

**RESOLUTION
TOWNSHIP OF PEQUANNOCK PLANNING BOARD
IN THE MATTER OF WALID SUIAFAN
DECIDED ON FEBRUARY 28, 2011
MEMORIALIZED ON APRIL 18, 2011
PRELIMINARY AND FINAL SITE PLAN APPROVAL
WITH ANCILLARY C VARIANCE RELIEF
FLOOD PLAIN DEVELOPMENT AND SIGN APPROVAL**

WHEREAS, Walid Suiafan ("hereinafter "Applicant" or "Suiafan") has filed an application with the Pequannock Township Planning Board, (hereinafter "Planning Board" or "Board"), seeking preliminary and final site plan approval, ancillary "c" variance relief, flood plain development approval and sign approval in regard to property located at 540 Route 23, Pompton Plains, New Jersey and known and designated as Tax Lot 1 in Tax Block 2006 on the Tax and Assessment Map of the Township of Pequannock (hereinafter "Township") which premises are located in the C-3 Regional Commercial District, (hereinafter "C-3 Zone"); and

WHEREAS, a public hearing was held on February 28, 2011 after the Planning Board determined it had jurisdiction; and

WHEREAS, the Applicant was represented by Frank Scangarella, Esq. (hereinafter "Scangarella").

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

The application before the Board is a request for preliminary and final site plan approval, ancillary "c" variance relief, flood plain development approval and sign approval for property known and designated as Lot 1 in Tax Block 2006 on the Tax and

Assessment Map of the Township of Pequannock, which premises are located at 540 Route 23, Pompton Plains, New Jersey in the C-3 Zone.

Submitted in support of the application were the following documents:

1. Pequannock Township Site Plan Application, signed by Walid Suiafan, dated December 16, 2010 with revisions through February 8, 2011.
2. Pequannock Township Application for Flood Development, signed by Walid Suiafan, dated December 16, 2010.
3. Pequannock Township Application for Variance, signed by Walid Suiafan, dated January 4, 2011.
4. Sign Application, signed by Walid Suiafan, dated January 4, 2011.
5. Site Plan, consisting of 11 sheets, prepared by J.G. Jaworski, PE of Dynamic Engineering, dated December 13, 2010 with revisions through February 8, 2011.
6. Architectural Plan, consisting of 3 sheets, prepared by Robert J. Sargenti, RA, dated December 13, 2010 with revisions through February 14, 2011.
7. Survey, prepared by Joseph J. Wright, PLS, of Blue Marsh Associates, Inc., dated October 20, 2010.
8. Traffic Impact Analysis for Proposed Convenience Store, prepared by Joseph J. Staigar, PE, PP and Craig W. Peregoy, PE, dated November 19, 2010.

9. Stormwater Management, Groundwater recharge and Water Quality Analysis, prepared by Joseph G. Jaworski.

The Board also considered the following reports and or memoranda in regard to this application:

- a. Memorandum dated February 27, 2011 from Jill A. Hartmann, P.P., A.I.C.P., Planner to the Pequannock Township Planning Board.
- b. E-mail dated February 24, 2011 from David C. Battaglia, P.E., CME, Pequannock Township Engineer commenting upon Applicant's request for two waivers in regard to related matters.

The subject site is an existing 22,921 square feet site which contains a gasoline service station and a small convenience store. It is the Applicant's intent to discontinue the gas station use on the site and to construct a 7-11 convenience store on the site. The Applicant will increase the size of the building from 1,000 square feet to 2,400 square feet with an office, retail store, and lavatory. In addition, there will be 13 parking spaces and related site improvements.

Testifying on behalf of the Applicant was Joe Jaworski, P.E., a licensed professional engineer in the State of New Jersey (hereinafter "Jaworski"). The subject site is approximately 0.526 acres and is located at the intersection of Jackson Avenue and Route 23. Jaworski represented that the site presently contains an existing service station and an approximate 470 square feet convenience store. Jaworski also represented that the Applicant is currently in the process of obtaining an additional 0.2 acres of land from the New Jersey Department of Transportation (hereinafter "NJDOT") which will increase the lot area to 0.725 acres. Jaworski represented that the additional acreage is needed in order to help out with drainage and flood storage.

Jaworski also stated that there are currently 2 existing driveways off of Route 23. He identified the driveways as being a northerly driveway and a southerly driveway. Jaworski also represented that the Applicant had eliminated the northerly Route 23 driveway and will only operate the southerly driveway on Route 23. Therefore, off of Route 23 there will only be an opportunity to make a right turn into the site and a right turn out of the site. The southerly driveway will thus be for ingress and egress.

There is an existing driveway off of Jackson Avenue and the Jackson Avenue driveway currently operates with a right turn in and right turn out and will continue to operate with a right turn in and right turn out only onto Jackson Avenue.

Jaworski also stated that the Applicant was proposing a 2,400 square feet convenience store with 13 parking spaces.

Jaworski reviewed with the Board the variances that are required by the Applicant. First, in connection with lot area, Pequannock Township Ordinance requires a 4 acre minimum lot size in the C-3 Zone. The Applicant, with the addition of acquired land from the NJDOT, will increase the lot area from 0.526 acres to 0.725 acres. Thus, the Applicant still requires variance relief for lot area, however, the extent of the nonconformity will be reduced. Secondly, the Applicant requires variance relief in regard to the minimum front yard setback where 75 feet is required and there is being proposed a five feet front yard setback to ramp J.

Jaworski testified that the maximum impervious coverage currently exists at 77% will be reduced to 52.1%. He explained that this is largely due to the acquisition of land from the NJDOT.

Jaworski also represented that the Applicant would comply with the landscaping and screening buffer requirements of the Township Ordinance.

Jaworski further testified in regard to deliveries being made to the site which shall mostly consist of step vans and single unit trucks. He also stated that typically there would be one tractor trailer delivery per week.

Jaworski also testified in regard to the existence of a fire lane that will be striped "No Parking Fire Lane" as well as striping in regard to the driveway on Jackson Avenue, which will be marked as a right turn in and right turn out with appropriate signage as well.

Jaworski also discussed with the Board the use of signage. The Applicant is proposing a 7-11 logo with stripes, which sign will be internally illuminated. The signage will be located along the front façade at a total sign area of 50 square feet, which complies with the Ordinance requirements.

In addition, the Applicant will provide a free-standing sign at 24 feet in height and set back 10 feet from Route 23 and 10 feet from ramp J. Thus, the free-standing sign complies with the Ordinance requirements. There are no design waivers required in regard to the proposed signage.

The Applicant also proposes directional signs for each driveway. The directional signs will be 2 square feet in area and will essentially have an arrow with the text "Enter" and "Exit". There will be no logo on the directional signs. The directional signs will be utilized at both the Route 23 driveway and the Jackson Avenue driveway.

Jaworski also testified that in regard to the Jackson Avenue driveway, there will be signage installed indicating either "No Left Turn" or "Keep Right" in order to further instruct motorists who are exiting the parking lot onto Jackson Avenue that they can only make a

right turn out of the site. Furthermore, the Applicant will add a concrete island as well as to curve the exit driveway on Jackson Avenue in order to ensure that motorists do not attempt to make a left turn out of the driveway, but rather make a right turn out of the driveway onto Jackson Avenue.

Also testifying on behalf of the Applicant was Joseph Staigar (hereinafter "Staigar"), a licensed professional Engineer and Planner in the State of New Jersey with particular expertise in traffic related matters. Staigar testified that his office prepared a traffic impact analysis dated November 19, 2010. Staigar oriented the Board in regard to the previously existing gas station component and indicated that there were 10 fueling station positions inclusive of a diesel fueling station position.

Staigar also testified that he performed traffic counts on Tuesday, September 21, 2010 between 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. Staigar stated that the proposed development of this site for a 7-11 convenience store would have no impact on traffic operations during the a.m. and p.m. peak hours. He supported his conclusion by indicating that the proposed site is not a destination for traffic during peak hours and it is not a destination for new traffic in the area. Staigar represented that the traffic that is anticipated to enter this site will be traffic that already exists on Route 23.

Staigar also stated that the revisions to the site were better for traffic flow. This includes the illumination of the northerly driveway on Route 23 and the fact that the northerly and southerly driveways on Route 23 were now condensed into one driveway. Staigar also stated that the NJDOT supports the concept provided by the Applicant of one means of ingress and egress from the driveway on Route 23. Therefore, this design is

something that the NJDOT has seen in concept and that is the basis for the Applicant pursuing an access permit through the NJDOT.

Staigar also stated that it is beneficial to put in a left turn impediment that will help eliminate motorists attempting to exit the site onto Jackson Avenue in trying to make a left hand turn. Staigar stated that the combination of curving the driveway and putting up appropriate signage together will help reduce the potential of drivers attempting to make a left turn from the site onto Jackson Avenue. Staigar also stated that he favored a "Keep Right" sign which he characterized as being a regulatory sign as opposed to a "No Left Turn Sign".

Staigar also testified in regard to the granting of variances for lot area and front yard setback to ramp J. He reviewed C-1 and C-2 criteria with the Board. He characterized the site as being an island and that the Applicant has negotiated with the NJDOT in order to acquire more land which has increased the lot area by approximately a quarter of an acre. He also stated that it is a hardship for the Applicant because the Applicant cannot obtain any more land that would either eliminate or reduce the nonconformity as it relates to the front yard setback from ramp J.

Staigar also stated that there were benefits to the public including light, air and open space by having a lower in height, one level building at this location. He also stated that the benefits of granting variance relief substantially outweigh any detriments.

The Board and Staigar discussed the issue of whether or not additional sidewalk should be added to the site in order to connect the concrete walkway along Jackson Avenue to the convenience store. Staigar agreed that the addition of a concrete sidewalk would enhance and facilitate pedestrian movements on site.

Also testifying on behalf of the Applicant was Ashif Khalid (hereinafter "Khalid"). Khalid is a Senior Real Estate Representative for 7-11. Khalid testified in regard to the operation of the store as well as in regard to deliveries being made to the site. Khalid testified that the type of vehicles to access the site would be a W2-40 truck, which would make deliveries approximately once or twice per week. He also stated that rather than having multiple deliveries from different vendors, 7-11 has what is known as a combined distribution center which means that the various vendors deliver their goods and products to a warehouse site, whereupon the various goods and products are loaded onto one truck and then one delivery is made to the 7-11 site which combines the various goods and products that will be sold at the store. He also stated that the deliveries by 7-11 trucks are performed during off-peak hours. Khalid also stated that this is 7-11 protocol because 7-11 does not want interference with their retail business. He also stated that it makes for a better operation of the site because it is easier to make deliveries during off-peak hours and the truck drivers do not have to fight off the traffic when making deliveries.

Khalid also talked about having dumpsters for cardboard, trash, and plastic and glass as the means to provide receptacles to address recycling. He also stated that generally there are two receptacles for garbage on either side of the entrance door and one enclosure for recycling.

Khalid also stated that it was protocol for the lot to be examined approximately two times per shift relative to keeping the site properly maintained and clean. He also stated that the 7-11 would be a 24 hour per day operation. In addition, there would be no food preparation on site, there would be no grilled products being cooked for sale at the site. There would be very little grease, if any, that would be discharged from the site.

The meeting was opened up to the public and there were no members of the public present that addressed the Board in regard to 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 for preliminary and final site plan approval, ancillary "c" variance relief, flood plain development and sign approval in order to permit the Applicant to demolish the existing gasoline service station and convenience store as well as all other improvements on the site and redevelop the site with a convenience store approximately 2,400 square feet in size with associated parking and landscaping. The subject property is located at 540 Route 23, Pompton Plains, New Jersey and is known and designated as Block 2006, Lot 1 on the Tax and Assessment Map of the Township of Pequannock.

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 requires ancillary "c" variance relief in regard to lot area in accordance with Section 189.05.030B(1) where a 4 acre minimum lot size is required in the C-3 Zone and the Applicant, with the addition of acquiring land from the NJDOT will increase its lot area to 0.725 acres. Therefore, the Applicant requires ancillary "c" variance relief in regard to lot area.

Secondly, the Applicant requires ancillary "c" variance relief from Section 189.05.030B(4) of the Township Ordinance with regard to front yard setback, where a minimum front yard setback of 75 feet is required and the Applicant has a front yard setback of 5 feet as to ramp J.

