

**MEDFORD TOWNSHIP  
ZONING BOARD OF ADJUSTMENT MEETING**

18 September 2019

7:00 p.m.

Public Safety Building

Attorney Norman called the meeting to order at 7:10 p.m. and read the Statement of Conformance with the Open Public Meetings Act and the Municipal Land Use Law.

**ROLL**

Present: Benstead, Wolf, Hamilton, Pullman, Simmers, Cocivera, Symons  
Absent: Lane  
Professional Staff: Attorney Christopher Norman, Planner Michelle Taylor, Secretary Beth Portocalis

**PLEDGE OF ALLEGIANCE**

**MINUTES:**

August 21, 2019 Regular Meeting – Mr. Benstead made a motion to approve the August 2019 Zoning Board Regular Meeting Minutes. Mr. Wolf seconded the motion. Mr. Cocivera and Mr. Simmers abstained. A unanimous voice vote of all other Board members carried the motion.

**REPORTS:** None

**CORRESPONDENCE:**

Chairwoman Symons announced that the Board Engineer, Christopher Noll, will be making his Presentation at the October meeting, as he was unable to attend the meeting due to a personal emergency matter.

Ms. Portocalis noted the applicant's correspondence dated September 17, 2019 revising the application for the size of the proposed monument sign to conform as noted in Mrs. Taylor's review letter dated September 11, 2019. Chairwoman Symons allowed Board members a few minutes to read the letter.

**EXECUTIVE SESSION:** None

**RESOLUTION MEMORIALIZATIONS:** None

**APPLICATIONS/OFFICIAL:**

**Robert Wagner, 656 Stokes Road, Block: 4801.01, Lot: 24.01, ZVE-1048,**

Use Variance required to allow a changeable sign to be displayed as a monument sign in front of Ott's Restaurant. Changeable Signs are not permitted in the **CC Zone**.

SWORN: Patrick McAndrew, Esq.  
Robert Wagner, Managing Partner, Ott's Tavern/Restaurant  
Michael Hesse, Owner - Advanced LED Signs

Mr. McAndrew opened the testimony by clarifying that after consultation with Mr. Norman this application is a C2 Bulk Variance, as the monument sign is an accessory use to the primary use; that being a restaurant, tavern/bar with an outdoor patio, and a liquor store.

Mr. McAndrew opened the testimony by describing the 2-acre site; which is large in comparison

to other commercial sites along Stokes Road. The property is a combination restaurant, tavern bar, liquor store with a newer outdoor patio area. The current monument signs dates back to the Nicklebee's ownership of approximately 40 years ago. It is a combination wooded carved sign with a manually operated internally illuminated changeable copy area at the bottom. The wooden portion of the sign is illuminated by ballast/fluorescent lights. During Mr. Wagner's ownership of the property, all other areas have been improved, with the monument sign being the last remaining project. The aesthetics will be enhanced, and the sign will have an overall cleaner look.

Based upon Mrs. Taylor's letter dated September 11, 2019, the applicant agreed to reduce the size of the overall sign to 45 square feet to avoid an area variance; as per Mr. McAndrew's aforementioned letter of September 17, 2019.

Mr. McAndrew continued that the applicant is agreeable to the landscape plan and the limit on the number of times the copy will change (no less than six seconds) as per Mrs. Taylor's letter and current NJDOT standards. The changeable copy sign will be used to advertise specials (i.e. Crab Night), giveaways, live musical acts, fundraisers, etc. The copy is changed indoors via a software program. The brightness can also be controlled, and it is the owner's intent to control the brightness.

Mr. Wagner was next to testify and stated that he has installed the same proposed sign at his other three Ott's Restaurant locations, and there have been no complaints from the newly installed signs. He stated the bowling alley, Murphy's Supermarket, and Spott's Hardware and landscaping are his closest neighboring businesses. He has spoken to all, and none have voiced any objection to the proposed sign. Further, Mr. Murphy and Mr. Spotts would have been at this meeting to testify in favor, however both were travelling.

The Board members had numerous questions in regards to the time of day the changeable copy sign will be on (6 am to closing); animation versus logos (the applicant requests approval for logos); and setbacks (the same as existing). Chairwoman Symons also asked what portion of the sign was being reduced; to which Mr. Hesse responded that the top of the sign was reduced from 30" to 25" to meet the 45 square foot requirement. This portion of the sign is proposed to be fixed with back lit internally illuminated "Ott's" verbiage.

Discussion again ensued about the changeable copy area of the monument sign; which is the portion that is not permitted in the Community Commercial Zoning District. Chairwoman Symons asked Mr. Wagner if he might consider keeping the new sign the same as the current sign. Mr. Wagner explained that this is needed to be in line with 21<sup>st</sup> century business realities; and that the majority of his customers come in for specials and promotions. His plan is to only have about ten (10) different slides/ads per day to highlight the special of the day. If her were to include too many messages, i.e. the specials for the week, it's to many to be recalled by those who see the sign.

Board members expressed some concern that a precedent could be set if a changeable copy sign

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is approved in the Community Commercial Zone. Mr. McAndrew responded that there would be no precedent set; in that each application has to stand on its own merits. He reminded the Board members that this is a large site with multiple uses as a bar, restaurant, and liquor store, and thus has unique facts to this application. It will be an aesthetic improvement to the Stokes Road commercial corridor, and it complies with the six second changeable copy as per the Land Development Ordinance. The applicant has agreed to abide by the Board Engineer's recommendation for lumens as determined during a night light test.

Mr. Norman confirmed that there would not be a legal precedent set is so approved.

Mrs. Taylor referenced her letter that delineated the sign areas and 2' x 9' as changeable copy area and 3' x 9' fixed sign on top, which totals 50 square feet. The applicant proposed to reduce the top fixed part of the sign to comply with the 45sf total sign face permitted. Further, changeable copies signs are not permitted in the Community Commercial or Restricted Commercial zoning districts, which was an intentional recommendation of the Township's Sign Committee, which resulted in the most recent Sign Ordinance approved in 2013. They are only permitted in the Highway Commercial Zone; and schools and churches were included only so the Township would have some control on the size, brightness and other features of said signs.

Mrs. Taylor continued that this is a C2 Bulk Variance request, which requires positive criteria testimony. The Board would be approving a change from a two-color sign to a multi-color changeable copy sign utilizing the newest technology. Mrs. Taylor then presented the Board with a letter dated September 10, 2019, outlining certain conditions the Board could impose if it were in favor of approving the sign. This includes the size, brightness, and timing of changed copy.

Chairwoman Symons asked for a brief 10-minute recess at 7:57 pm so that the Board could read Mrs. Taylor's letter and the applicant and his team could review as well.

The meeting re-convened at 8:07 pm. After much discussion between the applicant's team and Board members over the proposed conditions; Chairwoman Symons opened the application to the public.

**PUBLIC:** None present

Vice Chairman Cocivera made a motion to close the public portion. Mr. Wolf seconded.

The voice vote was unanimous.

Vice Chairman Cocivera made a motion to approve the Bulk Variance application as proposed with the following conditions: (1) the sign will be 45 square feet total with the fixed portion of the sign being 60% and the changeable copy portion is 40% of the total sign size; (2) comply with conditions in Mrs. Taylor's September 10, 2019 letter with "item B2(b)" amended to read "animation" messages shall be prohibited; (3) the sign complies with all construction and stormwater codes due to the location of the sign in an existing swale; (4) the sign will not be illuminated when the business is closed; (5) the display brightness will be controlled by a sensor

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and a night light test will be done by the Board Engineer; (6) there will be no more than eight separate messages per 24-hour period and each message will display a minimum of six seconds; (7) only one color can be used at a time; with yellow being prohibited; (8) the lettering on the fixed internally illuminated portion will be reversed (Black with white lettering); and (9) the landscaping surrounding the sign will be agreed to by the Board Planner. Mr. Benstead seconded the motion.

Recorded Vote:

Ayes:	Benstead, Wolf, Pullman, Simmers, Cocivera, Symons
Nays:	Hamilton
Abst.:	None
Motion approved:	6 -1- 0

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**GENERAL PUBLIC:** None

Vice Chairman Cocivera made a motion to close the public portion. Mr. Pullman seconded. The voice vote was unanimous.

**MOTION FOR ADJOURNMENT:**

Mr. Hamilton made a motion to adjourn the Zoning Board of Adjustment meeting at 8:47 pm. Mr. Benstead seconded the motion. The voice vote was unanimous.



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Beth Portocalis, Zoning Board Secretary & Recording Secretary