

QUINTON TOWNSHIP PLANNING BOARD

RESOLUTION NO.: 2021-25

QUINTON BOARD OF EDUCATION

VARIANCES AND SITE PLAN WAIVER FOR LED SIGN

Re: Block 28, Lot 1 (8 Robinson Street)

WHEREAS, an application was made to the Quinton Township Planning Board by QUINTON BOARD OF EDUCATION, having an address of 8 Robinson Street, Quinton, New Jersey 08072, for variances and waiver of site plan review for a double-sided LED (light-emitting diode) sign to replace an existing double-sided sign with manually-changeable letters on the applicant's property located at 8 Robinson Street in Quinton Township, designated as Tax Map Block 28, Lot 1, and depicted and described in the following documents:

- Township of Quinton Planning Board Application Cover Sheet, Application Form, and Submission Checklist Schedules;
- Plan entitled "Electronic Sign Improvements" – Quinton Elementary School – 33 – 4280 – 21 – 4000," prepared by Remington & Vernick Engineers, dated January 9, 2021 (one page);
- Sign plan prepared by KC Sign & Awnings, 142 Conchester Highway, Aston, Pennsylvania 09014, for Quinton Township School (Order No. 039683) dated March 3, 2021 (one page);

all of which are hereby incorporated by reference herein; and

WHEREAS, the applicant's plan indicates that the proposed sign was approved by the New Jersey Department of Education but the project was not submitted to the Quinton Planning Board for a 45-day capital project review pursuant to *N.J.S.A. 40:5D-31*; and

WHEREAS, it appears that the Board has jurisdiction to hear the application and that it is complete and in conformity with the Quinton Township Land Use Ordinance and the New Jersey Municipal Land Use Law, except for the matters that are the subject of variance relief or which will be resolved as conditions of this approval; and

WHEREAS, at its September 14, 2021 meeting the Board heard testimony and representations from the applicant's representatives and witness (Karen Mathews, Business Administrator of the Quinton School; Brian DiAntonio, Building and Grounds Manager of the Quinton School; and Steve Clark, Director of Sales of KC Sign & Awnings) and the Board's Planner, Engineer and Solicitor, and provided an opportunity for interested persons to make statements and ask questions about the application; and

WHEREAS, after reviewing the application materials and hearing the above testimony and representations, the Board made the following findings:

1. The applicant proposes to replace an existing double-sided illuminated sign having manually-changeable letters with a new double-sided LED sign having dimensions of 19.5” H x 113.5” W x 30”. The applicant proposes to install the replacement sign in the same base that currently supports the existing sign. The proposed sign will be remotely operated by school administrators from within the school building, meaning that the messages displayed can be changed more easily and conveniently than the manual letters of the current sign. The new sign can also be programed to display numerous changing messages or images at varying degrees of frequency.
2. The proposed sign is a “business sign” that is proposed to be located on the “ground” per Quinton Township Code Section 170-99.A. The Code’s requirements for signs are set forth in the “site plan” section of the Land Use Chapter (Sections 170-88 and 170-99) but are incorporated by reference into the Zoning section of that Chapter (Section 170-43). This cross-referencing means that the Code’s sign requirement must be interpreted as zoning requirements from which any deviation must be by variance (in addition to design waivers from site plan requirements). Moreover, “signs” are not listed among the PB-R district’s listed “conditional uses,” nor is the school’s proposed sign a “principal use.” Accordingly, the applicant has correctly requested variance relief for this particular sign pursuant to *N.J.S.A. 40:55D-70.c.* rather than “use” variance relief pursuant to *N.J.S.A. 40:55D-70.d.(1)* or (3).¹ Finally, there appears to be no unique physical condition of the applicant’s property that could be alleged to impose a “hardship” on the applicant with respect to the applicant’s signage needs pursuant to subpart c.(1) of the aforesaid statute, and since subpart c.(2) of the aforesaid statute specifically cites the Educational Facilities Construction and Financing Act (the purposes of which the proposed sign is presumably intended to promote) the applicant’s requested variances should be reviewed pursuant to *N.J.S.A. 40:55D-70.c.(2)*.
3. Considered as explained above, the applicant’s proposed replacement sign will, as an accessory structure and use, conform to all applicable requirements except the following requirements for which the applicant has requested variance relief pursuant to *N.J.S.A. 40:55D-70.c.(2)*:
 - a. Illuminated ground signs are not permitted in residential districts such as the P-BR zoning district (Code Section 170-99.B).
 - b. Ground signs in residential districts are limited to 12 square feet (Section 170-99.B) (based on the applicant’s sign plan, the proposed sign has two display areas of approximately 40 square feet each, excluding supporting components).
 - c. Signs that “move” by mechanical or other means are prohibited (Section 170-99.C.(3)) (changing LED words and images are “moving” displays).
 - d. Signs that contain “moving devices” are prohibited (Section 170-99.C.(4)) (the

¹ The Quinton Township School is a conditionally permitted structure and use in the P-BR zoning district in which the property is located.

proposed LED display generates moving words and images and is therefore a “moving device”).

- e. Signs that “flash” are prohibited (Section 170-99.C.(5)) (the proposed LED display is capable of generating “flashing” words and images).
4. The applicant’s representatives and witness testified as follows:
- a. The currently existing sign displays are changed manually by school personnel, which requires time and effort, and becomes even more difficult during inclement weather. Also, as a result of these difficulties, only one or two messages can be displayed for any duration between the manual changes, and the sign messages cannot be changed as often as desired by school administrators. The proposed LED sign displays will make it easier and more convenient for the school administrators to change the sign messages, and to provide more messages to students, their parents and guardians, and the general public.
 - b. The messages displayed on the proposed sign will primarily involve school-related notices such as announcing school events and student awards and achievements. However, the proposed sign’s messages will not be limited only to school matters, as the LED sign displays will also be used to provide notices that benefit the general public, including information relating to any emergent matters that may arise in the school or that otherwise affect the general public. Mr. Clark of KC Sign & Awnings testified that the sign automatically receives and displays government-issued emergency alerts. Ms. Mathews of the Quinton School testified that the messages displayed on the LED sign will be strictly monitored and controlled by school administrators and would only pertain to school matters or matters of public interest and concern.
 - c. In order to cause the proposed sign to conform with the intent and purposes of Quinton’s sign requirements (as listed in subparagraphs 3.a. through e., above) the applicant’s representatives and witness testified that the proposed sign will be operated subject to the following limitations:
 - i. Except for an occasional seasonally- or topically-appropriate fixed image (such as a pumpkin as Thanksgiving approaches, or a baseball and bat to announce an important upcoming game), the LED sign will display only fixed words and numbers. No animated or moving images, words, numbers, or other characters will be displayed.
 - ii. The sign will be programmed to limit the frequency at which the message/notification/fixed-image displays change so that there will be no more than one display change every ten (10) seconds (with the understanding that a single “display” may include a combination of more than one simultaneously-presented message or notification; for example, the date, time and location of a school board meeting and the name of the

student of the month could both be included on a single ten-second display).

- iii. An automatic dimming feature will be utilized to reduce the brightness of the LED sign displays every night to 3,000 or fewer nits.²
5. The Planning Board Solicitor noted that, as provided in *N.J.S.A. 40:55D-4*, schools are included in the Municipal Land Use Law's definition of the term "inherently beneficial use," which provides that schools, like hospitals and other publicly beneficial uses, are "universally considered of value to the community because they fundamentally serve the public good and promote the general welfare." Although "inherently beneficial use" status is typically invoked in connection with "use" variance applications pursuant to *N.J.S.A. 40:55D-70.d*, it is also relevant to this "bulk" variance application because, while the applicant's proposed LED signage would be inappropriate in a commercial or residential context given the aforesaid Quinton Code prohibitions, such signage can be justified in this instance in order to help the school carry out its inherently beneficial purposes.
6. The Board's Planner, Engineer and Solicitor expressed no objection to granting the requested waiver of site plan review and variance relief, subject to the conditions of approval set forth below.
7. No interested person appeared with respect to the application.
8. For the reasons set forth above, and based on the applicant's testimony and representations, as well as information set forth in the plans and application materials, and subject to the conditions of approval below, the Board finds that granting the requested variance relief to permit the applicant's proposed double-sided LED sign will promote the purposes of the Municipal Land Use Law by promoting the applicant's inherently beneficial purposes and the purposes of the Educational Facilities Construction and Financing Act; that the benefits of the deviation would substantially outweigh any detriment; and that the requested variance relief can be granted without substantial detriment to the public good, and without substantially impairing the intent and the purpose of the Quinton Township zone plan and zoning ordinance. The Board therefore concludes that the applicant has satisfied both the "positive criteria" and the "negative criteria" for the requested bulk variances as required by *N.J.S.A. 40:55D-70.c.(2)*.
9. For the reasons set forth above, and based on the applicant's testimony and representations, as well as information set forth in the plans and application materials, and subject to the conditions of approval below, the Board finds that installing the proposed new LED sign displays in the existing sign base at the property will not negatively impact the occupants or users of the school or nearby properties, or travelers on nearby streets and driveways. Accordingly, the Board finds, pursuant to Ordinance Section 170-72.A., that the applicant's plans, document submissions, and testimony satisfactorily confirm,

² A "nit" is a measurement of the brightness of light. One nit is equal to one candela (one candlepower) per square meter (1cd/m²). <https://www.pcmag.com/encyclopedia/term/nit>

subject to the conditions of this approval, that the applicant's proposal will not affect existing circulation, drainage, building arrangement, landscaping, buffering, lighting and other considerations of site plan review, and that such proofs otherwise satisfy the intent and purpose of site plan review as set forth in Ordinance Sections 170-67 and 170-70.

NOW, THEREFORE, BE IT RESOLVED, by the Quinton Township Planning Board, that for the reasons set forth above, the applicant's requested variances and waiver of site plan review to construct and use the proposed double-sided LED sign at the property as depicted and described in the applicant's application materials and plans is hereby granted, subject to the following conditions:

- A. The applicant must pay any and all required fees and escrow replenishment amounts that are due or may become due to the Township within seven (7) days' notice thereof.
- B. The applicant must comply with all representations made through any representative during the course of the applicant's presentation to the Board and in all documents filed with the application.
- C. Except for an occasional seasonally- or topically-appropriate fixed image (such as a pumpkin as Thanksgiving approaches, or a baseball and bat to announce an important upcoming game), the double-sided LED sign may display only fixed words and numbers. The double-sided LED sign may display no animated or moving images, words, numbers, or other characters.
- D. The double-sided LED sign must be programmed to limit the frequency at which the message/notification/fixed-image displays change so that there will be no more than one display change every ten (10) seconds (with the understanding that a single "display" may include a combination of more than one simultaneously-presented message or notification; for example, the date, time and location of a school board meeting and the name of the student of the month could both be included on a single ten-second display).
- E. An automatic dimming feature must be utilized to reduce the brightness of the double-sided LED sign displays every night to 3,000 or fewer nits.
- F. The Planning Board Secretary shall mail a copy of this resolution to the applicant and the applicant's attorney within ten (10) days following the date of its adoption.
- G. The Planning Board Secretary shall cause the following form of notice to be published in *The South Jersey Times* as soon as practicable following the adoption of this resolution:

QUINTON TOWNSHIP PLANNING BOARD

NOTICE OF DECISION


TAKE NOTICE that on October 12, 2021, the Quinton Township Planning Board adopted Resolution 2021-__ to memorialize its September 14, 2021 grant of variances and waiver of site plan review to the Quinton Board of Education for a double-sided LED sign that will replace an existing manually-changeable sign using the existing sign base at the school's property located at 8 Robinson Street in Quinton Township, designated as Block 28, Lot 1 on the municipal tax map.

The resolution and copies of the application, plans, and related materials are currently on file at the office of the Quinton Township Planning Board Secretary, 10 Cottage Avenue, Quinton, New Jersey 08072, and are available for public inspection by appointment only by contacting Bonita K. Bell, Planning Board Secretary, at (856) 935-8404, or by writing to her by mail at Quinton Township Planning Board, 10 Cottage Avenue, P.O. Box 227, Quinton, New Jersey 08072, or by email at planning@quintonnj.com.

The undersigned Chairperson of the Quinton Township Planning Board hereby certifies that the above is a true copy of a resolution adopted by said Board on **October 12, 2021** to memorialize action taken on **September 14, 2021**.

Attest:


Bonita K. Bell, Secretary
Quinton Township Planning Board


John Allen, Chairperson
Quinton Township Planning Board