

RESOLUTION
PLANNING BOARD
TOWNSHIP OF LIVINGSTON, NEW JERSEY

Decided: March 17, 2015
Memorialized: April 7, 2015

Re: Application No. 2014-62-PFSPV (Amended)
Applicant: TJX Companies, Inc.
Premises: 530 West Mt. Pleasant Avenue/Daven Avenue
Block: 100; Lots: 17 & 18
Zone: CI Zone

SUMMARY OF CASE

1. The Applicant is TJX Companies, Inc. (hereinafter referred to as "Applicant") which operates a TJ Maxx retail store at the subject premises.
2. The Applicant was previously granted approvals on September 16, 2014, memorialized on October 7, 2014, for two signs for its business. The Applicant now requests an amendment to the aforesaid Resolution to permit it to increase the size of such signs as set forth herein.
3. The Applicant was represented by Kevin J. Coakley, Esq., of Connell Foley, LLP, who provided documentation that all statutory jurisdictional requirements have been met.

4. The Board granted the Application for Preliminary and Final checklist waivers as set forth in the Application.
5. Testifying on behalf of the Applicant was Mimi Olsen, of Jones Sign Company, designer of the existing and proposed new signs.
6. The Application violates the following provisions of the Township zoning code:

Screen Wall Tower

A: Code Section 170-90.L.(2)(b) restricts the height of a wall mounted sign to no greater than 5 feet, whereas 5 feet 10 5/8 inches is proposed; resulting in a variance request of 10 5/8 inches.

B: Code Section 170-90.L.(2)(c) imposes a maximum sign width of 20 feet, whereas Applicant proposes a sign width of 27 feet 6 inches; requiring a variance of 7 feet 6 inches.

C: Code Section 170-90.L.(2)(d) restricts the maximum area of a wall mounted sign to 100 square feet, whereas the proposed sign would measure 161.8 square feet; resulting in a variance request of 61.8 square feet.

Storefront Elevation

D: Code Section 170-90.L.(2)(b) restricts the height of a wall mounted sign to no greater than 5 feet, whereas 6 feet 3/4 inches is proposed; resulting in a variance request of 1 foot 3/4 inches.

E: Code Section 170-90.L.(2)(c) imposes a maximum sign width of 20 feet, whereas Applicant proposes a sign width of 30 feet 8 inches; requiring a variance of 10 feet 8 inches.

F: Code Section 170-90.L.(2)(d) restricts the maximum area of a wall mounted sign to 100 square feet, whereas the proposed sign would measure 201.25 square feet; resulting in a variance request of 101.25 square feet.

All Signage

G: Code Section 170-90.L.(1)(g) limits the gross area of all signage to 5% of the area of the main building elevation facing the street, whereas the proposed screen wall tower sign would bring the total gross area of such signs to 17.2%. The Board has previously granted variances permitting the gross area, including Applicant's present signage, to be 15.26%; resulting in a variance request of an additional 1.94%.

H: Code Section 170-90.L.(2)(i) requires uniformity in design, colors, background, height, etc. of all signage where more than one establishment has signs at a site, whereas the Applicant's signs will vary in such categories from the existing signage; so that a variance from the uniformity requirement is requested.

7. No Members of the public appeared either in support of or in opposition to the Application.

8. During the course of the hearing the Applicant amended its proposal for the screen wall tower sign. The height was increased to 5 feet 2&5/8 inches, the width was reduced to 24 feet 6&1/4 inches, and the area was reduced to 130.4 square inches. Accordingly, the variances requested for that sign were changed to 2&5/8 inches for height, 4 feet 6&1/4 inches for width and 30.4 square feet for area.

9. The Applicant's sign expert testified that the requirement for the larger signs was to provide better visibility to the public, particularly since there are a number of existing signs of other tenants both on the building façade and on the screen wall. Motorists require clearly identifiable signage so that they can safely maneuver to the Applicant's location. The proposed screen wall tower sign would replace Applicant's existing signage that is smaller and not best for sight lines from the highway. The storefront signs for the other tenants are larger than the existing sign of the Applicant which is located the furthest from the entry into the parking lot.

FINDINGS OF FACT

1. The Board finds that the Applicant has satisfied the statutory criteria for Site Plan approval and for the variances requested in the Application as amended and modified during the course of the hearing.

2. The Applicant has satisfied the criteria of N.J.S. 49:55D-70.c.(2) because the proposed signage will provide a better zoning alternative by increasing traffic safety and equalizing the visibility of the Applicant's location with that of the other tenants in the property. The limited visibility of the Applicant's location from public streets and from the parking lot entry will be compensated for. The variances can be granted without any detriment to the public good and will not impair the intent or purpose of the Zone Plan or Zoning Ordinance.

3. The Board notes that it has previously granted Applicant a variance from the uniformity requirements of Code Section 170-90.L(2)(i).

CONCLUSIONS OF THE BOARD

1. The Board grants the Application for Preliminary and Final Site Plan approval amending the prior approval it granted by the Resolution dated October 7, 2014.

2. The Board approves the variances requests as follows:

Screen Wall Tower

A: Code Section 170-90.L.(2)(b) restricts the height of a wall mounted sign to no greater than 5 feet, whereas 5 feet 2 $\frac{5}{8}$ inches is proposed; resulting in a variance grant of 2 $\frac{5}{8}$ inches.

B: Code Section 170-90.L(2)(c) imposes a maximum sign width of 20 feet, whereas Applicant proposes a sign width of 24 feet 6 $\frac{1}{4}$ inches; resulting in a variance grant of 4 feet 6 $\frac{1}{4}$ inches.

C: Code Section 170-90.L.(2)(d) restricts the maximum area of a wall mounted sign to 100 square feet, whereas the proposed sign would measure 130.4 square feet; resulting in a variance grant of 30.4 square feet.

Storefront Elevation

D: Code Section 170-90.L.(2)(b) restricts the height of a wall mounted sign to no greater than 5 feet, whereas 6 feet 3/4 inches is proposed; resulting in a variance grant of 1 foot 3/4 inches.

E: Code Section 170-90.L.(2)(c) imposes a maximum sign width of 20 feet, whereas Applicant proposes a sign width of 30 feet 8 inches; resulting in a variance grant of 10 feet 8 inches.

F: Code Section 170-90.L.(2)(d) restricts the maximum area of a wall mounted sign to 100 square feet, whereas the proposed sign would measure 201.25 square feet; resulting in a variance grant of 101.25 square feet.

All Signage

G: Code Section 170-90.L.(1)(g) provides for a maximum gross area of all signage of 5% of the main building elevation facing the street, whereas the proposed screen wall tower sign would bring the total gross area of such signs to 17.2%, an increase beyond the 15.26 % previously approved; resulting in an additional variance grant of 1.94%,

H: The previously granted variance from the Code Section 170-90.L.(2)(i) signage uniformity requirement is continued in effect.

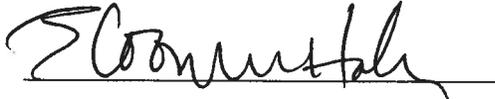
3. The Board continues in full force and effect the provisions of all other Resolutions adopted with respect to signage on the premises unless specifically modified herein.

This Resolution is a memorialization of the decision of the Planning Board of the Township of Livingston made on March 17, 2015 wherein Board Members Anthony, Kalishman, Kimmel, Leopold, Meade, Ratner and Klein voted to approve the Application in accordance with the action memorialized herein; they being all of the Members present.



Peter M. Klein, Chairman

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Planning Board of the Township of Livingston in Open Conference Meeting on April 7, 2015 memorializing the decision of the Planning Board made on March 17, 2015.



Jackie Coombs-Hollis, Secretary