

March 19, 2025

**Township of Denville
Board of Adjustment
Regular Meeting Minutes**

March 19, 2025

The Board of Adjustment of the Township of Denville held its regular meeting on Wednesday March 19, 2025. The meeting was held in the Municipal Building and commenced at 7:00 pm.

Chair Moroney led flag salute

Board Secretary Stroisz read NOTICE OF PUBLIC MEETING

ROLL CALL:

Present: Chris Titze, Tim Fisher, David Kratz, Christine Hong, Kurt Senesky, Joseph Whitney, Patrick Byrne, Ed Moroney

Absent: Carlos Duarte

Professionals Present: Alyse Hubbard, Esq., Samantha Anello, PE, Jason Kasler, AICP, PP

MINUTES:

March 5, 2025 (no vote: Titze, Whitney, Duarte, Moroney)

A motion to approve the minutes was made by Mbr. Senesky, seconded by Mbr. Fisher and approved by all members able to vote.

AYES: Senesky, Fisher, Kratz, Hong, Byrne

PURCHASING:

Maraziti Falcon

A motion to approve the invoices was made by Mbr. Titze, seconded by Mbr. Hong and approved by all members able to vote.

AYES: Titze, Hong, Fisher, Kratz, Whitney, Senesky, Moroney

RESOLUTIONS:

BA 24-28 **Charles Vogt & Rebecca Bradley (no vote: Titze, Whitney, Duarte, Moroney)**
 83 Cedar Lake West
 Block 61003, Lot 214

BA 24-31 **Dennis Donnelly (no vote: Titze, Whitney, Duarte, Moroney)**
 4 Sunset Trail
 Block 41113, Lot 200

BA 24-32 **Matthew & Corinne Kessley (no vote: Titze, Whitney, Duarte, Moroney)**
 49 Landing Trail
 Block 40602, Lot 202

A motion to approve these resolutions was made by Mbr. Fisher, seconded by Mbr. Kratz and approved by all members able to vote.

AYES: Fisher, Kratz, Hong, Senesky, Byrne

PUBLIC HEARINGS:

Chair Moroney – prior to starting tonight's hearing, want to welcome everyone from the public. Explained the process of asking questions of each witness: there will also be a time for making statements at the end of the hearing which will be on a different evening. Asked for everyone's patience through this process.

BA/PSP/FSPV 24-19 **Outfront Media, LLC.**
 2 Indian Road
 Block 41006, Lot 1

Mbr. Fisher – asked to be recused from this application as his family member is a longtime member of the Fire Department Association.

Mbr. Byrne – asked to be recuse from this application for the same reason, a family member is a member of the Fire Department.

Chair Moroney – reminded the applicant and the public that the board has a 10pm curfew.

Lou D'Arminio, Esq. – on behalf of Outfront Media; seeking to construct and operate a single pole, double faced advertising sign on Indian Road in the business district. The eastbound view of the sign will show an off premise multimedia advertising sign, the westbound view presently is proposed to show a static advertisement for the fire department. The property is leased by Outfront and owned by the Denville Fire Department. Outfront has a state permit issued by New Jersey Department of Transit and the pole sign would be constructed and operated by Outfront. Billboards are not permitted in the B3 district, therefore they need a D1 use variance for a non-conforming use for the multimesage face; a D6 use related height variance for the proposed sign; and various bulk variances for the sign's electronic nature, and various other bulk elements. Sign's dimensions are considered 14'x48' (although it is slightly smaller than that) and the unilluminated static sign is 14'x48'. The proposed height is 90' above grade. They are presenting witness Jon Antal from Outfront Media who will be their only witness for tonight; will speak about the company and the technology. Then they will hear some questions from the members of the public and then come back in response to those questions. The other witnesses will be representatives of the engineering company to go through the engineering aspects and actually present the various site plans. Their planner will go through the various planning testimony and justify the application. They will mark exhibits as they go along.

Jon Antal SWORN (185 Route 46, Fairfield) – general manager of Outfront Media since 2012. Gave a little background of the company history. Operate 105 digital billboards in NJ at the time (in his territory).

Alyse Hubbard, Esq. – confirmed that the owner of the property in question is the Fire Department Association not the Fire Department, an independent entity from the fire department and the township.

Mr. D'Arminio – passed out page two of the site plan set to the public; Mr. Antal will explain

Jon Antal – the billboard is proposed on the northeastern corner of the lot, adjacent to route 80. Chair Moroney confirmed that it is the bright green color on the aerial, adjacent to the baseball field. Outfront is a lessee on the site; it is in a commercial area and there will be no interference with the existing operations on the site, whether it be circulation or access. It was also selected because it can be located and constructed to meet all NJDOT requirements for an off premise sign; NJDOT permit marked Exhibit A1. Permit is renewed every year and is currently in good standing. The operations of the sign would be the same as the existing digital billboards in Denville. The ads are designed on a computer and sent to the sign wirelessly; those ads are static with no motion, video, or flashing. None of that is permitted by the NJDOT under their permit to operate the sign. Same as the other locations. Those static ads remain for 8 seconds and then rotate. Typically visit site 4 times a year for maintenance. Signs are monitored by cameras and computers that can be fixed remotely if needed.

Different screen is being proposed for this sign than the four others in town: Exhibit A2 shows close up of screen face. Diodes on sign work together to form an image which is displayed to the passing public. The structures currently operating in town have louvers above and below the cluster of three diodes; the proposed sign has diodes encased in louvers individually, as seen in the visual. It helps "directionalize" an image similar to the way a privacy screen on a computer does. When you move outside of the intended view, the image will appear black. It still provides the same functionality as the other billboards in town. Still allow for emergency messaging and public service advertising.

Chair Moroney – confirmed that if you're looking at the sign straight on you will see it in full view but if you move off to the side it will become darker. Mr. Antal agreed. The sign is proposed to be perpendicular to the sound wall. They will have some additional exhibits through their engineer's testimony at the next hearing. The idea is that it will be directed toward the highway traffic.

Jon Antal – Exhibit A3: public benefit details 3 sections showing emergency messaging (missing persons, Amber alerts, etc.), public service messaging (food pantry, safety programs, etc.), and municipal announcements. Shared Exhibits A4a and A4b with Emergency and Non-Emergency Protocols: highly emergent public safety messages such as evacuations, Homeland Security, etc. are considered their emergency protocols while their non-emergency protocols are used by the

municipality for either finished artwork or various information provided by a Township representative to be displayed in rotation for an event. As part of this protocol, the town is guaranteed 90 minutes of ad time per day in rotation throughout the day. This company is locally based and easily accessible to the Township. They use protocol B already, very well. The operating times of the two signs on Route 46 in downtown operate 24/7, the two signs on Route 10 operate 5am-10pm which was a condition of approval for that application; for this location they will be proposing 24/7 as well.

OPEN TO THE PROFESSIONALS

Jason Kasler, AICP, PP – asked about photo sims or balloon tests: they have been done and will be presented by their engineer. A balloon test is when you fly a large balloon up to where the structure should be so that you can get an idea of the impact of it to the surrounding areas and a photo sim is a digital picture that's inserted so that it could reproduce what it would look like. Asked about the different technology being presented for this sign with the louvers: is it possible to be driving and only see half of an image on the screen? Mr. Antal stated that on Route 80 you would see the whole image. Confirmed that like with the other billboards in town, there will be a camera mounted to the front so if there is a mechanical issue, they can fix it. There is an access easement on the property and their engineer will show the survey during his testimony. Mr. Kasler added that if they bring a photo sim to the next hearing, it would be good to see the proximity of the building next to the sign and the height of the building compared to the bottom of the sign.

