



BOARD MEETING

THURSDAY, FEBRUARY 26, 2015

AGENDA

**(SEE SUPPLEMENTAL
MATERIALS)**



**NEW JERSEY SPORTS AND EXPOSITION AUTHORITY
REGULAR SESSION
THURSDAY, FEBRUARY 26, 2015
10:00 A.M.**

I. APPROVAL OF MINUTES

1. Approval of Regular Session Meeting Minutes of January 15, 2015. (ACTION)
2. Approval of Meadowlands Commission Regular Session Meeting Minutes of January 30, 2015. (ACTION)

II. APPROVALS

1. Approval and/or Ratification of Cash Disbursements Over \$100,000 for the month of January 2015 and Professional Invoices for the month of January 2015. (ACTION)
2. Consideration of Proposed Resolution Regarding Land Use Management Recommendation Concerning Bulk Variance for Bonanno/65 Commerce Drive (#14-344). (ACTION)
3. Consideration of Proposed Resolution Regarding Land Use Management Recommendation Concerning Use and Bulk Variance Applications for William Warren Properties (#14-384). (ACTION)

III. COMMITTEE REPORTS

1. Review of Engineering Projects at the Meadowlands Sports Complex and Monmouth Park Racetrack. (DISCUSSION)

IV. AWARDS and CONTRACTS

1. Resolution Authorizing Execution of a Contract for Continuation of Services at the 1-E Landfill and the Kingsland Landfill. (ACTION)
2. Resolution Authorizing Execution of 1-Year Contract with Global Energy Solutions for Site Storage. (ACTION)

V. CHIEF EXECUTIVE OFFICER'S REPORT

VI. PUBLIC COMMENTS

VII. EXECUTIVE SESSION

Resolution Authorizing the New Jersey Sports and Exposition Authority to Conduct a Meeting to Which the General Public Shall Not Be Admitted. (ACTION)

VIII. ADJOURNMENT

MINUTES



REGULAR SESSION BOARD MEETING
Thursday, January 15, 2015

A Regular Board meeting of the New Jersey Sports and Exposition Authority was held on Thursday, January 15, 2015, at 12:00 P.M., in the NJSEA Executive Offices in East Rutherford, New Jersey.

Members in Attendance:

Mike Ferguson, Chairman
Joseph Buckelew, Vice Chairman
Wayne Hasenbalg, Esq., President and Chief Executive Officer
Steve Petrecca, NJ State Treasurer's Representative
Richard Constable, Hackensack Meadowlands Commission Representative
Armando Fontoura, Member
Michael H. Gluck, Esq., Member (present for start of meeting, telephonic participation for remainder)
George Kolber, Member (telephonic participation)
Steven Plofker, Member
Andrew Scala, Member
Anthony Scardino, Member (telephonic participation)
Robert Yudin, Member
John Ballantyne, Member
LeRoy Jones, Member (telephonic participation)
Michael Neglia, Member

Members Absent:

Also Attending:

Giuseppina Coppa, Vice President IT
John Duffy, Vice President Engineering, Construction and Regulatory Affairs
Amy Herbold, Assistant Counsel, Governor's Authorities Unit
Ralph J. Marra, Jr., Esq. Sr. Vice President Legal and Governmental Affairs
Jim Minish, Executive Vice President Facilities
Lennon Register, Sr. Vice President Finance, CFO
Helen Strus, Sr. Vice President Sales and Marketing
Robert Weakley, Sr. Vice President Human Resources/Labor Relations
George Zahn, Vice President Purchasing and Risk Management

Chairman Ferguson called the meeting to order at 12:21 P.M.

Chairman Ferguson stated that the New Jersey Sports and Exposition Authority gave notice of the time, place, and date of this meeting by providing such notice to the Secretary of State for the State of New Jersey, The Star-Ledger, The Record, and other newspapers and by posting the notice at the offices of the Authority.

I. **APPROVAL OF MINUTES**

Chairman Ferguson presented the minutes of the Board Meeting held on November 20, 2014.

Upon motion made by Commissioner Plofker and seconded by Commissioner Yudin, the minutes of the Board Meeting held on November 20, 2014, were approved by a vote of 15-0.

II. **APPROVALS**

1. **Approval of Cash Disbursements Over \$100,000 and Professional Invoices**

Chairman Ferguson presented the report of cash disbursements over \$100,000 and Professional Invoices for the month of November, 2014.

Upon motion by Commissioner Scala and seconded by Commissioner Yudin, the cash disbursements over \$100,000 for the month of November 2014, and the professional invoices for the month of November were approved subject to the following recusals:

| <u>Member</u> | <u>Recused as to</u> |
|-----------------------|----------------------|
| Commissioner Fontoura | Connell Foley |

Chairman Ferguson presented the report of cash disbursements over \$100,000 and Professional Invoices for the month of December, 2014.

Upon motion by Commissioner Plofker and seconded by Commissioner Scardino, the cash disbursements over \$100,000 for the month of December 2014, and the professional invoices for the month of December were approved subject to the following recusals:

| <u>Member</u> | <u>Recused as to</u> |
|--------------------|----------------------|
| Chairman Ferguson | PSE&G |
| Commissioner Jones | PSE&G |

III. COMMITTEE REPORTS

1. Review of Engineering Projects at the Meadowlands Sports Complex and Monmouth Park Racetrack

Commissioner Neglia advised the members that there will be no action from the Board this month.

2. Approval of Construction Committee Meeting Minutes of December 8, 2014

Chairman Ferguson presented the minutes of the Construction Committee meeting held on December 8, 2014.

Upon motion by Commissioner Neglia and seconded by Commissioner Buckelew, the Construction Committee meeting minutes of December 8, 2014, were approved by a vote of 15-0.

Approval of Construction Committee Meeting Minutes of December 8, 2014

Chairman Ferguson presented the minutes of the Construction Committee meeting held on January 6, 2015.

Upon motion by Commissioner Neglia and seconded by Commissioner Fontoura, the Construction Committee meeting minutes of January 6, 2015, were approved by a vote of 15-0.

IV. Awards and Contracts

**1. RESOLUTION JANUARY 2015
AUTHORIZING THE PLACEMENT OF
LIABILITY & AUTOMOBILE INSURANCE**

Upon motion by Commissioner Buckelew and seconded by Commissioner Fontoura,

**RESOLUTION JANUARY 2015
AUTHORIZING THE PLACEMENT OF
LIABILITY & AUTOMOBILE INSURANCE**

Was approved by a vote of 15-0

V. PUBLIC COMMENTS

Chairman Ferguson stated that the Board will take action on Resolution 1 and Resolution 2 will be voted on after closed session. He then opened the floor to public comments, which are excerpted below:

Senator Sarlo commented: "We are counting on the Board members to make the right decisions. As Chairman of the budget committee, I understand the economic transformation over the years. What I do not understand is that we have an asset here that is worth something, not only to the State but to Bergen County. Why would you want to close the doors? Why would you want to shut it down for two years? IZOD has some of the best employees in the business." Senator Sarlo also questioned as to whether or not there was a discussion regarding other facilities to take over IZOD.

Chairman Ferguson briefly stated that there has been no decision about giving the building to anyone. Closing IZOD Center is strictly financial.

Senator Weinberg commented: "How can this be a good business decision? It can't be. I am also speaking on behalf of James Tedesco, who could not be here today because he was not given adequate notice that this was even being done today." She expressed her disappointment in the way that this is being handled and continued that "the agenda item 'consideration of agreements' in no way means take a vote of closing the IZOD Center. This is a complete travesty." She stated that she will be putting together an OPRA request that asks for all information, notes, etc., regarding any discussion on this matter. She pleaded with the Board to not do this without examining all alternatives.

Mayor James Cassella, East Rutherford- "Closing it and to let it sit here for two years is not a wise decision. I do not want to rehash a lot of the other comments but my main concern is the economics in Bergen County. This will put more people out of work. I am fully with those who think this decision needs to be slowed down. I am asking that this is looked at more realistically."

Jim Kirkos, Meadowlands Regional Chamber- "This is an extremely difficult day. Not only are the employees affected by this decision but the Bergen County economy will be as well. The Hilton is concerned about losing rooms they have already booked for events such as WWE Summer Slam. There needs to be a plan or a vision on how to keep this Complex running." Mr. Kirkos presented the members with a plan.

Kevin O' Brien, President, Local 632- "I want to know why and RFP has not been put out for this building. I know for a fact that there are certain events that will not be going to Newark because they will be leaving the State. We will lose Summer Slam and WrestleMania. I am here today on behalf of Angie Lenge, who is the widow of Steve Lenge, Ms. Lenge is now a member of our Union, I am fighting for her. Please do not shut this building down."

Joe Villani- Local 632- "We were told bigger and better things were to come. We all believed it until about a year ago. Now we are all sitting here contemplating unemployment. We're being asked to abandon ship. Please give this building a fighting chance."

Barbra, Local 100, Food Services- "A couple of years ago, our contract wages were frozen just to keep IZOD open. I am asking that you please consider these people when making the final decision."

Bob Glazer, Garfield, NJ- " To close this building and not have a plan, reminds me of Xanadu. Those buildings have been vacant for so many years, because they have been vacant there is so much damage to the buildings. How much money was lost because of that? The same thing will happen to IZOD. Keeping this building open is the best thing to do, shutting it down for two years does not benefit anyone.

Stacy, Local 100- "I started 21 years ago, the Arena has become a part of my life. IZOD Center was number 1 years ago until other Arenas came into this area. The workers here built this Arena; and it hurts to see all the smiles around the board table. How can you take this away from us? How can you take our benefits away? We can and we will make it successful once again. Please think before you make this decision."

Senator Weinberg read an e-mail message on behalf of Mr. Tedesco.

Sen. Weinberg also stated that she is still confused about the figures. She asked the Board to hold off on the decision until it can go out for an RFP.

VI. EXECUTIVE SESSION

Resolution Authorizing the New Jersey Sports and Exposition Authority to Conduct a Meeting to Which the General Public Shall Not Be Admitted

Chairman Ferguson stated a need for the Board to enter into Executive Session to discuss contractual matters and litigation matters.

Upon motion made by Commissioner Plofker, and seconded by Commissioner Fontoura,

RESOLUTION 2015- RESOLUTION AUTHORIZING THE NJSEA TO ENTER INTO A MEETING TO WHICH THE GENERAL PUBLIC SHALL NOT BE ADMITTED

was approved by a vote of 15-0.

Executive Session commenced at 1:15 p.m.
Public Session resumed at 2:56 p.m.

was approved by a vote of 15-0.

VII. AWARDS AND CONTRACTS

Chairman Ferguson made a motion to discuss:

RESOLUTION 2015- [02] **RESOLUTION RELATING TO THE PROVISION OF** **CERTAIN SERVICES TO METLIFE STADIUM**

Commissioner Fontoura seconded the motion.

Mr. Marra presented the resolution to the members and a discussion among the members ensued.

RESOLUTION 2015- [02] **RESOLUTION RELATING TO THE PROVISION OF** **CERTAIN SERVICES TO METLIFE STADIUM**

Was approved by a vote of 13-0 subject to the following recusals, which recusals were related to their positions as union officials:

Member _____

Commissioner Ballentyne
Commissioner Scala

Chairman Ferguson made a motion to discuss:

RESOLUTION 2015- [01] **RESOLUTION RELATING TO ARENA OPERATIONS**

Commissioner Fontoura seconded the motion.

Mr. Marra presented the resolution to the members and a discussion among the members ensued.

Commissioner Jones made a motion to table this resolution, which had no seconds.

Public Comments

The Chairman opened the meeting to further public comments, which are excerpted below:

Sen. Weinberg thanked Commissioner Jones for saying no to this resolution. She addressed the Chairman and Commissioner Yudin by stating that closing the IZOD Center is not an option; Commissioner Yudin knows the significance the IZOD Center brings to Bergen County.

Joe Villani stated that he is appreciative for the Job Fair that the Prudential Center will host; he asked the Board members to be leaders and not followers.

Mayor Cassella- "We still have to pay for the Wildwood Convention Center, Atlantic City Convention Center, the Camden Aquarium, Rutgers Stadium... Closing IZOD is extremely hurtful to Bergen County."

Barbra, Local 100- "Nassau Coliseum will remain open, Madison Square Garden remained open during construction, when IZOD closes for two years, will the Board be willing to rehire all of the workers that will be laid off?"

Billy Thompson- "The Prudential Center is not going to hire us, they are already fully staffed. Why do we keep giving things away? I cannot see that you are fighting for us."

Mark Fastuca- " If you close this building, there is no plan. Every single one of you have failed us. You failed to take responsibility for this and that is giving up."

After all comments from the public were heard, all Commissioners were given an opportunity to be heard and extensive discussion and comments ensued.

Chairman Ferguson addressed the room: "There is no easy way around the fact that this is an awful thing that needs to be done. I am pleased that so many people came out to this meeting. I have deep appreciation and respect for the work our employees do and I hope that does not get lost in all of this. Operating this Authority is not easy; easy solutions do not exist."

At the conclusion of the Commissioners' deliberations, Chairman Ferguson requested a motion to approve

RESOLUTION 2015- [01]
RESOLUTION RELATING TO ARENA OPERATIONS

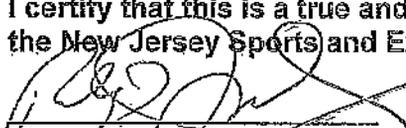
By a vote of 10-2 the resolution was approved subject to the following recusals, which recusals were related to their positions as union officials:

Member _____

Commissioner Ballentyne
Commissioner Scala

Chairman Ferguson requested a motion to conclude the meeting. Upon motion made by Commissioner Scardino and seconded by Commissioner Plofker, the public meeting was adjourned by a vote of 14-0 at 3:56 p.m.

I certify that this is a true and accurate transcript of the Regular Session Minutes of the New Jersey Sports and Exposition Authority Board meeting of January 15, 2015.


