

MINUTES OF THE MONTAGUE TOWNSHIP LAND USE BOARD REGULAR MEETING HELD DECEMBER 10, 2009

Open public meeting statement: The meeting was called to Order by the Chairman, Glenn Barbagallo, and a statement was made that the meeting was duly advertised and met all of the requirements of the Open Public meetings Act. Those present were: Charles Teufert, Sharon Tufaro, Gene Crawford, Richard Innella, Jason, Dunn, Glen Plotsky, Katherine Snyder, Jody Case Kennedy, James Guimes, Glenn Barbagallo, Michael O’Krepky, the board engineer, William Haggerty, Esq., the board attorney, and Sharon M. Yarosz, the board secretary.

Those absent were: Darren Ponce.

MINUTES

The November 12, 2009 Land Use Board Regular Meeting Minutes were reviewed. A Motion was made by Mr. Plotsky and seconded by Mr. Innella to approve the Minutes of the November 12, 2009 Land Use Board Regular Meeting. Roll Call: Mr. Teufert, abstain; Mrs. Tufaro, abstain; Ms. Crawford, abstain; Mr. Innella, yes; Mr. Dunn, yes; Mr. Plotsky, yes; Mrs. Snyder, yes; Ms. Kennedy, yes; Mr. Guimes, abstain; and Mr. Barbagallo, yes. The Motion was carried.

NEW APPLICATIONS/INFORMAL HEARING

Jemstone Holdings, Inc. (Dairy Queen) – LUB 09-02 - “C” Variance & Amended Site Plan Block 44, Lot 8 – 17 Route 23 South:

Appearing before the board was David Wallace, the applicant’s attorney, and the owner of the applicant, Kurt Staiger. Mr. Staiger was sworn in by the board attorney.

Mr. Wallace indicated that his client, based on the report of the board engineer, is appearing before the board as a concept hearing. He also indicated that he did notice the newspaper and the surrounding owners for this application, however, the notice indicated the starting time of 8:00. The meetings for the Land Use Board are now at 7:00. Mr. Haggerty indicated that the board could review this application as a concept plan before 8:00.

Mr. Wallace indicated that he was before the board for a variance for a new sign for the Dairy Queen. He indicated that he was aware that they will have to obtain approval from the State of New Jersey, Department of Transportation as a condition of approval. They are appearing before the board this evening for guidance so that they can show the corporate franchisor what the intentions of the board would be and whether they could comply with their modernization requirements. There is a nationwide program for Dairy Queen to upgrade their signage and their branding. The applicant needs to be compliant with Dairy Queen’s requirements and they are before the board to find out what the township requires so that they can prepare a plan. The plan will then be submitted to the NJ DOT for approval and then they will appear back before this board for a variance approval.

Mr. Barbagallo questioned if the upgrade of the signage by Dairy Queen only involves the freestanding sign or will it include the façade on the building also. Mr. Wallace indicated that the sign on the front of the building will also have to be upgraded in the future. There will be no major changes/structural changes to the building.

Mr. Haggerty questioned the applicant as to the square footage of the new sign and the existing sign. Mr. Staiger indicated that Dairy Queen has not given him the exact square footage yet. He further indicated that it is basically staying the same. The logo is changing; it is shrinking by 6” left to right and increasing 6” in height. Mr. Haggerty indicated that the board will need to know the exact square footage of the existing sign and the exact square footage of the proposed sign. The board would also need to know the exact height of the proposed sign.

Mr. O’Krepky reviewed the application for completeness. He indicated that the application is not complete. They would have to submit a sealed survey of the existing conditions of the site, specifically the front area of the property. Basically he needs anything they would need to make an application to the state DOT, the access area, the site distance, elevations. The survey does not have to deal with drainage. The board would also need to have exact dimensions of the proposed sign, have exact dimensions of the proposed sign, exact locations on a site plan as sealed by a professional and the comparison of the setbacks and square footage and the dimensions of the sign and what the sign will look like and the lighting. He feels there are several items on the checklist that the applicant can request waivers on for a sign application.