Samantha Anello, PE – asked for an elevation view in her review letter which would show the comparison to the adjacent buildings as well as Route 80 and how the 90 feet plays into where the ground level is, where the fields are, and the building. Asked about how much time, on average, an advertiser pays for in a day? Mr. Antal stated that typical advertisers purchase about 12 1/2% of the time per day which is 8 advertisers in rotation at 8 second intervals each, on a 64 second loop, and the town would be displayed every other 64 second loop. If the other half is unsold then the town will get that. Asked about the proposed sign column, was decorative considered like in other locations in town? There is a willingness to provide that they just didn't think of it. Asked who the images are being screened from? The goal is to screen the images from the residential areas that are within close proximity to the sign face. The specifics will be shown by the engineer at a future meeting. Confirmed that all of NJDOT's requirements were met and asked about where the specific citations could be found: NJAC 16:41C-11.1.

OPEN TO THE BOARD

Mbr. Titze – would also like to see balloon tests done from numerous locations. Asked about the angle of visibility of the sign and the louvers. Mr. Antal stated that this is weighing in on the engineer's testimony but he will give a layperson's answer: because the louvers are surrounding the diodes, it eliminates the need for louvers on the outside of the screen. The angle from the center of the billboard is about 25 degrees in both directions so the total visibility is 50 degrees; the current billboards in town are about 140 degrees meaning the center point is 70 degrees in both directions. He will defer to the engineer for the specific numbers. Asked if they would be able to provide the public with video footage or anything that could show the comparison. Mr. Antal said they would be willing to do that. Asked about a light-shed analysis: their engineer will provide all of that information. Asked about a comparison of the other existing signs in town: they are the same size in general dimensions, can't speak to height off the top of his head.

Mbr. Kratz – if there are 105 digital billboards in NJ in his territory, is there another sign locally that's similar with louvers and shields that they can visit? None locally. Closest one is in Raritan.

Mbr. Hong – asked if anyone from the Fire Department Association going to be testifying? Although they may testify as part of the public, they will not be called as a witness. There is no intention to replace the existing four billboards with this newer technology. These protocols are the same as the ones in place for the existing four signs in the township.

Mbr. Senesky – confirmed that there are 105 digital billboards by Outfront Media in Mr. Antal's territory: asked about the term of the lease, they don't have that information but will look into possibly getting it for the next meeting. Outfront will be responsible for everything to do with the sign's maintenance. Asked about how many other 90 foot digital signs in NJ: possibly about 30. Mr. Antal clarified that when speaking about height, it's important to understand that they're talking about road grade. Gave example of a sign in Rockaway. There's a difference in height whether you're at road grade versus whether you're on the property. Height of sign over the wall will be answered by

the engineer. Asked if these signs are allowed on highways? There are state lands that will allow signs.

Mbr. Whitney – would like to see the height of the sound barrier and the distance from the sign to the sound barrier added to the plans; will have them for the next meeting. Asked if 90 feet is the minimum that this sign would have to be in order to achieve what is being proposed - Mr. Antal stated that 90 feet effectuates the use properly. How far down Route 80 can a driver be in order to see the sign? If you lower the sign would they still be able to see it, just not as far? Mr. Antal stated that if it was lowered, he anticipates that it would not be seen from such a distance. The visibility isn't from how far away you can see the structure but how clearly you can see the message and from what point. Typically a billboard that is visible from 750' to 400' is the cone of vision that they're looking for, depending on the speed you're going. The township has a lot of ways to communicate with its residents very quickly and a billboard doesn't seem like a very efficient way to communicate emergency messages. Thinks that the argument of public benefit is not that effective of a method or is redundant: doesn't think there's been a study done. As an operator, it's their responsibility to provide this method to people traveling so that they don't look down at their phones. Opined that having it as an option is an important part of this application.

Chair Moroney – engineer will bring a graphic that displays the area of visibility in your target and the effect of the on height. Requested a graphic showing additional louvers on the sides of the sign in addition to the added louvers.

Jason Kasler, AICP, PP – they are proposing one LED sign and one static, which way is which one facing: the LED sign is facing eastbound traffic so as you're heading east on 80 it would be your right hand side.

Mbr. Titze – asked about alternative public benefits? Have other towns done anything other than direct signboard messaging?

