

**MINUTES OF THE  
MENDHAM BOROUGH PLANNING BOARD  
September 12, 2011  
Garabrant Center, 4 Wilson Street, Mendham, NJ**

**CALL TO ORDER**

The regular meeting of the Mendham Borough Planning Board was called to order by Chair Kraft at 8:00 p.m. at the Garabrant Center, 4 Wilson Street, Mendham, NJ.

**CHAIR’S OPENING STATEMENT**

Notice of this meeting was published in the Observer Tribune and the Daily Record on January 13, 2011 and was posted on the bulletin board in the Phoenix House in accordance with the Open Public Meetings Act, and furnished to all those who have requested individual notice and have paid the required fee.

**ATTENDANCE:**

Mayor Henry – Present  
Mr. Bradley – Present  
Mr. Cascais – Absent  
Mr. Gertler – Present

Mr. Kraft - Present  
Mrs. Kopcsik – Present  
Mrs. Lichtenberger - Present  
Ms. Sandman – Present  
Councilman Sharkey - Present

Alternates:

Ms. Gemberling, Alternate I - Absent  
Mr. Cavanaugh, Alternate II – Present (8:05 p.m.)

Also Present:

Mr. Henry, Attorney  
Mr. Price, Zoning Officer  
Mr. McGroarty, Planner  
Mr. Bertland, Historic Preservation Consultant  
Ms. Callahan, Secretary  
Ms. Cynthia Delane, Land Use Assistant

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**MINUTES**

On motion made by Mr. Gertler and second by Mrs. Kopcsik, the minutes of the July 11, 2011 regular meeting of the Planning Board were approved as written. The August 8, 2011 regular meeting of the Board had been cancelled.

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**PUBLIC COMMENT**

Chair Kraft opened the meeting to public comment on anything not on the agenda. Mr. Frank Lupo questioned the process for commenting on the Historic District Expansion Amendment. Chair answered that portion of the meeting would be opened to the public for questions and comments.

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**PUBLIC HEARING: Amendment to Master Plan 2006  
Historic Preservation Plan Element  
Historic District Expansion – Phase 2**

Notice of this hearing was published in the Observer Tribune and the Daily Record on August 25, 2011 in accordance with N.J.S.A. 40:55D-13. Notice to the Clerks of Mendham Township and Bernardsville was provided via certified mail on August 25, 2011. Notice to the County of Morris with copy of the Amendment was provided by certified mail on August 25, 2011.

Mr. Henry, Esq. advised the Board that he had prepared two resolutions which had been forwarded to the Board with their pre-meeting packages. The first could be used if the Board did not make any changes, and the second if they made any non-substantial changes. The Board had previously seen the draft of the amendment.

Mr. Bertland, Historic Preservation Consultant, stated that he had completed his first study for the Borough in April 2008. There has been several years work in doing due diligence and carefully considering the properties that would ultimately be included. The first phase aligned the Borough's Historic District and the existing State and National Registries. The next step is to add the new properties in the amendment and ordinance. Then there will be application to the State and National Registry. The Borough has been involved in extensive public outreach.

Mayor Henry stated that there was an initial public forum held on the expansion. There were also lengthy discussions with several individuals. Ms. Sandman added that discussion continues with one individual and additional information has been provided.

Chair opened the meeting to questions and comments by the public.

Mr. Frank Lupo, 17 Dean Road, stated that he has been following the proposed expansion. There are four properties to the right of a proposed cell tower at the shopping center. The Telecommunications Ordinance permits a tower height of 120 ft. He requested that in light of the historic expansion, the Telecommunications Ordinance be revisited in terms of the height as 120 ft. is above the tree canopy. The proposed tower is double the height that it needs to be. He is in support of the expansion.

Addressing the Chair's question on the ordinance, Mayor Henry advised that he could not specifically comment on the proposed tower as it is currently involved in litigation. Mr. Gertler clarified that the existing ordinance stipulates the types of towers that are not allowed and requires camouflaging.

There being no additional questions or comments by the public, the public session was closed.

Mayor Henry made a motion to approve the resolution for the amendment to the Master Plan as written. Councilman Sharkey seconded.

ROLL CALL: The result of the roll call was 9 to 0 as follows:

In Favor:	Henry, Bradley, Gertler, Kopcsik, Lichtenberger, Sandman, Sharkey, Cavanaugh, Kraft
Opposed:	None
Abstentions:	None

The motion carried. The resolution was approved. Ms. Callahan will forward the resolution and a copy of the amendment to the Borough Council. Appropriate public notification will be made.

