

COMMUNITY PLANNING  
LAND DEVELOPMENT AND DESIGN  
LANDSCAPE ARCHITECTURE

**B U R G I S**  
ASSOCIATES, INC.

Principals:  
*Joseph H. Burgis PP, AICP*  
*Edward Snieckus, Jr. PP, LLA, ASLA*  
*David Novak PP, AICP*

## MEMORANDUM

To: West Windsor Planning Board  
West Windsor Division of Land Use

From: David Novak PP, AICP

Subject: Nassau Park-Floor and Décor Outlets aka OSJ of Princeton NJ, LLC  
Minor Site Plan, "c" Variance Relief, Sign Waiver  
Block 7 Lots 78.01 and 78.19  
101 Nassau Park Boulevard

Date: January 25, 2023

BA#: 3908.16

WWT#: PB 22-07

### Introduction

The applicant, OSJ of Princeton NJ, LLC, has submitted an application seeking minor site plan approval as well as "c" variance relief and sign waiver relief to utilize a portion of the former Walmart Building for a Floor and Décor Outlet. Improvements include interior renovations, new signage, a new loading dock, and parking modifications. The site, which is identified by municipal tax records as Block 7 Lots 78.01 and 78.19, is located at 101 Nassau Park Boulevard in the B-3 Business District (Retail Node).

In addition to the application form and application checklists, the following has been submitted for review.

1. Minor site plan prepared by Kimley Horn, dated August 17, 2022 (last revised January 11, 2023).
2. Survey prepared by Control Point Associates, Inc., dated May 5, 2022 (last revised July 26, 2022).
3. Architectural plan prepared by SBLM Architects, dated August 15, 2022 (last revised January 11, 2023).
4. Signage drawings prepared by Anchor Sign, dated July 21, 2022 (last revised January 11, 2023).
5. Exterior finishes color samples prepared by SBLM Architects, dated January 11, 2023.
6. Shopping center existing signage exhibit prepared by Kimley Horn, dated January 11, 2023 (no revision date).
7. Sight triangle exhibit prepared by Kimley Horn, dated November 28, 2022.
8. Memorandum from Gibbons Law dated January 13, 2023.
9. Summary of proposal, undated.
10. Project description dated April 17, 2022 (last revised November 28, 2022).
11. Affidavits of Ownership for Block 7 Lots 78.01 and 78.19.
12. Corporate ownership disclosure.
13. Certified list of property owners.
14. List of covenants or deed restrictions on the property.
15. Tax payment certification dated January 9, 2023.
16. Stormwater compliance memorandum prepared by Kimley Horn, dated November 28, 2022.
17. Traffic impact statement prepared by Kimley Horn, dated November 29, 2022 (last revised January 10, 2023).
18. Recycling report memorandum prepared by Kimley Horn, dated August 2022.

## Property Description

The subject site is located in the westerly corner of the Township, near the intersection of Quakerbridge Road and Nassau Park Boulevard. The site comprises a leased area which contains a former Walmart (located on Lot 78.19) as well as a commonly owned parking area (located on Lot 78.01). The former Walmart building has an area of approximately 129,000 square feet. Its main entrances face to the southwest towards the common parking area, away from Nassau Park Boulevard. The façade of the building predominantly consists of brick with metal trellis work and white awnings.

The subject site is part of the larger Nassau Park development which contains several large-scale commercial buildings, smaller retail commercial tenants, and associated parking areas. Access to Nassau Pavilion is provided by Nassau Park Boulevard. See the aerial at the end of this memorandum for an overview of the subject site and its surrounding environs.

## Proposed Improvements

The applicant seeks minor site plan approval as well as "c" variance relief and sign waiver relief to occupy a portion of the former Walmart building for Floor and Décor. The proposed tenant will occupy 76,283 square feet (59.1%) of the former Walmart space, the remainder of which will be separated by a dividing wall for Ocean State.

The front portion of Floor and Décor will include a vestibule, bathrooms, a design center, a janitor's room, and a sign and storage room. The easterly rear corner will feature a CEM office, lounge, assistant manager's office, a data room, a cash room, a break room, and a training room. The northerly corner will include a CPU and CPU Bay as well as a new loading dock with two new loading spaces, for a total of four such spaces.

In regard to the exterior of the building, the applicant proposes a brick façade with white and grey EIFS framing the entrance. A red canopy is proposed over the main entrance with a wall sign to be placed above it. The left elevation will feature four loading bays. Customer pickup parking spaces and a propane storage area are also proposed in this area.