Mr. Haggerty indicated that the applicant should also prepare a comparative chart with the signs in the area and the distance from the property line to the signs and the curb line to the signs.

A lengthy discussion was held with regard to lighting on the sign. The board expressed their concern about flashing lights. Mr. Staiger indicated that it would be LED Lighting. The board requested the applicant submit to the board as to how often the signage on the LED lighting will change.

NEW BUSINESS

2010 Nominating Committee:

The board Chairman, Mr. Barbagallo, appointed Mrs. Snyder, Mr. Dunn and himself to the nominating committee for 2010.

OLD BUSINESS

Sign Ordinance:

Mr. Haggerty indicated that he revised the ordinance to read that the proposed set back for signage would be six (6) feet from the front property line or ten (10) feet from the travelled road surface whichever is greater. He indicated that the current ordinance for identification signs is twenty five (25) feet from any street line so the change would be substantial. The present ordinance does not have any setbacks for non identification signs. This proposed change would establish the set back for these signs. He also indicated that there is a provision in the ordinance so that the sign does not obscure the visibility of the roadway and that the township engineer would have the discretion in terms of determining whether the location would impair sight distance.

A lengthy discussion was held with regard to the LED signage. Mr. Haggerty indicated that he would review some other ordinances with regard to LED signage for the next meeting.

It was agreed by the board to carry this matter to the next regular meeting of the Land Use Board.

Accessory Buildings and Structures Ordinance:

Mrs. Tufaro indicated that at the Township Committee meeting they had an issue with paragraph "f" of this ordinance which refers to accessory buildings not being constructed prior to the principal buildings. Mr. Teufert indicated that Mr. Brace from the Township Committee did not think there was enough firmness in this paragraph. He questioned what is preventing someone from starting both, a principal structure and an accessory structure, abandoning the primary structure and finishing the accessory structure. Mrs. Tufaro indicated that she spoke to Mr. Brace and he was concerned that this would cause the township money if they had to go to court on this kind of situation. Mrs. Tufaro indicated that this would not be the case.

Accessory Buildings and Structures Ordinance cont.:

Mr. Haggerty indicated that he would review the language in paragraph "f" and revise it for the next meeting.

VOUCHERS

The vouchers were reviewed. A Motion was made by Mrs. Snyder and seconded by Mr. Innella to approve the following vouchers:

- 1) Dolan & Dolan regarding General Administration (September) in the amount of \$431.50; and
- 2) Dolan & Dolan regarding ADPP (Escrow) in the amount of \$81.90; and
- 3) Dolan & Dolan regarding Cellco (Escrow 07-07) in the amount of \$27.30; and
- 4) Harold Pellow & Associates regarding COAH in the amount of \$374.00; and
- 5) Dolan & Dolan regarding Jemstone Holding (Escrow) in the amount of \$54.50; and
- 6) Dolan & Dolan regarding General Administration (November) in the amount of \$376.90; and

Roll Call: Mr. Teufert, yes; Mrs. Tufaro, yes; Ms. Crawford, yes; Mr. Innella, yes; Mr. Dunn, yes; Mr. Plotsky, yes; Mrs. Snyder, yes; Ms. Kennedy, yes; Mr. Guimes, yes; and Mr. Barbagallo, yes. The Motion was carried.

CORRESPONDENCE

The correspondence was reviewed. No formal action was taken.

NEW APPLICATIONS/INFORMAL HEARING CONT.

Jemstone Holdings, Inc. (Dairy Queen) – LUB 09-02 - “C” Variance & Amended Site Plan Block 44, Lot 8 – 17 Route 23 South cont.:

At 8:00 a Motion was made by Ms. Crawford and seconded by Mr. Plotsky to carry this application without further notice to the January 14, 2010 meeting at 7:00 p.m. without further notice. All were in favor. The Motion was carried.

PUBLIC PARTICIPATION

This meeting was opened to the public. There being no public participation, this meeting was closed to the public.

AJOURN

Having no further business, a Motion was made by Mr. Teufert and seconded by Mr. Dunn to adjourn the meeting. All were in favor. The Meeting was adjourned.

Minutes prepared by:

SHARON M. YAROSZ
Land Use Administrator