

**RESOLUTION
TOWNSHIP OF PEQUANNOCK
PLANNING BOARD
IN THE MATTER OF OHRID REALTY ASSOCIATES, LLC
(STEFANO'S RISTORANTE)
DECIDED ON MARCH 4, 2013
MEMORIALIZED ON MARCH 18, 2013
APPLICATION FOR SIGN APPROVAL**

WHEREAS, Ohrid Realty Associates, LLC d/b/a Stefano's Ristorante ("hereinafter "Applicant" or "Stefano's") has filed an application with the Township of Pequannock Planning Board, (hereinafter "Planning Board" or "Board") for sign approval for property known as Block 1404, Lot 12, on the Tax and Assessment Map of the Township of Pequannock (hereinafter "Township"), which premises are located at 565-569 Route 23 South, Pompton Plains, New Jersey, and located in the C-2 Highway Commercial Zone 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 March 4, 2013, 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 1404, Lot 12, on the Tax and Assessment Map of the Township of Pequannock and located at 565-569 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 development:

1. Completed Pequannock Township Sign Plan Application, signed by Spase Gelesri, not dated.
2. Sign Detail, consisting of two sheets, prepared by American Woodcarving, dated January 14, 2013.

Testifying on behalf of the Applicant was Mike Holst (hereinafter "Holst"), a representative of Signs by American Woodcarving, and Stefano Guleski (hereinafter "Guleski"), the owner of Stefano's Ristorante. The site is the location of an Italian restaurant and pizzeria. The nature of the application is to expand and modify the existing building attached sign with a new sign and to add a changeable message board to the existing freestanding sign.

With respect to the building attached sign, there is currently a building attached sign consisting of 18 square feet. The Applicant proposes a new attached sign to supplement the area of the existing attached sign. The proposed new attached sign has an area of 29.7 square feet. Therefore, the total area of the expanded/modified attached sign is 47.7 square feet. The Applicant is permitted to have a building attached sign not to exceed 50 square feet based on the existing square footage of the front façade of the building.

The Applicant also seeks to add a changeable message board to the existing freestanding sign. The Applicant does not propose any changes to the existing sign panels on the freestanding sign that identify the two businesses at this location as Stefano's Ristorante and Stefano's Pizzeria. The Applicant originally proposed a changeable message board eight feet, two inches in width by four feet, four inches in height for a total of thirty-six square feet. The existing freestanding sign had a sign area of 51.99 square feet. As a result, the new sign area of the freestanding sign would have a total area of 87.99 square feet, thereby requiring waiver relief from Section 153.06(B)(2)(c)(1) which permits a freestanding sign to have a sign area of 50 square feet.

As a result of discussions with the Planning Board, the Applicant agreed to modify and reduce the size of the new changeable message board. The Applicant now proposes a double-face, illuminated box changeable message board with eight inch letter height. The message board will be 98 inches wide by 43 inches tall or approximately 30 square feet. As a result, the total sign area of the freestanding sign will now be approximately 80 square feet, which requires waiver relief from Section 153.06(B)(2)(c)(1) which permits the freestanding sign to have a sign area of 50 square feet. In addition, the Applicant also requires waiver relief from Section 153.06(B)(2)(d) which provides the maximum height of a freestanding sign shall not exceed 24 feet and the horizontal edge of the display area shall be a minimum of 7 feet from the ground. The Applicant complies with the maximum height of the freestanding sign, but the Applicant is unable to meet the ordinance requirements of seven feet of separation from the ground to the horizontal edge of the display area. In this instance, the Applicant proposes 68 inches of separation from the ground to the horizontal edge of the display area.

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.

The site is the location of Stefano's Ristorante and Stefano's Pizzeria. There is currently existing on the premises a building attached sign. The Applicant seeks sign approval in regard to the building attached sign by increasing the size of the sign by 29.7 square feet, therefore bringing the total area of the expanded/modified building attached sign to 47.7 square feet. No design waiver is required in connection with the building attached sign because the building attached sign conforms to the maximum sign area of a building attached sign of 50 square feet based on the

existing 924 square foot front façade of the building. Thus, this portion of the application conforms to Section 153.06(B)(2)(c)(2) which permits a building attached sign of 50 square feet.