Along the front sidewalk, the applicant proposes to recover the existing bollards and to replace sections of concrete. Restriping in the parking area is also proposed, including striping for a new ADA space. New bicycle parking is also proposed.



## Master Plan

As per the 2020 Land Use Plan, the site is located in the B-3 Retail Node District land use category which is located in the westerly corner of the Township, along either side of Nassau Park Boulevard to the north of the US Route 1 corridor. This land use category corresponds to the B-3 District which permits planned commercial developments consisting of retail goods and services, restaurants and lounges, banks, hotels, theaters, indoor health clubs, farmers markets, recreation facilities, public uses, and offices.

Presently, this area is developed with the Nassau Park and Nassau Pavilion Shopping Centers. Accordingly, the 2020 Plan notes that it is the intent of this land use category to support regional retail uses which are integrated into a supportive and cohesive environment, one which provides a public amenity as well as a strong visual identity in accordance with a single design theme. This land use category also continues to support the reservation of large areas of greenbelt and open space along the D&R Canal and along the Duck Pond Run

## Standards for Signage

The following tables outline the applicant’s compliance with the Township’s signage regulations as established in Section 200-32.B.(2) for planned nonresidential developments as well as Section 200-152 for temporary signs.

### Wall Signage

The wall sign and letter height regulations identified below are for those buildings less than one hundred and thirty feet from the right-of-way, as the building is located approximately one hundred feet from Nassau Park Boulevard. Thus, **waiver relief** is required for the proposed signage area as well as the proposed letter height for the front façade sign.

*Table 1: Wall Signage Regulations for Planned Nonresidential Districts*

Area & Bulk Regulations	Nonresidential Planned Dev.	Proposed	Code
Number of Signs per Tenant (#)	1 per business for each front business façade and each rear or side business façade	Front façade: 1 Left façade: 1	200-32.B.(2)(a)
Area of Sign (sf)	90% of linear business frontage Maximum area of 50 sf	<b>Front façade: (W) 145.19</b> Left façade: 25.65	200-32.B.(2)(c)
Letter Height (ft)	Maximum letter height of 18"	<b>Westerly façade: (W) 36"</b> Left façade: 12"	200-32.B.(2)(c)
Wall signs above roofline	Not Permitted	Not proposed	200-32.B.(2)(f)

### Monument Signage

In addition, the applicant proposes to replace the sign panels on three existing monument signs. These monument signs were previously approved. Thus, the proposed panel replacements do not require waiver relief.

*Table 2: Monument Signage*

Area & Bulk Regulations	Nonresidential Planned Dev.	Proposed	Code
Number of Signs	1 per nonretail building	(ex) 3	200-32.B.(3)(a)
Area of Sign (sf)	48	Not Specified	200-32.B.(3)(b)
Height of sign (ft)	4	Not Specified	200-32.B.(3)(c)
Base of Monument Sign	Similar materials	Proposed	200-32.B.(3)(d)

### Temporary Signage

Finally, the applicant proposes temporary vinyl signage. A "Grand Opening" sign is proposed along the front façade of the building, while a "Now Hiring" sign and a "Coming Soon" sign are proposed along the front of a temporary fence to be placed around a construction staging area. The applicant has indicated that the "Now Hiring" sign will be installed initially and will be replaced by the "Grand Opening" sign. Thus, only two temporary signs will be installed at one time.

**Variance relief** required for the number of proposed temporary signs as well as the area of the proposed temporary signage.

*Table 3: Temporary Signage*

Area & Bulk Regulations	Required	Proposed	Code
Sign Height	4	Coming Soon: 4 Now Hiring: 2 Grand Opening: 2	200-152A.(4)
Location	Out of ROW Not to interfere with site triangles Perpendicular to travel way No placement of signs between public roads and sidewalks	Conforming	200-152A.(4)
Area of Temporary Sign (sf)	16	<b>Coming Soon: (V) 32</b> Nor Hiring: 16 Grand Opening: 16	200-152B.(2)(b)
Number of Signs (#)	1	<b>(V) 3 Total, 2 at One Time</b>	200-152B.(2)(b)

## Planning Review

We offer the following comments on the proposed development:

### Operations

The applicant has provided an overview of the proposed operations of the building. The following is summarized:

