

**RESOLUTION  
TOWNSHIP OF PEQUANNOCK  
PLANNING BOARD  
IN THE MATTER OF OHRID REALTY  
(STEFANO'S RESTAURANT/PIZZERIA)  
DECIDED ON FEBRUARY 5, 2018  
MEMORIALIZED ON MARCH 19, 2018  
APPLICATION FOR MINOR SITE PLAN APPROVAL AND  
VARIANCE RELIEF FOR SIGNAGE**

**WHEREAS**, Ohrid Realty (Stefano's Restaurant/Pizzeria) ("hereinafter "Applicant") has filed an application with the Township of Pequannock Planning Board, (hereinafter "Planning Board" or "Board"), for minor site plan approval and variance relief for signage for property known as Block 1404, Lot 12 on the Tax Assessment Map of the Township of Pequannock (hereinafter "Township"), which premises are located at 565-569 Route 23 South, Pompton Plains, New Jersey 07444 and located in the C-2 Highway Commercial Zone District (hereinafter "C-2 Zone"); and

**WHEREAS**, the Applicant has applied to the Pequannock Township Planning Board for approval pursuant to the Code of the Township of Pequannock, Chapter 189.13, Signs, which authorizes the Planning Board to review and approve all sign applications within the Township; and

**WHEREAS**, the Applicant has also applied to the Pequannock Township Planning Board for minor site plan and "c" or bulk variance approval in regard to this application; and

**WHEREAS**, a public hearing was held on February 5, 2018, after the Planning Board determined it had jurisdiction; and

**WHEREAS**, the Applicant was represented by Blagoja Petreski, Esq.

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

The Applicant seeks minor site plan approval and "c" variance relief for signage for premises known and designated as Block 1404, Lot 12 on the Tax Assessment Map of the

Township of Pequannock and located at 565-569 Route 23 South, Pompton Plains, New Jersey 07444. The subject site is located in the C-2 Zone.

The following documents were submitted in connection with the application for approval:

1. Completed Pequannock Township Site Plan Application signed and dated November 21, 2017.
2. Completed Pequannock Township Flood Plain Development Application. signed, and dated November 21, 2017.
3. Completed Pequannock Township Application for Variance, signed, and dated November 21, 2017.
4. Site Plan, consisting of 2 sheets, prepared by Paul P.. Darmofalski, dated November 10, 2017 with revisions through January 8, 2018.
5. Facade Improvement Plan, consisting of 4 sheets prepared by Louis A. Salamone, AIA. dated August 12, 2017.
6. Completed Township of Pequannock Application for Sign Approvals signed and dated January 17, 2018.
7. Sign Details, consisting of 1 sheet, prepared by Louis A. Salamone, AIA, dated August 12, 2017.

The Applicant seeks approval from the Board to improve the front facade of the existing restaurant/pizzeria as well as to install an exterior walk-in refrigerator and to provide a new coordinated sign plan for the existing restaurant/pizzeria.

Testifying on behalf of the Applicant was Spase Geleski, managing member of Ohrid Realty Associates, LLC. Mr. Geleski testified that the restaurant has been in operation under his direction for approximately ten (10) years. Mr. Geleski testified that he has an existing walk-in refrigerator and that he seeks approval to install a second walk-in refrigerator so that he may separate food items. It is his intention to store fruits and vegetables in one walk-in refrigerator and meats and poultry in the other walk-in refrigerator.

Mr. Geleski also wants to upgrade the facade of the building to improve the aesthetics of the building in order to continue to maintain and potentially increase his business operation.

The next witness to testify on behalf of the Applicant was Paul P. Darmofalski, P.E., P.P., a licensed professional engineer and planner in the State of New Jersey. Mr. Darmofalski reviewed the plans with the Planning Board. Mr. Darmofalski testified that the new walk-in refrigerator would be placed on existing impervious surface. He stated that the new walk-in refrigerator is approximately 34 square feet in area. Mr. Darmofalski also testified that the site is located within the 100 year flood plain. As a result, the Applicant will apply to the New Jersey Department of Environmental Protection ("NJDEP") to obtain a permit or to obtain a Letter of No Jurisdiction regarding the proposed installation of the walk-in refrigerator.

Mr. Darmofalski also reviewed with the Board existing nonconformities which are identified on the plans and he confirmed that the existing nonconformities are not being aggravated or exacerbated as a result of the proposed development.

