

**RESOLUTION
TOWNSHIP OF PEQUANNOCK
PLANNING BOARD
IN THE MATTER OF PEP BOYS AUTO
DECIDED ON JULY 18, 2011
MEMORIALIZED ON SEPTEMBER 19, 2011
APPLICATION FOR SIGN APPROVAL**

WHEREAS, Pep Boys Auto ("hereinafter "Applicant" or "Pep Boys") has filed an application with the Township of Pequannock Planning Board, (hereinafter "Planning Board" or "Board"), for sign approval for property known as Block 802, Lot 7, on the Tax and Assessment Map of the Township of Pequannock (hereinafter "Township"), which premises are located at 711 Route 23, 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 18, 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 802, Lot 7 on the Tax and Assessment Map of the Township of Pequannock and located at 711 Route 23 , Pompton Plains, New Jersey. The subject site is located in the C-2 Zone District.

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

1. Completed sign application, signed by Allison Mathern, dated June 27, 2011.
2. Sign detail, consisting of 7 sheets prepared by CIMA NETWORK.

Testifying on behalf of the Applicant was Allison Mathern, a representative of Pep Boys (hereinafter "Mathern") and Gisella Medina, a sign company representative (hereinafter "Medina"). Mathern represented that Pep Boys is revising its on premises signage as part of an updating of its national branding. She also testified that all of the Pep Boys sites are owned by the corporate headquarters and they are not franchises. Mathern also represented that the Pep Boys service center at this location would not be a retail store, although minor items may be sold for retail purposes. Essentially, this location will be utilized as a service center for tires, brakes, oil changes, batteries and other minor repairs. She stated that major repairs like a transmission repair job, would be subcontracted out to a facility that performs such work and would not be performed on site.

With respect to signage, the Applicant originally proposed four (4) attached signs related to the new commercial use as well as a replacement panel to the existing free-standing sign. As presented, the Applicant required two (2) design waivers with regard to the number of building attached signs and in regard to the square footage of the building attached signs. After discussion with the Board, the Applicant stipulated that it would amend its application to eliminate the following signs: Oil Change, Tires, and Brakes which the Applicant had proposed to locate each respective sign over one of the three garage bay doors.

The Applicant agreed to eliminate these three signs and to replace them with directional signs over each garage bay door indicating "Service Bay 1", "Service Bay 2" and "Service Bay 3". As a result, the Applicant eliminated the need for design waivers in regard to this application.

The Applicant now proposes to replace the sign panel on the existing free standing sign with a new panel with an area of 30 square feet of sign area which conforms to the ordinance requirements and to provide a primary building attached sign with a sign area of 79 square feet which conforms to the ordinance requirement not to exceed 88 square feet in regard to the 1,764 square foot façade of this building.

The meeting was opened up 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 the foregoing findings of fact.

Pep Boys is the Applicant for premises known and designated as Block 802, Lot 7 on the Tax and Assessment Map of the Township of Pequannock and located at 711 Route 23, Pompton Plains, New Jersey. The subject site is located in the C-2 Zone. As a result of discussions between the Board and the Applicant, the Applicant has amended its application to seek approval to replace the existing free standing sign with a new panel on the free standing sign with a sign area of 30 square feet, which conforms to Section 153.06(B)(2)(c)(1) of the Sign Ordinance of the Township of Pequannock. Secondly, the Applicant has agreed to amend its application to provide for one (1) primary attached business sign with a sign area of 79 square feet. This sign conforms to Section 153.06(B)(2)(c)(2) which permits attached signs with a total permitted sign area of 88

square feet based on the existing 1,764 square foot façade of the building. As a result of the Applicant agreeing to eliminate the oil change, tires, and brakes signage, the Applicant has eliminated the need for the granting of any design waivers from the Township of Pequannock Sign Ordinance in regard to this application. The Applicant is also permitted to install directional signs over each garage bay door indicating "Service Bay 1", "Service Bay 2" and "Service Bay 3".

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 amended by the Applicant during the hearing process.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Pequannock, that the Applicant, Pep Boys Auto, for premises commonly known as Block 802, Lot 7, on the Tax and Assessment Map of the Township of Pequannock, and located at 711 Route 23, Pompton Plains, New Jersey in the C-2 Zone District and requesting sign approval, is determined as follows:

1. Approval is hereby granted to enable the Applicant to: (a) replace the sign panel on the existing free standing sign with a sign panel thirty (30) square feet in area; (b) to install directional signs over each garage bay door indicating "Service Bay 1", "Service Bay 2" and "Service Bay 3"; and (c) to install a primary building attached business sign with an area of seventy-nine (79) square feet in accordance with the

sign plan submitted by CIMA NETWORK and as presented to the Planning Board.

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

1. The Applicant shall comply with all appropriate terms and conditions of the Township of Pequannock Code Chapter 153 – Signs
2. The Applicant represents that all of its representations and stipulations made by it or on its behalf to the Township of Pequannock Planning Board are true and accurate and acknowledges that the Planning Board specifically relied upon said stipulations in the 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 July 18, 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 July 13, 2011 and not in conflict with this approval.

5. Payment of all fees, costs and escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.
6. Certificate that taxes are paid current to date of approval.
7. Subject to all other applicable rules, regulations, ordinances and statutes of the Township of Pequannock, County of Morris, State of New Jersey or any other jurisdiction.

The undersigned secretary certifies the within Resolution was adopted by this Planning Board on July 18, 2011 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on September 19, 2011.



Roger Imfeld, Board Secretary

In favor:

Against:

Abstained:

Board Members Eligible to Vote: