

**RESOLUTION
TOWNSHIP OF PEQUANNOCK
PLANNING BOARD
IN THE MATTER OF 777 SWEEPSTAKES
DECIDED ON FEBRUARY 6, 2012
MEMORIALIZED ON MARCH 19, 2012
APPLICATION FOR SIGN APPROVAL**

WHEREAS, Phillip Mendillo of Mendillo Sign Company (hereinafter "Applicant") has filed an application with the Township of Pequannock Planning Board, (hereinafter "Planning Board" or "Board"), for sign approval for a business known as 777 Sweepstakes on property designated as Block 802, Lot 6, on the Tax and Assessment Map of the Township of Pequannock (hereinafter "Township"), which premises are located at 693 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 February 6, 2012, 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 6, on the Tax and Assessment Map of the Township of Pequannock and located at 693 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:

- Completed Pequannock Township sign application with sign detail, signed by Doug Marchesin, dated January 16, 2012.

Testifying on behalf of the Applicant was Phillip Mendillo of Mendillo Sign Company (hereinafter "Mendillo"). The subject site contains the existing commercial strip shopping center which is a permitted use in the C-2 Zone. The nature of the application is to install a building attached sign above the front entrance to the space to be occupied by the tenant. The proposed building attached sign is two (2) feet in height by sixteen (16) feet in length for a total of thirty-two (32) square feet. In accordance with the report of the Board Planner, Jill A. Hartmann, PP, AICP, dated February 6, 2012, the proposed building attached sign conforms to the sign ordinance requirements of the Township of Pequannock. Therefore, the proposed attached sign at thirty-two (32) square feet is permitted by ordinance.

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.

Phillip Mendillo of Mendillo Sign Company is the Applicant for premises known and designated as Block 802, Lot 6, on the Tax and Assessment Map of the Township of Pequannock and located at 693 Route 23 South, Pompton Plains, New Jersey, which site is located in the C-2 Zone District.

The nature of the application is to permit the Applicant to install a building attached sign two (2) feet in height by sixteen (16) feet in length for a total of thirty-two 32 square feet. Pequannock Township Code Section 153.06(B)(2)(c)(2) permits a building attached sign not to exceed 50 square feet where the store façade is between 601 square feet to 1,000 square feet. In this instance, the commercial retail use façade is 667 square feet. Therefore, a 50 square foot sign is

permitted. However, the Applicant is proposing a building attached sign two (2) feet in height by sixteen (16) feet in length for a total of thirty-two (32) square feet. Thus, the proposed sign complies with the sign ordinance requirement for permitted square footage. With regard to the building attached sign, the Board finds that the Applicant is in conformance with the Township of Pequannock sign ordinance in the C-2 Zone.

However, there is currently in existence on the site an A-frame or sandwich type sign used by the tenant. This type of temporary sign continues to remain on the walkway adjacent to the proposed use and in between the parking lot and the building. The Township Sign Ordinance does not permit the use of temporary A-frame or sandwich signs. Therefore, the Board determines that the use of a temporary A-frame or sandwich type sign shall be removed immediately and shall not be permitted to remain on the property unless approval is received from the Pequannock Township Planning Board and permits are received from the Pequannock Township Zoning Officer/Construction Code Official.

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.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Pequannock, that the Application of Phillip Mendillo of Mendillo Sign Company for a business known as 777 Sweepstakes on premises designated as Block 802, Lot 6, on the Tax and Assessment Map of the Township of Pequannock, and located at 693 Route 23 South, Pompton Plains, New Jersey, in the C-2 Zone District and requesting sign approvals, is determined as follows:

Approval is hereby granted to enable the Applicant to install a building attached sign above the front entrance to the store, which signage shall not exceed thirty-two (32) square feet in

area as indicated on the sign rendering prepared by the Mendillo Sign Company and submitted as part of the application process.

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 February 6, 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 February 6, 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.
9. The temporary A-frame or sandwich type sign shall be removed immediately and shall not be permitted to remain on the property unless approval is received from the Pequannock Township Planning Board and permits are received from the Pequannock Township Zoning Officer/Construction Code Official.

The undersigned secretary certifies the within Resolution was adopted by this Planning Board on February 6, 2012, and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on March 19, 2012.



Roger Imfeld, Board Secretary

In favor:

Against:

Abstained:

Board Members Eligible to Vote:

**RESOLUTION
TOWNSHIP OF PEQUANNOCK
PLANNING BOARD
IN THE MATTER OF CVS
DECIDED ON FEBRUARY 6, 2012
MEMORIALIZED ON MARCH 19, 2012
APPLICATION FOR SIGN APPROVAL**

WHEREAS, CVS (hereinafter "Applicant" or "CVS") has filed an application with the Township of Pequannock Planning Board, (hereinafter "Planning Board" or "Board"), for sign approval for property known as Block 4101, Lot 8, on the Tax and Assessment Map of the Township of Pequannock (hereinafter "Township"), which premises are located at 166 Newark Pompton Turnpike, Pequannock, 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 February 6, 2012, 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 4101, Lot 8, on the Tax and Assessment Map of the Township of Pequannock and located at 166 Newark Pompton Turnpike, Pequannock, New Jersey. The subject site is located in the C-1 Zone District.

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

1. Completed Pequannock Township sign application with sign detail, signed by D. Tuccio, dated December 28, 2011.
2. Sign detail, consisting of two sheets, prepared by Icon Companies, dated April 28, 2011.

Testifying on behalf of the Applicant was John Stiltner, a representative of Icon Sign Company (hereinafter "Stiltner"). The nature of the application is to install a building attached sign and a window sign at the CVS store in an existing strip shopping center. The subject site is located in the C-1 Zone.

The Applicant proposes to reface the existing pylon sign and since this requires only an insert/face change, approval of the Planning Board is not required with regard to refacing of the existing pylon sign.

The proposed window sign is 30 inches by 42.5 inches for a total of 9 square feet. The window sign comprises less than 50 percent of the glass area of the large window and, therefore, is exempt from Section 153.06(B)(1)(b) of the Code of the township of Pequannock.

Pursuant to Section 153.06(B)(1)(c)[2], a building attached sign is limited to a total sign area of 24 square feet. The Applicant proposes a building attached sign at 14.25 feet by 2 feet, for a total of 28.5 square feet in sign area. As a result, the Applicant requires a design waiver from Section 153.06(B)(1)(c)[2]. Currently the existing building attached sign is being replaced with signage added to a backer panel. As a result of the signage being added to a backer panel, the size of the sign is now 28.5 square feet which exceeds the maximum sign area of a building attached sign by 4.5 square feet.

In addition, the Applicant currently has signage as depicted on the sign plan prepared by Icon as existing sign no. 4 which consists of lettering which reads "Drive Thru Pharmacy" and "Full

Service”. The Applicant will be illuminating the “Drive Thru Pharmacy” lettering while the “Full Service” lettering will not be illuminated.

In addition, existing sign no. 5, as depicted on the Sign Plan prepared by Icon, contains the lettering “Drive Thru Pharmacy Exit.” The Applicant confirms that existing sign no. 5 will be removed.

The Applicant also confirmed that it will comply with Section 153.06(B)(1)(f) of the Township of Pequannock sign ordinance that prevents signs from being illuminated between the hours of 11:00 p.m. and 6:00 a.m.

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 the foregoing findings of fact.

CVS is the Applicant for premises known and designated as Block 4101, Lot 8, on the Tax and Assessment Map of the Township of Pequannock and located at 166 Newark Pompton Turnpike, Pequannock, New Jersey, which site is located in the C-1 Zone District.

The Applicant seeks to reface the existing pylon sign which does not require the approval of the Pequannock Township Planning Board. In addition, the Applicant proposes one building attached sign and one window sign related to the existing commercial retail use. The proposed window sign is 30 inches by 42.5 inches or 9 square feet. Window signs occupying less than 50 percent of the glass area are exempt from the ordinance requirements. The proposed window sign is less than 50 percent of the large window glass area and is exempt from this regulation.

With respect to the building attached sign, Section 153.06(B)(1)(c)[2] permits a building attached sign to have a total sign area of 24 square feet. The Applicant proposes a building attached sign 14.25 feet by 2 feet, for a total of 28.5 square feet and thus requires waiver relief. The building

attached sign is 4.5 square feet larger than the ordinance allows, but the difference in the sign area can be attributed to the fact that the lettering has been placed upon a backer panel which is also included in the sign area measurement. The Board concludes that it is appropriate to grant design waiver relief in regard to the sign area for the building attached sign because the lettering on the sign is consistent with the previous lettering except that it has been added to a backer panel which increases the sign area thereby triggering the need for waiver relief. The board deems this change to be de minimis. The Board also notes that in regard to existing sign no. 4 as depicted on the Sign Plan prepared by Icon, that the text "Drive Thru Pharmacy" will now be illuminated and that the text "Full Service" will not be illuminated. The Board also notes that in regard to existing sign no. 5, as depicted on the Icon Sign Plan that the text "Drive Thru Pharmacy Exit" is being removed and is not being replaced with any other signage.

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 CVS for premises known and designated as Block 4101, Lot 8, on the Tax and Assessment Map of the Township of Pequannock, and located at 166 Newark Pompton Turnpike, Pequannock, New Jersey, which premises are located in the C-1 Zone District and requesting sign approvals, is determined as follows:

1. Approval is hereby granted to enable the Applicant to install signage in accordance with the Sign Plan prepared by Icon Companies dated April 28, 2011, and submitted as part of the application package.

2. Waiver relief is granted from the Sign Ordinance of the Township of Pequannock, and more specifically Section 153.06(B)(1)(c)[2] in order to permit a building attached sign 14.25 feet by 2 feet for a total of 28.5 square feet.

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 February 6, 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 February 6, 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 this Planning Board on February 6, 2012, and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on March 19, 2012.



Roger Imfeld, Board Secretary

In favor:

Against:

Abstained:

Board Members Eligible to Vote:

481,184_PEQ-342E_Resolution Granting Sign Approval