

**MONTGOMERY TOWNSHIP ZONING BOARD
MONTGOMERY TOWNSHIP, SOMERSET COUNTY, NEW JERSEY
REGULAR MEETING
MARCH 20, 2012**

MINUTES

Chairman Walker called the meeting to order at 7:36 p.m. and read the opening statement which affirmed that adequate notice of the meeting had been posted and sent to the officially designated newspapers.

BOARD MEMBERS PRESENT: Chairman Walker, Vice Chairman Gamache, Mr. Drift; Mr. Sugden, Mr. Wilson, Mr. Weitach, Mr. Francolini, Alternate #2, Mr. Thompson, Alternate #3, Ms. Covello, Alternate #4

ALSO PRESENT: Jonathan Drill, Esq., Board Attorney; Cindy Coppola, Board Planner; Jason Cline, Board Engineer; Joseph Palmer, Zoning Officer; Patricia Graham, Township Committee Liaison

I. APPLICATION CONTINUATION

Case BA-12-01/BA-03-08 **Applicant: Nassau Racquet and Tennis Club, Inc.**
Block 20001 Lot 6
Submission Waivers and Modification to Previously Approved Site Plan
Expiration Date – 120 Days After Submission Waivers are Approved
Affidavit of Notification and Publication Required and Previously Found to Be In Order

The above application was continued to the May 15, 2012 meeting. No further notice is required.

II. APPLICATIONS

Case BA-08-10 **Applicant: Mont Pen SC, LLC**
Block 29002 Lot 46
Submission Waivers and Amended Preliminary and Final Major Site Plan with Use and Bulk Variances
Expiration Date – 3/31/12
Affidavit of Notification and Publication Required

Andrew Schragger, Esquire represented the applicant. The Board discussed the notice of the application. Notifications to three utilities were inadvertently left out. Mr. Schragger requested a letter from the utilities waiving the ten day requirement. All have been received except from Verizon. Verizon has given a verbal waiver and a written waiver will be received in the next few days. The Board proceeded with the hearing with the understanding that if anyone challenges the approval based on the notice, the Board will not defend.

Mr. Drill discussed how the resolution will be drafted since the outside dining and directional signage was voted on by last year's Board. At the applicant's request the resolution was not memorialized until the monument signage was decided.

Mr. Schragger explained that at the suggestion of the Board at the last meeting, the applicant looked at the design of the monument sign. The sign is now proposed to be larger with 5" letters. There are two versions of the sign being presented, the main difference being that one has "Montgomery Center" on the top. Montgomery Center is the only major shopping center in the Township that has a movie theater. The existing pylon sign has the movies listed on it and it does not have enough room for tenant listings. The proposed sign will increase the traffic into the center and will benefit the tenants.

Bob Persichetti and the Board experts were sworn in. Mr. Persichetti is with Effective Signs. Mr. Persichetti discussed drawing R-4; the sign with the triangle on the top. The sign is double sided and internally illuminated with independent tenant panels that can be changed out. The green background is opaque and the white will illuminate. The same illumination principals stand for the Shop Rite, the logo and letters will illuminate and the background will remain opaque. The pillars on the side will remain. "Montgomery Shopping Center" on the top is not illuminated, it is break formed aluminum and vinyl 3.25" lettering. Shop Rite is the anchor store and they would like to maintain consistency in their brand which is why it is the size proposed. There are 14 panels in 2 columns of 7 panels on both sides with 5" letters. The other side will look the same but will have different tenants listed. The current sign is externally illuminated from the ground. The only difference between the sign shown on drawing R-4 and R-5 is the triangle at the top and decorative piece on the bottom. The overall height of the sign shown on R-4 from the decorative peak to the base skirt is 9' 1" which exceeds the allowable height of 8'. The overall height of the sign shown on R-5 is 7' 3/4". The overall square footage of R-4 is 81.5 square feet where 75 square feet is allowed. The overall square footage of R-5 is 77.93 square feet.

Ms. Coppola noted that the height of the sign should be measured from the ground to the top of the sign so the height of R-4 is 9.979' and the height of R-5 is 8.63'. The Shop Rite panel on R-5 is smaller than what is shown on R-4. Ms. Coppola wondered why they were different. Mr. Persichetti replied there is no methodical difference. The size of the lettering is different and they are presenting two different versions.

Mr. Wilson asked if it meets the shopping center's objectives to have half the tenants on one side and half on the other as opposed to having them all on one. Mr. Schragger confirmed it does.

Mr. Schragger and Mr. Persichetti discussed the Coppola and Coppola Associates memo. The uniqueness of the shopping center and the distance between the street and the tenants makes this application important.

Mr. Persichetti summarized that he has done everything possible to address the Board's concerns. The per-face tenant area has been reduced to 16 plus the anchor. Half the tenants are on one side and half on the other to try to give exposure to everyone they can. There will be no branding of the tenants; they will have an aerial block type font with no color coordination to their brands.

Mr. Schragger said that at the last meeting a Board member recommended the sign be made taller but if it is made any taller than what is proposed, the existing brick pillars would have to be increased in height as well for stability.

Mr. Drill asked for the calculations of R-4 including the cap.

After talking with Mr. Drill, Vice Chairman Gamache realized he might have a conflict and stepped down from the application.

