

**RESOLUTION
SUBDIVISION/SITE PLAN COMMITTEE
PLANNING BOARD
TOWNSHIP OF LIVINGSTON**

Decided: June 2, 2015

Re: Application No. 2014-73-MS
Applicant: Keller Williams Suburban Realty
Premises: Block: 1501.11; Lot: 2
4245 Town Center Way Ste 2B
Zone: Redevelopment

WHEREAS, application has been made by Keller Williams Suburban Realty (“Applicant”) to the Planning Board of the Township of Livingston (“Board”) for changes to the Livingston Town Center Comprehensive Mixed Use Sign and Awning Package Replacing Section VI.P3 of the Redevelopment Plan to permit signage sought by the Applicant; and

WHEREAS, the Board has a Subdivision/Site Plan Committee (“Committee”) pursuant to § 170-3 of the Code of the Township of Livingston, with jurisdiction to determine whether a site plan Application meets the definition of “minor” and, if so, to take final action of approval or disapproval of such Application; and

WHEREAS, the Committee has determined that the Application is an Application for Minor Site Plan approval and that notice by the Applicant and public hearing are not required; although notice of this Meeting of the Committee and its agenda have been provided; and

WHEREAS, Stephen A. Geffner, Esq., of Schenck, Price, Smith & King, appeared as attorney for the Applicant, and Applicant’s witnesses were Michael T. Lanzafama, P.E. and Steven Gendel of Keller Williams; and

WHEREAS, the Board has heard counsel and the witnesses and reviewed:

1. The site plan, dated 11-25-14 and revised through 4-30-2015, prepared by Michael T. Lanzafama, P.E.
2. The Signal Company Drawings SK-1 through SK-5, dated 05/05/2014 and prepared by Bruce Fish.
3. The Package as amended January 22, 2013.

NOW, THEREFORE, the Committee does make the following findings of fact and conclusions with respect to this Application:

1. The Application seeks “deviations”. That is not correct. A deviation is the Redevelopment Plan equivalent of a variance and a request would have to be heard by the full Board. No deviations are involved, as the Redevelopment Plan permits amendments to the Livingston Town Center Comprehensive Mixed Use Sign and Awning Package (“Package”) as a matter of routine.
2. Changes in the Package are within the jurisdiction of the Subdivision/Site Plan Committee under the definition of “minor site plan” in Township Code § 170-3.
3. The Applicant is a real estate agency occupying second floor space in Building C that was formerly tenanted by a restaurant. It is a “national tenant” within the meaning of the term in the Package. The Applicant’s business is a permitted use, but under the Package the signage sought is only permitted for a restaurant. That is because it was originally contemplated that the space, and a similar space in Building B, would be occupied by restaurants.
4. Onyx Equities, the property owner and landlord, has consented to the making of this Application.
5. Applicant proposes a horizontal wall sign in the white band beneath the terrace that is part of its tenancy. A wall sign for a second floor restaurant is permitted at that location.
6. Applicant also proposes a “carved panel” vertical wall sign on the pilaster of the Building C knuckle facing Town Center Way and a second such sign on the pilaster facing the common space bounded by E. Mt. Pleasant and N. Livingston Avenues. They are miss-described on the Site Plan as blade signs.
7. All three proposed signs meet the material, design and dimension requirements of the Package for a national tenant, and the proposed horizontal sign meets the illumination requirement.
8. The signs on the pilaster are proposed to not be illuminated. The Package presently requires that they each be lit from above by two gooseneck light fixtures.
9. The present requirements of the Package as to signs for the two second floor premises with terraces have the potential of limiting their marketability.
10. The Committee finds the proposed changes to the Package to be reasonable and Paragraph 3.h.(ii) (1) of the Package is hereby amended by deletion of the words indicated by ~~strikethrough~~ and by addition of the words indicated by **bold** as follows:

- (ii) Wall signs for second floor tenants in Buildings B or C are permitted as follows:

