

Pequannock Township  
Application of Site Plan

Applicant's Name: PPPopeyes LLC

Fee Paid: \_\_\_\_\_

Date Received: \_\_\_\_\_

Escrow Paid: \_\_\_\_\_

Date Received: \_\_\_\_\_

DO NOT WRITE ABOVE THIS LINE

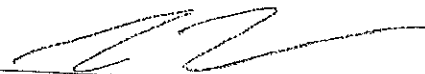
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1. Applicant's Name, Address and Telephone Number: PPPopeyes LLC  
c/o Calli Law, LLC – 170 Kinnelon Road, Suite 6, Kinnelon, NJ 07405 – 973-291-8102
  2. Present Owner's Name, Address and Telephone Number: Plaza Twenty Three Station, LLC (APPLICANT IS OWNER-AFFILIATED ENTITY) – 11501 Northlake Drive, Cincinnati, OH 45249.
  3. Attorney's Name, Address and Telephone Number: Lawrence A. Calli Esq. of Calli Law, LLC – 170 Kinnelon Road, Suite 6, Kinnelon, NJ 07405 – 973-291-8102
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4. Location of Site: \_\_\_\_\_ Street: 500 Route 23  
Block: 2007 Lot: 1 Zoning: C-3 Regional Commercial District
  5. Area of tract: +/- 818,719 in SF  
Ground floor area of all structures +/- 172,239 in SF  
Percentage of lot coverage by all buildings +/-21%  
Area of building and pavement +/- 747,434 in SF  
Percentage of lot coverage by all buildings and pavement +/- 91.2%
  6. Lot specifics as provided on plan:  
Are any variances required? YES X NO \_\_\_\_\_  
Lot width: 343' Front yard setback 73.6'  
Side yard setbacks 31.9' Rear yard setbacks 5.9'  
Percentage of front yard used for parking 81.7%  
Buffers provided: YES \_\_\_\_\_ NO X  
Parking spaces provided 808  
Loading spaces provided 1
  7. Has this tract been involved in a prior application before the Planning Board or the Zoning Board of Adjustment? YES X NO \_\_\_\_\_  
If yes, Name of Board Zoning Board  
Type of Application Site Plan, Use and Bulk Variance  
Action Taken Approval Resolution adopted 11.2020 (attached)

Explain reasons why relief should be granted (attach narrative giving complete factual and legal contentions)

SEE ATTACHED ADDENDUM

I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS CORRECT TO THE BEST OF MY KNOWLEDGE.



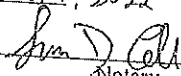
Signature of Applicant - Lawrence A. Calli, Esq. on behalf of Applicant

Lawrence A. Calli, Esq.  
Attorney at Law  
State of New Jersey  
NJ Attorney ID #021912004

Sworn to and Subscribed

Before me this 4 day

of January 4, 2022

  
Notary

Simone D. Calli, Esq., Attorney at Law, State of NJ

Simone D. Calli, Esq.  
Attorney at Law  
State of New Jersey  
NJ Attorney ID #015262001

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TOWNSHIP OF PEQUANNOCK

SUPPLEMENT TO VARIANCE APPLICATION

The following questions are necessary for the Health Department's review of your application. The completed form will also be made available to the Board of Adjustment prior to the hearing date. Filling out this form completely and accurately will facilitate the application process and is required for your application to be deemed complete.

Property Owner(s) Plaza Twenty Three Station, LLC (APPLICANT IS OWNER-AFFILIATED ENTITY)

Address: 500 Route 23 North

Block 2007 Lot 1

Property to Sewered (  )      Property is on Septic (  )

Number of bedrooms presently in structure (  )

Number of bedrooms to be added (  )

Number of bedrooms to be deleted (  )

Total number of bedrooms when project is completed (  )

Size of Septic (if known) \_\_\_\_\_

Type and size of disposal field (if known) \_\_\_\_\_

\_\_\_\_\_  
Please enclose an up to date plot plan or survey with this form. This survey should include all structures located on the property as well as any easements. The location of all septic system components must also be shown on the survey. The Health Department may have information that will assist you. Please contact them with your inquiries.

PPPopeyes LLC  
500 ROUTE 23 N (Block 2007, Lot 1)  
POMPTON PLAINS, NJ  
ZONING BOARD – APPLICATION ADDENDUM

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A prospective fast-food service operator of a portion of the property located at 500 Route 23, Pompton Plains, County of Morris, State of New Jersey, identified on the Borough Tax Map as Block 2007, Lot 1, located in the C-3 Zoning District ("Property").

The Property is developed with the well-known "Plaza 23" retail center (2 existing retail buildings and 2 pad structures, one of which was approved for a fast-food service use with drive-thru).

By way of history, the Applicant recently obtained Site Plan and Bulk Variance approval from the Planning Board for Phase 1 of its project, adopted on October 7, 2019 and Site Plan, Use and Bulk Variance approval from the Zoning Board of Adjustment for Phase 2, adopted on November 19, 2020. The Applicant proposes to install business signage, as identified on the filed plans, related to the approved / constructed fast-food structure with drive-thru, for a proposed Popeye's Louisiana Kitchen Restaurant.

The Applicant seeks amended site plan approval and bulk variance relief pursuant to N.J.S.A. 40:55D-70c:

Code Section	Item	Permitted	Proposed
Sec. 360-77b2b	Freestanding Signage	1	1 new
Sec. 360-77b2c2	Attached sign	1	4
Sec. 360-77b2c3	Electronic sign	no	y
Sec. 360-77b2	Monument sign height above grade	no	deviates
Sec. 360-73d4	Graphic sign	no	1

The Board may grant relief to the Applicant, pursuant to N.J.S.A. 40:55D-70c(1), which provides that, "[w]here by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property...the strict application of any regulation...would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property..." In the present application, development is proposed on an irregularly shaped and already developed property, having multiple frontages and variable lot width/depth. Several and varied signs are warranted to ensure safe access and maneuvering to the Property and Applicant's business.

Additionally, and pursuant to N.J.S.A. 40:55D-70c(2), the Board may grant bulk variance relief to the Applicant, "[w]here in an application...relating to a specific piece of Property the purposes of this act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation substantially outweigh any detriment..." It is respectfully submitted that the development of new, aesthetically appropriate and right-sized nationally-branded signage for the proposed business will not create any deleterious impacts to the Ordinance, Master Plan or community at large, as the proposal is limited to updating and improving the existing use already located on the Property. Furthermore, the expert planning testimony to be provided during the course of the public hearing will evidence that the benefits of granting the limited bulk variances substantially outweigh any detriments.

Based on the foregoing, the within submission materials and from the testimony to be offered during the course of the public hearing, the Applicant respectfully requests amended site plan approval, together with variance relief pursuant to N.J.S.A. 40:55D-70c.

TOWNSHIP OF PEQUANNOCK ZONING BOARD OF ADJUSTMENT  
RESOLUTION OF MEMORIALIZATION  
MORRIS COUNTY, NEW JERSEY  
MATTER OF: Phillips Edison & Company  
PROPERTY LOCATION: Block 2007, Lot 1, 500 Route 23  
APPROVED: October 1, 2020  
MEMORIALIZED: November 19, 2020

WHEREAS, Phillips Edison & Company ("Applicant") has requested preliminary and final site plan approval, a use variance pursuant to N.J.S.A. 40:55D-70 (d)(1) and lot coverage and light pole height variances pursuant to N.J.S.A. 40:55D-70(c)(2) to permit the construction a "drive-through" fast-food restaurant on a new commercial development "pad" on property known and designated on the Tax Lots of the Township of Pequannock ("Township") as Block 2007, Lot 1, 500 Route 23, with the Property located in the Township's C-3 zone district; and

WHEREAS, public hearings were as held before the Zoning Board of Adjustment of the Township of Pequannock ("Board") on June 4, August 20, and October 1, 2020; and

WHEREAS, the Board heard the testimony by Applicant, as well as receiving testimony from the Board's own experts; and

WHEREAS, Applicant filed an Affidavit of Proof that Notice of Hearing was given as required by law; and

WHEREAS, a complete application has been filed, the fees required by ordinance have been paid, and the jurisdiction and powers of the Board have been properly invoked and exercised;

NOW, THEREFORE, BE IT RESOLVED that the Board makes the following findings of fact with regard to the application.

1. Applicant provided adequate notice of the application and the hearing in

accordance with the New Jersey Municipal Land Use Law, N.J.S.A.40:55D-1 et seq. ("MLUL").

2. The Property, owned by Applicant, measures 18.8 acres and is located at the southeastern intersection of Route 23 and Jackson Avenue in the Township's C-3 zone district. The Property is improved with a 161,035 square foot ("s.f.") retail shopping center ("Shopping Center"), known as "Plaza 23".

3. The Property was recently the location for the approval of a 6,000 s.f. retail commercial building approved by the Board in October 2019. Said building, known as "Pad B", is separated from the Shopping Center by the defined main entrance from Route 23, the northbound lanes of Route 23 and by a proposed landscape buffer and delineated two (2) way entrances from the eastern edge of Pad B.

4. Applicant seeks to construct a new commercial development pad, to be known as "Pad A", which will be the location for a free-standing 2,667 s.f. commercial building housing a "drive-through" fast food restaurant. Pursuant to §189.05.030A(1) and A(4) of the Township Zoning Ordinance ("Zoning Ordinance"), the proposed drive-through service and aisle is a prohibited use in the C-3 zone.

5. To permit the requested development, Applicant requires a use variance for the drive-through service and aisle pursuant to N.J.S.A. 40:55D-70 (d)(1) and variances for maximum lot coverage and height of three (3) light poles at Pad A pursuant to N.J.S.A. 40:55D-70(c)(2).

6. Regarding the lot coverage variance, Pursuant to §189.05.030A (7) of the Zoning Ordinance, a maximum lot coverage of 80% is permitted in the C-3 zone. The Property presently possesses lot coverage of 91.9%. The proposed development will result in a reduction

in the Property's lot coverage, to 91.3%; however, the variance is still required.

7. With regard to the variance for the three (3) light poles surrounding Lot A, a maximum height of 20 feet above ground level is permitted pursuant to §189.07.030 Q, as Pad A will be greater than 100 feet from parkland or residentially used or zoned property. Applicant proposes a height of 30 feet above ground level.

8. Apart from the lot coverage condition described above, the Property also has the following pre-existing, non-conforming conditions: minimum lot width (350 feet required; +/- 343 feet provided) and minimum parking buffer (8 feet required, 0 feet provided). Neither of the foregoing non-conforming conditions will be exacerbated by the proposed development.

9. Applicant's proposal is depicted on plans prepared by Bohler Engineering, Benjamin S. Crowder, P.E., entitled "Preliminary and Final Site Plan For Phillips, Edison & Company, Proposed Development Improvements, Block 2007, Lot 1, 500 Route 23 North, Pequannock Township, Morris County, New Jersey, C-3 Zone, Tax Map Sheet #20" consisting of fifteen (15) sheets, dated October 25, 2019, 2020, revised as of February 18, May 12, and July 16, 2020. Applicant also submitted a "Partial Boundary and Topographic Survey", prepared by Control Point Associates, Inc., James D. Sens, P.L.S, consisting of one (1) sheet, dated May 17, 2019.

10. Also furnished by Applicant was a "Flood Hazard Area Verification For Plaza 23, Township of Pequannock, Morris County, New Jersey" prepared by Princeton Hydro, LLC, Mary L. Paist-Goldman, P.E., consisting of one (1) sheet, dated May 8, 2018, a "Design Development Floor Plan" prepared by Tricarico Architecture and Design, P.C., Nicholas J. Tricarico, R.A., consisting of two (2) sheets, dated February 17, 2020, revised as of March 18,

2020 and July 16, 2020, a "Preliminary Conceptual Elevations" plan, also prepared by Tricarico Architecture and Design, P.C., Nicholas J. Tricarico, R.A., consisting of one (1) sheet, dated March 18, 2020, revised as of July 16, 2020, and a "Traffic Impact Analysis for Phillips Edison Company, Proposed Plaza 23 Shopping Center Expansion", prepared by Atlantic Traffic and Design, John R. Harter, P.E. and David Fahim, Traffic Engineer, consisting of twenty-three (23) pages, dated May 16, 2019, revised as of May 8, 2020.

11. The Board also received reports from its Professional Planner, Jill A. Hartmann, P.P., A.I.C.P., dated June 1, 2020, and from the Board Engineer, Andrew R. Hipolit, P.E., P.P., C.M.E., dated June 30, July 28, July 31 and September 23, 2020, the contents of which are incorporated herein by reference.

12. At the Board's June 4, 2020 regular monthly meeting, Applicant's attorney, Lawrence Calli, Esq., summarized the application. He proffered, and the Board accepted as Exhibit A-1, a "Powerpoint" presentation of Applicant's proposed development.

13. The Board heard the testimony of K.C. Bills, Applicant's Vice President for Development.

14. Mr. Bills testified that Applicant, which owns four hundred (400) shopping centers throughout the United States, has effected extensive renovations at the Property and is desirous of further developing the Property to meet market demands. One of these demands is for a drive-through restaurant.

15. Mr. Bills testified that Applicant has received many inquiries regarding the leasing of space for a drive-through restaurant, though Applicant has not entered into a lease at this time.



16. The Board expressed concern as to traffic stacking for of vehicles awaiting services and products at a drive-through and the potential for vehicles being stacked off the Property on to Route 23. Mr. Bills testified that Applicant would be selective in choosing the type of fast-food vendor which would occupy the pad, with consideration being given as to the traffic stacking impact of all potential vendors. Mr. Bills further testified that all vehicle stacking would be confined to and contained within the Property.

17. The Board heard the testimony of Benjamin S. Crowder, Applicant's Engineer.

18. Mr. Crowder testified that Applicant had received approval for the project from the Morris County Planning Board.

19. Mr. Crowder testified that the proposed development would not disturb existing vehicle access points for ingress and egress to the Property.

20. Mr. Crowder testified that two hundred eighty-nine (289) new landscaping plants will be added to the Property, reducing impervious surface coverage thereon from 91.9% to 91.3%. He further testified that signage for the tenants at Pad A will comply with all Township sign regulations. Application for approval of said signage will filed at a later date.

21. Applicant also intends to provide upgraded lighting for Pad A, with three (3) lights mounted on poles which will be of 30 feet in height. The proposed light poles are consistent in design with parking lot figures presently existing on the Property, and will be equipped to minimize glare and ambient light. Also, as there are no residential homes near the Property, light interference on adjacent properties should not be a problem.

22. Mr. Crowder testified that Applicant had applied for a Flood Hazard Permit, approval of which was pending. Applicant will submit a copy of said Permit to the Board. This

will be a condition of approval.

23. The Board's Engineer, Mr. Hipolit, addressed the issue of traffic stacking at the proposed drive-through area and recommended that Applicant remove parking spaces from behind Pad A, located next to Route 23. This would permit double-stacking of the driveway.

24. It was Mr. Hipolit's professional opinion that the proposed layout of Pad A and related traffic stacking plan, with his recommendations, would create more green space at the Property and promote greater pedestrian and traffic safety through the reduction of parking spaces, the installation of a crosswalk at the north end of Pad A extending to the Property's parking lot and Applicant's proposed lighting improvements.

25. The Board heard the testimony of Applicant's Architect, Nicholas Cifaretto, R. A..

26. Mr. Cifaretto testified as to Applicant's architectural plans. Pad A will measure 2,667 s.f., with the building being devoted entirely to the drive-through fast food restaurant.

27. Mr. Cifaretto testified that the design of the building on Pad A will match that of the building on Pad B. The building will be flood-proofed.

28. Mr. Cifaretto testified that deliveries will be made to the drive-through in the early morning or late evening. All loading activities for the Shopping Center use access to the Property from Jackson Avenue to the rear of the Shopping Center. No trailer traffic will enter or depart the main entrance of the Property.

29. Mr. Cifaretto testified that fewer than fifty (50) employees will be at or within the drive-through restaurant at any one time.

30. The hearing on the application resumed at a Special Meeting on August 20, 2020.

31. The Board expressed substantial concern regarding the issue of traffic stacking at the Property and extended discussion ensued on the issue.
32. On recall, Applicant's Engineer, Mr. Crowder, proffered, and the Board admitted as evidence, Exhibit A-2, a Powerpoint presentation regarding Pad A.
33. Mr. Crowder testified that Applicant had revised its plans to address the Board's traffic stacking concerns and other issues. He testified that in response to Mr. Hipolit's recommendation, Applicant had removed all of its parking spaces from behind Pad A. Applicant had further deleted a proposed concrete divider between the stacking lanes and Applicant's driveway, enabling stacked vehicles to leave the lanes if necessary.
34. Mr. Crowder testified that the traffic stacking for the drive-through will not interfere with drivers or customers for the restaurant on Pad A.
35. The Board heard the testimony of John R. Harter, P.E., Applicant's Traffic Engineer.
36. Mr Harter testified with regard to his Traffic Report (see Paragraph 10).
37. Mr. Harter testified that Applicant had requested and received a Letter of No Further Interest from the New Jersey Department of Transportation ("NJDOT") because Applicant's proposed development will not result in an increase in traffic. Applicant will submit a copy of said Letter of No Further Interest to the Board. This will be a condition of approval.
38. The Board received and admitted as evidence, Exhibit A-3, a July 31, 2020 Traffic Report prepared by Maser Consulting, P.A. with regard to the impact of Applicant's proposed development upon traffic in the area of the Property.
39. Mr. Harter testified that, at present, most fast-food restaurants use a drive-through

component. He further testified that it would take a period of two (2) to three (3) minutes per vehicle to order and pick up food and depart the stacking area.

40. Mr. Hipolit expressed concern that excessive stacking (14 to 15 vehicles) would interfere with the handicapped parking spaces at Pad A. In response, Mr. Harter testified that enough parking spaces existed for Pad A to accommodate the drive-through restaurant. Mr. Hipolit further recommended that the traffic signal at Jackson Avenue and Route 23 be adjusted to alleviate backups and delays departing the Property.

41. The Board heard the testimony of Michael J. Tobia, P.P., Applicant's Professional Planner.

42. Mr. Tobia testified as to the use and bulk variances requested by Applicant.

43. Mr. Tobia testified that Applicant would remove 6,500 sf of impervious coverage from the Property, which would materially lower said coverage from 91.9% of the Property to 91.3 %. Mr. Tobia testified that with the exception of impervious coverage, the proposed development of Pad A would meet all other bulk requirements of the C-3 zone.

44. Mr. Tobia testified that even with the suggested removal of parking spaces from Pad A, thirty-four (34) parking spaces would still be available to serve the restaurant, whereas only sixteen (16) spaces are required.

45. Following the conclusion of Mr. Tobia's testimony, Steven Misar, 64 Bernards Road, Chester, NJ, the owner of property at 560-568 Route 23, appeared to ask questions of Mr. Tobia and expressed his support for the application.

46. The Board members were polled. The Board members unanimously expressed the view that the Applicant should have a single user/tenant at Pod A to reduce the intensity of

the use. Concerns were also expressed as to parking, crosswalks and traffic stacking. The hearing was carried to the Board's October 1, 2020 regular monthly meeting.

47. The hearing on the application resumed on October 1, 2020.

48. Mr. Crowder, Applicant's Engineer, on recall, testified before the Board.

49. Mr. Crowder proffered, and the Board accepted as Exhibit A-4 (erroneously identified as Exhibit A-3), a colorized version of Applicant's site plan (see Paragraph 9) and Exhibit A-5 (erroneously identified as Exhibit A-4), a five (5) year landscape plan for the Property.

50. Mr. Crowder testified that, in response to the comments and concerns expressed by the Board at the August 20 meeting, Applicant had revised its plans and reduced the area of the proposed building on Pad A to 2,667 s.f.. The building will also be limited to one (1) user. Other revisions included the addition of additional green space within the Property, with a total of 330 new plantings to be phased in over a five (5) year period.

51. Applicant will submit a five (5) year landscaping for the entire Shopping Center Property. This will be a condition of approval.

52. On recall, Mr. Tobia testified that the revisions to Applicant's site plan reduced impervious surface coverage at the Property by 8,003 s.f.

53. On recall, Mr. Harter gave further testimony regarding the timing of light changes of the traffic light at the intersection of Route 23 and Jackson Avenue. Mr. Harter testified that Applicant would request the County of Morris to change the existing traffic light changes from the present 120-second interval to a 60-second interval to improve traffic flow.

#### CONCLUSIONS OF LAW

Based upon the foregoing findings, the Board makes the following conclusions of law:

1. Applicant has shown by testimony, exhibits and other evidence that the relief sought can be granted.
2. Applicant's site plan conforms to the requirements of the Township Zoning Ordinance and will promote the purposes of the C-3 zone district as set forth in the Township's Master Plan.
3. The proposed drive-through restaurant is consistent with the goals set forth in the Township's Master Plan for the C-3 zone district, and Applicant's use of the Property will be compatible with other uses in the zone.
4. The Property is an appropriate site for Applicant's proposed drive-through restaurant, and Applicant's non-compliance with the maximum impervious surface coverage and light pole height requirements does not affect the suitability of the Property for Applicant's use.
5. Accordingly, the Board concludes that the application for preliminary and final site plan approval, as proposed, is in the public interest as proposed and is hereby granted, subject to the relief further granted herein and any conditions related thereto.
7. Applicant has shown by testimony, exhibits and other evidence that the use variance relief for the drive-through fast-food restaurant can be granted.
8. As set forth above, the proposed drive-through fast-food restaurant use is uniquely suited to the physical dimensions of both the Property and specifically Pad A.
9. Applicant's testimony and exhibits further show that Applicant's proposed development will satisfy the positive criteria for use variance relief under the MLUL. Applicant's development will utilize a portion of the Property to provide additional space in the

Township for a commercial use which will serve both individuals and families who wish to purchase prepared food to consume off-site or in their homes, a fundamental purpose of zoning set forth in the MLUL, N.J.S.A. 40:55D-2(g).

10. In addition, the proposed use can be safely located at the Property with sufficient accommodation for the stacking of moderate traffic, thus promoting motorist and pedestrian safety at Pod A, another purpose of zoning set forth in the MLUL, N.J.S.A. 40:55D-2(a).

11. In addition, the requested use variance can be granted without further impairment to the intent and purpose of the Township's zone plan and Zoning Ordinance, satisfying the negative criteria required for use variance relief under the MLUL.

12. Accordingly, the Board concludes that a use variance for the location of a fast-food restaurant with drive-through service at Pad A shall be and hereby is granted pursuant to the authority conferred on the Board by N.J.S.A. 40:55D-70(d)(1).

13. The variance requested by Applicant from Zoning Ordinance requirements for maximum impervious surface coverage can be granted.

14. The variance for maximum impervious surface coverage will result in the promotion of a greatly improved and more desirable visual environment at the Property through the replacement of existing impervious coverage with ground cover, landscaping and plantings over a five (5) year period. Said improvements are a purpose of zoning as set forth in the MLUL, N.J.S.A. 40:55D-2(i).

15. The requested variance for maximum impervious surface will not conflict with the purposes of the C-3 zone district.

16. The variance will not be detrimental to the Township Master Plan or Zoning

Ordinance.

17. Based upon the foregoing, the benefits to be obtained from granting the requested variance outweighs any detriments which might result therefrom.

18. Accordingly, the Board concludes that a variance from Zoning Ordinance requirements for a maximum impervious surface coverage of 91.3 % shall be and hereby is granted pursuant to the authority conferred on the Board by N.J.S.A. 40:55D-70(c)(2).

19. The variance requested by Applicant from Zoning Ordinance requirements for maximum height of three (3) light poles at Pad A can be granted.

20. Though the proposed 30 foot height of the three (3) light poles is violative of C-3 zone district requirements, said height will be compatible and not in excess of the height of other existing light fixtures at the Property. In addition, the proposed light fixtures, by design and as installed, will minimize glare and ambient light. The improved light will enhance traffic and pedestrian safety at the Property, a purpose of zoning as set forth in the MLUL, N.J.S.A. 40:55D-2(a).

21. The requested variance for maximum height of light poles will not conflict with the purposes of the C-3 zone district.

22. The variance will not be detrimental to the Township Master Plan or Zoning Ordinance.

23. Based upon the foregoing, the benefits to be obtained from granting the requested variance outweighs any detriments which might result therefrom.

24. Accordingly, the Board concludes that a variance from Zoning Ordinance requirements for a maximum height of 30 feet of three (3) light poles at Pad A shall be and



hereby is granted pursuant to the authority conferred on the Board by N.J.S.A. 40:55D-70(c)(2).

NOW, THEREFORE, BE IT RESOLVED, the Board having reviewed the application and considered the impact of the proposal on the Township and its residents, and having determined whether the proposal is in furtherance of the purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the intent and purpose of the Zoning Ordinance and the laws of the Township of Pequannock and whether the proposal is conducive to the orderly development of the Property and the general area in which it is located, the Board concludes that good cause has been shown to grant Applicant preliminary and final site plan approval, a use variance for a drive-through fast-food restaurant, and variances for maximum impervious surface coverage and maximum height of three (3) light poles at Pad A pursuant to N.J.S.A. 40:55D-70(c)(2) as outlined above. The Board voted on October 1, 2020 to approve the application for development as above described.

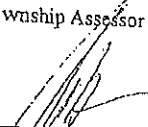
BE IT FURTHER RESOLVED that the Board hereby memorializes the approval of the application for development subject to the following terms and conditions:

1. Applicant shall submit proof of payment of all real estate taxes applicable to the property.
2. Applicant shall submit a copy of this Resolution with accompanying documentation to verify the satisfaction of each condition stated herein to the Township Zoning Official. Said documentation shall be numbered to indicate compliance with these conditions.
3. Applicant shall pay in a timely manner all outstanding and future fees, including, but not limited to, development fees, escrow charges, connection fees and usage fees, and shall post all performance and maintenance bonds and guarantees in connection with the review of this

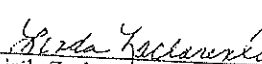
application prior and subsequent to the approval of this application.

4. Applicant shall be bound by all representations made in testimony, exhibits and reports presented to the Board as well as all representations set forth in the transcripts of the hearing(s) on the date(s) referred to above. Applicant shall also comply with all reports and comments submitted by the Board's Planner and/or Engineer in connection with the application.
5. Applicant shall obtain the approval of any and all other necessary and appropriate City, County, State and Federal governmental agencies and comply with any and all governmental regulations except those specifically waived or modified in this Resolution.
6. Applicant shall comply with the comments and recommendations set forth in the reports prepared by the Board's Planner, Ms. Hartmann, and the Board's Engineer, Mr. Hipolit.
7. Applicant shall submit a copy of its Flood Hazard Permit to the Board.
8. Applicant shall submit a copy of the NJDOT Letter of No Further Interest to the Board.
9. Applicant shall submit a five (5) year landscaping plan for the entire Shopping Center Property..
10. Applicant shall prepare and record an easement on the east side of the Property for trail access along the Pompton River. Applicant shall also undertake to prepare a legal description of the easement area and shall provide a copy of same, together with a copy of the recorded easement, to the Board. The form and content of the easement shall be subject to the review and approval of the Board Attorney.
11. Applicant shall coordinate with the County of Morris to implement a "double cycle" at the intersection of Jackson Avenue and the Property's entrance.

BE IT FURTHER RESOLVED, that the Board Secretary is hereby authorized and directed to cause a notice of this Resolution to be published in *Suburban Trends* at the Applicant's expense and to send a certified copy of this Resolution to the Applicants, the Township Clerk, the Township Engineer and the Township Assessor and make same available to all other interested parties.

  
\_\_\_\_\_  
Paul Dolehgo, Chairman  
Township of Pequannock  
Zoning Board of Adjustment

I hereby certify this to be a true and accurate copy of a Resolution adopted by the Township of Pequannock Zoning Board of Adjustment, Morris County, New Jersey, at a public meeting held on November 19, 2020.

 11/20/20  
\_\_\_\_\_  
Linda Zacharewko, Secretary  
Township of Pequannock  
Zoning Board of Adjustment

The Vote on the Resolution to approve this Memorialization was as follows:

Yes: *Luby, Ebert, Mullins, Ungley, Schmittsawick, Dolehgo*

No: *Hart*

Abstain:

PPPopeyes LLC  
500 ROUTE 23 N (Block 2007, Lot 1)  
POMPTON PLAINS, NJ  
ZONING BOARD – WAIVER ADDENDUM

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The proposal is limited to the installation of business signage for the Applicant / proposed tenant, as detailed on the filed architectural plans.

No other changes, improvements or intensifications are proposed to the existing structures, the property, site or infrastructure.

Accordingly, waivers are sought from strict compliance with the design and submission items denoted on the filed Site Plan Checklist and Variance Checklist.

PRELIMINARY AND FINAL SITE PLAN CHECKLIST

APPLICANT'S NAME: PPPopeyes LLC

ITEMS REQUIRED FOR A COMPLETE APPLICATION

1. X 2 complete applications (once the application has been deemed complete the applicant shall submit 18 additional copies of the application).
2. X 2 copies of the plat (an additional 18 copies will be required once the application has been deemed complete).
3. X Payment of the administrative and escrow review deposits.
4. X Proof of payment of taxes signed by the Tax Collector.
5. X Names and address of: (a) holders of 10% or more of stock in applicant and/or owner, if either is a corporation; or (b) holders of 10% or more of interest in applicant if partnership (per N.J.S.A. 40:55D-48.1).
6. W Surface Water Management Plan acceptable to the Township Engineer.
7. W Soil Erosion and Sediment Control Plan
8. W Environmental Impact Study (when required by ordinance)
9. W Health Department approval of a septic system where sanitary sewers are not available.
10. W Completed flood plain development application (when required by ordinance)
11. W Proof of submission of completed application form for Morris County Soil Conservation District.
12. X Receipt of completed application form and required fees for Morris County Planning Board
13. X Each submission shall be drawn at an appropriate scale not less than 1" equals 100' and shall be submitted on one of two of the following standard sheet sizes (24" by 36" or 30" by 42")
14. W Traffic Impact Study for all applications involving the construction of more than twenty thousand square feet of building area.

ONCE THE APPLICATION HAS BEEN DEEMED COMPLETE THE APPLICANT SHALL SUBMIT EIGHTEEN COPIES OF ALL MATERIALS RELATED TO THE PENDING APPLICATION.

Site Plan Checklist

In addition the following information shall appear on all plans in order to be deemed complete:

- A. W A key map showing the entire tract, the zone in which the subject property and all property within 200' radius of the subject property including the tax map block and lot numbers and owners name. Said map to be drawn at a scale of 1" = 100'.

- B. W Title Block in accordance with the rules governing title blocks for professional engineers (N.J.S.A. 45:8-36);
1. Name of the development, Pequannock Township, Morris County.
  2. Name, title, address and license number of the professional or professionals who prepared the plat or plan.
  3. Scale (written).
  4. Date of original preparation and of each subsequent revision thereof and a list of the specific revisions entered on each sheet.
  5. Existing block and lot numbers as they appear on the Township Tax Map.
- C. W
1. North Arrow.
  2. Name, title, address and telephone number of the applicant.
  3. Name, title and address of the owner or owners of record.
  4. Graphic Scale.
- D. X Certification that the applicant is the owner of the land or his properly authorized agent, or that the owner has given his consent under an option agreement.
- E. W Approval Signature lines:
1. Chairman
  2. Secretary
- F. W Acreage to the nearest hundredth of an acre and a computation of the area of the tract to be disturbed.
- G. N/A Identification of wetlands per NJ Freshwater Wetlands Act. (Affidavit of compliance required). Or permit from Army Corps of Engineers.
- H. W Identification of the Flood Hazard Area per FEMA maps dated July 3, 1986 as revised or submission of a perfected LOMA.
- I. W The location of all existing water courses, easements, rights-of-way, streets, roads, highways, freeways, railroads, rivers, buildings, structures, or any other feature directly on the tract or off-tract in and within two hundred (200) feet, if it is deemed that such feature has an effect upon the use of subject property.
- J. X The location of all ground area of each building, structure, or any other land use.
- K. X The location, capacity and size of proposed off street parking areas and loading and unloading facilities, including but not limited to aisle widths, location of bays and barriers.
- Site Plan Checklist
- L. X The location and treatment of proposed entrances and exits to the public right of way, including the possible utilization of traffic signals, channelization, acceleration and deceleration lane, additional width, and any other device necessary to traffic safety and/or convenience.
- M. N/A The location and identification of proposed open spaces, parks, recreation areas, or land to be dedicated to the Township or other public body.

- N. W Design or method of soil erosion and sediment control and location of same.
- O. W The location, design, species, height and type of landscaping, buffer areas, and screening devices.
- P. W The location and details of sidewalks, walkways and all other areas proposed to be devoted to pedestrian use.
- Q. W The location and details of all subsurface structures; including storms sewers, sanitary sewers, telephone, electrical, gas, water, manholes, valve boxes, hydrants and other appurtenances, giving top and invert elevations, direction of flow, size of appurtenances, ownership, capacity, pressure leads, materials, type and projected routes. The location of existing structures such as water and sewer mains, utility structures, gas transmission lines and high-tension power lines on the tract and within two hundred (200) feet of its boundaries.
- R. W The specific location, design and details of signs and lighting fixtures including isolux diagrams for proposed fixtures.
- S. W All existing lot lines per Township Tax Maps together with setbacks and yard dimensions as proposed, together with a table listing the required bulk areas for the zone, the proposed bulk dimensions and clearly identifying all variances required.
- T. W The entire property in question, even though only a portion of said property is involved in the site plan, provided however where it is physically impossible to show the entire tract on the required sheet, a key map is permitted.
- U. W Existing and proposed spot elevations at all building corners, all floor levels, center lines and ROW's of abutting roads top and bottom of curbs, property corners, gutters, and other pertinent locations based on U.S. Coast and Geodatic Datum.
- V. W Existing and proposed contours of the site at one foot intervals, unless slopes are greater than 10%, in which case two foot contours are permitted.
- Site Plan Checklist
- W. N/A In the event a facility is to be constructed in stages, a sketch plan showing the entire facility shall be submitted in addition to the site plan for the particular stage under consideration.
- X. W Preliminary architectural plans for the proposed building or structures, indicating typical floor plans, elevations, height and general design or architectural styling.
- Y. W The location of all utilities, including heating and air conditioning which are external to the building and the method of screening. This section shall include the location of the trash removal area.
- Z. W If service for utilities (telephone, electric, water, sewer etc.) is to be provided by an existing utility company, a letter must be submitted from the company stating that service will be available before issuance of any Certificate of Occupancy.
- AA. N/A Plans, typical cross sections and construction details, horizontal and vertical alignments of the centerline of all proposed streets and of all existing street at the point of intersection with the proposed street.

PEQUANNOCK TOWNSHIP  
VARIANCE CHECKLIST

APPLICANT'S NAME: PPPopeyes LLC

1. X 2 complete applications (once the application has been deemed complete the applicant shall submit 18 additional copies of the application).
2. X 2 copies of the plat (an additional 18 copies will be required once the application has been deemed complete).
3. X Payment of the administrative and escrow review deposits.
4. X Proof of payment of taxes signed by the Tax Collector.
5. X Names and address of: (a) holders of 10% or more of stock in applicant and/or owner, if either is a corporation; or (b) holders of 10% or more of interest in applicant if partnership (per N.J.S.A. 40:55D-48.1).
6. N/A In the case where a building or structure is to be built on a vacant parcel of land, the applicant shall submit Health Department approval of a septic system where sanitary sewers are not available.
7. W Completed flood plain development application (where required by ordinance)
8. W Each submission shall be drawn at an appropriate scale not less than 1" equals 100' and shall be submitted on one of four of the following standard sheet sizes (8 1/2" x 13"; 15" x 21"; 24" x 36" or 30" x 42")
9. N/A ALL USE VARIANCE applications shall submit a report prepared by a licensed professional planner indicating the special reasons, zoning impacts and similar data under which the application is being prepared.

ONCE THE APPLICATION HAS BEEN DEEMED COMPLETE THE APPLICANT SHALL PROVIDE EIGHTEEN COPIES OF ALL MATERIALS RELATING TO THE PENDING APPLICATION.

In addition, the following information shall appear on all plans in order to be deemed complete:

- A. W A key map showing the entire tract, the zone in which the subject property and all property within 200' radius of the subject property including the tax map block and lot numbers and owners name. Said map to be drawn at a scale of 1" = 100'.

Variance Checklist

- B. W Title Block in accordance with the rules governing title blocks for professional engineers (N.J.S.A. 45:8-36);
  1. Name, title, address and license number of the professional or professionals who prepared the plat or plan.
  2. Scale (both graphic and written).



3. Date of original preparation and of each subsequent revision thereof and a list of the specific revisions entered on each sheet.
  4. Existing block and lot numbers as they appear on the Township Tax Map.
- C. W
1. North Arrow.
  2. Name, title, address and telephone number of the applicant.
  3. Name, title and address of the owner or owners of record.
  4. Graphic Scale.
- D. X Certification that the applicant is the owner of the land or his properly authorized agent, or that the owner has given his consent under an option agreement.
- E. W Approval Signature lines:  
 1. Chairman  
 2. Secretary
- F. W Acreage to the nearest hundredth of an acre and a computation of the area of the tract to be disturbed.
- G. N/A Identification of wetlands per NJ Freshwater Wetlands Act.  
 (Affidavit of compliance required). Or permit from Army Corps of Engineers.
- H. W Identification of the Flood Hazard Area per FEMA maps dated July 3, 1986 as revised or submission of a perfected LOMA.
- I. W The location of all existing water courses, wooded areas, and major trees (trees with a six inch or greater caliper as measured three feet above ground shall be individually identified if they are to be disturbed during construction), easements, right-of-ways and streets.
- J. W All existing lot lines per Township Tax Map; setbacks and yard dimensions as proposed, together with a table listing the required bulk areas for the zone, the proposed bulk dimensions and clearly identifying all variances required.
- K. W Preliminary architectural plans for the proposed building or structures, indicating typical floor plans, elevations, height and general design or architectural styling.
- L. N/A The location of the septic system if the structure is not served by sanitary sewer.
- Variance Checklist
- M. W The location of all existing and proposed principle buildings or structures and the location of all existing and proposed accessory structures or buildings and the distance to the nearest property line for each.
- N. W The location, quantity and type of off-street parking where prohibited.

IN THE CASE OF BIFURCATED APPLICATIONS, THE APPLICANT SHALL  
 SUBMIT THE APPROPRIATE SITE PLAN OR SUBDIVISION PLANS TO THIS BOARD FOR REVIEW  
 FOLLOWING THE APPROVAL OF A USE VARIANCE. THE SITE PLAN OR SUBDIVISION  
 APPLICATION SHALL BE DEEMED COMPLETE ONCE THEY ARE IN CONFORMANCE WITH THE  
 APPROPRIATE CHECKLIST.

POPEYES PERUANNOCK

✓ VARIANUS  
360-77

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11/17/14

B. (2) (b) ADDITIONAL FREE STANDING SIGN REQUESTED  
SHP'S CNTR ALREADY HAS SUCH SIGN

B. (2) (c) [2] ATTACHED SIGN, ONE PERMITTED  
FOUR (4) REQUESTED

B. (2) (c) [3] a ELECTRONIC SIGN IS PART OF AN  
NON CONFORMING FREE STANDING SIGN

B. (2) d HORIZONTAL EDGE OF DISPLAY IS NOT  
7' ABOVE GRADE. IT IS PART OF A  
MONUMENT FREE STANDING SIGN

360-78

POPEYES SIGN VENDOR HAS TO CONFORM  
TO NUMEROUS REQUIREMENTS.

360-73

D. (4) NON DEFINED SIGN PROHIBITED  
"LOVE THAT CHICKEN" GRAPHIC (?)