Addressing Mayor Henry's questions on the calendar for the Council review, Ms. Callahan advised that they had proposed a schedule for an October 3 introduction and November 7 public hearing. The names and addresses for the public notification were currently being worked with the Clerk and Tax Assessor's office.

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#### **DISCUSSION: Proposed Changes to the Sign Ordinance**

Councilman Sharkey began the discussion by providing some background. The Mayor and some other Council members had received some complaints about excessive signage and neon signs around town. The Mayor had requested that he form a committee to review the existing sign ordinance. The committee consists of himself, Ellen Sandman, Geoff Price, John Andrus, Chuck McGroarty, Fred Semrau/Dominic Yanni and Diana Callahan.

The process began by studying ordinances from other towns. The idea of a matrix to simplify the understanding of the requirements was identified and has now been created for our proposed ordinance as well. There have been several subcommittee meetings. Mr. McGroarty has recently joined the group as Planner and has made some recommendations. Mr. McGroarty provided the Board with an overview of some of the proposed changes:

- The name of the ordinance section will be changed to "Sign Regulations".

- There will be a reference to the Borough Master Plan in the “Intent and Construction” clause.
- Additional definitions will be added to clarify the types of signs, and some of the existing definitions will be enhanced. There will be definitions for contractor signs, electronic message boards and neon signs will be defined. A distinction will be made between portable and temporary signs. Portable refers to those currently permitted in the commercial district in the ordinance. Temporary signs would only be permitted for a limited number of calendar days.
- Signs in the residential zone will be limited to two at a time, and they must be ground mounted. These would include contractor, for sale or rent or civic event signs. This will eliminate tree mounted signs. The size of the sign would be reduced from 8 sq. ft. to 6 sq. ft. Two political signs no larger than 6 sq. ft. would be permitted.
- In terms of signs in the Business Zone and Historic Business Zone, today they are separated in the ordinance and they have been combined to avoid duplication, but there are no substantive changes. Also, today there is no limitation on commercial window signage. There is a limitation on the total for the façade and the window signage counts toward that. It is proposed that window area also be limited to not more than 30% of the surface area.
- The name of “Temporary Freestanding Sign” is changed to “Portable Sign” and the name “Temporary Noncommercial Sign” is changed to “Civic Event Sign”. A “Temporary Noncommercial Window Sign” will be added for posters and flyers advertising a civic event.
- He supported the development of a matrix, but stated that consistency with the ordinance is critical. There should also be cross references with any other sections of the ordinance that pertain.

In Board discussion on the various items:

- In terms of the proposal for window signage, Mr. Henry, Esq. raised a question for consideration on how SDL windows would be treated. Mrs. Kopschik cited an example in town where the window signage has been growing beyond what was approved. It is important to be very specific in the language when talking about surface area and the number of windows. Mr. Price explained the process he had used with the business owner to arrive at the permitted signage. The “blinds” were not included. He will speak with the business owner.
- Mr. Henry, Esq. advised that there are differences between the Business Zone and the Historic Business Zone and some changes should be run by the Historic Preservation Commission.
- Mr. Kraft stated that it is important to distinguish between “Display” and “Sign”. We must be careful not to be business unfriendly. Mr. Gertler cited an example of the frame shop that displays frames in the window as its product. Mr. Henry, Esq. advised that objects even a distance away could be seen.
- Mr. Kraft requested that neon sign regulations be enforced. There are several stores in the shopping center that have neon signs and no internally lit signs are permitted. Mr. Price and Ms. Sandman explained that the language in the ordinance is not clear at the present time. They were requested by the Council to see if any of the neon signs had been grandfathered, and they were not. While they have a letter prepared, the Council has advised that they hold it until the ordinance is completed.
- Board discussed whether all the signs were neon signs, and determined that regardless they were internally lit. Mr. McGroarty pointed out that the ordinance indicated that no signs could have their source from within except the Shopping Center and that neon signs were prohibited. Mr. Henry, Esq. advised that the Shopping Center signs over the stores had been approved. Mayor Henry and Councilman Sharkey added that the matter will be brought up for discussion at the Council meeting on September 19.
- Mr. Price reported that he has developed a list of all the businesses in town and has indicated which have neon signs. Mr. Henry, Esq. advised that there would be two different letters, (1) a reminder that they are not permitted, and (2) a request to take them down.
- Mr. Kraft concluded that it has been the historic precedent of the Planning Board not to permit neon signs. While language was not included in the resolutions, the prohibition is covered in the ordinance. Only a few internally lit signs such as Ford and Shopping Center have been approved in site plans.
- Mr. Gertler questioned contractor signs and the fact that they are left up long after the contractors have left. In addition, buildings under construction can remain so for long periods of time with brand names of material clearly visible. Chair stated that if there is a building permit and it is kept active, there is nothing one can do about it.

- Mr. Cavanaugh questioned whether one could use a post with a sign to circumvent the requirement for ground mounted signs. Mr. McGroarty advised that the height is limited to three to four feet.
- Mr. Cavanaugh also raised the issue of trailers parked in public places such as parking lots potentially used as signs. Mr. McGroarty advised that if the trailer is licensed and registered in the State of NJ, it can be parked. He has previously discussed this with attorneys and police departments in other towns. Mr. Henry, Esq. added that unattached trailers could be prohibited. Mr. Kraft stated that there should be a conversation with the shopping center owner. Mr. Price noted that in some leases, there is a requirement to park the leasees' vehicles in the rear.

After Mr. McGroarty's presentation, Mr. Price raised two issues that needed resolution: (1) a community bulletin board and (2) sign at the Kings Shopping Center. In terms of the Kings Shopping Center, he could not find any documentation that limits the sign to two anchor store names. Other businesses would like their name on it. The Business Association would like to see something done. There is nothing in the ordinance that prohibits it. Mr. Henry, Esq. advised that it was probably the shopping center decision in the 60s. Mr. Kraft recommended that a sign with the names in the same style, color and background might be appropriate. He recommended that language to permit it be developed with controls clearly outlined.

Mr. Henry, Esq. advised that the landlord would need to determine if a business name could be placed on the sign. Mr. Bradley questioned whether the individual signs would be so small that they could not be seen. There could be sign overload as they have already been given the signage on the building. Mr. Cavanaugh noted that is why many companies prefer to use their brand as it is easily recognizable. Mrs. Kopscik noted that it would be very difficult to see the small signs when driving by. Board noted that they could come up with the language for control, but it would be up to the landlord to develop and put up the sign. Mr. Price referred to the sign on Route 206 in Flanders that is LED and changes the names of the businesses. Chair stated that they should not consider that.

Councilman Sharkey reported that the Business Association wants a banner on Main Street. There used to be two trees by St. Marks that held a banner. Mayor Henry stated that the Business Association came to the Council a few months ago with a donation for poles to support a banner. They requested that the Council match it. Discussion is whether the Council wants it, and would banners be up 52 weeks a year. Chair Kraft advised that there was an ordinance or resolution in the past requiring that banners be used for a local business or organization event. It could not be for anything outside of the town, and there was a limit of time it could be up. There was nothing that indicated how long it could be continuous. There was an application process.

Board questioned whether the banners proposed would be for commercial business or civic events. Mayor Henry advised that he did not hear the presenter mention commercial business. There would be a shared donation with the Pastime Club for civic events. Mr. McGroarty recommended that there be a definition for civic event signs and then banners could be added if needed. Chair questioned whether Holly Trail would be civic or business. Board noted in the past Labor Day, 4<sup>th</sup> of July, the Holly Trail and Circus banners were approved. They were non-profit.

Mr. Price raised the issue of the High School temporary signs. Mr. McGroarty pointed out that he recommended against carving out a bulletin board just for the high school. It would need to be for institutions. He also noted that the signs today are put on the residence next door or the church. There is no way to allow them a sign that is not on their own property. Mayor Henry stated that the question is where to put the sign. Councilman Sharkey noted that many of the signs were homemade and taken down. He did not have an issue.

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#### **TRC UPDATES (For information only)**

Mrs. Kopscik reported that there are no new applications. The TRC meeting of Monday, September 19, 2011 is cancelled.

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**ADJOURNMENT**

There being no additional business to come before the Board, on motion made, seconded and carried, Chair Kraft adjourned the meeting at 9:35 p.m. The next regularly scheduled meeting of the Planning Board will be held on **Tuesday, October 11, 2011 at 8:00 p.m.** at the Garabrant Center, 4 Wilson St., Mendham.

Respectfully submitted,

Diana Callahan  
Recording Secretary