

## RECOMMENDATION ON THE VARIANCE APPLICATIONS OF

319 Tonnele Ave. / StorQuest - 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 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 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)3iii, 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.

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. Tonnele Avenue (U.S. Routes 1 & 9) is east of the site and commercial and industrial properties are located across Tonnele Avenue. Residences are located further east of Tonnele Avenue, approximately 500 feet east of the subject site. Access to Utica Street is provided from Tonnele Avenue. Utica Street is paved for approximately 80 feet from the Tonnele 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 38,575 square feet and the facility contains a total of 151,500 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 Tonnele 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. 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; Mia Petrou, 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:

<u>Number</u>	<u>Description</u>
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 Tonnele Avenue in the southbound direction.
A-4	An aerial photograph showing the proposed building and view point of the proposed south wall sign from Tonnele Avenue in the northbound direction.
A-5	"Planning Report for 319 Tonnele 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 Reception/ 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 3, 2014.

- A-11 "Single Unit Truck Turning Plan," prepared by Neglia Engineering Associates, dated June 23, 2014 and revised through October 3, 2014.
- A-12 "Grading and Drainage Plan," prepared by Neglia Engineering Associates, dated June 23, 2014 and revised through October 3, 2014.
- A-13 Compact disc with animated simulation that provides the drivers' views of the subject property and signage from Tonnele Avenue.

**B. Testimony**

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

1. Gary Sugarman, William Warren Properties, Inc.
2. Gregory Polyniak, P.E., P.P., Neglia Engineering Associates
3. Frank G. Relf, Frank G. Relf Architect, P.C.

Staff 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.

#### IV. RECOMMENDATIONS

##### A. Standards for the Granting of a Use Variance from the Provisions of N.J.A.C. 19:4-5.94(a) which does not permit self-storage facilities in the Intermodal B zone.

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...*

##### 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 218.6 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 triangularly-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.

Access to the site also represents an exceptional practical difficulty in its development for its zoned industrial usage. Access is available via Utica Street, a narrow dead-end roadway having a single entrance point via Tonnele Avenue to the east. Utica Street is, for the most part, an unimproved right-of-way. Only an 80-foot length of this roadway, extending west from Tonnele 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 30 feet. The applicant testified that the limited Utica 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.

- 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 Utica 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 Utica Street or Tonnele 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. Tonnele Avenue, a divided state highway, is east of the site and commercial and industrial properties are located across Tonnele Avenue. Residences are located further east of the site, approximately 500 feet across Tonnele 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 is provided from Utica Street via Tonnele 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. Keypads, security gates and fencing around the site perimeter are proposed for monitoring and security purposes. The applicant testified that self-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 Tonnele 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 no impact to the offsite sewer main in Tonnele 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 Tonnele 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 Tonnele 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. 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.**

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 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.

Tonnele Avenue is east of the site and commercial and industrial properties are along Tonnele Avenue. While there are no immediately adjacent residential uses, there are residences located approximately 500 feet east of the site, across Tonnele Avenue. In addition to this distance, the east façade of the proposed building is set back nearly 400 feet from Tonnele Avenue. Therefore, the proposed encroachment would be indiscernible from the Tonnele 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 premise. 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.

NJMC 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 exceedance 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 52.07 feet efficiently balances the zoning requirements for the Intermodal 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. 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.**

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 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 Tonnele 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 Utica 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 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 northerly property line. The applicant is proposing to install additional landscaping over the geo-membrane, which will increase open space on the premises in exceedance 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 80 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-foot-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 NJMC'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 space 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 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 proposal for

the construction of five 12 feet by 60 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 NJMC regulations.

**D. Standards for the Granting of a Bulk Variance from the Provisions of 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.**

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 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

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 18 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

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 230 feet west of Tonnele 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 Tonnele 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 830-foot-long front yard which requires a 50-foot setback along its entire length.

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 scaled 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.

- 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 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 Tonnele 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.

*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 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 northerly property line. The applicant is proposing to install additional landscaping over the geo-membrane, which will increase open space on the premises in exceedance 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 scaling down the size of the building significantly, which would impact the viability 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. 19:4-8.3(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.**

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 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 façade 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

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 façade and are also screened by the proposed landscaping and

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, four 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 façade 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 cellar 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

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 Tonnele 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 northerly property line. The applicant is proposing to install additional landscaping over the geo-membrane, which will increase open space on the premises in exceedance 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 façade. 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.

*vii. 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 Tonnele Avenue.

Additionally, the intent of the NJMC regulations is to discourage the placement of loading spaces and loading doors 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 doors, 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 NJMC 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 doors within the front yard is based on site conditions specific to the property. The locations for the loading spaces and unit 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 NJMC regulations.

**F. 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, whereas the applicant is proposing one pole sign and three wall signs, for a total of four signs.**

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 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 Utica Street, a dead-end street. Access to Utica Street is provided from Tonnele Avenue, which is located at a higher elevation than Utica Street and the subject parcel. The lot north of the site is traversed by railways that cross under Tonnele Avenue. The grade separation between the subject lot and Tonnele Avenue diminishes the visibility of the site for drivers on Tonnele Avenue. In addition, existing site features also influence the visibility of improvements on the parcel for drivers on Tonnele 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 façade facing Tonnele Avenue is approximately 400 feet away, diminishing the visibility of the building for drivers on Tonnele Avenue. The ability for the traveling public to clearly identify the site from Tonnele Avenue is vital, since access to Utica Street and the site are provided via Tonnele Avenue. Due to the physical characteristics of the property, including its irregular configuration and the grade differential between the subject property and Tonnele 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 Tonnele Avenue and Utica Street. These conditions are unique to

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 Tonnele 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 Utica 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.

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*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 Tonnele Avenue. While the site is not a corner lot, its principal means of identification and access are from both Tonnele Avenue and Utica 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 Tonnele Avenue. In addition, there is a grade separation between Tonnele Avenue and the site, as well as other physical obstructions that reduce the visibility of the site for drivers on Tonnele 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 Tonnele Avenue, a 272-square-foot wall mounted sign on the north façade, a 272-square-foot wall mounted sign on the south

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

The applicant testified that motorists traveling northbound on Tonnele Avenue are unable to clearly see the site due to the concrete divider on the roadway. Trees along the southerly 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 Tonnele 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 Tonnele Avenue. A gas station on Tonnele Avenue that is located approximately 1,000 feet north of the site and the tree line along Tonnele Avenue obscure the visibility of the site for motorists traveling south on Tonnele 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 Tonnele 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.

*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 Tonnele Avenue, impeding visibility of the building from this roadway. Visibility of the site from Tonnele Avenue is vital, since access to Utica Street is provided from Tonnele 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 have 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

visual clutter, as the total sign area complies with N.J.M.C. 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 façade 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 Tonnele 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 Tonnele Avenue, which further impacts visibility of the site. Visibility from Tonnele Avenue is important since Utica Street is accessed from Tonnele Avenue. The applicant testified that limiting signage to two signs would create a potential safety issue for the travelling 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.

*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 Tonnele Avenue. The site fronts on Utica Street and access to Utica Street is provided through Tonnele Avenue. Since all traffic to and from the proposed facility will first travel along Tonnele Avenue, adequate visibility of the facility from Tonnele 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 Tonnele 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. 19:4-5.94(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.

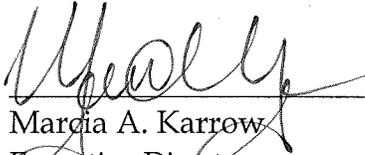
APPROVAL  
Recommendation on  
Variance Request

1.26.15  
Date

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

approval  
Recommendation on  
Variance Request

1/28/15  
Date

  
Marcia A. Karrow  
Executive Director

**B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.98(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.**

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.P.  
Director of Land Use Management  
Chief Engineer

Approval  
Recommendation on  
Variance Request

1/28/15  
Date

  
Marcia A. Karrow  
Executive Director

C. 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 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

1-26-15  
Date

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

Approval  
Recommendation on  
Variance Request

1/28/15  
Date

  
Marcia A. Karrow  
Executive Director

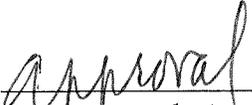
**D. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.2(b)1, which does not permit vehicular use areas in the required front yard, whereas the applicant is proposing to construct parking and circulation areas in the front yard.**

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

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

  
Recommendation on  
Variance Request

1/28/15  
Date

  
Marcia A. Karrow  
Executive Director

E. 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 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.

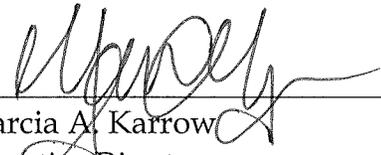
APPROVAL  
Recommendation on  
Variance Request

1-26-15  
Date

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

approval  
Recommendation on  
Variance Request

1/28/15  
Date

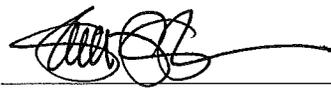
  
Marcia A. Karrow  
Executive Director

F. 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, whereas the applicant is proposing one pole sign and three wall signs, for a total of four signs.

Based 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., P.P.  
Director of Land Use Management  
Chief Engineer

approval  
Recommendation on  
Variance Request

1/28/15  
Date

  
Marcia A. Karrow  
Executive Director