

**RESOLUTION  
TOWNSHIP OF PEQUANNOCK PLANNING BOARD  
IN THE MATTER OF  
SAI GROUP ON BEHALF OF  
ELECTRIFY AMERICA  
DECIDED ON APRIL 15, 2019  
MEMORIALIZED ON MAY 6, 2019  
MINOR SITE PLAN APPROVAL TO PERMIT  
AN ELECTRIC VEHICLE CHARGING STATION**

**WHEREAS**, SAI Group (on behalf of Electrify America) (hereinafter “Applicant”) has filed an application with the Pequannock Township Planning Board (hereinafter “Planning Board” or “Board”), seeking minor site plan approval in order to permit the construction of an electric vehicle charging station for property located at 500 Route 23, Pompton Plains, New Jersey, and known and designated as Block 2007, Lot 1, on the Tax Assessment Map of the Township of Pequannock (hereinafter “Township”), which premises are located in the C-3 Regional Commercial District (hereinafter “C-3 Zone”); and

**WHEREAS**, a public hearing was held on April 15, 2019, after the Planning Board determined it had jurisdiction; and

**WHEREAS**, the Applicant was represented by Tyler Prime, Esq.

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

The application before the Board is a request for minor site plan approval to permit the construction of an electric vehicle charging station in regard to property known and designated as Block 2007, Lot 1, on the Tax Assessment Map of the Township of Pequannock, which premises are located at 500 Route 23, Pompton Plains, New Jersey, in the C-3 Zone.

Submitted in support of the application were the following documents:

1. Completed Pequannock Township Application for Site Plan, signed by Thomas Hector, dated January 23, 2019.
2. Completed Pequannock Township Application for Flood Plain Development, signed by Rebecca Sharp, dated June 29, 2018.
3. Site Plan, consisting of 21 sheets, prepared by Andrew M. Miller, PE of Advantage Engineers, dated May 8, 2018 with revisions through March 5, 2019.

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

- A. Memorandum dated April 15, 2019 from Jill A. Hartman, P.P., A.I.C.P., Planner to the Pequannock Township Planning Board.
- B. Report dated March 7, 2019 from Joseph R. Golden, PE, CFM, Pequannock Township Engineer.

The Applicant proposes to install four (4) electric vehicle charging stations and ancillary utility equipment in the northwestern corner of the subject shopping center site. The Applicant will eliminate five (5) parking spaces and a portion of a landscaped island located adjacent to the Route 23 North exit ramp to Jackson Avenue. The plan proposes the installation of the following: four (4) electric vehicle charging dispensers, ancillary power cabinets, an electrical switchgear cabinet, a utility provided transformer and landscaping.

Testifying on behalf of the Applicant was Aaron Bowen. Mr. Bowen explained how the electric vehicle charging station would operate. Mr. Bowen testified that the Applicant has eleven (11) sites in New Jersey under development. One site is under construction in Cherry Hill, New Jersey. The Applicant is part of a program where infrastructure is being built throughout the United States to provide electric charging stations for cars.

Mr. Bowen testified in regard to the switchgear cabinet. Mr. Bowen stated that the switchgear sends power to the electric vehicle charging dispensers. In the event of a flood, the

switchgear would shut off power. As a result, Mr. Bowen was confident that there would be no threat of electrocution in a flooding scenario.

Mr. Bowen also explained the process by which vehicles would enter the site, hook up to the electric vehicle charging dispenser and would charge up the car and then leave the site. Mr. Bowen explained that it's the Applicant's intent not to have vehicles remain on-site and plugged in longer than is necessary for them to charge their vehicle. He also stated that there will be enhanced penalties for motorists who leave their vehicles beyond the time that it takes to charge the vehicle.

The next witness to testify on behalf of the Applicant was Richard Gershman. Mr. Gershman also addressed the issue of flooding as it relates to the switchgear cabinet. Mr. Gershman stated that in a flooding event, the utility company would shut down the grid. Furthermore, the switchgear cabinet has telemetry. Mr. Gershman testified that the switchgear cabinet has telemetry which enables it to shut down in the event of a flooding event. He also stated that the equipment on-site will meet and conform to all electrical code requirements.

Mr. Gershman represented that although the operation is 24 hours a day, 7 days per week, the Applicant is not adding any additional site lighting.

Mr. Gershman also testified that the Applicant is adding landscaping in the form of twenty (20) arborvitae at six (6) feet high around the pad dispensers.

Mr. Gershman that the Applicant has met with Jersey Central Power & Light (JCP&L) the power provider in this area. Mr. Gershman represented that JCP&L directed from where the site will receive electricity. Thus, JCP&L selected the pole with the capacity for this operation. The pole is located on Route 23 adjacent to the 7-Eleven building.

The meeting was opened up to members of the public and there were no members of the public present who expressed any 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 is a request for minor site plan approval. The subject site is located in the C-3 Zone. The subject site is designated as Block 2007, Lot 1, on the Tax Assessment Map of the Township of Pequannock and located at 500 Route 23, Pompton Plains, New Jersey.

The subject site is situated on an existing and previously developed shopping center known as the Plaza 23 Shopping Center. The lot size is approximately 18.76 acres. This project does not propose any changes to the land use or building use.

The Applicant proposes to install four (4) electric vehicle charging stations and ancillary utility equipment in the northwestern corner of the subject shopping center site which is across from the Route 23 exit ramp to Jackson Avenue and adjacent to the 7-Eleven store. The Applicant proposes to eliminate five (5) parking spaces and a portion of a landscaped island located adjacent to the Route 23 North exit ramp to Jackson Avenue. The Applicant proposes to install four (4) electric vehicle charging dispensers, along with ancillary power cabinets, an electrical switchgear cabinet, a utility provided transformer as well as to provide landscaping around the pad area.

The Board finds that the proposed elimination of five (5) parking spaces in the remote northwestern corner of the site will not result in any parking variance or the removal of any spaces that are in demand.

The plan will result in a minimal increase in impervious surface coverage with the construction of a 240 square foot concrete pad for the station's equipment. Thus, the proposed improvements will result in an increase and impervious surface coverage of 152 square feet.

The Applicant is proposing twenty (20) 6-foot tall arborvitae to be planted around the utility and transformer equipment area to provide buffering for the surrounding parking lot and the adjacent 7-Eleven store.

The Board finds that the proposed use of a portion of the existing 18.76 acre shopping center parking lot for four (4) electrical vehicle charging stations with related equipment is a permitted use in the C-3 Zone. The Board further finds that there is no variance relief required in connection with this application for development.

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 SAI Group (on behalf of Electrify America) for premises commonly known and designated as Block 2007, Lot 1, on the Tax and Assessment Map of the Township of Pequannock and located at 500 Route 23, Pompton Plains, New Jersey, in the C-3 Zone District requesting land use relief is determined as follows:

- A. Minor site plan approval is granted under the Municipal Land Use 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 notes that it specifically relied upon said stipulations 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 15, 2019.

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 Jill A. Hartmann, P.P., A.I.C.P., dated April 15, 2019, Planner to the Pequannock Township Planning Board and as testified to during the hearing process.

5. The granting of this application is subject to and conditioned upon the Applicant complying with all terms and conditions contained in the report dated March 7, 2019 from Joseph R. Golden, PE, C.F.M., Pequannock Township Engineer Board Planner and Township Engineer.

6. The granting of this application is subject to and conditioned upon the Applicant confirming to the satisfaction of the Board Planner, that with the proposed improvements to the site relative to the installation of four (4) electric vehicle charging stations

with ancillary utility equipment, that the total impervious surface coverage will not exceed the maximum permitted coverage of 80% or, the Applicant shall return to the Planning Board to seek variance relief.

7. The granting of this application is subject to and conditioned upon Morris County Planning Board approval, if required.

8. The granting of this application is subject to and conditioned upon Morris County Soil Conservation District approval, if required.

9. The granting of this application is subject to and conditioned upon NJDEP approval, if required.

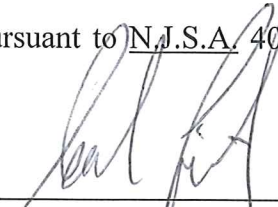
10. Payment of all fees, costs and escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.

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

12. Subject to all other applicable rules, regulations, ordinances and statutes of the Township of Pequannock, County of Morris, State of New Jersey, or any other jurisdiction.

13. All terms and conditions of the Planning Board's previous Resolutions remain in full force and effect except as satisfied or amended and not in conflict with this approval.

The undersigned Secretary certifies the within Resolution was adopted by this Planning Board April 15, 2019, and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on May 6, 2019.

  
5/7/19  
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Gerard Fitamant, Board Secretary

In Favor: *Kohle, Fitamant, Imfeld, Mairullo, Vitcavich, Driese*

Against:

Abstained:

Board Members Eligible to Vote: