

Present: Fisher, Peterson, Canonico, Walsh, Anderson  
Kennedy (Attorney)  
Cranmer (Engineer)  
Absent: Waterbury, Betesh, Stambaugh

Vice Chairman, Mr. Fisher, called the meeting to order at, 7:30 p.m.  
All saluted the flag, and the presiding officer's statement was read.

Mr. Kennedy advised that there is a quorum in attendance. The application before the board is a minor site plan with bulk variances and a majority is needed for an approval.

**Minutes:**

A motion was made by Mr. Walsh, seconded Ms. Peterson to adopt & memorialize the minutes of the January 3, 2011 meeting minutes as submitted. All approved.

**Correspondence:**

- Disclosure Statements handed out
- Letter received from McOmber & McOmber, requesting Goodwill Industries be carried to March 2, 2011 without further notice.  
Mr. Kennedy announced that this will be carried to the March 2, 2011 meeting without further notice.

**Adoption of the following resolutions:**

A motion was made by Ms. Peterson, seconded by Mr. Walsh appoint Mr. Kevin Kennedy as counsel to the Shrewsbury Board of Adjustment for 2011.

Roll Call:

Affirmative: Fisher, Peterson, Walsh, Anderson  
Negative: none

A motion was made by Ms. Peterson, seconded by Mr. Walsh to approve Mr. Kennedy's Legal Service Agreement as presented for 2011.

Roll Call:

Affirmative: Fisher, Peterson, Walsh, Anderson  
Negative: none

A motion was made by Mr. Walsh, seconded by Ms. Peterson as special legal counsel, to the Shrewsbury Board of Adjustment primarily to the Azgara Bowl case for 2011.

Roll Call:

Affirmative: Fisher, Peterson, Walsh, Anderson  
Negative: none

A motion was made by Mr. Walsh, seconded by Ms. Peterson to approve Mr. Steib's Legal Service Agreement as presented for 2011.

Roll Call:

Affirmative: Fisher, Peterson, Walsh, Anderson

Negative: None

A motion was made by Ms. Peterson, seconded by Mr. Walsh approving the appointment of Mr. David Cranmer, Cranmer Engineering as board engineer for 2011.

Roll Call:

Affirmative: Fisher, Peterson, Walsh, Anderson

Negative: None

A motion was made by Mr. Walsh, seconded by Ms. Peterson approving the appointment of Mr. David Cranmer, Cranmer Engineering as Planner for 2011.

Roll Call:

Affirmative: Fisher, Peterson, Walsh, Anderson

Negative: None

Ms. Canonico arrived @ 7:47 pm.

**Planning Board Representative:**

Mr. Cranmer gave a brief report as to what transpired at the Planning Board meeting on 1/16/10

- Article X - Zoning Standards are being reviewed.
- Reexamination Report may be done in 2011
- Building Height discussion
- Re-codification process of Section 94

**Unfinished Business:**

**Mr. Mathew Shoukas**

Bl: 40, Lot: 47

**Adoption of Resolution**

A motion was made by Mr. Walsh, seconded by Ms. Canonico to adopt & memorialize the resolution of approval to Mathew Shoukas as submitted.

Roll Call:

Affirmative: Fisher, Peterson, Canonico, Walsh, Anderson

Negative: None

**Cassidy-McNee Properties, LLC**

**Adoption of Resolution**

Bl: 35, Lot: 27

A motion was made by Ms. Peterson, seconded by Mr. Walsh to adopt & memorialize the resolution of approval for Use variance, waiver of site plan approval, with conditions as amended with the modification of paragraph d for the use of an adoption agency.

Roll Call:

Affirmative: Fisher, Peterson, Canonico, Walsh, Anderson

Negative: None

**New Business:**

**Treasure Island Plaza, Inc.:**

**Sign variances/minor site plan approval**

*Staples Plaza*

Broad St.

Bl: 70.01, Lot: 2

Mr. Kennedy announced that he has reviewed service in this matter and finds it to be adequate and the board can retain jurisdiction to hear this matter.

