# PEQUANNOCK TOWNSHIP BOARD OF ADJUSTMENT MEMORIALIZING RESOLUTION

JARRA - NJ, LLC 8 Industrial Road, Pequannock, New Jersey Block 4402, Lot 8

WHEREAS, the applicant is the contract purchaser of property located at 8 Industrial Road, Pequannock, New Jersey, Block 4402, Lot 8 located in the I-1 zone district; and

WHEREAS, the applicant seeks a use variance to permit the outdoor storage of contractor's vehicles and equipment, which is not permitted in the I-1 zone, and preliminary and final site plan approval together with associated dimensional variances and a flood plain development permit; and

WHEREAS, testimony was taken at a public hearing on November 16, 2006, at which time the Board took sworn testimony and both the applicant and the public were afforded the opportunity to be heard and participate in the application and to make comments; and

WHEREAS, the Board has reviewed and considered all of the evidence and the testimony at the public hearings from which the Board makes the following factual findings:

- 1. All proper public notice has been given in accordance with the municipal land use law.
- 2. In addition to the standard Township application forms for use variance, site plan approval and flood plain development permit, the Board has received and considered the following:
  - 1. Seven page packet of plans entitled "Preliminary and final site plan, Block 4402, Lot 8, Township of Pequannock, Morris County, New Jersey, prepared by Dewberry-Goodkind, Inc., dated 8-7-06, revised at various times as noted on the separate pages; and
  - 2. One page memo from Linda Zacharenko to the Board of Adjustment members dated 10-27-06; and
  - 3. Eight page planning report prepared by John P. Szabo, PP, AICP, dated 10-23-06; and
  - 4. Six page planning report of Eileen F. Banyra, PP, AICP, dated 10-30-06; and
  - 5. Two page engineering report of Crew Engineers, Inc. dated 10-31-06; and
  - 6. One page letter dated 9/13//06 from Morris County Planning Board to Garofalo, Zierak & O'Neill exempting this application from County review; and

- 7. Enlarged photo of the site existing conditions marked Exhibit A1 at the 11/16/06 public hearing; and
- 8. Architectural rendering of proposed conditions marked Exhibit A2 at the 11/16/06 public hearing; and
- 9. Large, mounted survey performed by Zimmerly & Associates land survey for Lot 8, Block 4402, dated July 25, 2006, marked Exhibit A3 at the 11/16/06 public hearing; and
- 10. Color coded site plan marked Exhibit A4 at the 11/16/06 public hearing; and
- Color coded copy of landscaping plan marked Exhibit A5 at the 11/16/06 public hearing; and
- 3. The subject property is a flat generally rectangular parcel, one acre in size and is presently improved with a one story, 8,550 sq. ft. masonry building and a 1,500 sq. ft. accessory structure described in testimony as a pole barn. There is also a telecommunications cell tower site in the northwest corner of the lot consisting of the cell tower itself and a multi-level, limited access, metal grate deck with cell tower support equipment. There is macadam pavement in the front of the main building on the site and along the side of the main building. Most of the south side of the property consists of open variable stone drive. In the front of the southeast corner of the property there is a wetlands area, the delineation of which is taken from a site plan of existing conditions dated July 21, 2005, prepared by Masur Consulting Engineers.
- 4. There is an existing, asphalt access ramp running generally east and west adjacent to the south side of the building. The applicant proposes to entirely remove that ramp and construct a new concrete loading ramp which will run generally north and south to an existing 12 foot high overhead door. The purpose of that ramp is to allow equipment and vehicles to access the building.
- 5. The property is located in the I-1 industrial zone which is currently developed with industrial uses and some vacant parcels. An office building is presently under construction to the northeast of the subject property. There is an existing contractor's business known as Highlands Contracting immediately to the south and Bel Art Products immediately to the north and west of the subject property. The New York, Susquehanna and Western Railroad lies a little further beyond the westerly property line. The property directly to the rear of the subject site is part of the Bel Art parcel and remains undeveloped. There is a warehouse building across the street and Reeves International located at the end of the cul-de-sac.
- 6. Inspection of the neighborhood reveals that outdoor vehicle storage is common. The commercial property immediately to the south is used for storage of contractor's equipment and vehicles in connection with the Highlands Contracting Company.

