

RESOLUTION
TOWNSHIP OF PEQUANNOCK
PLANNING BOARD
IN THE MATTER OF 777 ROUTE 23 ASSOCIATES, LLC
DECIDED ON JUNE 18, 2012
MEMORIALIZED ON JULY 16, 2012
PRELIMINARY AND FINAL SITE PLAN APPROVAL

WHEREAS, 777 Route 23 Associates, LLC (hereinafter “777 Route 23” or “Applicant”) has filed an application with the Pequannock Township Planning Board (hereinafter “Board”) seeking preliminary and final site plan approval in regard to premises located in the Township of Pequannock and identified as Block 802, Lot 1, on the Tax and Assessment Map of the Township of Pequannock which premises are located at 777 Route 23 South, Pompton Plains, New Jersey, in the C-2 Highway Business Zone District (hereinafter “C-2 Zone”); and

WHEREAS, a public hearing was held on June 18, 2012, after the Board determined it had jurisdiction; and

WHEREAS, the Applicant was represented by Frank Scangarella, Esq.

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 preliminary and final site plan approval for property known and designated as Block 802, Lot 1, as shown on the Tax and Assessment Map of the Township of Pequannock and located at 777 Route 23 South, Pompton Plains, New Jersey, in the C-2 Zone. The following documents or plans were submitted in connection with this development application:

1. Completed Township of Pequannock Site Plan Application, signed by Michael Stern and dated February 9, 2012.
2. Completed Township of Pequannock Application for Flood Plain Development, signed by Michael Stern, dated February 9, 2012.

3. Site Plan, consisting of one sheet, prepared by Paul Darmofalski, P.E., dated November 17, 2011.
4. Architectural Plan, consisting of two sheets, prepared by James P. Cutillo, RA, dated September 28, 2011, with revisions through November 28, 2011.

The subject site is a fully-developed 13.05 acre parcel developed with a one-story, 11,200 square foot office/storage main building, several out-buildings, as well as an outdoor pipe storage area. The Applicant proposes to construct a 4,001 square foot, second story addition above the 11,200 square foot main building. The Applicant will relocate the office use on the first floor to the new second-story addition. The first floor area will be converted to a new storage area and a new lobby with elevator access to the second-floor offices.

Testifying on behalf of the Applicant was Paul Darmofalski, a licensed professional engineer and planner in the State of New Jersey (hereinafter "Darmofalski"). Darmofalski stated that the site was flooded back in March of 2010 and also flooded twice in 2011. Darmofalski represented that the Applicant will relocate the office portion of the building to the new second-story addition. The first floor level will now be used for storage and for customer service. An elevator will be installed for access to the second floor. Darmofalski represented that the second floor office will be located above the base flood elevation. Darmofalski stated that there are no other changes to the site contemplated in connection with this application for development. Darmofalski also confirmed that he will correct errors on the site plan relative to building coverage and impervious coverage. He also confirmed that the Applicant will comply with the Board Engineer's review report.

Next testifying on behalf of the Applicant was James Cutillo, RA, a licensed professional architect in the State of New Jersey (hereinafter "Cutillo"). Cutillo testified that the Applicant

seeks to relocate the office space from the first floor to the second floor. Cutillo also stated that the Applicant is required to provide two stairwells in addition to an elevator. Cutillo also discussed construction materials in regard to the proposed addition. Cutillo confirmed that the Applicant will utilize brick construction materials on the first floor exterior of the building and that the second floor addition would utilize stucco as the construction materials. The Applicant will also provide trusses in order to allow for the installation of a pitched, shingle-style roof to add character to the building.

In regard to the interior of the building, Cutillo explained that the second floor would consist of a series of offices, a conference room, a reception area/waiting room and other similar work space including three (3) bathrooms. As to the first floor, there will be a new storage area provided as well as a new lobby and an elevator. The mechanical equipment to operate the elevator will be located on a raised platform that will be located approximately two feet above the flood elevation.

The Board and the Applicant also discussed the proposed relocation of existing building façade signage, inclusive of a logo on the building. Furthermore, the Applicant confirmed that it will locate the numbers for the property address (777) on the façade of the new addition above the front entrance.

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

The application before the Board is a request for preliminary and final site plan approval for property known and designated as Block 802, Lot 1, as shown on the Tax and Assessment

Map of the Township of Pequannock and located at 777 Route 23 South, Pompton Plains, New Jersey, in the C-2 Zone District. The subject site is a fully-developed 13.05 acre parcel. The site is currently developed with a one-story, 11,200 square foot office/storage main building as well as several out-buildings and an outdoor pipe storage area. The Applicant proposes to construct a 4,001 square foot second-story addition above the 11,200 square foot main building. The subject site has been flooded on approximately three occasions in the past two years and, thus, the Applicant seeks to move the offices to the second floor and to use the existing one-story section of the building for storage and customer service.