Mr. Kennedy disclosed that he represented a client and Mr. Gorski was his clients architect and he has not legal relationship with Mr. Gorski or financial relationship, but he would like to have that on the record.

Mr. Kennedy marked the following into evidence:

**A-1:** Application of Treasure Island LLC

**A-2:** Plan/Survey, dated 1/21/10, prepared by John T. Luts

**A-3:** Façade /alterations to Staples Plaza, dated 11/18/10, prepared by Robert Gorski

**A-4:** Minor Site Plan, prepared by Kennedy Consulting, dated 1/14/11

**A-5:** Zoning Permit Denial, prepared by Jerome Donlon, dated 12/5/2010

**B-1:** Cranmer Engineering Review Letter, dated 2/2/2011

**B-2:** Cranmer Engineering Review letter, dated 1/11/2011

Mr. Martin McGann, Esq, represented the applicant.

Mr. McGann advised that the sign itself, the advertising aspect, is not changing, they are changing the frame around the sign, with a colonial like frame around the sign. The frame will match with the colonial renovations in the center itself.

**A-6:** Photo of existing sign, taken by James Kennedy's office, taken before the snow

**A-7:** Photo of existing sign with existing dimensions of the sign prepared by Robert Gorski

**A-8:** Proposed sign with the new mentions, with the colonial frame, prepared by Robert Gorski

Mr. McGann said that there will be no additional signs “draped” on the new sign, which will be 22’ from the property line, where 20’ is required. The sign will be internally illuminated as it exists today. Enhancement to the landscaping is shown on sheet 7 of the site plan.

Mr. Robert Gorski, Architect, was sworn and accepted as an expert witness.

Mr. Gorski described the changes:

- Larger columns
- Sign will now be white
- Mimicking the architecture façade of the shopping center

Mr. Gorski feels that the changes will be an esthetic enhancement to the existing sign and the shopping center, and is much more attractive than what exist today.

Mr. Gorski said the sign is the same size, and will hang between the columns, and internally lit as it is today. He doesn’t feel that there are any negative aspects of the proposed sign. The enhanced landscaped as shown on Mr. Kennedy’s plan will also enhance the site as well.

Mr. Walsh asked what time does the sign go off at night? Mr. McGann said that he doesn’t know. Mr. Cranmer said that each sign is handled on a case by case basis, but most time the sign goes off 1 hour after closing.

Mr. McGann advised that he has spoken to the Two River Sewage Authority and they are working out the issue with them on the sign being in their easement. They will be filing an application with them to allow the enhancements to the sign.

### **Review of Cranmer Engineering letter dated 1/12/11**

Mr. Cranmer asked if Mr. Gorski will be giving planning testimony for the variances? Mr. McGann said that his testimony would suffice in terms that the sign would be an enhancement to the existing sign; they are not increasing the advertising element of the sign, only to make the sign more attractive. Mr. Cranmer asked if he is seeking a flexible “C” variance or a C2 variance? Mr. McGann said yes, it is a commercial zone; there would not be any substantial detriment to the public good, since the sign has been there for 30 years. If they were increasing the advertising portion of the sign then he feels that they would have to present greater proofs for the sign.

Mr. Kennedy explained the differences between C1 & C2 variance. C1 is a hardship, a unique, topographical or something unique about the property that makes the hardship and they cannot comply with the requirements. A flexible C2 is not a hardship but the benefits of the variance would outweigh the detriments.

Mr. Gorski described the sign as a white composite, which matches the pergola within the shopping center.

Mr. McGann stated that they would accept the condition of no further advertising signs or flags etc on the support of the sign.

**1.7:** Mr. Cranmer advised that there are non conformities and the board should acknowledge them but not to grant any design waivers but allow them to continue

**2.1:** Mr. McGann stated that the applicant will comply with any ASHTO sight line requirements  
Mr. Cranmer asked that the *sight triangle easements* that are required by the Department of Transportation for a driveway to Rt. 35 should be indicated on the drawings. If the D.O.T. acknowledges that there aren't any standards for this, at a minimum he would require that the A.S.H.T.O. sight lines be indicated on the plan and the sight triangle easement be dedicated to the Municipality. There will be a substantial number of plantings that are proposed at the driveway and he is certain that they will be kept at a 30" height and if it's not maintained by the property owner, the municipality will have the ability, under the easement, to trim the landscaping to 30". Mr. Cranmer advised the applicant to contact the D.O.T. to make sure they do not need a permit.

Mr. McGann advised that prior to the adoption of the resolution they will advise Mr. Cranmer the height of the plantings should be reviewed by the Shade Tree Commission and he will contact Mr. Kennedy's office to ensure that none of the plantings exceed a mature height of 30" and **should be made a condition of approval.**

Mr. Cranmer requested to have the **electrical service included on the plan for future reference.**

**2.2:** An application will be submitted to the sewage authority

**2.3:** No site issues since the sign is on private property except for the landscaping along Broad St

Mr. Walsh asked why the sign cannot be made smaller? Mr. McGann stated that the sign would be substantially smaller and there are too many retailers in the center and the sign would not be visible traveling. Mr. Walsh asked what would be an acceptable size? Mr. Gorski said that the original proposal was fixing the original size, keeping the same 10' x 12'. As you make the sign smaller all the signs would get smaller.

**A-9:** Northbound photo showing the sign, showing the bus kiosk and the mature trees taken by Mr. Gorski on 1/30/2011.

Mr. Gorski said that the sign is not visible until you get to the shopping center; it is hidden by trees, other signs, poles and wires. The intent is not to increase the size of the sign, just lighten the columns. Mr. Walsh feels that the only sign that will be seen is Staples and Trader Joes anyway; he feels that the sign is too big sitting on the front lawn.

Mr. Gorski gave the size of the new columns as 18" square; the shopping centers are 2' square. The sign will stay in the same position and orientation as it is today.

Mr. Cranmer asked if the street number of the shopping center can be added to the top of the sign for emergency services.

Mr. Cranmer explained that in this zone, 2 variances are needed:

- 10' is permitted, 14' exist and 18' is proposed
- 50 sq. ft. permitted, 140 sq. ft exist, and 252 sq. ft. is proposed.

Mr. Walsh asked what is going on with the sign at the corner of the property.

Mr. McGann explained that they did appear by Mayor & Counsel and they will be returning with their application at a later date with a similar frame. They have a verbal approval and they need to do an easement agreement before they return.

Mr. Gorski referred to A-7 existing sign, the Staples sign now has a black band around it and there is no intent to make that Staples sign bigger. The white band will go all the way around the sign.

Mr. Fisher asked Mr. Cranmer if he feels the board could act upon the sign even though there are several items that need to be added to the plan? Mr. Cranmer said yes.

Mr. Cranmer stated that this site is currently in the LIR-88 Zone and he feels that this site will be rezoned to a B-2 Zone (Shopping Center) as part of the Master Plan Reorganization. Currently the standards for a sign are: 12' maximum, 50 sq. ft. maximum + 10 additional sq ft for each use or no more than 100 sq. ft. Minimum sign set back allowed 37'.25, which would be allowed in the LIR-88. This sign is much closer to what would be allowed in the B2 zone.

A motion was made by Ms. Canonico, seconded by Ms. Peterson to open the meeting to the public. All approved.

No audience

A motion was made Ms. Peterson, seconded by Ms. Canonico to close the meeting to the public. All approved.

Ms. Canonico commented that the proposed sign is beautiful and will match the architecture of the center, but she feels that the sign is too big. She asked if there has been any consideration to make the sign smaller. Mr. McGann said that the sign is in proportion with the columns and the building. Mr. Gorski feels that the columns could be reduced a little but it would not make substantial difference. He said that his client did not ask him to present something to the town that would exacerbate what is there. He was going to whiten the existing sign and leave it. This sign is a result of a meeting with his client to make the sign look more like the building. He could make the sign slightly smaller, maybe a foot in each direction. Mr. Fisher asked, when you say a foot in each

direction, you are saying that you could scale back the columns. Mr. Gorski said yes, but it will not make much difference.

Mr. Cranmer asked what the height of the building is? Mr. Gorski feels that it is approximately 38' to the top of Trader Joes & Staples and he feels that the sign will be below the roof line of Boston Market. Mr. Gorski said that he could reduce the sign by one foot and not disrupt the look.

Ms. Peterson commented that the change is needed and will "spruce up" the property. If the sign could come down one foot she could be in agreement with that. She likes the columns and she can see the difference in the center. She feels that 17' is easier to swallow than 18', and the columns will "soften" the look of the overall sign.

Mr. Anderson commented that the sign is too big.

Mr. Walsh agrees that the sign is too big. The existing sign is an eyesore and that is a large sign itself. The architectural features are increasing the sign not the sign itself. Mr. McGann said exactly.

Ms. Canonico asked if they will be proposing a similar sign at the corner? Mr. McGann said yes, that is the plan.

Ms. Peterson asked if they are replacing the panel? Mr. Gorski said that the plastic panel with different tenants, and they will be different tenants as the years go on and one moves out and another moves in. They are proposing red background with white letters for most of the tenants. Some of the tenants have stipulations in their leases as to how much signage they get. Ms. Peterson asked if they are just swapping out panels? Mr. Gorski said yes, the basic sign is staying the same, with a different frame.

Mr. Fisher asked what is the maximum reduction you can give the board in height? Mr. Gorski said that he can use a 4" reveal with a 16" column. They will add 20" to the width on each side of the frame.

Mr. Fisher asked for a motion on the application.

***A motion was made by Mr. Anderson, to deny the sign application for Treasure Island LLC.... motion failed for lack of second.***

Mr. Walsh asked what is the exact size of the sign that the board is looking at. Mr. Gorski stated that:

- sign will be reduced by 1' in height from 18' to **16' 4"**
- sign will be reduced by 2" on each side column from 14' wide to **13' 4"**
- total square footage will be reduced from 252 sq ft to **217 sq. ft.** with the reductions

Mr. Kennedy asked Mr. McGann if he, on behalf of his client, consenting to amend the application to reflect the changes: of 13' 4' and 16' 4" in height with a total square footage of 217 sq. ft.? Mr. McGann said yes.

A motion was made by Ms. Canonico, seconded by Mr. Walsh to approve the application of Treasure Island LLC for the main pylon sign (Broad St.) for area & height with the following conditions:

- sign will be reduced by 1' in height from 18' to **16' 4"**
- sign will be reduced by 2" on each side column from 14' wide to **13' 4"**
- total square footage will be reduced from 252 sq ft to **217 sq. ft.** with the reductions
- internal illumination remains the same
- no external advertising on the columns
- the street number are to be added to the top of the sign
- comply with all conditions of Cranmer Engineering review letter including item 1.7
- board acknowledges the pre existing non conformities on the site
- sign will be shut off 1 hour after the last store closes

Roll Call:

Affirmative: Fisher, Peterson, Canonico, Walsh

Negative: Anderson

**Resolution 3/2/2011....**

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**Closed Session:**

Mr. Kennedy stated that the minutes will be kept and when confidentiality no longer exists the minutes will be made available.

Mr. Walsh asked if there should be a full board in attendance when discussing the pending Litigation since there are only 4 members present? Mr. Kennedy said there will be no vote taken it will be a very brief explanation as to what is going on.

Mr. Fisher agreed to hear Mr. Kennedy's information, but they will go over it again when there are more members present. Mr. Kennedy agreed.

A motion was made by Ms. Canonico, seconded by Mr. Walsh to go into Closed Session for the purposes of the Azgara/Red Bank Volvo pending Litigation. All approved

A motion was made by Ms. Canonico, seconded by Mr. Walsh reopen the public session. All approved.

A motion was made by Ms. Peterson, seconded by Ms. Canonico to adjourn the meeting at 9:30 pm. All approved.