RECOMMENDATION ON THE VARIANCE APPLICATION OF

Fantis Rlty/Addition, Subdivision & Variance

FILE # 11-133

I. INTRODUCTION

An application for one bulk variance has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by Jerry Makris of Fantis Realty LLC, for the premises located at 50 and 60 Triangle Boulevard, Block 126, Lots 14 and 15, in the Borough of Carlstadt, New Jersey. The subject premises is located in the Hackensack Meadowlands District's (District) Light Industrial B zone. The variance is sought in connection with the applicant's proposal to construct one loading area on the subject property in the front yard facing Triangle Boulevard.

Specifically, the applicant is requesting relief from the following:

1. N.J.A.C. 19:4-8.3(b)1, which does not permit loading in any front yard, whereas one loading area is proposed in the front yard facing Triangle Boulevard.

Notice was given to the public and all interested parties as required by law. The public notice was published in The Record newspaper. No written objections were received. A public hearing was held in the NJSEA Offices on Tuesday, April 26, 2016. 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 premises contains two adjacent parcels, Block 126, Lots 14 and 15, which front along Triangle Boulevard to the south. Properties in the immediate vicinity are developed with a mix of light industrial and warehouse/distribution uses.

The property currently contains a free-standing 106,007-square-foot building, consisting of 103,487 square feet of warehouse space and 2,520 square feet of office space. The existing building is comprised of two separate structures that were recently joined together by means of a 6,312 square-foot building addition, which was approved under Conditional Zoning Certificate, CZC-11-133, by the New Jersey Meadowlands Commission (NJMC) on April 30, 2014. Prior to the construction of the addition, the lot identified as 50 Triangle Boulevard, Block 126, Lot 15, contained an existing 49,740-square-foot warehouse building with three (3) existing loading areas located along the easterly building façade; and the lot identified as 60 Triangle Boulevard, Block 126, Lot 14, contained an existing 51,085-square-foot building, consisting of 2,520 square feet of office space and 48,565 square feet of warehouse space, with six (6) loading areas along the southerly building façade. The existing loading areas are all accessed off of Triangle Boulevard.

The common property line between Lots 14 and 15 bisects the building addition. As such, under Conditional Zoning Certificate, CZC-11-133, Fantis Foods combined Lots 14 and 15 into a single zoning lot of record to utilize both of the subject properties as a united parcel for zoning purposes.

Fantis Foods operates a food distribution business on the premises and has been in the neighborhood for approximately 27 years. A portion of the recently constructed addition contains space utilized for the storage of frozen product. The proposed loading dock would be used to transfer temperature-

controlled foods directly between a temperature-controlled truck and the new freezer area within the addition, along the shortest possible path.

Since the front façade of the recent building addition is recessed from the front facades of the existing adjoining buildings on Lots 14 and 15, the screening of the proposed loading area from the motoring public and adjacent properties is not required. To access the proposed loading area, vehicles will enter the site from an existing driveway along Triangle Boulevard. No additional vehicle maneuvering will need to occur within the Triangle Boulevard right of way or on neighboring properties. There will be no decrease in the number of parking spaces provided on site.

The existing drainage is piped and flows off of the property from north to south, directly into the existing municipal system on Triangle Boulevard. Construction of the proposed loading area on the southerly side of the recently approved building addition will require modifications to the previously approved drainage improvements.

B. Response to the Public Notice

No written objections were received prior to the public hearing.

III. PUBLIC HEARING (April 26, 2016)

A public hearing was held on Tuesday, April 26, 2016. NJSEA staff in attendance were Sara J. Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon Mascaró, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer; and Ronald Seelogy, P.E., P.P., Senior Engineer.

A. Exhibits

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

Number	Description
A-1	"Proposed Site Plan," Sheet SP.21, prepared by LAN Associates, dated December 9, 2010, revised through March 1, 2016.
A-2	"Vehicle Movement Plan," Sheet SP.23, prepared by LAN Associates, dated December 9, 2010, revised through March 1, 2016.
A-3	Aerial photo exhibit, undated.

B. Testimony

Carmine Alampi, Esq., of the firm, Alampi & De Marrais, represented the applicant at the hearing. The following witnesses testified in support of the application:

1. George D. Cascino, P.E., P.P.;
2. Eric Boe, P.E., LAN Associates; and
3. Jerry Makris, Fantis Realty LLC/50 Triangle Carlstadt Realty LLC.

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

C. Public Comment

Ken Cohen, of Pantheon Properties, the agent for the owner of the property located at 70 Triangle Boulevard, appeared at the hearing in objection of the application.

IV. RECOMMENDATION(S)

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.3(b)1, which does not permit loading in any front yard, whereas one loading area is proposed in the front yard facing Triangle Boulevard.

The Hackensack Meadowlands District 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 properties, which front along Triangle Boulevard to the south, are located within the District's Light Industrial B zone. The two existing buildings on these lots prior to being joined together by the addition, like many of the neighboring structures in the immediate vicinity, were constructed prior to the establishment of the District zoning regulations. As a result, the subject properties contain a number of pre-existing nonconformities. The maximum permitted lot coverage of 50 percent is exceeded on both individual properties, as well as on the overall zoning lot of record. A minimum side yard setback of 11.8 feet is provided along the westerly property line of Lot 14, whereas a minimum side yard setback of 20 feet is required. Minimum rear yard setbacks of 9.8 feet and 12.2 feet are provided along the northerly property lines of Lots 14 and 15 respectively, whereas a minimum rear yard setback of 30 feet is required. The building on Lot 14 is configured such

that all existing loading is provided in the front yard facing Triangle Boulevard. These pre-existing nonconforming conditions affect the development and site layout of the properties in question.

District regulations require that loading doors and facilities be located in either rear or side yards. However, the site layout and building configuration of the overall structure on Lots 14 and 15 limit the provision of new loading areas with adequate and appropriate building access and vehicle circulation that would be in conformance with the regulations.

One new loading door is proposed to be constructed in the front yard facing Triangle Boulevard, adjacent to two (2) existing loading doors located on Lot 14. A third loading door is located within the adjacent loading area; however, it is not currently in use. Although the western portion of the building on Lot 14 has front yard loading, this is not a condition ordinarily found in the immediate vicinity. Three (3) additional existing loading areas are located in the easterly side yard of Lot 15.

Locations for conforming loading areas are limited to either the westerly side yard and northerly rear yard of Lot 14, or the northerly rear yard and easterly side yard of Lot 15. However, based upon the siting of the existing building in relation to the adjacent property lines, the provision of new conforming loading spaces in the westerly side yard of Lot 14 or northerly rear yards of Lots 14 and 15 would not be possible. Similarly, the provision of new loading in the easterly side yard of Lot 15 would result in the loss of required parking, site circulation conflicts with adjacent

vehicle parking areas, and inadequate area for vehicular maneuvering.

Property cannot be acquired from adjacent Lot 12 to the west, which is under separate ownership, since the existing structure on this lot is only approximately 95 feet from the common property line, and this area is not wide enough to accommodate the existing loading facilities on Lot 12 and provide a 60-foot-long loading space with a minimum 24-foot-wide drive aisle that is required for suitable two-way access for Lot 14. In addition, it would not be feasible to acquire any land from Lots 13 or 20 to the north, as the area along the common lot line would need to be re-graded to address an abrupt change in elevation between the properties. For these reasons, the requested variance arises from conditions that are unique to the properties in question and are 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 will not adversely affect the rights of neighboring property owners or residents. The neighborhood in which the subject properties are located is primarily industrial in nature. There are no residences nearby. To utilize the proposed loading door, vehicles will enter the site from an existing driveway along Triangle Boulevard. All loading operations will occur on site and will not require additional maneuvering within the right of way or on neighboring properties to access the proposed loading area. Modifications proposed to the

on-site drainage system will not negatively impact any of the neighboring properties and will improve stormwater management in the area.

The proposed improvements will not create any negative visual impacts to neighboring properties or impede their ability to function as intended. All properties within the immediate vicinity of the site are already developed. Since the front façade of the recent building addition is recessed from the adjacent existing front facades of the buildings on Lots 14 and 15, the screening of the proposed loading area from adjacent properties or the motoring public will not be required. All maneuvering to access the proposed loading area will occur on-site and will not impede off-site circulation. The existing loading areas located on the properties identified as Lot 5 in Block 125 (55 Triangle Boulevard) and Lot 6 in Block 125 (15 Triangle Boulevard), which are located across Triangle Boulevard from the proposed loading area, will not be affected.

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

The strict application of the regulations that prohibit front yard loading will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner. In balancing the requirements of the Light Industrial B zone with the particular characteristics of the subject properties, the proposed variance is required to ensure a functional warehouse building and

parking layout. The proposed loading door will be constructed adjacent to an existing loading area to the west, which represents a consolidated approach to the site's layout.

Three (3) existing loading areas are located on the easterly building façade of 50 Triangle Boulevard, and six (6) loading areas are currently provided on the southerly building façade of 60 Triangle Boulevard. District regulations require that four (4) 12-foot by 60-foot loading spaces be provided for a building of this size. Although located in the front yard facing Triangle Boulevard, four of the seven loading areas provided at 60 Triangle Boulevard meet the minimum loading space dimensional requirements.

Testimony was provided that the applicant needs the proposed loading door in close proximity to the location of the approved building addition in order to comply with USDA mandates that require the freezer area, which is located within the recently constructed building addition, to be located within a predetermined distance from the loading area serving it. According to the applicant, utilization of any of the existing loading doors for the loading and off-loading of frozen meat products would not be consistent with USDA practices, which require that the loading area be closely proximate to the freezer, nor would it result in an efficient process for the movement of goods within the overall building. Locating the proposed loading door as close as possible to the freezer will minimize the exposure and possible contamination of the meat products during loading and unloading.

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 impacts to the public health, safety, morals, order, convenience, prosperity or general welfare by the granting of the requested variance. The placement of the proposed loading area within the front yard facing Triangle Boulevard will have no adverse impact on public safety or health, as adequate light, air, and open space will continue to be supplied.

The location of the proposed loading area permits vehicles to safely maneuver both on and off site. Direct access to the site will be maintained from an existing driveway on Triangle Boulevard. In addition, excess noise, odor, vibration, or glare will not be generated as a result of the proposed loading area. The new loading area will decrease the number of trucks waiting in queue, thereby reducing engine idling. It is anticipated that the number of vehicle trips generated by the proposed loading area will not cause significant changes to current traffic patterns. Testimony was provided that one additional delivery per day is anticipated, based on current similar operations at Fantis Foods' North Carolina facility.

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

The granting of the requested variance will not have any adverse environmental impacts. Although new paved surfaces are

proposed, the amount of open space for the overall zoning lot of record established with the approval of the addition under CZC-11-13, will be maintained. Environmentally sensitive areas, such as wetlands or stormwater facilities, will not be disturbed. The new loading area will reduce the number of trucks queuing, thereby reducing engine idling. Therefore, the requested variance to locate the proposed loading area within the front yard facing Triangle Boulevard will not cause the District's environmental performance standards for noise, glare, vibrations, airborne emissions, or hazardous materials to be exceeded.

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

The requested variance represents the minimum deviation from the regulations that will afford relief. The applicant provided testimony that the location of the new loading door is required for compliance with USDA requirements regarding the transport and storage of meat products. Potential locations to provide an alternative loading area outside the front yard facing Triangle Boulevard are limited due to existing building configuration and site layout. The proposed loading area has been situated to ensure safe and efficient operations of the warehouse/distribution facility, necessitating its location facing Triangle Boulevard.

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

The proposed loading area to be located in the front yard facing Triangle Boulevard will not substantially impair the intent and purpose of these regulations. The intent and purpose of front yard loading regulations are rooted in the promotion of public safety and aesthetics. Although this proposal locates a loading area in the front yard, public safety is not adversely impacted. All maneuvering to access the proposed loading area will occur on-site and will not impede off-site circulation. The proposed loading area will not be a significant detriment to area aesthetics, as the proposed loading door is to be located within an existing front yard loading area and will be partially screened due to its setback from the adjacent building facades.

The placement of the proposed loading area within the front yard at this particular location will provide appropriate and functional access for vehicles, including trucks and emergency equipment. The site will, therefore, be utilized in a safe and orderly manner.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.3(b)1, which does not permit loading in any front yard, whereas one loading area is proposed in the front yard facing Triangle Boulevard.

Based on the record in this matter, the bulk variance application to permit one loading area in the front yard facing Triangle Boulevard, whereas loading is not permitted in any front yard, is hereby recommended for APPROVAL.

APPROVAL	6/7/16	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management
Approval	6/7/16	
Recommendation on Variance Request	Date	Adam J. Levy Vice President of Legal and Regulatory Affairs