Frank Scangarella, Esq. Attorneys At Law

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Mobile: (973 294-5004

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August 29, 2022

Pequannock Township Planning Department 530 Newark Pompton Turnpike Pompton Plains, NJ 07444 Attention: Lori Camaya

RE: Jersey Towing, LLC Use Variance Application - Pequannock Township

8 Industrial Road, Pequannock, NJ - Indoor Police Impound

Dear Ms. Camaya:

I represent Jersey Towing in its application for a Use Variance to utilize existing structures on the Property for towing storage (police impound) as a prerequisite to my client's application for a towing license. Enclosed please find:

Two (2) Variance Checklists;

Two (2) Variance Checklists;

Two (2) Variance Applications;

Two (2) Flood Plan Development Permit Applications;

Two (2) Plot Plans and Surveys;

Two (2) Planning Reports;

Four (4) Checks payable to Pequannock Township:

Use Variance:

- o Application Fees \$750.00
- o Escrow Fees \$1,000.00

Flood Plain Development:

- o Application Fees \$250.00
- o Escrow Fees \$1,000.00

One Set of Site Plans from Dewberry dated January 27, 2007

Thank you in advance for your assistance in this matter.

Very truly yours.

Frank E. Scangarella, Esq.

Enclosures

c: Dennis Brancaccio

PEQUANNOCK TOWNSHIP VARIANCE CHECKLIST

A	PPLICAN	T'S NAME: Jersey Towing 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.	<u>X</u>	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	X	Completed flood plain development application (where required by ordinance)
8	X	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 (8½"x 13"; 15"x 21"; 24"x 36" or 30"x 42")
9	X	ALL USE VARIANCE applications shall submit a report prepared by a licensed professional planner indicating the special reasons, zoning impacts and similar data unde which the application is being prepared.
PR(PPLICATION HAS BEEN DEEMED COMPLETE THE APPLICANT SHALL SHTEEN COPIES OF ALL MATERIALS RELATING TO THE PENDING N.
n a	ddition, the	following information shall appear on all plans in order to be deemed complete:
۸	X	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'.

Var	iance Checl	
В.	X	Title Block in accordance with the rules governing title blocks for professional engineers (N.J.S.A. 45:8-36);
		 Name, title, address and license number of the professional or professionals who prepared the plat or plan. Scale (both graphic and written). Date or original preparation and of each subsequent revision thereof and a list of the specific revisions entered on each sheet. Existing block and lot numbers as they appear on the Township Tax Map.
C	X	 North Arrow. Name, title, address and telephone number of the applicant. Name, title and address of the owner or owners of record. 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	X	Approval Signature lines: 1.Chairman 2. Secretary
F	X	Acreage to the nearest hundredth of an acre and a computation of the area of the tract to be disturbed.
G	W	Identification of wetlands per NJ Freshwater Wetlands Act. (Affidavit of compliance required). Or permit from Army Corps of Engineers.
Н	X	Identification of the Flood Hazard Area per FEMA maps dated July 3, 1986 as revised or submission of a perfected LOMA.
I	N/A	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	X	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	X	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

MX	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.
NX	The location, quantity and type of off-street parking where prohibited.

IN THE CASE OF BIFURCATED APPLICATIONS, THE APPLICANT SHALL SUBMIT THE APPROPRITE 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.

WHERE THE APPLICANT IS REQUESTING THE SIMULTANEOUS REVIEW OF THE USE VARIANCE AND THE SITE PLAN OR SUBDIVISION, NEITHER APPLICATION WILL BE DEEMED COMPLETE UNTIL ALL ITEMS ON THE APPROPRIATE CHECKLIST ARE SATISFIED.

PEQUANNOCK TOWNSHIP APPLICATION FOR VARIANCE

Ap	oplicant's Name:
Fee	Paid: Date Received:
Esc	crow Paid: Date Received:
	DO NOT WRITE ABOVE THIS LINE
1. Bra	Applicant's Name, Address and Telephone Number: Jersey Towing – Dennis ncaccio, 8 Industrial Road, Pequannock, NJ 07440 – 973-694-3409
2. 8 In	Present Owner's Name, Address and Telephone Number: Jarra NJ LLC dustrial Road, Pequannock, NJ 07440
	Attorney's Name, Address and Telephone Number: Frank E. Scangarella, Esq. Newark Pompton Turnpike, Pompton Plains, NJ 07444 – 973-839-8400
4.	N.J.S.A. 40:55D-70
	(a) Review of Order(b) Interpretation
	(c) Hardship or C(2) Variance X (d) Use Variance
5.	Permission to: (Check applicable) (Check applicable) (b) Construct a new building on vacant land X (c) Change from existing use (d) Subdivide land creating one or more nonconforming lots (e) Other Store impound vehicles within existing buildings on the property
6.	Proposed building or use is contrary to the following sections of the Zoning Ordinance: Section Brief Description
	189.06.010A(4) Indoor storage of impounded vehicles in 30 x 50 existing metal garage and within the rear portion (50° x 80°) of existing masonry building
7.	Location of Lot: Number and Street: 8 Industrial Road, Pequannock NJ 07440
	Block 4402 Lot 8 Zoning I-1