The proposed office use and the existing one-story office and storage use are both permitted uses within the C-2 Zone. A total of 20 off-street parking spaces are required and 22 off-street parking spaces are existing. Thus, the Board concludes that there is ample on-site parking for the proposed addition. The Board Planner, however, recommends that the existing parking stalls be restriped in order to delineate the proposed/existing 22 parking spaces.

The architectural plans depict an attached sign (Morris Industries, Inc.) a logo (M) and a numerical address (777). The Board understands that the Applicant seeks approval for the relocation of the existing building façade signs and logo. The Board will grant the request subject to the submission of a sign plan which shall be subject to the review and approval of the Board Planner.

The Board also notes that there are no variances required in connection with this development application and there are no other amendments to the site plan proposed by the Applicant.

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 preliminary and final site plan approval inclusive of sign approval.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Pequannock that the application of 777 Route 23 Associates, LLC, for premises known and designated as Block 802, Lot 1, on the Tax and Assessment of the Township of Pequannock and located at 777 Route 23 Pompton Plains, New Jersey, in the C-2 Zone, requesting land use relief is 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;

C. Sign approval is hereby granted pursuant to Chapter 153, Signs, of the Sign Ordinance of Township of Pequannock under Section 153.06B(2), et. seq.

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 Paul Darmofalski, P.E., dated November 17, 2011, as well as any further modifications as directed by the Planning Board or the Board's professionals during the course of the hearing process.

3. This approval is granted in accordance with the architectural plans prepared by James P. Cutillo, RA, dated September 28, 2011, with revisions through November 28, 2011, as well as any further modifications as directed by the Planning Board or the Board's professionals during the course of the hearing process.

4. The granting of this application is subject to and conditioned upon the Applicant complying with all terms and conditions contained in a memorandum dated June 18, 2012, from Jill A. Hartmann, PP, AICP, Board Planner.

5. The granting of this application is subject to and conditioned upon the Applicant complying with all terms and conditions contained in a memorandum dated June 4, 2012, from David Battaglia, Township Engineer.

6. The granting of this application is subject to and conditioned upon the Applicant submitting a sign plan identifying all building-attached signs as well as addressing the relocation of the existing building façade signs and logo which shall be subject to the review and approval of the Board Planner.

7. The Applicant represents that all of its representations and stipulations made either 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.

8. This approval is granted strictly in accordance with any recommendation set forth on the record by the Planning Board at the time of the hearing on June 18, 2012.

9. The granting of this application is subject to and conditioned upon the submission of revised plans by the Applicant's engineer to correct building coverage and impervious

coverage data, which plan revisions shall be subject to the review and approval of the Board Engineer.

10. The granting of this application is subject to and conditioned upon the Applicant submitting a Deed containing a restriction on the use of the ground floor area for light storage and customer service only in order to ensure that the space is not re-used for office space in the future, which Deed shall be subject to the review and approval of the Board Attorney, Board Planner and Board Engineer prior to recording in the office of the Morris County Clerk.

11. The granting of this application is subject to and conditioned upon the Applicant restriping the proposed/existing 22 parking spaces, which shall be subject to the review and approval of the Board Planner.

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

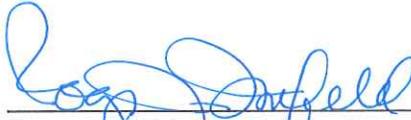
13. Payment of all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.

14. All terms and conditions of the Board's prior approvals remain in full force and effect except as amended or modified by this Resolution.

15. Prior to the issuance of any construction permit, the Applicant shall file with the Board and Construction Official and 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.

16. Subject to all 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 June 18, 2012, and memorialized herein pursuant to N.J.S.A. 40:55D-10(c) on July 16, 2012.



Roger Imfeld, Board Secretary

IN FAVOR: *Dickinson, Vitamant, Kapotes, Phelan, Altis*

AGAINST:

ABSTAIN:

BOARD MEMBERS ELIGIBLE TO VOTE:

530717_1 PEQ-344E Resolution Granting Preliminary and Final Site Plan Approval

RESOLUTION
TOWNSHIP OF PEQUANNOCK
PLANNING BOARD
IN THE MATTER OF SPA 23 HEALTH AND RACKETBALL, INC.
MATTER DECIDED ON JUNE 18, 2012
MEMORIALIZED ON JULY 16, 2012
APPLICATION FOR SIGN APPROVAL

WHEREAS, Spa 23 Health and Racketball, Inc. (hereinafter "Applicant" or "Spa 23") has filed an application with the Township of Pequannock Planning Board (hereinafter "Planning Board" or "Board") for sign approval for property known as Block 2306, Lot 27, on the Tax and Assessment Map of the Township of Pequannock (hereinafter "Township"), which premises are located at 381 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 June 18, 2012, after the Planning Board determined it had jurisdiction; and

WHEREAS, the Applicant was represented by Peter McArthur, Esq.

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 2306, Lot 27, on the Tax and Assessment Map of the Township of Pequannock and located at 381 Route 23 South, 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 sign approval:

1. Completed Sign Application signed and dated June 6, 2012.
2. Sign Detail prepared by Michael Kelly of U.S. Sign and Lighting Service, LLC, dated April 18, 2012.

Testifying on behalf of the Applicant was Joe Pedatella (hereinafter "Pedatella"), Executive Director of Spa 23. Pedatella testified that he is also one of the owners of the business and they are seeking to grow the business by adding different revenue sources. Therefore, they are now adding a massage spa and yoga to complement the existing facilities on the site. Therefore, the Applicant seeks approval to add additional signage in order to advertise the massage spa and yoga components of the business.

There is an existing freestanding sign with a total sign area of 191.9 square feet. The Applicant proposes to add an additional 39.375 square feet sign to be located between the upper "Spa 23" portion and the lower message board portion. The new signage will identify the yoga and massage elements of the business.

The Applicant requires a design waiver from Section 153.06(B)(2)(c)(1) because the maximum sign area of a freestanding sign in the C-2 Zone is 50 square feet, and the Applicant currently has a sign area of 191.9 square feet, which will be increased to 231.275 square feet if this application is approved. The Applicant conforms to all other requirements of the sign ordinance in the C-2 Zone.

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.

Spa 23 Health and Racketball, Inc. is the Applicant for premises known and designated as Block 2306, Lot 27, on the Tax and Assessment Map of the Township of Pequannock and located at 381 Route 23 South, Pompton Plains, New Jersey, which site is located in the C-2 Zone.

The Applicant seeks approval to add additional signage to the existing freestanding sign. Pursuant to the Pequannock Township Sign Ordinance Section 153.06(B)(2)(c)(1), the maximum sign area on a freestanding sign in the C-2 Zone is 50 square feet. In this instance, there is an existing freestanding sign which has a total sign area of 191.9 square feet. The Applicant proposes to add an additional 39.375 square feet sign to be located between the upper "Spa 23" portion and the lower message board portion. Therefore, if approved, the new sign area will be 231.275 square feet. The new signage is designed to provide advertising for the massage and yoga elements of the business.

The Board notes that the Applicant is entitled to have façade signs on the premises, but the Applicant is not proposing any building-attached signs as part of the application. The Board also notes that the existing freestanding sign has a sign area of 191.9 square feet which exceeds the 50 square feet maximum for a freestanding sign. The Board determines that the proposed additional 39.375 square feet of signage is a *de minimis* expansion of the sign area. The Board concludes that the signage will not interfere with sight lines for motorists travelling along Route 23, nor will it interfere with sight lines for onsite traffic circulation. The Board also determines that the signage will be substantially similar in size to other freestanding signs located along the Route 23 corridor. The Board also concludes that there are no façade signs proposed and, therefore, the total signage for the site at 231.275 square feet is appropriate under the circumstances.

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 regards 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.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Pequannock that the application of Spa 23 Health and Racketball, Inc. for premises commonly known as Block 2306, Lot 27, on the Tax and Assessment Map of the Township of Pequannock and located at 381 Route 23 South, Pompton Plains, New Jersey, in the C-2 Zone requesting sign approval is determined as follows:

A. Approval is hereby granted to enable the Applicant to add an additional 39.375 square feet of signage to the existing freestanding sign, which signage shall be located between the upper "Spa 23" portion and the lower message board portion of the existing freestanding sign, as indicated on a sign detail prepared by Michael Kelly of U.S. Sign and Lighting Service, LLC, dated April 18, 2012.

B. Waiver relief is granted from the sign ordinance of the Township of Pequannock, and more specifically Section 153.06(B)(2)(c)(1), to permit the installation of a 39.375 square feet sign to the existing freestanding sign.

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 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 June 18, 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 dated June 13, 2012.

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 the Planning Board on June 18, 2012, and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on July 16, 2012.



