

TOWNSHIP OF EVESHAM

Zoning Board

Minutes

7:00 pm

April 15, 2019

Municipal Building

Call to Order

Chairman Parikh made the call to order at 7:04 pm

Flag Salute

Statement of Conformance with Open Public Meetings Act

Chairman Parikh made the statement of conformance with the Open Public Meeting Act and the Municipal Land Use Legislation

Roll Call

Present: Alperin, Lutner, Rodgers, Osno, Shah, Wilson, Thompson, Parikh

Also Present: Wieliczko, Catalano, Furey, Boulton

Absent: Davé, Student, Wessner

Continuation of Scheduled Matters

Meeting Minutes:

February 25, 2019

Motion: Rodgers

Second: Lutner

Ayes: Alperin, Lutner, Rodgers, Parikh

March 18, 2019

Motion: Alperin

Second: Parikh

Ayes: Alperin, Lutner, Osno, Wilson, Parikh

Unfinished/New Business

1. St. Joan of Arc ZB19-04 6-22-19

100 Willow Bend Road, Block 32, Lot 2, (MD Zone District)

Applicant is proposing to conduct an outdoor carnival and seeking a variance per Chapter 160-11B prohibiting such use without authorization

Witnesses sworn in:

- Dubravka Kolumbic, Co-Chair Carnival Committee

Board Solicitor:

- Applicant is seeking variance to permit annual carnival at St. Joan of Arc on August 19-24, 2019
- Traditional summer carnival been conducted for many years on property of St. Joan of Arc
- Will still be operating between hours of 6pm – 11pm
- Will include entertainment, rides, food and Beer Garden

- Carnival will be staffed by off-duty Evesham Township Police Officers; present at Beer Garden and other locations on-site; approximately 11-15 officers on duty per night
- Beer Garden designed in accordance with the recommendations of the Evesham Township Police Department and appropriate State Permits will be acquired
- Games of Chance will be at Carnival; Applicant agrees as Condition of Approval that all necessary permits will be secured for Games
- Applicant also agrees as a Condition of Approval to provide Liability Insurance for Carnival in form acceptable to Evesham Township
- Applicant agrees to submit Certificate of Insurance confirming necessary coverage and amounts in form acceptable to Evesham Township for review and approval

Dubravka Kolumbic Testimony:

- Nothing more to add except thank you for continued support of Annual Carnival

Board Comment:

- None

Public Comment:

- None

Motion to Approve ZB19-04

Motion: Alperin

Second: Shah

Ayes: Alperin, Lutner, Rodgers, Osno, Shah, Wilson, Parikh

2. Frederick Barletta ZB19-09 7-12-19

44 Morning Glory Drive, Block 15.03, Lot 109, (SEN1 Zone District)

Applicant is proposing a sunroom that is 5.8' off rear property line where 10' is required per Chapter 160-73D(8)

Witnesses sworn in:

- Frederick Barletta, Homeowner

Exhbits

- E1 – Color replica of sunroom to be installed
- E2 – Village Greens HOA approval letter dated February 12, 2019 from Gina Watts Community Manager at Village Greens

Board Solicitor Overview:

- Applicant is proposing sunroom off the rear property line that is 5.8' off rear property line where 10' is required
- Submitted survey with hand-written notation which are the Applicants
- Off back yard (westerly side) proposal is to install a sunroom on top of an existing concrete pad
- Proposed sunroom is a Millennium 3000 Sunroom (Exhibit 1)
- Proposed construction is aluminum and glass

- Intention is to add on to an enclosure for the family to enjoy with no interference to neighboring property's views

Frederick Barletta Testimony

- Seeking variance because we overlook a wide open retention basin
- Home to wildlife and natural views
- Had patio there for over a year and wish to enclose it to have year round use and enjoyment
- Part of Village Greens HOA and have letter of approval

Board Solicitor:

- Agree as a Condition of Approval that sunroom will not negatively affect drainage in any way to neighbors

Board Comment:

- Mr. Rodgers asked if the existing pad was added after he moved in or was it there when he purchased the home
- Mr. Barletta advised that he added it

Public Comment:

- None

Board Solicitor Summary:

- Applicant has a corner property on Golden Rod Lane and Morning Glory Drive
- Applicant is seeking variances to permit sunroom to be 5.8' off rear property line where 10' is required
- Applicant agreed as Conditions of Approval to get approval from HOA and not to negatively alter any drainage to the area
- Applicant agreed to provide construction in a manner consistent as depicted in Exhibit E1 and constructed on an already existing patio concrete pad
- Applicant has provided a letter (Exhibit E2) from Gina Watts, Village Greene Community Manager, detailing the proposed sunroom, shingles to match and existing roof, siding and windows and Applicant agrees to Condition of Approval
- Applicant agrees to secure construction permits prior to work

Board Comment:

- None

Public Comment:

- None

Motion to Approve ZB19-09

Motion: Rodgers

Second: Osno

Ayes: Alperin, Lutner, Rodgers, Osno, Shah, Wilson, Parikh

3. Patrick Kearney ZB19-10 7-12-19
24 Bettewood Road, Block 27.11, Lot 32, (MD Zone District)

Applicant is seeking a variance for a front porch at a 23.5' set back in a front yard where 30' is required per Chapter 160-64E(1) and Table 11