Ralph J. Marra, Jr., Esq.
Assistant Secretary

APPROVALS



CASH DISBURSEMENTS
 \$100,000 OR MORE
 JANUARY 2015

| <u>PAYEE</u> | <u>ARENA</u> | <u>REFERENCE LETTER</u> | <u>\$ AMOUNT</u> | <u>ACCOUNT DESCRIPTION</u> |
|--------------------------|--------------|-------------------------|-------------------|---|
| DUKE UNIVERSITY | A | | 245,550.45 | FINAL SETTLEMENT: DUKE VS. UCONN BASKETBALL |
| FELD ENTERTAINMENT, INC. | A | | 476,017.36 | FINAL SETTLEMENT: DISNEY ON ICE "PRINCESSES & HEROES" |
| ARENA TOTAL | | | <u>721,567.81</u> | |

SPORTS COMPLEX

| <u>PAYEE</u> | <u>REFERENCE LETTER</u> | <u>\$ AMOUNT</u> | <u>ACCOUNT DESCRIPTION</u> |
|--|-------------------------|---------------------|--|
| ADP/MANAGISTICS | I | 113,066.47 | PAYROLL TAXES: JAN 2015 |
| NEW JERSEY STATE POLICE | A | 294,635.34 | OVERTIME CHARGES: OCT 2014 - NOV 2014 |
| NRG BUSINESS SOLUTIONS | A | 891,724.14 | ELECTRICITY CHARGES: NOV 2014 - DEC 2014 |
| PUBLIC SERVICE ELECTRIC & GAS | A | 347,778.47 | ELECTRIC TRANSMISSION: NOV 2014 - DEC 2014 |
| SPORTS ARENA EMPLOYEES RETIREMENT FUND LOCAL 137 | A | 234,185.01 | PENSION WITHDRAWAL LIABILITY PAYMENT: 1ST QTR 2015 |
| SPORTS COMPLEX TOTAL | | <u>1,881,389.43</u> | |

SPORTS COMPLEX MAINTENANCE RESERVE/CAPITAL

| <u>PAYEE</u> | <u>\$ AMOUNT</u> | <u>REFERENCE LETTER</u> | <u>ACCOUNT DESCRIPTION</u> |
|---|-------------------|-------------------------|-----------------------------------|
| ROSENBAUER SOUTH DAKOTA, LLC | 173,000.00 | A | PURCHASE OF MINI PUMPER APPARATUS |
| SPORTS COMPLEX MAINTENANCE TOTAL | <u>173,000.00</u> | | |

SPORTS COMPLEX PAYMENT IN LIEU OF TAXES

| <u>PAYEE</u> | <u>\$ AMOUNT</u> | <u>REFERENCE LETTER</u> | <u>ACCOUNT DESCRIPTION</u> |
|----------------------------|---------------------|-------------------------|--|
| BOROUGH OF EAST RUTHERFORD | 1,853,719.48 | A | PAYMENT IN LIEU OF TAXES: 1ST QUARTER 2015 |
| SC TAXES TOTAL | <u>1,853,719.48</u> | | |

MONMOUTH PARK RACETRACK MAINTENANCE RESERVE/CAPITAL

| <u>PAYEE</u> | <u>\$ AMOUNT</u> | <u>REFERENCE LETTER</u> | <u>ACCOUNT DESCRIPTION</u> |
|-----------------------------|-------------------|-------------------------|---|
| BOROUGH OF OCEANPORT | 229,957.67 | A | CAFO SPECIAL ASSESSMENT AGREEMENT: 1st QUARTER 2015 |
| MPR MAINTNANCE TOTAL | <u>229,957.67</u> | | |

MONMOUTH PARK RACETRACK PAYMENT IN LIEU OF TAXES

| <u>PAYEE</u> | <u>\$ AMOUNT</u> | <u>REFERENCE LETTER</u> | <u>ACCOUNT DESCRIPTION</u> |
|----------------------|-------------------|-------------------------|--|
| BOROUGH OF OCEANPORT | 461,551.44 | A | PAYMENT IN LIEU OF TAXES: 1ST QUARTER 2015 |
| MP TAXES TOTAL | <u>461,551.44</u> | | |



CASH DISBURSEMENTS
\$100,000 OR MORE

| <u>REFERENCE LETTER</u> | <u>TYPE</u> |
|-------------------------|---|
| A | CONTRACT ON FILE |
| B | PURCHASE AWARDS - APPROVED AT MONTHLY BOARD MEETING |
| C | STATE REQUIREMENT FOR RACING |
| D | STATE VENDOR |
| E | SOLE SOURCE |
| F | APPOINTED BY RACING COMMISSION |
| G | ADVERTISED BID |
| H | EXECUTIVE DIRECTOR APPROVAL |
| I | STATUTORY PAYMENT |
| K | LOWEST PROPOSAL |
| L | REIMBURSABLE |
| M | OUTSTANDING PROFESSIONAL INVOICES APPROVED AT MONTHLY BOARD MEETING |
| N | PURCHASES ON BASIS OF EXIGENCY |
| * | PURCHASES DIRECT FROM SOURCE |
| | EXPENDITURE TO BE CHARGED TO MAINTENANCE RESERVE FUND |



OUTSTANDING PROFESSIONAL SERVICES
 JANUARY 2015

| <u>PAYEE</u> | <u>\$ AMOUNT</u> | <u>DESCRIPTION</u> |
|-------------------------------------|------------------|---|
| <u>SPORTS COMPLEX</u> | | |
| CONNELL FOLEY, LLP | 7,610.35 | LEGAL SERVICES: GENERAL COUNSEL - DEC 2014 |
| GIBBONS P.C. | 405,484.12 | LEGAL SERVICES: GENERAL COUNSEL - DEC 2014 - JAN 2015 |
| WINDELS MARX LANE & MITTENDORF, LLP | 66.00 | LEGAL SERVICES: GENERAL COUNSEL - DEC 2014 |
| SPORTS COMPLEX TOTAL | 413,160.47 | |

| <u>PAYEE</u> | <u>\$ AMOUNT</u> | <u>DESCRIPTION</u> |
|-----------------------------------|------------------|---|
| <u>WILDWOOD CONVENTION CENTER</u> | | |
| APRIL & MARINUCCI, P.A. | 800.00 | LEGAL SERVICES: GENERAL COUNSEL - DEC 2014 - JAN 2015 |
| WILDWOOD TOTAL | 800.00 | |

COMMITTEE REPORTS

CONSTRUCTION REPORT

February 2015

SITE

- **American Dream**

This department continues to meet and work with Triple Five and PCL, the contractor, regarding permitting, planning, operational logistics, patron safety and environmental issues. Construction activity on the site continues for both the ERC and Amusement Water Parks.

- **Groundwater Investigations Meadowlands Sports Complex**

Groundwater samples were taken and based on the results, additional work, such as the locations for additional wells, will be evaluated for the east side.

MONMOUTH PARK

Fire Project

- General construction and electrical/fire control work continues in the Grandstand on all levels. Sprinkler work is progressing on schedule on all floors of the structure.

EXECUTIVE SESSION

RESOLUTION 2015-

RESOLUTION AUTHORIZING THE
NEW JERSEY SPORTS AND EXPOSITION AUTHORITY
TO CONDUCT A MEETING TO WHICH
THE GENERAL PUBLIC SHALL NOT BE ADMITTED

BE IT RESOLVED by the New Jersey Sports and Exposition authority (“Authority”) that it shall conduct a meeting to which the general public shall not be admitted to discuss contract negotiations and, if necessary, to act upon pending contracts.

BE IT FURTHER RESOLVED that the time when such discussions may be disclosed to the public shall be when and as such disclosure may be made without adversely affecting the Authority’s pending and/or anticipated legal, personnel, contractual matters and other matters within the exceptions provided for by the statute.

ADOPTED: February 26, 2015



REVISED
NEW JERSEY SPORTS AND EXPOSITION AUTHORITY
REGULAR SESSION
THURSDAY, FEBRUARY 26, 2015
10:00 A.M.

I. APPROVAL OF MINUTES

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3. Consideration of Proposed Resolution Regarding Land Use Management Recommendation Concerning Use and Bulk Variance Applications for William Warren Properties (#14-384). (ACTION)

III. COMMITTEE REPORTS

1. Review of Engineering Projects at the Meadowlands Sports Complex and Monmouth Park Racetrack. (DISCUSSION)

IV. AWARDS and CONTRACTS

1. Resolution Authorizing Execution of a Contract for Continuation of Services at the 1-E Landfill and the Kingsland Landfill. (ACTION)
2. Resolution Authorizing Execution of 1-Year Contract with Global Energy Solutions for Site Storage. (ACTION)
3. Resolution Authorizing Execution of Contract for Insurance Coverage

V. CHIEF EXECUTIVE OFFICER'S REPORT

VI. PUBLIC COMMENTS

VII. EXECUTIVE SESSION

Resolution Authorizing the New Jersey Sports and Exposition Authority to Conduct a Meeting to Which the General Public Shall Not Be Admitted. (ACTION)

VIII. ADJOURNMENT

RESOLUTION FEBRUARY 2015
AUTHORIZING THE PLACEMENT OF
PROPERTY, AUTOMOBILE, LIABILITY, DIRECTORS & OFFICERS & CRIME INSURANCE

WHEREAS, the New Jersey Meadowlands Commission ("Commission") was merged with the New Jersey Sports and Exposition Authority ("Authority") effective February 5, 2015, and

WHEREAS, the Commission had maintained its own insurance policies for exposures related to its operations, and

WHEREAS, some of these insurance policies expire on March 1, 2015, and

WHEREAS, the Commission had awarded Willis of New Jersey, Inc. ("WILLIS"), on the basis of a competitive process, the authorization to solicit insurance policies for the Commission's unique exposures and,

WHEREAS, WILLIS has obtained the following renewal quotes:

| | |
|---|------------|
| Property, Inland Marine, Crime and Automobile Insurance of \$26,279,142, \$937,309, \$100,000 and \$1,000,000 respectively, with American Alternative Insurance Company | \$ 96,314 |
| Primary Liability Insurance of \$1 million with ACE Insurance Company & ESIS as the TPA | \$ 135,333 |
| Excess Liability Insurance of \$10 million with ACE Insurance Company | \$ 122,200 |

WHEREAS, renewal coverage for the Directors & Officers Policy cannot be obtained in the Authority's name and as such the current policy will expire on 3/1/2015 and tail coverage, retroactive to 2/5/2015, will be purchased on behalf of the Commission at a cost of \$36,575.25 for a period of 365 Days.

WHEREAS, WILLIS obtained declinations from Philadelphia Insurance Company (Public Entity Division), and

WHEREAS, WILLIS was not able to obtain quotes from any other Insurance Company, and

WHEREAS, the quotes listed above were the only insurance quotations obtained, and

WHEREAS, WILLIS will determine if the insurance coverages listed above can be added to the Authority's existing policies at a lower premium and if they can the renewed policies will be cancelled and the unexpired premiums will be returned on a pro-rata basis (no short rate charges), and

WHEREAS, the insurance policies will be issued in the name of the New Jersey Sports and Exposition Authority.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the New Jersey Sports and Exposition Authority hereby authorize Willis to bind the coverages listed above.

Adopted: February 26, 2015

SUPPLEMENTAL MATERIALS

NEW JERSEY MEADOWLANDS COMMISSION

DATE: January 30, 2015
TIME: 2:00 p.m.
PLACE: Lyndhurst, NJ
RE: MONTHLY MEETING MINUTES

COMMISSIONERS PRESENT:

Paul Macchia, Acting Chairman
James V. Bocchino
Albert E. Cameron (via phone)
Jay C. Nadel (via phone)

STAFF PRESENT:

Marcia Karrow, Executive Director
Bernard Nangle, Deputy Executive Director
Sara Sundell, Director Land Use Management
Christine Sanz, Chief Operating Officer/Chief Counsel
Adam Levy, Director of Legal Affairs
Francisco Artigas, Director of MERI
Tyler Yingling, Assistant Counsel to the Governor (via phone)
Mark Collier, DAG (via phone)
Fred Dressel, HMMC
Lynn Johnson, Executive Assistant

1. Pledge of Allegiance
2. Executive Director Karrow read the Notice of Meeting required under the Sunshine Law.
3. Roll Call
4. REVIEW OF MINUTES

Minutes of the December 17, 2014 open session were moved by Commissioner Bocchino, seconded by Commissioner Macchia and unanimously carried.

5. SPECIAL PRESENTATION - None6. PUBLIC PARTICIPATION ON RESOLUTIONS

- Don Evanson - Secaucus resident

7. TAX SHARING

Resolution No. 15-01- Resolution certifying the Intermunicipal Tax Sharing Pool for CY2015.

Motion to adopt the resolution was made by Commissioner Bocchino, seconded by Commissioner Macchia and unanimously carried.

8. SPECIAL EXCEPTION/VARIANCE

Resolution No. 15-02- Resolution issuing a decision on the Special Exception and Variance Application submitted as part of File No. 14-316 D&M Carlstadt/Dunkin Donuts - Special Exception and Sign Variance, Block 124.01, Lot 4 in Carlstadt.

Motion to adopt the resolution was made by Commissioner Bocchino, seconded by Commissioner Macchia and unanimously carried.

9. REPORTS

Fred Dressel announced that the HMMC reorganization meeting will be held on Monday.

10. NEW BUSINESS - None11. PUBLIC PARTICIPATION - None

Motion to enter into closed session was made by Commissioner Bocchino, seconded by Commissioner Macchia with all in favor.

12. CLOSED SESSION

- Adlip LLC/Sal's Express - Settlement of Violation
OAL Docket No. HMD-16813-2013N

Motion to adjourn the meeting was made by Commissioner Bocchino, seconded by Commissioner Macchia with all in favor.

MARCIA A. KARROW, SECRETARY

| RESOLUTION# | 15-01 | 15-02 |
|---------------------------|-------|-------|
| Acting Chairman Macchia | Y | Y |
| Comm. Bocchino | Y | Y |
| Comm. DeGennaro | -- | -- |
| Comm. Nadel (via phone) | Y | Y |
| Comm. Quirico | -- | -- |
| Comm. Cameron (via phone) | Y | Y |
| Robert J. Dowd | -- | -- |

Y = Yes A = Abstain

R = Recuse N = No

-- = Absent

RESOLUTION 2015 -

RESOLUTION ISSUING A DECISION ON THE BULK VARIANCE
SUBMITTED AS PART OF FILE NO. 14-344
BONANNO/65 COMMERCE - NEW LOADING DOCKS
BLOCK 127, LOT 7, IN THE BOROUGH OF CARLSTADT

WHEREAS, an application for one bulk variance was filed with the New Jersey Meadowlands Commission (NJMC) by James P. Thompson, of Tryon Management Corp., for the premises located at 65 Commerce Road, Block 127, Lot 7, in the Borough of Carlstadt, New Jersey; and

WHEREAS, the subject premises is located in the Commission's Light Industrial B zone; and

WHEREAS, the variance is sought in connection with the applicant's proposal to provide two loading doors in the front yard along Commerce Road in connection with an existing distribution warehouse on the subject premises; and

WHEREAS, the applicant requested variance relief from N.J.A.C. 19:4-8.3(b)1, which does not permit loading in any front yard; and

WHEREAS, notice of the requested bulk variance relief was given to the public and all interested parties as required by law and was published in The Jersey Journal newspaper; and

WHEREAS, a public hearing was held in the Office of the NJMC on Tuesday, November 18, 2014, before Sara J. Sundell, P.E., P.P, Director of Land Use Management and Chief Engineer; Sharon Mascaró, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer; and Mia Petrou, P.P., AICP, Senior Planner; and

WHEREAS, a comprehensive report dated January 30, 2015, has been prepared indicating the recommendations of the Director of Land Use Management and the Executive Director in this matter; and

WHEREAS, a copy of the recommendation and comprehensive report was provided to the applicant on January 30, 2015; and

WHEREAS, the report recommends the conditional approval of the bulk variance, requested from N.J.A.C. 19:4-8.3(b)1, to provide two new loading doors in the front yard along Commerce Road; and

WHEREAS, effective February 5, 2015, the New Jersey Meadowlands Commission has become part of the New Jersey Sports and Exposition Authority; and

WHEREAS, the members of the NJSEA have reviewed the full record including the transcripts of the public hearings, recommendations on the application by the Director of Land Use Management and by the Executive Director, and the submissions of the applicant; and

WHEREAS, the members of the NJSEA concur with the recommendations of the Director of Land Use Management and the Executive Director; and

WHEREAS, the NJSEA hereby determines that the requested variance from N.J.A.C. 19:4-8.3(b)1, to provide two new loading doors in the front yard along Commerce Road, conditionally conforms with the standards for approving applications for variances as set forth in N.J.A.C. 19:4-4.14(e).

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the Bonanno/65 Commerce – New Loading Docks application for one bulk variance from N.J.A.C. 19:4-8.3(b)1, to permit two new loading doors in the front yard along Commerce Road, is hereby **APPROVED WITH THE FOLLOWING CONDITION** for the reasons set forth in the recommendation dated February 30, 2015.

1. The size of the vehicles utilizing the two proposed loading areas shall not exceed 30 feet in length.

Adopted:

NJSEA Board Members and President Wayne Hasenbalg

Sara J. Sundell

February 26, 2015

Bulk Variance Recommendation – Bonanno/65 Commerce - New Loading Docks (File #14-344)

An application for one bulk variance was filed with the New Jersey Meadowlands Commission (NJMC) by James P. Thompson, of Tryon Management Corp., for the premises located at 65 Commerce Road, Block 127, Lot 7, in the Borough of Carlstadt, New Jersey. The subject premises is located in the Commission's Light Industrial B zone.

The bulk variance was sought in connection with the applicant's proposal to provide two loading doors in the front yard along Commerce Road in connection with an existing distribution warehouse on the subject premises.

The applicant requested bulk variance relief from the following:

- 1) N.J.A.C. 19:4-8.3(b)1, which does not permit loading in any front yard. Two new loading doors are proposed in the front yard facing Commerce Road.

A public hearing was held in the Office of the NJMC on Tuesday, November 18, 2014.

In a comprehensive report, dated January 30, 2015, the Director of Land Use Management and the Executive Director recommended the conditional approval of the bulk variances requested in connection with the applicant's proposal to provide two loading doors in the front yard along Commerce Road in connection with a warehouse and distribution facility on the subject premises.

A copy of the comprehensive report, including the variance recommendation, was provided to the applicant on January 30, 2015.

At this time, the Board is required to issue a decision on the variance application described above. A resolution requesting the same is attached for your consideration.

RECOMMENDATION ON THE VARIANCE APPLICATION OF

Bonanno/65 Commerce - New Loading Docks

FILE # 14-344

I. INTRODUCTION

An application for one bulk variance has been filed with the New Jersey Meadowlands Commission (NJMC) by Thomas P. Bonanno, III of the Tryon Management Corp. and The Bonanno Real Estate Group, for the premises identified as 65 Commerce Road, Block 127, Lot 7, in the Borough of Carlstadt, New Jersey. Said premises are located in the Commission's Light Industrial B zone. The bulk variance is sought in connection with the applicant's proposal to construct two loading areas on the subject property in the front yard facing Commerce Road. Specifically, the applicant is requesting variance relief from the following:

1. N.J.A.C. 19:4-8.3(b)1, which does not permit loading in any front yard. Two (2) loading areas are proposed in the front yard facing Commerce Road.

Notice was given to the public and all interested parties as required by law. No written comments or objections were submitted to the Division of Land Use Management. A public hearing was held in the Office of the Commission on Tuesday, November 18, 2014. All information submitted to the Division of Land Use Management relative to this application was made part of the record of this recommendation.

II. GENERAL INFORMATION

A. Existing and Proposed Use

The subject property is a 1.48-acre parcel, fronting on Commerce Road in Carlstadt. It is currently improved with a 32,171-square-foot warehouse/distribution and light industrial facility with ancillary office space, with parking located in the easterly and southwest portions of the site. The southeastern portion of the site is comprised of an extension of the building and landscaping with open lawn areas and several trees. The western portion of the property has a fence surrounding a monopole with cell antennas and three cell carrier buildings with cell equipment. The building is located near the rear lot line, having a rear yard setback ranging between 10.9 feet on the western end and 33.15 feet at the eastern end, with an existing 10-foot-wide drainage easement along the rear property line.

The building currently has two (2) loading areas located in the easterly front yard facing Commerce Road. The site's existing front yard loading is a preexisting nonconforming condition within the Light Industrial B Zone. The surrounding area is developed primarily with a mix of warehousing facilities. A warehouse facility with retail is located to the west of the subject property.

The applicant is proposing to install two (2) additional loading doors along the southerly face of the building in the vicinity of the existing loading doors, as part of improvements to the property that include parking area site improvements. Eight parking spaces will be eliminated in order to allow a 30-foot-long single unit truck and smaller vans to maneuver on the site. The required minimum number of parking spaces will continue to be provided on the subject premises.

B. Response to the Public Notice

No written comments or objections were received during the public comment period.

III. PUBLIC HEARING (November 18, 2014)

A public hearing was held on Thursday, November 18, 2014. NJMC staff in attendance were Sara Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon Mascaró, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer; and Mia Petrou, P.P., AICP, Senior Planner.

A. Exhibits

The following is a list of the exhibits submitted by the applicant at the public hearing and marked for identification as follows:

| <u>Number</u> | <u>Description</u> |
|---------------|---|
| A-1 | "Site Plan," Sheet No. 1 of 1, prepared by Lapatka Associates, Inc., dated 7/23/14, last revised 9/29/14. |
| A-2 | Aerial Photo of Site |
| A-3 | Elevation Photo of Southern Building Wall |

B. Testimony

The applicant was represented at the hearing by Mitchell Abrahams, of Cole, Schlotz, Meisel, Forman & Leonard, PA. The following three witnesses testified in support of the application:

1. Andrew Missey, P.E., Lapatka Associates;
2. Hal Simoff, P.E., P.P., Simoff Engineering Associates, Inc.; and
3. Thomas Bonanno, Bonanno Real Estate Group.

Staff findings and recommendations are based on the entire record. A transcript of the public hearing was prepared and transcribed by Beth Calderone, Certified Court Reporter.

IV. RECOMMENDATION

- A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-3.3(b)1, which does not permit loading in any front yard. Two loading docks are proposed in the front yard facing Commerce Road.

The NJMC Zoning Regulations at N.J.A.C. 19:4-4.14(e) state in part that, *a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...*

1. *Concerning bulk variances:*

- i. *The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.*

The subject property currently has two preexisting nonconforming loading docks in the front yard facing Commerce Road. The proposed two additional loading doors in the front yard will be located in close proximity to the existing loading doors on the southerly façade. Alternate locations for loading docks on the property are limited due to the particular characteristics of the site and its existing improvements. The building is located toward the rear of the property, with the site having a narrow rear yard further constrained by a 10-foot-wide easement. A monopole with cell antennas and three cell carrier buildings with cell equipment are

located to the west of the building, and a building setback of 40.9 feet in the easterly portion of the site leaves insufficient area available for functional loading and truck maneuvering on the site. Additionally, the easterly portion of the site contains required parking areas. These are conditions uniquely affecting this property and its ability to provide for conforming loading space.

ii. The granting of the variance will not adversely affect the rights of neighboring property owners or residents.

The neighborhood in which the subject property is located is primarily industrial in nature. There are no residences located nearby. There are currently two loading docks located in the front yard facing Commerce Road. Consequently, the two proposed loading doors within an existing loading area will not result in a significant impact. Trucks accessing the site will primarily travel westbound on Commerce Road from Washington Avenue, through industrial neighborhoods. However, to ensure that there are no off-site impacts to the adjacent roadway's circulation, this report recommends that the maximum size of trucks utilizing these doors be limited to 30-foot-long single unit (SU-30) vehicles in order to ensure that truck maneuvering to access the loading doors will not negatively impact the public right-of-way. Therefore, with the recommended condition, the granting of the requested variance will not adversely affect the rights of neighboring property owners or residents.

iii. *The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.*

The strict application of the regulations that prohibit front yard loading will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.

NJMC zoning regulations require that loading areas be located in rear or side yards. However, the configuration of the existing building, parking and equipment on the site limits the provision of new loading areas with adequate and appropriate building access and vehicle circulation. Testimony was provided that the lack of sufficient loading areas for a building of this size has impacted the ability of the property owner to lease the premises, and it has remained vacant for some time. With the exception of the front yard facing Commerce Road, the remaining yards are not suitable to accommodate expanded loading operations at the subject property due to insufficient area for truck maneuvering, or the presence of other improvements and parking areas.

In balancing the requirements of the Light Industrial B zone with the particular characteristics of the property, the granting of the proposed variance will provide a functional and efficient location for the site's expanded loading operations in order to support the viability of the preexisting-nonconforming building on the site.

to. The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

There will be no substantial detriment to the public good and no adverse impacts to the public health, safety, morals, order, convenience, prosperity or general welfare by the granting of the requested variance. The placement of the proposed loading areas within the front yard facing Commerce Road, with a limited truck size, will have no adverse impact on public safety or health, and adequate light, air, and open space will continue to be supplied. The applicant provided testimony that trucks utilizing the proposed loading areas will not exceed 30 feet in length, and it is recommended as a condition of this report that the size of the trucks utilizing the proposed loading areas be restricted in accordance with this testimony. This truck size limitation and the location of the proposed loading doors, within an existing loading area, permits such vehicles to safely maneuver both on and off the site. As such, vehicles utilizing the proposed loading areas will not need to back into the site from Commerce Road, and direct access to the site is maintained from the existing western-most driveway on Commerce Road. In addition, excess noise, odor, vibration, or glare will not be generated as a result of the proposed loading areas. It is anticipated that the number of vehicle trips generated by the proposed loading areas will not cause significant changes to current traffic patterns in the neighborhood.

Other improvements proposed as part of this application include the elimination of eight passenger vehicle parking spaces, which

will allow for safe and efficient maneuvering of trucks under 30 feet in length. These vehicles will be able to access the proposed loading docks in a safe manner without negatively effecting Commerce Road. The proposed improvements will have no impact to the public safety and will result in efficient circulation patterns on the site.

v. The variance will not have a substantial adverse environmental impact.

The granting of the requested variance will not have any adverse environmental impacts. No environmentally sensitive areas, such as wetlands or stormwater facilities, will be disturbed. The proposed loading areas will be located on existing impervious surfaces, and the amount of open space will not be altered. The requested variance to locate the proposed loading areas within the front yard facing Commerce Road will not cause the NJMC's environmental performance standards for noise, glare, vibrations, airborne emissions, or hazardous materials to be exceeded.

vi. The variance represents the minimum deviation from the regulations that will afford relief.

The requested variance represents the minimum deviation from the regulations that will afford relief. Potential locations to provide alternative loading areas outside of the southerly front yard facing Commerce Road are limited due to the existing site layout and building configuration. There is no feasible alternative location for loading docks on the property due to a narrow rear yard containing a 10-foot-wide easement, a monopole with cell antennas and

associated equipment located to the west of the building, and a small building setback of 40.9 feet to the east of the building. These physical characteristics leave insufficient area remaining for the creation of functional loading areas on the site. The applicant proposes to remove eight car parking spaces in order to accommodate the proposed loading doors within the existing loading area, while maintain the required minimum number of parking spaces to support the use of the premises. Therefore, the proposed variance represents the minimum deviation from the regulations that will afford relief.

vii. Granting the variance will not substantially impact the intent and purpose of these regulations.

The intent and purpose of front yard loading regulations are rooted in the promotion of public safety and aesthetics. Although this proposal locates loading areas in the front yard, public safety will not be adversely impacted. The applicant proposes to limit vehicle sizes at the proposed loading spaces to a maximum 30 feet in length in order to ensure on-site circulation continues to function safely and efficiently. Therefore, all truck movements to access the loading areas will occur entirely on the site and will not impede on-site or off-site circulation. There will be no impact to the Commerce Road right-of-way. The proposed loading areas will not be a significant detriment to area aesthetics, as the two loading doors are being proposed adjacent to two existing non-conforming loading areas in the Commerce Road front yard. The site will, therefore, be utilized in a safe and orderly manner. Therefore, the proposed loading doors within an existing loading area facing

Commerce Road will not substantially impair the intent and purpose of these regulations.

IV. SUMMARY OF CONCLUSIONS

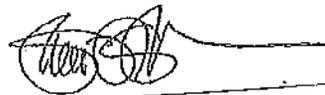
A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.3(b)1, which does not permit loading in any front yard. Two loading docks are proposed in the front yard facing Commerce Road.

Based on the record in this matter, the bulk variance application to construct two additional loading areas in the front yard facing Commerce Road is hereby recommended for **CONDITIONAL APPROVAL** subject to the following conditions:

1. The size of the vehicles utilizing the two proposed loading areas shall not exceed 30 feet in length.

CONDITIONAL APPROVAL
RECOMMENDATION ON
VARIANCE REQUEST

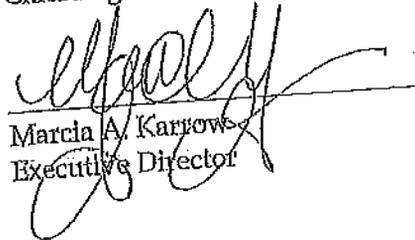
1/20/15
Date



Sara J. Sundell, P.E., P.P.
Director of Land Use Management
Chief Engineer

conditional approval
RECOMMENDATION ON
VARIANCE REQUEST

1/30/15
Date



Marcia A. Karrow
Executive Director

RESOLUTION - 2015 -

RESOLUTION ISSUING A DECISION ON THE
USE VARIANCE AND BULK VARIANCE APPLICATIONS
SUBMITTED AS PART OF
FILE NO. 14-384 319 TONNELE AVE. / STORQUEST - NEW BLDG. -
VARIANCES
BLOCK 5302, LOT 2, IN THE CITY OF JERSEY CITY

WHEREAS, applications for one use variance and five bulk variances were filed with the New Jersey Meadowlands Commission (NJMC) by Douglas F. Doyle, Esq., of the firm, Decotilis, FitzPatrick & Cole, LLP, on behalf of William Warren Properties, Inc., for the premises identified as 319 Tonnele Avenue, Block 5302, Lot 2, in the City of Jersey City, New Jersey; and

and WHEREAS, the premises is located in the Commission's Intermodal B zone;

WHEREAS, the use variances and bulk variances are sought in connection with the applicant's proposal to construct a self-storage facility and related improvements on the subject premises; and

WHEREAS, the applicant requested variance relief from N.J.A.C. 19:4-5.94(a), which does not permit self-storage facilities in the Intermodal B zone; and

WHEREAS, the applicant also requested relief from N.J.A.C. 19:4-5.98(a) 3iii, which requires a minimum rear yard setback of 75 feet, whereas the applicant is proposing a rear yard setback of 52.07 feet; and

WHEREAS, the applicant also requested relief from N.J.A.C. 19:4-8.4(a) Table 8-1, which requires six loading spaces at 12 feet by 60 feet based on the proposed floor area of 151,500 square feet, whereas the applicant is proposing to provide five loading spaces at 12 feet by 60 feet; and

WHEREAS, the applicant also requested relief from N.J.A.C. 19:4-8.2(b)1, which does not permit vehicular use areas in the required front yard, whereas the applicant is proposing to construct parking and circulation areas in the front yard; and

WHEREAS, the applicant also requested relief from N.J.A.C. 19:4-8.3(b)1, which does not permit loading in the front yard, whereas the applicant is proposing to construct 25 loading doors and four loading spaces along the Utica Street front yard; and

WHEREAS, the applicant also requested relief from N.J.A.C. 19:4-8.14(h) Table 8-5, which permits a maximum of two signs per front yard, whereas the applicant is proposing one pole sign and three wall signs, for a total of four signs; and

WHEREAS, notice of the requested use variance and bulk variance relief was given to the public and all interested parties as required by law and was published in the Jersey Journal newspaper; and

WHEREAS, a public hearing was held in the Office of the NJMC on Thursday, November 13, 2014, before Sara Sundell, Director of Land Use Management and Chief Engineer; Sharon Mascaró, Deputy Director of Land Use Management and Deputy Chief Engineer; Mia Petrou, Senior Planner; and Fawzia Shapiro, Senior Engineer; and

WHEREAS, a comprehensive report dated January 28, 2015, has been prepared indicating the recommendations of the Director of Land Use Management and the Executive Director in this matter; and

WHEREAS, a copy of the recommendation and comprehensive report was provided to the applicant on January 29, 2015; and

WHEREAS, the report recommends approval of the use variance, requested in accordance with N.J.A.C. 19:4-5.94(a), to permit a self-storage facility on the subject premise; and

WHEREAS, the report also recommends approval of the requested bulk variance from N.J.A.C. 19:4-5.98(a) 3iii, to permit a minimum rear yard setback of 52.07 feet; and

WHEREAS, the report also recommends approval of the requested bulk variance from N.J.A.C. 19:4-8.4(a) Table 8-1, to permit five loading spaces at 12 feet by 60 feet; and

WHEREAS, the report also recommends approval of the requested bulk variance from N.J.A.C. 19:4-8.2(b)1, to permit parking and circulation areas in the front yard; and

WHEREAS, the report also recommends approval of the requested bulk variance from N.J.A.C. 19:4-8.3(b)1, to permit 25 loading doors and four loading spaces along the Utica Street front yard; and

WHEREAS, the report also recommends approval of the requested bulk variance from N.J.A.C. 19:4-8.14(h) Table 8-5, to permit one pole sign and three wall signs, for a total of four signs on the premises; and

WHEREAS, effective February 5, 2015, the New Jersey Meadowlands Commission has become part of the New Jersey Sports and Exposition Authority.