8	. Dimensions of Lot 1.00 acres 20,489 square feet
	Front yard setback 50.6' Rear yard setback 38.7'
	Side yard setback 3.3' and 31.4
	Lot depth 252.49' Lot width 167.60'
9.	Do lots have frontage on a public street or ROW? YesX No
	Property is located on a X Municipal, County or State Road. (Check all that apply)
10.	Has tract been involved in a prior application before the Zoning Board of Adjustment or the Planning Board? YesxNo
	If Yes, name of Board Board of Adjustments Planning Board Board of Adjustments Use Variance Site Plan Approval Use / Bulk Variances granted Granted (2003) Granted (2006)
	Action Taken .
11.	Number of buildings or structures existing 2, proposed 0
	Ground floor area of all structures masonry bldg: 8,732 ft²; garage: 1,500 Ft²
	Dimensions of proposed addition square feet.
12.	Have efforts been made to acquire additional land to be joined with the subject premises? Explain: No. Not necessary
13.	Are there any existing covenants or deed restrictions on the property? Yes No X
14.	Is the property located in the 100 year Floodplain or Floodway as shown on the FEMA Maps dated July 3, 1986? Yes X No
15.	Name, Address and Title of person preparing the plats and exhibits
	presented: William Zimmerly (Surveyor), James Cutillo (Architect), Steve Lydon (Planner)
16.	List all the plans and other exhibits submitted with this application:
	(July, 2022) Survey (May 4, 2022); Floor Plans (May , 2022); Planning Report (May , 2022).

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

This application for a use variance (N.J.S.A. 40:55D-70d(1)) to permit portions of existing buildings to be utilized for the storage of towed vehicles (police impound) is particularly well suited for the site and the variance can be granted without substantial detriment to the public good. The site is in the middle of an Industrial-1 zone that permits, among other accessory uses, buildings for the storage of trucks and other vehicles and equipment used for the principal use of the lot. The appropriateness of the site's use for outdoor storage of commercial vehicles for the property owner's business was recognized by the zoning board in its 2006 use variance approval.

The vehicles will be buffered both by the existing fencing around the site as well as the buildings in which the vehicles will be stored. The storage of all vehicles within buildings significantly reduces environmental risks associated with exposure of vehicles to the elements. Moreover, no construction is requested and no other variances are sought to engage in this business activity. Finally, the use advances the purposes of zoning by encouraging the appropriate use of lands and providing sufficient space for a variety of uses.

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

Jersey Towing, LLC

Signature of Applicant

Dennis Brancaccio

Sworn to and Subscribed

Before me this

_day

KATHLEEN KUKLA
A NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES JUNE 16, 2023

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) Jarra NJ LLC				
Address: 8 Industrial Road, Pequannock, NJ 07440				
Block 4402 Lot 8				
Property to Sewered () Property is on Septic ()				
Number of bedrooms presently in structure (0)				
Number of bedrooms to be added (0)				
Number of bedrooms to be deleted (0)				
Total number of bedrooms when project is completed (0)				
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.

Pequannock Township Intake Date: _____ Application for FLOOD PLAIN DEVELOPMENT Completeness Date: Applicant's Name: Fee Paid: Date Received: Date Received: Escrow Paid: DO NOT WRITE ABOVE THIS LINE 1. Applicant's Name, Address, Telephone Number & Email: Jersey lowing & Dennis Brancaccio, 8 Industrial Rd., Pequannock, NJ 07440, 973-694-3409, jerseytowing@yahoo.com 2. Present Owner's Name, Address and Telephone Number: Jarra NJ LLC, 8 Industrial Rd., Pequannock, NJ 07440 3. Attorney's Name, Address, Telephone Number & Email: Frank E. Scangarella, Esq., 565 Newark Pompton Jurnpike, Pompton Plains, NJ 07444, 973-869-8400, Frank@Scangarellalaw.com Street: 8 Industrial Rd., Pequannock, NJ 07440 4. Location of Site: Block:___ 4402 Lot: 8 Zoning: I-1 Storage of police impound vehicles in existing structures is proposed 5. Type of Development Proposed: No new construction or modifications to existing structures are proposed No expansion of any existing uses of exterior portions of the site are proposed Residential Yes__ If yes, Number of structures Number of dwellings Number of stories per structure Non Residential Yes X No If yes, Number of structures including parking decks Number of commercial buildings Number of industrial buildings Number of warehouse buildings Number of stories per structure Percent of parking spaces in the floodplain 6. Area of tract: in SF 43,562 10.132 Ground Floor area of all structures in SF Percentage of lot coverage by all buildings

Area of building and pavement 20,489 in SF

7.	required? Yes	tion, number and reas		_			
	additional sheets a	s necessary)					
	Section	Des	scription				
	Constantian (laval) at the propega	d byilding gornow			
]	Existing 173.5 Elevation of 100 years	n relation to mean sea Proposed 0 ar flood (in relation to ected LOMA 181.5		_			
S	Elevation (in relation to mean sea level) of lowest supporting member of proposed structure 174.						
F	Elevation of attached or detached garage N/A Have NJDEP Stream Encroachment permits been granted?						
	YES (attach copy) NO X If no, have NJDEP Stream Encroachment permits been applied for?						
		X (If yes, at					
Z_0	oning Board of Adju	volved in a prior appliastment? YES	X NO	nning Board or the			
Ty	yes, Name of Board ype of Application ction Taken	Board of Adjustment Use Granted	Planning Board Site Plan Approval Granted (2003)	Board of Adjustmen Use Granted (2006)			
	st intended uses of t the property	he site: Store impour	nd vehicles inside the	existing buildings			
YE	ESNO	covenants or deed res					
	there any streams,	ponds, ditches or wetl	ands on or adjoining	the tract?			
YE				2003 Correspondence			