Witnesses sworn in:

- Patrick Kearney, Homeowner

Exhibits

- E1 – Color photograph of front of property dated March 11, 2019
- E2 – survey of property dated March 7, 2019

Board Solicitor Overview:

- Applicant is seeking to install front porch that is 23.5' from front yard property line where 30' is required
- Currently front of house is exactly 30' from the front property line and has existing concrete walk out from front of home
- Proposing to add 7' deck along roof overhang to run length of house to provide additional sun protection and beautify home
- Applicant agrees that porch will not infringe on any site lines
- Applicant agrees as a Condition of Approval that any addition of front porch will not negatively affect any drainage conditions on property or neighboring properties
- Survey submitted with handwritten notations on front of home listing one story framed dwelling
- Applicant agreed that purpose of making the markings were to identify where intended porch was going to be located; including size and dimensions
- Applicant agreed that pad and stairs encroaches into the 30' setback
- Exact dimensions of the proposed porch is 38.5' wide and 7' deep
- Applicant agrees as Condition of Approval that the addition of the porch will be constructed in manner consistent with house; roof and shingles to match

Patrick Kearney Testimony

- House was built in late 1950's; same front
- Lived in 35 years; time for change of look

Board Comment:

- Mr. Parikh asked if the pitch was going to be smaller than the patio
- Applicant advised that it will go all the way up to top so it won't be a flat roof
- Mr. Alperin asked for clarification on the roof of the porch connecting to the roof of the home
- Applicant stated yes, it will an extension of the roof of the house

Public Comment:

- None

Board Solicitor:

- Applicant is seeking a variance to encroach in front yard setback which is 30'
- Applicant proposes a setback of 23.5'
- Applicant proposes to construct a front porch to be 38.5' wide and 7' deep in length off front of home to be consistent with current construction and color

- Extension to existing roof line as shown in Exhibit E1
- Existing steps off front of home will be in same dimensions of porch to be installed
- Applicant agrees concrete pad and steps are 7' from front of property

Board Comment:

- None

Public Comment:

- None

Board Solicitor Overview:

- Applicant is seeking a variance for a front porch with a 23.5' setback in front yard where 30' is required
- Applicant detailed the purposes for porch to beautify home and provide shade
- Applicant agreed that the 30' setback currently runs to front façade of home
- Currently has in place as shown in Exhibit E1, steps and concrete pad that extend 7' off front of property and encroach into front yard setback
- Applicant agrees to secure all building permits prior to construction

Motion to Approve ZB19-10

Motion: Alperin

Second: Lutner

Ayes: Alperin, Lutner, Rodgers, Osno, Shah, Wilson, Parikh

4. Michael Gavio ZB19-12 7-19-19

108 Meadowview Circle, Block 11.03, Lot 1, (MD Zone District)

Applicant is seeking variances per Chapter 160-64D(5) for an existing 6' fence in front yard setback where 4' is permitted; and Chapter 160-64E(2)(a) for paver patio in front yard setback where no accessory uses and structures are permitted

Witnesses sworn in:

- Michael Gavio, Homeowner

Exhibits

- E1 – Color photograph of fence and portion of patio with stones/plants
- E2 – Color photograph of side/front of house on corner lot depicting fence

Board Solicitor Overview:

- Applicant is seeking 2 variances for an existing 6' fence in front yard/side yard due to corner property on Meadowview Circle which was there when house was purchased and for a recently installed patio in front/side yard
- Applicant moved into property 7 years ago
- New porch and four seasons room installed on the back of the home being inspected for certificate of approval, inspector noticed fence without prior approvals
- Applicant was informed that there needed to be compliance for the fence; however was never informed a variance was needed previously
- Applicant installed a paver patio at time of four seasons room

- Inspector also informed Applicant that patio was in front yard/side yard due to corner property and variance was required
- Patio off front/side yard depicted in Exhibit E2
- Applicant advised that back of property was wet and paver patio was installed to help the drainage
- Dimensions of patio are 12.3' off rear property line and 13' and 11' off of side property line

Michael Gavio Testimony

- Patio is slightly away from the house, towards the side yard are the stones allowing water to run away from house
- Exhibit photos were taken today and show dry land after rain last night
- We had no idea that our back yard was considered a front yard or side
- We were just trying to improve our home and have some outdoor living

Board Comment:

- None

Public Comment:

- None

Board Solicitor Summary:

- Applicant is seeking 2 variances for an existing 6' fence which appears in front yard setback where a 4' fence is permitted
- Property is a corner lot which needs clarity to determine front yard/side yard
- Noted in conjunction with new porch and four seasons room that fence, in place when home was purchased, had not been previous approved
- Installation of patio is in front yard as property is corner lot and Meadowview Circle and it is considered front yard on one side
- Applicant is requesting 2 variances; one for 6' fence and one for the paver patio

Motion to Approve ZB19-12

Motion: Rodgers

Second: Osno

Ayes: Alperin, Lutner, Rodgers, Osno, Shah, Wilson, Parikh

5. Hyland Levinson Shapiro ZB19-11 7-18-19

6000 Sagemore Drive, Block 33.10, Lot 6, (C-1 Zone District)

Applicant is seeking a "C(2)" sign variance per Chapter 160-75M(1)(a), where maximum square footage permitted is 80 sf. Applicant is proposing to increase the sign size from 61.25 sf to 87.81 sf; total of 139.5 sf between 2 existing signs for 2 tenants: Hyland Levin Shapiro and Janney

William F. Hyland, Attorney for the Applicant

Witnesses sworn in:

- Dennis O'Hara, NW Sign Company

William Hyland, Attorney/Applicant Overview:

- Applicant owns the law firm

- Approximately 8 years ago took over third floor at Promenade
- Recently extended lease for another 7 years
- Happy to be in Marlton
- Evolution of firm is introducing a new partner; valuable addition to firm
- Mark Shapiro is a valuable addition to firm and now a named partner
- Mark has made significant contributions to firm and we are now rewarding him as a named partner
- Submitted a depiction with application of what sign would look like if installed
- Variance is requested to increase the size of sign and add Mark's name
- Prior occupant was Davis Enterprises; sign was larger previously than sign we have had at the location
- Difference between what was approved previously and current request is an increase of about 13 square feet
- Our sign is smaller than what was previous approved for Davis Enterprises
- Proposing to refurbish existing sign with more energy efficient lights; proportionate and attractive
- Will continue to enable firm to identify itself and the location of building
- Sign is proportionate to the building, is attractive and serves a purpose and there is an increase in energy efficiency at the building
- Acts as a source of wayfinding as there is no direct access off Route 73 to this quadrant; name on building is helpful in locating it
- Addition of Mark to the firm name is important to us and the Community; Mark is the next generation of our firm
- Have a witness to be sworn in from the sign company who will install sign

Dennis O'Hara Testimony

- Referred to drawing dated January 31, 2019 submitted with application
- Using same letter style as Hyland Levin
- Letters will be illuminated
- Installed 9 years ago
- Will be removing neon tubes and replacing with low energy LED lighting
- Eliminated LLP with new sign
- Building sits back on Route 73
- Existing sign helps to identify Hyland Levin in the building; source of wayfinding for clients
- Size of building in proportion to sign works
- Another existing sign on building; Janney; far removed to the right
- Application works and the addition of Shapiro works well; in the best interest of the community and for the client

Leah Furey Bruder, Township Planner

- Review letter dated March 25, 2019
- Reiterate the Applicant has a tasteful and proportionate sign on building currently
- Changing the name; increases size somewhat but remains proportionate to size of the building
- Common for large office tenants to request signage near the top of the facade in 2-3 story buildings to communicate presence to public
- Building is approximately 45,000 square feet and Applicant has more than 1/3 of the space

- Makes sense to have sign on the building; adds sense of prominence to the building and office park
- No objection to the proposal; provides information to visitors and customers and will continue to distinguish building
- Happy the Applicant signed lease to stay another 7 years

Board Comment:

- None

Public Comment:

- Laura Balba, Davis Enterprises
- Promenade is left of this corporate building
- Davis Enterprises owns the Corporate Center that the office is in
- Davis Enterprises is in 8000 building and Hyland Levin is in 6000 building on Sagemore Drive
- Corporate Center with a couple of law firms
- The proposed sign is helpful to identify for people trying to find it

Board Solicitor Summary:

- Applicant is seeking 2 variances for a modified sign
- One variance is for having 2 signs on 1 façade; existing condition there are 2 signs currently on façade as a prior approval in 2006
- Applicant seeking to request as existing condition in conjunction with current request for proposed expansion of the current sign to add new named partner
- Ordinance requires 15% of the principal façade or 80 square feet, whichever is smaller
- Applicant is proposing 88 square feet for Hyland Levin Shapiro sign
- Currently existing Janney sign is 51.6 square feet
- 2 signs on façade is total of 139.41 square feet
- Planner and sign consultant testified the appropriate nature of the sign; upgraded and energy efficient; significance of the sign for purposes of wayfinding and prominence
- Given the location and scale; 2 signs are justified

Board Comment:

- Mr. Alperin extended congratulations to Mr. Shapiro on the appointment

Motion to Approve ZB19-11

Motion: Alperin

Second: Wilson

Ayes: Alperin, Lutner, Rodgers, Osno, Shah, Wilson, Parikh

At 7:51pm, Board Solicitor requested a few minute adjournment for purposes of expediency to confer with Township Planner before next Applicant is heard

**6. Altar'd State ZB19-07 6-27-19
500 Rt. 73 S., Block 33.11, Lot 1, (C-1 Zone District/Evesham Crossroads Overlay)**

Applicant is seeking approval of existing signage and is seeking variances per Chapter 160-750(7)(a), for a channel letter façade sign of 14.08 sf and for the halo-lit flower element of 1623 sf; per Chapter 160-750(7)(d), applicant is requesting approval of the illumination of the said signage
Stephen Sinisi, Attorney for the Applicant

Witnesses sworn in:

- Greg Terry, Design Director, Altar'd State
- Charley Schalliol, Director of Site Branding, Site Enhancement Services
- Brian Seidel, Seidel Planning

Exhibits

- A1 – Approved construction plans A8.1, Dated June 29, 2017
- A2 – Conceptual Plan with backlit conceptual feature, Dated April 15,2019

Stephen Sinisi, Attorney Overview:

- Practice law in Paramus, NJ
- Thankful to the Evesham Township Professionals for their prior assistance guiding Applicant in preparation for meeting; most helpful and Board is fortunate to have them
- Interesting application; already signed but with an issue that has been raised
- Floral design on front of property at Altar'd State; leased from Landlord
- Made significant progress on key issue already

Greg Terry Testimony:

- Employed at Altar'd State for 2 years; designing stores as architect since they started in 2009 (10 years)
- Women's Apparel; 115 existing stores with 22 new to open this year
- Handle conceptual design for all stores
- Registered architect in Tennessee
- Applicant is seeking an approval for illumination of the flower element on the front of the building
- A few locations of the Altar'd State stores have the large walls on the face of the building that provide opportunity for artistic composition and decoration; this was part of that original design
- Some of previous stores display picture of this floral element on ceiling as decorative motif
- Hometown of Knoxville, had similar condition with large wall; illuminated this same design on wall; had great response and impact in the community
- Few other locations around the country similar opportunities and tried to do the same motif
- Work with local artisans to do designs in all of the stores
- From retailer's standpoint, have to do something different to inspire shoppers to come to a store versus shopping from home on internet
- Way too easy to online shop
- This design helps to promote people visiting shopping malls and centers like the Promenade
- Altar'd State stores offer world class materials; very important to have a guest experience and everything that creates a reason to get out

- Use Artisans to create features inside and outside of the store
- The illuminated flower is manufactured by an artist in Knoxville; a blacksmith that works with metal
- Blacksmith designed custom unique sculptures used inside the store as well
- This was not considered signage on front of the store; considered decoration; an artistic feature
- Depicted the design on construction drawings submitted and approved by the Township
- Illumination also identified on the construction drawings submitted and approved
- Contacted office in Tennessee to get drawing that was submitted and approved; Exhibit A1; referenced illumination of the sign
- Several sheets depict the floral design that appears at the location
- Conceptual store front drawing submitted to the Landlord so they had idea of what was being proposed; went to Evesham Township Zoning group to review as well to make sure it complied
- Called out major materials and outlines overall scope of what was being proposed
- Called out as a backlit feature in the plans
- Altar'd State did not receive a sign permit for the placement of the floral element design on front of the building
- Under the impression that it was not considered a sign
- No intention to avoid sign permit process
- Of 115 current store locations, 6 stores have similar feature
- No lettering or verbiage/letters on the design façade
- Illumination of this element is very important; helping to draw people to the store; creating an amazing guest experience; has a presence that excites
- Have not been informed of any drawbacks or received any negative feedback from the floral design

Charley Schalliol Testimony:

- Employed by Site Enhancement Services
- National branding company working with top retailers; ensure brand visibility present in community
- Clients include Fidelity Investments, Advanced Auto Parts, National Eyeglass, entire Garden Restaurant chain, Bloomin' Brands
- Identify where branding should be placed; sizes, locations, read through zoning ordinances to determine applicable regulations
- Help design branding packages
- Contacted by Altar'd State's sign company, Ruggles Signs in KY, to participate as an industry leader to help get this issue to the finish line
- Under the impression that this was "already finished" when contacted
- Not a typical assignment for my company
- Strive to do things on the forward and prior to being in a situation like here today
- This is an unintended situation and why we are here to clarify/rectify
- Qualified as an expert in field; Paramus, Lawrenceville, Marlton
- In front of countless Boards in state of NJ; 20 years in business
- As Sign Site Specialist; Board Solicitor asked which Board in Marlton Mr. Schalliol was in front of previously?
- If Fidelity Investments is in this jurisdiction, then there is a great possibility in front of this Board

- Done all of Fidelity Investment locations since modification of logo in 2004
- Accepted as an Expert Witness
- Made aware of current violation of flower element at Altar'd State and the fact that it has illumination; immediately reached out to council in order to rectify
- Inspected site and familiar with location; signage within area of Promenade
- Applicant seeks approval of the architectural feature, flower element currently installed and illumination of the element
- Calculations done by my office are 1600 square feet with broadest rectangle possible to encompass all of the square footage of the element
- Significant amount of dead space calculated into the number; provided so that it had the full scope the flower element
- Studied sign and zoning ordinance for Evesham Township
- Prepared Altar'd State presentation for 500 Route 73 dated February 6, 2019
- Provide visual representation of case, highlight distances of the building façade within the distance of the center; distances to the ingress/egress point along Route 73 as seen on page 3
- 1587 feet to 978 feet 6 inches to the main entrance off of Route 73
- Demonstrate distance that the façade is from the center and the lack of visibility shown to Route 73
- When driving through the center, intent of element is to be visible within this enclosed center itself and not publicly traveled roadways
- Big part of application is to draw people to this site and show excitement
- Flower design doesn't carry any branding or verbiage but creates sense of place and sense of feel
- Overall customer experience when visiting the location
- Wayfinding not going to draw you there because of Altar'd State but creates visual interest
- Illumination enhances experience significantly
- Locations have subtle looks and branding; do not utilize full scope of signage ordinance on purpose for the look and the feel
- White element on a white washed building; very subtle during the day; impact at night
- Does it carry a brand message, no but creates a sense of interest
- Highlights façade within the center
- 3 permitted signs on this façade; Altar'd State, tag line in the entrance cove and 3 square foot mount illuminated blade sign for pedestrian use only
- Reviewed correspondence by Township Planner
- If not approved for illumination of floral design by Board, would consider alternatives
- Seeking illumination as its been in operation for over a year; however willing to hear alternatives

Board Comment

- Mr. Parikh questioned if this was now an amended application
- Board Solicitor advised that it was not as of yet, but set foundation for further questioning for potential modification to application
- As of right now, application continues to be for full illumination of the floral element

- Mr. Parikh asked the Applicant if this was the branding for all of the Altar'd State stores
- Mr. Shaloliol responded no, this is not a federally registered trademark logo; only used at 6 locations across portfolio of 115 sites
- Mr. Alperin asked why this was only used at 6 sites
- Mr. Terry will respond as designer
- Mr. Shah asked if illumination was on during the daytime
- Mr. Shaloliol stated that illumination is controlled by a timer as the façade signs are on; fluctuation based on daylight hours
- Mr. Rodgers referred to picture sent with application and felt there was a bit of a contradiction that the look is understated, yet illumination in evening picture appears quite stark; does that fit with branding and end goal
- Mr. Shaloliol responded that illumination in the evening enhances the overall presence of the façade; Altar'd State signage itself on the image and the very small tagline on entry cover are very understated and subtle; as is the flower during the day
- At night there is definitely a contrast
- Mr. Rodgers advised that it goes to the amount of light that is used; how does the brightness of the light get determined
- Mr. Shaloliol advised that it's a reverse halo illumination that washes against the building; designer is best to answer
- Photo definitely picks up a lot of contrast due to amount of black in background; not nearly as vibrant as picture depicts
- Mr. Rodgers said it was an attractive façade but based on testimony it seems that lighting at night is stark and not understated
- Mr. Rodgers asked if the amount of light was what they were looking for and if it was something that could be toned down
- Dimmable lights
- Mr. Alperin responded that not concerned if dimmable as that is doable, but the width of the light is much wider at night in the picture than in daytime; why would you want a view that is 50-100% wider at night
- Illumination that Artisan used is metal rail 1 inch and ½ wide with single strand of LED diodes on back of fixture
- No way to narrow the lighting due to single strand
- Mr. Alperin said it was because LED was chosen; obvious that current technology isn't neon tubes like 50 years ago; is it not technologically possible to keep illumination at night to look same as in daytime
- Mr. Terry responded that LED is about the amount of lumens that come out of each diode; can vary amount of lumens like you can vary amount of light out of any other light source
- This is standard lumen package as in backlit sign in picture; nighttime version and daytime version same lumen package; LED's same as in letters
- Shape of rail that creates the feature by nature of shape with LED mounted to backside allows light to spread out from behind it
- Light physics; light wants to shine out in that direction until something stops it like a blinder or an edge to shield it; based on shape lets light go out about 50% wider than the rail itself
- Mr. Alperin advised that this was their design selection chosen for a reason

- Mr. Terry responded they didn't choose it specifically to make light go that far
- Was a matter of convenience between readily available prefab metal materials that could be bent by Blacksmith that shapes it; allowing LED's to be mounted into it
- Mr. Alperin advised he was having difficulty following the rationale as a designer; seems that daytime was very tasteful, subtle, high class look and it gives a message to public; however, at night see exact opposite; very gaudy and very concerning for image of the development and the community
- Mr. Alperin asked for an explanation as to why they would want to design something that presents 2 different images to the public in the day and the night
- Mr. Terry responded that there was no specific rationale or intent to over-illuminate or over-design the feature; simply using same LED technology that was used for other interior and exterior signs; no intent to make it brighter, wider, etc. just convenience of LED technology being used for all other lighting in the store replicated
- Mr. Wilson asked if it was fair to say that the picture taken at night due to the nature of photography at night, that it could possibly be throwing light to look more intense than it really is in fact
- Mr. Terry admitted that it was more extreme from the contrast provided by the picture and due to ambient light and illumination from a variety of sources rendering this a little heavier than in actuality
- Mr. Wilson also added that he has seen sign at night and never noticed it to look this bright; seeing it at night onsite, it appears to be much more tasteful
- Applicant's attorney asked if lumens could be cut in ½
- Mr. Terry responded that the physics of light would still take it out as far but if cut lumens down it wouldn't be as bright
- Mr. Parikh added that they are on the same electrical source
- Mr. Terry said they could be replaced with a lower lumen output; on same circuit
- Applicant attorney asked if there were dimmable LED's
- Mr. Terry said they were available and would be open to that option

Brian Seidel Testimony

- Landscape architecture, licensed since 2002
- Certified Planner
- Accepted as an expert Planner
- Asked to review zoning regulations, signing ordinances and application
- Visited project site; reviewed with team
- Altar'd State is located in the C-1 zoning district; aka Evesham Crossroads Overlay district
- Reviewed Township Planners report
- Applicant is seeking relief for signage; section 160-75O-7A regarding number of façade signs and façade sign area
- The variance can be justified through the C2 flexible component; standards of zoning are advanced by granting
- Satisfaction of positive criteria and negative criteria; must show proof requirements
- Must advance purpose of zoning and no substantial detriment to the zoning plan ordinance or the general public

- Testimony of the components of the sign; labels for the business are very small in nature; approximately 14 square feet where 80 square feet is permitted
- Applicant has already received approvals for the signage
- Per correspondence received and read, as part of the construction permit application for the tenant fit out; approval was granted for the flower design
- Flower component of the sign meets the definition of what Township defines as an architectural feature; an element or resource of the architectural style, design or general arrangement of a structure visible from the outside including but not limited to style of windows, placement of doors, etc. as per Section 160-5
- Goes to more of the architectural style and feature of the building
- Definition of signable area which excludes architectural details
- C-1 zoning districts design standards encourage façade ornamentation in Section 160-68f1
- Crossroads Overlay District design standards encourage architectural design features to create visual interest at street level; Section 160-68.1G8
- Very neutral in the daytime not overly gaudy or showy; very beneficial for area
- All individual tenant suites in the center provide their own unique style in branding; architectural styles are stucco, white wash, natural brick
- Altar'd State has own unique architectural style
- Located in a commercial shopping center; commercial uses on 3 sides
- Residential use on the rear; impact of architectural design features focused on main roadway corridor and shopping center; very little impact to residents
- Lighting is not animated, doesn't change colors, not blinking or flashing
- Provided with low energy LED light
- Material that makes up flower component 1 inch and ½ in width over entire area of façade of building creates a lot of negative space
- The sign does not constitute over-branding or clutter
- Not a trademark logo, no numbers or letters
- Flower element promotes a desirable visual element; breaks up façade of the area
- Mitigating the illumination of floral design at night; considerations to reducing the light levels or the amount of lumens
- Another component already addressed is coloration of the sign; impact during daylight hours; whitewash brick façade with distressed white sign; illumination of contrast to reduce impact in daytime
- Certain holidays that are significant where illumination is important for retail units; desirable
- Holidays that are essential are months from Thanksgiving and New Year's, Valentine's Day, Mother's Day, Easter Holidays, Back to School
- Utilize techniques including illumination to make it esthetically attractive
- Must satisfy negative criteria; this applicant has done so; no substantial detriment to public good
- No impairment to Master Plan or signage Ordinance
- Largest aspect is the floral design which is an architectural detail and not signage

Leah Furey Bruder, Township Planner

- Review letter dated March 28, 2019
- As Township Planner must mention that Applicant was approved for the sign zoning permits for the Altar'd State sign, the tagline and the blade sign; came in

for typical tenant fit out and confirmed Channel Letters; halo lit as required by Ordinance

- Floral design was shown on the building but not identified as a sign nor was there any material shown; couldn't tell if design was going to be raised or painted on; but could see the floral design on black and white and it was not identified as illuminated
- Did notice it and was not picked up as sign because no illumination identified
- It wasn't intentional on the part of the Applicant; they viewed it as architecture and not a sign; was shown on the building permits
- December 2017 it was noticed; during holidays; dark early; people noticed it
- Don't review all sign permits; only one's where there is concern or questions; whether or not consistent with approval of Zoning or Planning Board
- Township definition of sign; doesn't have to be logo or registered copyright; something on a building intended to identify business and draw attention to business
- Floral design is not on a lot of Altar'd State stores; use this subtle, pretty flower; feminine design; which repeats inside the store; on ceiling design in some stores; on Mr. Terry's business card; something they use to identify
- Hard not to call it a sign
- Applicant is asking for a variance for the sign and its illumination
- Number of signs permitted on a building is limited in order to minimize clutter and distractions and maintain a coordinated and visually pleasing appearance
- Also encourage architectural design features and those are encouraged in the context of an architectural façade review
- Either way this should have/would have come before the Board
- When Promenade was initially approved, façade scheme was reviewed; various materials all coordinated; while also allowing individuality and branding
- Makes sense to allow for variations; enable businesses to distinguish themselves; however, size of sign is not consistent with what Ordinance requires
- Wouldn't want every store in every shopping center lit up in this way
- Trying to maintain high quality character in our town; have been pretty successful
- During day, if flower is still a sign, not lit up it's subtle; would recommend the variance
- Light is what becomes an issue; Applicant mentioned dimming it and limiting the lights to certain times of the year
- Everyone has holiday lights up Thanksgiving to New Year's so that makes sense; other times mentioned not excessive, so can consider it
- Would not object to limiting lights to those particular times of the year which would be identified as Conditions in the Resolution of Approval
- Mr. Parikh asked if they should work with Planner to determine the times
- Board Solicitor asked Applicant's Attorney if they would agree as a Condition of Approval if granted variances, that lighting of floral design would be limited to time periods between Black Friday and New Year's Day; for 2 weeks before Valentine's Day up to Valentine's Day; 2 weeks before Easter and through Easter; 2 weeks before Mother's Day and through Mother's Day and from Back to School 2 weeks before Labor Day

