

**RESOLUTION**  
**TOWNSHIP OF PEQUANNOCK PLANNING BOARD**  
**IN THE MATTER OF 777 ROUTE 23 ASSOCIATES, LLC**  
**DECIDED ON: DECEMBER 7, 2015**  
**MEMORIALIZED ON JANUARY 11, 2016**  
**PRELIMINARY AND FINAL SITE PLAN APPROVAL**

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

**WHEREAS**, a public hearing was held on December 7, 2015 after the Planning Board determined it had jurisdiction; and

**WHEREAS**, the Applicant was represented by Joseph Rasa, Esq.

**NOW, THEREFORE**, the Planning Board makes the following findings of fact based upon evidence presented at its public hearing, at which time a record was made.

The Application before the Board is a request for preliminary and final site plan approval in regard to property known and designated as Block 802, Lot 1 on the Tax Assessment Map of the Township of Pequannock which premises are located at 777 Route 23 South, Pompton Plains, New Jersey in the C-2 Zone. Submitted in support of the application were the following documents:

1. Completed Pequannock Township application of site plan, signed by Michael Stern, dated June 4, 2015.
2. Completed Pequannock Township application for flood plain development, signed by Michael Stern, dated June 4, 2015.

3. Site plan, consisting of four (4) sheets prepared by Paul P. Darmofalski, P.E. of Darmofalski Engineering Associates, Inc., dated January 2015.
4. Architectural/Structural plans consisting of three (3) sheets, prepared by Structural Engineering Resources, LLC, dated June 19, 2014.

The Board also considered the following reports and/or memoranda in regard to this application:

- A. Memorandum dated December 7, 2015 from Jill A. Hartmann, P.E., A.I.C.P., planner to the Pequannock Township Planning Board.
- B. Memorandum dated October 19, 2015 from Joe Golden, P.E., C.M.E., Township Engineer to the Pequannock Township Planning Board.
- C. Report of Pequannock Township Environmental Commission.

The nature of the application is to legalize two (2) existing accessory pole barn structures and to construct a new accessory single story pole barn structure in the far northern corner of the subject site, adjacent to the New York Susquehanna and Western Railway Corp. right of way and the Route 23 right of way.

Testifying on behalf of the Applicant was Michael Stern. Mr. Stern testified that two (2) of the pole barns were existing and were made out of steel pipes with fiberglass sheeting for the roof and steel Sealand containers for the sides. Mr. Stern further stated that a few years ago during a storm event the roofs on the barns collapsed. As a result, and in order to protect the product from the elements, the Applicant constructed two (2) pole barns. Mr. Stern further testified that he buys product both domestically and from overseas. However, the product that is purchased overseas is in larger quantities and, therefore, he is forced to purchase a greater quantity of product at one time which causes the applicant to store more of the product on site. The Applicant seeks to eliminate the outdoor storage of pipes and other materials in order to store the materials within the pole barns.

Next, testifying on behalf of the Applicant was Paul P. Darmofalski. Mr. Darmofalski is a licensed professional engineer and planner in the State of New Jersey. Mr. Darmofalski stated that the Applicant is seeking approval for three (3) pole barns. The pole barns will have no electric and no plumbing. In effect, they are simply buildings to store product and other pipe materials.

Mr. Darmofalski stated that the buildings in question are in the northeast corner of the property. Mr. Darmofalski further reviewed with the Board the size of each of the pole barn buildings which are identified as Buildings A, B and C. Mr. Darmofalski stated that Building A is proposed and will consist of 4,455 s.f. and that Buildings B and C are existing with Building B consisting of 3,250 s.f. and Building C consisting of 2,250 s.f. The buildings are located in the northeast corner of the property. Mr. Darmofalski testified that the buildings are not visible from the highway. Mr. Darmofalski further testified that building coverage will increase from 8.7% to 9.2% and impervious surface coverage will increase from 54% to 54.7%.

Mr. Darmofalski further represented that the location of the pole barns are not in the flood plain. Building A which is the proposed pole barn will be 30 ft. by 150 ft. and will replace a lean to and storage container.

Mr. Darmofalski also addressed the issue of stormwater management as a result of the proposed improvements. Mr. Darmofalski testified that roof water will be discharged into seepage pits from the three (3) pole barns. Building A will have five (5) seepage pits, Building B will have three (3) seepage pits and Building C will have two (2) seepage pits. Thus, there will be a total of ten (10) seepage pits on site.

The Board and the Applicant also reviewed the comments of the Pequannock Township Environmental Commission. Mr. Darmofalski testified that the Applicant is not diverting overland flow to the seepage pits. Mr. Darmofalski stated that there is also no existing drainage structure other than overland flow that will discharge to the onsite pond. Furthermore, in regard to the Environmental Commission's concern that the building runoff to the seepage locations may raise groundwater levels enough to impact basements of nearby residences, Mr. Darmofalski stated that the soil is very permeable and that the proposed storm water management measures will not have any negative impact on the water table. He also stated that the water table is well below ten (10) feet.

Mr. Darmofalski also testified that all pole barns are three-sided buildings with the fronts open.

Mr. Darmofalski agreed on behalf of the Applicant to submit a marked up site plan in order to depict the removal of storage containers from the site.

The meeting was opened up to members of the public and the Board was addressed by Tim Dudgeon, 13 Woodland Place. Mr. Dudgeon testified that he lives behind the north end of the site and that the pipe company has been a good neighbor. Mr. Dudgeon was merely seeking additional information in regard to the application, in particular about the building height.

**NOW, THEREFORE**, the Planning Board hereby makes the following conclusions of law based on the foregoing findings of fact.

The Application before the Board is a request for preliminary and final site plan approval.

The subject site is located in the C-2 Zone. The subject site is designated as Block 802, Lot 1 on

the Tax Assessment Map of the Township of Pequannock and located at 777 Route 23 South, Pompton Plains, New Jersey.

The subject site is a 13.05 acre site that is fully developed with a two-story office/storage building that fronts on Route 23. A significant amount of outdoor storage of pipes is located through the site as well as a number of pole barn style storage buildings. The Board notes that the site has been the subject of several site plans over the years, the most recent of which was to permit a second story addition to the existing office building.

The nature of the application is to legalize two (2) existing accessory pole barn structures and to construct a new accessory single story pole barn structure. All three (3) pole barns are located in the far northern corner of the subject site, adjacent to the New York Susquehanna and Western Railway Corp. right-of-way and the Route 23 right-of-way.

The Board notes that the existing and proposed pole barns will increase the site building coverage to 9.2% where a maximum of 30% is permitted in the C-2 Zone. Moreover, approval of this application will result in an increase in impervious surface coverage from 54% to 54.7% where 90% is permitted. The Board further notes that no variance relief is required in regard to this site plan application. The Board concludes that even with the approval of three (3) pole barns, the increase in building coverage is approximately 1/3 of the maximum building coverage permitted in the zone. In addition, the impervious surface coverage is approximately only 60% of what the maximum impervious surface coverage is in the C-2 Zone. Thus, the improvements proposed by the Applicant are far below the maximums allowed under the ordinance. The Board also finds that the approval of this application will enable the applicant to clean up the site and provide for the storage of pipes and other products within the pole barns and, thus, they will not

be out in the open. The Board is also satisfied that the proposed drainage improvements are appropriate and will not cause any disturbance to the adjoining property owners nor will it have any negative effect on the water table in the area. The Board also notes that the Board Engineer has no engineering objection to the Board granting site plan approval.

Upon consideration of the plans, testimony and application, the Board determines that the Applicant has submitted sufficient information for us to enable the Board to render an informed decision. The Board also determines 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, inclusive of preliminary and final site plan approval for a permitted use which is fully conforming to the zone requirements in the C-2 Zone.

**NOW, THEREFORE**, be it resolved by the Planning Board of the Township of Pequannock that the application of 777 Route 23 South Associates, LLC for premises commonly known and designated at Block 802, Lot 1 on the Tax Assessment Map of the Township of Pequannock and located at 777 Route 23 South, Pompton Plains, New Jersey in the C-2 Zone district 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.

**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, as well as any further amendments

required by the Planning Board or the Board's professionals as a result of the hearing process.

2. The granting of this application is subject to and conditioned upon all of the representations and stipulations being made by or on behalf of the Applicant to the Township of Pequannock Planning Board being true and accurate. The Planning Board notes that it 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 December 7, 2015.

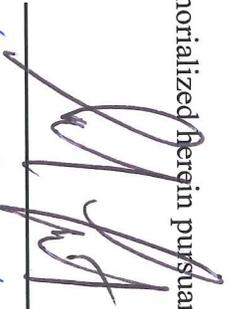
4. The granting of this application is subject to and conditioned upon the Applicant complying with all terms and conditions contained in a report of Jill A. Hartmann, P.P., A.I.C.P., dated December 7, 2015, Planner to the Pequannock Township Planning Board.

5. The granting of this application is subject to and conditioned upon the applicant complying with all terms and conditions contained in the report of Joe Golden, P.E., C.M.E., dated October 19, 2015, Township Engineer for the Pequannock Planning Board.

6. The granting of this application is subject to and conditioned upon the applicant submitting a marked-up site plan depicting the location and the number of storage containers to be removed from the site which shall be subject to the review and approval of the Board Planner and Zoning Officer.

7. The granting of this application is subject to and conditioned upon NJDEP approval, if required.
8. The granting of this application is subject to and conditioned upon Morris County Planning Board approval, if required.
9. 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.
10. Certificate that taxes are paid current to date of approval.
11. 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 to supply and the Planning Board a copy of any approvals received.
12. 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 December 7, 2015, and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on January 11, 2016.

  
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Bernard Fitzmaurice, Board Secretary  
1/11/16