

PRINCETON PLANNING BOARD

In the Matter of the Application of)	
BL Development Manager, LLC)	FINDINGS OF FACT
775 Mount Lucas Road (Signage) for)	AND
Minor Site Plan Approval with Variances)	CONCLUSIONS OF LAW
)	File No. P2222-243PM
)	Approval granted: December 1, 2022

Be it resolved by the Planning Board of the Municipality of Princeton that the action of this Board on December 1, 2022 in this matter is hereby memorialized by the adoption of this written decision setting forth the Board's findings and conclusions.

BACKGROUND

1. The site (“Site”) is identified as Lot 3 of Block 2802 in the OR-1 Zoning District, 10 acres in size. It is improved with a senior living center commonly known as the Brandywine Living Serenade at Princeton. Residential property lies to the north and west, and commercial property to the south and east, with Mount Lucas Road bordering the Site to the West.

PROPOSED PLAN

2. The Applicant proposes to install two new signs, (1) a free-standing internally illuminated monument sign and (2) a directional sign, and (3) replace the existing monument sign located to the north of the driveway on Mount Lucas Road with a new free-standing internally illuminated sign.

RELIEF SOUGHT

3. The Applicant seeks minor site plan approval for a sign package with variances.
4. Seven variances are requested, as follows:
 - From Section T10B-298(g)), which permits one free-standing sign per lot frontage, whereas two new free-standing are proposed (two variances);
 - From Section T10B-298(h), which permits internally illuminated signs only in the S-2 Zoning District, whereas two internally illuminated signs are proposed in the OR-1 Zoning District (two variances);
 - From Section T10B-297(a), which requires free-standing signs in the OR-1 Zoning District to be setback a minimum of 10 feet, whereas the proposed monument signs along Mount Lucas Road are proposed to have setbacks of 1.4 feet and 2 feet (two variances); and
 - From Section 10B-294(a)(6), which requires directional signage to not exceed 30 inches in height, whereas the proposed new directional sign is 54 inches high (one variance).
5. The following minor site plan submission waiver was also requested, as there is minimal site work associated with this application:
 - Item (a)5 - Fire Protection Plan

THE APPLICANT

6. The Applicant is BL Development Manager, LLC, the development company for the owner, WELL BL Portfolio 1 PropCo LLC.

NOTICE AND HEARING

7. Proof of notice and publication was filed and found to be satisfactory.

8. The notice stated that the hearing would be held at the meeting of the Board scheduled for December 1, 2022, 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

9. At the hearing, the Board considered the following plans:
- Brandywine Living Serenade at Princeton Signage Rendering, prepared by Foreman Signs, dated March 31, 2022, revised through July 6, 2022
 - Minor Site Plans, prepared by First Order LLC, dated July 27, 2022
 - Property Survey, prepared by CRE Surveys, dated February 25, 2022, consisting of two sheets

MUNICIPAL REPORTS

10. At the hearing, the Board considered the following reports prepared by municipal officials and bodies and consultants to the Board:

- Memorandum from Daniel Weissman, P.E., Land Use Engineer and Derek Bridger, Zoning Officer to the Board, dated October 10, 2022
- Memorandum from Dan Dobromilsky, L.L.A. to the Board, dated November 9, 2022

EXHIBITS AND APPLICANT'S REPORTS AND SUBMISSIONS

11. At the hearing, the Board considered the following reports and submissions prepared by the Applicant's consultants and advisors and the following exhibits that were introduced as evidence during the course of the hearing:

- Exhibit A-1 – Drawing No. 1
- Lighting Study Existing Conditions and Lighted Sign Impact dated August 19, 2022, and received August 26, 2022

- Application for Site Plan Review - Classification for Minor Site Development, dated June 22, 2022, including Narrative Report
- Notice of Appeal and Application for Development including Narrative, dated June 1, 2022
- Site Plan Checklist dated June 1, 2022
- Minor Site Plan Checklist Narrative, dated August 10, 2022

TESTIMONY AND PUBLIC INPUT

12. The testimony presented by and on behalf of the applicant and advice by Board consultants were given by the following persons:

Benjamin A. Nadell, Esq. represented the Applicant. Kenneth Segarnick, Chief Corporate Officer Brandywine Senior Living; Barry Jacobson, Forman Sign Company, Inc.; Brian S. Conway, L.A., P.P., its lighting expert, and Gordon Gemma, P.P., its professional planner testified on the Applicant's behalf.

The following municipal staff and professionals gave advice to the Board at the hearing:

Dan Dobromilsky, L.L.A., P.P.; and Gerald J. Muller, Esq.

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 application has been reviewed in accordance with the criteria set forth in Sections 10B-226 (a) through (p) of the Ordinance, as follows:

(a) *Ecological Considerations.* Pursuant to Section 10B-226(a) of the Ordinance, the development shall result in minimum impairment of the regenerative capacity of aquifers and other groundwater supplies, result in minimum degradation of unique land types and have minimal adverse impact upon the critical areas.

The proposed signs will have minimal effect on the ecological features of the Site and surrounding area. Accordingly, the Board finds that this criterion is satisfied.

(b) Landscape. Pursuant to Section 10B-226(b) of the Ordinance, the historic and natural character of the landscape shall be preserved, insofar as practical and environmentally desirable, by minimizing tree and soil removal. If the development of the site necessitates the removal of established trees, special attention shall be given to the planting of replacements or to other landscape treatment.

No landscaping is proposed or will be affected. This criterion is therefore satisfied.

(c) Relation of Proposed Structures to the Environment. Pursuant to Section 10B-226(c) of the Ordinance, proposed structures are to be related harmoniously to themselves, the terrain, existing buildings, roads and historically significant features, if any.

For the reasons set forth below in the Variances section, the Board denies the Applicant's request for variances to internally illuminate the monument signs. Instead, the Applicant will be permitted to externally illuminate the signs, which will help serve the signs' wayfinding purposes while also complying with the ordinance. Subject to the Applicant meeting the conditions of this approval, the Board finds this criterion is satisfied.

(d) Scenic, Historical, Archeological, and Landmark Sites. Pursuant to Section 10B-226(d) of the Ordinance, scenic, historical, archaeological, and landmark sites and features that are located on or adjacent to the proposed development shall be preserved and protected insofar as practicable.

The Site is not located in a historic district, nor does it contain any archeological or landmark sites. Therefore, this criterion does not apply.

(e) Surface Water Drainage. Pursuant to Section 10B-227(e) of the Ordinance, a proposed development shall be designed to provide for proper surface water management through a system of controlled drainage.

The project is not subject to the regulations of Stormwater Management Ordinance since there is no change to impervious surface and the area of disturbance is less than half an acre. Accordingly, the Board finds that this criterion is satisfied.

(f) Driveway Connections to Public Streets. Pursuant to Section 10B-226(f) of the Ordinance, all entrances and exit driveways to public streets shall be located with due consideration for traffic flow and so as to afford maximum safety to traffic on the street on the public streets.

No connections to public streets are proposed. Therefore, this criterion does not apply.

(g) Traffic Effects. Pursuant to Section 10B-226 (g) of the Ordinance, the site development proposal shall minimize adverse traffic effects on the road networks serving the area in question either existing or included in the Master Plan.

No traffic impact is anticipated. This criterion is therefore satisfied.

(h) Pedestrian and Bicycle Safety. Pursuant to Section 10B-226 (h) of the Ordinance, pedestrian and bicycle circulation shall be separated from motor vehicle circulation. Safe and convenient pedestrian circulation shall be provided on the site and its approaches. The pedestrian plan shall be designed to minimize adverse effects of vehicular traffic upon sidewalks and bicycle paths.

No impacts on pedestrian or bicycle safety are anticipated. This criterion is therefore satisfied.

(i) On-Site Parking and Circulation. Pursuant to Section 10B-226 (i) of the Ordinance, the location, width, and layout of interior drives shall be appropriate for the proposed interior circulation. The location and layout of accessory off-street parking and loading spaces shall provide for efficient circulation and the safety of pedestrians and vehicles.

No parking, proposed or existing, is associated with this application. Therefore, this criterion does not apply.

(j) Utility Services. Pursuant to Section 10B-226 (j) of the Ordinance, the applicant must achieve assurances that the necessary infrastructure and utilities are available from on-site, municipal, or private systems, including sanitary sewer, potable water, and irrigation water.

No modification or new services are proposed. Therefore, this criterion does not apply.

(k) Disposal of Wastes. Pursuant to Section 10B-226 (k) of the Ordinance, there shall be adequate provision for the disposal of all solid, liquid, and gaseous wastes and for the avoidance of odors and other air pollutants.

No waste is generated by the proposed signage. Therefore, this criterion does not apply.

(l) Noise. Pursuant to Section 10B-226 (l) of the Ordinance, all applicable federal, state, and local regulations dealing with the control of outside noise which is expected to be generated at the site shall be complied with.

The Applicant will adhere to municipal noise requirements during construction. Therefore, this criterion is satisfied.

(m) Advertising Features. Pursuant to Section 10B-226 (m) of the Ordinance, the size, location, height, design color, texture, lighting and materials of the signs or outdoor advertising structures features shall not detract from the design of proposed buildings and structures of the surrounding properties

The Applicant proposes three signs, including improvement of the existing monument sign. For the reasons set forth below with respect to the requested variances, including denial of the variances for internally illuminated signs, and subject to the Applicant meeting the conditions of approval, the Board finds that this criterion has been satisfied.

(n) Special Features. Pursuant to Section 10B-226(n) of the Ordinance, outside storage areas, service and machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent any adverse effect upon the environment or nearby property.

No special features are proposed. Therefore, this criterion does not apply.

(o) Waterway Corridors. Pursuant to Section 10B-226(o) of the Ordinance, site plans shall be designed so as to preserve from disturbance waterway corridors.

There are no waterway corridors on or adjacent to the project area. Therefore, this criterion does not apply.

(p) Special Technological Impacts. Pursuant to Section 10B-226(p) of the Ordinance, where the proposed site development involves emissions, noise, wastes, materials, equipment, or other hazards which require specialized expertise to evaluate, the administrative officer shall refer the applicant's submissions to the municipal-retained environmental consultant (or to several consultants where more than one field of expertise is involved), requesting an independent review of the environmental impact of the project to be set forth in a

report to the board having review jurisdiction. The cost of these studies shall be charged to the applicant's escrow account established pursuant to section 10B-32.

No special technological impacts are anticipated. Therefore, this criterion does not apply.

14. Conclusion re minor site plan approval. The Board finds that, with the variances granted and conditions imposed, the Applicant has satisfied all municipal minor site plan requirements. Minor site plan approval is, accordingly, granted.

FINDINGS AND CONCLUSIONS RE: VARIANCES

15. The applicant requested seven variances. The variances and the Board's action on them are as follows:

a. Variances (two): From Section T10B-298(g)), which permits one free-standing sign per lot frontage, whereas two new free-standing signs are proposed.

Variances granted. There is presently one single-faced, non-illuminated monument sign at the driveway entrance of the Site on Mount Lucas Road. The Applicant proposes replacing this sign with a newly improved monument sign, and adding a second free-standing monument sign to the entrance of the facility on Site, and a new wayfinding sign adjacent to the Mount Lucas Road entrance. Granting these variances would advance purposes "a" of the Municipal Land Use Law, which is to provide for the appropriate development of land. Mount Lucas is a dark road and the present signage is outdated and difficult to see at night. The newly improved existing sign and additional signs will assist residents and visitors, including emergency responders, in identifying and locating the property, providing better visibility and thereby also increasing overall safety and efficiency. The Applicant requested variances to be able to illuminate the signs internally, but these requests are denied by the Board (see below). Instead, the signs will be externally illuminated, which more appropriately serves the Applicant's wayfinding purposes but without detrimental effect (see Condition 19a). The benefits are

therefore substantial, while there are no detriments. Strict application of the Ordinance, on the other hand, would impose undue hardship on the developer by depriving it of an important wayfinding element that will assist residents and visitors in locating the property, while there is no obvious downside. The benefits therefore outweigh the detriments, and the “flexible c” positive criteria are satisfied.

The negative criteria are satisfied as well. These variances can be granted without substantial detriment to the public good for the reasons provided. Nor will granting the variances substantially impair the intent and purpose of the Zone Plan, or impair the intent and purpose of the Zoning Ordinance, which is to limit excessive signage, and the proposed signage, subject to the conditions herein, are appropriate. Accordingly, and subject to the conditions of approval, these variances are granted.

b. Variances (two): From Section T10B-298(h), which permits internally illuminated signs only in the S-2 Zoning District, whereas two internally illuminated signs are proposed in the OR-1 Zoning District.

Variances denied. The proposed illumination for the two monument signs along Mount Lucas Road exceeds the Ordinance requirements, including the limit of illumination to 0.5 foot-candles at the property line of non-residential property. The light study indicates that the increase in light level from the originally proposed illuminated signs dissipates to the existing conditions up to 35 feet from the property line, which falls into the public right-of-way in Mount Lucas Road. The alternative external illumination is more appropriate and complies with the Ordinance. Accordingly, these variances are denied.

c. Variances (two): From Section T10B-297(a), which requires free-standing signs in the OR-1 Zoning District to be setback a minimum of 10 feet, whereas the proposed monument signs along Mount Lucas Road are proposed to have setbacks of 1.4 feet and 2 feet.

Variations granted. These variations are granted for the same reasons as variations a above.

d. Variance (one): From Section 10B-294(a)(6), which requires directional signage to not exceed 30 inches in height, whereas the proposed new directional sign is 54 inches high.

Variance granted. This variance is granted for the same reasons as variance a above.

FINDINGS AND CONCLUSIONS RE: SUBMISSION WAIVERS

16. The Applicant requested a checklist submission waiver from checklist item (a) 5 – Fire Protection Plan, an item ordinarily required when site work is involved. As no site work is proposed in this application, the Board finds this waiver request to be reasonable and within the general purposes and intent of the Ordinance. Literal enforcement of this requirement would exact undue hardship upon the Applicant by requiring information that does not apply. Accordingly, this waiver is granted.

CLASSIFICATION FOR MINOR SITE PLAN DEVELOPMENT

17. Classification for minor site development requires that “the administrative officer in consultation with the municipal engineer and, in appropriate cases, with the storm drainage engineer shall review each classification application that is filed and prepare a report thereon, including any recommendations as to whether the proposed site development should be classified as major or minor, being guided by the considerations set forth in Sections 10B-210, 10B-211 and 10B-226.” If, after such review it is determined that “no major detrimental effects nor so many minor detrimental effects as cumulatively constitute a major detrimental effect are to be anticipated in any of the foregoing considerations” and that the application conforms to the definition of "minor site plan" as set forth in Section 10B-2, the application is classified as a minor site plan. § T10B-211.

18. In this case, minor site plan classification was recommended by the Land Use Engineer because no detrimental effects are anticipated from the proposed development, subject to the variances granted and conditions imposed.

CONDITIONS REQUIRED

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

- a. The signs by Mount Lucas Road shall be redesigned subject to staff approval. They shall be externally illuminated and not internally illuminated.
- b. A street address shall be added to the two signs by Mount Lucas Road. They may be on one of the pillars for each of the signs and shall be subject to staff approval.
- c. A lighting plan subject to the review and approval of the Land Use Engineer shall be resubmitted.

CONCLUSION

Based on the foregoing, the Board at its December 1, 2022 meeting voted to approve the plans with revisions made therein and as supplemented and modified by the exhibits and to grant the relief identified above subject to the conditions and to be revised in accordance with the conditions set forth herein.

Adopted:

Vote on motion: 12/1/2022

FOR: Wilson, Capozzoli, Chao, Cohen, McGowen, O'Donnell, Quinn, Sacks, Taylor

AGAINST: No one

ABSTAIN: No one

RECUSED: No one

ABSENT: Tech-Czarny

INELIGIBLE TO VOTE: Bottigheimer – 10 members present so Alt II vote not needed

Vote on findings:

FOR:

AGAINST: No one

ABSTAIN: No one