- 7. The master plan documents and reexamination reports establish as a goal for this zone the promotion of the Township's sense of place by preserving residential neighborhoods, protecting natural environment and promoting sustained development in a manner consistent with the primary objective of preserving the Township's small town character. Other than a reference to the goal of regulating development within the flood plain, there are no specific policies or goals directed to the subject property or to the proposed type of use. There are no apparent conflicts between the applicant's proposal for this site and the municipal master plan.
- 8. The applicant proposes to us the site as a corporate headquarters for its business of constructing and maintaining public parks and recreation facilities. The applicant is a bonded contractor and the overwhelming majority of its business is publicly bid, government contracts. The applicant does no residential work at all.
- 9. The applicant proposes to use the existing office space for the preparation of government contracts in bidding and operation of its business. The applicant also proposes to store vehicles and equipment in the two existing buildings, as well as storage of some equipment in the open area on the south side of the site. The general nature of the equipment consists of front end loaders, rubber tire machines, bulldozers, laser grading equipment, mason dumps, vehicle and equipment trailers and the like. The applicant would have approximately 4 employees as office personnel and one or two other employees on site. Most laborers go directly to the job sites and do not come to the business headquarters at all. The applicant testified that the anticipated maximum number of vehicles and equipment on site at any one time is 24. The applicant's current inventory of vehicles and equipment is shown on page C-101, site plan, of the document package. Much of that equipment would be stored inside the buildings, but the heavier equipment would be stored outside. Fuel, materials and supplies are generally delivered to the job sites. Delivery of fuel and petroleum products is subcontracted to a company which supplies those products directly to job sites. All mechanical repairs and maintenance are accomplished off site at subcontracted locations.
- by Dewberry-Goodkind. It shows 2 parking spaces in the front of the building and a proposed concrete handicapped ramp to the entrance. The existing pavement will be repaved, but there will be no additional paving on the site. The plan shows an additional 18 parking spaces numbered 3 through 20 along the south side of the main building and on the north and west sides of the pole barn. The applicant proposes a beige, 6 foot high, PVC privacy fence generally following the northwest side of the wetlands area in the front and across the rear of the property. The chain link fence across the rear of the property will be removed. There is a chain link fence shown along part of the south side of the property. However, recent surveying showed that fence to be located on the adjacent property, not the subject site. The applicant testified that if the owner of the adjacent property chooses to remove that chain link fence, he will install a 6 foot high, beige PVC privacy fence along the south side of the property also.
- 11. After extended discussion, it was concluded that the parking space shown as number 17 should be allocated to the cell tower site and therefore, not counted as parking for this use, although the space should be shown on the plan. It was also determined that the space numbered

20 should be deleted in order to provide a more functional backup aisle to parking spaces numbered 10, 11 and 12. Therefore, the applicant will be providing only 18 spaces for its use, whereas 20 spaces are required.