Mr. Darmofalski also confirmed that the location of the walk-in refrigerator would be in compliance with the setbacks from the rear property line, southern side property line and northern side property line.

Mr. Darmofalski also stated that the size of the walk-in refrigerator is 5 feet 10 inches by 5 feet 10 inches for a total area of approximately 34 square feet of space. Mr. Darmofalski clarified that the walk-in freezer will not be an accessory structure because it is attached to the building. Thus, no variance relief is required in connection with the installation of the walk-in refrigerator.

The next witness to testify on behalf of the Applicant was Louis A. Salamone, AIA, a licensed and registered architect in the State of New Jersey. Mr. Salamone reviewed with the Board Exhibit 1 which is an exhibit containing a photograph of the existing building as well as a rendering

of the proposed facade improvements. Mr. Salamone testified that the facade was designed to give the building the appearance of a 2-story building. Mr. Salamone also testified in regard to other architectural features that are proposed including the use of columns and decorative lighting. Furthermore, the Applicant is proposing to install two (2) red awnings in order to enhance the appearance of the front facade of the building.

Mr. Salamone next testified in regard to the proposed signage. The Applicant is proposing two (2) building facade signs with a total sign area of approximately 70 square feet where a maximum sign area of 50 square feet is permitted. The facade signs will be externally illuminated with recessed lights.

The Applicant also intends to install LED lights along the outline of the windows. The Applicant stipulated that the lighting would be on a timer and that the lighting would be shutoff when the restaurant is not open for business. The Applicant also stipulated that it would place a dimmer on the lights to control the amount of illumination from the lights.

The Applicant also stipulated that the Applicant will leave the planters in place in order to protect that portion of the facade that gives the appearance of a being a balcony from vehicular traffic.

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

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

Ohrid Realty (Stefano's Restaurant/Pizzeria) is the Applicant for premises known and designated as Block 1404, Lot 12 on the Tax Assessment Map of the Township of Pequannock and

located at 565-569 Route 23 South, Pompton Plains, New Jersey 07444, which site is located in the C-2 Zone.

The Applicant seeks minor site plan approval and “c” or bulk variance relief in regard to the installation of two (2) building facade signs. The Applicant also proposes to improve the front facade of the existing restaurant/pizzeria. The Applicant will also install an exterior walk-in refrigerator for the existing restaurant/pizzeria. The Applicant requires “c” variance relief from Section 189.13.060(B)(2)(b) where one (1) building attached sign is permitted and the Applicant seeks approval for two (2) building facade signs. Thus, the Applicant requires variance relief for the number of attached signs. The Applicant also requires variance relief from Section 189.13.060(B)(2)(c)(2) regarding sign area where the maximum permitted sign area is 50 square feet for a store facade between 601 square feet and 1,000 square feet. The existing restaurant/pizzeria has a facade area of 924 square feet. The Applicant is proposing two (2) building facade signs with a total sign area of 69.63 square feet where 50 square feet is permitted.

The Municipal Land Use Law, at N.J.S.A. 40:55D-70c provides Boards with the power to grant variances from strict bulk and other non-use related issues when the applicant satisfies certain specific proofs which are enunciated in the Statute. Specifically, the applicant may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness or shape. An applicant may show that exceptional topographic conditions or physical features exist which uniquely affect a specific piece of property. Further, the applicant may also supply evidence that exceptional or extraordinary circumstances exist which uniquely affect a specific piece of property or any structure lawfully existing thereon and the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Additionally, under the c(2) criteria, the applicant has

the option of showing that in a particular instance relating to a specific piece of property, the purpose of the act would be advanced by allowing a deviation from the Zoning Ordinance requirements and the benefits of any deviation will substantially outweigh any detriment. In those instances, a variance may be granted to allow departure from regulations adopted, pursuant to the Zoning Ordinance.

Those categories specifically enumerated above constitute the affirmative proofs necessary in order to obtain “bulk” or (c) variance relief. Finally, an applicant must also show that the proposed variance relief sought will not have a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. It is only in those instances when the applicant has satisfied both these tests, that a Board, acting pursuant to the Statute and case law, can grant relief. The burden of proof is upon the applicant to establish these criteria.

The Board, therefore, finds that the purposes of the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-2 would be met by the approval of this application. The Board finds that the approval of this application will result in providing sufficient space in appropriate locations for a variety of commercial uses. The approval of the signage will enable motorists to more easily identify the location and access to the restaurant/pizzeria which promotes public safety.

Having found that the Applicant has satisfied the positive criteria, the Board next turns to the negative criteria, the Board finds that the granting of this application can be done without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance. The Board reaches these conclusions based on the fact that the proposed signage is consistent with the existing development pattern along Route 23. The signage will help to promote safe access to the site. Further, two (2) attached signs with a total sign

area not to exceed 70 square feet is not out of character for signage along the Route 23 corridor. Also, since the existing business has two (2) separate entrances, including one (1) for the pizzeria and one (1) for the restaurant, having two (2) signs identifying each entrance is appropriate to facilitate access into the building.

The Board also finds that the purposes of the act would be advanced by a deviation from the Zoning Ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, thereby enabling the Board to grant variance relief under the MLUL pursuant to N.J.S.A. 40:55D-70c(2).

The Board finds that the facade improvements will improve the aesthetics of the site and the aesthetics of the area. The Board also finds that the installation of a second walk-in freezer in the rear of the property complies with all setback requirements and will not have a negative impact on any adjoining property owners.

Upon consideration of the plans, testimony and application, the Board determines that the Applicant has provided sufficient information so as to enable the Board to render an informed decision with regard to the request for sign approval. The Board determines that it is appropriate to grant the application for signage, facade enhancements and minor site plan approval as proposed by the Applicant.

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Board of the Township of Pequannock, that the application of Ohrid Realty (Stefano's Restaurant/Pizzeria) for premises known and designated as Block 1404, Lot 12, on the Tax Assessment Map of the Township of Pequannock, and located at 565-569 Route 23 South, Pompton Plains, New Jersey in the C-2 Zone District requesting sign approval, is determined as follows:

A) Approval is hereby granted to enable the Applicant to install two (2) building facade signs not to exceed 70 square feet in sign area as well as permitting the installation of a second walk-in refrigerator and facade improvements inclusive of decorative lighting.

**IT IS FURTHER RESOLVED** that the above land use relief is granted subject to the following terms and conditions:

1. The Applicant shall comply with all appropriate terms and conditions of the Township of Pequannock Code Chapter 189.13 – Signs.

2. The Applicant represents that all representations and stipulations made by the Applicant or on the Applicant's behalf to the Township of Pequannock Planning Board are true and accurate and acknowledges that the Planning Board 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 February 5, 2018.

4. The granting of this Application is subject to and conditioned upon the Applicant complying with all terms and conditions set forth in the Board Planner's review report dated February 5, 2018.

5. The granting of this application is subject to and conditioned upon the installation of LED lighting around the windows being placed on a timer such that there will be no illumination of the windows when the restaurant/pizzeria is not in operation. Further, the Applicant shall install a dimmer on the lights in order to control the intensity of the illumination.



6. The granting of this application is subject to and conditioned upon the Applicant leaving the planters in place in order to protect that portion of the facade that gives the appearance of being a balcony from vehicular traffic.

7. The granting of this application is subject to and conditioned upon the Applicant obtaining approval or a Letter of No Jurisdiction regarding the proposed walk-in refrigerator from the NJDEP.

8. The granting of this application is subject to and conditioned upon Pequannock Township Board of Health approval, if required.

9. The granting of this application is subject to and conditioned upon the Applicant obtaining approval or a Letter of Exemption from the Morris County Soil Conservation District in regard to this project.

10. The granting of this application is subject to and conditioned upon the Applicant obtaining Morris County Planning Board approval or a Letter of Exemption in regard to this project.

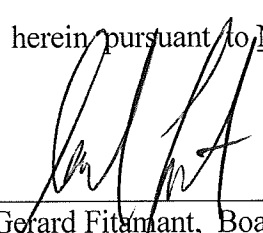
11. Payment of all fees, costs and escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.

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

13. Prior to the issuance any construction permit, the Applicant shall file with the Board and Construction Official an Affidavit verifying that the Applicant is in receipt of all necessary agency approvals other than the municipal agency having land use jurisdiction over the application and supply a copy of any approvals received.

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

The undersigned secretary certifies the within Resolution was adopted by this Planning Board on February 5, 2018 and memorialized herein pursuant to N.J.S.A. 40:55D-10(g) on March 19, 2018.

  
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Gerard Fitamant, Board Secretary

In favor:

Against:

Abstained:

Board Members Eligible to Vote: