







correct as well as expressed that letters have not been accepted by the board historically and live testimony should have been required. Clifford Gibbons, Esq., Board Attorney advised that he did not believe it was a procedural problem as it was an ad hoc meeting and not under the open public meeting act. Michael Cole, Board Planner and Engineer stated that the board charged him to work with the applicant on a redesign therefore he reached out to council president who made suggestions based on individual backgrounds.

Tiena M. Cofoni, Esq. attorney for the applicant proceeded with calling her first witness Ms. Steinhardt. Under direct examination by Ms. Cofoni, Ms. Steinhardt presented the collaboration that went into creating the redesign as well as the custom design elements and building materials. Ms. Steinhardt additionally touched of the functionality of the installation and overall community benefit associated with the project.

Ms. Steinhardt testified that the collaboration with the ad hoc committee was extremely productive and helpful, allowing their team to gain a better understanding of Somerville's identity and objectives. Specifically with the DSA involved and the emphasis on promoting growth and the economic vitality of downtown Somerville. It was also mentioned that this meeting helped establish how Catalyst Experiential could serve as a partner to the Borough and provided a solution to one of the keys findings from the DSA's downtown improvement plan stating a lack of gateways and signing. Ms. Steinhardt stated that given the nature of the revised design and its location the installation would truly serve as a directional gateway monument to downtown Somerville that could also be used to promote local businesses as well as community events through a combination of municipal messaging, local advertising, and nonprofit partnerships all tying back to Somerville's master plan objective of supporting the central business district.

Ms. Steinhardt discussed that at Catalyst one of the key tenants is municipal collaboration and emphasized the inclusion of a community mosaic piece that would be commissioned by the Arts on Division Organization and designed by them. Ms. Steinhardt then presenting the newly submitted colored renderings in detail describing the updated designs and explain that the goal was to create a design that was respectful of Somerville's history, reflective of Somerville today and relevant for Somerville's future. This includes establishing airspace by creating an angled archway that slopes deliberately towards downtown Somerville, with the downtown Somerville seal featured at its peak. Surrounding the base, the team also included two rows of noninvasive water resilient landscaping. VTC Columns that feature the same installed brick as seen along division and are accented by aluminum paneling in an industrial rust metallic finish. It was also added that the VTC itself is configured to establish a physical and geographic focus towards Somerville's downtown, allowing the display to function as a directional indicator to the core of the borough, and that at night the installation comes alive through subtle architectural illumination as well as ground mounted LED lighting.

Ms. Steinhardt then presented a materials board and went over each item in detail including materials, colors and fonts and was marked as Exhibit A-7.

Ms. Steinhardt also confirmed that the functionality of the installation is consistent with everything that was previously presented to the board at the prior meeting.

Ms. Steinhardt presentation then went on to discuss the operation and maintenance agreement specifically municipal communications stating that the municipality is guaranteed one eighth second slot every two minutes, standard across all installations. However, as a result of their Ad Hoc meeting and at the request of the DSA they would like to offer as part of the operations maintenance agreement is to guarantee that any of the vacancies be provided to the Borough and that the Borough can choose to designate them to the DSA. Ms. Steinhardt stated that this number was not insignificant and that the average is about a 30% vacancy, translating to a potential 7 out of 16 ad slots. She then went on to discuss other aspects of the operation and maintenance agreement including annual maintenance, weekly porter service, prohibited advertisers ETC.

Chairman Adair opened up questions to the board for Ms. Steinhardt.

Chairman Adair asked if there had been an introduction made between the Somerville Business and Professional Association as it was his understanding that DSA has oversight over the SID on Main Street, Division Street, and side streets but it was the SBPA that get business from all throughout the town. Ms. Steinhardt confirmed that no introduction had been made at the time however she would be open to the introduction and remember the board that the vacant spaces would be at the discretion of the Borough, and they could award to any organization within the municipality.

Board Member Eric Alvarez asked Ms. Steinhardt how long the lease with the property was for. Ms. Steinhardt confirmed that it was a 60-year lease, and the O&M agreement would last for the duration of the lease.

General Counsel Jack Larkin was sworn in by Clifford Gibbons, Esq., Board Attorney and went on to further explain the lease conditions for the 60-year lease as well as what that lease may look like beyond that.

Board Member Roberta Karpinecz questioned what would happen if they were to go out of business. Ms. Steinhardt responded that included in the O&M agreement there are two funds in escrow to the Borough to use, one for maintenance and the second in the instance that the installation is not being maintained property and or is abandoned.

Board Member Roberta Karpinecz then questioned what would happen if technology changes. Ms. Steinhardt responded that as the installations are installed they use the most advanced technology on the market at the time and that it will remain because it is built to last, and just because new technology came onto the market doesn't mean that it is going to be replaced and that if something were to break it would be fixed and if it could not be fixed then it would be replaced.

There was discussion between various members of the board around the technology piece, LED technologies, lifetime of the installation pieces and what general maintenance would be happening during the next 60 years.

Board Member John Flores posed the question of the percentage of vacancy rate and Ms. Steinhardt explained that on average they had a 70% fill rate meaning advertisers are coming in and purchasing slots, those slots are calculated into the fill rate per ad cycle with each cycle running every 2 minutes – 16 slots that run every 2 minutes. Board Member John Flores asked whether they were selling slots based on time of day. Ms. Steinhardt explained that the way the ad cycle works is that every 2 minutes you have a cycle of 16 ads. When you sell advertising space you are selling “X” amount of slots that can run through different periods of the day, and that you can put into different groupings of ads. She also spoke in depth about a community communications portal that the municipality would enter and submit their requests for ads. Catalyst also offers to design the ad for the municipality should they so choose.

Michael Cole, Board Planner and Engineer questioned how the Borough would be made aware of vacancy to which Ms. Steinhardt responded that it would be worked out in the O&M agreement of how the Borough would like to be notified because to her knowledge Catalyst has never extended this offer for vacancy to another Municipality. Mr. Cole also added that perhaps the board would like to see the applicant back in 30 years should the technology change so that way they can address the concern of different technology.

Board Member Roberta Karpinecz asked for some examples of current advertisers that are on other billboards in New Jersey. Ms. Steinhardt went over the 8 key categories of advertisements including universities and higher education, real estate, banks, family medical practices, dentist, restaurants and dining as well as reviewed the local and regional split. The operation of the portal and advertising uploads and turnaround times were then discussed briefly.

Chairman Adair once again opened up questions to the board for Ms. Steinhardt and Mr. Larkin.

Chairman Adair then opened up to the public for any questions on the testimony that was just given.

Tiena M. Cofoni, Esq., attorney for the applicant proceeded with calling her second witness, Mr. Todd Hay and notated that her colleague Mr. Larkin would be handling his testimony.

Under direct examination by Mr. Larkin, Mr. Hay explained what was different after the last meeting. Mr. Hay explained that even with the redesign of the installation there are no differences in the variances being requested, not in any of the area and yard variances as well as the variances that are before the board this evening. The issue with respect to the trees has actually lessened since they have redesigned, and they will be removing less trees and providing for additional plantings.

Mr. Larkin confirmed with Mr. Hay has had an opportunity to review Mr. Cole’s report with the respect to the new plan and whether or not anything that he proposes would be impossible to either accept as a condition of approval or amend the application after approval to appropriately address. Mr. Hay confirmed that he has had adequate time to review and wanted to bring a few issues to the board’s attention including storm water drainage, soil disturbance, caissons, landscaping and spot elevations. Speaking in detail on each of these topics. Michael Cole, Board

Planner and Engineer stated that should be billboard be approved there should be some flexibility on finish elevations to accommodate any DEP requirements to make the general permit.

Chairman Adair opened up questions to the board for Mr. Hay.

Board Member Roberta Karpinecz posed the question of how many billboards are long 206. Ms. Steinhardt responded that their installations do not exist on 206 and explained in depth how their installations are structurally different than the ones currently existing on 206.

Chairman Adair once again opened up questions to the board for Mr. Larkin.

Vice Chairman Allatt asked if this new design will have a generator. Mr. Hay responded that there will not be a generator, however there is a receptacle that would be brought to the site.

Clifford Gibbons, Esq., Board Attorney confirmed that there is no objection to considering compliance with Mr. Coles' report as a condition if the board were to approve the application which was confirmed by Mr. Hay and Mr. Larkin.

Chairman Adair opened up questions to the public for Mr. Hay.

With no additional questions Tiena M. Cofoni, Esq., attorney for the applicant concluded the application presentation for the evening and thanked the board for their time.

Chairman Adair opened up to the public for any comments.

Cynthia Hollod, 91 Prospect Street addressed the board to cite her opposition to the application for several reasons.

Chairman Adair thanked her and asked if there were any additional comments from the public.

Natalie Pineiro, executive director of the Downtown Somerville Alliance, 1302 Palley Court, Bridgewater addressed the board to thank them for their thoughtful consideration of the applying as well as to state her thoughts as a small business advocate and how the business community as a whole could benefit from this installation.

Chairman Adair asked if there were any additional comments from the public. With no further comments Chairman closed the public portion of the application.

Chairman Adair then asked the board what their thoughts were on what had been presented this evening. After an extensive discussion between Zoning Board members, Chairman Adair inquired if someone wanted to move the application.

Upon a motion by Richard O'Neill, seconded by Roberta Karpinecz, Zoning Board application 22-022Z 1 L Somerville Land Holdings, LLC, was approved upon a roll call vote.

Roll Call:     Aye:   Arthur Adair, Roberta Karpinecz, Brian Vadimsky, Richard O'Neill

                  Nay:   Ed Allatt, John Flores, Eric Alvarez

See transcript.

## **AJOURN**

The meeting was adjourned at 8:54 p.m.