(1) Two vertical signs, each of which is to be located and centered on one of the two pilasters of the face of the second levels of the Buildings B and C knuckles facing Town Center Way **and the common space bounded by East Mt. Pleasant Avenue and North Livingston Avenue**. Each is to be used solely for one second floor ~~restaurant~~ tenant whose tenancy includes second floor terrace space in that building. These pilaster signs shall be on recessed wood-framed signage boxes 32 inches wide by 93 inches high and must contain a gold color element: either the box frame, the lettering or the logo or graphic. These signs ~~shall~~ **may** be lit, **but only** from above by two gooseneck light fixtures. Each such ~~restaurant~~ tenant also may have, and each first floor restaurant tenant may have, one horizontal wall sign mounted in the white band beneath the second floor ~~terrace~~ ~~restaurant's balcony~~. The second floor tenant's sign shall meet the standards applicable to a sign located in that band for a first floor ~~restaurant~~ tenant.

11. The Application is hereby approved subject to the provisions herein.
12. The full Package as amended this date is attached hereto and hereby incorporated herein

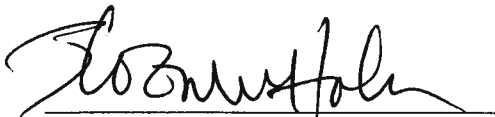


Richard Dinar, Chairperson
Subdivision/Site Plan Committee



Peter M. Klein, Chairman
Planning Board

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Subdivision/Site Plan Committee of the Planning Board of the Township of Livingston on June 2, 2015 by the affirmative votes of Richard Dinar, Peter Klein and Samuel Ratner; they being a quorum of the Committee and all the Members present.



Jackie Coombs-Hollis
Planning Board Secretary

**Comprehensive Mixed Use Sign and Awning Package Replacing Section VI.P.3 of the
Redevelopment Plan**

As amended June 2, 2015

3. Mixed Use District

- a. All dwellings shall clearly display the street address number on the primary building. Section 16-89(a)(2)(i) of the Livingston Land Use Ordinance shall not be applicable.
- b. Awnings, signs (other than traffic and parking control signs) and umbrellas shall be allowed only as provided in sub-paragraphs “c” through “m” below, subject always to the provisions of the matrix attached hereto.
- c. Not later than September 15, 2003 the Redevelopers shall submit for Planning Board approval a palette of 20 colors which will be the only colors used for signage or for awning fabrics unless expressly otherwise permitted below. Use of matching colors or combinations thereof by adjacent tenants may be discouraged.
- d. Blade Signs: (i) Blade signs shall be required for each ground floor retail or commercial tenant and shall be situated near one public entrance at each sidewalk frontage of such a tenant. Allowable materials for blade signs are: (1) painted or stained and/or carved wood; (2) painted metal; (3) brushed finish aluminum, stainless steel, brass or bronze. Colors shall be selected from the palette of 20. Blade signs may be illuminated by miniature gooseneck fixtures or by a hidden light source integrated into the support brackets. Blade sign support brackets may vary in design. Each blade sign shall not exceed 2.5 x 2.0 feet, but different shapes may be utilized within those dimensions. Blade signs shall be placed under or between awnings, with the lowest portion of the sign 8.0 feet above the sidewalk, with its highest point no higher than the top point of the awning. Each second floor retail use and restaurant with a ground floor entrance may have a blade sign on its primary ground level entrance frontage. Such signs shall be mounted at the same height as blade signs for ground floor tenants.

(ii) One double-sided blade sign, identifying up to two tenants in the Mixed Use District, with exterior fluorescent lighting and with the lowest portion of such sign 8.0 feet above the sidewalk and with a sign height of not more than 6.0 feet plus a decorative top of not more than 22 inches that identifies Livingston Town Center, and a width of not more than 3.0 feet, and depth of not more than 1.0 foot (including fluorescent light fixtures), may be mounted on the North Livingston Avenue façade of Building D adjacent to the intersection with Carillon Circle provided that such sign does not extend more than 4.0 feet from the building façade.