Mbr. Hong – confirmed that eastbound traffic would see the lighted sign and the static sign would be facing Route 53. Asked why this type of sign wasn't proposed for the sign on Route 10? Mr. Antal stated that the sign on Route 10 turns off at specific hours.

Mbr. Titze – why are they putting the digital signboard facing the eastbound traffic and the static sign facing the westbound traffic? The westbound location does not meet DOT regulation guidelines for an off premise advertising permit because it is too close to the exit ramp to Route 53.

Alyse Hubbard, Esq. – if there is an Amber Alert it takes over the entire advertising sign for approximately 2 hours then it goes back into rotation.

Mbr. Whitney – is the public benefit to Denville or to the public at large? Because 90 percent of the drivers on Route 80 do not live in town. Applicant will have a planner discuss that but in their experience it does help directly with Denville events so their planner will elaborate further.

OPEN TO THE PUBLIC

Patrick Bieger (169 Morris Ave) – confirmed that this is going to be placed on lands owned by a non-profit that represents members of the Denville Fire Department not the Township Fire Department. Asked if the ads are providing money for the association or just the lease? The applicant stated that they have a lease in place with the property owner. The on-premise sign would be for the Volunteer Fire Department. Asked about the value of the lease. That is not public record so they will consider how to answer that question. Asked about who decides what ads run on the rotating billboards? Their contact at the town government? The messaging dedicated strictly for the town is directed to them by their contact with the Township. Asked about the land ownership of the existing billboards in town: the billboard on Route 10 is on private land that they lease, the billboards downtown are on their property that they lease to the town for parking. In other locations around NJ, they allot time to township advertising whether they lease or own the land the billboard is on.

Cameron Morissette (17 Hillcrest Drive) – confirmed that the diode technology is in place as mitigation for the community; the intent is for the community members to not be able to see what's on the sign but their engineer will testify to that. Asked how this sign is benefiting the township if they can't see the sign? Applicant stated that you have to consider not just residents but those that pass through on their daily travels and could potentially be made aware of an event in town and bring in revenue to the township. Asked about restrictions on advertising on the sign: NJ has

regulations such as illegal substances or recreational marijuana; they will abide by state regulations or any preclusions in the lease. Seeing the concern from the public, does the applicant still think it's a good idea to put this sign up: the applicant does.

Ed Koloski (14 South Wynde) – wanted to put on the record that his home is about 650 feet directly in the line of sight of the proposed billboard. Asked about a D variance which was not testified to by this witness. Asked about how this billboard benefits the public good for an Amber Alert if the louvers are going to block the diodes? Mr. D'Arminio stated that's not a proper question. Confirmed that the billboard can only display static images at the time; in the future, could the technology support moving images? No it cannot; they would have to change the hardware. A crane test has already been conducted. The similar billboard in Raritan is located on Route 202 and Case Boulevard near a storage facility. Applicant is not sure what zone that billboard is in but believes that it is immediately behind a residential zone which is why that technology was used on that particular site.

Mike DeLoreto (50 South Wynde Drive) – asked about the benefit of this specific location for this billboard since it's not permitted by ordinance? Ms. Hubbard stated that this will be addressed by their planner. Asked about the distance between the other four billboards in town and residential zones: they don't have that information but can provide it. Asked about how often Outfront builds signs this close to residential areas? Counsel objected to the question because of wording "so close". Chair Moroney cut in to state that we, as a board, understand that this sign is being placed near their homes. Explained how questioning should work, that we're trying to gather information for their experts to bring to a future meeting. Argumentative questions should be avoided. The planner will answer questions directly related to the D variance and the engineer will answer questions related to light spillage and will provide those graphics.

Claudia Ionescu (44 Cliffside Trail) – stated for the record that she will see this sign from her bedroom and living room; the chairman tried to keep her on track of asking questions. Confirmed that the township will be getting free ads on the sign; understands that this is illegal and could be considered a bribe of votes? There is no legal complication to providing the town with free ads. Ms. Hubbard added that once the testimony process is over, the public will have a chance to make comments and speak freely. This is not that time; this is just for questions from Mr. Antal. Chair Moroney stopped the comments as they were not questions.

Steve Braybrook (51 North Shore Road) – asked about known conflicts between the board and the applicant; there are no conflicts besides the two members who have already recused themselves before the hearing began. Asked about the revenue generated between the rent that is paid and that a sign generates; won't be answered, at least at this meeting, not even in broad terms. Asked about restrictions on the type of advertisers, enhancements, political, casinos, etc. Company policy states that they don't allow attack ads but that's a company policy and policies do change. Asked if Outfront is currently in any active legal disputes with any NJ municipalities regarding placement or usage of similar signs; Mr. D'Arminio stated that's irrelevant for this application. Asked if they approached the property owner about this opportunity or if they were approached; also irrelevant. Asked about sight line obstructions not related to light; will show simulations.

Robin Edelstein (61 Cliffside Trail) – asked about where the power is coming from for this sign? That is engineering testimony. Asked if the next meeting will be publicly announced? They only know about this one because of Facebook. Ms. Hubbard explained how the legal noticing works.

Karina Hernandez (8 Cherry Trail) – asked if the applicant is aware that Indian Lake is home to bald eagles and osprey? Chair Moroney explained that this applicant set up the meeting tonight in order to gather questions and information to be able to bring back answers to the next meeting. Some questions relative to the lease, the cost, etc. may not be answered but the counsel will tell us that. If there's a question that can be answered by the planner or engineer, they will provide that answer at the next hearing.

Leslie Pesseasier (28 North Shore Road) – asked if letters were supposed to be sent out to everyone? Ms. Hubbard explained the 200 foot list. Asked about statistics pertaining to traffic accidents that have been caused by distractions from these signs? This witness did not testify to that so he will not be able to answer that; perhaps the engineer will be able to at the next meeting. Asked if you think of a digital giant billboard when you hear "Indian Lake".

Steve Gonzalez (53 North Shore Road) – asked if the location can be moved? Mr. Antal stated that in working with their engineer and planner, this is the location that was cited; it can be moved but

he can not testify to where. This is the location that they have selected and they are testifying to. The schematics will be presented at the next meeting.

Beth Tecchio (18 Indian Spring Trail) – how will the sign's brightness be managed at night? Their engineer will testify to light impacts. What measures will be taken to prevent the light from shining into the residential windows? The testimony provided at the next meeting will show the effect of the technology that cuts off at light. Asked about a study on impact of property values? He's not sure. Asked about health effects of lights on people with epilepsy or light sensitivity? Mr. Antal did not testify to that so they will not answer.

Jaclyn Hilty (22 Lenape Trail) – asked if any other towns have 5 billboards within a similar square footage? Not sure off the top of his head. Asked if other locations were considered and put through similar requirements to eliminate them as options to put this billboard elsewhere? That's not a legal requirement; they answered how they came to this location. Mr. Antal added that they had vetted multiple locations in Denville.

Amanda Taylor (16 Riekens Trail) – will a survey be completed to ensure that migratory birds will not be interfered with? They will ask their engineers; an environmental impact study was not done but since it's come up a few times already, it should be addressed. Any documents prepared or submitted to the board are available to the public.

Saunders Thys (69 Franklin Road) – asked about perspective of the sign; will it be in the center or hanging over the wall? They will present a site plan with testimony by the engineer; a crane test will be shown with photos. It cannot be over the wall because that would be on someone else's property. Asked about how much power one of these signs consumes; they are LED lights but the engineer will have that information. Asked about what other towns have more than five billboards; Mr. Antal will come back with a specific number to answer that.

Lynn Weldon (42 Lenape Trail) – asked about the location of the 80' billboard in Rockaway: 105 West Dewey Ave, Wharton.

Ed Schultheiss (49 Indian Road) – any studies on how digital billboards will effect children with neurodiversity? They cannot answer that; perhaps the engineer can prepare that information for a future meeting. Also asked about how many towns in NJ have blocked a billboard of this type: not relevant.

Imre Von Balinth (23 South Shore) – will there be a special study done on the field for EMF radiation and lumen intensities because that field is used by kids: they will bring that question to their engineer and planner.

Sean Jordan (55 Cliffside Trail) – asked for clarification on the crane test as they testified that that was done instead of a balloon test: it is a similar test but they use a wooden panel on top of a crane hoisted to the appropriate height so they can scale the simulations appropriately. Photos of the simulations will be presented at the next meeting. A balloon test is not necessary if a crane test is performed.

Andrew Baggot (78 Franklin Road) – asked about the numbers testified to by Mr. Antal: 400-750 feet, that's the window they would aim to achieve but it's not to say that you can't see the sign from further away. The sims they provide will show the visibility. Chair Moroney stated that they will bring a graphic showing light spillage outside the field of view and the distance and how the lumens drop off over distance. Thanked all of the firemen.

Thomas Kaufman (120 Highland Trail) – clarified the dimensions of the sign: 48'x14'. Is 90 feet about 9 stories? The engineer will bring all of the elevation drawings at the next meeting. Asked the board if they can question the engineer about environmental issues and other concerns even if they don't testify to them? Chair Moroney stated that we will find out together but we are hoping that this line of questions gives them an understanding of what we need to make a decision.

Cameron Morissette (17 Hillcrest Drive) – asked if they still feel like it's a good idea to put their sign up? Mr. D'Arminio stated that's an argumentative question. This is a variance application and they have every right to make it; hopes that after hearing all of the testimony, the public feels the same.

Andrew Tabedzki (2 Kitchell Road) – asked about the field of view being 70 degrees from center. Mr. Antal clarified that what is being proposed is 25 degrees in either direction from center for a total of

50 degrees. What exists in town currently is 70 degrees from center to either side; that's his understanding but his engineer will clarify. It seems that the sign should be oriented toward the curve a little more rather than straight at Indian Lake – that is being considered although the engineer will testify more to that. Asked about other locations on that property: the engineer would have to address that.

Tyler Grant (56 Franklin Road) – asked why they need a variance; is it bigger than what's allowed in Denville? It's a non-permitted use, that's why they are here. Mr. Hubbard stated that there are two different types of variances, bulk and use, and they are here for both.

Thomas Kaufman (120 Highland Trail) – asked about the static sign: if it was not on the structure, you would be looking at the rear of the digital billboard which would be just wires and control components. Similar to the third sign downtown, they use it as a screen so that the inside of the sign isn't visible from the parking lot. The idea is to screen the back of the sign so the back isn't visible. It could be used as on-premise advertising for the fire department although it hasn't been determined what it will be used for. Should the board decide that it's not appropriate, it could be a skyline picture or go away completely.

Anthony Russo (53 Cliffside Trail) – asked if they will take into account how elevation changes in the surrounding neighborhoods will be effected by this sign's light pollution? The engineer will present drawings that will show all of that; objects to the term "light pollution" as you will not see any light.

Ted Hussa (20 Hewetson Road) – remembers an ordinance for height of 37 feet max when he was on the planning board; asked if the height ordinance applies to signs? Chair Moroney stated that although we're not sure which 37 feet ordinance he's referring to, they are here seeking relief because they cannot meet the standards. Height variances for buildings do not apply to signs.

Alexandra Mallines (53 Cliffside Trail) – if this application is not approved, should the township expect lawsuits? Ms. Hubbard stated that we cannot anticipate how this will go.

Leslie Pesseasier (28 North Shore) – asked the board what the public could do to stop this from happening? Ms. Hubbard stated that this is a process that happens when an applicant needs relief from our zoning ordinance and we're going to hear everyone's questions and everyone's testimony at the end. Then this board makes a decision.

CLOSED TO THE PUBLIC

Mr. D'Arminio – that's the only witness they have for the night. They would like to carry this application to the next public hearing date with no additional notice to the public. Discussion about the next possible hearing date. This meeting will be carried to June 4, 2025 at 7pm with no further notice to the public. If there are any changes to the hearing date then they will re-notice the public.

Adjournment: 9:20 pm
Minutes approved April 2, 2025
Dagmara Stroisz, Board Secretary