WHEREAS, the members of the NJSEA have reviewed the full record including the transcripts of the public hearings, recommendations on the application by the Director of Land Use Management and by the Executive Director, and the submissions of the applicant; and

WHEREAS, the members of the NJSEA concur with the recommendations of the Director of Land Use Management and the Executive Director; and

WHEREAS, the NJSEA hereby determines that the use variance, requested in accordance with N.J.A.C. 19:4-5.94(a), to permit a self-storage facility on the subject premises, conforms with the standards for approving applications for variances as set forth in N.J.A.C. 19:4-4.14(e); and

WHEREAS, the NJSEA hereby further determines that the requested variance from N.J.A.C. 19:4-5.98(a) 3iii, to provide a minimum rear yard setback of 52.07 feet, conforms with the standards for approving applications for variances as set forth in N.J.A.C. 19:4-4.14(e); and

WHEREAS, the NJSEA hereby further determines that the requested variance from N.J.A.C. 19:4-8.4(a) Table 8-1, to permit five loading spaces at 12 feet by 60 feet, conforms with the standards for approving applications for variances as set forth in N.J.A.C. 19:4-4.14(e); and

WHEREAS, the NJSEA hereby further determines that the requested variance from N.J.A.C. 19:4-8.2(b)1, to permit parking and circulation areas in the front yard, conforms with the standards for approving applications for variances as set forth in N.J.A.C. 19:4-4.14(e); and

WHEREAS, the NJSEA hereby further determines that the requested variance from N.J.A.C. 19:4-8.3(b)1, to permit 25 loading doors and four loading spaces along the Utica Street front yard, conforms with the standards for approving applications for variances as set forth in N.J.A.C. 19:4-4.14(e); and

WHEREAS, the NJSEA hereby further determines that the requested variance from N.J.A.C. 19:4-8.14(h) Table 8-5, to permit one pole sign and three wall signs, for a total of four signs on the premises conforms with the standards for approving applications for variances as set forth in N.J.A.C. 19:4-4.14(e).

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the 319 Tonnele Ave. / StorQuest - New Bldg. - Variances application for one use variance, in accordance with N.J.A.C. 19:4-5.94(a), to permit a self-storage facility on the subject premises, is hereby **APPROVED** for the reasons set forth in the recommendation dated January 28, 2015.

BE IT FURTHER RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the 319 Tonnele Ave. / StorQuest - New

Bldg. - Variances application for one bulk variance from N.J.A.C. 19:4-5.98(a) 3iii, to permit a minimum rear yard setback of 52.07 feet, is hereby **APPROVED** for the reasons set forth in the recommendation dated January 28, 2015.

BE IT FURTHER RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the 319 Tonnele Ave. / StorQuest - New Bldg. - Variances application for one bulk variance from N.J.A.C. 19:4-8.4(a) Table 8-1, to permit five loading spaces at 12 feet by 60 feet, is hereby **APPROVED** for the reasons set forth in the recommendation dated January 28, 2015.

BE IT FURTHER RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the 319 Tonnele Ave. / StorQuest - New Bldg. - Variances application for one bulk variance from N.J.A.C. 19:4-8.2(b)1, to permit parking and circulation areas in the front yard, is hereby **APPROVED** for the reasons set forth in the recommendation dated January 28, 2015.

BE IT FURTHER RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the 319 Tonnele Ave. / StorQuest - New Bldg. - Variances application for one bulk variance from N.J.A.C. 19:4-8.3(b)1, to permit 25 loading doors and four loading spaces along the Utica Street front yard, is hereby **APPROVED** for the reasons set forth in the recommendation dated January 28, 2015.

BE IT FURTHER RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the 319 Tonnele Ave. / StorQuest - New Bldg. - Variances application for one bulk variance from N.J.A.C. 19:4-8.14(h) Table 8-5, to permit one pole sign and three wall mounted signs, for a total of four signs on the premises, is hereby **APPROVED** for the reasons set forth in the recommendation dated January 28, 2015.

Adopted:

NJSEA Board Members and President Wayne Hasenbalg

February 26, 2015

Sara J. Sundell

Use Variance and Bulk Variance Recommendation - 319 Tonnele Ave. / StorQuest -
New Bldg. - Variances (File #14-384)

Applications for one use variance and five bulk variances were filed with the New Jersey Meadowlands Commission (NJMC) by Douglas F. Doyle, Esq., of the firm, DeCotiis, FitzPatrick & Cole, LLP, on behalf of William Warren Properties, Inc., for the premises identified as 319 Tonnele Avenue, Block 5302, Lot 2, in the City of Jersey City, New Jersey. The subject premises is located in the Commission's Intermodal B zone.

The use variance and bulk variances were sought in connection with the applicant's proposal to construct a self-storage facility and related improvements on the subject premises.

The applicant requested special exception approval and bulk variance relief from the following:

1. N.J.A.C. 19:4-5.94(a), which does not permit self-storage facilities in the Intermodal B zone.
2. N.J.A.C. 19:4-5.98(a) 3ili, which requires a minimum rear yard setback of 75 feet, whereas the applicant is proposing a rear yard setback of 52.07 feet.
3. N.J.A.C. 19:4-8.4(a) Table 8-1, which requires six loading spaces at 12 feet by 60 feet based on the proposed floor area of 151,500 square feet, whereas the applicant is proposing to provide five loading spaces at 12 feet by 60 feet.
4. N.J.A.C. 19:4-8.2(b)1, which does not permit vehicular use areas in the required front yard, whereas the applicant is proposing to construct parking and circulation areas in the front yard.
5. N.J.A.C. 19:4-8.3(b)1, which does not permit loading in the front yard, whereas the applicant is proposing to construct 25 loading doors and four (4) loading spaces along the Utica Street front yard.
6. N.J.A.C. 19:4-8.14(h) Table 8-5, which permits a maximum of two signs per front yard, whereas the applicant is proposing one pole sign and three wall signs, for a total of four signs.

A public hearing was held in the Office of the NJMC on Thursday, November 13, 2014.

In a comprehensive report, dated January 28, 2015, the Director of Land Use Management and the Executive Director recommended approval of the requested use variance to permit a self-storage facility on the subject premises.

The report recommended the approval of the requested bulk variance to permit a rear yard setback of 52.07 feet.

The report recommended the approval of the requested bulk variance to permit five loading spaces at 12 feet by 60 feet.

The report recommended the approval of the requested bulk variance to permit parking and circulation areas in the front yard.

The report recommended the approval of the requested bulk variance to permit 25 loading doors and four loading spaces along the Utica Street front yard.

The report also recommended the approval of the requested bulk variance to permit one pole sign and three wall signs, for a total of four signs on the premises.

A copy of the comprehensive report, including the use variance and bulk variance recommendations, was provided to the applicant on January 29, 2015.

At this time, the Board is required to issue a decision on the use variance and bulk variance applications described above. A resolution requesting the same is attached for your consideration.

RECOMMENDATION ON THE VARIANCE APPLICATIONS OF

319 Tonawale Ave. / Stou Quest - New Bldg. - Variances

FILE # 14-384

I. INTRODUCTION

Applications for one (1) use variance and five (5) bulk variances have been filed with the New Jersey Meadowlands Commission (NJMC) by Douglas F. Doyle, Esq., of the firm DeCotulis, FitzPatrick & Cole, LLP, on behalf of William Warren Properties, Inc., for the premises identified as 319 Tonawale Avenue, Block 5302, Lot 2, in the City of Jersey City, New Jersey. The subject premises is located in the Commission's Intermodal B zone. The variances are sought in connection with the applicant's proposal to construct a self-storage facility and related improvements on the subject premises.

Specifically, the applicant is requesting variance relief from the following:

1. N.J.A.C. 19-4-5.94(a), which does not permit self-storage facilities in the Intermodal B zone.
2. N.J.A.C. 19-4-5.98(a)(ii), which requires a minimum rear yard setback of 75 feet, whereas the applicant is proposing a rear yard setback of 72.07 feet.
3. N.J.A.C. 19-4-8.4(d), Table 8-1, which requires six loading spaces at 12 feet by 60 feet based on the proposed floor area of 151,500 square feet, whereas the applicant is proposing to provide five loading spaces at 12 feet by 60 feet.
4. N.J.A.C. 19-4-8.2(b)(1), which does not permit rectangular use areas in the required front yard, whereas the applicant is proposing to construct parking and circulation areas in the front yard.
5. N.J.A.C. 19-4-8.3(b)(1), which does not permit loading in the front yard, whereas the applicant is proposing to construct 25 loading doors and four (4) loading spaces along the Utica Street front yard.

6. N.J.A.C. 19-4-8.14(b), Table 8-5, which permits a maximum of two signs per front yard, whereas the applicant is proposing one pole sign and three wall signs for a total of four signs.

Notice was given to the public and all interested parties as required by law. The public notice was published in the Jersey Journal newspaper. No written objections were submitted to the Division of Land Use Management. A public hearing was held in the Office of the Commission on Thursday, November 13, 2014. All information submitted to the Division of Land Use Management relative to this application is made part of the record of this recommendation.

II. GENERAL INFORMATION

A. Existing and Proposed Use

The subject parcel is an undeveloped 3.05-acre lot that has remained unimproved for approximately 50 years and is located in the Commission's Intermodal B zone. The site is triangular in shape and slopes about 15 feet in elevation from the east to the west side. The lot has frontage on Utica Street to the south and the St. Peter's Cemetery is located opposite the site on Utica Street. The adjacent properties to the north and west contain railroad rights-of-way, and these lots are significantly lower in elevation than the subject lot. Tonawale Avenue (U.S. Routes 1 & 9) is east of the site and commercial and industrial properties are located across Tonawale Avenue. Residences are located further east of Tonawale Avenue, approximately 500 feet east of the subject site. Access to Utica Street is provided from Tonawale Avenue. Utica Street is paved for approximately 80 feet from the Tonawale Avenue intersection, and then continues as a 12-foot wide gravel right-of-way.

The property contains historic fill and is proposed to be remediated in order to construct a three-story self-storage facility with a cellar and related site improvements. Remediation activities include the capping of the site with pavement and building foundations, as well as the installation of a geotextile membrane along the sloped expanse near the north property line. The proposed building footprint is 88,575 square feet and the facility contains a total of 131,500 square feet of floor area. Site improvements include a one-way access drive around the building and parking and loading areas. Offsite improvements include pavement installation on Utica Street and an increase in the roadway width from 12 feet to 20 feet for a distance of 260 feet. The site is accessed from Tommele Avenue and the improved portion of Utica Street.

B. Response to the Public Notice

No written comments or objections were submitted to this Office regarding this application prior to the public hearing.

III PUBLIC HEARING (November 13, 2014)

A public hearing was held on Thursday, November 13, 2014. NJMAC staff in attendance were Sara Surdell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon Mascaro, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer; Mia Farou, P.P., AICP, Senior Planner; and Fawzia Shapiro, P.E., P.P., Senior Engineer.

A. Exhibits

The following is a list of the exhibits submitted by the applicant at the public hearing and marked for identification as follows:

| Number | Description |
|--------|--|
| A-1 | A rendering showing the proposed site improvements. |
| A-2A | "Proposed Elevations" Sheet A-200, prepared by Frank G. Relf Architect, P.C., dated June 24, 2014 and revised through October 2, 2014. |
| A-2B | "Signage Calculations," Sheet A-201, prepared by Frank G. Relf Architect, P.C., dated June 24, 2014 and revised through October 2, 2014. |
| A-3 | A rendering showing the proposed pole sign as viewed from Tommele Avenue in the southbound direction. |
| A-4 | An aerial photograph showing the proposed building and view point of the proposed south wall sign from Tommele Avenue in the northbound direction. |
| A-5 | "Planning Report for 319 Tommele Avenue," prepared by Neglia Engineering Associates and dated October 6, 2014. |
| A-6 | "Proposed Cellar and First Floor Plans," prepared by Frank G. Relf Architect, P.C., dated June 24, 2014 and revised through October 2, 2014. |
| A-7 | "Proposed Second and Third Floor Plans," prepared by Frank G. Relf Architect, P.C., dated June 24, 2014 and revised through October 2, 2014. |
| A-8 | "Proposed Exception/Lounge Area at First Floor," prepared by Frank G. Relf Architect, P.C., dated June 24, 2014 and revised through October 2, 2014. |
| A-9 | "Site Plan," Sheet 2, prepared by Neglia Engineering Associates, dated June 23, 2014 and revised through October 14, 2014. |
| A-10 | "Tractor Trailer Truck Turning Plan," prepared by Neglia Engineering Associates, dated June 23, 2014 and revised through October 8, 2014. |

IV. RECOMMENDATIONS

A. Standards for the Granting of a Use Variance from the Provisions of N.J.A.C. 19:45-24(a) which does not permit self-storage facilities in the Intermodal B zone.

The NIMC Zoning Regulations at N.J.A.C. 19:45-24(a) state in part that a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...

2. Concerning use variances:
 - i. The strict application of these regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.

The subject site is located in the Intermodal B zone, which is intended to accommodate high-intensity transportation facilities, including rail and trucking facilities and supporting uses. However, the high intensity uses that are permitted in the zone are not compatible with the characteristics of the subject lot.

The site is irregularly-shaped, with a lot depth of 218.5 feet at the west end of the site, and a lot depth approaching zero feet toward the east end due to the angle of the northerly property line, creating a triangular-shaped parcel. Development of the site for a permitted use is further constrained due to topographical conditions that exist on the site. The site slopes approximately 15 feet in elevation from east to west. Steep slopes are also present at the north side, rendering a strip of land area between 20 and 30 feet wide along the northerly property boundary as essentially unusable for development.

"Single Unit Truck Turning Plan" prepared by Negha Engineering Associates, dated June 23, 2014 and revised through October 3, 2014.

"Grading and Drainage Plan" prepared by Negha Engineering Associates, dated June 23, 2014 and revised through October 3, 2014.

Compact disc with animated simulation that provides the drivers' views of the subject property and signage from Tonnelle Avenue.

B. Testimony

Douglas F. Doyle, Esq. of the firm DeCotis, Fitzpatrick & Cole, LLP, represented William Warren Properties, Inc., at the hearing. The following witnesses testified in support of the application:

1. Gary Sugaman, William Warren Properties, Inc.
2. Gregory Polyniak, P.E., P.P., Negha Engineering Associates
3. Frank G. Reif, Frank G. Reif Architect, P.C.

Self findings and recommendations are based on the entire record. A transcript of the public hearing was prepared and transcribed by Susan Bischoff, Certified Court Reporter.

C. Public Comment

No members of the public were present to comment on the application.

ii. The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

The granting of the variance to permit the construction of a self-storage facility and related site improvements on the subject property will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. The subject site is an unimproved lot that has remained undeveloped for approximately 50 years. St. Peter's Cemetery is located opposite the site on Ulica Street and will not be substantially impacted by the proposed use. The properties to the north and west contain rail lines and railroad right-of-ways, and are significantly lower in elevation than the subject lot. Since the railroad properties are not accessed from Ulica Street or Tonnelé Avenue, the proposed use will have minimal impact on the current operations of these lots. Commercial and industrial properties are located further north and west of the railroad parcels. Tonnelé Avenue, a divided state highway, is east of the site and commercial and industrial properties are located across Tonnelé Avenue. Residences are located further east of the site, approximately 500 feet across Tonnelé Avenue. The proposed storage facility use is compatible with the commercial uses in the surrounding area and will not negatively impact area residents, nor will it hinder operations of neighboring businesses or the cemetery. The applicant testified that there is a need for the proposed self-storage facility in the area, which can serve nearby residents and the general public.

Access to the site also represents an exceptional practical difficulty in its development for its zoned industrial usage. Access is available via Ulica Street, a narrow dead-end roadway having a single entrance point via Tonnelé Avenue to the east. Ulica Street is, for the most part, an unimproved right-of-way. Only an 80-foot length of this roadway, extending west from Tonnelé Avenue, is paved, and, beyond that point, it consists of a 12-foot-wide gravel roadway, although the width of the right-of-way is 50 feet. The applicant testified that the limited Ulica Street right-of-way further hinders the ability to locate a permitted use on the property since the roadway width could not safely accommodate the continuous tractor trailer movement associated with many of the permitted uses. Further, the site has limited access to utility infrastructure that would be required for high intensity transportation uses, such as gas or sewer service.

These multiple constraints impact the ability to feasibly accommodate a permitted use on the premises, as evidenced by the property remaining undeveloped for approximately 50 years, during which time it has been subject to industrial zoning since the inception of the NJMC.

Therefore, the strict application of the regulations relating to the proposed use creates exceptional or undue hardship upon the property owner.

Access to the site is provided from Utica Street via Tommele Avenue. The applicant is proposing improvements to Utica Street that will benefit not only the storage facility users, but will also improve public access to the adjoining cemetery. Keyways, security gates and fencing around the site perimeter are proposed for monitoring and security purposes. The applicant testified that storage facility clients are typically the general public and related traffic will be from cars and vans accessing the site rather than the continuous circulation of tractor trailers.

Therefore, a self-storage facility, as proposed at this location, would not result in significant adverse impacts to neighboring properties or the public.

iii. *Adequate infrastructure, including storm and sanitary sewers, utilities, access roads, will be provided and shall be so designed to prevent and/or minimize negative impacts upon the existing infrastructure. In addition, the proposed use will not decrease the ability of said infrastructure to perform in a safe and efficient manner.*

The subject site is undeveloped and there is limited access to utility infrastructure. A stormwater management system, including a subsurface detention basin, is proposed to decrease post-development peak flow rates to the allowable release rates. The project also addresses water quality requirements for stormwater runoff generated by the improvements.

The applicant testified there is no sanitary sewer line in Utica Street, and the sanitary main within Tommele Avenue is located a

substantial distance away from the site. The applicant is proposing to install three sewage holding tanks on the premises that will be pumped in accordance with the NJMC regulations. It is expected that the volume of sewage generated by the use will be minimal and can be accommodated by the three holding tanks. Therefore, there will be no impact to the offsite sewer main in Tommele Avenue.

Additionally, underground propane tanks are proposed to service the site, and a water line is to be extended through Utica Street from the water main in Tommele Avenue. Therefore, the proposed use will not negatively impact the existing utility infrastructure in the neighborhood.

iv. *The variance will not have a substantial adverse environmental impact.*

The proposed use variance will not have a substantial adverse environmental impact. The granting of the requested variance to permit a proposed self-storage facility will allow the site, which contains historic fill, to be remediated in accordance with NJDEP requirements. Remediation activities include the capping of the site with pavement and the building foundation, as well as the installation of a geotextile membrane along the sloped expanse near the northerly property line. The applicant testified that topsoil and small plants would be installed over the membrane within the sloped area to provide additional green space on the premises. The proposed use will not cause the NJMC performance standards to be exceeded for noise, vibration, airborne emissions, glare, hazardous and radioactive materials or wastewater. If the use variance is not granted, it is possible that the site will not be remediated.

v. The variance will not substantially impair the intent and purpose of these regulations.

The stated purpose of the Intermodal B zone is "to accommodate high-intensity transportation facilities that are located proximate to rail lines in the District and whose operations are related to port and rail activities, including rail and trucking facilities and supporting uses." Additionally, one of the general purposes of the NJMC regulations is to promote development in accordance with good planning principles that relate to type, design, and layout of such development to both the particular site and the surrounding environs. The applicant testified that it is unlikely that an efficient and functional warehouse could be constructed on the lot based on a number of site constraints. The presence of steep slopes and the unusual triangular shape of the lot are encumbrances that negatively impact the ability to locate a functioning and permitted building on the premises, such as a warehouse or truck terminal, both of which require large expanses of level flooring. The steep slopes located along the northerly property line, adjacent to the rail line, result in a grade separation between the properties that preclude its development with intermodal usage in accordance with the purposes of the zone.

Additionally, the site fronts on Utica Street, a narrow, 30-foot-wide right-of-way which is mostly unimproved. The applicant testified that the substandard Utica Street right-of-way impedes the development of many of the permitted uses in the zone, as the roadway could not safely or efficiently accommodate the

continuous tractor trailer movement that is associated with the higher intensity industrial uses that are permitted. In addition, the site has limited access to the utility infrastructure, such as gas and sewer service, that would be required for a high intensity use permitted in the zone.

The proposed self-storage facility, while comparable to a permitted warehouse facility, is a less intense use and better suited to this particular site. Therefore, the proposed self-storage facility at this particular location will not substantially impair the intent and purpose of the regulations.

vi. The variance at the specified location will contribute to and promote the intent of the NJMC Master Plan.

The NJMC Master Plan designates the subject premises as a part of the District's Logistics/Intermodal/Industrial planning area. While the Master Plan's planning areas do not constitute zoning districts, the planning objectives for these areas provide the foundation for the NJMC district zone regulations. The zone plan and regulations reflect the spirit and intent of the Master Plan and are the mechanism by which the policies and principles of the Master Plan are implemented and enforced.

The Logistics/Intermodal/Industrial planning area relies heavily on trucking services and the trucking industry. In addition, one of the goals of the Master Plan is to promote a suitable array of land uses that encourage economic vitality, create jobs, and support public health, safety, and general welfare. Although the site is

located proximate to Tornele Avenue, which can adequately accommodate truck traffic, Utica Street has limited right-of-way that could create safety issues if multiple tractor trailers required frequent access and circulation within the roadway. The proposed use provides less related traffic than that associated with the industrial uses permitted in the zone.

The proposed use will enable the development of an underutilized site and will promote economic vitality in the area. The proposed use will fill a need for a storage facility to be used principally by the general public, which serves the general welfare. In addition, the project proposes the remediation of the site, which further benefits the public health and safety. Accordingly, the proposed self-storage use will contribute to and promote the intent of the NJMC's Master Plan and zoning regulations.

B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 17:27-9.1(b)(3)(ii), which requires a minimum rear yard setback of 75 feet, whereas the applicant is proposing a rear yard setback of 52.07 feet.

The NJMC Zoning Regulations at N.J.A.C. 17:27-9.1(a) state in part that a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...

- I. Concerning bulk variances:
 - i. The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.

The requested variance to permit a rear yard setback of 52.07 feet, whereas a 75-foot setback is required, arises from conditions that are unique to the site. The subject site is triangular in shape and slopes approximately 15 feet in elevation from east to west. The lot depth at the west end of the site is 218.6 feet and narrows to zero feet at the east side of the property, creating the triangular shape of the parcel. The irregular shape of the property results in a wedge-shaped building envelope that is approximately 90 feet wide on the west side and then tapers down to a point on the east side. This creates less developable and usable area on the lot for constructing improvements and negatively impacts the rear yard setback. These conditions are not a common scenario in the Intermodal B zone, and were not created by any action of the property owner or applicant.

- ii. The granting of the variance will not adversely affect the rights of neighboring property owners or residents.

The granting of the requested variance to provide a rear yard setback of 52.07 feet, where a setback of 75 feet is required, will not adversely affect the rights of neighboring property owners. The subject site is an unimproved lot with frontage on Utica Street. St. Peter's Cemetery is located to the south of the site across Utica Street. The properties immediately north and west of the site contain railroad right-of-ways. Both railroad parcels are also significantly lower in elevation than the subject property, with limited views of the subject site. The proposed encroachment would be unnoticeable to the adjacent railroad properties.

Tornale Avenue is east of the site and commercial and industrial properties are along Tornale Avenue. While there are no immediately adjacent residential uses, there are residences located approximately 500 feet east of the site, across Tornale Avenue. In addition to this distance, the east facade of the proposed building is set back nearly 400 feet from Tornale Avenue. Therefore, the proposed encroachment would be indistinguishable from the Tornale Avenue viewshed and area residents. Finally, there are no improvements planned on the subject lot that could negatively impact the operations of neighboring properties. Therefore, the granting of the variance will not adversely affect the rights of neighboring properties.

iii. *The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.*

The strict application of the minimum-rear yard setback regulations would result in practical difficulties and undue hardship upon the applicant and property owner. The subject site is triangular in shape, with a lot depth of 218.6 feet at the westerly property boundary, which narrows to zero feet at the east side of the property, creating the triangular shape of the parcel. The irregular shape of the property results in a wedge-shaped building envelope that is approximately 90 feet wide on the west side and then tapers down to a point on the east side. The design of the proposed storage building is also irregular, with notches along the north facade to follow the curve of the northerly property line. The irregular shape of the lot creates insufficient room to locate a

functioning and viable structure that meets all setback requirements. These practical difficulties would apply to any structure placed on the premises. If the regulations were strictly enforced, the proposed building would need to be scaled down substantially, which would render the project unfeasible, and the property would continue to remain undeveloped.

iv. *The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.*

There will be no substantial detriment to the public good and no adverse effects on the public health, safety, morals, order, convenience, prosperity or general welfare by the granting of the requested variance. The proposed rear yard setback of 52.07 feet will not be noticeable to the adjacent railroad property located north of the site, and will not impact any activities occurring on that property. In addition, the proposed rear yard setback will not create unsafe conditions on the subject property, as there will be sufficient room for vehicular and emergency fire apparatus circulation within the 24-foot-wide, one-way access road around the building perimeter.

v. *The variance will not have a substantial adverse environmental impact.*

The granting of the requested variance to encroach into the required rear yard setback will not result in substantial adverse environmental impacts. The Intermodal B zone requires compliance with the NJMC's Category C performance standards.

NIMC performance standards will be met for noise, vibration, airborne emissions, glare, hazardous and radioactive materials, and wastewater. The project proposes environmental remediation by capping the site with pavement and the building foundation, as well as the installation of a geo-membrane over the steep slopes along the northerly property line. The applicant is proposing to install additional landscaping over the geo-membrane, which will increase open space on the premises in excess of the required 15 percent. As such, the granting of the requested variance will not result in any substantial adverse environmental impacts.

vi. The variance represents the minimum deviation from the regulations that will afford relief.

The requested variance represents the minimum deviation from the regulations that will afford relief. The requested variance balances the setback regulations with the specific site conditions. The irregular shape of the lot and physical site conditions create significant practical difficulties in the creation of a viable development within the building envelope. The proposed building complies with the required front yard and side yard setbacks, and provides more open space than the minimum requirements. Adjusting the rear yard setback to meet the minimum setback requirement would impact the viability and function of the structure, and could create other variance conditions. Therefore, the variance represents the minimum deviation from the regulations that will afford relief.

vii. Granting the variance will not substantially impair the intent and purpose of these regulations.

Specific purposes of the NJMC regulations include providing sufficient space in appropriate locations for a variety of uses, and to ensure that such uses are suitably sited and placed in order to relate buildings and uses to each other and to the environment so that aesthetics and use values are maximized. The proposal for the placement of the storage building with a minimum rear yard setback of 52.17 feet efficiently balances the zoning requirements for the Innermodal B zone with the specific characteristics of the site. The irregular shape of the lot creates insufficient room to locate a usable structure that meets all required setbacks. The applicant has designed a functional structure to fit in the building envelope to the maximum extent possible. The front and side yard setback requirements are met, and the encroachment into the rear yard setback does not negatively impact aesthetics onsite or create unsafe conditions for customers. Therefore, the proposed variance would not substantially impair the intent and purpose of the NJMC regulations.

C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 17:27.4(a) Table B-1, which requires six loading spaces at 12 feet by 60 feet based on the proposed floor area of 151,500 square feet, whereas the applicant is proposing to provide five loading spaces at 12 feet by 60 feet.

The NJMC Zoning Regulations at N.J.A.C. 17:27.4(a) state in part that a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...

1. Concerning bulk variances:

- i. The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.

The requested variance to permit five loading spaces for a proposed storage facility, whereas six loading spaces are required, arises from conditions that are unique to the site. The subject site is triangular in shape and slopes approximately 15 feet in elevation from east to west. Steep slopes are present along the northerly property line, making a swath of land approximately 20 to 30 feet in width at this portion of the lot essentially unusable for development.

Additionally, the lot depth at the west end of the site is 218.6 feet and narrows to zero feet at the east-side of the property, creating the triangular shape of the parcel. The irregular shape of the lot combined with the presence of steep slopes, result in less developable and usable area on the lot than in other lots in the same zone. There is less flexibility and suitable area for the placement of site improvements, such as loading spaces. These conditions are not a common scenario in the Intermodal B zone and were not created by any action of the property owner or applicant.

- ii. The granting of the variance will not adversely affect the rights of neighboring property owners or residents.

The granting of the requested variance to permit five loading spaces, whereas six loading spaces are required, will not adversely affect the rights of neighboring property owners.

The applicant testified that the number of loading spaces that are proposed far exceed the amount typically needed by self-storage facility customers. The self-storage clientele is the general public and their mode of transportation is primarily a car or van. The self-storage facility is not marketed to businesses that utilize tractor trailers or other large vehicles for the movement of goods. A total of five loading spaces, each with a dimension of 12 feet by 60 feet are proposed for the building, and are sufficient to satisfy the operations of the facility and the needs of its users. The building is equipped with two interior loading areas and multiple drive-up units that allow customers to load and unload at their specific unit. The 12 feet by 60 feet loading spaces are available to service any large trucks that may need to access the site on occasion. The provision of one less loading space than required will not negatively impact Utica Street or the cemetery directly to the south of the property in question. Similarly, the railroad properties to the north and west will not be impacted, and will continue to function as intended. Finally, while there are no immediately adjacent residential uses, there will be no impact to the area residences located approximately 500 feet east of the site, across Tonawela Avenue, a multiple-lane divided roadway. Therefore, the granting

of the requested variance will not adversely affect the rights of neighboring property owners.

iii. The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.

The strict application of the regulations regarding minimum loading requirements would result in practical difficulties and undue hardship upon the applicant and property owner. The applicant is proposing to construct five loading spaces, each in compliance with the minimum required loading space dimensions of 12 feet by 60 feet whereas six loading spaces are required. Based on the applicant's historic operations data for similar storage facilities, the five 12 feet by 60 feet proposed loading spaces are sufficient to satisfy customer needs. The self-storage business's typical clientele is the general public utilizing cars and vans to move goods to and from the facility. Tractor trailer visits to the site are minimal since the proposed self-storage use is not marketed to businesses. Additionally, there are several smaller loading areas to accommodate the loading needs of smaller vehicles throughout the site.

While the ability to locate an additional 12 feet by 60 feet loading space on the premises is constrained due to the irregular shape of the lot and the steep slope conditions, an additional conforming loading space could be provided if open space area along the property frontage were to be reduced. However, this would not be practical in this particular case since the applicant testified that an

additional loading space is not required for the use and will probably remain unused if constructed. Therefore, the strict application of the regulations requiring a minimum of six 12 feet by 60 feet loading spaces on the subject property would result in peculiar and exceptional practical difficulties and undue hardship upon the applicant.

iv. The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

There will be no substantial detriment to the public good and no adverse effects on the public health, safety, morals, order, convenience, prosperity or general welfare by the granting of the requested variance. The applicant testified that the number of loading spaces proposed is sufficient to support the proposed use, since approximately 80 percent of the customers of a self-storage facility utilize a car for moving their belongings. Sufficient parking is provided on the premises and a one-way loop road that is 24-feet wide provides adequate circulation around the building's perimeter. Therefore, it is not anticipated that any off-site impacts, such as the utilization of Ulca Street for staging of trailers, would result from the granting of the requested variance, and there would be no negative impact to public health or the general welfare.

v. The variance will not have a substantial adverse environmental impact.

The granting of the requested variance to construct five 12 feet by 60 feet loading spaces, whereas six are required, will not result in

substantial adverse environmental impacts. The Intermodal B zone requires compliance with the NIMC's Category C performance standards. These performance standards will be met for noise, vibration, airborne emissions, glare, hazardous and radioactive materials, and wastewater. The project proposes environmental remediation by capping the site with pavement and the building foundation, as well as the installation of a geo-membrane over the steep slopes along the northerly property line. The applicant is proposing to install additional landscaping over the geo-membrane, which will increase open space on the premises in excessance of the required 15 percent minimum. As such, the granting of the requested variance for one less loading space than required will not result in any substantial adverse environmental impacts.

vi. The variance represents the minimum deviation from the regulations that will afford relief.

The requested variance represents the minimum deviation from the regulations that will afford relief. The requested variance balances the requirements for the provision of loading spaces with specific use and site conditions. The irregular shape of the lot and the steep slopes onsite create limited room to provide an additional loading area, without decreasing green space on the premises. The applicant testified that the number of loading spaces proposed is sufficient to support the proposed use since approximately 90 percent of the customers of a self-storage facility utilize a car for moving their belongings, and there are several smaller loading areas throughout the site to accommodate the loading needs of

smaller passenger vehicles. Based on the applicant's historic operations data for similar storage facilities, five 12 feet by 60 feet loading spaces are sufficient to support the use. Sufficient parking is provided on the premises and a one-way loop road that is 24-feet-wide provides adequate circulation around the building's perimeter. Decreasing open space to provide an additional loading space that would not be used is not practical in this case. Therefore, the variance represents the minimum deviation from the regulations that will afford relief.

vii. Granting the variance will not substantially impair the intent and purpose of these regulations.

The intent of the NIMC's loading regulations is to estimate loading demand based on a particular use, in anticipation of the needs of the customers of such use. The applicant has testified that 80 percent of the customers of a self-storage facility utilize a car for moving their belongings and, therefore, the need for an additional loading space at 12 feet by 60 feet is not required for the proposed use. If constructed, the loading spaces would most likely remain unused, as tractor trailer movement on the site is expected to be very minimal. In addition, the building provides two large interior loading areas and multiple drive-up units, which provide loading opportunities geared to customer needs.

In addition, one of the purposes of the NIMC regulations is to promote development in accordance with good planning principles that relate to type, design, and layout of such development to both the particular site and the surrounding environs. The proposal for

parcel. The irregular shape of the property and the steep slope conditions along the northerly property line result in less developable and usable area for the placement of parking and vehicular use areas. A significant portion of the rear of the property, which contains steep slopes and historic fill that requires remediation, is impracticable for locating parking areas and access driveways. These conditions are not a common scenario in the Intermodal B zone, and were not created by any action of the property owner or applicant.

ii. *The granting of the variance will not adversely affect the rights of neighboring property owners or residents.*

The granting of the requested variance to provide parking and circulation areas in the required front yard will not adversely affect the rights of neighboring property owners. The subject site is an unimproved lot with frontage on Utica Street, a narrow right-of-way that provides access to only two properties: the subject property and a cemetery. St. Peter's Cemetery is located to the south of the site across Utica Street and can be characterized as a low-intensity land use that generates low volumes of traffic. Eight parking spaces are proposed to be located five feet from the front property line and the drive aisle is proposed to be located 15 to 20 feet from the front property line. This open portion of the front yard is sufficient to appropriately screen the parking and circulation areas from the right-of-way using an 8-foot-high fence with privacy slats and landscaping. The properties immediately north and west of the site contain railroad right-of-ways, which are not accessed via Utica Street. Both railroad parcels are significantly

the construction of five 12 feet by 50 feet loading spaces, whereas six spaces with these minimum dimensions are required, efficiently balances the zoning requirements for the Intermodal B zone with the specific characteristics of the site and use. The irregular shape of the lot and steep slopes conditions create practical difficulties in locating improvements on the site. While an additional loading space could be provided along the front yard, the end result would be the decrease of landscape area for a loading space that would most likely remain unused. Therefore, the proposed variance would not substantially impair the intent and purpose of the NIMC regulations.

D. Standards for the Granting of a Bulk Variance from the Provisions of N.I.A.C. 194.8.2(B) which does not permit vehicular use areas in the required front yard, whereas the applicant is proposing to construct parking and circulation areas in the front yard.

The NIMC Zoning Regulations at N.I.A.C. 194.4.4(e) state in part that a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...

1. Concerning bulk variances:

i. *The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.*

The requested variance to permit parking and circulation areas in the required front yard arises from conditions that are unique to the site. The subject site is triangular in shape and slopes approximately 15 feet in elevation from east to west. The lot depth at the west end of the site is 218.6 feet and narrows to zero feet at the east side of the property, creating the triangular shape of the

The unconventional shape of the lot and its physical characteristics result in insufficient area to locate a viable structure that fits within the building envelope, while also providing functional parking and circulation areas. If the regulations were strictly enforced, the proposed building would need to be sited down substantially to eliminate all parking and the loop road from the front yard, which would render the project unfeasible and result in a contaminated property continuing to remain undeveloped.

In. The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

There will be no substantial detriment to the public good and no adverse effects on the public health, safety, morals, order, convenience, prosperity or general welfare by the granting of the requested variance. The placement of parking and vehicular use areas within the required front yard setback will not be noticeable to the adjacent railroad properties located to the north and west of the site, nor to drivers on Tonneté Avenue. Similarly, the encroachments will not impact any activities occurring at the cemetery across Utica Street. The applicant is proposing an eight-foot-high fence with privacy slats and landscaping along the property frontage that will provide screening of the circulation and parking areas. There is ample parking provided on the premises, and the 24-foot-wide road that loops around the building's perimeter is sufficient in width for safe vehicular and emergency fire apparatus circulation.

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lower in elevation than the subject property and have limited views of the site. The proposed encroachments would be unnoticeable to the adjacent railroad properties. Additionally, the nearest parking area on the premises is to be situated approximately 250 feet west of Tonneté Avenue, and will be imperceptible to motorists traveling that roadway. Finally, while there are no immediately adjacent residential uses, there will be no impact to the area residences located approximately 500 feet east of the site, across Tonneté Avenue, a multiple-lane divided roadway. Therefore, the granting of the variance will not adversely affect the rights of neighboring properties.

iii. The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.

The strict application of the regulations would result in practical difficulties and undue hardship upon the applicant and property owner. The irregular shape of the property results in a wedge-shaped building envelope, and the steeply sloping conditions in the rear portion of the lot render this portion of the site unusable for development. The proposed building design is also irregular, with notches along the rear facade to follow the curve of the north property line. Additionally, the site's frontage along Utica Street is approximately four times larger than its depth, having an 880-foot-long front yard which requires a 50-foot setback along its entire length.

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v. *The variance will not have a substantial adverse environmental impact.*

The granting of the requested variance to locate parking and a circulation road within the required front yard setback will not result in substantial adverse environmental impacts. The International B zone requires compliance with the NJMC's Category C performance standards. These performance standards will be met for noise, vibration, airborne emissions, glare, hazardous and radioactive materials, and wastewater. The project proposes environmental remediation by capping the site with pavement and the building foundation, as well as the installation of a geomembrane over the steep slopes along the north-south property line. The applicant is proposing to install additional landscaping over the geomembrane, which will increase open space on the premises in accordance of the required 15 percent. As such, the granting of the requested variance for a parking area and circulation road within the required front yard will not result in any substantial adverse environmental impacts.

vi. *The variance represents the minimum deviation from the regulations that will afford relief.*

The requested variance represents the minimum deviation from the regulations that will afford relief. The requested variance balances the regulations governing appropriate locations for vehicular use areas with the specific site conditions. The irregular shape of the lot and steep slopes on the site create practical difficulties in development of a viable building on the site with functional parking and circulation areas. Adequate parking is provided on

the site for the proposed use, and the 24-foot wide loop road around the building's perimeter provides a safe and efficient circulation pattern for customer vehicles and emergency vehicles. Eight parking spaces are proposed to be located five feet from the front property line and the drive aisle is proposed to be located 18 to 20 feet from the front property line. This open portion of the front yard provides sufficient area to screen the parking areas and circulation road from the public right-of-way with the proposed fence with privacy slats and landscaping along the property frontage. These aesthetic measures will provide visual enhancement of the area. Revising the plan to eliminate parking and circulation areas in the front yard would require sealing down the size of the building significantly, which would impact the visibility and function of the structure. Therefore, the variance represents the minimum deviation from the regulations that will afford relief.

vii. *Granting the variance will not substantially impair the intent and purpose of these regulations.*

Specific purposes of the NJMC regulations include providing sufficient space in appropriate locations for a variety of uses and to ensure that such uses are suitably sited and placed in order to relate buildings and uses to each other and to the environment so that aesthetics and use values are maximized. The proposal for the location of the parking areas and a circulation road within the front yard setback is based on the specific characteristics of the site. The irregular shape of the lot and the presence of steep slopes create

insufficient room to place parking and circulation improvements in conforming locations on the premises.

Additionally, NJMC regulations discourage the placement of site improvements that could negatively impact the viewshed from a public right-of-way or adjacent properties. The project proposes the installation of a fence with privacy slats and landscaping along the property frontage that would provide effective screening of the parking areas and circulation road, while also providing visual enhancements to the area. Therefore, the proposed variance would not substantially impair the intent and purpose of the NJMC regulations.

E. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:27-3(b)1 which does not permit loading in the front yard whereas the applicant is proposing to construct 25 loading doors and four (4) loading spaces along the Utica Street front yard.

The NJMC Zoning Regulations at N.J.A.C. 19:27-4.1(d) state in part that a variance shall not be granted unless specific written findings of fact already based upon the particular evidence presented are made that support conclusions that...

1. Concerning bulk variances:

i. The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.

The requested variance to permit four loading spaces and 25 loading doors along the Utica Street frontage arises from conditions that are unique to the site. The subject site is triangular in shape and slopes approximately 15 feet in elevation from east to west.

Steep slopes are also present along the northerly property line, limiting development in this area.

The irregular shape of the lot and the presence of steep slopes results in less developable and usable area on the lot than in other lots in the same zone. There is less flexibility for the placement of site improvements, such as loading spaces. In addition, due to the 15 foot elevation drop across the site from east to west, the resulting building design requires access to two floor levels and related loading doors along the south facade facing Utica Street. While drive-up units are also proposed at the back of the building, the majority are located along the Utica Street frontage because site grades are more uniform at that portion of the lot. These conditions are specific to the subject property and were not created by any action of the property owner.

ii. The granting of the variance will not adversely affect the rights of neighboring property owners or residents.

The granting of the requested variance to permit loading areas and loading doors within the front yard setback will not affect the rights of neighboring property owners. The proposed loading doors that are the subject of the requested variance face Utica Street. The proposed loading spaces that are also so the subject of the requested variance are located within the front yard between the circulation driveway and the front property line. The railroad properties to the north and west, which face the rear of the subject property and are not accessed from Utica Street, will not be impacted. The railroad properties are also significantly lower in

fence. Therefore, the rights of neighboring properties will not be adversely impacted.

iii. *The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.*

The strict application of the regulations would result in practical difficulties and undue hardship upon the applicant and property owner. The irregular shape of the lot, changes in elevation across the property, and steep slopes result in significant practical difficulties that limit the developable and usable area on the lot. Consequently, few loading spaces are located within the front yard. In addition, due to the 15 foot elevation drop across the site from east to west, the resulting building design requires access to two floor levels and related loading doors along the south facade facing Utica Street.

The applicant testified that a specific unit mix is necessary to meet the demands of the self-storage clientele. Drive-up units that allow customers direct access to load and unload directly at the unit are in high demand. The project proposes 25 drive-up units along the Utica Street frontage that access units on the collar floor and first floor. While drive-up units are also proposed at the back of the building, the majority are located along the Utica Street frontage because site grades are more uniform at that portion of the lot. The applicant testified that the self-storage facility would be less viable if the drive-up units along the property frontage were to be eliminated. Further, the size of the building would need to be

elevation than the subject lot; therefore, the proposed loading areas on the opposite side of the building will not impact views sheds for these lots. There are also no residents located proximate to the site that could be negatively impacted by the loading areas and doors.

St. Peter's Cemetery, located directly across from the site on Utica Street, would be the only property that could potentially be impacted by the requested variance. The cemetery is a low-intensity use that does not generate large volumes of traffic. Visitors to the cemetery will not be adversely impacted since Utica Street will not be utilized for truck maneuvering to access the loading areas. In order to access the proposed loading doors and loading spaces in the southerly front yard, all vehicles would have to circulate around the building via a one-way loop road on the site in a counterclockwise direction. Therefore, there will be no back-up movements by trucks or queuing of vehicles that would negatively impact area roadways.

The applicant testified that 80 percent of the users of a self-storage facility are the general public and customers commonly drive to the site in cars or vans. It is expected there will be very minimal truck and trailer traffic on the premises since the facility is not marketed to those users. Further, the applicant is proposing screening along the front yard using a fence with privacy slats and landscaping to address area aesthetics. The loading spaces are located within the front yard between the circulation driveway and the proposed landscaping and fence. The loading doors are set at the building facade and are also screened by the proposed landscaping and

substantially reduced to relocate loading spaces outside of the front yard, which would also impact the viability of the project.

iv. The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

There will be no substantial detriment to the public good and no adverse effects on the public health, safety, morals, order, convenience, prosperity or general welfare by the granting of the requested variance. The railroad properties to the north and west will not be impacted since these properties are not accessed by Utica Street. Visitors to St. Peter's Cemetery will not be adversely impacted since there will be no backing up of trucks from Utica Street or queuing of vehicles entering the site and causing a back-up on area roadways. Very little truck traffic is expected since self-storage facility patrons are typically the general public and customers commonly drive to the site in cars or vans. The loading doors and spaces will be screened by an eight-foot high fence with privacy slats and landscaping is proposed to enhance area aesthetics. There will also be no impact to the area residences located approximately 500 feet east of the site, which are located across Tornele Avenue, which is a multiple-lane divided roadway in the vicinity of the site.

v. The variance will not have a substantial adverse environmental impact.

The granting of the requested variance to permit loading doors and loading spaces within the front yard setback will not result in

substantial adverse environmental impacts. The Intermodal B zone requires compliance with the NJMC's Category C performance standards. These performance standards will be met for noise, vibration, airborne emissions, glare, hazardous and radioactive materials, and wastewater. The project proposes environmental remediation by capping the site with pavement and the building foundation, as well as the installation of a geo-membrane over the steep slopes along the nearby property line. The applicant is proposing to install additional landscaping over the geo-membrane, which will increase open space on the premises in accordance of the required 15 percent. As such, the granting of the requested variance for loading doors and spaces within the front yard along Utica Street will not result in any substantial adverse environmental impacts.

vi. The variance represents the minimum deviation from the regulations that will afford relief.

The requested variance represents the minimum deviation from the regulations that will afford relief. Site conditions that are specific to the property, including the irregular lot shape, grades across the property, and steep slopes, result in less developable and usable area. As such, four loading spaces and 25 loading doors for drive-up storage units are located along the property frontage where site grades are level and more uniform. Additional loading doors cannot be accommodated along the back of the building due to the change in elevation along the north facade. The site grades at the back of the building also impact the applicant's ability to relocate loading spaces to behind the building.

The applicant is proposing an 8-foot-high fence with privacy slats that will screen the loading areas from the public right-of-way. Proposed landscaping will also screen the loading areas and improve aesthetics along the property frontage. Therefore, the variance represents the minimum deviation that will afford relief.

Granting the variance will not substantially impair the intent and purpose of these regulations.

The principal intent of the regulations in prohibiting loading in the front yard is to discourage the maneuvering of trucks within roadways where it would interfere with traffic or create unsafe conditions for drivers. The loading needs for the proposed self-storage use are less intense than traditional loading associated with a warehouse use. Self-storage facility customers primarily consist of the general public traveling to the site in a car or van. Although little truck traffic is expected to access the site, the one-way, 24-foot-wide loop road around the property provides safe and efficient circulation. There will be no backing up of trucks on Utica Street or queuing of vehicles entering the site and causing a back-up on Utica Street or Tannele Avenue.

Additionally, the intent of the NIMC regulations is to discourage the placement of loading spaces and loading docks in a location that could negatively impact the view shed from the a public right-of-way and for adjacent properties. The project proposes the installation of a fence with privacy slats and landscaping along the property frontage that would provide effective screening of the

loading areas and loading docks, while also providing visual enhancements to the area. Further, there are no residential uses proximate to the site that could be impacted by the loading area.

Another purpose of the NIMC regulations is to provide sufficient space in appropriate locations for a variety of uses, and to ensure that such uses are suitably sited and placed in order to relate buildings and uses to each other and to the environment so that aesthetics and use values are maximized. The proposal to construct four loading spaces and 25 loading docks within the front yard is based on site conditions specific to the property. The locations for the loading spaces and truck door are suitable and functional as they relate to this particular property and the loading areas conform to the intent of the loading regulations. Therefore, the proposed variance would not substantially impair the intent and purpose of the NIMC regulations.

Standards for the Granting of a Bulk Variance from the Provisions of N.I.A.C. 194.314(N) Table 8-5, which permits a maximum of two signs per front yard, whereas the applicant is proposing one pole sign and three wall signs, for a total of four signs.

The NIMC Zoning Regulations at N.I.A.C. 194.4.14(e) state in part that, a variance shall not be granted unless specific written findings of fact already based upon the particular evidence presented are made that support conclusions that...

1. Concerning bulk variances:
 - i. The variance requested arises from such conditions that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.

The property and were not created by any action of the property owner.

ii. The granting of the variance will not adversely affect the rights of neighboring property owners or residents.

The granting of the variance to exceed the maximum number of signs permitted will not adversely affect the rights of neighboring property owners or residents. The neighborhood in which the subject property is located is primarily commercial and industrial. The closest residences are located approximately 500 feet to the east, across Tonmale Avenue, which is a multiple-lane divided roadway. Due to the distance and the separation of these residences from the subject site, there will be no impact from the proposed signage.

The proposed signage will also not adversely impact adjoining neighbors. The railroad parcels north and west have limited views of the site, since the railroad lots are significantly lower in elevation than the subject lot. The cemetery on the south side of Ulica Street will not be impacted by the signage. In addition, there are no other pole signs or wall signs on adjacent properties that would be obstructed by the proposed self-storage facility signage.

The requested variance to permit four signs, where a maximum of two signs are permitted per front yard, arises from conditions that are unique to the site. The subject site is an undeveloped parcel that is triangular in shape and has frontage on Ulica Street, a dead-end street. Access to Ulica Street is provided from Tonmale Avenue, which is located at a higher elevation than Ulica Street and the subject parcel. The lot north of the site is traversed by railroads that cross under Tonmale Avenue. The grade separation between the subject lot and Tonmale Avenue diminishes the visibility of the site for drivers on Tonmale Avenue. In addition, existing site features also influence the visibility of improvements on the parcel for drivers on Tonmale Avenue. Specifically, the lot depth decreases significantly from the westerly property boundary to the east. The irregular shape of the lot requires the self-storage building to be shifted as far west as possible to maximize the functionality of the building configuration. As a result, the building facade facing Tonmale Avenue is approximately 400 feet away, diminishing the visibility of the building for drivers on Tonmale Avenue. The ability for the traveling public to clearly identify the site from Tonmale Avenue is vital, since access to Ulica Street and the site are provided via Tonmale Avenue. Due to the physical characteristics of the property, including its irregular configuration and the grade differential between the subject property and Tonmale Avenue, functional signage is required to adequately identify the self-storage use on the premises. While the property is not a corner lot, it functions as one since visibility of the property and identification of the use is required from both Tonmale Avenue and Ulica Street. These conditions are unique to

façade, and a 116-square-foot wall mounted sign on the east façade facing Tonnelle Avenue.

The applicant testified that motorists traveling northbound on Tonnelle Avenue are unable to clearly see the site due to the concrete divider on the roadway. Trees along the southealy end of St. Peter's Cemetery also block the view of the site beyond the divider wall. While the applicant is proposing a double-sided pole sign directed toward motorists on Tonnelle Avenue, the visibility of the pole sign is diminished as the driver approaches the site from the north. Thus, the applicant is also proposing a 272-square-foot wall-mounted identification sign on the southeast end of the building, which can be viewed as the driver approaches the site from the northbound lanes of Tonnelle Avenue. A gas station on Tonnelle Avenue that is located approximately 1,000 feet north of the site and the tree line along Tonnelle Avenue obscure the visibility of the site for motorists traveling south on Tonnelle Avenue. Consequently, the pole sign is necessary to identify the site as the motorist approaches from the south.

Wall-mounted signs are proposed on the northeast and east building façade since the self-storage building is positioned nearly 380 feet away from Tonnelle Avenue. Denying the variance would result in practical difficulties and hardship since the applicant could not provide adequate notice of the self-storage facility's location to the traveling public from the multiple vantage points required to efficiently identify the use.

iii. The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.

The strict application of the signage regulations would result in practical difficulties and undue hardship upon the applicant and property owner. The applicant is proposing to construct a self-storage facility on a parcel that has remained undeveloped for 50 years. The site is constrained in a number of ways that impact its visibility from Tonnelle Avenue. While the site is not a corner lot its principal means of identification and access are from both Tonnelle Avenue and Ulrica Street.

The lot depth varies on the triangular parcel from 218.6 feet at the westerly property line, and narrows to zero feet at the easterly point of the property. As a result, the self-storage building is shifted closer to the west end and further away from Tonnelle Avenue. In addition, there is a grade separation between Tonnelle Avenue and the site, as well as other physical obstructions that reduce the visibility of the site for drivers on Tonnelle Avenue. These particular conditions result in practical difficulties in the ability of the property owner to adequately identify the use both within the site and to the traveling public if limited to two signs.

The applicant is proposing a total of four signs on the premises: a 300-square-foot double-sided pole sign located approximately 105 feet from Tonnelle Avenue, a 272-square-foot wall mounted sign on the north façade, a 272-square-foot wall mounted sign on the south

visual clutter, as the total sign area complies with NJMC regulations and the individual sign areas will remain proportional to the size of the building.

vi. The variance represents the minimum deviation from the regulations that will afford relief.

The applicant is proposing to install one double-sided pole sign and three wall-mounted signs on the northeast, southeast and east facade of a proposed self-storage facility. The signs are required to provide safe and adequate identification of the self-storage use on the premises from multiple vantage points in advance of the site. There are physical features along Tonnela Avenue, such as concrete divider walls, tree lines, and other structures, that obscure the view of the site. The storage building is also situated nearly 400 feet to the west of Tonnela Avenue, which further impacts visibility of the site. Visibility from Tonnela Avenue is important since Ulica Street is accessed from Tonnela Avenue. The applicant testified that limiting signage to two signs would create a potential safety issue for the traveling public, as there would not be sufficient advanced visibility and notice for the benefit of the public.

The proposed signs in aggregate comply with the NJMC requirements for allowable signage area, and each sign is 300 square feet or less in area, also as required by the regulations. The requested variance balances the need for adequate identification of the proposed self-storage use for the safety of the traveling motorists without being excessive or creating visual clutter for drivers.

iv. The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

The approval of the requested variance to install four signs on the premises will not result in substantial detriment to the public good and will not adversely affect public health, safety, morals, order, convenience, prosperity, or general welfare. Rather, the additional signs will promote these purposes by providing adequate identification of the proposed use.

The applicant testified that the building is positioned nearly 400 feet to the west of Tonnela Avenue, impeding visibility of the building from this roadway. Visibility of the site from Tonnela Avenue is vital, since access to Ulica Street is provided from Tonnela Avenue. There are also physical features, such as tree lines, concrete barriers, and a gas station along the roadway, that impede views of the site. The ability to suitably view signage from the surrounding roadway network is a benefit for the safety of the public, particularly along a heavily traveled roadway.

v. The variance will not cause a substantial adverse environmental impact.

The granting of the requested variance will not have a substantial adverse environmental impact. The proposed signs will not be flashing or moving signs, and will not cause the NJMC environmental performance standards for noise, vibration, airborne emissions, glare or hazardous and radioactive materials to be exceeded. Additionally, the requested variance will not result in

vii. Granting the variance will not substantially impair the intent and purpose of these regulations.

The intent and purpose of the sign regulations is to provide for suitable identification of a use that maximizes the safety of the motorists toward which the sign is directed, without being excessive or creating visual clutter. The applicant is proposing to construct a self-storage facility on an undeveloped parcel. Due to site constraints, the storage building is proposed to be constructed nearly 400 feet to the west of Tonnelle Avenue. The site fronts on Ulica Street and access to Ulica Street is provided through Tonnelle Avenue. Since all traffic to and from the proposed facility will first travel along Tonnelle Avenue, adequate visibility of the facility from Tonnelle Avenue is essential. To that end, functional signage is required to provide adequate notice to the public of the self-storage facility location, thereby minimizing potential safety issues. The applicant testified that there are physical features along Tonnelle Avenue that obscure views of the site. The proposed signage plan promotes public safety through the provision of sufficient signage to allow adequate identification of the site, without visual clutter, particularly on a property located along a heavily-traveled roadway.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Use Variance from the Provisions of N.J.A.C. 17A-27.9(a), which does not permit self-storage facilities in the Intermodal B zone.

Based on the record in this matter, the use variance application to permit a self-storage facility on the subject premises is hereby recommended for approval.

APPROVAL
Recommendation on
Variance Request

1-26-15
Date

[Signature]
Sara J. Sundell, P.E., P.P.
Director of Land Use Management
Chief Engineer

[Signature]
Recommendation on
Variance Request

1/26/15
Date

[Signature]
Maryia A. Kozay
Executive Director

B. Standards for the Granting of a Bulk Variance from the Provisions of N.T.A.C. 194-5.98(a)(iii), which requires a minimum rear yard setback of 75 feet, whereas the applicant is proposing a rear yard setback of 52.07 feet.

Based on the record in this matter, the bulk variance application to permit a rear yard setback of 52.07 feet on the subject premises, where a minimum rear yard setback of 75 feet is required, is hereby recommended for approval.

APPROVAL
Recommendation on
Variance Request

1-26-15
Date


Sara J. Sundell, P.E., P.F.
Director of Land Use Management
Chief Engineer

Approved
Recommendation on
Variance Request

1/26/15
Date


Marcia A. Kenrow
Executive Director

C. Standards for the Granting of a Bulk Variance from the Provisions of N.T.A.C. 194-5.4(a), Table B-1, which requires six loading spaces at 12 feet by 60 feet based on the proposed floor area of 151,500 square feet, whereas the applicant is proposing to provide five loading spaces at 12 feet by 60 feet.

Based on the record in this matter, the bulk variance application to permit five loading spaces at 12 feet by 60 feet, where six loading spaces at 12 feet by 60 feet are required, is hereby recommended for approval.

APPROVAL
Recommendation on
Variance Request

1-25-15
Date


Sara J. Sundell, P.E., P.F.
Director of Land Use Management
Chief Engineer

Approved
Recommendation on
Variance Request

1/25/15
Date


Marcia A. Kenrow
Executive Director

D. Standards for the Granting of a Bulk Variance from the Provisions of N.I.A.C. 194-8.2(b)(1), which does not permit vehicular use areas in the required front yard, whereas the applicant is proposing to construct parking and circulation areas in the front yard. Based on the record in this matter, the bulk variance application to permit parking and circulation areas in the front yard is hereby recommended for approval.

APPROVAL
 Recommendation on
 Variance Request

1-26-15
 Date

[Signature]
 Sara J. Studdell, P.E., P.P.
 Director of Land Use Management
 Chief Engineer

[Signature]
 Recommendation on
 Variance Request

1-26-15
 Date

[Signature]
 Marcia A. Kaborov
 Executive Director

E. Standards for the Granting of a Bulk Variance from the Provisions of N.I.A.C. 194-8.2(b)(1), which does not permit loading in the front yard, whereas the applicant is proposing to construct 25 loading doors and four (4) loading spaces along the Utica Street front yard. Based on the record in this matter, the bulk variance application to permit 25 loading doors and four (4) loading spaces along the Utica Street front yard is hereby recommended for approval.

APPROVAL
 Recommendation on
 Variance Request

1-26-15
 Date

[Signature]
 Sara J. Studdell, P.E., P.P.
 Director of Land Use Management
 Chief Engineer

[Signature]
 Recommendation on
 Variance Request

1-26-15
 Date

[Signature]
 Marcia A. Kaborov
 Executive Director

F. Standards for the Granting of a Bulk Variance from the Provisions of N.T.A.C. 194-8.14(f) Table 8-5, which permits a maximum of two signs per front yard, whereas the applicant is proposing one pole sign and three wall signs, for a total of four signs. Passed on the record in this matter, the bulk variance application to permit one pole sign and three wall signs, for a total of four signs, is hereby recommended for approval.

APPROVAL
Recommendation on
Variance Request

1-26-15
Date


Sara J. Sundell, P.E., F.P.
Director of Land Use Management
Chief Engineer

CAAMAN
Recommendation on
Variance Request

1/28/15
Date


Mandy A. Skarlov
Executive Director

RESOLUTION - 2015 -

**RESOLUTION AUTHORIZING THE PRESIDENT OF THE SPORTS
AUTHORITY TO ENTER INTO A CONTRACT FOR THE
CONTINUATION OF MANAGEMENT, OPERATION AND
MAINTENANCE SERVICES AT THE 1-E LANDFILL AND THE
KINGSLAND LANDFILL GAS WELLFIELDS AND FLARES**

WHEREAS, in order to comply with the Title V permit for the landfill on October 27, 2010, by NJMC Resolution 10-65, the Commission approved a six-month Contract with Cornerstone Environmental Group, LLC in the amount of \$57,798.45. Since funds were needed for substantial capital costs to repair the wellfields and flare systems, NJMC Resolution 10-65 also established a Maintenance and Capital Improvement Fund in the amount of \$300,000; and

WHEREAS, the Contract with Cornerstone Environmental Group, LLC was extended by NJMC Resolution 11-08 for an additional six-month period at the original Contract cost of \$57,798.45; and

WHEREAS, after that time the Contract with Cornerstone Environmental Group, LLC was extended on a monthly basis at the same monthly rate; and

WHEREAS, in response to this continuing permit obligation the NJMC prepared a Request for Proposals and sent it to four pre-qualified professional engineering companies. The contract period is for four (4) years and subject to the sale of the Kingsland landfill; and

WHEREAS, two proposals were received on January 30, 2015. Both firms have actual operational history at these landfills; and

WHEREAS, a substantial portion of the well field at the 1E site is more than 25 years old and in dire need of repair/replacement. Failure to operate the system for even short periods of time results in a permit violation; and

WHEREAS, effective February 5, 2015, the New Jersey Meadowlands Commission has become part of the New Jersey Sports and Exposition Authority.

NOW, THEREFORE, BE IT RESOLVED that the President of the Sports Authority be, and he hereby is authorized to enter into a Contract with SCS Engineers for four years at a cost not to exceed \$280,128. This resolution also authorizes the establishment of a fund totaling \$300,000 to be used for the replacement or repair of the physical elements of the well field or methane gas plant. These funds would only be used to insure permit compliance.

Adopted:

NJSEA Board Members and President Wayne Hasenbalg

February 26, 2015

Thomas Marturano

LANDFILL GAS FIELD SERVICES AND PERMIT COMPLIANCE

The NJSEA is currently responsible for landfill gas permit compliance at the 1-E Landfill and the Kingsland (former BCUA and EnCap) Landfill. In 2010, the NJMC issued an Emergency Solicitation for wellfield and flare operations at the 1-E and Kingsland Landfill sites. The Emergency Solicitation was directly sent to 5 firms who had a proven track in landfill gas management. While three of these firms declined to bid on the initial six-month project term, SCS Engineers bid \$173,400 and Cornerstone bid \$57,798.45. Cornerstone has been operating the site and complying with all of the NJDEP/BPA permit requirements through a series of subsequent resolutions.

On December 11, 2014, the NJMC issued a Request for Proposals for a four year Contract for four pre-qualified firms who have experience in landfill gas facilities of the size and scope of our facilities; Cornerstone Environmental (who present performs these services), SCS Engineers (who performs additional landfill gas services at our sites), URS/AECOM (one of the largest engineering companies in the Country), and CBI (currently operates a similar facility in NY). The contract term commences on April 1, 2015 and ends on March 31, 2019. Neither URS/AECOM nor CBI submitted a proposal.

Proposals were accepted and opened on January 30, 2015. The proposal submitted by Cornerstone Environmental was \$11,460/month; and SCS Engineers was \$5,836/month, or \$280,128.00 for the four-year contract. The Solid Waste Division recommends awarding the contract to SCS Engineers as the lowest price qualified firm.

In addition, due to age of the system and the lack of adequate maintenance by the former commercial operator of the site during the last few years they were on site, there has been an on-going need to repair different aspects of the wellfield and flares that falls outside the routine costs of this Request (capital repairs). Therefore, an additional \$300,000 has been requested to fund these future repairs. These funds would only be spent to insure permit compliance. As an example, the regulations require that if a problem develops in the well field the flare must be shut down within the hour. Further, the flare cannot be shut down for more than 5 calendar days. This leaves very little time to authorize, secure the parts or equipment and make the repair, especially if the problem occurs on a Friday.

It should be noted that the Kingsland Landfill was part of the former Encap properties and was included in the recent bid for the Kingsland Redevelopment Area sale. Upon closure the responsibility for operating the Kingsland gas system would be the responsibility of the new owner. Accordingly, the contract cost would be reduced by approximately \$20,000 per year.

RESOLUTION 2015 --

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT FOR 1-YEAR
LEASE OF PROPERTY

WHEREAS, effective February 5, 2015, the New Jersey Meadowlands Commission (the "MC") has become part of the New Jersey Sports and Exposition Authority (the "NJSEA"); and

WHEREAS, Global Energy Solutions has proposed to lease, through a licensing agreement, certain land owned by the MC, to be used as a storage and staging area at a rate of \$10,000 per month for a period of one year.

WHEREAS, the NJSEA has reviewed the terms of the agreement and finds the terms acceptable,

NOW, THEREFORE, BE IT:

RESOLVED that the NJSEA is authorized to enter into said licensing agreement for a period of one year and the President and Chief Executive Officer of the NJSEA be and hereby is authorized to take all steps to execute that agreement.

Adopted:

LICENSE AGREEMENT

THIS AGREEMENT, made this ____ day of January, 2015, between **NEW JERSEY MEADOWLANDS COMMISSION** located at 1 De Korte Park Plaza, Lyndhurst, New Jersey 07071, New Jersey, hereinafter called "**LICENSOR**" and **GLOBAL ENERGY SOLUTIONS**, a corporation having its principal office at 707 Sable Oaks Drive, South Portland, ME, hereinafter called "**LICENSEE**", **WITNESSETH:**

WHEREAS, Licensor is the owner of certain property located at the 1E Landfill (See Exhibit-A) in the Borough of North Arlington, County of Bergen and state of New Jersey (the "Property"); and

WHEREAS, Licensee desires to utilize the subject area as a staging area for construction trailers, supplies, personnel and associated vehicles on the Property; and

WHEREAS, Licensor is willing to allow Licensee to utilize the area for such purposes as outlined in EXHIBIT A; and

NOW THEREFORE, for the purposes set forth above and the recitals and mutual promises contained herein and for the further consideration of \$10,000.00 (TEN THOUSAND DOLLARS), paid on a monthly basis, beginning on January 20, 2015 (additionally, a one-month security deposit shall be paid upon occupancy and will be returned at the end of the lease), which the Parties acknowledge constitutes good and valuable consideration, the Parties agree as follows:

1. Licensor hereby grants to Licensee a license (this "License") for the purpose of a staging area, beginning on January 20, 2015 and ending on January 20, 2016. Said License shall convert to a month to month License after the term should the Licensee still occupy the Property. Subsequent to the time of expiration, either party must give 30 days written notice to terminate the License.
2. Licensee's staging area shall comply with the regulations and requirements of the Board of Fire Underwriters and every public or governmental body exercising control over the Property, and secure and pay for all necessary governmental permits or consents and shall also comply with all governmental regulations all at Licensee's own cost and expense.
3. All activities being done by the Licensee, its employees, agents, contractors and/or subcontractors or assigns, shall be performed in accordance with all provisions of the New Jersey Statute commonly known as the "High Voltage Proximity Act, codified at N.J.S.A. 34:6-47.1 to 47.9 inclusive, as amended and supplemented, concerning safety precautions to be taken in the proximity of certain electric conductors installed above ground, and in accordance with all rules and regulations promulgated by the Commissioner of Labor and Industry of New Jersey. Such work shall also be in accordance with the provisions of the Federal Occupational Safety and Health Act of 1970 and all applicable rules and

regulations issued thereunder, potentially including but not limited to 29 CFR 1926.550 and in accordance and in compliance with the latest edition of the National Electrical Safety Code and applicable building codes.

4. Licensee, for itself, its agents, contractors, employees, successors or assigns, agrees to assume all risks of and liability for and to indemnify, protect and hold harmless and hereby releases Licensor, its successors and assigns, and each of its officers, agents, servants, employees, contractors and subcontractors from and against any and all liability, losses, injuries, deaths, claims, demands, actions, suits, judgments, damages, including damage or injury to real or personal property, including threatened or actual environmental harm, costs, expenses (including reasonable attorneys' fees), civil penalties and fines which, in any way, arise out of or are based on, related to or connected with the activities, work and/or use and occupancy of the Property or any violation of any applicable codes, regulations, statutes, ordinances, orders, directives or standards by Licensee or any officer, servant, employee, Licensee, invitee, contractor, successor, assignee or agent of Licensee, whether or not caused by or due to any actual or alleged negligent act or omission by Licensor. Licensee does indemnify, defend, and hold harmless Licensor from any and all liability and potential liability under the Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. Sec. 9601, et seq., the New Jersey Spill Compensation and Control Act, N.J.S.A. 58:10-23.11, et seq., or similar theories of liability which may arise as a result of activities, work and/or use and occupancy of the Property relative to the within document. As a part of fulfilling its obligation hereunder, Licensee waives any and all immunity rights or protections created by the Worker's Compensation Act and further agrees that its obligations to defend and indemnify Licensor shall apply to, but not be limited to, actions and other claims brought by Licensee's own employees, agents, contractors or subcontractors. Licensee's duty to indemnify and hold harmless Licensor shall exclude only those instances where the liability, loss, injury, death, damage or harm is due to Licensor's sole negligence.

5. After the initial work is performed and after any subsequent disturbance of the Property, Licensee shall, at its own cost and expense, restore the Property as nearly as possible to the condition it was immediately prior to the commencement of work, subject to the installation of the Facilities pursuant to the License.

6. Licensee shall not assign or transfer this License to anyone without the written consent of Licensor, such consent to be given at Licensor's sole discretion.

7. Licensee shall not store any hazardous or toxic wastes or substances or any materials of a dangerous or flammable nature, including but not limited to petroleum or petroleum products in any form upon, in or under the Property. Licensor permits Licensee to park/store fuel trucks and refuel equipment in a designated secondary containment area within the leased area shown in Exhibit A.

8. Licensee expressly understands and agrees that any review of Licensee's plans or specifications, comments thereon, or monitoring of Licensee's work shall not constitute or be construed as an approval of such plans or representation or warranty on the part of Licensor as to the adequacy or propriety of such plans or specifications or the methods of work, nor shall Licensor be deemed to have assumed any liability to Licensee or to any third party by reason of such review.

9. Licenser assumes no responsibility or liability in connection with any law, ordinance, rule or regulation of any public or governmental body that may limit, affect, regulate or prohibit the use of that area of the Property for the purposes aforesaid. Licenser makes no representations or warranties concerning the condition of the Property. Licenser shall have no responsibility or liability for any claims, injuries or delays that may arise from any chemical or environmental hazards at or near the Property.

10. If any damage to any facility of Licenser results from or in any way arises out of Licensee's work, activities, entry or subsequent use, Licenser may elect to promptly repair such facility at the sole cost and expense of Licensee after providing the Licensee ten (10) business days written notice to cure.

11. If Licensee shall fail to keep and perform any of the covenants by it to be kept and performed, then and in any such event this License Agreement shall immediately cease and terminate after the Licensee has been provided ten (10) business days written notice to cure.

12. This License Agreement and any subsequent agreement shall be construed in accordance with the laws of the State of New Jersey, and any disputes arising in connection with this License Agreement shall be submitted to a court of competent jurisdiction within the State of New Jersey. The License Agreement shall not be recorded.

Signature Page to Follow

IN WITNESS WHEREOF, Licensor has caused this agreement to be signed by its proper officer or agent thereunto duly authorized and Licensee has signed the same as of the day and year first aforesaid.

NEW JERSEY MEADOWLANDS
COMMISSION

By:

MARCIA A. KARROW
Executive Director

GLOBAL ENERGY SOLUTIONS

By:

Kevin B. Pomerleau
Kevin B. Pomerleau
President
January 23, 2015

**LAND USE AGENDA ITEMS FOR
BOARD OF COMMISSIONERS' ACTION
FEBRUARY 2015**

The following items are on the agenda of the February 2015 Board of Commissioners meeting for official action. *

File No. 09-772 Ditobarbi/ZLOR, Site Improvement & Use Variance (Carlstadt)

- Use variance for proposed outdoor storage use of properties in the Light Industrial A zone, where such use is not permitted.
- The applicant wishes to store items outdoors on the site.
- The NJMC staff recommends conditional approval that allows outdoor storage use of the site, subject to certain conditions that will allow the outdoor storage to be accommodated in an orderly manner on the properties subject to certain environmental restrictions, and to allow public safety and area aesthetics to be preserved.

File No. 14-344 Bonanno/65 Commerce - New Loading Docks (Carlstadt)

- Bulk variance requested for the installation of two loading spaces in the front yard facing Commerce Road on property in the Light Industrial B zone, whereas front yard loading operations are not permitted.
- The applicant proposes to construct two new loading doors in an existing loading area facing Commerce Road.
- The NJMC staff recommends conditional approval to allow the installation of two proposed loading spaces, conditioned on limiting the maximum length of the trucks utilizing the loading area to 30 feet, in order to avoid any off-site impacts to Commerce Road from trucks maneuvering into the loading spaces.

File No. 14-384 319 Tonnele Ave./StorQuest-New Bldg.-Variances (Jersey City)

- Use variance requested to permit a self-storage facility in the Intermodal B zone, where such use is not permitted.
- Bulk variances requested for the proposed building's rear yard setback, the placement of vehicular use areas and loading areas in the front yard, the provision of one less loading space than required, and the installation of four signs whereas a maximum of two signs are permitted.
- The applicant proposes to construct a new self-storage facility on a vacant, irregularly-shaped parcel in Jersey City.
- The NJMC staff recommends the approval of the requested variances for the reasons stated in the recommendation report, including the

appropriateness of the use for the site, the irregular configuration of the property resulting in practical difficulties in the placement of a conforming and functional building on the site, and its minimal impact to surrounding properties.

* The above agenda items require a vote by the Board of Commissioners on the recommendation of NJMC staff. This vote constitutes the final decision on each variance or special exception requested. Page 3 provides a summary of the variance/special exception review procedure.

PROCEDURES FOR REVIEW OF VARIANCES AND SPECIAL EXCEPTION USES

NJMC professional staff conducts reviews of site plans submitted as part of a zoning certificate application. The NJMC Chief Engineer can approve an application that conforms with the zoning regulations. In cases where an application cannot meet a provision of the zoning regulations, the Board of Commissioners must vote to decide the approval, conditional approval, or denial of the following items prior to staff action on a zoning certificate:

- Use variances [N.J.A.C. 19:4-4.14(e)2]
- Bulk variances [N.J.A.C. 19:4-4.14(e)1]
- Special exception uses [N.J.A.C. 19:4-4.13]

The following provides a summary of the procedures for the review and decision of variance/special exception applications:

1. NJMC staff reviews zoning certificate application and identifies if application(s) for variance relief or special exception use is required.
2. A public hearing is held on the application to accept testimony from the applicant and its professionals regarding how the application comports with the regulatory criteria for granting variances/special exceptions, and to accept public comments. NJMC staff, including the Chief Engineer, act as hearing officers, and a transcript of the proceedings is provided.
3. Based upon the record of the proceedings, the NJMC staff prepares a written recommendation report (signed by the Chief Engineer and Executive Director) regarding the proposed variances(s)/special exception within 8 weeks of the public hearing. The report is first sent to the applicant, and, if not appealed, is placed on the agenda of the next available meeting of the Board of Commissioners.
4. The recommendation report and the record of the proceedings, including the hearing transcript, exhibits, and list of professionals, are provided to the Board of Commissioners for review, along with a memo and resolution.
5. The Board of Commissioner's action on the matter constitutes the final decision on the variance(s)/special exception.
6. The matter would then return to NJMC staff to take action on the zoning certificate.