

**RESOLUTION
TOWNSHIP OF PEQUANNOCK
PLANNING BOARD
IN THE MATTER OF ETON CENTERS CO. AND GOODWILL INDUSTRIES
DECIDED ON OCTOBER 4, 2010
MEMORIALIZED ON NOVEMBER 15, 2010
MINOR SITE PLAN, CERTIFICATE OF USE APPROVAL
AND SIGN APPROVAL**

WHEREAS, Eton Centers Co. and Goodwill Industries ("hereinafter "Applicant" or "Goodwill") has made application to the Township of Pequannock Planning Board, (hereinafter "Planning Board"), for minor site plan approval, certificate of use approval and sign approval for property known and designated as Tax Block 1404, Lot 13, on the Tax and Assessment Map of the Township of Pequannock, and located at 561 Route 23, Pompton Plains, New Jersey and located in the C-2 Highway Business Zone (hereinafter "C-2 Zone"); and

WHEREAS, a public hearing was held on October 4, 2010 after the Board determined it had jurisdiction; and

WHEREAS, the Applicant was represented by David Altman, Esq. of the law firm Jeffer, Hopkinson & Vogel, 1600 Route 208, Hawthorne, New Jersey.

NOW, THEREFORE, the Planning Board makes the following findings of fact, based on evidence presented at its public hearing, at which time a record was made.

The Application before the Board is a request for minor site plan approval, certificate of use approval and sign approval for property known as Lot 13, in Tax Block 1404 on the Tax and Assessment Map of the Township of Pequannock and located at 561 Route 23, Pompton Plains, New Jersey, which site is located in the C-2 Zone.

The nature of the Application is to seek approval in order to operate a retail store for the sale of clothing and other products at this location. Testifying on behalf of the

Applicant was Peter Pagani (hereinafter "Pagani") a licensed professional architect in the State of New Jersey and Randy Levin (hereinafter "Levin") a representative of Goodwill. This site is the former site of a Saturn automobile dealership. The Applicant proposes to update the site with new attached signage, a new free standing sign, a new deposit container, as well as to repair and redesign the parking lot. Pagani testified that the Applicant will restripe the parking lot in order to provide for adequately sized spaces for the retail clientele. Pagani represented that the Applicant will also remove two concrete planters, which he stated are contrary to flood zone regulations. The building will be painted in order to refresh it's appearance and on-site landscaping will be enhanced. With respect to the parking lot, the Applicant will repair the areas of the parking lot as necessary including repairing all cracked areas, removing grass, patching all cracks, and then resealing and restriping the parking lot. There are two speed bumps near the front entrance to the store which will remain. Two handicapped parking spaces will be moved closer to the front entrance and away from Jackson Avenue. The size of the lot is approximately 1.81 acres. There are 95 parking spaces on site and the Applicant is only required to provide 64 parking spaces.

Levin testified that the hours of operation will be seven days per week from 9:00 a.m. to 9:00 p.m. There will be deliveries to this site approximately one time per day or every other day. Levin stipulated that deliveries would only be made Monday through Friday and not on the weekends. Also, deliveries would not be made prior to 9:00 a.m. and there will be no deliveries after 9:00 p.m. Levin testified in regard to the size of trucks making deliveries to the site. He confirmed that the trucks would be straight trucks 24 feet in length.

With respect to the landscaping, Pagani testified that it was the applicant's intent to trim back the existing landscaping and to replace trees from in front of the building. Moreover, the trees along Jackson Avenue would also be trimmed and any vegetative dead specimens would be removed and replaced as necessary.

With respect to signage, the Applicant is proposing signage on the front façade with the name Goodwill and corporate logo. The sign would be 120 square feet and would face Route 23. Secondly, the Applicant is proposing a double sided pylon sign with each sign face consisting of 80 square feet of sign area. The signage would include the text plus the corporate logo. The Applicant is also proposing an awning on the western side of the building as well as a 64 square feet sign on the southwest side of the building façade facing Jackson Avenue in order to identify the location of the building from Jackson Avenue.

The meeting was opened to the public and the Board was addressed by Denise Gall, 94 Jackson Avenue, Pompton Plains, New Jersey. Gall had questions in regard to the delivery schedule as well as the procedure for people making deposits of clothing and other goods and items and the frequency with which the deposit container is emptied in regard to this operation. Levin reiterated that there would be no deliveries before 9:00 a.m. and no deliveries after 9:00 p.m. In addition, he confirmed that the new deposit drop-off area would be emptied multiple times per day.

NOW, THEREFORE, the Planning Board makes the following conclusions of law, based on foregoing findings of fact.

The Application before the Board is a request for minor site plan approval, certificate of use approval and sign approval for property known as Lot 13, in Tax Block

1404 shown on the Tax and Assessment Map of the Township of Pequannock and located at 561 Route 23, Pompton Plains, New Jersey, which site is located in the C-2 Zone.

The Board recognizes that the subject site is the former site of a Saturn automobile dealership. The Board also understands that the Applicant seeks to operate a Goodwill retail store at this location.

First, with respect to sign approval, the Applicant is proposing a front façade building attached sign facing Route 23. Under the Land Development Ordinances of the Township of Pequannock, and more specifically Chapter 153.06(B)(2)(c)(2) Signs, the maximum sign area would be 100 square feet for a front façade sign and the Applicant is proposing a front façade sign consisting of 120 square feet, thereby requiring wavier relief. Secondly, the Applicant is proposing a pylon sign, double sided with 80 square feet of signage per sign face. Chapter 153.06(B)(2)(c)(1) permits a freestanding sign to have a sign area of 50 square feet. Therefore, the Applicant requires design waiver relief in connection with the sign area of the free standing pylon sign. Thirdly, the applicant is proposing a 64 square feet sign on the side of the building facing Jackson Avenue. Fourthly, the Applicant is proposing an awning sign with the text "Goodwill" and the text "donation drop-off" underneath it.

The Board and the Applicant engaged in a lengthy discussion with respect to signage. As to the awning, the Applicant agreed to remove the name Goodwill from the awning on the side of the building, but that the text "donation drop-off" would remain. The Applicant also stipulated that it would withdraw it's request for a 64 square feet building attached sign on the Jackson Avenue side of the building. The Planning Board concludes

that it is appropriate to grant design waivers in regard to the size of the front façade building attached sign where a 100 square feet maximum sign is permitted and the Applicant proposes 120 square feet of signage. The Board concludes that the proposed 120 square feet of signage is *de minimus* in connection with the overall size of the façade of the building and the fact that the building is set back off of Route 23. The Board concludes that to enhance safe access to the site, the larger building front sign is necessary. In addition, the Board also concludes that it is appropriate to grant a design waiver relative to sign area for the free standing sign, wherein a maximum sign area of 50 square feet is permitted and 80 square feet of signage per sign face is proposed. The Board also determines that the larger size free standing pylon sign will promote the visibility of the site from motorists traveling along Route 23 northbound and southbound. Thus, the larger sign will enhance safe access to the site.

The Board also concludes that it is appropriate to grant minor site plan approval and certificate of use approval in connection with this Application. The Board notes that the Applicant will be making improvements to the site that are much required. More specifically, the Applicant will repair all cracked areas of the parking lot, remove grass, mill the areas to be repaired, patch all cracks, reseal and restripe the parking lot. The Applicant will also relocate two handicapped spaces closer to the front entrance and away from Jackson Avenue. The Applicant will enhance the landscaping and will submit a landscape plan that will be subject to the review and approval of the Board Planner. The Applicant will also submit a lighting plan which shall be subject to the review and approval of the Board Planner in order to prevent lighting from spilling over onto adjacent properties.

The Applicant also stipulated that the hours of operation will be seven days a week 9 a.m. to 9:00 p.m. As to deliveries, deliveries will be made only in the rear and will be made from Monday through Friday between the hours of 9 a.m. and 9 p.m. Therefore there will be no deliveries prior to 9 a.m. and no deliveries after 9 p.m. and there will be no deliveries on the weekend. The Board accepts the representations and stipulations made by or on behalf of the Applicant.

Upon consideration of the plans, testimony and Application the Board determines that the proposed minor site plan approval certificate of use approval and application for sign approval has met the minimum requirements of the Municipal Land Use Law, case law and township ordinances to a sufficient degree so as to enable the Board to grant the relief being requested. The Board determines that the proposed use of the premises for a business engaging in the retail sale of goods and products is a permitted use at this location. The Board further finds that the granting of this Application will not adversely impact or impair the use or enjoyment of adjacent properties.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board that the Application of Eton Centers Co. and Goodwill Industries for property known and designated as Lot 13, in Tax Block 1404, on the Tax and Assessment Map of the Township of Pequannock, and located at 561 Route 23, Pompton Plains in the C-2 Zone District and requesting minor site plan approval, is determined as follows:

1. Approval is hereby granted; A) to enable the Applicant to install a 120 square feet building attached front façade sign in accordance with the sign plan submitted; B) approval is also granted permitting the installation of a free standing pylon sign,

double sided with 80 square feet per side of sign area as shown on the sign plan submitted; C) approval is also granted to enable the Applicant to install an awning with the text "donation drop-off" in accordance with the sign plan submitted and as amended during the course of the hearing process.

2. Minor site plan approval is granted under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-46.1
3. Certificate of Use Approval is hereby granted pursuant to the Land Development Ordinance of the Township of Pequannock.

IT IS FURTHER RESOLVED, that the above land use relief is granted subject to the following terms and conditions:

1. The development of this parcel shall be implemented in accordance with plans submitted and approved.
2. The Applicant represents that all of its representations and stipulations made either by it or on its behalf to the Township of Pequannock Planning Board are true and accurate, and acknowledges that the Planning Board specifically relied upon the Applicant's stipulations in the Board's granting of this approval. If the said representations and stipulations are false, this Approval is subject to revocation.
3. The granting of this Application is subject to and conditioned upon the Applicant repairing as necessary all cracked areas of

the parking lot and removing the grass growing in the parking lot and repatching all cracks, resealing and restriping the parking lot which shall be subject to the review and approval of the Board Planner.

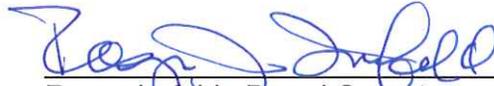
4. The granting of the Application is subject to and conditioned upon the Applicant relocating two handicapped spaces away from Jackson Avenue and moving them closer towards the front entrance, which shall be subject to the review and approval of the Board Planner.
5. The granting of the Application is subject to and conditioned upon the Applicant submitting a lighting plan in order to demonstrate that lighting is both adequate for the site and that there will be no spill over lighting on to adjacent properties, which lighting plan shall be subject to the review and approval of the Board Planner.
6. The granting of the Application is subject to and conditioned upon the Applicant submitting a landscape plan which shall be subject to the review and approval of the Board Planner.
7. The granting of the Application is subject to and conditioned upon the hours of operation being from 9 a.m. until 9 p.m. seven days per week.
8. The granting of the Application is subject to and conditioned upon there being no deliveries before 9 a.m. and no deliveries

after 9 p.m. at the site. All deliveries shall be made in the rear where indicated on the Site Plan. All deliveries shall occur Monday through Friday and there shall be no weekend deliveries.

9. The granting of the Application is subject to and conditioned upon the Applicant eliminating the last parking space on the Jackson Avenue side of the building, at the rear of the building thereby resulting in a total of 94 parking spaces being provided.
10. The granting of the Application is subject to and conditioned upon there being no idling of trucks on site while making deliveries.
11. The granting of the Application is subject to and conditioned upon the Applicant submitting a revised site plan confirming all changes to be made to the site plan as directed by the Planning Board and as agreed to by the Applicant during the hearing process.
12. This Approval is granted strictly in accordance with any recommendations set forth on the record by the planning Board at the time of the public hearing on October 4, 2010.
13. The granting of the Application is subject to and conditioned upon the Applicant removing two concrete planters from the site.

14. Certificate that taxes are paid current to date of approval.
15. Payment of all fees, costs, escrows due or to become due.
Any monies are to be paid within 20 days of said request of the Board's secretary. Is subject to all other applicable rules, regulations, ordinances and statutes of the Township of Pequannock, County of Morris, State of New Jersey or any other agency having jurisdiction hereunder.

The undersigned secretary certifies the within Resolution was adopted by this Planning Board on October 4, 2010 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on November 15, 2010.



Roger Imfeld, Board Secretary

In favor:

Against:

Abstained:

Board Members Eligible to Vote:

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