

September 26, 2013

Mr. Kirkpatrick called the regular meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m.

Open Public Meetings Act Notice: I would like to have placed in the minutes that the Open Public Meeting Requirements of Law have been satisfied by our notices dated January 17, 2013, as published in the Hunterdon County Democrat and January 15, 2013, as published in the Courier News. A copy of the notice has also been posted on the Township Website, the Bulletin Board in the Municipal Building and a copy has been filed with the Clerk.

Members Present: Ms. McBride, Mr. Bischoff, Mr. Walchuk (left at 7:45 p.m.), Mr. Nace, Mrs. Corcoran, Mr. Ryland, Mr. Kastrud, Mr. Ford, Mr. Kirkpatrick

Members Absent: Mr. Badenhausen

Others Present: Atty. Mark Anderson, Robert Clerico, Atty. Lawrence Fox, Atty. Sandy Galacio, John Janis, Charlene Budinich

Approval of Minutes: Mr. Bischoff made a motion to approve the minutes of the August 22, 2013 meeting. Ms. McBride seconded the motion.

Vote: Unanimously approved.

Memorialization of Resolution: Sungevity: Block 25, Lot 37.09, 72 Perryville Road: Ms. McBride made a motion to memorialize the Resolution. Mr. Nace seconded the motion.

Vote: Ayes: Ms. McBride, Mr. Nace, Mr. Ryland

Issue of Completeness: Bulvanoski: Block 22, Lots 9 & 10 Frontage & Everett Roads: Minor Subdivision: Atty. Lawrence Fox was present on behalf of applicant. Mr. Fox gave a brief overview of the application. He told the Board when applicant was informed that the Town of Clinton could not supply water to the site it was necessary to perform aquifer tests. Those tests were done by Dr. Penelope Althoff. The test results were reviewed by Board Hydrogeologist Vincent Uhl. In his letter dated July 29, 2013, Mr. Uhl indicated that the Township Ordinance requirements had been met.

Mr. Kirkpatrick asked for a motion on the matter of completeness. Mr. Bischoff made the motion to deem the application complete. Mr. Walchuk seconded the motion.

Vote: Ayes: Mr. Bischoff, Mr. Walchuk, Ms. McBride, Mr. Nace, Mrs. Corcoran, Mr. Ryland, Mr. Kastrud, Mr. Ford, Mr. Kirkpatrick

Mr. Kirkpatrick told Atty. Fox to submit the summary information provided by Mr. Uhl to the Board and to bring a copy of Dr. Althoff's aquifer test results to the October 24, 2013 meeting.

Issue of Completeness: Hearing: Ikaria, LLC: Block 13, Lot 6, 53 Frontage Road, F/W Building: Minor Site Plan: Atty. Sandy Galacio, representing Ikaria, gave a brief overview of the application. He asked that the application be deemed complete and that the Board proceed with the Hearing. Mr. Kirkpatrick mentioned that the signage appeared to be back-lighted and he did not believe that was permitted in the Ordinance. He thought a use variance would be required. Atty. Anderson said the Ordinance references front-lighted and internally-illuminated signs. Mr. Anderson indicated uses that are not specifically allowed would be prohibited. Mayor McBride thought the sign was internally illuminated. Mrs. Corcoran agreed with Ms. McBride. Mr. Kirkpatrick said he understood the consensus of the Board was that the sign was internally illuminated and meets the requirements of the Ordinance. The number of signs allowed on the building, and the size of the signs, was also discussed. Mr. Ford mentioned the shape of the building and what was considered the front and what was considered the side. Atty. Galacio explained.

Mr. Kirkpatrick asked for a motion on the matter of completeness. Mr. Ford made the motion to deem the application complete. Mr. Kastrud seconded the motion.

Vote: Ayes: Mr. Ford, Mr. Kastrud, Ms. McBride, Mr. Bischoff, Mr. Walchuk, Mr. Nace, Mrs. Corcoran, Mr. Ryland, Mr. Kirkpatrick

Public Hearing: Atty. Galacio asked John Janis, Butler Sign Company, to come forward and provide testimony about the sign. Mr. Janis was sworn by Atty. Anderson. Mr. Janis, President of the Company, provided information on his background. He displayed an Exhibit that was marked A-1. The Exhibit showed the South and North Elevations of the Building and set forth the Proposed Lettering and Lighting on the sign. It also had an aerial photograph of the F/W site. The Signs would be on the Third Floor and lights would come on at dusk and go off at dawn. Neither of the proposed signs would be visible at the same time. Mr. Janis said the sign is not for advertising. It is for identification purposes. The size of the signs and compliance with the Ordinance was discussed.

Mr. Kirkpatrick said he thought the Board was in agreement about the total number of signs permitted on the building. He noted there is a Perryville III Sign at the entrance. He did not know if there were other signs. Mr. Janis said there are none. The Perryville III Sign is on the Canopy, not the building. Mr. Kirkpatrick said the Canopy is part of the building. Mr. Janis said the Ordinance does not count the Canopy Sign. Atty. Anderson said he did not know how Mr. Janis had made that distinction. Mr. Janis conceded it would be considered a sign. Mr. Nace asked if there were any signs on the property identifying tenants. Mr. Janis said there is a ground sign showing that information. Mr. Clerico raised a concern about other tenants requesting signs on their offices. Atty. Galacio said a variance would be required. He said an Ikaria Representative would give testimony that Ikaria was allowed to install signs, as per their lease, and that no other tenants had that agreement. Mayor McBride asked the total amount of floor space leased by Ikaria. Mr. Janis said at least 100,000 square feet. That represents one-third of the building.

Mayor McBride said she understood Ikaria's desire to have identification on the building. Mr. Nace asked Mr. Janis to confirm that another tenant in the building would not be entitled to install signs but would have to apply for a variance. Mr. Janis said that was correct. Mr. Kirkpatrick voiced a concern about calculations. He said calculations were based on square footage of the portion of the building occupied by Ikaria and that could present a problem in the future. He would rather the calculations be based on the entire façade of the building. Mr. Kirkpatrick was also concerned about the signs currently existing on the Building. Mr. Janis said there are none. Mr. Kirkpatrick believes the Perryville III lettering is a sign and he considers the canopy to be a part of the building. Mr. Janis said it is a part of the building but not a part of the façade. Mr. Janis also said he thought Ikaria's façade should be used for calculations, not the entire building. Mr. Kastrud asked the volume of traffic using the south elevation versus the front entrance. Mr. Janis said he did not know. Atty. Galacio said Ikaria's Representative would answer that question. Mr. Kastrud asked if there were directions to the Ikaria Site at the front entrance. Mr. Janis said there were no signs showing how to get to the Ikaria Site. The proposed Signs would not be visible from Frontage Road. They would be visible as you access Perryville III.

Mr. Ford asked about upward light shielding. Mr. Janis said there is none. Mr. Kirkpatrick asked about ambient light levels at night. Mr. Janis explained. Mr. Kirkpatrick also asked about the brightness of the LEDs. Mr. Janis said he would do research at the office and provide calculations. Atty. Anderson referenced Section 30-7.5d4 of the Ordinance and asked for clarification/interpretation regarding internally-illuminated signs not exceeding 45 to 70 lumens, as measured one foot away from the sign. Mr. Janis said that was not in the Code he used which was the North American Lighting Engineers Guidelines. Atty. Galacio said applicant would comply with required standards. Mr. Janis said a lighting engineer would provide calculations. Mr. Kirkpatrick said he would like Mr. Janis to state that the maximum illumination of the sign on the building façade, at any location, would not exceed 70 lumens. Mr. Janis assured Mr. Kirkpatrick the lighting could be adjusted to meet that standard and it could be a condition of approval. Atty. Anderson said the Board could delegate someone who has sufficient expertise to determine if the standard had been met. Mrs. Corcoran asked Mr. Janis if he had an understanding of the lumens. Mr. Janis said he did not and it is new to the industry. Mr. Nace asked Mr. Janis about an earlier statement that five inches away from the sign there was no bleed off of light. Mr. Janis said the bleed off would be about two inches. He indicated that applicant would certify that they were in compliance with what the Board required. There were no more questions from Mr. Janis.

Atty. Galacio asked Charlene Budinich to come forward. She was sworn by Atty. Anderson. Ms. Budinich said she is Facilities Manager for Ikaria. Ms. Budinich testified that Ikaria's Lease allows them to install façade signs on the building. She also said that Ikaria is the only tenant in the building that had that provision in their lease. Regarding the volume of traffic around the site, Ms. Budinich said she could not provide that information with any accuracy. Mayor McBride asked the percentage of the square footage of the building that is used by Ikaria. Ms. Budinich said the building has 283,000 +/- square feet and Ikaria has 101,600 square feet. The hours of operation are 24-hours per day for the critical care unit; however, the bulk of Ikaria's employees are there for fewer hours. Visitors are generally received between the hours of 7:30 a.m. until 5:00 to 6:00 p.m.

Applicant would be amenable to limiting the lighting until 9:00 or 10:00 p.m. Atty. Galacio said it was established that the signs meet the requirements of the Ordinance. He said the Board might condition the approval on satisfactory measurements of lumens. The hours of operation of the signs would be limited to between 7:00 a.m. until 10:00 p.m. Mr. Kastrud asked about calculations regarding the size of the signs with relation to the entire frontage of the building. Calculations, based on the entire façade of the building, will be revised and submitted to the Board. Mr. Kastrud voiced a concern about the need for two signs. Mr. Janis displayed a Plan entitled Existing Conditions & Sign Location, TSC-100. It was marked A-2. Ms. Budinich explained why two signs were necessary for persons trying to locate the Ikaria building.

Mr. Ford made a motion to approve the application, subject to the usual conditions and; illumination will be shop-demonstrated to comply with 70 lumens at one foot to the satisfaction of the Board Engineer, lighting of signs be restricted to the hours of 7:00 a.m. until 10:00 p.m. , submission of revised calculations showing the area of the sign compared to the area side in question, and that the approval will sunset when Ikaria is no longer a tenant in the building. Mr. Kirkpatrick wanted the record to reflect that the canopy be considered a part of the building; however, the shape of the building could make that particular portion of the building its own individual façade. Mrs. Corcoran seconded the motion.

Vote: Ayes: Mr. Ford, Mrs. Corcoran, Ms. McBride, Mr. Bischoff, Mr. Nace, Mr. Ryland, Mr. Kastrud, Mr. Kirkpatrick

Correspondence: None

Comments from the Public/Other Business: Mayor McBride said that at the last meeting, two residents voiced their concern about potential changes to the Renewable Energy Ordinance. It was the consensus of the Board that the Ordinance not be changed.

Motion to Adjourn: Mr. Bischoff made the motion to adjourn. Mr. Kastrud seconded the motion.
(8:45 p.m.)

Grace A. Kocher, Secretary