1. Hours of Operation. The anticipated hours of operation are:
  - a. Monday to Friday. 7:00 am to 7:00 pm
  - b. Saturday. 8:00 am to 7:00 pm
  - c. Sunday. 10:00 am to 6:00 pm
2. Number of Employees on Site. The following employee staffing is anticipated:
  - a. Weekdays, Opening to 5:00 pm. 25 full time/15 part time
  - b. Weekdays, 5:00pm to Closing. 20 full time/10 part time
  - c. Weekends, Opening to 5:00 pm. 30 full time/20 part time
  - d. Weekends, 5:00 pm to closing. 25 full time/15 part time

### Loading Spaces

The applicant requests waiver relief for the proposed number of loading spaces. Five loading spaces are required for the Floor and Décor tenant and four loading spaces are required for the future remaining tenant, while two loading spaces have been provided for each tenant. The applicant has noted the following:

3. Floor and Décor. As noted in the application materials, Floor and Décor is anticipated to receive five to eight truck deliveries, five days a week, which will occur overnight when the store is closed."
4. Ocean State. The applicant notes that the anticipated tenant of the remainder of the building space, Ocean State, typically requires two loading spaces. Furthermore, it is noted that Ocean State typically receives deliveries between the hours of 5:00 am and 9:00 am three to four times a week.



## Site Design and Signage

The following is noted regarding site design and signage.

5. Cohesive Design. As established by Section 200-203.G.(3), the planning principles for the B-3 District are designed to “create a cohesive environment integrating the developed and undeveloped portions of the district, with a strong visual identity, physically linked by pedestrian connections, plazas or other amenities, and related by a single design theme.” Specifically, Section 200-203.G.(3)(a) establishes that “the architectural style of the planned commercial development shall be designed to avoid a big-box commercial center appearance through facade ornamentation, building offsets and entry treatments and upgraded building material and colors.”

The applicant has provided colorized renderings of the proposed building design. The façade will largely utilize the existing brick colors of the building. As previously noted, the entrance to the Floor and Décor will be framed by grey and white materials, and a red canopy is proposed over the main entrance. The applicant has incorporated the white awning which extends along the front of the property. A white awning and metal trellis is also proposed to the left of the main entrance, which is intended to complement a similar feature located on the other side of the front façade.

6. Signage Comparison. The applicant has provided an exhibit which offers comparisons of the proposed signage to the signage which would otherwise be permitted by the development regulations as well as other signs in the surrounding area. We note the following:
  - a. Areas of Other Signage. The applicant has proposed a sign of 145.19 square feet on the front façade. Based upon the exhibit, this proposed sign is: larger than the estimated areas of the Wine & Spirits and Chuck E. Cheese signs; comparable to the area of the Home Sense Sign, and; smaller than the signs presently serving TJ Maxx, Burlington, Dick’s Sporting Goods, and Raymour & Flannigan.
  - b. Conforming Sign. The “Conforming Signage Exhibit” shows a sign with a height of approximately 3.18 feet, a width of 11.39 square feet, and an area of approximately 36.32 square feet. We recommend the applicant also provide an estimate of the percentage this conforming sign comprises of the total front façade area.

## Statutory Criteria

The following is noted regarding the statutory criteria.

### "C" Variance Relief

The Municipal Land Use Law (MLUL) provides two approaches to (c) variance relief, commonly referred to as the "physical features" test and the "public benefits" test.

1. *Physical Features Test.* An applicant may be granted c(1) variance relief when it is demonstrated that the noncompliant condition is caused by: 1) an exceptional narrowness, shallowness, or shape of the property; 2) exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or; 3) by reason of extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.
2. *Public Benefits Test.* An applicant may be granted c(2) variance relief where it can prove the following: 1) that the granting of the variance will advance the intents and purposes of the Municipal Land Use Law; 2) that the benefits of granting the variance substantially outweigh any potential detriments. The benefits are required to be public benefits rather than a benefit that simply accrues to the property owner.

