

**RESOLUTION  
TOWNSHIP OF PEQUANNOCK PLANNING BOARD  
IN THE MATTER OF HERITAGE HOME BUILDERS, LLC  
DECIDED ON JULY 19, 2010  
MEMORIALIZED ON AUGUST 16, 2010  
MINOR SUBDIVISION APPROVAL AND  
ANCILLARY "C" VARIANCE RELIEF**

**WHEREAS**, Heritage Home Builders, LLC (hereinafter "Heritage" or "Applicant") has filed an application with the Pequannock Township Planning Board, (hereinafter "Planning Board" or "Board"), seeking minor subdivision approval and ancillary "c" variance relief for property known as Block 706 Lot 14 on the Tax and Assessment Map of the Township of Pequannock and located at 749 Newark Pompton Turnpike, Pompton Plains, New Jersey in the R-11 Residential Zone District (R-11 Zone); and

**WHEREAS**, a public hearing was held on July 19, 2010, after the Planning Board determined it had jurisdiction; and

**WHEREAS**, the Applicant was represented by Frederick Roughgarden, Esq. (hereinafter "Roughgarden").

**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 subdivision approval and ancillary "c" variance relief for property known as Block 706 Lot 14 on the Tax and Assessment Map of the Township of Pequannock, which premises are located at 749 Newark Pompton Turnpike, Pompton Plains, New Jersey in the R-11 Zone.

Testifying on behalf of the Applicant was Thomas E. Donohue, P.E., (hereinafter "Donohue"), a licensed professional engineer in the State of New Jersey and Jeffrey Dudas, a member of Heritage Home Builders, LLC (hereinafter "Dudas")

The nature of the application is to subdivide one (1) existing lot into two (2) lots. The subject site consists of 44,520 square feet of lot area that contains a circa 200 year old single family colonial home that is situated with its front porch perpendicular to Newark Pompton Turnpike. A circular driveway wraps around the house with a garage in the rear. From a historical perspective, this house was used as the original Chilton Hospital. The application proposes to subdivide the site into two (2) lots retaining the existing 200 year old dwelling on proposed Lot 14.01 and creating a new lot for the construction of a single family dwelling on proposed Lot 14.02. The driveway will be reconfigured for proposed Lot 14.01 with a new detached garage in the rear of the property that meets all ordinance height and setback requirements.

Donohue testified that the Applicant seeks to keep the character of the historic house intact as well as to keep the character of the area intact. As a result, Donohue testified that with respect to proposed Lot 14.01, the existing masonry garage will be removed and a new garage will be constructed on the site. Dudas testified that the construction materials utilized to build the new garage will blend in with the construction materials of the existing house.

Dudas also testified that the proposed dwelling to be constructed on newly created Lot 14.02 is expected to be a two story colonial home. The garage will be a front loading garage in order to minimize any impact upon the existing house on the adjacent Lot 14.01.

Donohue testified with respect to the request for ancillary "c" variance relief. The required minimum lot width or Lot frontage in the R-11 Zone is 90 feet. The application proposes a lot width of 103.02 feet for proposed Lot 14.01 which conforms to the

ordinance requirements and requires variance relief for lot width or frontage for newly created Lot 14.02 which is proposed to be 82.97 feet. Therefore, the Applicant requires ancillary "c" variance relief for lot frontage or lot width in regard to newly created Lot 14.02 where the minimum lot frontage or lot width requirement is 90 feet and the Applicant proposes 82.97 feet. The need for this variance was created when the Applicant moved the proposed subdivision line which forms the common lot line between proposed Lot 14.01 and newly created Lot 14.02. The lot line or proposed subdivision line was adjusted in order to provide a 10 foot side yard setback on proposed Lot 14.01. Originally, the plans as presented reflected the approximate 200 year old dwelling on proposed Lot 14.01 having its existing porch setback only 2.69 feet from the proposed subdivision line. The Board engineer in his report dated July 12, 2010 recommended that the Applicant consider moving the subdivision line to provide more of a setback for the porch. The Board planner in her report dated July 7, 2010 similarly recommended increasing the side yard setback of proposed Lot 14.01. The Applicant has presented revised plans to comply with this request.

The second variance required by the Applicant is in connection with proposed Lot 14.01 wherein the front yard setback is required to be 50 feet and the existing front yard setback is 16 feet. The Applicant testified that by maintaining the existing 16 foot front yard setback on proposed Lot 14.01, the Applicant would be able to retain the character of the house which is approximately 200 years old. The Applicant also represented that it would comply with all terms and conditions set forth in the Board planner's report dated July 7, 2010 and the Board engineer's review report dated July

12, 2010. The lot areas for each of the proposed lots will be 25,037 square feet for proposed Lot 14.01 and 19,483 square feet for proposed Lot 14.02.

The Board and the Applicant discussed the issue of underground utilities to service the new single family dwelling to be constructed to service proposed Lot 14.02 and Dudas stipulated that the Applicant would provide underground utilities to service proposed Lot 14.02.

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.

The application before the Board is a request for minor subdivision approval and ancillary "c" variance relief for property known and designated as Tax Block 706 Lot 14 as shown on the Tax and Assessment Map of the Township of Pequannock and located at 749 Newark Pompton Turnpike, Pompton Plains, New Jersey in the R-11 Zone.

The Municipal Land Use Law, at N.J.S.A. 40:55D-70c provides Boards with the power to grant variances from strict bulk and other non-use related issues when the applicant satisfies certain specific proofs which are enunciated in the Statute. Specifically, the applicant may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness or shape. An applicant may show that exceptional topographic conditions or physical features exist which uniquely affect a specific piece of property. Further, the applicant may also supply evidence that exceptional or extraordinary circumstances exist which uniquely affect a specific piece

of property or any structure lawfully existing thereon and the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Additionally, under the c(2) criteria, the applicant has the option of showing that in a particular instance relating to a specific piece of property, the purpose of the act would be advanced by allowing a deviation from the Zoning Ordinance requirements and the benefits of any deviation will substantially outweigh any detriment. In those instances, a variance may be granted to allow departure from regulations adopted, pursuant to the Zoning Ordinance.

Those categories specifically enumerated above constitute the affirmative proofs necessary in order to obtain "bulk" or (c) variance relief. Finally, an applicant must also show that the proposed variance relief sought will not have a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. It is only in those instances when the applicant has satisfied both these tests, that a Board, acting pursuant to the Statute and case law, can grant relief. The burden of proof is upon the applicant to establish these criteria.

The Applicant seeks to subdivide the existing lot which consists of 44,520 square feet in order to create two (2) lots. Proposed Lot 14.01 will consist of 25,037 square feet of lot area and will continue to contain the circa 200 year old single family colonial home located thereon. Proposed Lot 14.02 will consist of 19,483 square feet of lot area and will contain a single family residential dwelling with a front loading garage to be located thereon.

With respect to the request for ancillary "c" variance relief, the Applicant requires ancillary "c" variance relief in regard to proposed Lot 14.01 relative to the front yard setback wherein a minimum front yard setback of 50 feet is required and 16 feet is proposed. The Board finds that the front yard setback for proposed Lot 14.01 at 16 feet is currently existing. The Board finds that it makes better planning sense to grant the variance relief for the existing 16 feet front yard setback because it will enable the Applicant to retain the character of the circa 200 year old single family dwelling as opposed to requiring the Applicant to alter or relocate the dwelling in order to meet the 50 feet front yard setback. Secondly, the Applicant requires ancillary "c" variance relief in regard to the lot frontage or lot width of proposed Lot 14.02 where the minimum lot frontage or lot width is required to be 90 feet and the Applicant proposes 82.97 feet. The Board through its professional planner and engineer recommended that the Applicant relocate the proposed subdivision line which forms the common lot line between Lots 14.01 and 14.02 so as to enlarge the side yard setback on Lot 14.01 which previously was 2.69 feet and will now be 10 feet. As a result, of the relocation of the lot line to address the side yard setback deficiency on Lot 14.01, the Applicant now has a slight deficiency in regard to lot frontage or lot width for proposed Lot 14.02. The Board determines that the deficiency is de minimis and that by granting the variance, the character of the historic house will be kept intact and this will also keep the character of the neighborhood intact. Thus, the Planning Board determines that it is appropriate to grant ancillary "c" variance relief.

The Board has examined the request for variance relief under the Municipal Land Use Law pursuant to N.J.S.A. 40:45D-70c(1) and concludes that the Applicant is

entitled to C1 variance relief due to the physical features existing which uniquely affect this specific piece of property, which is the existence of a circa 200 year old historic residential dwelling on proposed Lot 14.01. The location of the dwelling on Lot 14.01 impacts where the subdivision line can be drawn.

The Board also reviewed the granting of ancillary "c" variance relief under the C2 analysis. In Kaufman v. Planning Bd. for Warren Tp. 110 NJ 551, 563 (1988) the New Jersey Supreme Court held:

"By definition, then, no c(2) variance should be granted when merely the purposes of the owner will be advanced. The grant of approval must actually benefit the community in that it represents a better zoning alternative for the property. The focus of a c(2) case, then, will be not on the characteristics of the land that, in light of current zoning requirements, create a hardship on the owner warranting a relaxation of standards, but on the characteristics of the land that present an opportunity for improved zoning and planning that will benefit the community."

The Board recognizes that the subject site is located in the R-11 Zone, wherein the minimum required lot size is 11,250 square feet. The Board also recognizes that the existing site presently has a lot area of 44,520 square feet which is approximately four (4) times larger than the minimum required lot area in the R-11 Zone. Thus, the Board concludes by granting the minor subdivision in order to create two (2) lots with a lot area of 25,037 square feet and 19,483 square feet, the newly created lots will be more in conformance with the ordinance requirements and more in conformance with the lot sizes in the neighborhood. The Board determines that approval of this application represents a better zoning alternative for the property which benefits the community.

Therefore, under the C2 analysis the Board determined that the positive and negative criteria were met by the Applicant and the granting of "c" variance relief as set forth herein is appropriate.

The Board therefore concludes that based upon its review of this matter that the departure from the Zoning ordinance requirements in regard to the front yard setback for proposed Lot 14.01 and the lot frontage or lot width requirement for proposed Lot 14.02 may be granted under the C2 criteria for the reasons set forth herein. Furthermore, the Board finds that the proposed subdivision would have no negative impact on the neighborhood or the public good. As a result, the Board concludes that the granting of minor subdivision approval with ancillary "c" variance relief as set forth herein may be granted under the C2 criteria because it will not be substantially detrimental to the public good and further, the approval will not substantially impair the intent and purpose of the zone plan and zoning ordinance. Furthermore, the Board concludes that the benefits of the approval would outweigh any conceivable negative detriment. Under these circumstances, it is appropriate for the Board to grant ancillary "c" variance relief.

Upon consideration of the plans, testimony and application, the Board determines that the proposed minor subdivision plan approval has met the minimum requirements of the Municipal Land Use Law, case law and Borough ordinances to a sufficient degree so as to enable the Board to grant the relief being requested. The Board further finds that the granting of this application will not adversely impact or impair the use and enjoyment of adjacent properties.

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Board of the Township of Pequannock that the application of Heritage Home Builders, LLC for premises commonly known and designated as Tax Block 706, Lot 14 on the Tax and Assessment Map of the Township of Pequannock, located at 749 Newark Pompton Turnpike, Pompton Plains, New Jersey in the R-11 Zone requesting minor subdivision approval and ancillary "c" variance relief is determined as follows:

1. Minor subdivision approval is granted under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-47 as well as the Land Development Ordinances of the Township of Pequannock.
2. Ancillary "c" variance relief is granted under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-70c(1) and (2) as well as the Land Development Ordinances of the Township of Pequannock in regard to lot frontage or lot width of proposed Lot 14.02 where a minimum lot frontage or lot width of 90 feet is required and 82.97 feet is proposed and in regard to the front yard setback for proposed Lot 14.01, where the minimum front yard setback is required to be 50 feet and the proposed front yard setback for proposed Lot 14.01 is 16 feet as it exists now.

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

1. The subdivision of this parcel shall be implemented in accordance with a subdivision plan prepared by Thomas E. Donohue, P.E., dated June 18, 2010 and last revised July 15, 2010 and any subsequent revisions thereto as directed by the Planning Board or the Board professionals.
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 July 19, 2010.

4. The Deed recorded memorializing the minor subdivision shall specifically refer to this Resolution and shall be subject to the review and approval of the Board engineer and Board attorney. The Applicant shall record the Deed within 190 days of the memorializing Resolution being adopted. Failure to do so shall render the approval null and void.

5. The Applicant shall comply with all terms and conditions set forth in the Board planner's review report dated July 7, 2010 to the satisfaction of the Board planner.

6. The Applicant shall comply with all terms and conditions set forth in the Board engineer's review report dated June 12, 2010 to the satisfaction of the Board engineer.

7. The granting of this application is subject to and conditioned upon the Township of Pequannock Tax Assessor assigning appropriate lot numbers in connection with this approval.

8. The granting of this application is subject to and conditioned upon the new garage being proposed for Lot 14.01 being setback a minimum of 5 feet from the property line with the maximum height of the structure not to exceed fifteen (15) feet in height as required by ordinance.

9. The granting of this application is subject to and conditioned upon the Applicant installing underground utilities for the proposed dwelling to be constructed on proposed Lot 14.02.

10. The granting of this application is subject to and conditioned upon Morris County Soil Conservation District approval, if required.

11. The granting of this application is subject to and conditioned upon New Jersey Department of Environmental Protection (NJDEP) approval, if required.

12. The granting of this application is subject to and conditioned upon Morris County Planning Board approval, if required.

13. The granting of this application is subject to and conditioned upon the Township of Pequannock Health Department approval, if required.

14. 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.

15. Certificate that taxes are paid current to date of approval.

16. 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 July 19, 2010 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on August 16, 2010.

  
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Roger Imfeld, Board Secretary

In favor:

Against:

Abstained:

Board Members Eligible to Vote:

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**RESOLUTION  
TOWNSHIP OF PEQUANNOCK PLANNING BOARD  
IN THE MATTER OF TOM KOPILOK d/b/a FIRESIDE FURNITURE  
DECIDED ON JULY 19, 2010  
MEMORIALIZED ON AUGUST 16, 2010  
APPLICATION FOR SIGN APPROVAL**

**WHEREAS**, Tom Kopilak d/b/a Fireside Furniture ("hereinafter "Applicant") has made application to the Pequannock Township Planning Board, (hereinafter "Planning Board"), for property known and designated as Tax Block 802, Lot 6, on the Tax Map of the Township of Pequannock, (hereinafter "Township"), which premises are located at 695 Route 23 South, Pompton Plains, New Jersey and located in the C-2 Highway Commercial District (hereinafter "C-2 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 July 19, 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 Tax Block 802, Lot 6 on the Tax and Assessment Map of the Township of Pequannock, and located at 695 Route 23 South, Pompton Plains, New Jersey. The subject site is located in the C-2 Zone.

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

1. Completed Sign Application, signed by Tom Kopilak and dated July 7, 2010.
2. Sign illustrations, prepared by Butler Sign Company dated July 7, 2010.

Testifying on behalf of the Applicant was John Janis a principal of Butler Sign Company (hereinafter "Janis"). The subject site is an existing commercial site that contains a strip commercial building with several commercial retail uses. The Application proposes to change and enlarge the Fireside Furniture sign. The proposed new sign will be attached to the building façade in the same location as the existing sign. The proposed attached sign is 4 feet 6 inches by 36 feet for a total of 115 square feet of sign area. The existing store front has an area of 7,350 square feet which means the Applicant is permitted to have an attached sign not to exceed a total sign area of 160 square feet. Janis testified that the proposed signage is in conformance with the ordinance requirements.

The sign plan prepared by Butler Sign Company is dated July 1, 2010 with revisions through July 7, 2010. The proposed attached sign will be internally and externally illuminated. The Applicant confirmed that the sign will not produce any glare.

The meeting was opened up to the public and there were no members of the public present expressing any interest in the within application.

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

Tom Kopilak d/b/a Fireside Furniture is the Applicant for premises known and designated as Tax Block 802, Lot 6 on the Tax and Assessment Map of the Township of

Pequannock, which premises are commonly known as 695 Route 23 South, Pompton Plains, New Jersey. The subject site is located in the C-2 Zone.

The Applicant proposes to change and enlarge the Fireside Furniture sign. The proposed new sign will be attached to the building façade in the same location as the existing sign. The proposed attached sign is 4 feet 6 inches by 36 feet for a total of 115 square feet. Pursuant to the Code of the Township of Pequannock Chapter 153 Signs and more specifically Section 153.06(B)(2)(c)[2] permits an attached sign to have a total area of 160 square feet or 3.5% of the façade which ever is larger. In this instance, the existing store front has an area of 7,350 square feet which means that the Applicant could conceivably provide a building attached sign between 160 square feet and 257.25 square feet and still comply with the ordinance. In this instance, the Applicant is proposing a building attached sign of 115 square feet. The proposed building attached sign clearly meets the ordinance requirements and does not require any waiver relief. The Board finds that the proposed application for sign approval complies with all of the ordinance requirements for a building attached sign in the C-2 Zone and, as such the Applicant requires no waiver relief in regard to this application.

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 July 19, 2010.

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Board of the Township of Pequannock that the application of Tom Kopilak d/b/a Fireside Furniture for premises

known and designated as Tax Block 802, Lot 6 on the Tax and Assessment Map of the Township of Pequannock and located at 695 Route 23 South, Pompton Plains, New Jersey in the C-2 District requesting sign approval is determined as follows:

1. Approval is granted to enable the Applicant to install a building attached sign on the façade of the building above the entrance door to the Applicant's business, which sign is 4 feet 6 inches in height by 36 feet in length for a total of 115 square feet of sign area. This sign is in conformance with the land development ordinances of the Township of Pequannock and more specifically Section 153.06(B)(2)(c)(2).
2. The Applicant shall comply with all appropriate terms and conditions of the Township of Pequannock Code Chapter 153 signs.
3. 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 the said stipulations in the Board's granting of approval. If said representations and stipulations are false, this approval is subject to revocation.
4. This approval is granted strictly in accordance with any recommendations set forth on the record by the Planning Board at the time of the hearing on July 19, 2010.

5. 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 July 9, 2010.
6. All terms and conditions of the Board's prior Resolutions remain in full force and affect except as satisfied or amended by this approval.
7. 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.
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 July 19, 2010 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on August 16, 2010.

  
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Roger Imfeld, Board Secretary

In favor:

Against:

Abstained:

Board Members Eligible to Vote:

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**RESOLUTION  
TOWNSHIP OF PEQUANNOCK PLANNING BOARD  
IN THE MATTER OF PETER PATEL d/b/a KING'S KID DELI  
DECIDED ON JULY 19, 2010  
MEMORIALIZED ON AUGUST 16, 2010  
APPLICATION FOR SIGN APPROVAL**

**WHEREAS**, Peter Patel d/b/a King's Kid Deli ("hereinafter "Applicant" or "Kings Kid") has made application to the Pequannock Township Planning Board, (hereinafter "Planning Board"), for property known and designated as Tax Block 4011, Lot 4, on the Tax Map of the Township of Pequannock, (hereinafter "Township"), which premises are located at 235 Newark Pompton Turnpike, Pompton Plains, New Jersey and located in the C-1 Community Business District (hereinafter "C-1 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 July 19, 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 Tax Block 4011, Lot 4 on the Tax and Assessment Map of the Township of Pequannock, and located at 235 Newark Pompton Turnpike, Pompton Plains, New Jersey. The subject site is located in the C-1 Zone.

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

1. Completed Sign Application, signed and dated June 30, 2010.
2. Proposed sign plan, prepared by Butler Sign Company dated June 22, 2010.

Testifying on behalf of the Applicant was John Janis of Butler Sign Company (hereinafter "Janis"). The subject site is an existing store located in the C-1 Community Business District of the Township of Pequannock. The application proposes to replace an existing attached awning that contains two (2) signs with a new extended box and attached sign. Janis testified that the Applicant installed an awning approximately 4 feet in height by 40 feet in length approximately nine (9) years ago. Janis stated that the awning protrudes out over the entrance of the building and this has resulted in problems with trucks striking the awning. Therefore, the Applicant intends to remove the awning. Previously there were two (2) 24 square foot signs on the awning. The Applicant seeks to remove the awning and proposes in its place to install a façade with signage 3 feet in height by 35 feet in length sign for a total sign area of 105 square feet.

Section 153.06(B)(1)(c) of the Land Development Ordinances of the Township of Pequannock permits an attached sign to have a total sign area of 24 square feet. Therefore, the proposed sign is 81 square feet larger than that which is permitted by ordinance, thereby requiring a waiver from this section of the ordinance.

After a lengthy discussion, the Applicant agreed to amend its application in order to propose three (3) smaller signs that will be attached to the building façade once the awning is removed. The Applicant proposes a "Quick Mart" sign 24 inches in height and

96 inches in length for a total sign area of 16 square feet, a "King's Kid" sign with a height of 36 inches by 120 inches in length for a total sign area of 30 square feet and a Deli sign 24 inches in height by 96 inches in length for a total sign area of 16 square feet. Therefore, the proposal as amended seeks the approval of the Planning Board to locate three (3) building attached signs on the façade of the building with a total sign area of 62 square feet. The signs will be installed as reflected on a sign detail prepared by Butler Sign Company dated June 22, 2010 and last revised on July 7, 2010 and submitted to the Planning Board. Janis also stated that the Applicant would conform to Section 153.06(B)(1)(f) that the sign shall not be illuminated between the hours of 11:00 p.m. and 6:00 a.m.

The meeting was opened up to the public and there were no members of the public present expressing any interest in the within application.

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

Peter Patel d/b/a King's Kid Deli is the Applicant for premises known and designated as Tax Block 4011, Lot 4 on the Tax and Assessment Map of the Township of Pequannock, which premises are commonly known as 235 North Pompton Turnpike, Pompton Plains, New Jersey. The subject site is located in the C-1 Zone.

The Applicant seeks approval to install a building attached sign on the façade above the entrance door to the building. The Applicant has amended its application which previously proposed a building attached sign on the façade three (3) feet in height by 35 feet in length for a total sign area of 105 square feet. The original application as proposed would have required the Applicant to obtain a waiver from Section 153.06(B)(1)(c) of the

Land Development Ordinances of the Township of Pequannock for a waiver because the proposed sign was 81 square feet larger than that which is permitted by the ordinance. The Applicant has now stipulated to reduce the size of the building attached sign and is proposing three (3) small building attached signs with a "Quick Mart" sign 16 square feet in sign area, a "King's Kid" sign 30 square feet in sign area and a "Deli" sign 16 square feet in sign area for a total of 62 square feet of building attached signage to be located on the façade above the entrance to the building. Pursuant to Section 153.06(B)(1)(c) of the Land Development Ordinances of the Township of Pequannock, the maximum sign area of a building attached sign is 24 square feet. Therefore, the Applicant still requires waiver relief for the proposed building attached signage at 62 square feet in total.

The Board accepts the representations of the Applicant's expert, Mr. Janis and concludes that based upon the significant reduction of the sign area from that which was originally proposed, it is appropriate to grant waiver relief. In addition, pursuant to the Land Development Ordinance of the Township of Pequannock and more specifically Section 153.06(B)(1)(f) signs may be illuminated when a business is open but no sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m. As a result, the Applicant has agreed to comply with the ordinance requirements regarding the illumination of signage. The Board also finds that the proposed application for sign approval complies with all of the other ordinance requirements for a building attached sign in the C-1 Zone and, as such, the Applicant requires no further waiver relief in regard to this application.

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 July 19, 2010.

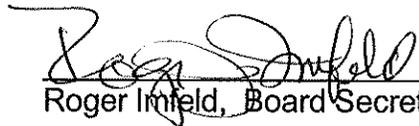
**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Board of the Township of Pequannock that the application of Peter Patel d/b/a Kings Kid Deli for premises known and designated as Tax Block 4011, Lot 4 on the Tax and Assessment Map of the Township of Pequannock and located at 235 Newark Pompton Turnpike, Pompton Plains, New Jersey in the C-1 District requesting sign approval is determined as follows:

1. Approval is granted to enable the Applicant to install a building attached signage above the entrance door to the building which will involve three (3) signs, a "Quick Mart" sign 16 square feet in sign area, a "King's Kid" sign 30 square feet in sign area and a "Deli" sign 16 square feet in sign area for a total sign area of 62 square feet in total. The signs shall be installed in accordance with a sign plan prepared by Butler Sign Company dated June 22, 2010 and last revised July 7, 2010 as presented and approved by the Planning Board at the time of its public on July 19, 2010.
2. The Applicant shall comply with all appropriate terms and conditions of the Township of Pequannock Code Chapter 153 signs.
3. 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 the said stipulations in the Board's granting of approval. If said

representations and stipulations are false, this approval is subject to revocation.

4. This approval is granted strictly in accordance with any recommendations set forth on the record by the Planning Board at the time of the hearing on July 19, 2010.
5. The granting of this application is subject to and conditioned upon the signage not being illuminated between the hours of 11:00 p.m. and 6:00 a.m.
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. 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 July 19, 2010 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on August 16, 2010.

  
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Roger Imfeld, Board Secretary

In favor:

Against:

Abstained:

Board Members Eligible to Vote:

**RESOLUTION  
TOWNSHIP OF PEQUANNOCK PLANNING BOARD  
IN THE MATTER OF LAKELAND BANK  
DECIDED ON JULY 19, 2010  
MEMORIALIZED ON AUGUST 16, 2010  
APPLICATION FOR SIGN APPROVAL**

**WHEREAS**, Lakeland Bank ("hereinafter "Applicant" or "Lakeland") has made application to the Pequannock Township Planning Board, (hereinafter "Planning Board"), for property known and designated as Tax Block 304, Lot 25, on the Tax Map of the Township of Pequannock, (hereinafter "Township"), which premises are located at 901 Route 23 South, Pequannock, New Jersey and located in the R-15 Residential Zone District (hereinafter "R-15 Zone"); and

**WHEREAS**, Lakeland Bank has applied to the 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 July 19, 2010 after the Planning Board determined it had jurisdiction; and

**WHEREAS**, the Applicant was represented by John Janis of Butler Sign Company.

**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 following documents were submitted in connection with this application for development.

1. Completed sign application signed and dated June 16, 2010.
2. Illustration of sign, prepared by Butler Sign Co. dated April 13, 2010.

Lakeland Bank presently operates a bank at 901 Route 23 South, Pequannock Township, New Jersey which premises area also known and designated as Tax Block

304, Lot 25 on the Tax and Assessment Map of the Township of Pequannock in the R-15 Residential Zone District. The Planning Board previously approved a building attached sign with the text "Lakeland Bank" which existing sign is 9 feet 4 inches in length by 35 inches in height for a total of 27 square feet. The application before the Planning Board is to remove the existing 27 square foot sign and to replace it with a new sign and logo. The new sign will consist of individual letters having a dimension of 12 feet 8 inches in length by 2 feet in height for a total of 25 square feet of sign area. The signage will contain the text "Lakeland Bank" with a logo. The sign details are also contained in a sign plan presented to the Board prepared by Butler Sign Company dated March 22, 2010 and last revised on April 13, 2010. There are no other changes contemplated to the existing signage on the site. The Board also considered a memorandum from Jill A. Hartmann, P.P., A.I.C.P., Planner to the Pequannock Township Planning Board who indicates that the nature of the application is to replace an existing attached twenty-seven (27) square foot sign with a new building attached sign at 25 square feet thereby resulting in a reduction of 2 square feet of sign area.

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.

The application before the Township of Pequannock Planning Board is in connection with the replacement of an existing building attached sign with the text "Lakeland Bank" consisting of a total of twenty-seven (27) square feet in order to replace it with a new building attached sign and logo with the text "Lakeland Bank". The new building

attached sign will consist of individual letters and will have a dimension of 12 feet 8 inches by 2 feet for a total of 25 square feet of sign area.

The premises are located in the R-15 Residential Zone District and signs are not permitted under Chapter 153.06 of the Sign Ordinance of the Township of Pequannock. However, in this instance, the Applicant is replacing an existing building attached sign with a new attached sign. The Board notes that the existing building attached sign is twenty-seven (27) square feet in area and will be replaced with a new building attached sign with a logo, which sign will consist of a logo and individual letters having a dimension of 12 feet 8 inches by 2 feet for a total sign area of 25 square feet. Thus, the sign area will be reduced by 2 square feet.

Upon consideration of the plans, testimony and application, the Board determined 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 is satisfied that it is appropriate to approve the application as presented because the nature of the application is to replace an existing building attached sign with a new building attached sign and logo resulting in an overall reduction of sign area of 2 square feet. As a result, the Board concludes that sign approval is appropriate for this application at this time for the reasons set forth herein.

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Board of the Township of Pequannock that the application of Lakeland Bank for premises commonly known as 901 Route 23 South, Pequannock, New Jersey and commonly known and designated as Tax Block 304, Lot 25 on the Tax and Assessment Map of the Township of Pequannock,

which premises are located in the R-15 Zone requesting sign approval is determined as follows:

1. Approval is granted to enable the Applicant to replace an existing 27 square foot building attached sign with a new building attached sign and logo. The new sign will consist of individual letters and a logo having a dimension of 12 feet 8 inches by 2 feet for a total of 25 square feet of sign area.
2. The Applicant shall comply with all appropriate terms and conditions of the Township of Pequannock Code Chapter 153 Signs except as may have been modified at the time of the hearing and set forth herein.
3. The granting of this application is subject to and conditioned upon the Applicant installing the sign as indicated in a sign detail prepared by Butler Sign Company dated March 22, 2010 with revisions through April 13, 2010 as presented and approved by the Planning Board at the time of its public hearing.
4. 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 the said stipulations in the Board's granting of approval. If said representations and stipulations are false, this approval is subject to revocation.
5. This approval is granted strictly in accordance with any recommendations set forth on the record by the Planning Board at the time of the hearing on July 19, 2010.
6. All terms and conditions of the Board's prior Resolutions remain in full force and affect accept as satisfied or modified by this approval.
7. The granting of this application is subject to and conditioned upon the Applicant complying with Chapter 153.06(B)(1)(f) - Signs of the Code of the Township of Pequannock. Signage shall not be illuminated between 11:00 p.m. and 6:00 a.m. Sign lighting shall not produce glare.
8. 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.

9. 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 have jurisdiction hereunder

The undersigned secretary certifies the within Resolution was adopted by this Planning Board on July 19, 2010 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on August 16, 2010.

  
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Roger Imfeld, Board Secretary

In favor:

Against:

Abstained:

Board Members Eligible to Vote:

X:\WP-DATA\COR\MATTERS\PEQ-316E Lakeland Bank Resolution 07-21-10 rb.doc rev 07-28-10