

RESOLUTION
PLANNING BOARD
TOWNSHIP OF LIVINGSTON, NEW JERSEY

Decided: September 16, 2014
Memorialized: October 7, 2014

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

SUMMARY OF CASE

1. The Applicant is a proposed tenant of the subject premises in which it intends to lease and operate a retail clothing store in an existing retail mall that is currently undergoing expansion and renovation previously approved by this Board. The Application requests approval of proposed signage for the Applicant business operation.
2. A completed Application has been filed and all fees required by the Township Code have been paid and all taxes are paid to date. All notice and publication requirements have been met.
3. The Applicant was represented by its attorney, Allyson M. Kasetta, Esq. of the firm Connell Foley, LLP.
4. A public hearing was heard before the Board on September 16, 2014 with regard to the Application.
5. Witness for the Applicant was Mimi Olson, of the company Jones Sign, who was accepted as an expert in signage design and installation.
6. The Applicant submitted a sign package, prepared by Jones Sign, dated March 27, 2014 with a last revision date of August 18, 2014. Said Plans set forth the proposed signage

for which the Applicant requested approval. The Applicant proposed a screen wall easterly tower sign facing Route 10 and measuring 71.85 square feet, a store front sign measuring 71.85 feet, and a panel on the existing free-standing sign on Route 10.

7. No Members of the public appeared to testify either for or against the Application or to question the Applicant's witness.

FINDINGS OF FACT

1. The Applicant moved at the hearing to modify the Application to request that the signage dimensions be increased as follows:
 - A: The sign on the storefront was submitted with a total square footage of 71.85 square feet and would measure 18 feet 4 inches in width by 3 feet 11 inches in height. That sign would be conforming. The Applicant proposed an increase in the size of the sign to a total square footage of 201.25 square feet, with the sign measuring 32 feet 8 inches in width by 5 feet in height.
 - B: The sign on the easterly tower of the screen wall, as submitted, would measure 71.85 square feet, and would measure 18 feet 4 inches in width by 3 feet 11 inches in height. The Applicant proposed to increase the size of that sign to 161.8 square feet with a sign measuring 27 feet 6 inches in width by 4.5 feet in height.
2. The signage package originally submitted would meet the Township Code regulations for signage. The proposed amended signs would require variances as to square footage and width.
3. The Applicant presented only one copy of the new signage package, revised September 12, 2014, with the larger proposed wall signs. After hearing comments by Board Members suggesting that the hearing should be carried over to October 1, 2014 to allow additional information and documentation to be presented to the Board with respect to the

larger proposed signs; the Applicant withdrew the request for an amendment and requested that the Board proceed with the Application as originally submitted. The Applicant reserved the right to apply in the future for an amendment as to the size of the wall signs.

4. The signage proposed in the Application, together with the pending signage proposal for the Nordstrom Rack retail store, would bring total square footage of all signage to 1,719.84 square feet. The total square footage pursuant to Code Section 170-90 L.(1)(g) cannot exceed 5% of the average of the two walls of the corner building which face streets. Applicant presented that area as 11,270 square feet. In determining the aggregate square are of signage the Applicant included the signs proposed by tenant Nordstrom, so that aggregate signage area of 1,719.84 square feet would represent 15.26% of the area, thus requiring a variance of 10.26%.
5. On August 5, 2014, the Board approved signage for the Site under Application Number 2014-48-PFSPV, by a Resolution memorialized on September 9, 2014, finding total signage coverage of 12.48% and granting a variance of 7.48%. The Board also notes that it previously has granted a variance permitting wall signs on the Site to not comply with the uniformity requirements of Township Code Section 170-90.L.(2)(i).

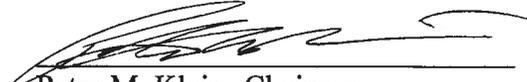
CONCLUSIONS OF THE BOARD

1. The Board hereby grants the Application as submitted to approve the proposed signage in accordance with the provisions as set forth herein, and in accordance with the Plans submitted by Jones Signs under last revision date of August 18, 2014. Each approved wall sign would measure 3 feet 11 inches in height and 18 feet 4 inches in width and have

2. an over-all area of 71.85 square feet. The signs would have internally illuminated LED channel letters.
3. The Board approves a variance, increased to 10.26%, from the provisions of Township Code Section 170-90.L.(1)(g) to permit total signage area, including the pending Nordstrom Rack signage, to total 15.26%.
4. The Board finds that the variance should be granted pursuant to the provisions of N.J.S. 40:55D-70.c.(2) because they will provide adequate and necessary brand identification for the Applicant business, and sufficient visibility to motorists proceeding westerly on State Highway Route 10 will provide better traffic safety and avoid last minute maneuvers that would result from less visibility in signage. Because of the unusual configuration of the building the signage on the east tower will assist motorists in locating the tenant with sufficient time to maneuver for entry. The Board also notes that the signs previously approved and installed on the Site have provided an aesthetically pleasing appearance and promote the visibility of the Site as being occupied and active after a long period of non-use. The approval will not have any significant detrimental effect on the public good, and will not have a negative impact on the Zone Plan or Zoning Ordinance and will not be in conflict with the intent of the Master Plan.
4. The Board determined that the panel to be installed on the existing free-standing sign is a permitted sign and does not require approval or any variance.
5. The Board retains jurisdiction as to any future signage on the Site. The Board continues in full force and effect the provisions of all other Resolutions adopted with respect to the Site unless specifically modified herein.

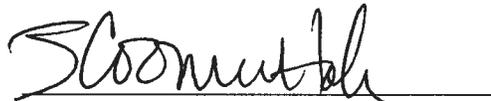
This Resolution is a memorialization of the decision of the Livingston Planning Board of the Township of Livingston made on September 16, 2014 wherein Board Members Anthony,

Kalishman, Kimmel, Klein, Leopold, Ratner, Santola, Alternate No. 1 Alvarez (in place and stead of Member Meade), and Alternate No. 2 Wishnew (in place and stead of Member Dinar) 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 October 7, 2014 memorializing the decision of the Planning Board made on September 16, 2014.



Jackie Coombs-Hollis, Secretary