

1st: Bossert
 2nd: Horner
 Date: 3/7/19

Minutes of February 21, 2019

The Regular Meeting of the Hazlet Township **Land Use Board** scheduled for February 21, 2019 was called to order at 7:00 PM with a Salute to the Flag followed by a Moment of Silent Prayer and a Reading of the Letter of Compliance.

ROLL CALL:

Present: Mr. Cavanagh, Mr. Sachs, Mr. Fabozzi, Mr. Horner, Ms. Bossert, Mr. Glackin, Mr. Grossman, Mr. Belasco, Mr. Lencsak

Absent: Mr. Moore, Mr. Sanfilippo

Professionals: Mr. Vella, Esq., Mr. Dayback & Mr. Truscott-T&M, Mrs. Keegan-Zoning official

Motion: To approve the minutes of the Regular meeting of January 17, 2019.

Offered By: Horner **Seconded By:** Cavanagh

<u>ROLL CALL</u>	<u>YES</u>	<u>ABSTAIN</u>
Mr. Cavanagh, Chairman	<u>X</u>	<u> </u>
Mr. Sanfilippo, Vice Chairman	<u> </u>	<u> </u>
Mr. Fabozzi	<u>X</u>	<u> </u>
Mr. Bossert	<u>X</u>	<u> </u>
Mr. Horner	<u>X</u>	<u> </u>
Mr. Moore	<u> </u>	<u> </u>
Mr.	<u> </u>	<u> </u>
Mr. Glackin	<u> </u>	<u>X</u>
Mr. Sachs	<u> </u>	<u>X</u>
Alt #1 Mr. Belasco	<u>X</u>	<u> </u>
Alt #2 Mr. Grossman	<u>X</u>	<u> </u>
Alt #3 Mr. Lencsak	<u> </u>	<u>X</u>
Alt #4	<u> </u>	<u> </u>

Motion passes.

Memorialization case #18-23L: Donatelli, 8 Oregon Avenue; Block 118, Lot 11, R-70 zone. Applicant was granted permission to install a 14'x30' in ground pool and concrete patio with side and rear yard setback variances.

Offered By: Bossert **Seconded By:** Fabozzi

ROLL CALL

Mr. Cavanagh, Chairman
Mr. Sanfilippo, Vice Chairman
Mr. Fabozzi
Mr. Bossert
Mr. Horner
Mr. Moore
Mr.
Mr. Glackin
Mr. Sachs
Alt #1 Mr. Belasco
Alt #2 Mr. Grossman
Alt #3 Mr. Lencsak
Alt #4

<u>YES</u>	<u>NO</u>
X	
X	
X	
X	
X	
X	

Motion passes.

Memorialization case # 18-16L: Appeal by Hazlet Services Inc, 3328 Highway 35; Block 215.01, Lot 1, BH zone. Zoning official's decision to issue a zoning permit for façade renovations at Kmart Plaza was affirmed.

Offered By: Fabozzi **Seconded By:** Bossert

ROLL CALL

Mr. Cavanagh, Chairman
Mr. Sanfilippo, Vice Chairman
Mr. Fabozzi
Mr. Bossert
Mr. Horner
Mr. Moore
Mr.
Mr. Glackin
Mr. Sachs
Alt #1 Mr. Belasco
Alt #2 Mr. Grossman
Alt #3 Mr. Lencsak
Alt #4

<u>YES</u>	<u>NO</u>
X	
X	
X	
X	
X	
X	

Motion passes.

Carryover case #19-01L: Mehmedovic, 16 Ashleigh Drive; Block 239.05, Lot 8, PRD zone. Applicant is seeking permission to install a 12' x 24' in ground pool, concrete patio and 2' retaining wall. Side and rear yard setback and lot coverage variances requested.

Attorney Vella swearing in Mirza & Nermina Mehmedovic, 16 Ashleigh Dr.

Mr. Mehmedovic: Explained that they would like to install an in ground pool but due to the size of the yard, they need variances for side and rear yard setbacks and lot coverage.

Mr. Vella: Marked Exhibit A-1 as Application with survey and LUB-1 as T&M review letter dated 2/6/2019.

Mr. Mehmedovic: Noted that their property backs up to the Kmart Plaza. There is a fence between them and they will have a 2' retaining wall. He will revise the plans to maintain a 5' setback on the east side to eliminate that variance.

Mr. Vella: Noted that the conditions were: no discharge of water onto neighboring properties, providing a grading plan to township engineer and revising plans to show the 5' east side setback.

Public comments: No one spoke.

Motion: To approve with changes and conditions noted:

Offered By: Sachs **Seconded By:** Glackin

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Mr. Cavanagh, Chairman	<u>X</u>	<u> </u>
Mr. Sanfilippo, Vice Chairman	<u> </u>	<u> </u>
Mr. Fabozzi	<u>X</u>	<u> </u>
Mr. Bossert	<u>X</u>	<u> </u>
Mr. Horner	<u>X</u>	<u> </u>
Mr. Moore	<u> </u>	<u> </u>
Mr.	<u> </u>	<u> </u>
Mr. Glackin	<u>X</u>	<u> </u>
Mr. Sachs	<u>X</u>	<u> </u>
Alt #1 Mr. Belasco	<u>X</u>	<u> </u>
Alt #2 Mr. Grossman	<u>X</u>	<u> </u>
Alt #3 Mr. Lencsak	<u>X</u>	<u> </u>
Alt #4	<u> </u>	<u> </u>

Motion passes.

Carryover case #18-12L: Point Comfort Marina, 61 N. Park Avenue; Block 2, Lot 2, I-M zone. Applicant is seeking a use variance to convert the existing 1st floor restaurant into a 2 bedroom apartment.

Attorney Vella carried case to 3/21/2019 with no new noticing required.

Carrover case #17-20L: Gold Square NJ LLC, 3201 Route 35; Block 166.09, Lot 12.02, BH zone. Board discussion regarding changes to condition of resolution previously adopted.

Attorney Vella announced the applicant was not ready and would reschedule.

Carryover case #15-10L: Chick-fil-A, 2821 Route 35; Block 192, Lot 4.01, BH zone. Applicant is requesting a one year extension of site plan approval.

Duncan Prime, attorney for applicant came forward.

Mr. Prime: Explained that due to outstanding outside agency approvals, they are requesting a one year extension of site plan approval. They are working diligently to complete all the items and move forward with the project.

Motion: To approve a one year extension to 2/16/2020.

Offered By: Sachs **Seconded By:** Fabozzi

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Mr. Cavanagh, Chairman	<u>X</u>	<u> </u>
Mr. Sanfilippo, Vice Chairman	<u> </u>	<u> </u>
Mr. Fabozzi	<u>X</u>	<u> </u>
Mr. Bossert	<u>X</u>	<u> </u>
Mr. Horner	<u>X</u>	<u> </u>
Mr. Moore	<u> </u>	<u> </u>
Mr.	<u> </u>	<u> </u>
Mr. Glackin	<u>X</u>	<u> </u>
Mr. Sachs	<u>X</u>	<u> </u>
Alt #1 Mr. Belasco	<u>X</u>	<u> </u>
Alt #2 Mr. Grossman	<u>X</u>	<u> </u>
Alt #3 Mr. Lencsak	<u>X</u>	<u> </u>
Alt #4	<u> </u>	<u> </u>

Motion passes.

New case #18-19L: Lidl, 2973 Route 35; Block 183, Lot 1.01, BH zone. Applicant is proposing a third façade sign on storefront.

Mr. Belasco received notice and recused himself.

Duncan Prime, attorney for applicant came forward.

Mr. Prime: Explained that the store is open and operating and that their approval had included two façade signs. Due to rebranding, they are requesting a third sign next to an existing one that will read "Rethink grocery".

Mr. Vella: Marked Exhibit A-1 as Application and plans and LUB-1 as T&M review letter.

Attorney Vella swearing in Ben Crowder, Bohler Engineering.

Mr. Crowder: Introduced Exhibit A-2 Sign details updated, dated 2/21/2019. Explained that the sign would consist of channel letters reading "Rethink grocery" to the left of the Lidl logo sign on the façade and would measure 98 sf. There would also be a 30 sf panel on the monument sign.

Attorney Vella swearing in Christine Nazarro-Cofone, Professional Planner.

Ms. Cofone: Stated that benefits of granting the variances outweigh any detriments. The sign only occupies 6.3% of the wall area and there is no detriment to the zoning plan. The new sign will help motorists travelling down Route 35 identify the store as "grocery" thereby maintaining the free flow of traffic. It creates a desirable visual environment for advertising and wayfinding purposes. There are no other changes proposed to the site.

Mr. Truscott: Stated that this sign design is standard for other Lidl stores in other municipalities.

Public comments:

Attorney Vella swearing in Evelyn Lopez, 867 Poole Avenue.

Ms. Lopez: Asked whether there was any proposed additional signage near the exit onto Poole Avenue.

Mr. Crowder: Stated there was no signage proposed in that area.

Public portion closed.

Mr. Vella: Stated there were no conditions as there was no site work proposed and that all necessary permits would be required.

Motion: To approve the additional signage.

Offered By: Horner **Seconded By:** Sachs

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Mr. Cavanagh, Chairman	<u> X </u>	<u> </u>
Mr. Sanfilippo, Vice Chairman	<u> </u>	<u> </u>
Mr. Fabozzi	<u> X </u>	<u> </u>
Mr. Bossert	<u> X </u>	<u> </u>
Mr. Horner	<u> X </u>	<u> </u>
Mr. Moore	<u> </u>	<u> </u>
Mr.	<u> </u>	<u> </u>
Mr. Glackin	<u> X </u>	<u> </u>
Mr. Sachs	<u> X </u>	<u> </u>
Alt #1 Mr. Belasco Recused	<u> </u>	<u> </u>
Alt #2 Mr. Grossman	<u> X </u>	<u> </u>
Alt #3 Mr. Lencsak	<u> X </u>	<u> </u>
Alt #4	<u> </u>	<u> </u>

Motion passes.

Ordinance rezoning Block 68.13, Lot 26 and Block 69.01, Lot 8 pursuant to a Settlement Agreement approved by the Superior Court of the State of New Jersey in Highview Homes LLC V. Township of Hazlet: Board review and discussion of proposed township ordinance.

Mr. Vella: Explained that the township is proposing an ordinance to modify the zoning of the Holy Family property to accommodate the COAH settlement with Highview Homes. The board reviews and advises if the ordinance is consistent or not consistent with the master plan and zoning plan as of today. The applicant will still have to file an application for review before the Land Use Board and hold a public hearing. Reasonable conditions can be imposed. The bulk variances will be part of the settlement.

Board discussion and comments.

Public comments:

Attorney Vella swearing in Evelyn Lopez, 867 Poole Ave.

Ms. Lopez: Questioned what the master plan was.

Mr. Vella: Explained that it is a report drafted by the township outlining future goals and objectives for the township and certain areas. It is re-examined and updated periodically, the latest revision was 2017.

Attorney Vella swearing in Sam DiMartino, 33 Hemlock Street.

Mr. DiMartino: Questioned whether this was consistent with the Bayshore Regional Plan or the County Master plan.

Mr. Vella: Explained that it is not required to be consistent with the Bayshore Regional Plan as it is only a recommendation and the County master plan deals mainly with roads.

Mr. Truscott: Stated that there would be a statement within the proposed housing plan that would describe its degree of consistency with the county or state master plan.

Attorney Vella swearing in Bill Shewan, 28 Mason Drive.

Mr. Shewan: Asked whether the concept plan overrides the ordinance and if there will be a full site plan application where all exceptions will be addressed.

Mr. Vella: Explained that fully designed site plans must be submitted to the Land Use Board and that is the time to ask questions and address variances and waivers.

Public portion closed.

Motion: That the Ordinance is inconsistent with Master Plan.

Offered By: Cavanagh **Seconded By:** Horner

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Mr. Cavanagh, Chairman	<u> X </u>	<u> </u>
Mr. Sanfilippo, Vice Chairman	<u> </u>	<u> </u>
Mr. Fabozzi	<u> X </u>	<u> </u>
Mr. Bossert	<u> X </u>	<u> </u>
Mr. Horner	<u> X </u>	<u> </u>
Mr. Moore	<u> </u>	<u> </u>
Mr.	<u> </u>	<u> </u>
Mr. Glackin Abstain	<u> </u>	<u> </u>
Mr. Sachs Abstain	<u> </u>	<u> </u>
Alt #1 Mr. Belasco	<u> X </u>	<u> </u>
Alt #2 Mr. Grossman	<u> X </u>	<u> </u>
Alt #3 Mr. Lencsak	<u> X </u>	<u> </u>
Alt #4	<u> </u>	<u> </u>

Motion passes.

Mr. Sachs and Mr. Glackin are recused from Use variance application.

New case #18-17L: Outfront Media LLC, Route 35 & Hazlet Avenue; Block 166.09, Lot 18, BH zone. Applicant is seeking a Use Variance to replace the existing billboard with a two sided electronic LED message board.

Mr. Vella: Marked Exhibit A-1 as Site plan dated 1/9/2019 and LUB-1 as T&M report dated 2/20/2019.

Mr. Lou D'Arminio, attorney for applicant came forward.

Mr. D'Arminio: Explained that the application is for a use variance to replace an existing billboard with a 44' high 2-sided LED message board. They will be reducing from 4 sign faces to 2. The site is a very unique shaped, narrow piece of land located adjacent to a jughandle and there are recommended completeness waivers in the report. They have no objections.

Joe Sardillo, attorney for Gold Square NJ LLC, 3201 Highway 35 came forward.

Mr. Sardillo: Stated that he represents Gold Square who is the adjacent property owner. They have approval to develop the property into a Starbucks and one additional tenant. They have an interest in the application and some concerns about the application.

Motion: To grant completeness waivers recommended by township engineer.

Offered By: Horner **Seconded By:** Bossert

<u>ROLL CALL</u>	<u>YES</u>	<u>NO</u>
Mr. Cavanagh, Chairman	<u> X </u>	<u> </u>
Mr. Sanfilippo, Vice Chairman	<u> </u>	<u> </u>
Mr. Fabozzi	<u> X </u>	<u> </u>
Ms. Bossert	<u> X </u>	<u> </u>
Mr. Horner	<u> X </u>	<u> </u>
Mr. Moore	<u> </u>	<u> </u>
Mr.	<u> </u>	<u> </u>
Mr. Glackin	<u> </u>	<u> </u>
Mr. Sachs	<u> </u>	<u> </u>
Alt #1 Mr. Belasco	<u> X </u>	<u> </u>
Alt #2 Mr. Grossman	<u> X </u>	<u> </u>
Alt #3 Mr. Lencsak	<u> X </u>	<u> </u>
Alt #4	<u> </u>	<u> </u>

Motion passes.

Attorney Vella swearing in John Antal, General Manager of Outfront Media's NJ office.

Mr. Antal: Explained that he is in charge of all NJ operations. He stated that multi-message electronic signs have become prevalent in the industry. Their existing site is on the north side of Route 35 west of Hazlet Avenue. Four existing billboard panels will be replaced with 2 electronic signs.

Mr. Vella: Marked Exhibit A-2 as DOT permit (2 pgs) dated 4/16/2018.

Mr. Antal: Explained that the sign will change every 8 seconds on a loop. The screen adjusts to ambient light and there is no flashing or movement. Maintenance will be required 1-4 times per year. They will also donate space for community messages and warnings. The sign will be on a single pole.

Mr. Vella: Marked Exhibit A-3 as Outfront Media Sample Billboards handout and Exhibit A-4 as Protocols A & B-Municipal and Local emergency services.

Attorney Vella swearing in Tiago Duarte, Dynamic Engineering.

Mr. Duarte: Explained that the site is only 6400 square feet, an undersized and odd shaped lot for the zone. Any development would require variance relief. There is a 12' x 23' double sided (4 faces) billboard existing now. The new sign will be two faces (10.5' x 36') and would be moved closer to Route 35. They are requesting a 20' setback to increase visibility from the highway and 44' in height for 500' of visibility coming down the highway.

Mrs. Keegan: Questioned the visibility to the nearby residential homes.

Mr. Duarte: Stated that is angled towards the highway so the residences won't see the sign but may see the structure. There are trees and foliage in between.

Mr. Vella: Marked Exhibit A-5 as Picture of panel.

Mr. Duarte: Explained that the diodes on the panels create the images seen on the sign. There are panels over the diodes so that the light is projected forward and not towards the adjacent properties. The lighting maximum is 0.3 foot candles above ambient and this sign will be under the maximum. The light spillage does not emit past the traffic circle. The sign does not generate any drainage or traffic concerns.

Attorney Vella swearing in David Karlebach, professional planner.

Mr. Karlebach: Stated that the existing billboard dates back to the 1940's and is surrounded by commercial land uses. There is a similar electronic sign across the highway that had been previously approved. Residents are already acclimated to seeing a billboard at this location. They propose to reposition and modernize it.

Mr. Vella: Marked Exhibit A-6 as 2 photos of existing signs.

Mr. Karlebach: Stated that the two sign faces would be flat and perpendicular to the highway. It does not interfere with any wires or poles.

Mr. Vella: Recommended submitting a rendering of the sign and vantage points of the proposed new location compared to leaving it in the same location. An evaluation should be done showing any impact to the entrance driveway of the adjacent property.

Carried to March 7, 2019 with no further notice.

Citizen Hearing: No one spoke.

Motion to close citizen hearing:

Offered By: Fabozzi **Seconded By:** Bossert

VOICE VOTE: Yes

Motion to Adjourn:

Offered By: Fabozzi **Seconded By:** Bossert

VOICE VOTE: Yes

Respectfully submitted:

Laura McPeck