The Board accepts the representations of the Applicant's experts and agrees that the site is a unique site in that it is essentially an island which is located between Route 23,

Jackson Avenue and Ramp J which essentially separates the subject site from the adjacent shopping center. The Board also notes that the Applicant is acquiring approximately a quarter of an acre of land from the NJDOT in order to increase the lot area to approximately 0.725 acres. The Board notes that this will help with respect to addressing stormwater management issues and flood storage. In addition, it will reduce the nonconformity of the lot area even though the lot area is still deficient and requires ancillary "c" variance relief. In regard to Ramp J, the Board similarly concludes that this is a hardship situation under C-1 which entitles the Applicant to relief. Again, the Board recognizes that there is no opportunity for the Applicant to obtain additional land with which to conform to the front yard setback requirements. Also, the Board recognizes that this site was previously developed and functioned as a gas station with a small convenience store. The Board determines that the proposed improvements will enhance the site and keep the site functional.

The Board concludes that it is appropriate to grant ancillary "c" variance relief in regard to lot area and in regard to front yard setback from Ramp J for the reasons set forth herein. Therefore, under the C-1 analysis, the Board determines that the strict application of Ordinance requirements to this development project would result in particular and exceptional practical difficulties to or exceptional or undue hardship upon the Applicant. In addition, the Board determines that the granting of ancillary "c" variance relief under the C-1 analysis can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance. Finally, the Board determines that under the C-1 analysis, the strict enforcement of the zoning ordinance in view of the property's unique physical characteristics, including the

fact that the subject site is an island located among Route 23, Jackson Avenue and the nearby shopping center and poses a hardship which inhibits the extent to which the property can be used.

The Board also reviewed the granting of ancillary "c" variance relief under the C2 analysis. In Kaufman v. Planning Board for Warren Twp., 110 N.J. 551, 563 (1988), wherein 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."

Thus, the Board viewed the case in the context of effectuating the goals of the community as expressed through the Township Zoning and Planning Ordinances. The Board concludes that this is an opportunity to eliminate a gas station with a convenience store and replace it with a 2,400 square feet convenience store with sufficient parking to accommodate the proposed use, as well as to provide additional landscaping to enhance the aesthetics of the site. The Board also accepts the representations of the Applicant's expert that there will be an additional benefit to the community with respect to light, air and open space by permitting the construction of a low, one level building. In addition, the site would be accessible by pedestrians as well as motorists.

Therefore, under the C-2 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. Based upon the foregoing, the Board also concludes that

ancillary "c" variance relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance. Furthermore, the benefits of any deviation substantially outweigh any detriment and thus, ancillary "c" variance relief may be granted as required.

In regard to proposed signage at the site, the Board hereby approves a building attached sign with the 7-11 logo and stripes for a total sign area of 50 square feet. The building attached sign complies with the Ordinance requirements which, under these circumstances would permit an attached sign of up to 57 square feet. Furthermore, the Board hereby approves a free standing sign at a height not to exceed 24 feet in height and setback from the Route 23 and ramp J right of way 10 feet respectively. Furthermore, the Board approves directional signs at the driveways at Jackson Avenue and Route 23 which shall not exceed 2 square feet in area and will provide an arrow with the text "Enter" or "Exit" as the case may be. Therefore, there will be directional signs indicating Enter and Exit at both driveways.

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. The Board also determines that the Applicant 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 inclusive of preliminary and final site plan approval and ancillary "c" variance relief, flood plain development and sign approval.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Pequannock that the application of Walid Suiafan for premises commonly known and

designed as Lot 1 in Tax Block 2006 on the Tax and Assessment Map of the Township of Pequannock and located at 540 Route 23, Pompton Plains, New Jersey in the C-3 Regional Commercial District requesting land use relief is determined as follows:

1. Preliminary site plan approval is granted under the Municipal Land Law pursuant to N.J.S.A. 40:55D-46.
2. Final site plan approval is granted under the Municipal Land Law pursuant to N.J.S.A. 40:55D-50.
3. Ancillary "c" variance relief as set forth herein is granted under the Municipal Land Law pursuant to N.J.S.A. 40:55D-70(c)1 and 2.
4. Sign approval is granted pursuant to the code of the Township of Pequannock Chapter 153 Signs in order to permit the Applicant to install building attached signage of 50 square feet. Freestanding sign at a height not to exceed 24 feet in height and directional signs in accordance with the approved sign plan.
5. Flood Plan Development approval.

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 the plans submitted and approved which plans were prepared by Dynamic Engineering Consultants, P.C., dated December 13, 2010 with revisions through February 8, 2011 consisting of 10 sheets, as well as any further amendments

required by the Planning Board or the Board's professionals as a result of the hearing process.

2. The granting of this application is subject to and conditioned upon all of the representations and stipulations being made by or on behalf of the Applicant to the Township of Pequannock Planning Board being true and accurate. 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 hearings on February 28, 2011.
4. The granting of this application is subject to and conditioned upon the Applicant complying with all terms and conditions contained in the report of Jill A. Hartmann, P.P., AICP dated February 27, 2011, Planner to the Pequannock Township Planning Board.
5. The granting of this application is subject to and conditioned upon the Applicant installing directional signs at the Route 23 and Jackson Avenue driveways which directional sign may be no larger than 2 square feet in area and may contain the text "Enter" or "Exit" as the case may be, with a directional arrow. No logo is permitted.

6. The granting of this application is subject to and conditioned upon the Applicant installing a “No Left Turn” sign, or “Keep Right” sign at the Jackson Avenue driveway in order to ensure that there are right turns only out of the driveway. This shall be subject to the review and approval of the Board Planner.
7. The granting of this application is subject to and conditioned upon the Applicant installing a concrete island as well as making physical changes including, but not limited to, curving the driveway in order to ensure that all turns out of the Jackson Avenue driveway are right turn only. This shall be subject to the review and approval of the Board Engineer.
8. The granting of this application is subject to and conditioned upon the Applicant providing refuse and recycling receptacles in a sufficient amount in order to keep the site neat, clean and orderly. The precise number of receptacles for refuse and recycling shall be subject to the review and approval of the Board Planner.
9. The granting of this application is subject to and conditioned upon the Applicant, at a minimum of two (2) times per shift undertaking efforts to maintain the premises in order to ensure that the premises are kept in a neat, clean and orderly manner.
10. The granting of this application is subject to and conditioned upon the Applicant completing the acquisition of property from the New

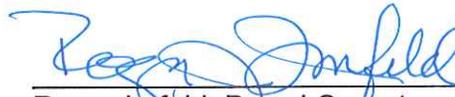
Jersey Department of Transportation in order to increase the lot area of the subject lot from 0.526 acres to 0.725 acres.

11. The granting of this application is subject to and conditioned upon the satisfactory review and approval of the stormwater management report by the Board Engineer.
12. The granting of this application is subject to and conditioned upon the Applicant installing a sidewalk in order to connect the concrete sidewalk adjacent to the building to the concrete sidewalk on Jackson Avenue, which shall be subject to the review and approval of the Board Planner and Board Engineer.
13. The granting of this application is subject to and conditioned upon NJDEP approval, if required.
14. The granting of this application is subject to and conditioned upon Morris County Planning Board approval, if required.
15. The granting of this application is subject to and conditioned upon New Jersey Department of Transportation approval for an access permit, if required.
16. 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.
17. Certificate that taxes are paid current to date of approval.
18. Prior to the issuance of any construction permit, the Applicant shall file with the Board and Construction Official an Affidavit

verifying that the Applicant is in receipt of all necessary agency approvals other than the municipal agency having land use jurisdiction over the application and supply to the Planning Board a copy of any approvals received.

19. Subject to all other applicable rules, regulations, ordinances and statutes of, 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 February 28, 2011 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on April 18, 2011.



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 SOLAR & MORE
DECIDED ON FEBRUARY 28, 2011
MEMORIALIZED ON APRIL 18, 2011
APPLICATION FOR SIGN APPROVAL**

WHEREAS, Solar & More (hereinafter "Solar" or "Applicant") has filed an application with the Township of Pequannock Planning Board, (hereinafter "Planning Board" or "Board"), for sign approval for property known as Block 902, Lot 17, on the Tax and Assessment Map of the Township of Pequannock (hereinafter "Township"), which premises are located at 600 Route 23, Pompton Plains, New Jersey and located in the C-3 Regional Commercial 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 February 28, 2011, 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 17 on the Tax and Assessment Map of the Township of Pequannock and located at 600 Route 23, Pompton Plains, New Jersey. The subject site is located in the C-3 Zone District.

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

1. Completed sign application signed by Joseph Bruin, dated February 4, 2011.
2. Sign details, consisting of three sheets, prepared by MS Signs Inc., dated February 3, 2011.

Testifying on behalf of the Applicant was Tom Ferrara the owner of the business, Solar & More and Mo Ladak from MS Sign Company. This is a sign application to permit new signage to an existing freestanding sign and to install one new attached sign to the western facade of a commercial retail store. The existing building contains a restaurant and a commercial retail store, both of which are permitted in the C-3 Zone.

The Applicant intends to install a 13 feet x 3 feet or 39 square feet building-attached sign which will be located on the westerly store front facade. The proposed building-attached sign conforms to all ordinance requirements.

In addition, the Applicant seeks to install 2 feet x 8 feet or 16 square feet sign by installing a sign on the existing freestanding sign with a message board. The Applicant requires a design waiver from Section 153.06(B)(2)(c)(1) which permits a freestanding sign to have a sign area of 50 square feet. The existing freestanding/message board sign has a sign area of 126 square feet (18 feet x 7 feet = 126 square feet). The area below the message board contains no signage. The Applicant seeks to provide a 16 square feet sign for the new Solar & More business at this location by placing the sign below the message board on the existing freestanding/message board sign. The proposed freestanding sign for Solar & More will be internally illuminated and will be a double-sided sign.

The design waiver from Section 153.06(B)(2)(c)(1) is required because the maximum area of the freestanding sign is 50 square feet. The existing freestanding sign area is 126 square feet and will be increased by an additional 16 square feet for a new total of 142 square feet.

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 makes the following conclusions of law, based on foregoing findings of fact.

Solar & More is the Applicant for premises known and designated as Block 902, Lot 17 on the Tax and Assessment Map of the Township of Pequannock and located at 600 Route 23, Pompton Plains, New Jersey, which site is located in the C-3 Zone District. .

The nature of the application is to permit the Applicant to install a building attached sign on the westerly facade of the store. The sign is 13 feet in length by 3 feet in height for a total of 39 square feet. This conforms to Section 153.06(B)(2)(c)(2) which enables the Applicant to install a building attached sign of no more than 40 square feet.

The Applicant does require a design waiver from Section 153.06(B)(2)(c)(1) which section of the Township of Pequannock Sign Ordinance permits a freestanding sign to have an area no larger than 50 square feet. The existing freestanding/message board sign has a sign area of 126 square feet (18 feet x 7 feet = 126 square feet). The area below the message board is currently not used for signage. The application proposes to increase the sign area below the message board by installing a 2 feet x 8 feet or 16 square feet sign. Thus, the existing 126 square feet freestanding sign will be increased by 16 square feet for a new total of 142 square feet. Therefore, a waiver from this regulation is

required which permits freestanding signs to have a sign area not to exceed 50 square feet.

The Board determines that it is appropriate to grant the waiver requested in connection with this application. The Board determines that it is appropriate to grant the waiver because there will be two commercial entities on the site and the proposed signage is very reasonable at 16 square feet and will not result in a significant increase in the amount of signage installed on the existing freestanding pylon sign. Furthermore, the Board recognizes that since this site is located on Route 23, the addition of a sign on the freestanding sign of 16 square feet, which is reasonable in nature, will help motorists travelling on Route 23 to identify the location of the business.

Upon consideration of the plans, testimony and application, the Board determines that the Applicant has provided 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 waiver relief as set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Pequannock that the application of Solar & More for premises commonly known as Block 902, Lot 17 on the Tax and Assessment Map of the Township of Pequannock and located at 600 Route 23, Pompton Plains in the C-3 Zone requesting sign approval is determined as follows:

1. Approval is hereby granted to enable the Applicant to install a building attached facade sign 13 feet in length by 3 feet in height for a total of 39 square feet on the storefront facade facing the westerly direction in accordance with sign details,

consisting of three sheets prepared by MS Signs Inc. dated February 3, 2011.

2. Waiver relief is granted from the sign ordinance of the Township of Pequannock, and more specifically Section 153.06(B)(2)(c)(1) to enable the Applicant to install a 2 feet x 8 feet or 16 square feet sign on the existing freestanding/message board sign. In accordance with the sign details, consisting of three sheets, prepared by MS Signs Inc. dated February 3, 2011.

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 are true and accurate and acknowledges that the Planning Board specifically relied upon said stipulations in the Boards 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 February 28, 2011.

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 February 9, 2011.
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 February 28, 2011 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on April 18, 2011.



Roger Infeld, Board Secretary

In favor:

Against:

Abstained:

Board Members Eligible to Vote: