RESOLUTION
TOWNSHIP OF PEQUANNOCK
PLANNING BOARD
IN THE MATTER OF TANGLES
DECIDED ON APRIL 16, 2012
MEMORIALIZED ON MAY 21, 2012
APPLICATION FOR SIGN APPROVAL

WHEREAS, Tangles (hereinafter "Applicant" or "Tangles") has filed an application with the Township of Pequannock Planning Board, (hereinafter "Planning Board" or "Board"), for sign approval for property known and designated as Block 1904, Lot 3, on the Tax and Assessment Map of the Township of Pequannock (hereinafter "Township"), which premises are located at 599 Newark Pompton Turnpike, Pompton Plains, New Jersey, in the C-1 Neighborhood Business Zone 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 April 16, 2012, after the Planning Board determined it had jurisdiction; and

WHEREAS, the Applicant was not represented by 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 1904, Lot 3, on the Tax and Assessment Map of the Township of Pequannock and located at 599 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 Pequannock Township sign application with sign detail, signed by Kimberly Wisz, dated March 18, 2012.

2. Sign detail, consisting of one sheet and prepared by Signs By Tomorrow.

Testifying on behalf of the Applicant was Kimberly Wisz (hereinafter "Wisz"). Also appearing on behalf of the Applicant was Joseph Sevean (hereafter "Sevean"), a representative of Signs By Tomorrow.

The Applicant will operate a hair salon in Suite B in the existing mixed-use commercial building. The Applicant seeks to install a building-attached sign two (2) feet in height by eight (8) feet in length, for a total of sixteen (16) square feet. The sign will contain the name of the business "Tangles". The proposed sign will not project above the roofline of the structure. The proposed sign will not be illuminated.

There are no design waivers required in connection with this application. The proposed sign complies with all ordinance requirements under Section 153.06(B)(1) and its subparts.

The meeting was opened up to members of 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.

Tangles is the Applicant for premises known and designated as Block 1904, Lot 3, on the Tax and Assessment Map of the Township of Pequannock and located at 599 Newark Pompton Turnpike, Pompton Plains, New Jersey. The site is located in the C-1 Zone.

The nature of the application is to permit the Applicant to install one building-attached sign, which sign will be two (2) feet in height by eight (8) feet in length for a total of sixteen (16) square feet. The sign will contain the name of the business "Tangles". The sign will be installed so that it will not project above the roofline of the structure. In addition, the sign will not be illuminated. The

proposed signage conforms to the requirements of Section 153.06(B)(1) and its subparts including the total area of the sign which at sixteen (16) square feet is less than the twenty-four (24) square feet allowed by the ordinance. The Applicant also complies with all requirements of the sign ordinance as set forth herein, and thus, no design waivers are required in connection with this application.

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 also determines that there are no design waivers required in connection with this application. As such, the Board concludes that it is appropriate to grant approval of this application.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Pequannock, that the Application of Tangles for premises commonly known and designated as Block 1904, Lot 3, on the Tax and Assessment Map of the Township of Pequannock, and located at 599 Newark Pompton Turnpike, Pompton Plains, New Jersey, in the C-1 Zone requesting sign approval, is determined as follows:

Approval is hereby granted to enable the Applicant to install a building-attached sign two (2) feet in height by eight (8) feet in length for a total of sixteen (16) square feet of sign area.

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 either 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 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 April 16, 2012.

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.

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 April 16, 2012, and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on May 21, 2012.

Roger Imfeld, Board Secretary

In favor:

Against:

Abstained:

Board Members Eligible to Vote:

515,906 PEQ-348E Resolution Approving Signage

RESOLUTION
TOWNSHIP OF PEQUANNOCK
PLANNING BOARD
IN THE MATTER OF ADJESS ASSOCIATES, LLC
(D/B/A ROUTE 23 HONDA)
AMENDED PRELIMINARY AND FINAL SITE PLAN APPROVAL

WHEREAS, Adjess Associates, LLC (d/b/a Route 23 Honda) (hereinafter "Adjess" or "Honda") has filed an application with the Pequannock Township Planning Board (hereinafter "Board") seeking Amended Preliminary and Final Site Plan approval in regard to premises located in the Township of Pequannock and identified as Block 902, Lots 32, 33 and 34, on the Tax and Assessment Map of the Township of Pequannock and located at 700 Route 23 North, Pompton Plains, New Jersey, in the C-3 Regional Commercial District (hereinafter "C-3 Zone"); and

WHEREAS, a public hearing was held on April 16, 2012, after the Board determined it had jurisdiction; and

WHEREAS, the Applicant was represented by Calvin O. Trevenen, Esq., of the law firm Ashenfelter, Slous, McDonough & Trevenen, LLP, Montclair, New Jersey.

