

**RESOLUTION  
TOWNSHIP OF PEQUANNOCK PLANNING BOARD  
IN THE MATTER OF JOE VanWOUDEMBERG d/b/a SELECT SERVICE  
MECHANICAL  
DECIDED ON SEPTEMBER 20, 2010  
MEMORIALIZED ON OCTOBER 4, 2010  
APPLICATION FOR SIGN APPROVAL**

**WHEREAS**, Joe VanWoudemberg d/b/a Select Service Mechanical (hereinafter "VanWoudemberg" or "Applicant") has filed an application with the Pequannock Township Planning Board, (hereinafter "Planning Board" or "Board"), for property known as Block 902, Lot 21 on the Tax and Assessment Map of the Township of Pequannock (hereinafter "Township") which premises are located at 8 East Garden Place, Pompton Plains, New Jersey and located in the C-3 Regional Commercial Zone District (hereinafter C-3 Zone); and

**WHEREAS**, the Applicant has applied to the Pequannock Township Planning Board for approval pursuant to the Code of the Township of Pequannock Chapter 153 Signs which authorizes the Planning Board to review and approve all sign applications within the Township; and

**WHEREAS**, a public hearing was held on September 20, 2010, after the Planning Board determined it had jurisdiction; and

**WHEREAS**, the Applicant was not represented by legal counsel.

**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 within application is for premises known and designated as Block 902, Lot 21 on the Tax and Assessment Map of the Township of Pequannock, and located at 8

East Garden Place, Pompton Plains, New Jersey. The subject site is located in the C-3 Zone.

The following documents were submitted in connection with this application for development:

1. Completed sign application signed and dated August 24, 2010.
2. Sign details, consisting of two (2) sheets, prepared by Butler Sign Company dated June 23, 2010 with revisions through August 17, 2010, and August 23 2010.

Testifying on behalf of the Applicant was John Janis, a principal of Butler Sign Company (hereinafter "Janis"). The nature of the application is to seek approval in order to permit two (2) attached signs along the northern and western building facades of an existing non residential use building. The subject site is located in the C-3 Zone District. The Applicant proposes two (2) new attached signs one on the northern building facade and one on the western building facade. The northern building facade sign area is 1.5 feet by 6 feet for total of 9 square feet and the western building facade sign area is 3 feet by 16 feet for a total of 48 square feet. Therefore, each of the proposed building attached signs is in conformance with the maximum sign area requirement for a building attached sign. The Applicant requires waiver relief from the Land Development Ordinances of the Township of Pequannock Section 153.06(B)(2)(b) because only one (1) attached sign for each use is allowed and the Applicant seeks approval for two (2) new building attached signs. Janis testified that the reason for the sign on the western building facade is because the western side of the building faces Route 23; however, the property is located behind the Valero gas station. Thus, the

western facade sign is needed in order to attract motorists to this site. Janis further testified that the signs will not be illuminated, but that there is security lighting on the building which will enable motorists to view the building attached signs.

The meeting was opened to the public and there were no members of the public present expressing an interest in this application.

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

Joe VanWoudenberg d/b/a Select Service Mechanical is the Applicant for premises known and designated as Block 902, Lot 21 on the Tax and Assessment Map of the Township of Pequannock, which premises are commonly known as 8 East Garden Place, Pompton Plains, New Jersey. The subject site is located in the C-3 Zone.

The Applicant operates a heating and air conditioning business out of this location. The Applicant seeks approval to install two (2) building attached facade signs. The Applicant requires waiver relief from Section 153.06(B)(2)(b) because only one (1) building attached sign is permitted for each commercial use. The Board determines that it is appropriate to grant waiver relief to the Applicant to permit the installation of one (1) sign on the northern building facade and one (1) sign on the western building facade. The Board notes that the location of this building is on East Garden Place just around the corner from Route 23. The Board also notes that the westerly side of the building has exposure to Route 23 albeit the building is located behind the Valero gas station. The Board concludes that it is appropriate to grant waiver relief to permit the second building attached sign on the westerly side of the building in order to promote visibility of

the site for motorists that are traveling on Route 23 North. The Board determines that permitting the installation of the sign on the westerly facade will enable motorists to identify the location of the building and will facilitate motorists safely accessing the site.

The Board also notes that the northern building facade sign area of 1.5 feet by 6 feet or 9 square feet and the western building facade sign area of 3 feet by 16 feet or 48 square feet meet the Sign Ordinance requirements of Section 153.06(B)(2)(c)(2) which permits a building attached sign area of 50 square feet for a store facade between 601 square feet to 1,000 square feet. Therefore, the size of each of the proposed building attached signs is in conformance with the Sign Ordinance requirements.

Upon consideration of the plans, testimony and application, the Board determines that the Applicant has submitted sufficient information so as to enable the Board to render an informed decision with regard to the request for sign approval. The Board determines that it is appropriate to grant the application for signage as proposed by the Applicant and presented to the Planning Board during the hearing process on September 20, 2010.

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Board of the Township of Pequannock that the application of Joe VanWoudenberg d/b/a Select Service Mechanical for premises commonly known and designated as Tax Block 902, Lot 21 on the Tax and Assessment Map of the Township of Pequannock, located at 8 East Garden Place, Pompton Plains, New Jersey in the C-3 Zone requesting sign approval is determined as follows:

1. Approval is granted to enable the Applicant to install a 1.5 feet by 6 feet for a total of 9 square feet building attached sign on the northern building facade as well as a 3 feet by 16

feet or 48 square feet sign on the western building facade of this building.

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

1. The Applicant shall comply with all appropriate terms and conditions of the Township of Pequannock Code Chapter 153 Signs.
2. The Applicant represents that all of its representations and stipulations made 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 said stipulations in the Board's granting of approval. If said representations and stipulations are false, this approval is subject to revocation.
3. 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 September 20, 2010.
4. The granting of this application is subject to and conditioned upon the Applicant complying with all terms and conditions set forth in the Board Planner's review report dated September 20, 2010.
5. Payment of all fees, costs and escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.
6. Certificate that taxes are paid current to date of approval.
7. 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 jurisdiction.

The undersigned secretary certifies the within Resolution was adopted by this Planning Board on September 20, 2010 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on October 4 2010.

  
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Roger Imfeld, Board Secretary

In favor:  
Against:  
Abstained:  
Board Members Eligible to Vote:

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rev 9-29-10

**RESOLUTION  
TOWNSHIP OF PEQUANNOCK PLANNING BOARD  
IN THE MATTER OF MOE'S SOUTHWEST GRILL  
DECIDED ON SEPTEMBER 20, 2010  
MEMORIALIZED ON OCTOBER 4, 2010  
APPLICATION FOR SIGN APPROVAL**

**WHEREAS**, Moe's Southwest Grill (hereinafter "Moe's" or "Applicant") has filed an application with the Pequannock Township Planning Board, (hereinafter "Planning Board" or "Board"), for property known as Block 2007, Lot 1 on the Tax and Assessment Map of the Township of Pequannock (hereinafter "Township") which premises are located at 500 Route 23 North, Pompton Plains, New Jersey and located in the C-3 Regional Commercial Zone District (hereinafter C-3 Zone); and

**WHEREAS**, the Applicant has applied to the Pequannock Township Planning Board for approval pursuant to the Code of the Township of Pequannock Chapter 153 Signs which authorizes the Planning Board to review and approve all sign applications within the Township; and

**WHEREAS**, a public hearing was held on September 20, 2010, after the Planning Board determined it had jurisdiction; and

**WHEREAS**, the Applicant was not represented by legal counsel.

**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 within application is for premises known and designated as Block 2007, Lot 1 on the Tax and Assessment Map of the Township of Pequannock, and located at 500 Route 23 North, Pompton Plains, New Jersey. The subject site is located in the C-3 Zone.

The following documents were submitted in connection with this application for development:

1. Completed sign application signed and dated August 30, 2010.
2. Sign details, consisting of two (2) sheets, prepared by Bergen Sign Company dated May 24, 2010.

Testifying on behalf of the Applicant was Thomas Schneider, a representative of Bergen Sign Company (hereinafter "Schneider"). The subject site is located in the C-3 Zone. The existing commercial shopping center is a permitted use in the C-3 Zone. The nature of the application is to seek approval to install new signage to an existing free standing sign as well as to install two (2) new building attached signs on the northern and western facades of the property. The subject site is a corner commercial retail building space with storefront facades facing the north and west. The Applicant is proposing two (2) new attached facade signs, one facing the north and one facing the west. A waiver to permit two (2) attached facade signs is required.

With respect to the free standing sign, the Applicant proposes a 3 feet by 6 feet or 18 square feet sign to be placed in the space allocated on the free standing sign. No waiver relief is required with regard to the free standing sign.

The store front facade, facing the north has a total area of 915 square feet. This permits a sign area of 50 square feet. The Applicant proposes a sign area of 2 feet 4 inches by 20 feet for a total of 46.6 square feet. Therefore, the building attached sign facing the north is in conformance with the maximum sign area permitted by Ordinance. In addition, the store front facade facing the west, has an area of 2,806 square feet. This size permits a sign area of 100 square feet. The Applicant proposes a sign area of

20.5 feet by 300 inches and 54 inches by 85.5 inches for a total of 99.76 square feet of sign area. Both proposed signs meet the Sign Ordinance requirement for permitted square footage. Therefore, the only waiver relief required by the Applicant is in connection with the request to have two (2) building attached signs, one facing the north and one facing the west.

The meeting was opened to the public and there were no members of the public present expressing an interest in this application.

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

Moe's Southwestern Grill is the Applicant for premises known and designated as Block 2007, Lot 1 on the Tax and Assessment Map of the Township of Pequannock, which premises are commonly known as 500 Route 23 North, Pompton Plains, New Jersey. The subject site is located in the C-3 Zone.

The nature of the application is to permit new signage to an existing free standing sign and to install two (2) new attached signs to the northern and western facades of a commercial use. With respect to the free standing sign, the Land Development Ordinance of the Township of Pequannock Section 153.06(B)(2)(c)(1) permits a free standing sign to have an area of 50 square feet. There is an existing free standing sign on the subject commercial site which contains various signs for each of the occupants of the shopping center. The Applicant proposes to utilize a 3 feet by 6 feet or 18 square feet portion of the existing sign area of the free standing sign. No waiver relief is required in connection with this request.

With respect to the building attached signs, the Land Development Ordinance of the Township of Pequannock Section 153.06(B)(2)(c)(2) permits attached signs with a total permitted area of 50 square feet for a store facade with 601 square feet to 1,000 square feet and 100 square feet of sign area for a store facade with 2,000 square feet to 4,000 square feet. In this instance, the store front facade facing the north has a total area of 915 square feet. As a result, the maximum permitted sign area would be 50 square feet. The Applicant proposes a sign area of 2 feet 4 inches by 20 feet for a total of 46.6 square feet. Thus, the building attached sign facing the north conforms to the Ordinance requirements. Furthermore, the store front facade facing the west has an area of 2,806 square feet. This allows a maximum sign area of 100 square feet. The Applicant proposes a sign area of 20 feet 5 inches by 300 inches (Southwest Grill), and 54 inches by 85.5 inches (Moe's) for a total sign area of 99.76 square feet. Therefore, the building attached sign facing the west is also in conformance with the sign area requirement.

The only design waiver sought in connection with this application is in regard to the Applicant proposing two (2) new attached facade signs, one facing the north and one facing the west whereas only one (1) building attached sign is permitted in the C-3 Zone pursuant to Section 153.06(B)(2)(b).

The Board determines that the subject site was formerly occupied as a Hollywood Video store and the Board previously approved building attached signs on the northern facade (facing the parking lot) and westerly facade (facing Route 23). The proposed signage is no larger than the signage previously approved for the Hollywood Video store. The Board also notes that the location of the site being a corner store with

visibility to both the parking lot and Route 23 makes the property unique and supports having two (2) building attached facade signs. The Board also finds that from a safety aspect, having a building attached sign on the westerly facade will promote visibility of the location of this business and will facilitate motorists being able to identify the location of Moe's Southwest Grill in order to safely access the site.

Upon consideration of the plans, testimony and application, the Board determines that the Applicant has submitted sufficient information so as to enable the Board to render an informed decision with regard to the request for sign approval. The Board determines that it is appropriate to grant the application for signage as proposed by the Applicant inclusive of the granting of a waiver in order to permit two (2) building attached facade signs on the premises as proposed by the Applicant and presented to the Planning Board during the hearing process on September 20, 2010.

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Board of the Township of Pequannock that the application of Moe's Southwestern Grill for premises commonly known and designated as Tax Block 2007, Lot 1 on the Tax and Assessment Map of the Township of Pequannock, located at 500 Route 23 North, Pompton Plains, New Jersey in the C-3 Zone requesting sign approval is determined as follows:

1. Approval is granted to enable the Applicant to install a building attached sign on the facade facing the north of 46.6 square feet as well as a building attached sign on the facade facing the west of 99.76 square feet and more particularly set forth herein. Furthermore, approval is granted to enable the Applicant to install a 3 feet by 6 feet or 18 square feet sign within the existing sign area of the free standing sign.
2. Waiver relief is granted under the Land Development Ordinances of the Township of Pequannock, Section 153.06 (B)(2)(b) to enable the Applicant to install two (2) building

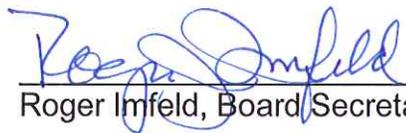
attached signs where the Ordinance permits one (1) building attached sign.

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

1. The Applicant shall comply with all appropriate terms and conditions of the Township of Pequannock Code Chapter 153 Signs.
2. The Applicant represents that all of its representations and stipulations made 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 said stipulations in the Board's granting of approval. If said representations and stipulations are false, this approval is subject to revocation.
3. 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 September 20, 2010.
4. The granting of this application is subject to and conditioned upon the Applicant complying with all terms and conditions set forth in the Board Planner's review report dated September 20, 2010.
5. All terms and conditions of the Board's prior Resolutions remain in full force and effect except as satisfied or amended by this approval.
6. Payment of all fees, costs and escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.
7. Certificate that taxes are paid current to date of approval.

8. 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 jurisdiction.

The undersigned secretary certifies the within Resolution was adopted by this Planning Board on September 20, 2010 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on October 4 2010.

  
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Roger Imfeld, Board Secretary

In favor:  
Against:  
Abstained:  
Board Members Eligible to Vote:

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