Roger Imfeld, Board Secretary

IN FAVOR: *Dickinson, Fitamant, Kapotes, Phelan, Altis*

AGAINST:

ABSTAINED:

BOARD MEMBERS ELIGIBLE TO VOTE:

531201_1 PEQ-349E Resolution Granting Sign Approval

RESOLUTION
TOWNSHIP OF PEQUANNOCK PLANNING BOARD
CAPITAL REVIEW
DECIDED ON JUNE 18, 2012
MEMORIALIZED ON JULY 16, 2012

WHEREAS, a request for a Capital Review under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-31 has been made to the Township of Pequannock Planning Board (hereinafter "Planning Board") by the Township of Pequannock Board of Education (hereinafter referred to as "the Applicant") in regard to renovations and improvements proposed for North Boulevard Elementary School and Pequannock Township High School, located within Pequannock Township; and

WHEREAS, the Applicant has requested a Capital Review; and

WHEREAS, a public hearing was held before the Board on June 18, 2012, with regard to this application; and

WHEREAS, the Board has heard testimony and comments from the Applicant and consultants; and

WHEREAS, the Applicant was not represented by counsel.

NOW, THEREFORE, does the Pequannock Township Planning Board make the following findings of fact and conclusions of law with regard to this application:

1. In regard to North Boulevard Elementary School, the Applicant seeks to renovate the fields behind the school. In regard to the baseball field, the Applicant will install a new clay infield. This baseball field is a Little League field. Secondly, the Applicant will add a soccer field oriented in a northerly to southerly direction. The fields are to be used during daylight hours only, and no lighting is proposed.

2. In regard to Pequannock Township High School, the Applicant proposes the following improvements: resurfacing of the rear parking lot as well as widening the walkway that goes around the building in order to provide full access around the building, including the ability to drive emergency and other vehicles around the building. In addition, the Applicant seeks to provide a new parking area on the side of the building for use by faculty and staff.

3. Currently, the Pequannock Township Board of Education leases space for parking of vehicles in regard to the church parking lot located across the street from the High School. The Board of Education currently pays rent for parking and also is responsible for snow removal. In an effort to reduce costs, the Applicant seeks to discontinue the arrangement of off-site parking on the church premises in order to have all parking related to the school on school premises.

4. The Applicant also proposes to add two new structures including a storage facility and a team room. The Applicant will also provide additional bathroom facilities and new concession stands.

5. The Applicant will also rehabilitate the grass field for soccer and install an irrigation system.

6. Testimony on behalf of the Applicant was provided by Victor Hayek, School Business Administrator for Pequannock Township Public Schools, and Frank Messineo, RA, a licensed professional architect in the State of New Jersey.

WHEREAS, the Municipal Land Use Law requires that whenever the Planning Board has adopted any portion of the Master Plan, the governing body or any public agency having jurisdiction over the subject matter, before taking action necessitating the expenditure of any public funds incidental to the location, character or extent of such project, shall refer the action

involving such specific project to the Planning Board for review and recommendation in conjunction with such Master Plan, and shall not act thereon without such recommendation unless 45 days have elapsed after such reference without receiving such recommendations. This is in accordance with the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-31(a).

NOW, THEREFORE, BE IT RESOLVED by the Pequannock Township Planning Board on this 16th day of July, 2012, that the action of the Planning Board taken on June 18, 2012, for this Capital Review project pursuant to N.J.S.A. 40:55D-31 is hereby memorialized as follows:

1. The Planning Board recommends that the Board of Education schedule a meeting with residents on Washburn Road in regard to the proposed addition of parking on the side of the building adjacent thereto.

2. The Planning Board recommends that the Board of Education block off the proposed side parking lot in proximity to Washburn Road so as to prohibit parking of vehicles in this portion of the parking lot at night.

3. The Planning Board recommends that no additional lighting be provided in regard to the proposed side parking lot in proximity to Washburn Road.

4. The Planning Board recommends that the Board of Education provide plantings on the proposed berm.

The undersigned Secretary certifies that the within Resolution was adopted by the Pequannock Township Planning Board on June 18, 2012, and memorialized herein pursuant to the Municipal Land Use Law under N.J.S.A. 40:55D-10(g) on July 16, 2012.



Roger Imfeld, Board Secretary

IN FAVOR: *Dickinson, Fitamant, Kapotes, Phelan, Altis*

AGAINST:

ABSTAIN:

BOARD MEMBERS ELIGIBLE TO VOTE:

530826_1 PEQ-100 Resolution for BOE 2012 Capital Review for Elementary School and High School