

**RECOMMENDATION ON THE SPECIAL EXCEPTION
AND VARIANCE APPLICATIONS OF
Palmer Terrace Rlty/SoFive - Soccer Fields - Variance/Special Exception
FILE # 14-358**

I. INTRODUCTION

An application for one (1) special exception and one (1) bulk variance has been filed with the New Jersey Meadowlands Commission (NJMC) by Jean-Damien Ladeuil of SoFive, for the property located at 2 Palmer Terrace, Block 124, Lot 51, in the Borough of Carlstadt, New Jersey. Said premises are located in the Light Industrial B zone. The special exception and variance are sought in connection with the applicant's proposal to convert an existing warehouse facility into a commercial indoor recreation facility.

Specifically, the applicant requests special exception use approval pursuant to the following:

1. N.J.A.C. 19:4-5.81(a)3, wherein commercial recreation, indoor is listed as a special exception use in the Light Industrial B zone.

The applicant also requests variance relief from the following:

1. N.J.A.C. 19:4-8.4(a) Table 8-1, which requires 96 parking spaces for the proposed uses including commercial indoor recreation, office and storage. The applicant is proposing 91 parking spaces.

Notice was given to the public and all interested parties as required by law. The public notice was published in the The Record. 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, September 4, 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 property in question totals approximately 2.97 acres and contains frontage on Palmer Terrace to the west and south. Palmer Terrace is a private road in the vicinity of the subject site.

The property in question is currently improved with an existing 60,400-square-foot warehouse building. The surrounding area is primarily developed with industrial uses, and a vacant office building located at Block 124, Lot 50 to the south of the site, opposite Palmer Terrace, is proposed to be demolished and a new warehouse building constructed.

The applicant is proposing to convert the existing warehouse space at the subject property into an indoor commercial recreation use in the form of a "five-on-five" soccer facility, consisting of eight fields, an accessory viewing area, party room, storage space, and locker facilities. An indoor commercial recreation use is a special exception use in the Light Industrial B zone. The applicant also requires a bulk variance approval for providing 91 parking spaces, whereas 96 parking spaces are required.

B. Response to the Public Notice

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

III. PUBLIC HEARING (September 4, 2014)

A public hearing was held on Thursday, September 4, 2014. NJMC staff in attendance were Sharon Mascaró, Deputy Director of Land Use Management and Deputy Chief Engineer; Mia Petrou, Senior Planner; and Brandon Alviano, 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	Historic NJMC use variance approval dated 06/30/1976 (File # 76-096).
A-2	Agreement for Use and Maintenance of Palmer Terrace (Private Road) dated 07/11/2014.
A-3	"Proposed 1st Floor Plan," Dwg. A-002, prepared by Stephen P. Jacobs Group, dated 08/25/2014.
A-4	"Proposed 2nd Floor Plan," Dwg. A-004, prepared by Stephen P. Jacobs Group, dated 08/25/2014.
A-5	"Proposed Elevations," Dwg. A-006, prepared by Stephen P. Jacobs Group, dated 08/25/2014.
A-6	Rendering on "Cover Sheet," Dwg. A-000, prepared by Stephen P. Jacobs Group, dated 08/25/2014.
A-7	"Rendering," Dwg. A-007, prepared by Stephen P. Jacobs Group, dated 08/25/2014.
A-8	Aerial photograph, untitled and undated.
A-9	"Site Plan," Dwg. C-03, prepared by L2A Land Design, LLC, dated 06/23/2014, and revised through 09/03/2014.
A-10	Parking analysis, prepared by Elizabeth Dolan, P.E. and Douglas J. Polyniak, P.E., Dolan & Dean Consulting Engineers, LLC, dated 08/05/ 2014.
A-11	Planning analysis, prepared by Peter G. Steck, P.P., dated 09/03/2014.
A-12	"Cover Sheet," Dwg. C-01, prepared by L2A Land Design, LLC, dated 06/23/2014, and revised through 09/03/2014.

A-13 "Lighting and Landscape Plan," Dwg. C-05, prepared by L2A Land Design, LLC, dated 06/23/2014, and revised through 09/03/2014.

B. Testimony

Thomas J. O'Connor, Esq., of Waters, McPherson, McNeill, P.C., represented SoFive at the hearing. The following four witnesses testified in support of the application:

1. Alex C. Jacobs, AIA, Stephen P. Jacobs Group;
2. William Vogt, P.E., L2A Land Design, LLC;
3. Jean-Damien Ladeuil, SoFive;
4. Elizabeth Dolan, P.E., Dolan & Dean Consulting Engineers, LLC; and
5. Peter G. Steck, P.P., Consulting Professional Planner.

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 and Notary Public of the State of New Jersey.

C. Public Comment

There were no members of the public present at the hearing.

IV. RECOMMENDATION(S)

A. Standards for the granting of a Special Exception to permit a Commercial Indoor Recreation Use in the Light Industrial B zone per N.J.A.C. 19:4-5.81(a)3.

The NJMC Zoning Regulations at N.J.A.C. 19:4-4.13(e) state in part that, *a special exception use shall not be granted unless specific written findings of fact are made based upon the evidence presented that supports the following conclusions:*

1. *The proposed special exception use at the specified location will contribute to and promote the welfare or convenience of the public.*

The proposed special exception use will provide for an indoor commercial recreation use consisting of eight "five-on-five" soccer fields. The applicant testified that approximately 250 youth soccer clubs are located within a 20-mile radius of the site, but there are very few indoor soccer facilities in the area. The proposed facility will also accommodate adult soccer players, with a target age of 20 to 45 years old. Indoor recreational facilities provide a public health benefit by which participants may engage in sports and recreational activities in a climate-controlled environment, allowing for year-round exercise and training. Therefore, the proposed special exception use will contribute to and promote the welfare of the public.

2. *The proposed special exception use will not cause substantial injury to the value of other property in the neighborhood.*

The proposed use will not prevent surrounding industrial development from operating as intended, nor prevent future development in the area. The property is located at the terminus of Palmer Terrace, and only one other property (1 Palmer Terrace to the south) contains site access from Palmer Terrace. The peak hours of operation of the proposed facility will occur on weekday evenings and on weekends, when surrounding industrial development is generally not in operation. Parking will be provided on the site to support the parking demand anticipated to be generated by the proposed use. Parking is also available along Palmer Terrace, a private road.

Therefore, the proposed special exception use will not cause substantial injury to the value of other property in the neighborhood.

3. *The special exception use will not dominate the immediate neighborhood in a manner that could prevent development and use of neighboring properties in accordance with the applicable regulations, in consideration of the following:*

- i. The location and size of the special exception use;*

The location of the proposed indoor commercial recreation use is an existing vacant warehouse building that was originally constructed as an indoor recreation use, in the form of an indoor tennis facility. The size and configuration of the building are ideally suited to reintroduce an indoor recreation use at the site, as it contains existing locker room facilities, storage areas, and a mezzanine viewing space.

- ii. The nature and intensity of the operation of the special exception use;*

The particular characteristics of the proposed use allows the operator to definitively quantify the anticipated occupancy of the site. The applicant's traffic engineer estimated one referee and 12 players per field (conservatively accounting for two alternate players), and a maximum of three employees during its peak hours of operations. Therefore, the total anticipated occupancy of the proposed indoor soccer facility is 107 persons.

The peak period of the soccer fields' usage will occur during weekday evenings and on weekends. Sessions will be staggered at

15-minute intervals to allow the premises adequate time to turn over the use of the fields and provide for a more evenly distributed availability of parking spaces.

The proposed operations and intensity of the use, combined with its off-peak usage in relation to the uses in the surrounding industrial neighborhood, ensure that nature and intensity of the operations will not overwhelm the neighborhood.

iii. The location of the site with respect to access and circulation;

The site is located at the terminus of Palmer Terrace, a one-block roadway beginning at Veterans Boulevard, which becomes a private roadway on the subject property and terminates in a cul-de-sac. In fact, only the subject property and the adjoining property to the south contain driveways located on Palmer Terrace. The proposed site access and circulation patterns will provide a safe and efficient means of accessing the site, with no negative off-site impacts anticipated. The applicant proposes parking area improvements that will locate the southerly access driveway further to the east of its existing curb cut, allowing a more efficient flow of traffic through the site.

iv. The location, nature, and height of structures, walls and fences on the site; and

There will be little change to the existing improvements on the site. Some minor interior building renovations, including the installation of turf fields and netting, will occur. Four loading areas

on the site will be eliminated, although two loading doors will be maintained along the southerly building facade for occasional building access and maintenance. The elimination of existing loading areas will allow additional parking and landscaping to be provided on the site.

v. The nature and extent of landscaping and screening on the site.

The existing premises comply with NJMC open space requirements, and the street frontage along Palmer Terrace is attractively landscaped with street trees and shrubs. Due to the reconfiguration of the site's vehicular use areas, an increase in open space will be realized on the premises.

4. Adequate utilities, drainage and other necessary facilities have been or will be provided.

Adequate utilities and drainage exist on the site to support the proposed indoor commercial recreation use. The existing building was originally constructed for use as an indoor recreational facility. The existing locker room facilities will be used for the proposed indoor soccer fields. No building additions or additional pavement is proposed to accommodate the proposed use. Therefore, the area's utilities and drainage will not be impacted by the proposed special exception use.

5. Adequate access roads and drive aisles have been or will be provided and shall be designed to prevent traffic hazards and minimize traffic congestion.

Adequate access roads and drive aisles to the facility are provided. The property's location is at the terminus of Palmer Terrace, and Palmer Terrace is used to access only one other property in the neighborhood. The applicant's proposal will eliminate loading areas on the site and, therefore, eliminate truck traffic customarily associated with the warehouse and distribution activities of the former warehouse use on the property.

Furthermore, the peak of the soccer fields' usage will occur during weekday evenings and on weekends, when neighboring industrial development is generally not in operation. Additionally, the start times of the use of the fields will be staggered in 15-minute intervals, allowing for a more continuous flow of traffic and the prevention of traffic congestion.

Finally, due to the specific nature of the proposed indoor recreation use, a team sport such as soccer may be more likely to result in the use of carpooling among participants. The applicant's traffic engineer testified that 25 percent of participants would likely use a carpooling option.

For the above reasons, there will be no substantial impact to area traffic.

6. *The special exception use will not have a substantial adverse environmental impact.*

The applicant does not propose any building additions or expansion of impervious areas to accommodate the proposed use. Rather, the

applicant proposes a minor increase in the amount of open space on the property.

Additionally, the proposed use will not result in any detrimental impact to NJMC performance standards, including glare, noise, airborne emissions, vibrations, or hazardous materials.

Therefore, there will be no adverse environmental impact resulting from the proposed special exception use.

B. Standards for the granting of a Bulk Variance from the provisions of N.J.A.C. 19:4-8.4(a) Table 8-1, which requires 96 parking spaces, whereas 91 parking spaces are proposed.

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 at the terminus of Palmer Terrace, a private road which serves only two properties (1 Palmer Terrace and 2 Palmer Terrace). The owners of these two properties have entered into a usage and maintenance agreement regarding the roadway to formalize the common rights to the roadway.

The applicant proposes to provide 91 parking spaces on-site. An additional 40 parking spaces will be striped along Palmer Terrace for the use of the general public. The availability of on-street parking is not normally included in the justifications for the granting of the requested variance, however in this application, the on-street parking will be installed on a private roadway being improved and maintained by the property owner.

Furthermore, the subject property is unique in that the existing building was originally developed as an indoor recreation use, and subsequently converted to a warehouse use. The building layout and facilities are easily adaptable to re-activating an indoor recreation use on the site.

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

The granting of the requested variance will not adversely affect the rights of neighboring property owners or residents. The anticipated peak occupancy of the proposed indoor soccer facility is 107 persons. The peak period of the soccer fields' usage will occur during weekday evenings and on weekends, which constitutes off-peak usage in relation to the hours of operation of uses in the surrounding industrial neighborhood. Furthermore, start times of the sessions will be staggered at 15-minute intervals to allow the premises adequate time to turn over the use of the fields and provide for a more evenly distributed availability of parking spaces.

Due to the specific nature of the proposed indoor recreation use, a team sport such as soccer may be more likely to result in carpooling among participants. The applicant's traffic engineer testified that 25 percent of participants would likely use a carpooling option, resulting in an anticipated parking demand of 83 parking spaces.

Therefore, the proposed parking of 91 parking spaces on the site will be sufficient to accommodate the proposed use. An additional 40 off-street parking spaces are located within the common private roadway .

The requested variance will not result in overflow parking on neighboring properties. The property to the south at 1 Palmer Terrace, which is proposed to be developed with a new warehouse building, is the only other property that contains access onto Palmer Terrace. The proposed parking will not conflict with site access and circulation to 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 requires 96 parking spaces to accommodate the proposed indoor recreation use, whereas 91 parking spaces are provided. The proposed "five-on-five" soccer use is classified as an indoor commercial recreation use, and there are no specific parking regulations that specifically apply to the particular characteristics of this proposed use. The NJMC parking regulations for indoor commercial recreation use provides

standards for basketball courts and tennis courts, and also requires three parking spaces per 1,000 square feet of floor area, which, for example, is intended to account for areas used for fitness equipment typically associated with gyms/fitness facilities. The outdoor commercial recreation use parking regulations also applies the three parking spaces per 1,000 square feet of floor area parking standard to field areas. However, the proposed "five-on-five" soccer use accommodates fewer players than a full soccer field, and will not be a spectator sport. Therefore, there are practical difficulties in applying the NJMC parking requirements to the proposed use on the property in question.

Nonetheless, the applicant is able to definitively quantify the anticipated occupancy of the site. The applicant's traffic engineer estimated one referee and 12 players per field (conservatively accounting for two alternate players), and a maximum of three employees during its peak hours of operations. Therefore, the total anticipated occupancy of the proposed indoor soccer facility is 107 persons. Accounting for the off-peak hours of operation, the estimated proportion of carpool participants, and the staggered utilization of the facility, the 91 spaces provided on-site are sufficient to serve the proposed use of the site as an indoor "five-on-five" soccer facility. There are also 40 parking spaces available along Palmer Terrace, a private roadway.

- 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 requested parking 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 peak of the soccer fields' usage and, consequently, the peak period of parking demand, will occur during weekday evenings and on weekends, when neighboring industrial development is generally not in operation. The start times of the use of the fields will be staggered in 15-minute intervals, providing for a more continuous flow of traffic and the prevention of traffic congestion. Therefore, there is no significant impact to public safety and order.

As described herein, the proposed parking of 91 spaces is sufficient to serve the proposed use. Forty parking spaces will be available on Palmer Terrace, a private roadway.

Finally, the requested variance for the reduction of five required parking spaces will support the reintroduction of a former indoor commercial recreation use at the site. Indoor recreational facilities provide a public health benefit where participants may engage in sports and recreational activities in a climate-controlled environment, allowing for year-round exercise and training.

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

The granting of the requested variance to construct five fewer parking spaces than required will not cause the NJMC's environmental performance standards for noise, glare, vibrations,

airborne emissions, or hazardous materials to be exceeded. Additionally, all drainage and water quality requirements will be met. Approval of the requested variance will avoid removal of open space and landscaped areas where pavement would need to be installed to accommodate five additional parking spaces. Therefore, no substantial adverse environmental impact is anticipated to result from the proposed variance.

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

The requested variance to provide 91 parking spaces on the site, whereas 96 parking spaces are required to support the proposed indoor commercial recreation use, represents the minimum deviation from the regulations that will afford relief.

There are currently 53 parking spaces provided on the site. The applicant is proposing to provide 91 parking spaces on the site, with no increase in impervious coverage. The applicant actually proposes a minor increase in open space on the site by relocating the existing southerly driveway. The applicant has expanded the parking on the site to the extent possible. Alternative locations to further expand parking on the site are not available, as these locations would either impact setback regulations or result in impacts to site circulation, with attendant safety concerns.

The proposed number of parking spaces is sufficient to serve the operations of the proposed "five-on-five" soccer indoor recreation use.

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

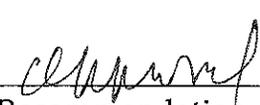
Granting the requested variance to permit five fewer parking spaces than required will not substantially impair the intent and purpose of the NJMC's zoning regulations.

The project provides for the orderly and comprehensive development of the subject site. The intent of the NJMC's parking requirements is to estimate parking demand based on a particular use, in anticipation of the needs of occupants, employees, or patrons of such use. To that end, the applicant's traffic engineer has estimated the anticipated parking demand at the site to be 83 parking spaces. The applicant proposes 91 parking spaces on the site. Forty parking spaces will be available along Palmer Terrace, a private roadway. Since sufficient parking is proposed on the site to accommodate the specific parking demand for the use, the intent and purpose of the NJMC parking regulations is satisfied.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Special Exception to permit a Commercial Recreation, Indoor Use in the Light Industrial B zone, per N.J.A.C. 19:4-5.81(a)3.

Based on the record in this matter, the special exception application for a commercial indoor recreation use on the subject premises is hereby recommended for approval.

<u>APPROVAL</u> Recommendation on Special Exception Request	<u>10.30.14</u> Date	 Sara J. Sundell, P.E., P.P. Director of Land Use Management Chief Engineer
 Recommendation on Special Exception Request	<u>10/31/14</u> Date	 Marcia A. Karrow Executive Director

B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.4(a) Table 8-1, which requires 96 parking spaces for a commercial recreation, indoor use, whereas 91 parking spaces are proposed.

Based on the record in this matter, the bulk variance application to permit 91 parking spaces for a commercial recreation, indoor use, whereas 96 parking spaces are required on the subject premises, is hereby recommended for approval.

APPROVAL
Recommendation on
Variance Request

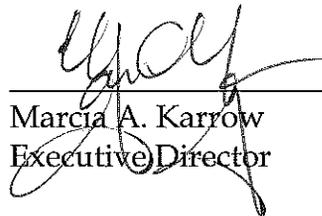
10-30-14
Date



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

Approval
Recommendation on
Variance Request

10/31/14
Date



Marcia A. Karrow
Executive Director