

June 17, 2021

Cedar Bean's Coffee
575 Pompton Avenue
Cedar Grove, New Jersey 07009

Re: **Wall Sign Violations**
575 Pompton Avenue
Block 160, Lot 2

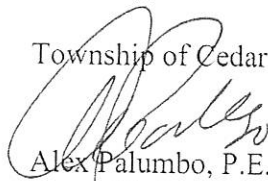
Mr. Fletcher:

268-14.1 (C) No person may erect a sign which is affixed to a fence, utility pole, tree or natural object. No sign may be painted directly on the exterior surface of a building or an accessory structure such as a storage tank.

It has come to the attention of this office that there is a newly painted exterior wall (Rear side of the building) that is in violation of the above referenced ordinance. By notice of this letter you are hereby given until July 7, 2021 to remove said painting. Failure to do so may result in the issuance of a summons. Should you have any questions, please contact this office at (973) 239-1410 ext. 284.

Sincerely,

Township of Cedar Grove



Alex Palumbo, P.E.

Township Engineer / Zoning Office

Cc: Tom Tucci, Township Manager
Township Building Department
Heller Property Partners



RECEIVED

JUN 21 2021

ENGINEERING

Sunday, June 20, 2021

Township of Cedar Grove
Alex Palumbo, P.E.
Township Engineer / Zoning Office

Dear Mr. Palumbo,

As the owner of Cedar Bean's Coffee Joint, located at 575 Pompton Avenue, I am responding to your certified letter, which is dated June 17th, 2021. Initially, I was surprised by the letter in light of the fact that the art installation on the back of Cedar Bean's Coffee Joint, created by two Cedar Grove residents, with approval of both the building owner and the homeowners directly behind 575 Pompton Avenue's closed alleyway, is not a "sign" as covered by Ordinance **268-14.1 (C)**, which states:

268-14.1 (C) No person may erect a **sign** which is affixed to a fence, utility pole, tree or natural object. No **sign** may be painted directly on the exterior surface of a building or an accessory structure such as a storage tank

In addition, the artwork in question was not created **to attract attention to, advertise, or direct people to Cedar Bean's Coffee Joint** as it is not located at our public entrance at 575 Pompton Avenue.

However, the issue of whether the art installation is a "sign" pursuant to the ordinance need not even be reached. In looking further at the ordinance, the word "sign" is defined in **262-2**, which states:

262-2 Word Usage and definitions

SIGN

Any object, device, display or structure, or part thereof, situated outdoors or indoors, intended to be in **view of the general public**, which is **used to advertise, identify, display, direct or attract attention** to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. For the purposes of this chapter, this definition shall not include official public notices, the flag or insignia of any governmental jurisdiction, or any traffic signal or sign maintained by a governmental entity.

As you can see, in order for the art installation to be a sign as contemplated by the ordinance, it must be intended to be in view of the general public. The artwork in question is **not in view of the general public, nor is it intended to be**, as it is located on a wall behind 575 Pompton Avenue, accessible only by those who choose to view the artwork by walking outside behind the building located at Block 160, Lot 2. It is not visible from either Bowden Road or Pompton Avenue, the two public roadways adjacent to Cedar Beans to the east and the west (the adjacent properties to the north and the south are privately owned).

Cedar Bean's Coffee Joint | 575 Pompton Avenue, Cedar Grove NJ 07009
+1 908 955 8200 pr@cedarbeans.com



/CedarBeansCoffee

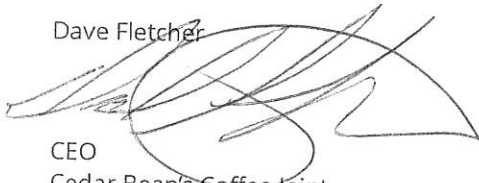


/CedarBeansCoffeeJoint

Thank you. I look forward to your response and appreciate your attention to this matter.

Sincerely yours,

Dave Fletcher

A handwritten signature in black ink, appearing to be 'Dave Fletcher', written over a circular stamp or seal.

CEO
Cedar Bean's Coffee Joint
575 Pompton Avenue,
Cedar Grove, NJ 07009

Cc: Thomas Tucci, Township Manager

Cedar Bean's Coffee Joint | 575 Pompton Avenue, Cedar Grove NJ 07009
+1 908 955 8200 pr@cedarbeans.com



/CedarBeansCoffee



/CedarBeansCoffeeJoint

MUNICIPAL COURTS of NORTH CALDWELL and ESSEX FELS

141 Gould Avenue, North Caldwell, New Jersey 07006

Tel: 973-228-6420 / Fax: 973-228-5195

Email: court@northcaldwell.org

Ashley McMillion, Court Administrator

Municipal Court of North Caldwell

Hon. Donald L. O'Connor, JMC

Municipal Court of Essex Fells

Hon. Donald L. O'Connor, JMC



NOTICE TO APPEAR

Dave Fletcher
29 The Glen
Cedar Grove, NJ 07007

September 10, 2021

Re: State v. Dave Fletcher

Complaint / Summons#: E21 1427-1431-0714 (Fairfield)

Dear Dave Fletcher,

Please be advised that the above matters have been transferred to North Caldwell Municipal Court due to a conflict, and it has been rescheduled for *Pre-trial Conference via Zoom* and Zoom information is below, and you will also receive an email the day before your court date. Failure to participate in the Virtual Hearing may result in the issuance of a bench warrant being issued or the suspension of your driving privileges.

Date & Time: Thursday, October 7th, 2021 @ 5:00 PM

NORTH CALDWELL MUNICIPAL COURT

Virtual Court Session

Meeting ID 939 6785 2184

Passcode 988556

Sincerely,

Ashley McMillion
Court Administrator

Cc: Alex Palumbo, Township Engineer ✓
File

RECEIVED

SEP 15 2021

ENGINEERING

MUNICIPAL COURTS of NORTH CALDWELL and ESSEX FELS

141 Gould Avenue, North Caldwell, New Jersey 07006

Tel: 973-228-6420 / Fax: 973-228-5195

Email: court@northcaldwell.org

Ashley McMillion, Court Administrator

Municipal Court of North Caldwell

Hon. Donald L. O'Connor, JMC

Municipal Court of Essex Fells

Hon. Donald L. O'Connor, JMC



NOTICE TO APPEAR

Dave Fletcher
29 The Glen
Cedar Grove, NJ 07009

October 8, 2021

Re: State v. Dave Fletcher

Complaint / Summons#: E21 1427-1431-0714 (Fairfield)

Dear Dave Fletcher,

Please be advised that the above matters have been transferred to North Caldwell Municipal Court due to a conflict, and it has been rescheduled for *Pre-trial Conference via Zoom* and Zoom information is below, and you will also receive an email the day before your court date. Failure to participate in the Virtual Hearing may result in the issuance of a bench warrant being issued or the suspension of your driving privileges.

Date & Time: Thursday, November 4th, 2021 @ 5:00 PM

NORTH CALDWELL MUNICIPAL COURT

Virtual Court Session

Meeting ID 995 4056 4907

Passcode 976831

Sincerely,

Ashley McMillion
Court Administrator

Cc: Alex Palumbo, Township Engineer
File

RECEIVED

OCT 12 2021

ENGINEERING

0705

SC

006507

CEDAR GROVE TWP.
MUNICIPAL COURT
525 Pompton Avenue
Cedar Grove, NJ 07009

Complaint

2021

The State of New Jersey

(Please Print)

VS.

Defendant's Name: First

Initial

Last

David

Fletcher

Address

State Zip Code

Telephone

SOCIAL SECURITY NUMBER

Birth Date:

Mo.

Day

Yr.

Sex

Eyes

Hair

Height

Restrictions

DL #

State

Exp. Date

STATE OF NEW JERSEY

COUNTY OF

ESSEX

SS:

Complaining Witness:

Alex Palumbo

of

Township of Cedar Grove

Residing at

525 Pompton Ave

by certification or on oath, says that to the best of his/her knowledge or information and belief, the named defendant on or about the

July

8,

2021

08:00

in CEDAR GROVE

TOWN OF CEDAR GROVE

County of

ESSEX

NJ

did commit the following offense:

Painting of Mural/Sign on

East of Building, 5th St Pompton Ave, CG

In violation of (one charge only)

268-14.1 (C)

LOCATION OF OFFENSE

0

9

0

5

Describe Location

Cedar Bean's

OATH: Subscribed and sworn to before

me this day of yr.

CERTIFICATION: I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

OR

7/8/21

(Signature of Complaining Witness)

Alex Palumbo

(Signature of Complaining Witness)

PROBABLE CAUSE DETERMINATION FOR ISSUANCE OF PROCESS:

COURT USE ONLY

LAW/ CODE ENFORCEMENT USE ONLY

Probable cause is found for the issuance of this Complaint-Summons.

Yes

No

(Signature of Judicial Officer)

Yes

No

(Signature of Judge)

X

The complaining witness is a law enforcement officer or a code enforcement officer with territorial and subject matter jurisdiction and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

YOU ARE HEREBY SUMMONED TO APPEAR

BEFORE THIS COURT TO ANSWER THIS COMPLAINT. IF YOU FAIL TO APPEAR ON THE DATE AND AT THE TIME STATED, A WARRANT MAY BE ISSUED FOR YOUR ARREST.

NOTICE TO APPEAR

COURT APPEARANCE REQUIRED

COURT DATE

Month

Day

Year

Time

AM

PM

7-8-21

Theresa P. Palmer, Clerk

(Date Summons Issued)

(Signature of Person Issuing Summons)

CEDAR GROVE MUNICIPAL COURT
525 POMPTON AVE

CHANGE IN COURT DATE

CEDAR GROVE NJ 07009

TELEPHONE: 973-239-1410
8:30AM - 4:30PM

NEW COURT DATE - 09/09/2021 05:00 PM
VIRTUAL COURT HEARING - ROOM VIRT
JUDGE - NICHOLAS S BRINDISI
DATE OF NOTICE - 07/29/2021

NOTICE GENERATED BY: MUPLATO
DEFENDANT COPY

THE COURT MATTER(S) LISTED BELOW IS SCHEDULED FOR A VIRTUAL HEARING ON 09/09/2021
AT 05:00 PM. CONTACT THE COURT AT LEAST 7 DAYS PRIOR TO YOUR COURT DATE TO RECEIVE
INSTRUCTIONS ON APPEARING BY VIDEO.

COMPLAINT NO.
SC 2021 006507

COMPLAINT NO.

COMPLAINT NO.

COMPLAINT NO.

Transfer to North Caldwell Municipal Court

9/9/21 at 5:00 pm

STATE V. DAVID FLETCHER

BY ORDER OF THE JUDGE
NICHOLAS S BRINDISI

DAVID FLETCHER

CEDAR GROVE MUNICIPAL COURT
525 POMPTON AVE

TRANSFER
**** TO THE NORTH CALDWELL MUNICIPAL COURT ****

CEDAR GROVE NJ 07009

TELEPHONE - 973-239-1410
8:30AM - 4:30PM

DATE OF NOTICE - 07/30/2021
NOTICE GENERATED BY - MUPLATO
DEFENDANT COPY

PLEASE BE ADVISED THAT THE COURT MATTER(S) LISTED BELOW HAS BEEN TRANSFERRED TO THE
NORTH CALDWELL MUNICIPAL COURT. YOU WILL BE NOTIFIED BY THE COURT OF YOUR NEW COURT DATE
AND TIME. QUESTIONS REGARDING THE STATUS OF YOUR CASE(S) SHOULD BE DIRECTED TO THAT COURT.
FOR YOUR CONVENIENCE THE NORTH CALDWELL MUNICIPAL COURT PHONE NUMBER IS 973-228-6420.

COMPLAINT #	OFF DATE	OFFENSE	STATE VS
SC 2021 006507	07/08/2021	268-14.1	DAVID FLETCHER

Court date: 9/9/21 @ 5:00 PM

BY ORDER OF THE JUDGE
NICHOLAS S BRINDISI

DAVID FLETCHER

CEDAR GROVE MUNICIPAL COURT
525 POMPTON AVE

CHANGE IN COURT DATE

CEDAR GROVE NJ 07009

TELEPHONE: 973-239-1410
8:30AM - 4:30PM

NEW COURT DATE - 09/09/2021 05:00 PM
VIRTUAL COURT HEARING - ROOM VIRT
JUDGE - NICHOLAS S BRINDISI
DATE OF NOTICE - 07/29/2021

NOTICE GENERATED BY: MUPLATO
COMPLAINANT COPY

THE COURT MATTER(S) LISTED BELOW IS SCHEDULED FOR A VIRTUAL HEARING ON 09/09/2021
AT 05:00 PM. CONTACT THE COURT AT LEAST 7 DAYS PRIOR TO YOUR COURT DATE TO RECEIVE
INSTRUCTIONS ON APPEARING BY VIDEO.

COMPLAINT NO. COMPLAINT NO. COMPLAINT NO.
SC 2021 006507

Transfer to North Caldwell Municipal Court

STATE V. DAVID FLETCHER

BY ORDER OF THE JUDGE
NICHOLAS S BRINDISI

9/9/21 at 5:00 pm

ALEX PALUMBO
525 POMPTON AVENUE

CEDAR GROVE NJ 07009

CEDAR GROVE MUNICIPAL COURT
525 POMPTON AVE

TRANSFER
**** TO THE NORTH CALDWELL MUNICIPAL COURT ****

CEDAR GROVE NJ 07009

TELEPHONE - 973-239-1410
8:30AM - 4:30PM

DATE OF NOTICE - 07/30/2021
NOTICE GENERATED BY - MUPLATO
COMPLAINANT COPY

PLEASE BE ADVISED THAT THE COURT MATTER(S) LISTED BELOW HAS BEEN TRANSFERRED TO THE
NORTH CALDWELL MUNICIPAL COURT. YOU WILL BE NOTIFIED BY THE COURT OF YOUR NEW COURT DATE
AND TIME. QUESTIONS REGARDING THE STATUS OF YOUR CASE(S) SHOULD BE DIRECTED TO THAT COURT.
FOR YOUR CONVENIENCE THE NORTH CALDWELL MUNICIPAL COURT PHONE NUMBER IS 973-228-6420.

COMPLAINT #	OFF DATE	OFFENSE	STATE VS
SC 2021 006507	07/08/2021	268-14.1	DAVID FLETCHER

Court Date: 9/9/21 @ 5:00 pm

BY ORDER OF THE JUDGE
NICHOLAS S BRINDISI

ALEX PALUMBO
525 POMPTON AVENUE
CEDAR GROVE NJ 07009