However, the Applicant requires two design waivers in connection with the existing freestanding sign. The Applicant seeks approval to add a changeable message board to the bottom of the existing freestanding sign. The changeable copy sign will have eight inches of letter height and will be a double-faced illuminated box. The size of the box will be 98 inches wide and 43 inches tall. Therefore, the size of the changeable copy message board is approximately 30 square feet. The existing message board has a sign area of 51.99 square feet which exceeds Ordinance Section 153.06(B)(2)(c)(1) which permits the freestanding sign to have an area of 50 square feet. As a result, the new sign area for the freestanding sign will be approximately 80 square feet, thereby requiring waiver relief.

The Board determines that it is appropriate to grant the waiver for the sign area of the freestanding sign. The Board notes that the Applicant has agreed to reduce the size of the changeable message board from approximately 36 square feet to 30 square feet. In addition, the Board determines that the freestanding sign is set back a sufficient distance from Route 23 South so that it will not impair sight lines for motorists travelling along Route 23 South. The Board also concludes that the size of the letters on the changeable copy sign are of a sufficient height at eight inches to enable motorists to safely view the contents of the sign so as not to create a safety hazard for vehicles travelling along Route 23 South or vehicles that are entering the parking lot from Route 23 South. The Board also determines that the addition of the sign will help to promote the visibility of the site and to promote safe access to the site.

The Board also finds that it is appropriate to grant waiver relief in connection with the overall sign area of the freestanding sign at approximately 80 square feet where 50 square feet is allowed pursuant to Section 153.06(B)(2)(c)(1) because the signage is substantially similar in size to

other signs along the Route 23 corridor and because the signage will help to promote safe access to the site.

Furthermore, the Applicant requires waiver relief relative to the freestanding sign under Section 153.06(B)(2)(d) which requires an applicant to have seven feet of separation from the ground to the horizontal edge of the display area. In this instance, the Applicant seeks waiver relief for the distance from the bottom of the changeable copy message board to the ground because the Applicant is only able to provide 68 inches of separation. The Board finds that the Applicant is required to maintain a minimum separation of 84 inches from the bottom of the changeable copy area to the ground and that the Applicant proposes a separation of 68 inches. The Board finds the deficiency to be de minimis. The Board also finds that the Applicant has agreed to install plantings underneath the changeable copy sign in order to prevent pedestrian access from underneath the sign. The exact nature of the plantings shall be subject to the review and approval of the Board Engineer. The Board also determines that the sign is set back a sufficient distance from Route 23 so as not to impair sight line of motorists travelling along Route 23.

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.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Pequannock, that the Application of Ohrid Realty Associates, LLC d/b/a Stefano's Ristorante for premises commonly known as Block 1404, Lot 12, on the Tax and Assessment Map of the Township of Pequannock, and located at 565-569 Route 23 South, Pompton Plains, New Jersey, in the C-2 Zone District and requesting sign approvals, is determined as follows:

- A. Approval is hereby granted to permit the Applicant to install an addition to the existing building attached sign by providing an additional 29.7 square feet of sign area thereby resulting in the total area of the expanded/modified building attached sign to be 47.7 square feet as indicated on a sign rendering prepared by Signs by American Woodcarving and submitted to the Planning Board as part of the sign application.
- B. Waiver relief is granted from the sign ordinance of the Township of Pequannock, and more specifically Sections 153.06(B)(2)(c)(1) in order to permit a freestanding sign area of approximately 80 square feet which includes a changeable message board with 8 inch in height letters and a double-faced illuminated box 98 inches wide by 43 inches tall; and from Section 153.06(B)(2)(d) granting a waiver for the distance from the bottom of the changeable message board sign to the ground where 84 inches of separation is required and the Applicant proposes a separation of 68 inches as reflected on the sign detail prepared by Signs by American Woodcarving and dated March 5, 2013.

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 March 4, 2013.
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 28, 2013.
5. The granting of this application is subject to and conditioned upon the Applicant installing shrubs in order to prevent pedestrians from walking under the freestanding sign, the exact nature of the plantings and the location of the plantings shall be subject to the review and approval of the Board Planner.
5. All terms and conditions of the Board's prior resolutions remain in full force and effect except as satisfied or amended and not in conflict with 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 March 4, 2013, and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on March 18, 2013.



Roger Imfeld, Board Secretary

In Favor:

Against:

Abstained:

Board Members Eligible to Vote:

604900_1 PEQ-356E Stefano's Ristorante Resolution Granting Sign Approval

**RESOLUTION
TOWNSHIP OF PEQUANNOCK
PLANNING BOARD
IN THE MATTER OF M&T BANK
DECIDED ON MARCH 4, 2013
MEMORIALIZED ON MARCH 18, 2013
APPLICATION FOR SIGN APPROVAL**

WHEREAS, M&T Bank (“hereinafter “Applicant” or “M&T”) has filed an application with the Township of Pequannock Planning Board, (hereinafter “Planning Board” or “Board”) for sign approval for property known as Block 4102, Lot 9, on the Tax and Assessment Map of the Township of Pequannock (hereinafter “Township”), which premises are located at 150 Newark Pompton Turnpike, Pompton Plains, New Jersey, and located in the C-1 Community 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 March 4, 2013, 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 4102, Lot 9, on the Tax and Assessment Map of the Township of Pequannock and located at 150 Newark Pompton Turnpike, Pequannock, New Jersey. The subject site is located in the C-1 Community Business Zone District.

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

1. Completed Sign Application, signed by Patti Fritz, dated February 7, 2013.
2. Proposed Sign Plan, consisting of seven sheets, prepared by Sign Service Group, LLC, dated November 7, 2012 with revisions through February 7, 2013.

Testifying on behalf of the Applicant was Rick Volz (hereinafter "Volz"), a representative of New Sign Industries. Volz represented that the site was formerly occupied by Hudson City Savings Bank and that M&T Bank has acquired Hudson City Savings Bank and will be operating the bank at this location. The nature of the application is to replace all existing signs. All replacement signs will be located in the corresponding/existing sign locations. Submitted in connection with the application was a submission depicting all proposed signage prepared by Sign Services Group, LLC and consisting of seven sheets. Volz represented that the signage would be consistent with the sign plans submitted.

M&T Bank requires design waivers from the Sign Ordinance of the Township of Pequannock. First, pursuant to Section 153.06(B)(1)(b), a total of two signs per use is permitted. More specifically, one of any category of signs listed in Section 153.06(B)(1)(a). In this matter, M&T proposes to retain the primary freestanding sign and replace the existing three building attached signs with three new attached signs of equal size. As the proposed attached signs are technically new signs, a waiver from this regulation is required.

The applicant also requires a design waiver from Section 153.06(B)(1)(c) because the Applicant is replacing the freestanding sign with a new sign. Pursuant to the ordinance, the maximum sign area for the freestanding sign is 15 square feet and the Applicant proposes to replace the freestanding sign with a new sign with 40 square feet of sign area. As a result, the freestanding sign with the M&T Bank name and logo requires a design waiver. The Applicant also requires a

design waiver in regard to the installation of ten pole-mounted or blade signs located throughout the site. The size and dimensions of the proposed signage is set forth in the sign plan prepared by Sign Services Group, LLC and submitted as part of the application package. The ten pole-mounted or blade signs will be replaced in kind and in the same locations as previously existing on the site. However, as a result of discussions between the Applicant and the Board, the Applicant agreed to remove the name of the bank and the logo for the bank from any and all directory signs.

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.

M&T Bank is the Applicant for premises known and designated as Block 4102, Lot 9, on the Tax and Assessment Map of the Township of Pequannock and located at 150 Newark Pompton Turnpike, Pompton Plains, New Jersey, which site is located in the C-1 Community Business District.

The nature of the application is to permit M&T Bank, which acquired Hudson City Savings Bank, to replace all existing Hudson City Savings Bank signs with new signage for M&T Bank. The proposed signage is in conformance with a sign plan prepared by Sign Services Group, LLC, consisting of seven pages and submitted as part of the application package.

The Applicant requires three design waivers from the Sign Ordinance of the Township of Pequannock. Specifically, under Section 153.06(B)(1)(b), M&T Bank is permitted a total of two signs per use. More specifically, one of any category of signs listed in Section 153.06(B)(1)(a). M&T Bank proposes to replace the existing primary freestanding sign with a new freestanding sign reflecting the name of M&T Bank as well as replacing the existing three attached signs with three

new signs of equal size, again reflecting the name of M&T Bank. First, since the proposed attached signs are technically new signs, a design waiver from this regulation is required.

Second, the Applicant also requires a design waiver from Section 153.06(B)(1)(c) in regard to the sign area of the freestanding sign, where a maximum sign area of 15 square feet is allowed. In replacing the freestanding sign with a new sign reflecting the name of M&T Bank, the Applicant proposes a new freestanding sign with 40 square feet of sign area. As a result, design waiver relief is required.

Third, the Applicant requires a design waiver from Section 153.06(B)(1)(a) which only allows freestanding signs, projecting signs, attached or awning signs, menu board signs, window signs and banners. Here the Applicant seeks to install ten pole-mounted or blade signs. These signs will replace similar signs existing on the premises. The applicant, however, has agreed to remove the name of the bank from the signs as well as the logo from all directory signs. The Township Sign Ordinance is silent with regard to the pole-mounted or blade signs and, as a result, they are considered not permitted, thereby requiring waiver relief.

The Board determines that it is appropriate to grant all of the waivers requested in connection with this application. The Board notes that M&T Bank is taking over the site from Hudson City Savings Bank. Essentially, M&T Bank will be replacing signage in order to reflect the name of the new bank occupying the premises. The Board also notes that Hudson City Savings Bank previously had one freestanding sign with three attached signs, and M&T Bank will continue that trend with one freestanding sign and three attached signs. The Board considers this to be a technical waiver of the Sign Ordinance because the signs are being replaced with new signage. However, the Board sees this as a de minimis waiver request.

In regard to the design waiver for the size of the freestanding sign exceeding the maximum sign area of 15 square feet, the Board notes that Hudson City Savings Bank had a freestanding sign

with 40 square feet of sign area, and the Applicant, M&T Bank, likewise is going to merely replace the freestanding sign with its own sign at 40 square feet. The Board notes that the size of the sign is appropriate for the location of the building and size and shape of the lot. The Board notes that exceeding the sign area in this regard will not present any sight line issues for motorists traveling along Newark Pompton Turnpike. The Board also feels that a design waiver is warranted in order to promote safe access and visibility of the site.

Thirdly, the Applicant seeks a design waiver in regard to the installation of ten pole-mounted or blade signs. The Board notes that similar signage exists on the site and is basically being replaced in kind by M&T Bank. The Board also notes that the Applicant is removing the name and logo of M&T Bank from all directory signs. As a result, the Board sees no negative detriment to the surrounding properties by permitting the installation of the ten pole-mounted or blade signs.

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 M&T Bank for premises commonly known as Block 4102, Lot 9, on the Tax and Assessment Map of the Township of Pequannock, and located at 150 Newark Pompton Turnpike, Pequannock, New Jersey, in the C-1 Zone District and requesting sign approvals, is determined as follows:

- A. Approval is hereby granted to permit the Applicant to install signage as set forth in the sign plan prepared by Sign Services Group, LLC,

consisting of seven pages and submitted in connection with the application.

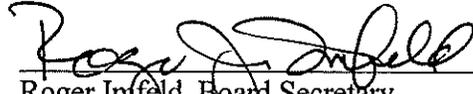
- B. Waiver relief is granted from the Sign Ordinance of the Township of Pequannock, and more specifically Section 153.06(B)(1)(b), Section 153.06(B)(1)(a) and Section 153.06(B)(1)(c) in regard to the installation of a freestanding sign with a total sign area of 40 square feet, as well as permitting M&T Bank to have three building attached signs. Also design waiver relief is granted to permit the Applicant to install ten pole-mounted or blade signs located throughout the site and as indicated on the sign plan prepared by Sign Services Group, LLC and submitted as part of the application package.

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 March 4, 2013.

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 28, 2013.
5. The granting of this application is subject to and conditioned upon the Applicant removing the name M&T Bank and bank logo from any and all directional signs to be installed at the premises.
6. All terms and conditions of the Board's prior resolutions remain in full force and effect except as satisfied or amended and not in conflict with this approval.
7. Payment of all fees, costs and escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.
8. Certificate that taxes are paid current to date of approval.
9. 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 March 4, 2013, and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on March 18, 2013.



Roger Infeld, Board Secretary

In Favor:

Against:

Abstained:

Board Members Eligible to Vote:

605088_1 PEQ-358E M&T Bank Resolution Granting Sign Approval