

RESOLUTION
PLANNING BOARD
TOWNSHIP OF LIVINGSTON, NEW JERSEY

Approved: February 2, 2016
Memorialized: March 1, 2016

Re: Application No. 2015-44-PFSPV
Applicant: 600 L Partners, LLC
Premises: 600 South Livingston Avenue
Block: 4802; Lot: 11
B-1 Zone

STATEMENT OF THE CASE

1. The Applicant is 600 L Partners, LLC (hereinafter referred to as the “Applicant”), the owner of the subject premises commonly known as 600 South Livingston Avenue, Livingston, New Jersey (hereinafter referred to as the “Site”) on which is an existing two-story office building. The building currently has several vacancies and the Applicant proposes to install a ground illuminated monument sign in the front of the building to provide tenant identification.
2. The Applicant was represented by Stephen A. Geffner, Esq., of Schenck, Price, Smith, & King, LLC.
3. All taxes have been paid and notice of publication and service of notice in accordance with New Jersey law has been complied with.
4. Hearings on the Application were held before the Board on January 5, 2016 and February 2, 2016.
5. Testifying on behalf of the Applicant were:

A: Michael T. Lanzafama of Casey & Keller Associates, admitted as an expert in engineering and planning;

B: Fred Slater, principal of the Applicant.

C: Bruce Fish, principal of Signal Sign Company, who prepared the plans for the proposed monument sign and was admitted as an expert in sign design.

6. During the course of the hearing the Applicant agreed to amend its plans to reduce the size of the proposed monument sign and to set it further back from the front property line and the street curb line; as shown on Exhibit A-9, Site Plan Drawing No. 2 dated 01-28-15 revised 2-1-16.
7. The Applicant requested a variance from the provisions of Township Ordinance 170-90(c) which does not permit monument signs in the B-1 Zone.
8. In the amended configuration submitted during the course of the hearings as Exhibit A-7, consisting of Drawings SK-1 and SK-2, originally dated 12/09/16 and revised 03/30/15 and finally on 01/16/16, the monument sign would measure 6 feet 8 inches in over-all height, which includes a “600” at the top and a brick-faced base that would match the brick of the building. The sign would have a width of 5 feet and the signage face would measure not more than 30 square feet. As originally proposed, the signage face would have measured 72 square feet.

FINDINGS OF FACTS

1. The Applicant is the owner and operator of an existing two-story office building that has experienced several vacancies. Fred Slater, principal of the Applicant, testified that numerous prospective tenants have requested exterior identification

that cannot be provided without exterior signage. Under the Township Code provisions applicable to the B-1 Zone a wall sign could be installed. But, the Applicant requests permission for a ground-illuminated monument sign in lieu of the wall sign. A second problem involving signage at the property is the difficulty in motorists going south on South Livingston Avenue having sufficient visibility of the building address in time to turn into the parking lot. The building number above the front entrance is partly obscured by the location of a building on the adjoining northerly property that juts out far enough to partially obscure visibility of the building entrance.

2. The proposed monument sign, as amended, would measure 6 feet 8 inches in over-all height that includes the number 600 at the top and a brick-faced base that would match the brick of the building. The sign would have a width of 5 feet and the signage face would measure not more than 30 square feet, and would be illuminated by ground lighting. There would be two back-to-back faces each having 8 panels for tenant names, although they could be subdivided to have more than one name per panel.
3. Bruce Fish, the Applicant's sign designer, testified that permitted wall signage would greatly exceed the size of the monument sign but would not resolve the problem of visibility for southbound traffic on South Livingston Avenue. In response to concerns expressed by the Board, the location of the proposed monument sign was moved back so that it would be placed 15 feet from the curb line, which would provide adequate line of sight for vehicles exiting the Site from the driveway at the south side of the property. The ground lights would be single

fixtures for each face of the sign, designed so that the light will not go into traffic areas.

4. Testimony of Michael T. Lanzafama was that a c(2) variance was appropriate because the monument sign represented a better zoning alternative than permitted in the B-1 Zone. A grant of the variance would advance the purposes of zoning by providing a safer traffic approach to the building, the monument sign would be more esthetically pleasing than a permitted wall sign, there would be no substantial detriment of the Zone Plan or Zoning Ordinance, and the benefits of the approval would outweigh any detriment.
5. The Board finds that the placement of the monument sign shall require new or additional landscaping in the area where it will be installed.

CONCLUSIONS OF THE BOARD

1. The Board hereby approves the Application, as amended, for Preliminary and Final Site Plan approval with the variance and conditions as set forth below.
2. The Board hereby approves a variance from the provisions of Township Code Section 170-90(c) to allow a ground-illuminated monument sign pursuant to N.J.S. 40:55D-70(c)(2) because the Board finds that the proposed monument sign represents a better zoning alternative than a much larger wall sign that could be erected in accordance with the Township Code provision regulating signs in the B-1 Zone. The Board finds that the monument sign, as scaled down to measurements of 6 feet 8 inches in over-all height by 5 feet in width and sign face areas not exceeding 30 square feet each, and placement further back from the

curb line will not have a negative impact on the Zone Plan or Zoning Ordinance, will not have any negative effect on the neighborhood, will not impair the intent and purpose of the Zone Plan or Zoning Ordinance, and will advance the purposes of zoning by providing increased traffic safety for motorists on South Livingston Avenue who are locating the building.

2. The amended Site Plan, with said variance, is hereby approved and the Board finds that the Application meets the requirements for Preliminary and Final Site Plan approval.

3. The approval is subject to the following conditions agreed to by the Applicant:

A: No wall sign or signs shall be erected on the building.

B: The Applicant shall provide enhanced landscaping on the front lawn in the area surrounding the sign base, which enhanced landscaping shall be subject to review and approval by the Township Planner and Township Engineer. If there is any dispute regarding same, the Board retains jurisdiction to resolve said issues.

C: Final Plans

Prior to the issuance of any Township permit for demolition preparation of the Site or construction of any improvement:

- a. The full text of all of the conditions of this approval, and all plan changes agreed to in the course of the hearing, shall be set out on final plans submitted to the Construction Official, the Township Engineer and the Board Secretary; and
- b. Such final plans shall have been reviewed by the Board Secretary or the Board's Planning Consultant for determination of whether the plans conform to the Board's approvals and shall then have been signed by the Board Chairman, the Board Secretary and the Township Engineer.

- c. Such final plans shall comply with the Uniform Construction Code and the Barrier Free Subcode as then in force in the State of New Jersey. If, during performance of work pursuant to the Board's resolution and permits that have been issued, field conditions indicate need for change(s), such need shall be called to the attention of both the Construction Official and the Township Engineer for approval of any such change before it is implemented. If any such change is significant, permission to amend the Site Plan may have to be sought from the Planning Board.

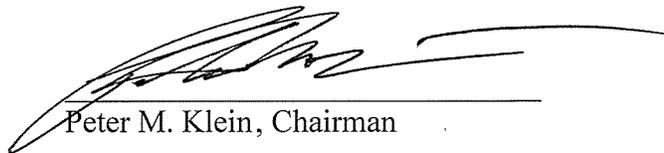
D: Other Governmental Approvals

Applicant shall comply with all applicable Federal, State and local laws and regulations and obtain any other governmental approvals required for implementation of this application as approved. If any other governmental agency or authority grants a waiver of or variance from any law, rule or regulation, or imposes any condition or requirement, which affects this approval or any of the conditions contained herein, then this Board shall have the right to review such action as it relates to this Board's approval or conditions and to modify, amend or revoke its approval and/or conditions.

E: As-built Plans

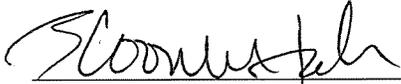
Four (4) properly signed and sealed copies of as-built site plans shall be submitted to the Construction Official once the sign and landscape enhancements have been installed.

NOW, THEREFORE, for the reasons set forth herein and as stated on the record by the Members of the Planning Board of the Township of Livingston, it is resolved that the Board hereby memorializes the February 2, 2016 decision granting and approving the Preliminary and Final Site Plan, and the variance and conditions as set forth herein.



Peter M. Klein, Chairman

I hereby certify that this is a true and correct copy of the Resolution adopted by the Planning Board of the Township of Livingston on March 1, 2016 memorializing the decision of the Board made on February 2, 2016 wherein Board Members Kalishman, Ratner, Kimmel, Leopold, Silverman, Dinar, Meade, Santola and Klein voted in favor of such Resolution.



Jackie Coombs-Hollis, Secretary