- 12. The applicant's engineer testified that the existing asphalt ramp is both wider and longer than the proposed new concrete ramp. Even taking into consideration the construction of the new handicapped ramp in the front of the building, the reduction in the amount of building on site will exceed the amount of the new ramp. Therefore, the volume of construction on the site will actually go down which is especially important in this flood prone area.
- 13. The applicant's engineer also testified that no change is proposed in the on site lighting. Significant improvement is proposed for the landscaping as shown on the landscaping plan. The privacy fencing in the front and rear of the property will shield the on site use from the street. Testimony further indicated that the tallest vehicles stored on site, even when stored on a trailer, would be approximately 11 feet. Most of the vehicles will not be that high. Therefore, the 6 foot privacy fence will adequately shield the activity on site from the street.
- 14. The applicant presented a professional planner, Michael F. Kauker, who testified substantially in accordance with the planning report filed on behalf of the applicant by John P. Szabo, Jr., dated October 23, 2006. In summary, Mr. Kauker testified that the proposed use is substantially similar to many of the uses permitted in this zone and will not conflict with the intent or purpose of the zone plan or the master plan. He accepted the Board planner's opinion that the proposed use could be considered a truck depot and storage yard which is specifically prohibited in the I-1 zone. However, he testified that a truck depot is normally thought of as a truck terminal or transfer station where hundreds of trucks come in and out each day. The proposed use is much more similar to buildings with storage and maintenance of commercial vehicles which are owned and operated by a single operator, which is a conditional use in this zone, provided the lot size is at least one acre, which is the condition on this site. Therefore, Mr. Kauker concluded that the proposed use is "just barely a d-1" use variance.
- 15. Mr. Kauker further testified that although outdoor storage is clearly not permitted in this zone, even as a conditional use, the site will be primarily used for the office space and the operation of the business. The outdoor storage of vehicles and equipment will be limited to approximately 20% of the site. Since this is a flood prone area, the granting of a variance for outside storage would benefit the overall development in the area by not creating any additional building volume. Therefore, Mr. Kauker concluded that the site is ideally suited for the proposed use and the reduction in building volume is more environmentally friendly than would be permitted under the ordinance. This also provides, in his opinion, more open space, light and air for the neighborhood.
- 16. After extended discussion, it was determined that the absence of a planted buffer in the front of the property would be ameliorated by the use of planters in the space which is approximately 5 feet wide and 18 feet long between parking space number 2 and Industrial Road.

17. No members of the public appeared to testify in connection with this application.

Based upon the above factual findings, the Board has reached the following conclusions:

- 1. The applicant has sustained its burden under N.J.S.A. 40:55D-70d(1) to permit use of the site for the outdoor storage of vehicles and equipment used in connection with its business of constructing and maintaining public and commercial parks and recreational facilities and landscapes as described in the application and documents submitted therewith and the testimony at the public hearing. Although the proposed use is not one which inherently benefits the public good, the subject property is particularly suited to the proposed use. It is particularly suited because the site is located in an industrial zone which permits substantially similar uses and adjacent properties are similarly used. Moreover, the outdoor storage of equipment and materials reduces the amount of building construction on the site which is a benefit to the public in this flood prone area.
- 2. The applicant has sustained its burden under N.J.S.A. 40:55D-70c(2) in that the benefits of granting the requested parking variance exceeds any detriment which there may be and the Board finds that there is no detriment. Testimony clearly indicated that only 6 or 7 parking spaces are required by this applicant and 18 are provided. In addition to the 18 spaces allocated to the applicant, there is one space allocated to the cell tower. However, that space is only used once a month and only one hour on that monthly occasion.
- 3. Based upon testimony provided by the applicant and the engineering report provided by the Board's engineer, the Board concludes that it is reasonable to grant the applicant's request for waivers from the requirement to provide a storm water management plan, environmental impact statement, underground utility location plan and lighting plan.
- 4. Based upon full compliance with all of the conditions in the Crew Engineers, Inc. report dated October 31, 2006, and the conditions set forth below, the site plan presented by the applicant meets all municipal requirements for minor site plan approval.
- 5. The applicant has also produced the enhanced quality of proof required by the opinion in the *Medici v. BPR Co.*, case that the grant of this variance is not inconsistent with the intent and purpose of the master plan or the municipal zoning ordinance. The applicant has satisfactorily reconciled the grant of this variance with the omission of this particular use from the ordinance. As presented at the meeting, the proposed use is very similar to a permitted use in the zone and it is impractical if not impossible for the Township governing body to identify each and every industrial use which would be appropriate for this zone.
- 6. The requested relief can be granted without substantial detriment to the zone plan, zoning ordinance or the public good.

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the Township of Pequannock this 7th day of December, 2006 that it now memorializes, ratifies, and adopts the action taken at its meeting on November 16, 2006 granting the following relief to JARRA - NJ, LLC:

- A. A use variance to permit the outdoor storage of contractor's vehicles and equipment, as described in the application and the testimony at the public hearing on 11/16/06, contrary to the provision of Township ordinance §189.06.010A (4).
- B. Variance to permit planters in lieu of an eight foot landscape area along the front of the property.
- C. Variance from the requirement to provide concrete sidewalks.
- D. Variance from the requirement to provide a 24 foot driveway aisle for two way traffic, as shown on the revised site plan, prepared by Dewberry-Goodkind, Inc.
- E. Variance to permit 18 parking spaces instead of the required 20 spaces.
- F. Preliminary and final major site plan approval.
- H. Issuance of a flood plane development permit.

All of the above relief is subject to the following conditions:

- 1. All construction shall be in substantial conformity with the plans filed with the application, prepared by Dewberry-Goodkind, Inc., dated 8-7-06, revised at various times as noted on the separate pages, and the testimony given at the public hearing on November 16, 2006 subject to the revisions discussed at the 11/16/06 public hearing, including:
  - A. On page C-101, site plan, the applicant shall delete the reference to "tract one" and "tract two" in the approximate middle of the site plan.
  - B. On page C-101, site plan, the applicant shall revise the note regarding the fence to show that the color is beige not white.
  - C. The applicant shall renumber the parking spaces to show that the space currently numbered 17 is associated with the cell tower site and, therefore, not counted among this applicant's parking space requirement and eliminate space now numbered 20, which will leave 18 numbered parking spaces.
  - D. The applicant shall provide a note that there is a 12 foot high, overhead access door at the top of the proposed concrete loading ramp.
  - E. The applicant shall amend page C-101, site plan, to provide a table showing the calculations of cut and fill with respect to all construction changes on site.
  - F. Applicant agrees to permit Township code enforcement personnel to periodically inspect the site to ensure full compliance with all property maintenance ordinances.

No permits and/or certificate of occupancy shall be issued for the construction permitted by this resolution, unless and until all fees, costs and escrows required in connection with this application have been paid in full.

I hereby certify that the above is a true copy of a resolution adopted by the Board of Adjustment of the Township of Pequannock at its regular meeting on December 7, 2006, by a vote of 6 to 0

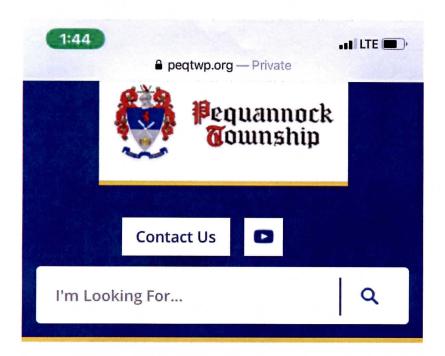
Katherine Sheehan, Secretary
19/19/06

C:\Client Files\AGW2005\AGW\AGW Active Files\Pequannock\Resolutions\Jarra.wpd

### 8 Industrial Road, Pequannock January, 2021







<u>Home</u> > <u>Departments</u> > <u>Police Department</u> > Police Tow Operators

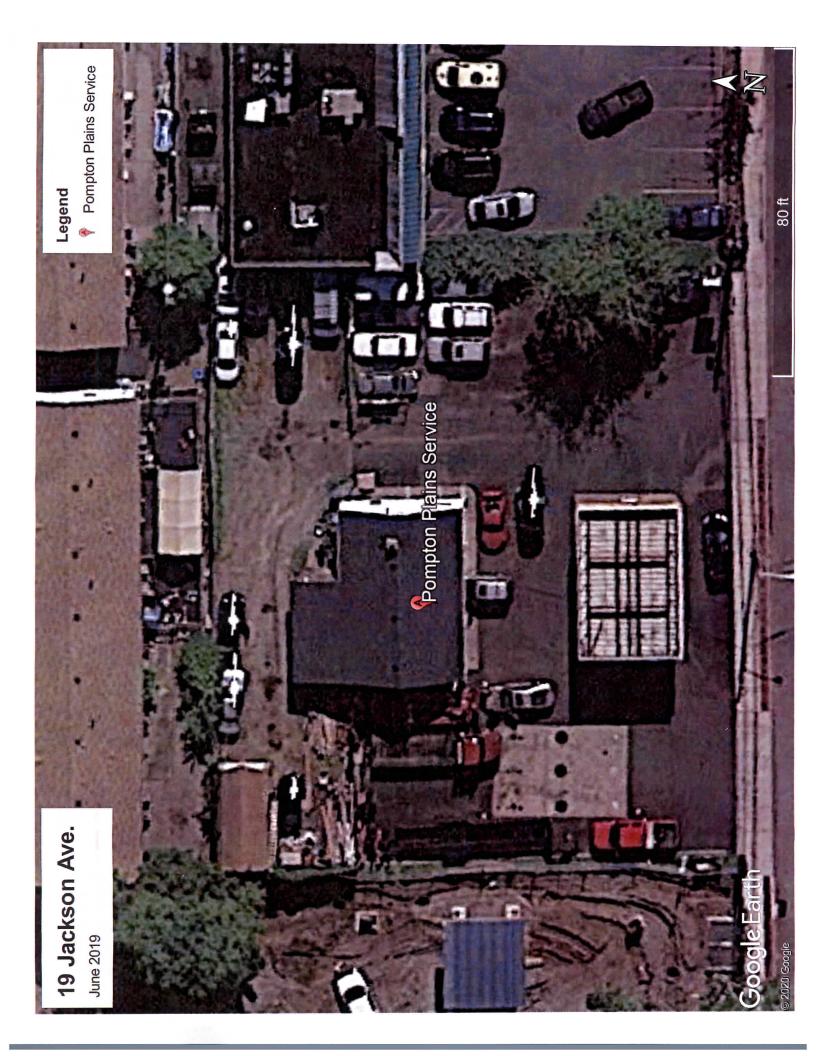
## **Police Tow Operators**

#### **Operators**

Pompton Plains Service 19 Jackson Avenue Pompton Plains, NJ 07444 Phone: <u>973-835-5548</u>

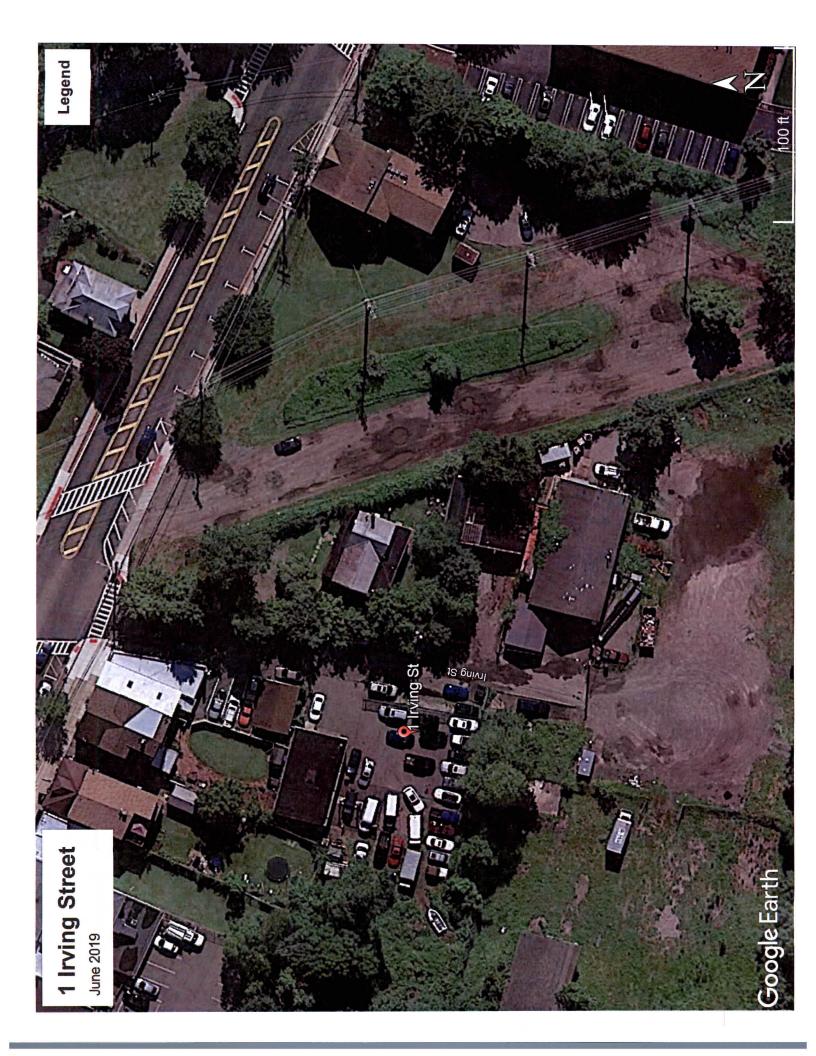
Rudge Towing 1 Irving Street Pequannock, NJ 07440 Phone: <u>973-616-5484</u>

