

PRINCETON PLANNING BOARD

_____)	FINDINGS OF FACT
In the Matter of the Application of)	and
Thaddeus Pronel (for J. McLaughlin))	CONCLUSIONS OF LAW
For Minor Site Plan Approval and)	
Sign Variances)	File No. P2020-810P
_____)	Approval Granted: November 17, 2020

Be it resolved by the Planning Board of Princeton (“the Board”) that the action of this Board on November 17, 2020 in this matter is hereby memorialized by the adoption of this written decision setting forth the Board's findings and conclusions.

BACKGROUND INFORMATION

1. Subject site. The site (“Site”), located in the former Borough of Princeton in the CB Central Zone, with an address of 17 Witherspoon Street, is shown on the Municipality of Princeton Tax Map as Block 27.01, Lot 4.02. It is the location of J. McLaughlin, a retail clothing and accessories store. The three-story building consists of ground floor retail space and upper-level apartments. The lot contains 0.049 acres. Located one block north of Nassau Street, on the easterly side of Witherspoon Street, it is located within the locally designated Central Historic District and the National/New Jersey register-listed Princeton Historic District. A parking area and alleyway lies immediately north of the Site.

2. Surrounding land uses include street level retail and service businesses and mixed-use buildings. The Site is bounded to the west by Witherspoon Street, to the north by Spring Street, to the south by Nassau Street, and to the east by South Tulane Street.

PROPOSED SITE PLAN AND RELIEF SOUGHT

3. The applicant seeks to make design changes to the exterior of the street level retail space through the addition of a 26 s.f. “J. McLaughlin” sign on the north façade of the building. This sign would be installed 8 feet, 3 inches above grade, above the parking stalls adjacent to the building’s southern façade. It would be custom painted on the wall in “Old Gold” with an antique gold finish.

4. The applicant seeks two sign variances for the new wall sign:

- From Section 17A-368(a)(1)(a), which permits businesses only one sign, whereas a second façade sign on the north side of the building is proposed; and
- From Section 17A-368(a)(1)(a), which limits signs to a maximum area of 20 s.f. for all wall signs, whereas the total square footage of the proposed new façade sign is 26 s.f.

5. The applicant originally also sought permission to install a blade sign on the Witherspoon Street façade, for which a variance was requested. Following discussions with the Historic Preservation Commission, the applicant withdrew that request.

THE APPLICANT

6. The applicant is Thaddeus Pronel. The owner, Ocean Glover Realty, has consented to the application.

NOTICE AND HEARING

7. Proof of publication and service were filed and found to be satisfactory. The notice stated that the hearing would be held at the virtual meeting of the Board via Zoom scheduled for November 17, 2020, and the hearing was heard on such date. At the hearing, the applicant and all other interested parties were given the opportunity to present evidence and to be heard.

PLANS PRESENTED

8. At the hearing, the Board considered the following plans:
- Signage Plan, prepared by Larson Retail Studio LLC, dated September 30, 2019, last revised December 18, 2019, consisting of four sheets:
 - North & West Building Elevations – Existing and Proposed (Sheet A:4.0)
 - Existing Photos & South Building Elevations (Sheet A:4.1)
 - Property Survey/Site Plan (Sheet A:4.2)
 - Site Plan & Tax Map, Proposed Exterior Renderings (Sheet A:4.3)

EXHIBITS AND MUNICIPAL REPORTS

9. At the hearing, the Board considered the following reports prepared by municipal officials and bodies and consultants to the Board:
- Memorandum from Michael La Place, A.I.C.P./P.P., Planning Director, to the Board, dated August 26, 2020
 - Memorandum from James J. Purcell, P.E., P.M.P., Land Use Engineer, and Derek Bridger, Zoning Officer, to the Board, dated April 8, 2020
 - Memorandum from Julie Capozzoli, Chair, Princeton Historic Preservation Commission, to the Board, dated June 30, 2020
 - Memorandum from Elizabeth H. Kim, P.L.A., Princeton Historic Preservation Commission, to the Board, dated June 5, 2020

EXHIBITS AND APPLICANT'S REPORTS

10. At the hearing, the Board considered the following reports prepared by the applicant's consultants and advisors and the following exhibits that were introduced as evidence during the course of the hearing:
- Minor Site Plan checklist, dated January 7, 2020
 - Minor Site Plan Application, dated January 2, 2020
 - Letter from Thaddeus Pronel to Derek Bridger and Elizabeth Kim, dated December 18, 2019

TESTIMONY AND PUBLIC INPUT

The testimony presented by and on behalf of the applicant was given by the following persons:

Deborah Carpenter Esq. represented the applicant. Thaddeus Pronel, representative of the applicant, testified on the applicant's behalf.

11. The following Municipal staff and professionals gave advice to the Board during the hearing:

Michael La Place, A.I.C.P./P.P., Planning Director; James J. Purcell, P.E., P.M.P., the Municipal Land Use Engineer; Derek Bridger, the Zoning Officer; Elizabeth Kim, P.L.A.; and Gerald J. Muller, Esq., the Board Attorney. Heather M. Balgowan, P.E., P.T.O.E., and Daniel Dobromilsky, L.L.A. were sworn but did not provide testimony at the hearing.

12. The statements of the members of the public made during the course of the hearing may be summarized as follows:

None.

FINDINGS AND CONCLUSIONS RE: MINOR SITE PLAN APPROVAL

13. The request for the painted sign on the northern exterior wall of the building is reasonable in that there is a large open area on that side of the property that fully exposes the northerly side of the building. The first floor section of the wall is blank, and the proposed sign will enhance the look of the building. Painted signs such as the one proposed by this application were traditionally found in historic downtown areas.

14. The Site is in Princeton's historic overlay district and therefore subject to review by the Historic Preservation Commission ("HPC") for any changes visible from a public right-of-way. While the HPC objected to the applicant's original proposal to add two new signs to the exterior, the applicant, after discussions with the HPC, withdrew the request for the new blade sign. The

HPC found that the proposed sign on the northerly façade is acceptable for the façade location and does not detract from the historic character of the other surrounding buildings. The HPC thereafter unanimously voted to recommend the Board’s approval of the minor site plan and sign variances.

15. The Board finds that the proposed plan meets the criteria set forth in Sections 10B-226 (Site Plans) and 10B-386 (Historic Preservation) of the Ordinance. The new sign will have a negligible effect on the environment and will be appropriate to and compatible with the existing structures in the historic preservation district.

16. Conclusion re minor site plan and wall variances. The Board finds that, with the variances granted and condition imposed, the applicant has satisfied all municipal site plan standards. Minor site plan approval, accordingly, is granted.

FINDINGS AND CONCLUSIONS RE: VARIANCES

17. The application necessitates two variances. The variances and Board’s action on them are as follows:

(a) Variance: From Section 17A-368(a)(1)(a), which permits businesses to have only one wall sign, whereas a second façade sign is proposed.

Variance granted. The applicant provided testimony in support of a c(2) variance (N.J.S.A. 40:55D-70c(2)). Granting the variance would advance Municipal Land Use Law purpose “a,” which is to provide for the appropriate development of land (N.J.S.A. 40:55D-2a). It does so by identifying the J. McLaughlin store on the northerly façade and thereby unifying its two store facades. The Ordinance permits businesses on corner lots to have a second sign located on the wall facing the other street. The Site is not considered a corner lot because it does

not front on two public streets, but with the opening between the Site and the building immediately to the north, which permits vehicular access to parking off of Witherspoon and to South Tulane Street, the Site has the features of a corner lot and therefore the business can benefit from use of the northerly façade of the building for a second sign. There are no detriments to having the additional signage as it is consistent with the historic character of the Central Historic District. The benefits of granting the variance are therefore substantial, and the Board finds that the benefits outweigh any detriments. The “flexible c” criteria have therefore been satisfied.

The negative criteria are also satisfied. There is no substantial detriment to the public good for the reasons provided above, and the impairment of the zoning ordinance is not substantial.

Accordingly, the variance is granted.

(b) Variance: From Section 17A-368(a)(1)(a), which limits the total square footage of all wall signs to 20 s.f., whereas the proposed new sign is 26 s.f.

Variance granted. This variance is granted for similar reasons set forth for variance (a). The proposed sign is proportional to the northerly façade wall space on which it will appear. The size of the sign will serve the applicant’s legitimate purpose of providing additional brand identification without negatively impacting the historic character of the district. There are similarly no detriments to having the additional signage. The benefits of granting the variance are therefore substantial, and the Board finds that the benefits outweigh any detriments. The “flexible c” criteria have therefore been satisfied.

The negative criteria are also satisfied. There is no substantial detriment to the public good for the reasons provided above, and the impairment of the zoning ordinance is not substantial.

Accordingly, the variance is granted.

CONDITIONS REQUIRED

18. The Board finds that, in order to address the concerns expressed during the course of the hearing and to limit the relief to that which is reasonably necessary to satisfy the applicant's legitimate requirements, the relief granted is subject to the following condition:

(a) The existing small "bicycle parking" sign on the northern façade over existing bicycle racks adjacent to the building shall be removed.

CONCLUSION

Based on the foregoing, the Board at its November 17, 2020 meeting voted to approve the plans with revisions made therein and is supplemented and modified by the exhibits subject to the conditions and to be revised in accordance with the conditions set forth herein.

Approved: 11/17/20

Vote on Motion: 11/17/20

FOR: Wilson, Cohen, McGowan, Oakman, Quinn, Sacks, Tech-Czarny, O'Donnell

AGAINST: No one

ABSTAIN: No one