Ms. Coppola asked if the Shop Rite panel could be smaller as shown on R-5, if the sign could be lowered toward the ground or if the real estate information could be removed from the sign in order to reduce the height of the sign to the allowable 8' without impacting the intent and purpose of what the applicant is trying to achieve. The ordinance allows real estate signs to be separate so it is not necessary for it to be on the permanent sign.

Mr. Joseph Palmer, Zoning Officer, was sworn in. Mr. Palmer said a 6 square foot or less real estate sign is permitted for 30 days at a time. A permit is required but there is no fee. Any sign over 6 square feet up to 20 square feet no more than 5' in height requires a permit and a \$10.00 fee for 30 days.

Mr. Schragger agreed that they could put another sign up but it clutters the roadway and there are always opportunities for turnover. The real estate information is to be backlit.

Mr. Wilson opined that if the applicant had to do away with something that would bring the sign more in keeping with the ordinance, the real estate information should be the thing to be removed.

Ms. Coppola read from the ordinance where shopping centers are permitted one freestanding sign plus attached signs identifying the names of the individual uses. Freestanding signs are not for other forms of advertising because separate signs are allowed.

Mr. Schragger consulted with the applicant and the applicant is willing to eliminate the "space available" portion of the sign.

Mr. Cline said that R-4 as drawn is 92.447 square feet. If the "space available" is removed it will be 86.23'.

The Board suggested the applicant take the cap from R-4 and put it on R-5 and eliminate the real estate portion that is on R-5. The applicant showed the Board R-6 which eliminates the real estate portion and brings the sign down to 8'.

Mr. Wilson asked about the illumination of the sign. Mr. Persichetti said the sign will meet the ordinance. Mr. Cline said the plans list the color background as vinyl which is opaque.

Chairman Walker opened the meeting to the public.

Jim Robinson was sworn in. Mr. Robinson urged the Board to approve the requested signage. Montgomery Center is the hub of Montgomery and the tenants have been without a sign for 15-20 years. He has people call him to find out where he is located. The Shop Rite logo should remain on the sign as it will further help with identification of the center. The pine trees that line the frontage of the center tend to hide the stores that are there. He asked if the Board would allow the applicant to remove the three pine trees in the back row from Friendly's down towards the first northern center. If the trees are removed, the applicant could plant a little hedgerow along the frontage to make it look nice but still allow the public to see in.

Mr. Wilson asked if there was anything that would prohibit the applicant from removing those trees. Chairman Walker said they may have been a condition of a prior approval and shown on an approved site plan. Mr. Drill opined that the Board has the right to modify a condition but can't do it without notice. Ms. Coppola suggested the Board ask Mr. Bartolone to look at it and make a recommendation.

Mr. Cline said he had to make some assumptions but R-6 is 75.47 square feet.

Frank Luis, owner and operator of the Massage Envy Spa, was sworn in. Mr. Luis agreed with what Mr. Robinson said. His store has no visibility from Route 206. A sign out on Route 206 will help immensely.

Marco Cucchi, owner of Thomas Sweet Café, was sworn in. Mr. Cucchi attested to the fact that the sign would be a major benefit to the businesses. Exposure to the town and people travelling on Route 206 is very beneficial. Shop Rite draws a ton of traffic and is a major identifier of the center.

Ms. Coppola suggested a condition that the existing ground mounted spot lights be removed. The applicant agreed.

There being no further public comment, a motion to close the public hearing was made by Mr. Wilson, which was seconded by Mr. Voitach. This was carried on the following voice call vote: Ayes (7) Nays (0) Abstentions (0)

Chairman Walker said that the Board's concerns have been addressed and is an improvement for the public. It will help out the store and there was a big issue about traffic safety and traffic being able to read the sign. He agreed with the testimony that the Shop Rite identification is important and is a way that people identify the center.

A motion to approve the sign as shown on R-6 with conditions was made by Mr. Wilson, which was seconded by Mr. Voitach. This was carried on the following roll call vote:

Ayes: Drift, Francolini, Sugden, Thompson, Wilson, Voitach and Walker

Nays: None

III. Appointment of Subcommittee

A second member of the Site Plan/Subdivision Committee member was not appointed.

IV. MINUTES

February 21, 2012 – Regular Meeting

A motion to approve the minutes was made by Chairman Walker, which was seconded by Mr. Wilson. This was carried on the following roll call:

Ayes: Drift, Francolini, Sugden, Thompson, Wilson, Voitach and Walker

Nays: None

Abstentions: Gamache

V. CLOSED SESSION

Chairman Walker read two resolutions to go into closed session. The Board voted unanimously to go into closed session to discuss a matter involving a professional appointment and voted unanimously to go into closed session for legal advice regarding resolution adoptions.

The Board voted unanimously to reopen the meeting in both matters.

A motion was made to direct the Planning Department to sign and release the resolution in the matter of the T-Mobile application on Green Avenue. Mr. Drill suggested the signed resolution be emailed and mailed to Mr. Stamos. The motion was made by Chairman Walker, which was seconded by Vice Chairman Gamache. This was carried on the following voice call vote: Ayes (6) Nays (0) Abstentions (1)

There being no further business to come before the Board, the meeting was adjourned at 9:55 p.m.