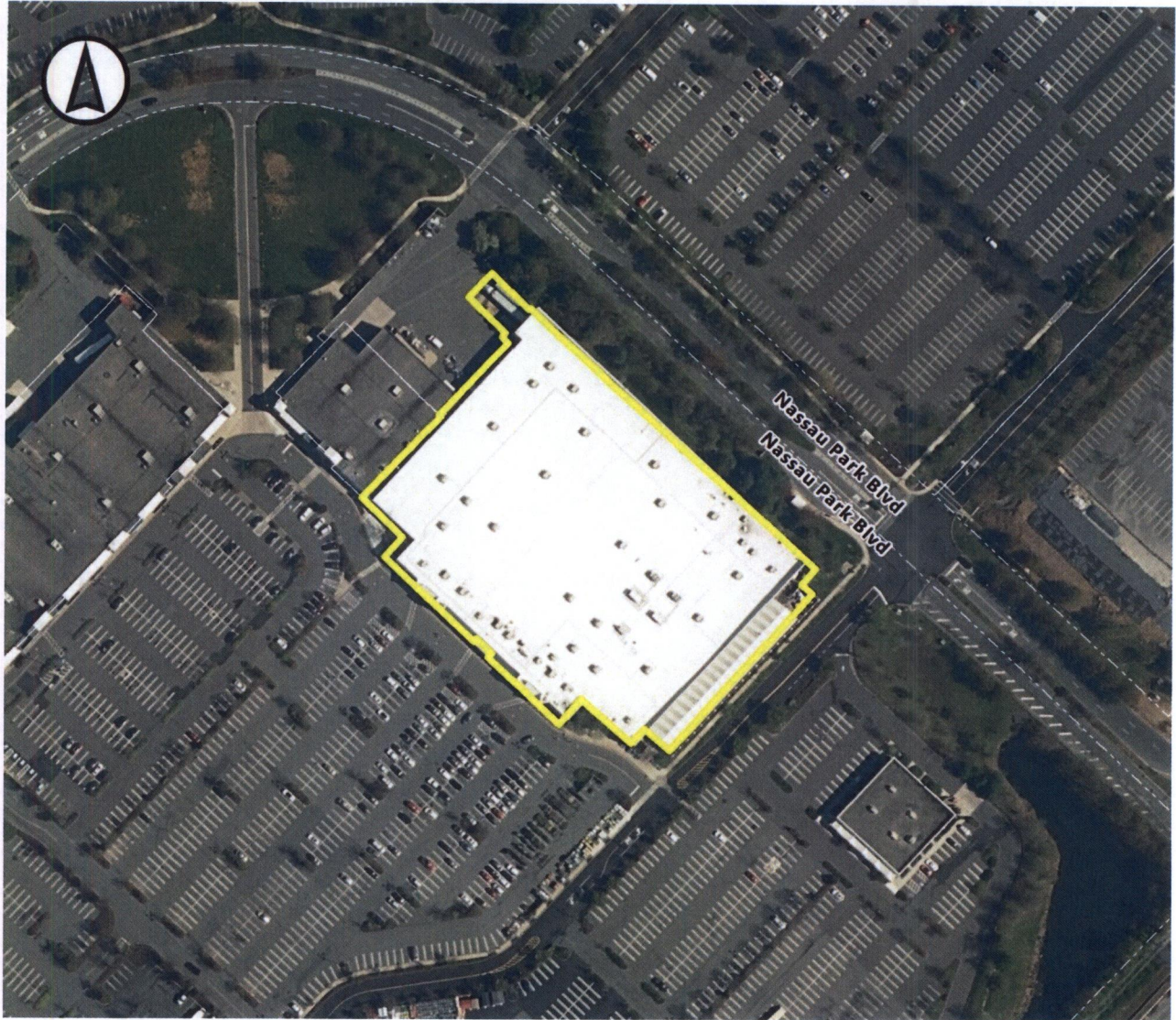
In addition to the above, the applicant must address the Negative Criteria of the statute. To meet the negative criteria, an applicant must demonstrate the variance can be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the master plan and zoning ordinance.

### Waiver Relief

The applicant requires waiver relief pursuant to NJSA 40:55D-51 of the MLUL. The statute provides that a board shall have the power to grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval, if the literal enforcement of one or more provisions is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.



Map 1: Subject Site (scale: 1" = 200')



[https://burgis.sharepoint.com/sites/BurgisData/Shared Documents/W-DOCS/PUBLIC/Pb-3900series/Pb-3908.16/Planning Board/3908.16 OSJ of Princeton NJ LLC- Planning Board Review 01 \(PB 22-07\).docx](https://burgis.sharepoint.com/sites/BurgisData/Shared Documents/W-DOCS/PUBLIC/Pb-3900series/Pb-3908.16/Planning Board/3908.16 OSJ of Princeton NJ LLC- Planning Board Review 01 (PB 22-07).docx)