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 Planning Board is a request for Amended Preliminary and Final Site Plan approval for property known and designated as Tax Block 902, Lots 32, 33 and 34, as shown on the Tax and Assessment Map of the Township of Pequannock and located at 700 Route 23, Pompton Plains, New Jersey, in the C-3 Zone. The following documents or plans were submitted in connection with this development application:

1. Completed Site Plan Application, signed by Calvin O. Trevenen, Esq., dated November 23, 2011.

2. Completed Flood Plain Application, signed by Calvin O. Trevenen, Esq., dated November 23, 2011.

3. Amended Preliminary and Final Site Plan, consisting of three sheets, prepared by Brian J. Shortino, P.E., of Bertin Engineering, dated October 27, 2011, with revisions through January 19, 2012.

The Applicant seeks approval to install a gravel pave system for the staging of for sale vehicle inventory. The subject site is a 6.43 acre parcel that is fully developed with a new car dealership and ancillary parking garage. The Applicant also sells certified pre-owned vehicles from this site. Testifying on behalf of the Applicant was Adam Barish (hereinafter "Barish"), a principal of Adjess Associates, LLC. Barish stated that he is a 50 percent shareholder in Adjess Associates, LLC, along with his sister, Jessica. The Applicant proposes to use the southeastern portion of the site for the installation of a gravel pave system for the staging of approximately 80 vehicles. Barish stated that the Applicant needs more storage of vehicles because they are now selling more vehicles. He stated that they are taking more cars in off of leases and certified pre-owned vehicles are being sold because they are in great demand.

Barish also stated that this area is designated for certified pre-owned vehicles only. He also stated that new cars would be indoors and would not be displayed outdoors in this area due to the potential of theft of vehicles and theft of tires from the vehicles. He also stated that the pre-owned vehicles are only outdoors for a short period of time, one or two days, then they would go indoors for vehicle preparation and then sold. Barish also stated that at the present time, there are approximately 50 vehicles in this area of the site now and with the gravel pave system installed, approximately 80 vehicles would be stored there.

Barish also stated that in regard to any questions about flooding, he said that even under the most severe flood conditions, the depth of the water was only approximately six inches on this portion of the site.

Next testifying on behalf of the Applicant was Brian Shortino, P.E. (hereinafter "Shortino"), a Licensed Landscape Architect, Professional Planner and Professional Engineer in the State of New Jersey.

Shortino testified in regard to the installation of a reinforced gravel system which would be suitable for the parking of vehicles as part of this gravel pave system. He stated that the gravel pave area consists of 26,642 square feet. Shortino also brought with him, and distributed among the Board members, a small sample of the paver system which consisted of a fabric with polyethylene type rings connected to it. He stated that the base course would have stone for support and then the paver system would be installed and filled with angular stones which would provide the support for the vehicle loads. Shortino also stated that water would percolate into the ground. Shortino also confirmed that it was the Applicant's intent to store 80 vehicles on this type of surface.

Shortino also reviewed with the Board the contents of the Board Planner's report dated April 16, 2012, and confirmed that the Applicant would, in fact, comply with any and all terms and conditions set forth in the Board Planner's review report. The Board and the Applicant also discussed item 4 of the Board Planner's review report in regard to the planting of deer-resistant evergreen vegetation. Shortino stated that the Applicant intends to provide wet site tolerant plantings along the septic field in order to respond to item 4 of the Board Planner's review report. After discussion, the Board Planner withdrew her request, as outlined in item 4 of her review report.

Shortino also stated that the Applicant would comply with all terms and conditions set forth in the Board Engineer's review report dated April 16, 2012. In particular, Shortino stated in regard to item no. 8 of the Board Engineer's review report, that the detention area onsite is in a low, depressed area on the easterly side of the lot, and that the Applicant would comply with the Board Engineer's request to provide a series of pipes which would run through the berm and into the existing detention basin to allow water to drain out of the gravel.

The Applicant also agreed to item 7 in the Board Engineer's review report in regard to providing a long-term maintenance plan for the gravel pave system including annual inspections and reporting to the Township Engineer.

The issue of snow removal over the surface of the gravel pave surface was also discussed. It was represented that there were basically two options with regard to snow removal. The first option would be to keep the plow blade one inch off of the ground, or in the alternative, the second option is to attach skids to the bottom of the plow just like a ski would operate and which would prevent the gouging of the gravel pave system. The Applicant indicated that it would likely use the second option.

Shortino also discussed the applicability of the NJDEP "permit by rule exception." He stated that the site is in a flood hazard area. He also stated that there would be no change in elevation to the topography of the site. He explained that the Applicant will remove material and then refill the material with a four inch deep gravel base to support vehicle loads along with the filter fabric and angular stones. Therefore, the amount of material being removed is the same amount of material that will replace it, thus, resulting in no change in the elevation of the topography of the site. Shortino further explained the applicability of the NJDEP permit by rule exception as it relates to this case. Shortino stated that the Applicant is proposing a parking area

of approximately 26,642 square feet, which is less than one acre and further that the impervious surface is less than one quarter acre. Thus, in his opinion, the permit by rule exception determination is applicable in this case.

Shortino also stated that the Applicant will require soil erosion and sediment control approval because the Applicant is disturbing more than 5,000 square feet.

The meeting was opened up to members of the public, and no members of the public were 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 Amended Preliminary and Final Site Plan approval for property known and designated as Tax Block 9.02, Lots 32, 33 and 34, as designated on the Tax and Assessment Map of the Township of Pequannock and located at 700 Route 23, Pequannock, New Jersey, in the C-3 Zone District. The subject site is a 6.43 acre parcel that is fully developed with a new car dealership and ancillary parking garage. The Applicant also sells certified pre-owned vehicles from this site. The Applicant proposes to use the southeastern portion of the site for the installation of a gravel pave system for the staging of approximately 80 certified pre-owned vehicles for sale to the public. The staging area will have a total of 26,642 square feet of paver system. The existing and proposed use of the site are both conditionally permitted in the C-3 Zone. No conditional use variance relief is required in regard to this application. Furthermore, the Applicant does not require ancillary "c" variance relief in regard to this application.

The Board finds that the staging area will have a total of 26,642 square feet of paver system which will permit the Applicant to provide a staging area for approximately 80 certified pre-owned vehicles for sale to the public.

The Board also finds that stormwater management measures have been addressed to the satisfaction of the Township Engineer. More specifically, the Applicant has stipulated that it will comply with the Township Engineer's request to install a series of pipes to be located through the berm and into the existing detention basin in order to allow water to drain out of the gravel. Furthermore, the Applicant also stipulated that it would comply with the Township Engineer's recommendation that the Applicant provide a long-term maintenance plan as a condition of approval of the application which would include annual inspections in order to determine if the gravel pave system is in need of maintenance, as well as outlining the maintenance protocol in order to maintain the system. The Board is also satisfied that the approval of this application will improve permeability on the site as well as improving drainage on the site.

The Board also acknowledges that it is in receipt of a letter dated January 12, 2012, from the Morris County Planning Board confirming that this proposal is exempt from Morris County Planning Board approval.

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. The Board also determined 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, that being Amended Preliminary and Final Site Plan approval.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Pequannock that the application of Adjess Associates, LLC (d/b/a Route 23 Honda), for premises known and designated as Block 902, Lots 32, 33 and 34, on the Tax and Assessment Map of the Township of Pequannock and located at 700 Route 23, Pompton Plains, New Jersey, in the C-3 Zone, requesting land use relief as determined as follows:

a. Preliminary Site Plan approval is granted under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-46;

b. Final Site Plan approval is granted under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-50.

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.

2. This approval is granted in accordance with the Site Plan prepared by Brian J. Shortino, P.E. of Bertin Engineering dated October 27, 2011, with revisions through January 19, 2012, and with any further modifications as directed by the Planning Board or the Board's professionals during the course of the hearing process.

3. The granting of this application is subject to and conditioned upon the Applicant complying with all terms and conditions contained in a memorandum dated April 16, 2012, from Jill A. Hartmann, PP, AICP, Board Planner, with the exception of item no. 4 which was withdrawn by the Board Planner.

4. The Applicant shall comply with all terms and conditions contained in a review report dated April 16, 2012, from David Battaglia, Township Engineer.

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

6. The granting of this application is subject to and conditioned upon the Applicant obtaining New Jersey Department of Transportation ("NJDOT") approval, if required.

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

8. The granting of this application is subject to and conditioned upon the Applicant providing landscaping in the form of wet site tolerant plantings in connection with this project, which 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 providing a long-term stormwater maintenance plan including annual inspections and a maintenance protocol, all of which shall be subject to the review and approval of the Township Engineer.

10. The Applicant represents that all of its representations and stipulations made either 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 Board's granting of approval. If said representations and stipulations are false, this Approval is subject to revocation.

11. 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.

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

13. 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 a copy of any approvals received.

14. 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 Board on April 16, 2012, and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on May 21, 2012.

Roger Imfeld, Board Secretary

In Favor:

Against:

Abstained:

Board Members Eligible to Vote: