

**RESOLUTION
TOWNSHIP OF PEQUANNOCK PLANNING BOARD
IN THE MATTER OF MICHAEL STERN D/B/A
777 ROUTE 23 ASSOCIATES, LLC
DECIDED ON APRIL 5, 2021
MEMORIALIZED ON MAY 3, 2021
MINOR SITE PLAN APPROVAL**

WHEREAS, Michael Stern d/b/a 777 Route 23 Associates, LLC (“hereinafter “Applicant”) has filed an application with the Pequannock Township Planning Board (hereinafter “Planning Board” or “Board”) seeking minor site plan approval in regard to property located at 777 Route 23 South, Pompton Plains, New Jersey 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 Zone District (hereinafter “C-2 Zone”); and

WHEREAS, the Board determined that it had adequate and appropriate jurisdiction as required under not only the Municipal Land Use Law but specific directives of the New Jersey Department of Community Affairs Bureau of Local Government Services allowing for virtual meetings to be held with all participants appearing through virtual meetings; and

WHEREAS, a virtual public hearing was held on April 5, 2021 after the Planning Board determined it had jurisdiction; and

WHEREAS, the Applicant was represented by Joseph M. Rasa, 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 Board is a request for minor site plan approval for 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 for Site Plan, signed and dated March 24, 2021.
2. Site Plan, consisting of two (2) sheets, prepared by Thomas A. Boorady, P.E. of Darmolfasky Engineering Associates, Inc., dated March 12, 2021.

The Board also considered the following report or memoranda in regard to the application:

- a. Memorandum dated April 4, 2021 from Jill A. Hartmann, P.P., A.I.C.P., Planner to the Pequannock Township Planning Board.

Mr. Rasa, counsel for the Applicant, provided an overview of the project. Testifying on behalf of the Applicant was Michael Stern. Mr. Stern is a Vice-President of 777 Route 23 Associates, LLC. Mr. Stern testified that the nature of the application is to remove an existing 476 square foot shed and to replace it with a 3,240 square foot pole barn. Mr. Stern testified that currently pipe cutting and threading operations occur in four (4) different buildings on-site. One (1) building has a threading machine and a cutting machine; one (1) building has two (2) threading machines and a cutting machine; another building has two (2) threading machines and the final building has four (4) threading machines.

The Applicant proposes to install two (2) threading machines in the pole barn. Mr. Stern testified that there is an approximate 3 foot by 3 foot window type opening and the raw pipe is placed on a conveyor belt which goes through the opening into the building where the pipe is threaded and then the pipe is removed from the building.

Mr. Stern testified that the approval of the pole barn will result in a more efficient operation on-site. He stated this would alleviate the need to switch over for other diameters when threading pipe. He further stated that raw pipe is stored outside and once the pipe is threaded, it will be placed on the truck and shipped out as soon as possible which he estimated to be within one to two weeks.

Mr. Stern also testified that the business does not work at night nor does the business generally operate on weekends. Mr. Stern also represented that the threading machines are not loud. Furthermore, it was represented that the noise from traffic along Route 23 would act to suppress any sound from the pipe operation on-site.

The next witness to testify on behalf of the Applicant was Thomas A. Boorady, P.E., P.P. a licensed Professional Engineer and Planner in the State of New Jersey. Mr. Boorady testified in regard to the location of the site with frontage on Route 23 South. Mr. Boorady also represented that the proposed work area will not be located within the flood hazard area. He further represented that no flood development approvals are required in connection with this application.

Mr. Boorady also testified that the pole barn is proposed at 3,240 square feet. He represented that the pole barn is well within the setback requirements in the C-2 Zone. Mr. Boorady also reviewed the bulk regulations in the C-2 Zone and indicated that the site conforms to the requirements in the C-2 Zone and no variance relief is required in connection with this application.

Mr. Boorady also testified that the site contains a two-story office building with several out buildings and storage areas. He represented that the location of the proposed pole barn is generally obscured from view from motorists traveling along Route 23. Mr. Boorady also confirmed that the application satisfies the requirements for the Board to grant minor site plan approval.

Mr. Boorady testified that the site primarily consists of gravel and macadam and with the proposed construction of the pole barn, there would be a net zero increase in impervious surface. In regard to stormwater management, Mr. Boorady represented that stormwater would go through the down spouts of the pole barn and would be discharged over land until the stormwater travels

to the pond. Therefore, drainage runs in an easterly direction to the pond area located behind the office building.

The meeting was opened up to the members of the public and there were no members of the public present who expressed an interest in this application.

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

The application before the Board seeks minor site plan approval for property 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. The subject site is an approximate 13.05-acre parcel which is located along the southern side of Route 23. It contains a two-story office building with several out buildings and storage areas. The Applicant proposes to demolish an existing approximate 476 square foot shed and replace it with a new 3,240 square foot pole barn. The proposed installation of a new 3,240 square foot pole barn will not require any variance relief from the bulk regulations of the C-2 Zone.

The Board further finds that the approval of this application and construction of the new pole barn will result in a more efficient operation of the existing business. Further, the proposed location of the pole barn is not within any flood hazard area. There are no flood development approvals required regarding this application. The proposed pole barn will be located in an area of the site that will be largely obscured from the public view along Route 23. Further, there are no issues regarding stormwater, lighting and sound that would be substantially detrimental to the public in regard to the approval of this application.

Upon consideration of the plans, testimony and application, the Board determines that the Applicant has submitted sufficient information so as 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 minor site plan approval.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Pequannock that the application of Michael Stern d/b/a 777 Route 23 Associates, LLC for premises 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 requesting land use relief is determined as follows:

- A. Minor site plan approval is granted under the Municipal Land Law pursuant to N.J.S.A. 40:55D-46.1.

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 states that it specifically relied upon said stipulations and representations in the Board's granting of approval. If any representation or stipulation is 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 April 5, 2021.

4. The granting of this application is subject to and conditioned upon the Applicant complying with all terms and conditions contained in the report of the Board Planner, Jill A. Hartmann, P.P., AICP dated April 4, 2021.

5. The granting of this application is subject to and conditioned upon Morris County Planning Board approval, or a Letter of Exemption, if required.

6. The granting of this application is subject to and conditioned upon NJ Department of Environmental Protection approval, if required.

7. The granting of this application is subject to and conditioned upon Morris County Soil Conservation District approval, or a Letter of Exemption, if required.

8. 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.

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

10. Prior to the issuance of any construction permit, the Applicant shall file with the Board and Construction Official an 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 to the Planning Board a copy of any approvals received.

11. 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 April 5, 2021 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on May 3, 2021.

Gerard Fitamant, Board Secretary

In favor:

Against:

Abstained:

Board Members Eligible to Vote: