

**RESOLUTION**  
**PLANNING BOARD**

**TOWNSHIP OF LIVINGSTON, NEW JERSEY**

Decided: September 16, 2014  
Memorialized: October 21, 2014

Re: Application No. 2014-61-PFSPV  
Applicant: Nordstrom, 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 store in an existing mall that is currently undergoing expansion and renovation previously approved by this Board. The Application requests approval of proposed signage for the Applicant's business operation.
2. A completed Application has been filed, 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. Testifying on behalf of the Applicant was Keith Ottaviano, of the company Paterson Sign Group, who was accepted as an expert in commercial signage design and installation.
5. A public hearing was heard before the Board on September 16, 2014 with regard to the Application.
6. The Applicant submitted an undated 9-sheet signage package prepared by Steven L. Dvoskin, Architect, of the firm Callison Architecture, LLC. It sets forth the Applicant's proposed signage for the Site: a wall sign at the store entrance measuring 53 square feet with dimensions of 5 feet in height by 10 feet 7 inches in width; two screen wall signs, one facing southerly and the other facing easterly, each measuring 58 square feet with dimensions of 2 feet 7 inches in height by 20 feet in width. None of those proposed signs would require variances as to their dimensions. The screen wall tower sign facing easterly would require a variance as to location. The Applicant also seeks such other variances as may be required. The Applicant also proposes to use an open sign band on an existing monument sign.
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 proposed and requested approval for the following signage on the Site:

A: A sign, on the storefront facing the parking lot, measuring 5 feet in height by 10 feet 7 inches in width, for a total of 53 square feet. The sign would have channel letters internally illuminated. The storefront entrance façade consists of various architectural features, including multi-color vertical ribbons, common to all of the Applicant's stores. The design of the sign would be the Applicant's logo with the word "Nordstrom" stacked over the word "Rack" that would be in larger letters.

B: A sign on the easterly face of the easterly screen wall tower would be 58 square feet in area with dimensions of 2 feet 7 inches in height by 20 feet in width. The sign would have channel letters internally illuminated. This sign does not face a street, so it requires a variance from the provisions of Township Code Section 170-90.L.(2).

C: A sign facing south on the westerly screen wall tower and measuring 58 square feet, with dimensions of 2 feet 7 inches in height by 20 feet in width. The sign would have channel letters internally illuminated.

D: A sign in an unoccupied band on the existing monument sign.

2. The aggregate total signage on Site, including the TJX Companies, Inc. signage approved this date in a separate application, would measure 1,719.84 square feet. The screen wall area measures 11,270 square feet; so that aggregate signage would calculate at a total of 15.26% of the screen wall. Township Code Section 170-90.L.(1)(g) limits aggregate signage to 5% of the wall area. Noting that the Nordstrom Rack signs were included in the aggregate calculation in the TJX

Companies, Inc. matter, the Applicant requested that the variance of 10.26% from those provisions of the Code granted in approval of the TJX Companies, Inc. Application No. 2014-62-PFSPV be found to be applicable to this Application as well.

3. The Board notes that the design of the Nordstrom Rack wall signs, as is the case with the wall signs of the other tenants, does not meet the uniformity requirements of Township Code Section 170-90.L.(2)(i) and that the Board has previously granted a variance to permit the signs on the Site to be in such noncompliance.
4. Township Code Section 170-92.F.(c) requires that a minimum of 60% of the horizontal length of the main level retail façade must be transparent glass between the heights of 3 feet and 8 feet above grade. Drawing ASK-09 of the Applicant's signage package shows that there will be decorative colored translucent ultra cling vinyl applications on window glazing almost entirely above the area that must be transparent glass. The Board finds the intrusion of the color of the cling into the area that must be transparent glass to be de minimis and to have no adverse effect on the requirements of Section 170-92.F.(c); and that no variance is required. The Board further finds that the specific decorative vinyl applications proposed do not constitute a sign as defined in the Section 170-3 of the Township Code.
5. In the course of the hearing the Applicant requested a variance from Township Code Section 170-92.F.1.(e) for one Nordstrom Rack sign, measuring 14 inches in length by 7.377 inches in height to be placed on the glazing of one window. However, the Board finds it plainly apparent from Drawing AGK-09 of the

signage package that no such sign proposed exceeds 25% of the glazing as measured under the rule established by Section 170-92.F.1.(e). Therefore, a variance is not required.

6. The wall sign facing east on a screen wall tower will require a variance because it does not face a street. The Applicant offered testimony that due to the unusual configuration of the building on the Site this particular sign would provide needed tenant identification for traffic proceeding westerly on Route 10. In the opinion of their signage expert, the location of such sign would promote public safety by providing timely identification for motorists to determine where the store is located and to make necessary safe maneuvers to enter the Site.
7. The Applicant's temporary signs shall comply with applicable provisions of the Township Code and shall be removed no later than installation of the signs approved by this Resolution.
8. The Board finds that the variances requested should be approved pursuant to N.J.S. 40:55D-70.c.(2) because the proposed signage will be an appropriate use of the property, provides necessary identification of the retail establishment, promotes traffic safety by providing necessary signage in appropriate locations, will not have any significant detrimental impact on the Zone Plan or Zoning Ordinance, the benefits of the approval will outweigh any detriment to the public good and will advance the purposes of the Master Plan. The Board notes that the signage previously approved and installed on the property has been an esthetic improvement and serves to promote the viability of the shopping center as being

occupied and active after a long period of non-use and finds that the Applicant's signs would provide the same benefit.

### **CONCLUSIONS OF THE BOARD**

1. The Board hereby grants the Application with respect to the following proposed signage in accordance with the provisions as found herein as to location, dimensions and illumination, subject to the variances set forth herein.
2. The Board approves the variances requested by the Applicant as follows:
  - A: A variance, from the provisions of Township Code Section 170-90.L.(1)(g), is granted to increase the total square footage signage, including all other approved signage Applications of other tenants, to a total of 1,719.84 square feet, or 15.26%.
  - B: The Board grants a variance from Township Code Section 170-90.L.(2) to permit the wall sign on the easterly elevation of the easterly screen wall tower that does not face a public street.
3. The Board continues in full force and effect the provisions of all prior Resolutions adopted in connection with this property, except as specifically modified herein, including but not limited to the Resolutions memorialized by this Board on May 3, 2011, November 3, 2013, January 7, 2014, and October 7, 2014.
4. The Board retains jurisdiction over future signage on the Site.

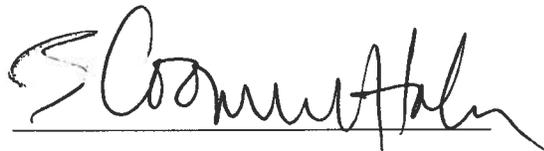
This Resolution is a memorialization of the decision of the Planning Board of the Township of Livingston made on September 16, 2014 wherein Board Members Anthony,

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 as set forth 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 26, 2014 memorializing the decision of the Planning Board made on September 16, 2014.



Jackie Coombs-Hollis, Secretary