

**RESOLUTION
TOWNSHIP OF PEQUANNOCK PLANNING BOARD
IN THE MATTER OF BUY RITE LIQUORS
DECIDED ON APRIL 5, 2010
MEMORIALIZED ON APRIL 19, 2010
APPLICATION FOR SIGN APPROVAL**

WHEREAS, Buy Rite Liquors ("hereinafter "Buy Rite Liquors" or "Applicant") has made application to the Pequannock Township Planning Board, (hereinafter "Planning Board"), for property known and designated as Tax Block 2007, Lot 1, on the Tax Map of the Township of Pequannock, (hereinafter "Township"), which premises are on the Plaza 23 Shopping Center located at Route 23 and Jackson Avenue, Pequannock, New Jersey and located in the C-3 Highway Commercial District; 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 April 5, 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 2007, Lot 1 on the Tax and Assessment Map of the Township of Pequannock, which premises are commonly known as the Plaza 23 Shopping Center located at Route 23 and Jackson Avenue, Pequannock, New Jersey. The subject site is located in the C-3 Highway Commercial District.

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

1. Completed Sign Application, signed by John J. Janis, Jr. dated January 29, 2010.
2. Sign Detail, prepared by Miguel Santos, Butler Sign Company, dated January 28, 2010 with revisions through April 5, 2010 and consisting of four (4) sheets.

Testifying on behalf of the Applicant was John J. Janis, Jr. of Butler Sign Company (hereinafter, "Janis"). Janis indicated he was authorized by Buy Rite Liquors to present the sign application to the Board. Janis then introduced a composite of the sign detail sheets submitted to the Board which was marked as Exhibit A-1 for the record. Referring to A-1, Janis described the nature of the proposed signage noting that the Applicant was essentially seeking approval to affix two (2) new attached signs to a new business at the Plaza 23 Shopping Center and provide a replacement panel to the existing freestanding sign on the property. The new business site is a corner business, located at the northeastern corner of the shopping center.

Given that Section 153.06(B)(2)(b) of the Township's Zoning Ordinance allows only one (1) attached sign for each use, the Applicant required a design waiver for the proposed second building attached sign. The attached signs on either façade would consist of the words "Buy Rite" measuring 3 feet, 4 inches by 13 feet, 7 inches (45.25 square feet total) on top of the word "Liquor" measuring 18 feet by 10 feet (15 square feet total) for a total sign area on either façade of 60.25 square feet. When the façade signage was combined, the Applicant, he noted was proposing approximately 120.50 square feet

of building attached signage. This, Janis stated, was significantly less than the 298 square feet of combined total building attached signage that previously existed with the former STS Auto use. Janis stated that the second sign along the Route 23 façade was necessary to assist motorists in locating the site from Route 23 given the nature of the store's location in relation to the highway.

He further remarked that the size of the sign proposed along the façade facing Route 23 was 10.25 square feet larger than the 50 square feet allowed by Section 153.06(B)(2)(c)(2) thus requiring a second design waiver. This waiver, he stated, was necessary because at a smaller point size there would be limited readability of the sign from Route 23 given its distance therefrom.

Janis indicated that the attached signs would be internally illuminated and would be turned off each night at 10:30 pm. The illumination would be similar to that of the nearby Home Goods store. Janis further remarked that the Jackson Avenue façade sign could have measured at least 110 square feet pursuant to ordinance, but the Applicant wanted signage that were consistent in size on both facades.

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.

Buy Rite Liquors is the Applicant for premises known and designated as Tax Block 2007, Lot 1 on the Tax and Assessment Map of the Township of Pequannock, which premises are commonly known as the Plaza 23 Shopping Center located at Route 23 and

Jackson Avenue, Pequannock, New Jersey. The subject site is located in the C-3 Highway Commercial District.

The Applicant is proposing to affix two (2) new attached signs to a new business at the Plaza 23 Shopping Center and provide a replacement panel to the existing freestanding sign on the property. The new business site is a corner business, located at the northeastern corner of the shopping center.

The Applicant requires two design waivers. The first design waiver is from Section 153.06(B)(2)(b) for having two versus one attached sign for the proposed use. The second waiver is from Section 153.06(B)(2)(c)(2) for exceeding the permitted sign size of 50 square feet.

The Board determines that it is appropriate to allow a second building attached sign with a total sign area of 60.25 square feet on the Route 23 side of the building. The Board concludes that the addition of a second building attached sign at 10.25 square feet in excess of the 50 square feet requirement will promote visibility of the store and help to facilitate motorists locating the store and being able to more easily access the store. Moreover, the proposed signage is less than half of the signage that existed on the building for the former STS Auto business that previously operated at the proposed location on the subject property.

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 also concludes that the only relief sought by the Applicant is in connection with the design waivers referenced herein. The Board is also satisfied that based upon the

representations placed upon the record, that the proposed signage will conform to all other Ordinance requirements and that the signs will not present any negative visual obstructions or impact to pedestrians or motorists in the vicinity of the site and that the granting of these waivers will not adversely impact or impair the use and enjoyment of adjacent properties. Therefore, the Board concludes that the waivers for sign approval are appropriate and may be granted by the Board at this time especially in light of the fact that the proposed signage is smaller and will replace significantly larger signage that previously existed on the site.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Pequannock that the application of Buy Rite Liquors for premises designated as Tax Block 2007, Lot 1 on the Tax and Assessment Map of the Township of Pequannock and commonly known as the Plaza 23 Shopping Center located at Route 23 and Jackson Avenue, Pequannock, New Jersey in the C-3 Highway Commercial District requesting sign approval is determined as follows:

1. Approval is granted to enable the Applicant to install two (2) internally illuminated attached business signs with the Route 23 façade sign having a total of 60.25 square feet of sign area and the Jackson Avenue façade sign also having a total of 60.25 square feet of sign area as well as providing a replacement panel for signage to the existing free standing sign on the property.
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 the application is subject to and conditioned upon the Applicant installing signs consistent with the sign detail prepared by Butler Sign Company and submitted as part of the application package and approved by the Planning Board.
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. Internally illuminated signs shall be turned off at 10:30pm as indicated by the Applicant at the time of the hearing.
6. 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 April 5, 2010.
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 April 5, 2010 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on April 19, 2010.


Board Secretary

In favor:

Against:

Abstained:

Board Members Eligible to Vote:

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