

RECOMMENDATION ON THE VARIANCE APPLICATION OF
Goya/Sign Variance
FILE # 14-349

I. INTRODUCTION

An application for one bulk variance has been filed with the New Jersey Meadowlands Commission (NJMC) by Langan Engineering and Environmental Services, Inc., on behalf of Goya Foods, Inc., for the premises identified as 350 New County Road, Block 1001, Lot 2.01, in the City of Jersey City, New Jersey. Said premises is located in the Commission's Intermodal B zone. The bulk variance is sought in connection with the applicant's proposal to construct a 194.67-square-foot double-faced business identification ground sign on the subject property.

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

1. N.J.A.C. 19:4-8.14(h), Table 8-5 permits a maximum of two signs per front yard. The applicant is proposing to install a double-faced business identification ground sign, resulting in a total of three signs on the subject premises.

Notice was given to the public and all interested parties as required by law. The public notice was published in the Jersey Journal. No written comments were submitted to the Division of Land Use Management. A public hearing was held in the Office of the Commission on Tuesday, August 19, 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 and Site Conditions

The property in question contains approximately 40 acres within the Intermodal B zone. The subject property is irregularly-shaped and is the subject of a Declaration of Zoning Restriction combining Block 1001, Lots 1 and 2.01 into a single zoning lot of record per N.J.A.C. 19:4-3.22. Lot 2.01, which originally consisted of four tax lots identified as Block 1001, Lots 2, 20, 22 and 23, was created by resubdivision in 2013. The site fronts New County Road to the west. The property is bordered by a United States Postal facility to the south, a contractor's yard to the north, a rail yard to the west, and undeveloped lots to the east.

The subject property is currently developed with a 634,141-square foot warehouse and distribution facility with associated parking. The structure is accessed by driveways off of New County Road. Future development on Lot 1 includes the construction of an 11,250-square-foot truck maintenance building with associated parking.

The maximum number of signs permitted by NJMC regulations is two signs per front yard. Since the property contains one front yard along New County Road, a maximum of two signs are permitted at the subject premises. The NJMC has previously approved two 300-square-foot business identification wall signs (Conditional Zoning Certificate CZC-11-445 on September 28, 2011), one to be installed on the westerly building façade facing New County Road and the other to be installed on the northerly building façade facing the New Jersey Turnpike. The applicant requests a variance to construct one double-faced, 194.67-square-foot business identification ground sign that would increase the total number of signs on the subject property to three. This application proposes no other site improvements or changes to the existing building or site.

B. Response to the Public Notice

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

III. PUBLIC HEARING (August 19, 2014)

A public hearing was held on Tuesday, August 19, 2014. NJMC staff in attendance were 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 Ronald Seelogy, 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:

<u>Number</u>	<u>Description</u>
P-1	"Aerial Signage Location Plan 1," prepared by Langan Engineering & Environmental Services, Drawing Number EX 01, dated August 18, 2014.
P-2	"Aerial Signage Location Plan 2," prepared by Langan Engineering & Environmental Services, Drawing Number EX 02, dated August 18, 2014.
P-3	"Signage Location Plan and Detail," prepared by Langan Engineering & Environmental Services, Drawing Number CS301, dated June 18, 2014.

B. Testimony

Kevin J. Coakley, Esq., of Connell, Foley, P.C., represented Goya Foods, Inc. at the hearing. The following three witnesses testified in support of the application:

1. Dan Miola, P.E., LEED AP, Senior Project Manager, Langan Engineering and Environmental Services;
2. Peter Unanue, Executive Vice President, Goya Foods, Inc.; and
3. Gregory Woodruff, P.P., Planner and Project Manager, Langan Engineering and Environmental Services.

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

C. Public Comment

No members of the public were present at the public hearing.

IV. RECOMMENDATION(S)

- A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19: 4-8.14(h), Table 8-5, which permits a maximum of two signs per front yard. The applicant is proposing to install a double-faced business identification ground sign, resulting in a total of three signs on the subject premises.**

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 is located on New County Road in the vicinity of the New Jersey Turnpike and US Route 1 and 9 (Tonnelles Avenue). The site is irregularly-shaped, with multiple property lines, and contains approximately 1,900 linear feet of frontage along New County Road, which is more than nine times greater than the minimum 200-foot lot width requirement in the Intermodal B zone. The site is more wide than it is deep.

Additionally, separate ingress/egress access points for trucks and automobiles are provided to the site from New County Road. The distance between the curblines of New County Road to the subject property's westerly property line is approximately 30 feet, and the front wall of the building closest to the New County Road right-of-way is set back approximately 210 feet from the roadway. Unique signage needs result due to this combination of site characteristics that affect the property owner's ability to adequately identify the site.

New County Road is a heavily traveled, two-lane roadway with minimal shoulder provided. The proposed business identification ground sign will aid in identifying the subject premises for those vehicles traveling on New County Road from Exit 15X of the New Jersey Turnpike and Tonnelles Avenue. Due to the width of the traveled way and the small number of driveways along New County Road, there are few opportunities for vehicles to safely turn around if they pass the site. The request for this variance for the additional business identification ground sign located proximate to the New County Road right-of-way arises from these unique conditions.

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

There are no residential properties in the vicinity of the subject property. The subject property is located in a developed industrial area, which includes a postal facility, intermodal rail yard, and their associated signage. The proposed additional signage will not compromise the ability of adjacent property owners to operate as intended. Rather, the added signage at the site's driveway will improve identification of the site in advance of its approach, and minimize the potential for drivers destined for the Goya facility from entering other properties or turning around in the roadway. The proposed business identification ground sign is a monument sign, which is less visually obtrusive than other structural sign types such as a pole sign. Therefore, the granting of the 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 will result in peculiar and exceptional practical difficulties and exceptional and undue hardship upon the property owner by affecting the ability of the owner to adequately identify the site for visitors and deliveries.

The subject property originally consisted of eight tax lots. Prior to the resubdivision of these properties in 2013, Lot 2.01 consisted of four individual tax lots. If the lot merger did not occur, NJMC sign regulations would permit a total of eight signs. Additionally, if the property were a multi-tenanted facility, the number of signs would not be limited, only the total sign area. Based upon a maximum sign area of five percent of the front façade of the building, the subject property permits a total sign area of approximately 2,507 square feet. If this variance is approved, a sign area surplus of 1,507 square feet would remain. Typically, this sizable sign area surplus would allow for the installation of additional signs on the subject premises. However, since the subject property has only one front yard and is occupied by a single tenant, NJMC sign regulations limit the development to just two total signs.

Due to the particular characteristics of the property, and in particular, the site's extraordinary length of frontage along New County Road, the need to adequately identify the facility for the user of the premises is constrained by the sign regulations limiting the number of signs as they apply to the subject site.

The business identification wall signs on the northerly and westerly facades will not be readily visible from a motorist on New County Road, and will not serve to identify the site's entrance driveway. Furthermore, the building on the site is set back a significant distance from New County Road, making it difficult for passersby to view these existing signs and, therefore, identify the site in advance of entering it. Due to the aforementioned constraints, the additional sign is needed in order to adequately identify and direct

the public to the site. The proposed business ground sign is appropriately placed on site and is within the scale of the development.

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 granting of the variance to permit an additional sign on the subject premises will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. Passing motorists will be able to safely identify and access the site from New County Road. Drivers will be less likely to be distracted while looking for the business on site with the addition of the proposed ground sign. Public safety, order and convenience will be enhanced because the additional sign will direct the public to the site.

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

There will be no adverse environmental impact resulting from the granting of this variance. The additional sign will not disturb any environmentally sensitive areas. The proposed ground sign will be set back at a sufficient distance to allow for adequate line-of-sight to the proposed sign for motorists travelling along New County Road. There will not be any noise, vibrations, glare, airborne emissions or hazardous materials generated by the proposed sign.

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

The total permitted sign area at the premises is 2,507 square feet. The approved business identification wall signs represent only 24 percent of the total sign area permitted. Usually such a sizable sign area surplus would allow for the installation of additional signs on site. However, NJMC sign regulations permit a maximum number of two signs in this instance. The applicant is proposing to install a double-faced business identification ground sign, resulting in a total of three signs on the subject premises.

Alternatively, the applicant could have constructed a number of directory signs 10 square feet or less in area, each exempt from NJMC sign regulations, which would not have increased the total number of signs permitted for the development. However, such small directory signs would result in a cluttered landscape and would not allow passing motorists to safely identify and access the site from New County Road. Additionally, if the subject premises were occupied by multiple tenants, the subject sign variance would not be required. The proposed signage remains reasonable and represents the minimum deviation from NJMC regulations that will afford relief.

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

The granting of the variance will not substantially impair the intent and purpose of these regulations. The purpose of the NJMC sign

regulations is to provide for adequate identification of a site while avoiding visual and aesthetic clutter. The applicant proposes a sign that is necessary to identify the site's driveway entrance, and supplements the two wall signs located on the building at the opposite end of the site. The proposed sign has been designed in accordance with good, sound planning practices. The sign will adequately identify and direct motorists to their intended destination without visual clutter, thereby promoting public safety. Therefore, the additional sign will promote the intent and purpose of the NJMC sign regulations and will relate to the particular site and surrounding environs.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19: 4-8.14(h), Table 8-5, which permits a maximum of two signs per front yard. The applicant is proposing to install a double-faced business identification ground sign, resulting in a total of three signs on the subject premises.

Based on the record in this matter, the bulk variance application to permit a total of three signs, whereas a maximum of two signs is permitted on the subject premises, is hereby recommended for approval.

<u>APPROVAL</u> Recommendation on Variance Request	<u>9.30.14</u> Date	 Sara J. Sundell, P.E., P.P. Director of Land Use Management and Chief Engineer
<u>approval</u> Recommendation on Variance Request	<u>10/1/14</u> Date	 Marjia A. Karrow Executive Director