- Applicant's Attorney stated the Applicant would agree to that Condition; keeping in mind Applicant's preference was less intrusive, less impact with dimmable lights
- Board Solicitor asked if the Applicant would agree as a Condition of Approval to install dimmable LED light reducing the light level to a level acceptable to Township Planner
- Applicant's Attorney advised that the Applicant agrees and this would be their 1st choice if approved application
- Mr. Parikh asked for clarification that if they are approved for dimmable lighting that it would be illuminated for the whole year
- Board Solicitor advised various options:
 1. Application as exists; not modified; for sign maintained as is and receive approval; not supported by the Planner as it's inconsistent with Ordinance with the plan and in the façade plan in the Promenade
 2. As concession, Applicant has agreed to 2 other Conditions:
 - Preference to install dimmable LED lights; reducing lighting levels to a level acceptable to Township Planner; which would illuminate year round
 3. Option or modification for the lighting at current level to be only during the holiday time periods and Back to School times defined
 4. Option or modification for dimmable lights only during the time periods defined
- Mr. Parikh confirmed that there is no modified application at this time
- Board Solicitor advised that is correct but they have agreement to Conditions of Approval with acknowledgment by their attorney that their 1st preference is the Application as it is
- Mr. Alperin asked if the lighting could be a dark blue color
- Mr. Terry said that they could; LED comes in any color or combination; typically shy away from coloring
- Tried coloring in 2nd year as a store and didn't fit with brand; gravitated to soft white; 3700-4000 lighting level; lower range
- Mr. Parikh asked Township Planner preference of the options as the Applicant is already lighting year round; it would be inconsistent for retailer and brand to have light on and off at different times of the year
- Township Planner agreed that this one is tricky as it is blend of sign and architectural feature
- Mr. Parikh asked if main concern was light illumination at night now; too bright
- Township Planner said it's hard to imagine what it would look like if it was dimmer; would still require a variance
- Mr. Alperin asked from Planning standpoint, high class retail development like Promenade; pride for Marlton, how would we react to future requests from other tenants variances if this is approved; would we be concerned about this architectural feature all over the place
- Township Planner stated that each variance stands on its own and doesn't set precedent for next applicant; have to consider variance testimony that tenant provides that is unique
- Is this tenant space unique among other tenant spaces

- No, they are all a tenant space within the Promenade; was testimony provided that granting of this variance is somehow a better planning alternative than our own Zoning Ordinance
- Applicant made a case that it is an attractive sign and expressed why they have these architectural features to their stores; brick and mortar versus online is a valid issue; but it is a concern to Mr. Alperin's point
- Applicant's Attorney added that precise location of this store an internal storefront and not an end; could be one distinction that one could point to as compared to other future applicants
- This isn't black and white; thank the Township Planner for recognizing situation
- Good case can be made whether or not this is considered signage; lean towards interpretation of artistic feature; beautiful design for building tastefully presented in interior cove
- Representative of the Landlord present to testify
- Mr. Alperin asked if there are any other Altar'd State stores in NJ
- Mr. Terry responded that this is the only NJ store
- Mr. Alperin asked if this was potential branding for the company
- Mr. Terry responded that there are areas where it has been incorporated; graphics team uses variety of backgrounds etc. to enhance email and business cards; change up seasonally; has found its way in other marketing areas
- Not branding; company is always evolving and continuing to grow
- Mr. Alperin advised when it's an artistic feature it becomes subjective; when branding feature it is objective
- Applicant's Attorney pointed out many debates over what is considered signage; point is that it is a gray area
- Mr. Parikh asked for clarification on what is being voted on at this point
- Mr. Thompson asked Township Planner since sign has been in existence for a year now, has there been any negative response from lighting at nighttime
- Township Planner advised that it wasn't negative as far as safety or nuisance complaints; however, questions that it is pretty bright and is that allowed
- No complaints per say
- Mr. Alperin feels that options are a problem and we need Township Planner to advise Board of best option; sign has been up a year and company wants to live with it; need to keep businesses happy
- Mr. Alperin thinks everyone likes the sign; the problem is the lighting; applicant is willing to accept reduced amount of light based on Planner's approval; option makes the most sense
- Board Solicitor advised that we are going to get to a vote; heard from Applicant good give and take on issue and options or modifications
- Board is quasi-judicial body; talk about what is preferred and make decision
- Applicant's application they get to decide; then motions are requested to accept or deny initial application as submitted or make motion to approve with Condition of Approval as stated
- 2 Exhibits in front of Board are a component because Applicant wasn't trying to do anything intentionally; it was noted on construction plans and not on zoning plans; the Applicant did what they thought was right
- Mr. Alperin asked Mr. Terry if they could illuminate only part of the sign

- Mr. Terry responded that illuminating a portion of the sign would not be of great interest
- Mr. Lutner asked Township Planner if any other business in the Promenade had architecture design such as this
- Applicant pointed out in submission that the façade of the Apple Store has a metallic sign that is illuminated at night; were not required to get a sign permit
- Looking at this as a sign; architecture is reviewed also; trying to keep coordination and unifying characteristic across façade; will evolve as tenants come and go
- On this building it is brick in its natural color and the fabric awnings; as it changes need to have reviews; consistency
- Façade is white with illuminated flower; requires a review
- Mr. Lutner wants to ensure we aren't applying one standard to one applicant versus another
- Township Planner advised that sometimes reviews are administratively handled but use Code as a guide
- Mr. Thompson asked Township Planner if this Application came to office in original phase before it was put on the wall and the Applicant advised it would be illuminated, before you actually saw the brightness of it, would it have been approved
- Township Planner stated that she did not think it would have been; if she saw the material being used and known that it was going to be illuminated; would have probably said that it was a sign because of definition and would have gone to the Board for the variance; it's attractive but needs to be consistent
- Mr. Wilson stated there are several stores within Promenade that do not fit the brick façade look – Anthropology, JJill, Apple, Pottery Barn; all look nice; don't know what definition of consistency would be considering the examples
- Mr. Wilson asked if all those stores applied for variances and been approved or permitted and defined consistency
- Township Planner advised that unifying characteristic doesn't mean every store has to have it; it carries as a theme throughout the shopping center; varied materials as mentioned did not need a variance it was part of overall scheme
- Applicant's attorney advised based on experience he has another option with a condition; dimmable LED's to reduce intensity; impose a provision to undergo an inspection in 6 months to review the lighting and come back before the Board when evaluated
- Mr. Alperin advised that it be modified and not come back to the Board
- Board Solicitor advised that the Applicant's Application is as is until they make an amendment; there needs to be a Motion and a Second for the variance as is with the lights
- If they do not amend it that is motion that has to be made; if approved the lights remain on as is; if denied move on to the next motion; relief they seek is denied make second motion that it gets approved with a Condition with dimmable lights at level acceptable to Township Planner currently at 3700-4000K lumens
- Need approval or denial of current application as it exists before move on to any modifications or amendments; then alternative motion
- Not to stifle discussion or conversations, but more options discussed, the more we get further away from where we are; wrote down 4 options, then 5th option with a modification which is now 6th option

- Mr. Alperin asked if we could formalize the last option
- Board Solicitor said it is up to the Applicant's Attorney to do so
- Mr. Wilson asked in order for the Applicant to amend the application, does Board have to first deny it as it is
- Board Solicitor advised no – their council is here and can say they are amending application and request for approvals as follows
- 1st question is the Applicant willing to amend their application; if not, perfectly acceptable and vote on it as is

Public Comment:

- Laura Balba, General Manager, Davis Enterprises sworn in
- Landlord approved construction plans for this décor to façade, lettering for store name was approved as signage
- Decorative décor was approved as decorative piece; beautiful design
- Did not figure sign “Altar'd State” as part of the flower
- Many were not aware what Altar'd State was as a store in this community
- Flower would not be recognized as a logo or brand
- It is beautiful at night time and glows in a beautiful way; very attractive
- During the day; don't even see it; whitewashed; very minimal
- Positive response consistent; no phone calls or letters or negativity from consumers or residents; love store and successful addition to the center
- Might suggest if not illuminated or only at seasonal shopping periods, would become confusing; as its been up a year; may be looked at as something broken
- Davis Enterprises always strives to work in grace with Planning/Zoning Boards
- Mr. Parikh added that in order to stay consistent would make recommendation that sign be lit for whole year; not just holidays or period; would be confusing; are they open, are they closed or out of business; don't want to give the impression as a community or as a business; one courtesy we can agree on
- Board Solicitor advised that we know what different options are and now a matter of deciding
- Applicant's attorney reiterated Board has application before them to vote; if approved all is done; if denied look at alternative motion with regard to Condition of Approval
- Board Solicitor advised there is a step process; accept or deny as is first, move to next motion depending; A+B=C; has to be A and A is the application; council told you they want to vote on it as is; keep it lit as is year round; if deny A then move to B

Board Solicitor Summary:

- 1st motion should be that 2 variances being requested to have 3 signs where only 1 is permitted to have current existing façade sign to remain in place including flower façade sign illuminated as detailed in the Altar'd State presentation dated February 6, 2019
- Mr. Alperin asked if it is one motion or 2
- Board Solicitor advised it is one motion

Motion to Deny ZB19-07

Motion: Alperin

Second: Osno

Ayes: Alperin, Lutner, Rodgers, Osno, Shah, Wilson, Parikh

- Board Solicitor asked Applicant's Attorney if there was a request for an alternative motion
- Applicant's Attorney advised that the alternative being requested is for approval on the application with Conditions that Applicant be required to install and operate dimmable LED's at this location
- Board Solicitor reiterated that the request is for reduced lighting levels that are acceptable to Township Planner
- Applicant agreed
- Board Solicitor advised Board that application now is to allow façade sign to stay on with dimmable lighting on flower sign at level acceptable to Township Planner
- Mr. Parikh confirmed that it is not dimmable, but dimmed; not on a slider
- Board Solicitor accepted correction as reduced lighting level acceptable to Planner

Motion to Accept ZB19-07

Motion: Alperin

Second: Shah

Ayes: Alperin, Lutner, Rodgers, Osno, Shah, Wilson, Parikh

Resolutions

ZB 19-06 Hill

Motion: Alperin

Second: Lutner

Ayes: Alperin, Lutner, Osno, Wilson, Parikh

Motion to Adjourn

Ayes: All in favor

Communications/Organization

Next Meeting: May 13, 2019 (please note it is the 2nd Monday due to Art Show)

Meeting adjourned at 10:05 pm