

LAWRENCE TOWNSHIP ZONING BOARD OF ADJUSTMENT
Regular Meeting
Wednesday, April 15, 2015

Present: John Gladwell
Christina Hultholm
Bruce Kmosko
Charles Lavine
Shabnam Salih
Frank Scangarella
Peter F. Kremer, Chair

Absent: None

Excused Absence: Samuel Pangaldi, Vice Chair
Melissa Saunders

Also Present: Brenda Kraemer, P.E., Assistant Municipal Engineer
Brian Slaugh, Planning Consultant, Clarke Caton Hintz
Edwin W. Schmierer, Attorney, Mason, Griffin & Pierson
Susan Snook, Recording Secretary

1. Statement of Adequate Notice

Adequate notice of this meeting of the Lawrence Township Zoning Board has been provided by filing the annual meeting schedule with the Municipal Clerk as required by law; by filing the agenda and notice with the Municipal Clerk, posting prominently in the Municipal Building, and mailing to the Trenton Times, the Trentonian and the Lawrence Ledger newspapers.

2. Oath of Office: None

3. Public Participation: (None)

4. Resolutions:

Resolution of Memorialization 11-15z; Bulk Variance Application No. ZB-4/14 and Major Site Plan – Preliminary & Final Approval Application No. SP-4/14; Spruce Street Partners, LLC, 1060 Spruce Street; Tax Map Page 7, Block 701, Lots 40 – 42 was approved per unanimous vote.

5. Minutes for Approval:

February 18, 2015 minutes were approved by unanimous vote.

6. Appointments:

Resolution of Memorialization 12-15z approving Sara Summiel as Special Recording Secretary was approved by unanimous vote.

7. Continuation to June 17, 2015 – Use Variance Application No. ZB-7/12; Preliminary & Final Site Plan Application No. SP-/14; Berk-Cohen Associates (Berks Walk); 180 Franklin Corner Road; Tax Map Page 39, Block 3901, Lot 10 no testimony or no vote was needed.

8. Bulk Variance (Sign) Application No. ZB-2/15; Wawa, Inc., Route 1 & Bakers Basin Road; Tax Map Page 36.01, Block 3601, Lot 1.01.

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Timothy Prime is the Attorney representing the applicant. Mr. Prime stated is it the new development that is being constructed at the corner of Route 1 and Bakers Basin, and there is a proposed Wawa in the subdivision which includes a TD Bank and a McDonald as well as associated retail buildings. Wawa has a land lease with the developer and when the lease was negotiated, there was a specific sign package that was agreed upon with the developer and Wawa and that sign package is what the Board approved. The Board wanted a combined sign, a monument sign and the sign that was approved was what Wawa agreed to with the developer.

The sign on the lease had LED lights; which all Wawa stores have gas pricing signs that are LED lights and thought that was what the Board approved. The sign should the panel but not specifically the LED lights.

The State Statute N.J.56:6-2 does state that every retail dealer shall publically display and obtain a sign stating the price per gallon or liter which will be sold at the site. The state law also provides that the price sign has to be displayed by a sign or signs located on the premises and any adjacent roadway. The sign has to be visible and must show the price and the regulation is the price could not be changed more than once in 24-hours.

The LED sign are for fuel pricing signs, more popular and Wawa uses them exclusively in their stores to sell fuel and are significantly less costly, more efficient and better as overall lighting of the sign. The Township approved, part of the permit process being a sign was needed to open, an older version "scroller" signs. The variance is for the LED lights.

Mr. Slaugh stated the sign that was approved was part of the overall site plan application which had a sign but not the lettering which reads no surcharge ATM PNC Bank; it this being requested as part of the application. Mr. Prime stated yes, this is the sign with the lease package; which Wawa thought was approved with the application. Wawa offers a free ATM with PNC Bank. Mr. Slaugh stated it would increase the variances requested. Chairperson Kremer stated it will be one variance.

Witness #1: Michael Redel, Project Engineer. Mr. Redel stated that the sign did not include the PNC Bank logo on the sign. Mr. Redel stated all the signs at all new Wawa locations are LED lighting; feels important that all lights in the store and outside are LED because it is more efficient; crisper and easier to read. Technicians are trained to repair and/or fix the LED lighting. The LED lighting costs less than the scroller which is \$12,800 vs. LED is \$3,328.

Mr. Slaugh asked if other locations have the scroller signs which will be a cost savings. Mr. Redel stated some older stores do have but will be retro-fitted to LED lights and it could be a possibility but the equipment will be new for all the stores. Mr. Slaugh asked what is the basis that this type of sign is more legible. Mr. Redel stated it is 10 to 20% better visibility. Mr. Prime stated they are never brighter or less bright than they have to be for LED lighting.

Witness #2: Jarrett Bolton, employed by Daktronics. Specific in lighting for fueling stations and convenience stores. Mr. Bolton gave a detail regarding a scroller which have mechanical rollers to change the letters are illuminated by fluorescent lights behind it, which actually projects the whiteness of the letters and darker in the background. LED signs actually create the letters which means you do not need as much light to create the image, not projecting but creating. The lights are adjusted accordingly and they should be approximately .03 candles above ambient light. This is a greener solution than fluorescent bulbs.

Mr. Slaugh asked why the illumination could not be provided by LED signs. Mr. Bolton stated you still need lighting behind it to project the image; however, they are not using light to project the image, they are using light to create the image, which does not use much light. Mr. Slaugh

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commented on his report, dated March 26, 2015, Page 3 of 4, and questioned if the red letters are more distinct than the green letters and stated the exhibit presented for the scrolling exhibit, illuminated white letters, and is the white number translucent. Mr. Bolton stated yes. So Brian questioned which is more legible.

Chairperson Kremer questioned if Mr. Bolton can testify to the quality or legibility. Mr. Bolton stated the picture is zoomed in and a rendering of those images which is a digital photograph from an unknown distance and an unknown angle for this exhibit.

Mr. Slauch stated you are asking for a variance from the Lawrence Township Land Use Ordinance which does not permit such a sign; therefore, testimony is needed to support the application; how many LED's make up a letter. Mr. Bolton stated it is a two-stroke LED which means it is two LED wide. There will be seven (7) sets per digit.

The edge of the letter in the scrolling sign would be fuzzier than one created with a LED. The light is coming at 90°, 45° and a 30° angle from the back of the sign. Mr. Scangarella asked if the scrollers are used at any other Wawa's in New Jersey and Mr. Prime stated they are not used. Ms. Hultholm asked if the other signs will be illuminated. Ms. Kraemer stated we have no other applications and will be internally illuminated because they are not shown on the site plan. The sign packages for the individual users will get submitted to the Zoning Officer for review and as long as they conform to the sizes and the information that was presented on the site plan, they will be approved administratively approved and will need specifics.

Witness #3: Christopher Densten, Icon. The goose logo will be fluorescent with a plastic panel with no changes. The Board members questioned Mr. Densten about fluorescent lighting. Mr. Prime stated the numbers are only LED. Exhibit A1: Sign Detail (for the LED lights).

Witness #4: Charles Olivo, Stonefield Engineering & Design. Mr. Olivo testified about the changes to a more modern type of lighting fixture in terms of the LED. This fits in with the theme of the Wawa stores as well as the various features. The goal is to bring the sign up to standard with sign visibility.

Mr. Olivo stated that the people who are driving on Route 1 will be the one seeing the sign well in advance to purchase gas or shop at the convenience store. The general rule of thumb is approximately 30 – 40' of visibility for each inch of letter height or number height (because they have both). The letter is 36" which would give you about 1,000' of visibility up the road. He continued to state can the motorist detect the sign and make sure there is no interference with the signals located at Bakers Basin Road and continued about vision and the safety of the sign location. There is an 8" letter, Exhibit A-1, 240 – 320' of visibility which is approximately 14 car lengths back from the right turn in. Chairperson Kremer asked what the height is from the ground and how high are the panels. Mr. Olivo stated the base of the monument sign is 3'4" and the height of the Wawa panels is 3'6" and the drivers' eye is at 3', which would be at the base.

Mr. Prime stated Wawa has its own sign and is on the top on Bakers Basin Road. This is the only location that displays the gas. Mr. Slauch asked about the scrolling sign, which has 10" letters, which would not have greater visibility for distance than the smaller 8" letters than the electronic sign. Mr. Olivo commented that if the letters are generally taller, the expectation would be that motorists would be able to see that upstream if illuminated; both are safe. Mr. Olivo stated that since the sign is 450' up the road and out of the cone of vision. Chairperson Kremer asked about the sharpness/clarity and the difference between the two systems. Mr. Olivo stated they use the United State Sign Council has literature about general rules of thumb how they apply to light index levels and speak about signs that are externally illuminated vs. internally illuminated and do jump up to the illumination gain. LED is most modern type used and appear to be clearer.

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Chairperson Kremer asked about the sign on Bakers Basin Road. Mr. Olivo stated the sign location is up stream on the right-in right-out driveway and Bakers Basin is to the west of the driveway. The sign is not visible from Route 1; see Exhibit A-2, Site Plan, Sheet C5, revision dated February 14, 2014.

Witness #5: Elizabeth Leheny of Phillips Preiss Grygiel (Planning & Realty Estate Consultant Firm).

Mr. Kremer excused himself because of a conflict with PPG (7:57 p.m.). At this point because there was no Vice Chair present at the meeting, a motion was made by Christine Hultholm and seconded by Shabnam Salih to nominate Frank Scangarella as the fill-in Chairperson.

Ms. Leheny continued that to provide testimony and support of this application for the LED gas sign. §535.L.13 of the Lawrence Township Land Use Ordinance does not permit signs where the message is changed by electronic means in the highway commercial zone. It would only be changed once a day, it is not flashing or scrolling and no message except the price of the fuel. Ms. Leheny stated LED lighting is a trend in the industry; more energy efficient, customers look for it, no sign clutter, more legible and there is no distraction to the drivers than any other signage. Within the last six (6) months, the sign ordinance was revised and permits this type of sign only on the highway, but not Route 1 to try to preserve the aesthetics.

Mr. Slaugh commented on the positive criteria, cost savings and provide specific space in an appropriate location in certain uses to meet the needs of the citizens. Ms. Leheny stated it is modern and up to date and what type of changes to be made to the Master Plan. Mr. Prime stated the scroller technology is the older technology.

The Board members took a break from 8:06 p.m. to 8:13 p.m.

Mr. Slaugh was sworn in and stated he is the Planning Consultant for the Zoning Board. Mr. Slaugh referred to his report dated March 26, 2015, copy attached, see Comment 4.3 (Sign Legibility). Mr. Slaugh commented on the shape of the letters of the numbers and the minimum letter height size was established, which is referenced in his report, about the number of lanes of traffic and speed limit of that motorist, which is 55 mph with six lanes and that puts it into a different category in the ordinance, which requires 16" letters. Mr. Slaugh stated that certain logos are known; however, the idea behind the price is that it has to be displayed by State law and the LED is 8"; the scrolling sign is 10", the 10" letters would be more visible.

Mr. Slaugh spoke about lumination; fussiness and how it loses legibility; the photograph shows red letters on a black background and because of the red and the black has less contrast than it does when you have white lettering with a black background; the sign that is at Bakers Basin Road in front of the site, the first traffic signal coming from the Route 1 Freeway have for 18 miles; it is also an area where it has a lot of congestion; in this area there is a lot of stopped traffic; there is many lanes of traffic and weaving movements. It is important that the lettering and legibility of the sign be the best that it can be and in his opinion, based on the letter size and the contrast and the use of the different letters; the letters on the scrolling sign are inch and an half wide and those of the LED are half-inch wide and scalling off the drawings that the letters on the scrolling sign will be more legible. The purpose has to do with legibility, the electronic sign is not and would better serve the community to have a change by mechanical means and not electronic.

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Mr. Slauch spoke about the variance approvals that were two aspects of the Municipal Land Use Law in Sub-section 2 - A & G, which the purposes of the MLUL are really for actions of the municipality to determine it's planning and zoning matters and do it in an appropriate manner which benefits the health and public safety welfare factor. This does not support this application.

Mr. Prime commented that the applicant tried to offer testimony that the LED is just better technology; they are more efficient, crisper and easier to see. The lighting expert would not propose a sign for this project that is not visible from the roadway. The expert testimony was that they would not only be visible, but a better state of the art proposal. This sign will not blink and have no movement. There are LED lights in the parking lot and in the canopy. Wawa is trying to maintain consistency, not only with the brand, but also with the technology that is available at all of these stores. This would be the only store without the LED lighting. Wawa has been very cooperative with the size of the sign; usually they have two signs on the road front but not at this location.

The Board members gave their comments on this application.

Adjournment

There being no further business to come before the Board, the meeting was adjourned at 8:38 p.m.

Digital audio file of this meeting is available upon request.

Respectfully submitted,



Susan Snook
Recording Secretary

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MINUTES APPROVED: September 16, 2015