows:

YEAS: Studzinski, Wible

NOES: Buddenbaum, Patel, Puccio, Sovak, Sullivan

Application Denied

PUBLIC COMMENT

The meeting was opened for public comment on any general matter.

There was no one from the public attending in person and the Zoom moderator confirmed that no one was being muted by us.

Hearing no one wishing to speak, it was the Motion of Mr. Patel, seconded by Mr. Studzinski to close public comment. Motion unanimously approved by all members present.

ADJOURNMENT

It was the Motion of Mr. Patel, seconded by Mr. Vice Chairman Buddenbaum to adjourn the meeting at 10:07PM. Motion unanimously approved by all members present.

Gina Sullivan, Secretary

GS/ah