(iii) One double-sided blade sign, with exterior fluorescent lighting and identifying up to two restaurants located in Building B, with a height of not more than 6.0 feet, width of not more than 3.0 feet and projecting not more than 4.0 feet from the building, may be mounted on the most-easterly pilaster of the East Mt. Pleasant Avenue façade of Building B closest to the right-of-way line and at a height above the ground floor tenant wall signs. Such sign shall not be mounted so as to in any way obstruct the view of any tenant wall sign.

- e. Directory Signs: Three free standing directory signs showing the Livingston Town Center logo, listing tenants and including directional arrows and a graphic “key” map shall be provided. No advertising shall be permitted on such signs. The signs shall be at the locations shown on the approved Site Plan. The sign face and primary structure of each such sign shall not exceed 4.0 feet in width by 7.0 feet in height. Each may have a base not more than 18.0 inches in height with not to exceed 1.0 foot of horizontal projection in any direction. The signs shall be of a decorative style and materials that match the style and materials of the buildings and street furniture. One wall-mounted directory sign for second floor tenants shall be located on the ground floor near the elevator serving Buildings B & C. It shall be of the same design but without the base. All directory signs may be internally or externally illuminated.
- f. Vehicular and Pedestrian Directory signage: Pole mounted, and wall or ceiling mounted directional signs shall be provided for pedestrian and vehicular traffic. Pole mounted signs shall project horizontally from their poles and have a height of 9.0 inches and a horizontal length of 2.0 feet 6.0 inches. Wall mounted blade directional signs shall have the same dimensions. Ceiling mounted directional signs shall be provided at the entry and exit portals of the parking structure and within the structure, shall have a height of 9.0 inches, a horizontal length of 3.0 feet, and shall be placed so that the lowest portion of the sign is no less than 8.0 feet 6.0 inches from the driveway surface. One wall sign, not to exceed 2.0 feet 6 inches in height and 14.0 feet in width, to identify the Pedestrian Way to the parking structure, shall be mounted on the exterior of Building E, directly above the entrance to that Pedestrian Way.
- g. Monument signs: (i) One small monument near the intersection of Livingston Avenue and Mt. Pleasant Avenue in the center grassy area of the pedestrian way through Lions Park as shown on the Preliminary Subdivision Plat, Drawing No. 20.02 revised through 1-3-07. The sign face and primary structure of each such sign may be up to 4.0 feet in width. The height, including base, shall not exceed 3.0 feet. Decorative horizontal projections of the base may extend the width as much as 2.0 feet. The dominant materials shall be natural stone, or masonry, and the sign design shall be consistent with the architecture and street furniture. The signs shall be externally illuminated or by lighting behind non-illuminated lettering.
 - (ii) One double-sided monument sign, identifying up to 6 retail

or restaurant tenants, shall be permitted in the divider island of The Esplanade at a right angle to and a distance of 14 feet from the East Mt. Pleasant Avenue curb. The height over-all, including a base of 2 feet, shall not exceed 6 feet and the length over-all shall not exceed 7 feet 7&7/8 inches. The area of tenant text shall not be higher than 2 feet 9 inches or longer than 5 feet 5 inches. The dominant materials shall be synthetic brick and synthetic stucco that match the adjacent building façade. The sign shall be externally lighted by shielded ground lights.

(iii) Two double-sided monuments signs, each identifying up to 6 retail or restaurant tenants may be located in Lions Park. One shall be at a right angle to East Mt. Pleasant Avenue and the other at a right angle to North Livingston Avenue. Each shall be installed 5 feet from the ROW line. The one on the East Mt. Pleasant Avenue frontage shall be 4 feet from the retaining wall, approximately 39 feet from Building B and approximately 30 feet from the eastern tip of the landscaped area. The other shall be 5 feet from the North Livingston Avenue ROW line, approximately 3 feet from the retaining wall, 46 feet from the facade of Building C and 32 feet from the northern tip of that landscaped area. For each sign, the height over-all shall not exceed 4 feet 6 inches, the length over-all shall not exceed 7 feet 7&7/8 inches, and the area of text shall not be higher than 2 feet 9 inches or longer than 5 feet 5 inches. The dominant materials shall be synthetic brick and synthetic stucco that match the adjacent building façade. The sign shall be externally lighted by shielded ground lights.

- h. Wall signs: (i) Wall signs for ground floor tenants shall be permitted within a sign band located over required awnings. They shall be affixed to a sign rail (raceway) painted to match the façade. The sign rail shall be affixed to decorative wall brackets. The sign band shall not exceed 30.0 inches in height. Any sign or lettering within the sign band shall not exceed 24.0 inches in height. For a single bay tenant, the lettering or sign shall not exceed 90% of the width of the bay. For a multiple-bay tenant, the dominant lettering or sign shall not exceed 90% of the bay that it is within, while any additional wall sign or lettering for that tenant shall not exceed 60% of the width of the bay that it is within. In no case shall any wall sign or lettering exceed 27.0 feet in width. For purposes of this Section VI.P.3, a "bay" is the distance of void between any two of the following architectural features: pilaster, column or break. All wall signs shall be made of (1) painted, stained and/or carved wood; (2) painted metal; or (3) brushed finish aluminum, stainless steel, brass or bronze. Tenants shall be identified by name in lettering that shall be (1) gold colored letter forms carved into or applied to the surface of the sign; (2) single colored letter forms carved into or applied to the surface of the sign; or, (3) metallic solid-bodied letters, matte finish, with returns; or (4) painted metal letters with returns. All colors shall be from the palette approved by the Planning Board, except that proprietary signage colors of national tenants may be used for them. Signs may be lit by shielded downward gooseneck fixtures, up-lights or back-lights.

(ii) Wall signs for second floor tenants in Buildings B or C are permitted as follows:

(1) Two vertical signs, each of which is to be located and centered on one of the two pilasters of the face of the second levels of the Buildings B and C knuckles facing Town Center Way and the common space bounded by East Mt. Pleasant Avenue and North Livingston Avenue. Each is to be used solely for one second floor tenant whose tenancy includes second floor terrace space in that building. These pilaster signs shall be on recessed wood-framed signage boxes 32 inches wide by 93 inches high and must contain a gold color element: either the box frame, the lettering or the logo or graphic. These signs may be lit, but only from above by two gooseneck light fixtures. Each such tenant also may have, and each first floor restaurant tenant may have, one horizontal wall sign mounted in the white band beneath the second floor terrace. The second floor tenant's sign shall meet the standards applicable to a sign located in that band for a first floor tenant.

(2) Other second floor tenants in Buildings B or C on the East Mt. Pleasant Avenue or North Livingston Avenue frontages may each have, at a location on such frontage approved by the Planning Board, one placard wall sign on that frontage; provided that the total number of such signs shall not exceed 4 facing North Livingston Avenue, 4 facing Town Center Way, and 3 facing East Mt. Pleasant Avenue. Such signs shall each be similar in size to but not larger than the second story windows, shall be constructed of finished aluminum and shall be of one uniform color chosen from the approved color palette. Lettering shall be not be more than 8 inches in height for those signs facing Town Center Way and not more than 10 inches in height for those facing North Livingston Avenue or East Mt. Pleasant Avenue. Lighting will be of the gooseneck spotlight type only.

(iii) No window or awning signs shall be permitted on second floors.

- i. Clock tower: An internally illuminated clock face shall be located on each of the four sides of the clock tower. The clocks shall be calibrated, controlled and maintained so as to ensure that the clocks always show the correct time. Wall signs identifying the development may be mounted on the three sides of the clock tower that do not face Building E after approval of their design and illumination by the Planning Board.
- j. Window signs: Window signs directly on the inside surface of ground floor storefront window glass shall be permitted to display (1) that tenant's name and/or logo in white or gold, or (2) that tenant's information in white lettering. Such signs may appear in no more than the greater of one (1) window per tenant

frontage or 50% of that tenant's total windows. The dimensions of such signs shall not exceed the maximums set out in the matrix. All other signs placed on windows, and internally illuminated window signs, are prohibited

- k. **Restaurant Menu.** Ground floor restaurants may have one menu holder sign case, not exceeding 2.0 square feet, mounted on the door, or the adjacent wall, of their primary public entrance. A second floor restaurant may have such a menu holder sign wall-mounted on the ground floor near the elevator serving Buildings B & C. Alternatively, second floor restaurants may share a sidewalk-mounted pedestal menu stand located adjacent to the exterior stairway in the passageway between Buildings B and C. The dimensions of such shared menu stand shall not exceed 4.0 square feet and the top of the sign shall not be more than 42 inches above the sidewalk.
- l. **Awnings.** Awnings are required elements of the ground floor retail and commercial frontages. All facades shall have awnings on each ground floor window except for arched windows. Each awning shall cover one window or bay. Such awnings shall extend 5.0 feet from the building façade at a uniform 30 degree angle. Awning brackets shall be either ornamental metal or painted metal in tones compatible with the awning color. All awnings shall be non-retractable and side panels are prohibited. Awning materials shall be opaque canvas or a canvas look-a-like in matte finish. Awning colors shall be consistent across an individual tenant's space and shall be from the palette of colors approved by the Planning Board. Awnings may be a single color or may be striped. No patterns other than stripes shall be permitted. Not to exceed 50% of all awnings may utilize a no greater than 3.0 foot x 3.0 foot area in the center of the awning for a tenant name or logo. Every awning shall have a valance. All valances shall be of the same height, which shall not exceed 8.0 inches or be less than 6.0 inches. Tenant names or logos may appear on not more than 50% of the valances on that tenant's facade. Helvetica or proprietary type-faces may be used. Letters or logos on valances may not exceed 4.0 inches in height. Second floor retail or commercial tenants may have non-retractable awnings which meet the fabric, color, bracket and valance signage requirements for ground floor awnings. Such awnings shall extend 3.0 feet from the building façade at a 30 degree angle. Each shall be mounted within the brick frame of a single window. A second floor tenant electing to have awnings must have awnings for all of its windows, and all of that tenant's awnings must be of identical size and shape. Side panels are not permitted. Valances shall have a height of 6.0 inches.
- m. **Café umbrellas.** Café umbrellas are allowed for outdoor table seating, including terrace seating. They shall be opaque canvas or look-a-like fabric, in marketplace style, of solid colors and with no signage or symbols of any kind.
- n. **The Matrix** which accompanies the Comprehensive Mixed Use Sign and Awning Package approved on July 15, 2002 is hereby amended by adding an "Option 6",

under “Wall Sign”, which refers to 3.h.(ii) above and notes that such Option is available only to second floor tenants of Buildings B & C.

- o. **Public Garage Awning.** One awning covering both the entry and exit bays of the public garage in Building E is permitted. Such awning shall be consistent with the design requirements set forth in “1” above, except that side panels, text and logos may be provided as approved by the Planning Board. Wall-mounted down lighting of the awning may be provided as approved by the Planning Board.
- p. **Rollable Signs.** Not more than 10 free-standing double-sided non-illuminated rollable spring sidewalk display signs, on wheeled bases that facilitate relocation of the signs, are permitted. The purposes of such signs are solely to call attention to retail tenants (including restaurants) or to announce special events. Such signs may be displayed only on the sidewalks of Town Center Way or within the breezeway between Buildings B and C and under the second floor connector between those buildings; provided however that within the 48 hour period before a public service or non-commercial event one of the signs, modified to announce the event, may be displayed within Lions Park. The rollable display signs shall be within heavy-duty aluminum frames measure not more than 36 inches wide by 48 inches high and have an over-all height, including the base, of 60 inches; except that two of the signs within the breezeway may have a display frame not more than 84 inches high and 26 inches wide and have an over-all height, including the base, of not more than 96 inches.