12. Name, Address and Title of person preparing the plats and exhibits
presented* William F. Zimmerly & Associates, 628 Pine Brook Road, Lincoln Park, NJ 07035
James P Cutillo & Associates, 593 Newark Pompton Turnpike, Pompton Plains, NJ 07444
Burgis Associates, Inc., 25 Westwood Avenue, Westwood, NJ 07675
13. List all the plans and other exhibits submitted with this application:
Survey, Floor Plans, Planning Report
2003 Correspondence from Planning Board Confirming Site meets Letter of
Interpretation Standards 2006 Board of Adjustment resolution approval of flood
plain development permit for existing outdoor uses
I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS CORRECT TO THE BEST OF MY KNOWLEDGE.

Jersey Hauling, LLC

Signature of the Applicant Dennis Brancaccio, President

Sworn to and Subscribed before me this ___//

My commission ends

KATHLEEN KUKLA A NOTARY PUBLIC OF NEW JERSEY MY COMMISSION EXPIRES JUNE 16, 2023

P.B.	ZBA X
Application: Jersey	Towing - Dennis Brancaccio
Block 4402 Lot 8	

TAX AND ASSESSMENT PAYMENT REPORT

Under provisions of New Jersey Statues, N.J.S.A. 40:55D-39C and N.J.S.A. 4:55D-65h, an applicant for development of land must submit proof that no taxes or assessments for local improvements or municipal liens are due to delinquent on the property, stated below.

Applicant will complete Section 1 of this form and submit it with his application for development. The Administrative Officer will forward the forms to the Tax Collector for verification that no delinquent taxes or assessments are due. One signed copy of this form will be returned to the applicant by the Administrative Officer, one copy retrained by the Tax Collector, and one copy will be placed in the applicant's file.

Developers are cautioned that agreement on payment of taxes for the current year must be reached between the interested parties. Apportionment of taxes is NOT the concern of the Tax Office. If apportionment is desired, application is made to the Township Clerk. There is a \$5.00 fee for apportionment.

Applicant is also cautioned that additional assessments may be levied where a structure is present.

Section I (to be completed by Applicant)

I, DENNIS BRANCACCIO of 8 Industrial Road, Pequannock, NJ, am making application to the Zoning Board for the development of Lot 8, in Block 4402 in the I-1 zone, located at 8 Industrial Road, Pequannock, New Jersey whose owner of record is Jarra NJ LLC of 15 Little Road, Branchville, NJ 07826.

	ract was formerly su al Lots(s) B		I ad	quired interest in	n this Property
•	est the Tax Collect sments due.	or determine whether	there are	any delinquent	taxes and/or
Date:	7/11/22	Signature of A	onlicant:	he h	

Dennis Brancaccio

Tenant

		Application: Jersey Towing – Dennis Brancaco P.B ZBA X	oio —
Section II (to be compl	eted by Tax Collector)	
I find that	()	All taxes due have been paid.	
	()	All assessments due have been paid.	
	().	The following are delinquent and past due:	

Block 4402 Lot 8

Date: 7-14-22 Tax Collector: Vatruis Conte

(Rev. October 2018) Department of the Treasury Internal Revenue Service

Request for Taxpayer Identification Number and Certification

► Go to www.irs.gov/FormW9 for instructions and the latest information.

Give Form to the requester. Do not send to the IRS.

1 Name (as shown on your income tax return). Name is required on thi	s line; do not leave this line blank.	
Dellas baming		
2 Business name/disregarded entity name, if different from above		
Jersey Towing LLC		
3 Check appropriate box for federal tax classification of the person wh following seven boxes.	ose name is entered on line 1. Check only one of the	la r
ŭ.		4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
single-member LLC	LLD 11050 estate	Exempt payee code (if any)
Limited liability company. Enter the tax classification (C=C corpora	ition, S=S corporation, P=Partnership)	
LLC if the LLC is classified as a single-member LLC that is disregarded from the owner for U.S. federa is disregarded from the owner should check the appropriate box for the tax class that is disregarded from the owner should check the appropriate box for the tax class that is disregarded from the owner should check the appropriate box for the tax class that is disregarded from the owner should check the appropriate box in the line above for the tax class that is disregarded from the owner should check the appropriate box in the line above for the tax class that is disregarded from the owner should check the appropriate box in the line above for the tax class that is disregarded from the owner should check the appropriate box in the line above for the tax class that is disregarded from the owner should check the appropriate box in the line above for the tax class that is disregarded from the owner should check the appropriate box in the line above for the tax class that is disregarded from the owner should check the appropriate box in the line above for the tax class that is disregarded from the owner should check the appropriate box in the line above for the tax class that is disregarded from the owner should check the appropriate box in the line above for the tax class that is disregarded from the owner should check the appropriate box in the line above for the tax class that is disregarded from the owner should check the appropriate box in the line above for the tax class that is disregarded from the line above for the tax class that is disregarded from the owner should check the appropriate box in the line above for	ification of the single-member owner. Do not check rded from the owner unless the owner of the LLC is	Exemption from FATCA reporting code (if any)
Other (see instructions)		(Applies to accounts maintained outside the U.S.)
m) = 1 mondettons.	Requester's name	and address (optional)
6 City, state, and ZIP code		
D		
7 List account number(s) here (optional))	1
and account mathodital, here (optional)		
Part I Taxpayer Identification Number (TIN)		
Enter your TIN in the appropriate box. The TIN provided must match the backup withholding. For individuals, this is generally your social security resident alien, sole proprietor or disregarded on the coache in the coache.		urity number
resident alien, sole proprietor, or disregarded entity, see the instructions entities, it is your employer identification pureback (TAB).	for Part I, later, For other	
entities, it is your employer identification number (EIN). If you do not hav T/N, later.	e a number, see How to get a	J ⁻ [] •
Note: If the account is in more than one name, see the instructions for lin		
Number To Give the Requester for guidelines on whose number to enter.	ne 1. Also see What Name and Employer i	dentification number
	3 8 -	4 0011101
Part II Certification		171401191011
Under penalties of perjury, I certify that:		
1. The number shown on this form is my correct taxpayor identification	and a second	
I am not subject to backup withholding because: (a) I am exempt from Service (IRS) that I am subject to backup withholding as a result of a fa	umber (or I am waiting for a number to be issued	ed to me); and
Service (IRS) that I am subject to backup withholding as a result of a fa no longer subject to backup withholding; and	illure to report all interest or dividends, or (c) the	ined by the Internal Revenue
	(4)	io nio nas nomeo me trat i ani
3. I am a U.S. citizen or other U.S. person (defined below); and		
4. The FATCA code(s) entered on this form (if any) indicating that I am exe	empt from FATCA reporting is correct.	
You have failed to report all interest and dividende an approximation	notified by the IRS that you are currently subject	t to backup withholding because
acquisition or abandonment of secured property consultation of the	colore transactions, item 2 does not apply. For r	nortgage interest paid.
other than interest and dividends, you are not required to sign the certification	, but you must provide your correct TIN. See the	KA), and generally, payments
Sign Signature of //	, ,	mondonono for farth, later.
Here U.S. person >	- Data 7 1111	2022
Company	Date / W	and 9
General Instructions	Form 1099-DIV (dividends, including the funds)	se from stocks or mutual
Section references are to the Internal Revenue Code unless otherwise	funds)	
noteo.	 Form 1099-MISC (various types of incorproceeds) 	ne, prizes, awards, or gross
Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted	Form 1099-B (stock or mutual fund sales)	and partoin ather
after they were published, go to www.irs.gov/FormW9.	transactions by brokers)	s and certain other
	 Form 1099-S (proceeds from real estate 	transactions)
Purpose of Form	 Form 1099-K (merchant card and third p 	
An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN) individual to the security number (SSN) individual taxons and the security number (SSN) individual taxons are security number (SSN).	 Form 1098 (home mortgage interest), 101 1098-T (tuition) 	98-E (student loan interest),
(OSIV), Individual taxpaver identification number (ITIAN adoption	 Form 1099-C (canceled debt) 	
taxpayer identification number (ATIN), or employer identification number	 Form 1099-A (acquisition or abandonmen 	
(EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information	Use Form W-9 only if you are a U.S. pers	
returns include, but are not limited to, the following.	allen), to provide your correct TIN.	
Form 1099-INT (interest earned or paid)	If you do not return Form W-9 to the requ be subject to backup withholding. See Wha	ester with a TIN, you might t is backup withholding,

later.

APPLIOANT: JEROEY TONING, LLO

PROPERTY ONNER: JARRA NJ, LLO

APPROVED: OHAIRPERSON

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ZONING DATA & TABLE SITE PLAN LIST OF OMNERS

JAMES P. CUTILI ASSOCIATES

22-67 job no. drawing no. ARCHITECTS NJ No. 09592 PLANNERS No. 4485 Jpc@cutilloarchitects.com NY No. 025612 973-831-6161

scale: AS NOTED date: 7-15-22 drawn by: JERSEY TOWING, LLC PROPOSED TENANT LAYOUT FOR:

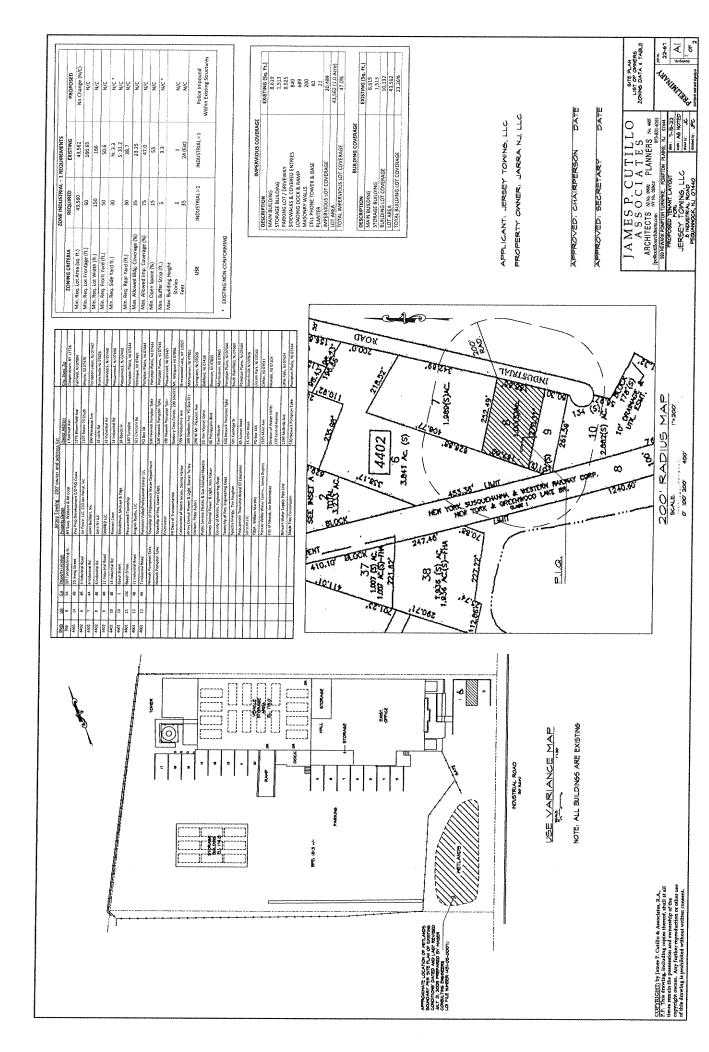
593 NEWARK POMPTON TURNPIKE, POMPTON PLAINS, NJ 07444

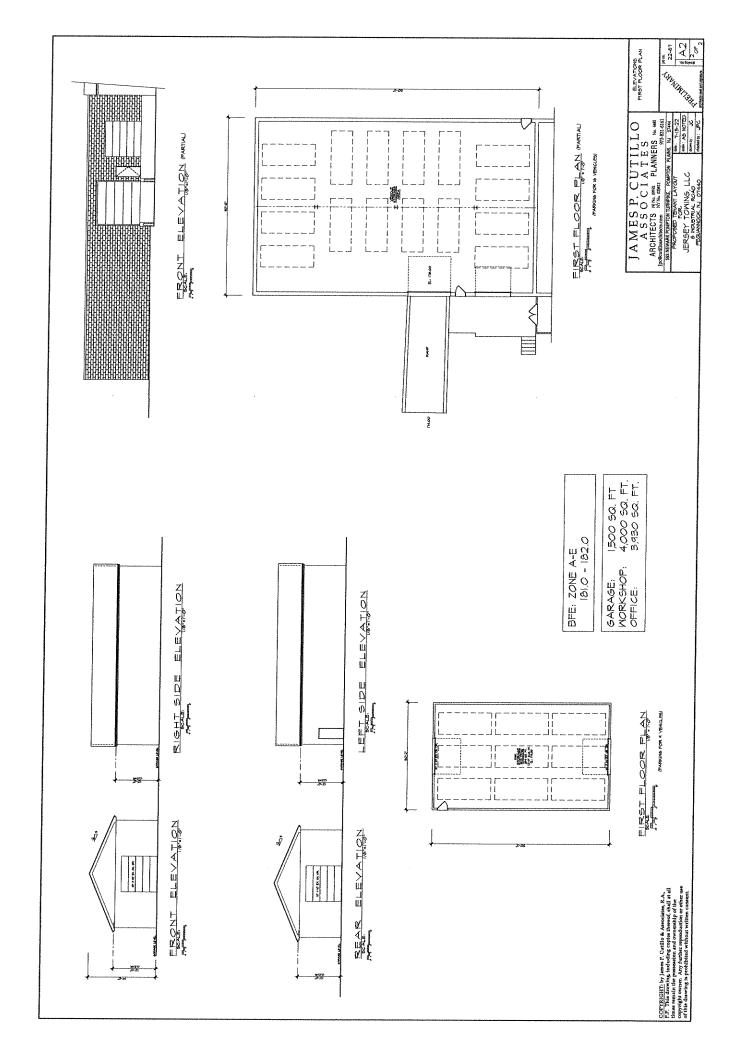
checked by:

<u>D</u>

8 INDUSTRIAL ROAD PEQUANNOCK, NJ 01440

architects seal and signature







PLANNING ANALYSIS: PROPOSED OCCUPANY OF EXISTING COMMERCIAL BUILDING IN INDUSTRIAL I ZONE

BLOCK 4402 LOT 8
IN THE TOWNSHIP OF PEQUANNOOK

BA#: 3955

PLANNING ANALYSIS: PROPOSED OCCUPANY OF EXISTING COMMERCIAL BUILDING IN INDUSTRIAL I ZONE

Township of Pequannock, Morris County BA#: 3955

The original document was appropriately signed and sealed in accordance with law on June 6, 2022, in accordance with 13:41-1.2 and 13:41-1.3 of the State Board of Professional Planners.

INTRODUCTION

Jersey Towing, LLC, has filed a development application with the Zoning Board of Adjustment for the property designated as Block 4402 Lot 8. This property is more commonly described as 8 Industrial Road. Jersey Towing seeks to use a portion of the property for vehicles towed at the direction of the Pequannock Police Department. All vehicles towed to this site would be stored inside one of the two existing buildings on the site.

It should be emphasized at the outset that no interior of exterior construction of any kind or type is proposed by the applicant. Jersey Towing seeks Board approval to use the property as it is, no building expansion, no parking expansion. The only application before the board involves the use of existing building space.

PROPERTY DESCRIPTION

Block 14402 Lot 8 is an interior lot on the west side of Industrial Road, 700 feet south of the Newark & Pompton Turnpike. This property has a fairly regular configuration, with the northern side property line being 252 feet in length and the southern side property line being somewhat longer at 270 feet. The property has 166.6 feet of street frontage. Size of the property is 43,562 square feet, an acre.

Two buildings, both single-story structures, have been constructed on site. The main building is setback 50.6 feet from Industrial Road. A paved parking area is between the building and street.

To the rear of the 160-foot-deep building is a telecommunication tower and ancillary equipment. This current application will have no impact on the communications tower and likewise, the communications tower will have no impact on this application as the tower is somewhat tucked behind the main building and in the corner of the lot behind concrete bollards and a security fence. Telecommunication towers are a benign use, generating little to no activity. The area behind the main building is level and treated with gravel. As the telecommunication facility is a benign quite use, business vehicles are routinely stored in this area of the property.

The second existing building is characterized by a depth dimension of 50 feet and a width of 30 feet. An important feature associated with this building is its oversized truck access doors located in both the front and rear walls. The existence of these two doors permits vehicles to enter through the rear of the building and exit through the front wall, avoiding the necessity of turning vehicles around inside the building. Business vehicles are routinely stored in this building.

This second building is setback from the southern side property line 31 feet and the rear property line 38.7 feet. It is surrounded by a gravel surface.

Formalized paved parking areas exist both in front and along the side of the main building. A total of seventeen (17) existing exterior parking spaces are established, one of the seventeen is a reserved barrier-free parking space.

In general, the lot exhibits a great deal of perimeter fencing. Along the north property line, fencing begins at the rear of the building continuing to the right rear corner of the property and then running along the entirety of the rear lot line. Additionally, chain link fence runs along the side property line, but is physically located on adjacent lot 9. Towards the front of the property P.V.C. fence runs across the width of property to a gate which is connected to additional fence which continues to the building. This P.V.C. fence and gate combination in addition to providing a high degree of security, also greatly limits visibility into the site.

PROPOSED USE OF PROPERTY

Jersey Towing seeks to be included on the Pequannock Police towing rotation. Pursuant to Pequannock ordinances, Jersey Towing needs to first secure a township issued license before being added to the towing rotation. A requirement in order to get a towing license is the "applicant has available space within the Township of Pequannock for properly accommodating and protecting all disabled motor vehicles to be towed or otherwise removed from the place where they are disabled..." (see §352-6. C.)

Jersey Towing seeks use variance approval to utilize the rear of the main building and the metal garage building to accommodate and protect disable motor vehicles towed at the direction of the Pequannock Police Department. In all other ways, the property will continue to function without change. Only what is to be stored in the building will change if variance approval is granted.

ZONING CONSIDERATIONS

Numerous uses are permitted in the Industrial-I zone, including the following.

- i. Offices.
- ii. Veterinary hospital.
- iii. Research laboratories.
- iv. Product development laboratories.
- v. Warehousing.
- vi. Metal-and wood-fabricating facilities.

- vii. Wholesale distribution.
- viii. Assembly of parts manufactured elsewhere.
- ix. Packaging of products manufactured or assembled elsewhere.
- x. Any combination of permitted uses, provided that each use occupies a minimum of 1,000 square feet of floor area.

Three specific accessory uses are permitted in this zone, one of which is reproduced below.

(c) Buildings for the storage of trucks and other vehicles and equipment used for the principal use on the lot.

Three uses are permitted conditional uses in the zone. The one most relevant to the instant application is reproduced below.

(b) Buildings for the storage and maintenance of commercial vehicles which are owned and operated by a single operator.

It is noted there are 36 prohibited uses listed in the Industrial-I zone. Police impound lot is not included in the list of prohibited uses. Buildings for truck storage and equipment are allowed, under certain circumstances.

Table 1 below provides information on the adopted area and bulk standards for the Industrial -I zone.

Table 1: Industrial-I Area and Bulk Standards Pequannock Township, New Jersey

ZONING CRITERIA	ORDINANCE REQUIREMENT	SUBJECT SITE	COMPLIES?
Min. Req. Lot Area (sq. ft.)	43,560	43,562	YES
Min. Req. Lot Frontage	50	166.65	YES
(ft.)			
Min. Req. Lot Width (ft.)	150	166	YES
Min. Req. Front Yard (ft.)	50	50.6	YES
Min. Required Side Yard	30	N: 3.3	Ex. Cond.
(ft.)		S: 31.2	YES
Min. Req. Rear Yard (ft.)	30	38.7	YES
Max. Allowed Building	35	23.25	YES
Coverage (%)		,	
Max. Allowed Imp. Cov.	75	47.0	YES
(%)			
Min. Open Space (%)	25	53	YES
Min. Buffer Strip (ft.)	5	3.3	Ex. Cond.

Max. Building Height			1
Stories	2	1	YES
Feet	35	24 (Est)	YES

Source: Pequannock Zoning Chapter 360 and Applicant's drawing

VARIANCES

As indicated in the table above, the subject lot satisfies the area, frontage and width requirements established by the zoning ordinance for the Industrial-I zone. In addition, the front, rear and one side yard setback are conforming to the zone's requirements. The building's north side yard setback is an existing condition that will not be altered by the proposed application. Lastly, both the building and impervious coverage figures comply with the zone's restrictions. It is worth noting that neither the building coverage nor the lot's impervious coverage figures will be increased if the application is approved.

The telecommunications tower is taller than allowed by the ordinance, but that is typical of nearly all communications towers. The proposed use of the existing metal building will have no impact on the height of the existing tower.

STATUTORY CRITERIA

The applicant seeks a N.J.S.A. 40:55D-70d(1) use variance.

To secure the necessary approval the applicant needs to demonstrate both the positive and negative criteria. Applicants need to show 'special reasons', how the site is particularly well suited for the use and that the proposed use furthers a purpose of the Municipal Land Use Law.

To address the "negative criteria," the applicant must demonstrate that the proposed variance can be granted "without substantial detriment to the public good" nor will the granting of the variance "substantially impair the intent and the purpose of the zone plan and zoning ordinance" of the municipality.

Addressing the positive criteria first, this particular site is particularly well suited for numerous reasons, including:

- a. The site is large with a spacious side yard and more than adequate space for the maneuvering of a flatbed truck
- b. No new construction is needed. The proposed use will allow for the adaptive re-use of an existing building. This building has a 1,500 square foot floor area, a concrete floor and drive-through doors on opposite ends of the building which makes the individual building particularly well suited for

the use. No construction is necessary to make the yard suitable as it is paved in some areas and gravel in others.

- c. One type of vehicle short-term storage is proposed to replace the current existing use of the area to store business vehicles. If this application is approved the change in the way the property is currently being utilized to the new use would be rather minor in that both involve the short-term storage of vehicles.
- d. The location of this site makes it particularly well suited for the use. The site is in the middle of an industrial zone with extensive buffers between the site in question and any residential land uses. The road this site fronts on is generally straight and without significant changes in grade.
- e. Typically, municipal zoning ordinances do not include 'police impound yards' as a permitted use. There is nothing wrong with the use, it is just one not generally included in ordinances. It should be acknowledged that the proposed use is similar to uses permitted in the zone. Garages used for the storage of trucks and other vehicles used for the principal use are allowed as a permitted accessory use and conditional use. In this case, the stored vehicles are those the Pequannock Police Department has determined need to be towed from the road.

Typically, vehicles towed at the direction of the Pequannock Police Department will not be commercial sized vehicles, but more likely passenger cars, vans and SUV's, the kind of vehicles that are typically parked in residential settings and streets all across Pequannock.

This proposed use will also carry out several purposes of the Municipal Land Use Law, including:

- a. To encourage municipal action to guide the appropriate use of all lands in the state. The Pequannock Police Department has an undeniable need to have vehicles towed to municipally approved facilities. Pequannock's ordinance requires that towing companies have a place to protect all towed vehicles. This industrially zoned property contains buildings that can accommodate towed vehicles. If approved, there will be no need to construct a building or increase impervious coverage. No adjacent residential neighbors will be adversely affected if the application is granted.
- b. To provide adequate light, air and open space. Approval of this application will not cause a reduction of light, air or open space as no construction is proposed and all towed vehicles will be stored inside the existing garage building.

c. To provide sufficient space in appropriate locations for a variety of uses. Police impound yards are typically not listed as a permitted use, yet the need for such yards exists. If a yard is going to exist in Pequannock it represents good planning practice to allow such use in the Industrial-I zone. It is noted that the use can be accommodated on site with no building construction and no site improvements.

The negative criteria are made up of two components. The first component is that a variance should not be granted if doing so would substantially impair the intent and purpose of the community's master plan or zoning ordinance.

Pequannock's Planning Board last adopted a master plan in 2019. In discussing the I-I zone, the master plan acknowledges that "the I-I zone is located in an area of the Township well buffered and with minimal impact to surrounding uses". The master plan furthers states, "industrial development strategically located for easy access to Route 23". Map 3: Future Land Use retains the subject site in the Industrial-I land use classification. It is offered for the Board's consideration, the mere temporary storage of towed vehicles will have minimal, if any, impact to surrounding land uses in this well buffered industrial zone.

Furthermore, the storage of impounded vehicles in existing buildings is consistent with the overall Goals and Objectives adopted by the Planning Board in 2019. Specifically, Goal number 3 is repeated below:

Promote land uses consistent with the Township of Pequannock's historic patterns.

Allowing the temporary storage of towed vehicles in the existing buildings in the middle of the industrial zone is consistent with the historical use of property along Industrial Road. It is worth acknowledging that among the permitted uses in the Industrial zone is the storage of trucks. It is further worth noting that the short-term storage of business vehicles is presently occurring on this property.

Turning attention to Pequannock's zoning ordinance, it is clear approval of this use variance application will not substantially impair the zone plan. There are several reasons why this is true. The first is the applicant is seeking to stored impounded vehicles in the Industrial zone, just a very short drive from Route 23. Furthermore, to insure there is no substantial impairment to the zone plan, the applicant is seeking to limit where on site impounded vehicles will be stored. All impounded vehicles will be stored in the rear of the main building and the existing metal garage building.

The subject lot is in the industrial zone. The issue of flatbed trucks arriving at the site should not create any concern with Board members. There are several reasons this is true. First, all industrial zones are designed to welcome and accommodate trucks. Warehousing and manufacturing/industrial uses all have a propensity to involve the heavy use of trucks. Secondly, the industrial use specifically allows construction of buildings "for the storage of trucks and other vehicles". In addition, "buildings for the storage and maintenance of

commercial vehicles" is a permitted conditional use. The applicant will no longer be storing trucks in these interior spaces, but merely vehicles towed at the direction of the Pequannock Police Department.

The second prong of the negative criteria that all variance applicant' must demonstrate is that approval of the application will not cause "substantial detriment to the public good". This application complies with this requirement as well. First, the site in question is located along Industrial Road with no residential neighbors. The regularly shaped parcel is both wider and deeper than required for lots in the Industrial zone. The subject lot can be devoted to the proposed use without generating any construction activities whatsoever.

Approval of this use advances the public good by providing a secure facility for the temporary storage of impounded vehicles. This serves the public good as the Pequannock Police Department has a need for facilities that can stored impounded vehicles.

CONCLUSION

The application before the Board is limited to one seeking variance relief. Site plan approval is not necessary as no construction is proposed. The applicant seeks nothing more than to use a portion of the main building and the existing garage building for the temporary storage of vehicles towed at the direction of the Pequannock Police Department. The subject site is located along Industrial Road in the industrial zone.

Due to the unique characteristics of the subject property, along with the very limited use for which approval is sought, the applicant can demonstrate compliance with the statutory requirements.

Testimony during the course of the public hearing will supplement this planning report.

AFFIDAVIT OF OWNERSHIP & SITE INSPECTION AUTHORIZATION

STATE OF NEW JERSEY)	SS:
COUNTY OF SUSSEX)	

James Chimento, of full age, being duly sworn according to law on oath deposes and says the following:

- 1. I am the Managing Member of JARRA NJ LLC, with a business address of 15 Little Road, Branchville, New Jersey 07826.
- 2. JARRA NJ LLC is the owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the Town of Pequannock, County of Morris and State of New Jersey and known on the tax assessment map as Block 4402 Lot 8. Said property being further known by street address as: 8 Industrial Road, Pequannock, New Jersey 07440.
- 3. JARRA NJ LLC has leased the Property to Jersey Towing, LLC.
- 4. I hereby grant permission for Jersey Towing LLC to submit an application for variance approval pursuant to N.J.S.A. 40:55D-70(d)(1) and any and all other relief associated with same, in order to convert the use of a portion of two (2) existing structures on the Property to accommodate disabled motor vehicles towed at the direction of the Pequannock Township Police Department.
- 5. Subject to the approval of JARRA NJ LLC, I authorize Jersey Towing LLC to make application to the Pequannock Township Land Use Board on behalf of JARRA NJ LLC, said
- 6. In addition, I hereby grant permission for Township of Pequannock and their agents to come upon and inspect the Property with respect to the Application submitted by Jersey Towing LLC, provided that I am provided with advance notice of the date and time of the inspections, and I have the option to be present during the inspections.
- 7. I acknowledge various entities/individuals shall rely on the statements herein and if same are willfully false, I am subject to punishment.

JARRA NJ LLC

By:

James Chimento, Managing Member

STATE OF NEW JERSEY

)

SS:

COUNTY OF SUSSEX

)

Sworn and subscribed to this day of September, 2022.

JESSICA M MCCONNELL

Notary Public - State of New Jersey
My Commission Expires Feb 11, 2025

Frank Scangarella, Esq. Attorneys Gi Law

Frank E. Scangarella, Esq.

565 Newark-Pompton Turnpike, P.O. Box 387 Pompton Plains, New Jersey 07444-0387 Phone (973) 839-8400 Mobile (973) 293-5004 E-Mail: Frank Scangaretta Law.com

October 12, 2022

Jill A. Hartmann, PP, AICP **Board Planner** Township of Pequannock Zoning/Planning Department 530 Newark Pompton Turnpike Pompton Plains, NJ 07444

> Jersey Towing, LLC Use Variance Application **Pequannock Township** 8 Industrial Road, Pequannock, NJ - Indoor Police Impound

Dear Ms. Hartmann:

I submit this Certified List on behalf of my client Dennis Brancaccio, the applicant in the above-referenced matter.

Dennis Brancaccio, Member, holds 100% interest in Jersey Towing, LLC.

Very truly yours,

Frank E. Scangarella

FES:kk

cc: Dennis Brancaccio