



TOWNSHIP OF WEST ORANGE

66 MAIN STREET, WEST ORANGE, N.J. 07052

Department of Planning and Development

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Mayor

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TO: Planning Board Members

FROM: Paul Grygiel, AICP, PP, Planning Director

DATE: September 7, 2021

RE: **PB-21-09 – Sherwin Williams Paints**
Block: 116.02; Lot: 1.01; Zone: E-C (Downtown Redevelopment Plan)
217 Main Street
Seeking “c” variance for illuminated sign on a commercial property

INTRODUCTION

The applicant is requesting approvals for new signage for an existing multi-tenant retail building on a property located in the Edison Commercial zone of the Downtown Redevelopment Area. The proposed signage does not comply with one applicable standard. As noted on page 12 of the Downtown Redevelopment Plan, “‘C’ variance relief pursuant to Section N.J.S.A. 40:55d-70.c may be addressed by the Planning Board through the development application process.”

LAND USE

The subject property consists of a single tax lot with an area of 93,716 square feet (2.15 acres). The site has 336 feet of frontage on Main Street, 380 feet of frontage on Alden Street and 125 feet of frontage on Babcock Place. The subject property is developed with a one-story multitenant commercial building with floor area of approximately 24,300 square feet. Approximately half the building is occupied by a CVS/Pharmacy store and the remainder is currently vacant. Site photographs taken on July 20, 2021 are included at the end of this memorandum.



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The property is located on the east side of Main Street between Alden Street and Babcock Place. There is a mix of land uses in the surrounding area, including residential, commercial and government. The property wraps around residential properties on Babcock Place and abuts a large former industrial property to the rear. There are sidewalks along the site's frontages.

SUBMISSIONS

<u>ITEM</u>	<u>SIGNED BY</u>	<u>DATE/REVISION</u>
Sign plans (3 sheets)	(not signed)	4/9/20
Boundary and Topographic Survey	Jeffrey D. Bunce, PLS	6/11/21
ALTA/NSPS Land Title Survey	Nickolas R. Fusco, PLS	11/8/17

VARIANCE REQUIRED

<i>"c" Variance</i>			
SECTION/REQUIREMENT	PERMITTED /REQUIRED	EXISTING	PROPOSED
Downtown Redevelopment Plan signage requirements – internal illumination	Not permitted	None	Proposed

PROPOSED DEVELOPMENT

The applicant is seeking amended site plan approval and variances for limited site modifications related to signage for one new tenant on the property.

Building mounted signage is proposed on one storefront that will be occupied by a Sherwin Williams store. The sign would be located above the store entrance and would be 20.56 square feet in area. Its width will be 11.375 feet and its height will be 1.75 feet. The sign is proposed to be internally illuminated.

The existing two-sided monument sign along Main Street is proposed to be refaced to include signage for the existing CVS, the proposed Sherwin Williams store, and a third tenant, Family Dollar. The sign plans indicate the Sherwin Williams sign will be 1.33 feet high by approximately 4 feet wide, for an area of approximately 5.32 feet. It is not indicated on the sign plans whether it is proposed to be internally illuminated. The existing monument sign exceeds the maximum permitted height of eight feet but as it not being changed, a variance is not required. It is noted the Planning Board approved the same variance for the other tenants of the building at its September 1, 2021 meeting.

No other changes are proposed to the exterior of the building, to the layout of the parking lot or to site circulation.



DISCUSSION/RECOMMENDATIONS

The Municipal Land Use Law (MLUL) at N.J.S.A 40:55D-60 allows a planning board to grant variances ancillary to site plan approval, or in this instance, pursuant to a deviation from a redevelopment plan standard. The proofs are the same as N.J.S.A 40:55D-70c, which permits a board of adjustment to grant variances from the bulk regulations of a zoning ordinance and other zoning deviations that do not require a “d” variance. A “c(1)” variance is for cases of hardship due to factors such as shape or topography, or due to “an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.” A “c(2)” variance may be granted where the purposes of zoning are advanced and the benefits of deviating from the ordinance requirements outweigh any detriments. The benefits derived from granting a “c(2)” variance must include benefits to the community as a whole, not just the applicant or property owner. A “c” variance applicant also must address the “negative criteria,” and affirmatively demonstrate that the variance can be granted “without substantial detriment to the public good” and “without substantial impairment to the intent and purpose of the zone plan and zoning ordinance” of the municipality. The applicant’s planner should provide testimony as to how the above variance proofs are addressed.





Views of portion of building where illuminated façade sign is proposed



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Existing monument sign