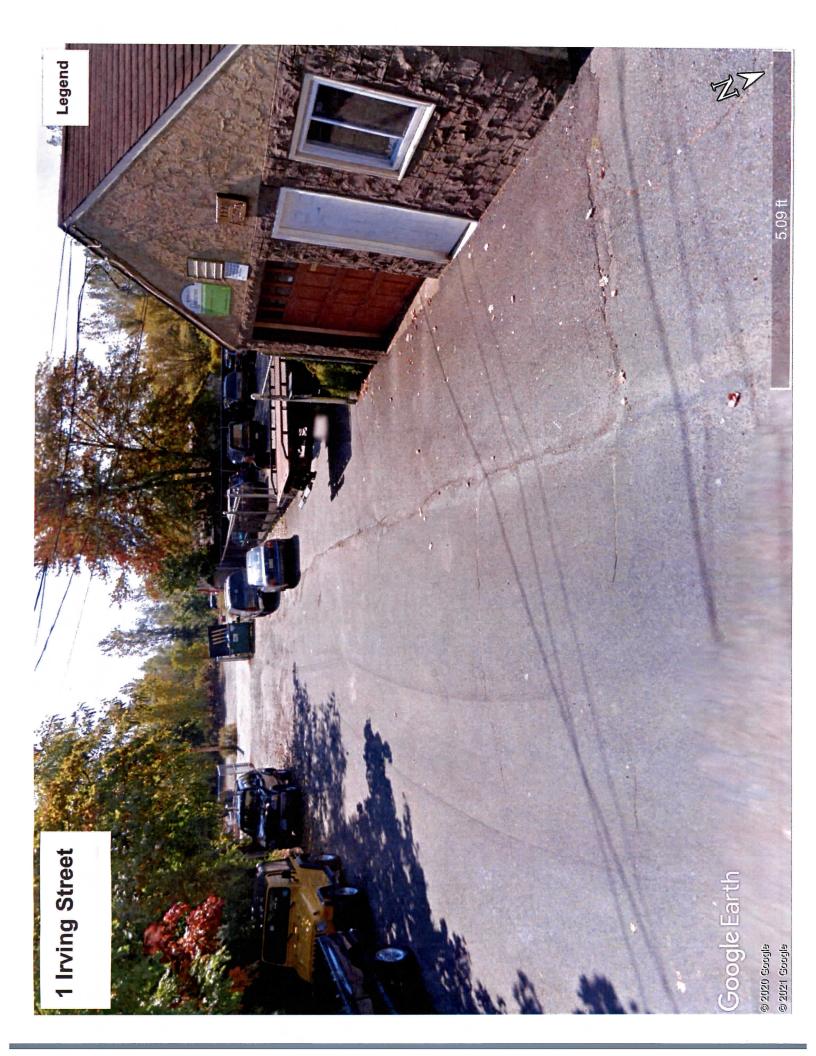
Becoming a Police Select Language
For those interested in applying to be a rounciar rounce

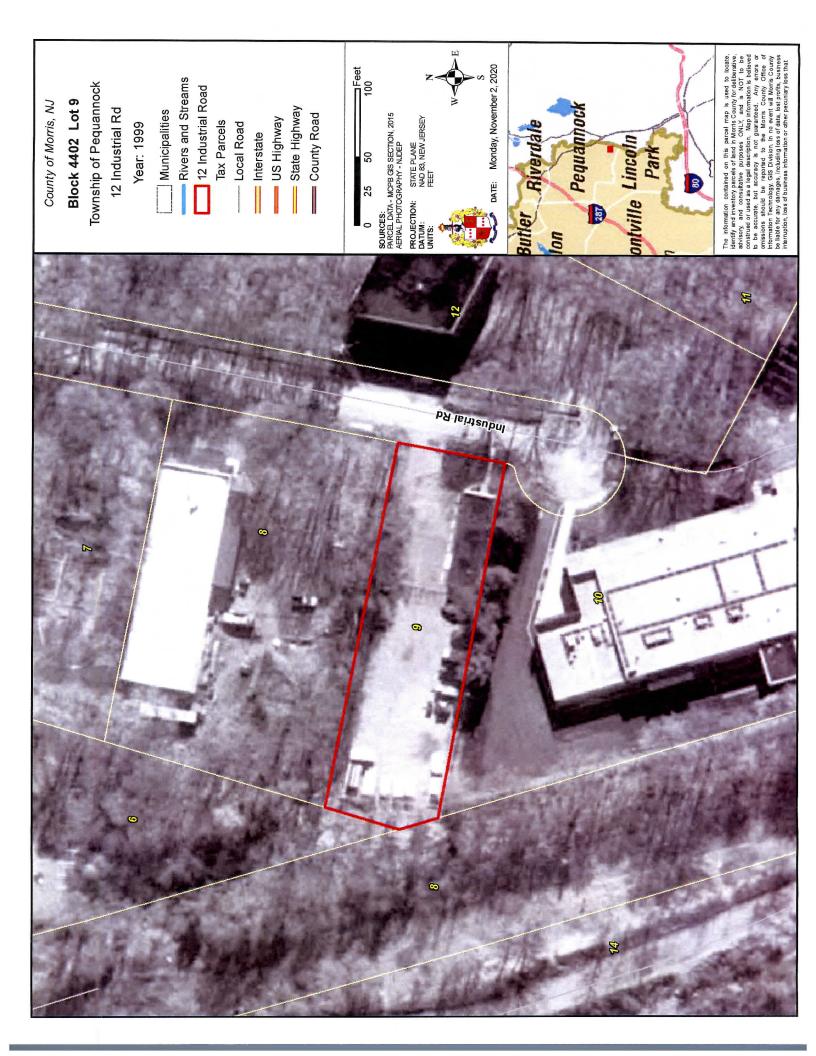






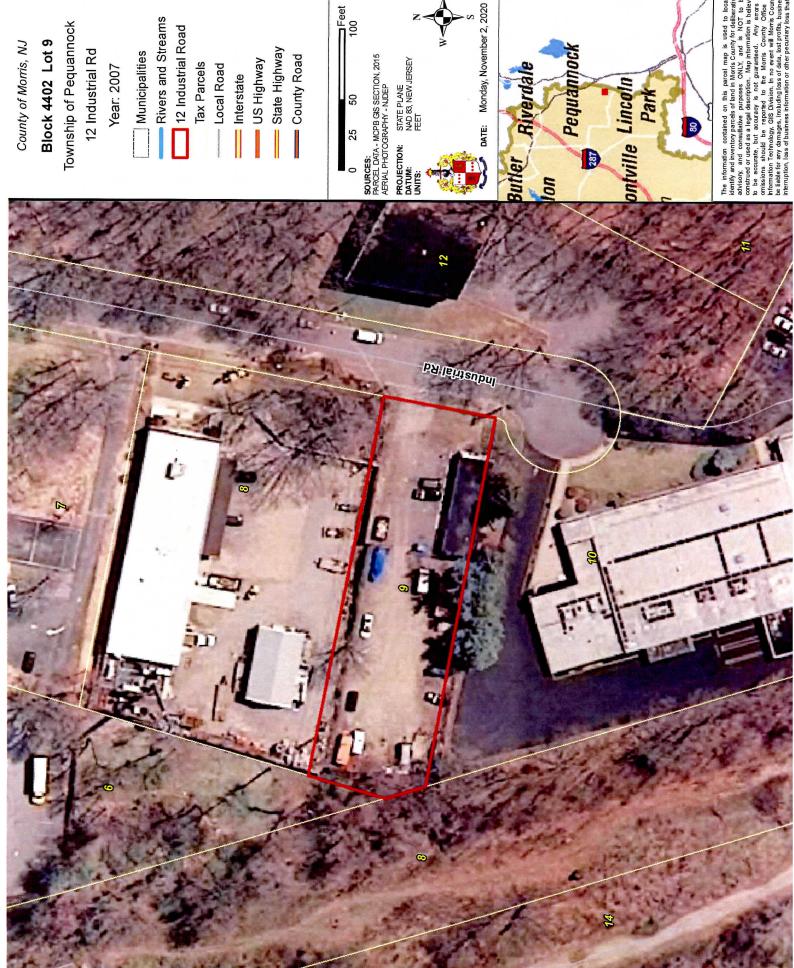






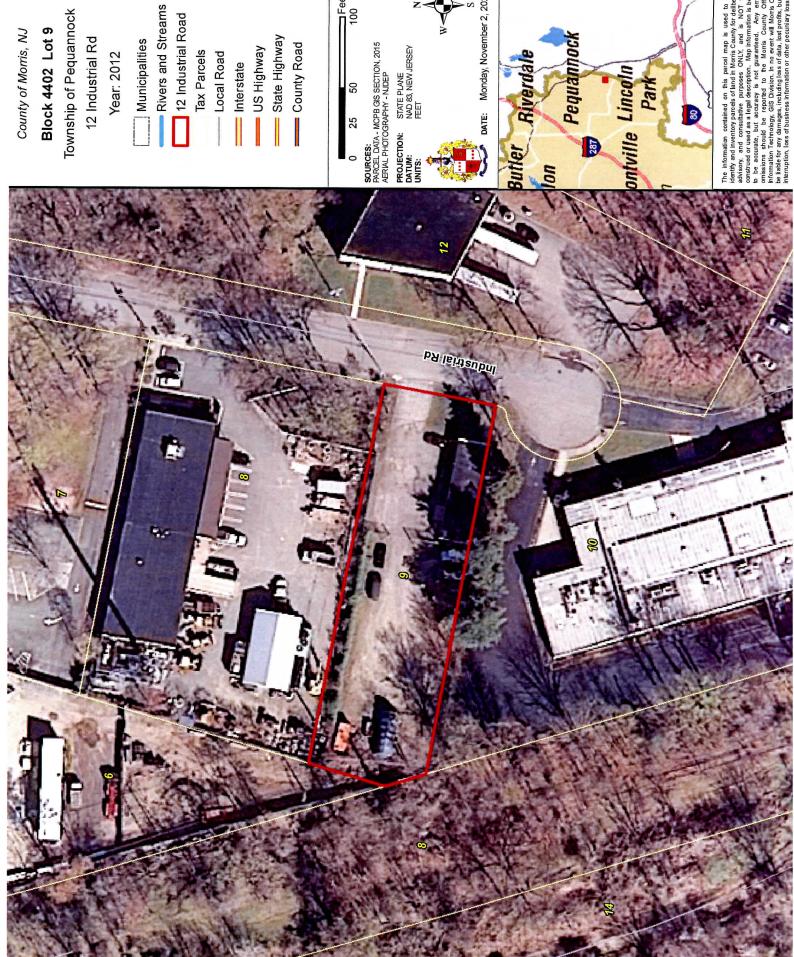






Township of Pequannock

 Rivers and Streams 12 Industrial Road



DATE: Monday, November 2, 2020

