

RECOMMENDATION ON THE VARIANCE APPLICATION OF
North Bergen MUA/W5 Group LLC - CO/Variance
FILE # 15-296

I. INTRODUCTION

An application for one use variance and two bulk variances has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Frank Pestana, Executive Director, North Bergen Municipal Utilities Authority (NBMUA), for the premises identified as Block 452.04, Lot 6.04, in the Township of North Bergen, New Jersey. Said premises are located in the Hackensack Meadowlands District's (District) Public Utilities zone. The variances are sought in connection with a zoning certificate application proposing to utilize the existing decommissioned NBMUA sewerage treatment plant building as a contractor's yard or facility at the subject premises.

Specifically, the applicant is requesting relief from:

1. N.J.A.C. 19:4-5.108, which does not specifically list a contractor's yard or facility as a permitted use in the Public Utilities zone.
2. N.J.A.C. 19:4-5.112(a)3i, which requires a front yard of 35 feet, whereas a minimum front yard setback of 0 feet to a new vehicular use area is proposed in the front yard along West Side Avenue.
3. N.J.A.C. 19:4-8.2(c)1, which requires that a minimum six feet of landscaped open space shall be maintained as a buffer between buildings and vehicular use areas, whereas a four-foot-wide buffer is proposed.

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 received. A public hearing was held in the Office of the

NJSEA on Tuesday, January 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

In a related application (NJSEA File #14-705 North Bergen MUA/Minor Subdivision), the applicant proposes to subdivide the subject 3.29-acre property, owned by the NBMUA and identified as 4300 West Side Avenue, Block 452.04, Lot 6.04, into proposed Lots 6.0401 and 6.05. The area of proposed Lot 6.0401 is 1.69 acres and the area of proposed Lot 6.05 is 1.61 acres.

Properties along West Side Avenue are primarily industrial in nature, and include a number of intermodal facilities due to the presence of the NYS&W freight rail line located to the east of the subject property. This freight rail line forms the District's easterly jurisdictional boundary line. Properties to the north and south are located in the District's Intermodal B zone, and properties to the west include PSE&G right-of-way (ROW) across West Side Avenue, with a large vacant tract of land zoned both Environmental Conservation and Regional Commercial to the west of the ROW.

The NBMUA intends to sell proposed Lot 6.0401 to W5 Group, LLC/Waldorf Demolition (W5 Group). Proposed Lot 6.0401 contains a 38,662-square-foot structure formerly housing the NBMUA sewage treatment plant, which was decommissioned in 2010. An existing 483-square-foot lunch building on proposed Lot 6.0401 is proposed to be demolished as part of the subdivision application. In the subject zoning certificate application, W5 Group has requested to utilize the existing structure as a contractor's facility. The prospective purchaser also proposes site improvements to install additional parking at the subject premises. As part of this site improvement, bulk variances

are required to install the proposed parking in the required front yard along West Side Avenue and within the required six-foot-wide building buffer.

B. Response to the Public Notice

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

III. PUBLIC HEARING (January 26, 2016)

A public hearing was held on Tuesday, January 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 Mia Petrou, P.P., AICP, Senior Planner.

A. Exhibits

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

<u>Number</u>	<u>Description</u>
A-1	"Boundary Survey, Tax Map Lot 6.04, Block 452.04," Sheet 1 of 1, prepared by Frank M. Kupinski, P.L.S., Boswell McClave Engineering, dated August 26, 2015, revised through November 23, 2015.
A-2	"Technical Major Subdivision, Tax Map Lot 6.04, Block 452.04," Sheet 1 of 1, prepared by Frank M. Kupinski, P.L.S., Boswell McClave Engineering, dated August 25, 2015, revised through December 29, 2015.

- A-3 "Site Plan," Sheet 1 of 2, prepared by Jeffrey L. Morris. P.E., Boswell McClave Engineering, dated November 20, 2015, revised through January 11, 2016.
- A-4 "Lighting and Landscape Plan," Sheet 2 of 2, prepared by Jeffrey L. Morris. P.E., Boswell McClave Engineering, dated November 20, 2015, revised through January 11, 2016.
- A-5 Photo exhibit, seven photos, submitted by Jeffrey L. Morris. P.E., Boswell McClave Engineering, undated.
- A-6 "Hackensack Meadowlands District Zoning Map," Sheet 1 of 1, prepared by Jeffrey L. Morris. P.E., Boswell McClave Engineering, dated January 2016.

B. Testimony

Salvatore Alfieri, Esq. of the firm Cleary, Giacobbe, Alfieri, Jacobs, LLC represented the NBMUA at the hearing. The following witness testified in support of the application:

1. Diego Dantillo, Waldorf Demolition;
2. James Marrone, Waldorf Demolition;
3. Jeffrey Morris, P.E., P.P., Boswell McClave Engineering; and
4. Frank Pestana, North Bergen Municipal Utilities Authority.

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

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

IV. RECOMMENDATIONS

A. Standards for the Granting of a Use Variance from the Provisions of N.J.A.C. 19:4-5.108, which does not specifically list a contractor's yard or facility as a permitted use in the Public Utilities zone. The applicant is requesting a use variance to permit a contractor's facility on proposed Lot 6.0401.

The District Zoning Regulations at N.J.A.C. Section 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 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 NBMUA, the owner of the subject property, proposes to subdivide existing Lot 6.04 to sell the portion of the property containing the former treatment plant structure (decommissioned in 2010), designated as proposed Lot 6.0401, to W5 Group. W5 Group proposes to utilize the structure to store the vehicles and equipment that it utilizes in off-site locations as part of its business as a demolition contractor. A contractor's facility is not a permitted use in the Public Utilities zone in which the subject property is located.

Lot 6.04, along with adjoining Lot 6.03 to the north, are owned by the NBMUA, and are the only two properties located in the Public Utilities zone along West Side Avenue. The permitted uses in the Public Utilities zone include light and heavy public utility uses and

intermodal facilities. Most of the permitted uses in this zone are intended to be operated by a public or quasi-public entity, thereby limiting the potential future use of the site for a non-public owner. Therefore, the strict application of the regulations result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the current and prospective property owners due to the application of the regulations of the Public Utilities zone to a private party.

- 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 prospective purchaser, W5 Group, intends to utilize the decommissioned treatment plant structure on proposed Lot 6.0401 to store the vehicles and equipment utilized in its demolition business. The majority of properties located to the north and south of the subject property along the east side of West Side Avenue are located in the Intermodal B zone, where contractor's yards and facilities are permitted uses. The proposed use will result in the reoccupancy of a vacant site in a manner consistent with the zoning of other properties in the vicinity. Additionally, no outdoor storage is proposed; all storage will occur within the structure on the property. Therefore, the granting of the requested 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.

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 granting of the requested variance will not result in negative impacts to the existing utility infrastructure. The proposed use will be located within an existing, vacant structure that was formerly utilized as a public utility use. The public utility use will continue to operate on the adjacent portion of the property to the south designated as proposed Lot 6.05. While W5 Group proposes an expansion of parking areas on the site, the removal of open space in the front yard to accommodate parking will be offset by the restoration of existing paved area to open space in the rear of the building.

Additionally, a representative of W5 Group testified that the company currently owns and operates a solid waste transfer facility on West Side Avenue in the vicinity of the subject property. The subject site would be a convenient location to store the vehicles and equipment utilized at its offsite locations, and would not contribute to additional traffic on area roadways, as the vehicles to be stored within the building on the site are already utilizing the area roadway network.

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

The granting of the requested variance will not result in any substantial adverse environmental impacts. The site is completely developed, and no environmentally sensitive areas, such as wetlands, are located on the site. No physical expansion to the building footprint is proposed. Additional parking will be provided on the site, and all drainage requirements will be required to be met by the proposed parking expansion. The proposed use will not cause District performance standards for noise, glare, vibrations, airborne emissions, or hazardous materials to be exceeded.

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

The applicant proposes a contractor's facility in the Public Utilities zone along West Side Avenue in North Bergen. The intent of the Public Utilities zone is to accommodate heavy public utility and intermodal uses. There are a total of two properties, including the subject property, located within the Public Utilities zone along West Side Avenue in North Bergen, and they are both owned by the NBMUA. In 2004, upon adoption of the new District Master Plan and District Zoning Regulations, the zoning of the subject property was changed from the former Light Industrial and Distribution B zone, which permitted warehouses "and other storage facilities," to the Public Utilities zone, in recognition of the use and ownership of the site at that time by a public utility.

An analysis of other properties along West Side Avenue indicates that the majority of properties along the east side of the roadway

are located in the Intermodal B zone, where contractor's yards and facilities are permitted uses. The proposed use at the specified location will be consistent with the types of uses permitted elsewhere in the vicinity of the subject property. The proposed use, involving the storage of vehicles and equipment within an enclosed structure, will promote the intent and purpose of the District Zoning Regulations to provide sufficient space in appropriate locations for a variety of uses, and to provide that such uses are suitably sited so that aesthetic and use values are maximized.

Therefore, the requested use variance to operate a contractor's facility within the existing building on proposed Lot 6.0401 will not substantially impair the intent and purpose of these regulations.

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

The District Zoning Regulations reflect the spirit and intent of the District Master Plan and are the mechanism by which the policies and principles of the Master Plan are implemented and enforced, in accordance with smart growth policies. The subject property is located within the "Logistics/Intermodal/Industrial" designation of the Land Use Plan of the District's Master Plan, which is characterized as areas traditionally associated with heavy industry in the Meadowlands, including heavy industry, public service uses, and intermodal rail and truck facilities. The inclusion of the proposed contractor's facility along West Side Avenue would be consistent with the envisioned development for this area, and therefore promotes the intent of the Land Use Plan.

Another planning goal of the Master Plan includes the promotion of a suitable array of land uses which encourage economic vitality with job creation. Accordingly, the proposed use will contribute to and promote the intent of the Master Plan by returning a currently vacant and unproductive parcel of land to active use.

B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.112(a)3i, which requires a front yard of 35 feet, whereas a minimum front yard setback of 0 feet to a new vehicular use area is proposed in the front yard along West Side Avenue.

The 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 requested variance to permit parking and circulation areas within the required front yard along West Side Avenue arises from conditions that are unique to the site. The subject property is a developed site with a building formerly utilized as a sewage treatment facility and proposed to be used as a contractor's facility. Both public utility uses and contractor's facility uses require a parking ratio of one parking space per 1,000 square feet of building floor area. The existing 38,662-square-foot building, therefore, requires a total of 39 parking spaces for either of these uses, and a

pre-existing nonconforming total of eight parking spaces currently exists on the site. The applicant proposes to add additional parking spaces at the site to bring the property into compliance with the District parking requirements and to accommodate employee parking.

The location and configuration of the existing improvements on the site result in a unique situation where, despite maximizing the utilization of existing impervious areas, the only remaining area where a functional parking area can be configured is within the required front yard along West Side Avenue.

- 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 property is currently improved with a building that contains two existing roll-up loading doors fronting West Side Avenue, and 16 parking spaces are proposed to be located in the front yard along West Side Avenue. An adequate drive aisle width will be provided adjacent to the 16 parking spaces to accommodate vehicular movements on-site without impacting traffic on West Side Avenue. The property to the west across West Side Avenue is a PSE&G ROW containing electrical transmission towers and associated utility equipment, but is otherwise vacant. NBMUA facilities located to the north and south of proposed Lot 6.0401 will not be negatively impacted by the proposed parking in the required front yard. The proposed

parking area expansion will benefit neighboring property owners by allowing all parking required by the regulations to be accommodated on the site, and will prevent any potential spillover of parking demand onto neighboring properties.

Therefore, the granting of the 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 will result in practical difficulties and undue hardship upon the property owner and prospective purchaser. The site does not currently contain sufficient parking to accommodate the parking requirements for the 38,662-square-foot building. An additional 15 parking spaces are proposed in a compliant location within the southerly side yard. The existing physical characteristics of the site, primarily the way in which the existing building is situated on the property, creates practical difficulties in the attempt to provide additional functional and compliant parking and circulation areas on the site.

The subject site is currently improved with a building that contains two roll-up loading doors along West Side Avenue. Sixteen parking spaces are proposed to be located four feet from the westerly building façade fronting West Side Avenue, on either side of the loading doors. An adjacent 24-foot-wide back-up aisle is proposed at a zero-foot setback from the property line. No

practicable alternatives to the proposed location of the parking areas are available on the site.

Although the existing rear yard is currently comprised of impervious surface, the distance between the rear building line and the easterly property line is a pre-existing nonconforming dimension of 19.71 feet, leaving insufficient space to accommodate a functional parking layout. District site improvement standards require that parking spaces have a minimum depth of 18 feet and that two-way drive aisles have a minimum dimension of 24 feet, for a total dimension of 42 feet. There would also be insufficient area to accommodate parallel parking spaces in the rear yard.

The northerly side yard is 30 feet wide and, while it adjoins an easement on Lot 6.03 to access an existing loading space at the northwest building corner, the location of parking spaces in this alternative location would not be a viable alternative. The principal building entrance is located at the southwesterly portion of the building façade, fronting West Side Avenue. The location of parking along the northerly side yard would be too distant from the building entrance, and access to the building in the northerly side yard is only available via an overhead door used for loading.

Therefore, no viable alternative exists that could accommodate the remaining number of required parking spaces on the property, beyond the 15 additional parking spaces proposed in the southerly side yard. The lack of available parking on the site, which currently contains only eight parking spaces, is an exceptional

practical difficulty that results in undue hardship to the property owner.

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 adversely impact the adjacent utility properties located to the north, south and west of the site. The proposed location of the parking in the required front yard is required to accommodate a functional parking configuration on the site. A sufficient drive aisle width is provided and concrete islands are proposed along West Side Avenue to ensure the public safety by preventing vehicles from backing out of the site into the roadway.

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

The granting of the requested variance to locate vehicular use areas within the required front yard will not result in substantial adverse environmental impacts. The site is completely developed, and no environmentally sensitive areas, such as wetlands, are located on the site. No physical expansion to the building footprint is proposed. Additional parking will be provided on the site, and all drainage requirements will be required to be met by the proposed

parking expansion. The removal of open space to accommodate the parking expansion will be offset by the restoration of existing impervious surfaces to open space in the rear of the building. Furthermore, District performance standards will be met for noise, vibration, airborne emissions, glare, hazardous and radioactive materials, and wastewater.

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

The requested variance balances the regulations governing front yard setback requirements with the specific site conditions. The project site currently contains only eight parking spaces, whereas a total of 39 parking spaces are required to serve the existing and proposed use of the property. An additional 15 parking spaces are proposed in a compliant location within the southerly side yard, resulting in a total of 23 parking spaces. Sixteen additional spaces are proposed in the front yard due to the lack of practicable alternative locations to achieve a conforming parking layout. Therefore, the requested 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 ensuring 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 vehicular use areas within the required front yard setback will not substantially impair the intent and purpose of the regulations. Public safety will not be compromised, as adequate drive aisle width is provided to accommodate vehicle movements and concrete islands are proposed along West Side Avenue as a physical barrier to prevent vehicles from backing up into the roadway. The principal intent and purpose of setback regulations include the provision of sufficient light, air and open space to the subject property and adjoining properties. The intrusion into the front yard setback is due to proposed site improvements, and not due to the placement of structures. Therefore, the intent and purpose of the regulations will not be significantly impaired by the requested variance.

C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.2(c)1, which requires that a minimum six feet of landscaped open space shall be maintained as a buffer between buildings and vehicular use areas, whereas a four-foot-wide buffer is proposed.

The 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 variance arises from conditions that are unique to the property in question and which are not ordinarily found in the same zone and were not created by actions of the property owner or the applicant.

The requested variance to permit a reduced landscaped building buffer arises from conditions that are unique to the site. The subject property is a developed site containing a building formerly utilized as a sewage treatment facility, and proposed to be used as a contractor's facility. The existing 38,662-square-foot building is set back 46.75 feet from West Side Avenue, whereas a minimum front yard setback of 35 feet is required within the Public Utilities zone. The applicant proposes to add additional parking spaces at the site to bring the property into compliance with the District parking requirements and to accommodate employee parking.

The location and configuration of the existing improvements on the site result in a unique situation where, in order to supply the number of required parking spaces on the site, parking is proposed within the required front yard along West Side Avenue. The proposed width of the landscaped building buffer results from the net difference between the distance between the existing building and the property line and the width of vehicular use area required to create a functional parking and circulation layout on the site given the particular site conditions in this location.

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

The granting of the requested variance to provide a four-foot-wide buffer will not adversely affect the rights of neighboring property owners. The property to the west across West Side Avenue is a PSE&G ROW containing electrical transmission towers and associated utility equipment, but is otherwise vacant. NBMUA facilities located to the north and south of proposed Lot 6.0401 will not be negatively impacted by the proposed reduction in the required building buffer. There are no residences located in the vicinity of the subject property.

- iii. *The strict application of the provisions of the regulations from which a variance is requested will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the property owner represented in the application.*

The strict application of the provisions of the regulation from which the variance is requested would result in peculiar and exceptional practical difficulties and undue hardship upon the property owner represented in the application.

The existing building on the site is set back 46.75 feet from West Side Avenue. District site improvement standards require that parking spaces have a minimum depth of 18 feet and drive aisles have a minimum dimension of 24 feet, for a total width of 42 feet. The remaining area between the proposed parking and the

northerly face of the building is occupied with curbing and a landscaped buffer with a minimum dimension of four feet.

- iv. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.*

The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. A reduced building buffer will allow the accommodation of a vehicular use area accommodating required parking on the site, which will promote the general welfare. The four-foot-wide building buffer proposed will continue to provide protection between parked vehicles and the adjacent building façade. Additionally, a reduced building buffer allows the configuration of parking spaces and circulation aisles to conform to the required dimensions, which promotes the public safety. Finally, the buffer area will be landscaped, which will promote area aesthetics.

- v. The variance desired will not have an adverse environmental impact.*

The granting of the requested variance to reduce the required building buffer from six feet to four feet will not result in substantial adverse environmental impacts. The site is completely developed, and no environmentally sensitive areas, such as wetlands, are located on the site. No physical expansion to the building footprint is proposed. The buffer area will be landscaped and will enhance area aesthetics, and existing impervious surfaces in the rear of the building will be restored to open space. Furthermore, District performance standards will be met for noise,

vibration, airborne emissions, glare, hazardous and radioactive materials, and wastewater.

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

In accordance with N.J.A.C. 19:4-8.2(c)1, a minimum of six feet of landscaped open space needs to be maintained as a buffer between buildings and vehicular use areas. The proposed buffer dimension of four feet is the result of the particular site conditions and the existing distance available between the building and the westerly property line where parking is proposed to be added. In balancing the regulations governing site improvement standards and the configuration of vehicular use areas, a reduced building buffer is a preferred planning alternative to a reduction in the dimension of parking spaces or circulation aisles. Therefore, the variance represents the minimum deviation from the regulations that will afford relief.

- vii. Granting the variance desired will not substantially impair the intent and purpose of these regulations and will not result in substantial detriment to the public good.*

The granting of the requested variance will not substantially impair the intent and purpose of these regulations and will not result in substantial detriment to the public good. The purpose of the required six-foot landscaped buffer is to provide a safe distance between vehicles and a structure, and to increase the aesthetics of a building. The full depth of the buffer cannot be accommodated

based upon the layout of the existing building and site improvements on the site. The proposed four-foot-wide buffer will continue to provide for vehicular protection at the site. However, the aesthetics of the property will not be compromised as the site will be landscaped in accordance with District regulations.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Use Variance from the Provisions of N.J.A.C. 19:4-5.108, which does not specifically list a contractor's yard or facility as a permitted use in the Public Utilities zone. The applicant is requesting a use variance to permit a contractor's yard or facility on proposed Lot 6.0401.

Based on the record in this matter, the use variance application to permit a contractor's yard or facility on proposed Lot 6.0401 is hereby recommended for APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

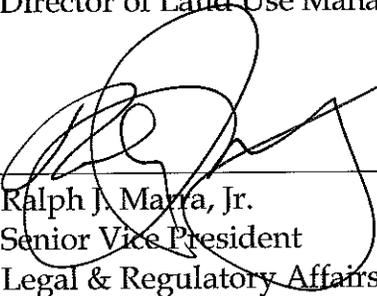
1. No zoning certificate shall be issued until the subdivision creating proposed Lot 6.0401 is approved, and proof of recording of the subdivision with the Hudson County Register is submitted to the NJSEA.
2. Any equipment, vehicles other than passenger vehicles, and materials associated with the contractor's facility use shall be stored within the existing structure and shall not be stored outdoors.

CONDITIONAL APPROVAL 3/7/16
Recommendation on Date
Use Variance Request



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

Conditional Approval 3/7/16
Recommendation on Date
Use Variance Request



Ralph J. Marra, Jr.
Senior Vice President
Legal & Regulatory Affairs

B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.112(a)3i, which requires a front yard of 35 feet, whereas a minimum front yard setback of 0 feet to a new vehicular use area is proposed in the front yard along West Side Avenue.

Based on the record in this matter, the bulk variance application to permit a minimum front yard setback of 0 feet to a new vehicular use area in the front yard along West Side Avenue, is hereby recommended for APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall obtain all required approvals from the Township of North Bergen for the construction of the proposed concrete curb islands within the West Side Avenue right-of-way.
2. The proposed concrete curb islands shall be aligned, where necessary, to match the existing curb line of West Side Avenue, subject to the approval of the Township of North Bergen.

CONDITIONAL APPROVAL 3/7/16

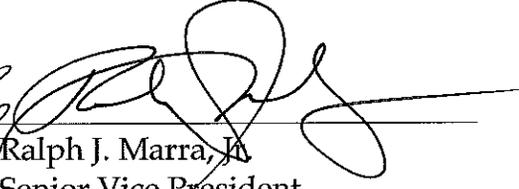
Recommendation on
Bulk Variance Request

Date


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

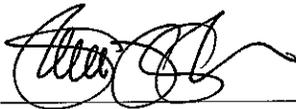
Conditional Approval 3/7/16
Recommendation on
Bulk Variance Request

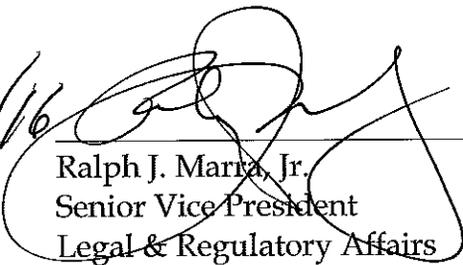
Date


Ralph J. Marra, Jr.
Senior Vice President
Legal & Regulatory Affairs

C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.2(c)1, which requires that a minimum six feet of landscaped open space shall be maintained as a buffer between buildings and vehicular use areas, whereas a four-foot-wide buffer is proposed.

Based on the record in this matter, the bulk variance application to permit a four-foot-wide landscaped building buffer adjacent to the westerly building façade along West Side Avenue is hereby recommended for APPROVAL.

<u>APPROVAL</u>	<u>3/7/16</u>	
Recommendation on Bulk Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management

<u>Approval</u>	<u>3/7/16</u>	
Recommendation on Bulk Variance Request	Date	Ralph J. Marra, Jr. Senior Vice President Legal & Regulatory Affairs