RECOMMENDATION ON THE VARIANCE APPLICATION OF

Branca/Meadowlands YMCA - Building Add. & Variances

FILE # 15-537

I. INTRODUCTION

An application for two bulk variances has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by the Meadowlands Area Young Men's Christian Association, Inc. (YMCA), for the premises located at 390 Murray Hill Parkway, identified as Block 106.03, Lot 4, in the Borough of East Rutherford, New Jersey. The subject premises is located within the District's Light Industrial A zone. The variances are sought in connection with the applicant's proposal to construct a 9,600-square-foot building addition with associated site improvements on the subject property.

Specifically, the applicant is requesting relief from the following:

1. N.J.A.C. 19:4-5.77(a)3iii, which requires a minimum rear yard setback of 75 feet, whereas the applicant is proposing to construct an addition that will provide a rear yard setback of 37.9 feet along the easterly property line.
2. N.J.A.C. 19:4-8.4(a)15, 23, 50 and 69, which require 144.2 parking spaces for 41,406 square feet of commercial recreation, indoor, space and two (2) basketball courts; 25.4 parking spaces for a child care center; 17.8 parking spaces for 7,120 square feet of office space; and 90.3 parking spaces for 3,430 square feet of swimming pool space, for a total of 278 required parking spaces; whereas 166 parking spaces are proposed.

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, July 5, 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 property is irregularly shaped, consisting of approximately 3.68 acres. A frontage of 430 feet is provided along Murray Hill Parkway to the west, which is greater than the lot's minimum width of 390 feet provided in the easterly rear yard. The site is currently developed with a 65,000-square-foot two-story commercial building formerly occupied and utilized by the New Jersey/Brooklyn Nets as a basketball practice facility with associated parking. The existing floor plan includes two full-sized regulation basketball courts, locker rooms, cafeterias, storage areas and administrative offices. The easterly portion of the existing building has a rear yard setback of 49.95 feet. Three driveways provide access to the site from Murray Hill Parkway.

The subject premises is bordered to the south and east by a multi-tenanted warehouse and distribution facility located on Block 106.03, Lot 3. A warehouse and distribution facility is located on Block 106.03, Lot 2, which borders the site to the east as well. To the north is Block 106.03, Lot 1, which is developed with a warehouse and distribution facility. Other properties in the immediate vicinity are developed with a mix of office, light industrial and warehouse/distribution uses.

The owner of the subject property, Branca Properties, Inc., has entered into a long term lease agreement with the Meadowlands Area YMCA. The YMCA is proposing to convert the existing basketball training facility to its permanent home. A 9,600-square-foot building addition is proposed to house a competition-grade

swimming pool, which will be 75 feet long by 45 feet wide and divided into six swimming lanes. Associated site improvements will increase the number of parking spaces provided on site from 156 to 166. A compliant 12-foot by 60-foot loading space will be provided for deliveries on the easterly side of the new building addition. Drainage improvements and an increase in the amount of open space provided will improve stormwater management on the subject premises.

B. Response to the Public Notice

No written objections were received prior to the public hearing.

III. PUBLIC HEARING (July 5, 2016)

A public hearing was held on Tuesday, July 5, 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; Mia Petrou, P.P., AICP, Senior Planner; 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	Aerial photograph.
A-2	"Preliminary and Final Site Plan," 12 sheets, prepared by L2A Land Design, LLC, dated November 11, 2015, last revised June 22, 2016.
A-3	"Site Plan," Drawing Number C-03, prepared by L2A Land Design, LLC, dated November 11, 2015, last revised June 22, 2016.

A-4	Pedestrian access plan.
A-5	"Ground Floor Plan & Site Signage," Sheet No. A-1, prepared by DMR Architecture, Planning, Engineering, Interiors Consulting, dated November 12, 2015.
A-6	"Second Floor Plan," Sheet No. A-2, prepared by DMR Architecture, Planning, Engineering, Interiors Consulting, dated November 12, 2015.
A-7	"Exterior Elevations," Sheet No. A-3, prepared by DMR Architecture, Planning, Engineering, Interiors Consulting, dated November 12, 2015.
A-8	Lease agreement between CLN Associates, LLC and Meadowlands Area YMCA, dated June 9, 2015.
A-9	Lease agreement between Lindsey Branca and Meadowlands Area YMCA, dated June 9, 2015.
A-10	Lease agreement between Trans World Marketing Corporation and Meadowlands Area YMCA, dated November 10, 2015.

B. Testimony

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

1. William Vogt, P.E., L2A Land Design, LLC;
2. Thomas Hofmann, AIA, DMR Architects;
3. Jane Egan, Chief Executive Officer, Meadowlands Area YMCA; and
4. Gary Dean, P.E., P.P., Dolan & Dean Consulting Engineers.

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

Ron Simoncini, President of Axiom Holding Company, LLC, and President of the Meadowlands Area YMCA, testified at the hearing in support of the application.

IV. RECOMMENDATION(S)

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.77(a)3iii, which requires a minimum rear yard setback of 75 feet, whereas the applicant is proposing to construct an addition that will provide a rear yard setback of 37.9 feet along the easterly property line.

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 property is currently improved with a 65,000-square-foot two-story commercial building formerly occupied and utilized by the New Jersey/Brooklyn Nets as a basketball practice facility with associated parking. The existing nonconforming structure is setback 49.86 feet from the Murray Hill Parkway right of way,

whereas a minimum front yard setback of 50 feet is required in the Light Industrial A zone. Likewise, a nonconforming building setback of 49.95 feet is provided from the easterly property line, whereas a minimum rear yard setback of 75 feet is required.

The applicant is proposing to construct a 9,600-square-foot building addition to house a competition-grade swimming pool and spectator viewing area. The proposed addition will encroach 12 feet further beyond the existing rear building line into the required rear yard, providing a rear yard setback of 37.9 feet.

The location and internal configuration of the existing building on site, as well as the location of the existing paved areas used for parking and site circulation, leave the easterly rear yard as the most appropriate location for a building addition. It is noted that the existing structure is located within both the required front and rear yards. Constructing the proposed addition in either the northerly or southerly side yards would result in the loss of parking on site and would necessitate variance relief.

The existing building layout, which includes administrative offices, locker rooms, cafeterias and two regulation-sized professional basketball courts, is easily adaptable for use by the YMCA. When the existing basketball court was installed within the building, interior building columns were removed and the supporting superstructure was reconfigured and relocated to the roof, in order to create the required clear span for the basketball courts. Similar costly measures would have to be undertaken in order to create the clear span required for an indoor swimming pool within the

existing building footprint, which would also necessitate the relocation of existing floor uses. Locating a portion of the proposed pool building addition within the required rear yard will maintain and accommodate a functional floor plan for the facility.

This combination of conditions related to the location and internal configuration of the existing building on site, as well as the location of the existing paved areas used for parking and site circulation, impact the site in a unique manner. These conditions are not ordinarily found in the Light Industrial A zone and were not created by any action of the property owner or the applicant.

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

The granting of the bulk variance to construct a building addition with a 37.9-foot setback from the easterly rear property line, whereas a minimum rear yard setback of 75 feet is required, will not adversely affect the rights of neighboring property owners or residents. The neighborhood in which the subject property is located in is primarily industrial and commercial in nature. No residences are located nearby.

The proposed improvements will not create any negative visual impacts to the neighboring properties or impede their ability to function as intended. The height of the proposed addition will be lower than the existing building's gymnasium roof superstructure. Landscaping will be installed to screen the visual impact of the proposed addition.

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 requiring a minimum rear yard setback of 75 feet along the easterly property line, whereas 37.9 feet is proposed, will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the applicant. Alternative locations to construct the proposed pool addition are limited by the location and internal configuration of the existing building on site, as well as the location of the existing paved areas used for parking and site circulation. The existing building, which is located 49.95 feet from the rear lot line, currently encroaches into the easterly required rear yard. The proposed addition will encroach further into the required rear yard by approximately 12 feet.

Pushing the proposed rear building line of the addition in the westerly direction to comply with the required 75-foot rear yard setback would reduce the footprint of the proposed addition by 52 percent, from 8,400 square feet to approximately 4,000 square feet, rendering its dimensions unfeasible for a pool. The existing lot coverage at the subject premises is 30.23 percent, whereas up to 60 percent lot coverage is permitted in the Light Industrial A zone. The proposed building addition would only increase the site's existing lot coverage by 5.99 percent. Furthermore, constructing the proposed addition in any other location on site would be impracticable, and would impact the internal building

configuration and the ability to provide a functional parking and loading layout.

In balancing the requirements of the Light Industrial A zone with the particular characteristics of the subject property, the proposed variance is required to provide a functional building addition and site configuration.

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 building addition within the easterly rear yard, as proposed, will not have a significant adverse impact on public safety or health, as adequate light, air, and open space will continue to be supplied.

Site circulation will be improved by installation of additional impervious surface that will provide a connection between the existing vehicular use areas on the northerly and southerly portions of the subject premises, thus allowing vehicles to circulate around the proposed facility. Access to the site from Murray Hill Parkway via two ingress/egress driveways will be maintained. A compliant loading area will be provided in the rear yard on the easterly side of the proposed addition. Excess noise, odor, vibration, or glare will not be generated as a result of the proposed building addition.

The YMCA, a non-profit charitable organization that has been serving the Meadowlands community since 1920, has never had a permanent home. The granting of the requested variance associated with the construction of an addition of a competition-grade pool will ensure that the public will have full access at this location to the amenities offered by the YMCA.

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

The granting of the requested variance will have no adverse environmental impacts. The location of the proposed building addition in relation to the rear yard will not cause the District's performance standards regarding noise, vibrations, airborne emissions, hazardous materials, glare or water quality to be exceeded. The improved site will provide 20.3 percent open space, more than the minimum 15 percent open space required in the Light Industrial A zone, and adequate drainage will be provided.

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. Potential locations to provide a conforming building addition to accommodate a competition-grade swimming pool outside of the easterly rear yard are not available due to the existing site and building configurations. The easterly rear yard is the optimal location for the proposed building addition since it allows parking to remain in the northerly and southerly

yards maximizing the number of parking spaces that can be provided on site and has no detrimental impact on site circulation.

The total proposed lot coverage of 36.22 percent is in substantial compliance with the Light Industrial A zone's required maximum lot coverage of 60 percent. The footprint of the proposed addition represents only a minor 5.99 percent increase in the site's existing lot coverage. The improved site will maintain 20.3 percent open space, in compliance with minimum open space requirements. Compliance with both lot coverage and open space requirements is an indicator that the subject property will not be overdeveloped.

This proposal represents a reasonable balance between the zoning requirements of the Light Industrial A zone and their application to the particular characteristics of the property in question.

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

The granting of the requested variance will not impair the intent and purpose of the regulations. Specific purposes of the District 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 to each other and to the environment so that aesthetic and use values are maximized. The proposed rear yard setback is consistent with this intent by allowing the site to be developed and utilized in a safe, orderly, and efficient manner.

B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.4(a)15, 23, 50 and 69, which require 144.2 parking spaces for 41,406 square feet of commercial recreation, indoor, space and two (2) basketball courts; 25.4 parking spaces for a child care center; 17.8 parking spaces for 7,120 square feet of office space; and 90.3 parking spaces for 3,430 square feet of swimming pool space, for a total of 278 required parking spaces; whereas 166 parking spaces are proposed.

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 property is currently improved with a 65,000-square-foot two-story commercial building formerly occupied and utilized by the New Jersey/Brooklyn Nets as a basketball practice facility with associated parking. A total of 156 parking spaces are presently provided on the subject premises.

   The applicant proposes to provide 166 parking spaces on site for its proposed YMCA facility. The applicant has also proposed that an additional 151 off-site satellite parking spaces located at neighboring properties at 355, 360, and 375 Murray Hill Parkway can be utilized to offset the peak period parking demand for the facility, increasing the total number of parking spaces provided for

the facility at peak times to 317. Branca Properties, Inc., owner of the subject property, also owns the properties at 355 and 375 Murray Hill Parkway. Branca Properties has entered into license agreements with the YMCA to provide 49 additional parking spaces at 355 Murray Hill Parkway and 32 additional parking spaces at 375 Murray Hill Parkway. The license agreements are valid for the same term as the Branca Properties' lease of the subject property to the YMCA. These off-site parking spaces will be available for the YMCA's use Monday through Friday from 6:00 PM (or when the tenant closes for business, whichever is earlier) to 12:00 AM and during the YMCA's normal business hours on weekends.

The applicant has also entered into a license agreement with Trans World Marketing Corporation, the property owner of 360 Murray Hill Parkway, to provide an additional 70 parking spaces. This license agreement, however, is revocable, based on the terms set by Trans World Marketing. In the event that the Trans World Marketing license agreement is revoked, it should be the responsibility of the YMCA to locate alternate parking locations to make up for the loss of these 70 spaces. The term of this license agreement begins on September 1, 2016, and shall expire no later than September 1, 2042. These 70 additional parking spaces are available Monday through Friday from 5:30 PM to 12:00 AM (or when the YMCA closes for business, whichever is earlier) and during the YMCA's normal business hours on Saturdays and Sundays. The availability of off-site parking is not normally included in the justifications for the granting of a parking variance; however, the proposed satellite parking areas are restricted

through license agreements and will be used during non-business hours during the week and on weekends, which is anticipated to coincide with the hours when the largest numbers of patrons will be utilizing the facility.

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 peak period of the facility's usage will be early mornings and evenings on weekdays and on weekends, which constitutes off-peak usage in relation to the hours of operation of uses in the surrounding industrial and commercial neighborhood.

The applicant's traffic engineer testified that during normal business hours, the 166 parking spaces that will be provided on site will be adequate for YMCA employees and patrons. Furthermore, children using the facility for various purposes and events will be bused in from time to time, reducing parking demand. Therefore, the 166 parking spaces proposed will be sufficient to accommodate the YMCA's commercial recreation, indoor, use.

An additional 151 satellite parking spaces will be provided off-site through license agreements with adjacent property owners. Patrons utilizing the satellite parking areas should be directed to those areas via appropriate signage. They will park their vehicles in existing striped parking stalls and will not conflict with site access and circulation of these neighboring properties. The

requested variance will not result in overflow parking onto neighboring properties without licensing agreements..

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

The strict application of the regulations requires 278 parking spaces to accommodate the proposed YMCA facility, whereas 166 parking spaces will be provided on site. The applicant is able to definitively quantify the anticipated occupancy of the site. The applicant's traffic engineer testified that during normal business hours, the 166 parking spaces that will be provided on site will be adequate for YMCA employees and patrons. During off-peak hours of operation, the applicant testified that the additional 151 parking spaces provided off-site will be sufficient to serve the proposed use of the subject property. There are no locations on the subject property where additional conforming parking spaces could be located and the parking layout has been optimized in the space available.

iv. *The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.*

The requested parking variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. Indoor recreational facilities provide a public

health benefit where participants may engage in sports and recreational activities in a climate-controlled environment, allowing for year-round exercise and training.

The peak use of the facility and, consequently, the peak period of parking demand, will occur during weekday early mornings, due to childcare drop-offs, and evenings and on weekends when neighboring industrial and commercial facilities are generally not in full operation. The applicant testified that shuttle service to and from satellite parking areas will be provided as well as appropriate sidewalks, crosswalks, and signage for pedestrians. Therefore, there is no significant impact to public safety and order.

As described herein, the proposed parking of 166 spaces is sufficient to serve the proposed YMCA facility during normal business hours. The applicant's testified that 151 parking spaces will be provided off-site to address additional parking demand during off-peak hours.

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

The granting of the requested variance will not have any adverse environmental impacts. This application will not cause the District's environmental performance standards for noise, glare, vibrations, airborne emissions, or hazardous materials to be exceeded. The improved site will maintain 20.3 percent open space, more than the minimum open space requirement of the Light Industrial A zone, and adequate drainage will be provided.

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

The granting of the requested variance to provide 166 parking spaces on the site, whereas 278 parking spaces are required to support the proposed YMCA facility, represents the minimum deviation from the regulations that will afford relief.

There are currently 156 parking spaces provided on site. The applicant is proposing to provide a total of 166 parking spaces on site with no net overall increase in impervious coverage. The applicant is proposing a minor increase in open space on the site to 20.3 percent, which is above the minimum required open space required in the Light Industrial A zone. The applicant is proposing to expand the parking on site to the greatest extent possible. Alternative locations to further expand parking on site are not available, as these locations would either impact setback regulations or result in impacts to site circulation, with attendant safety concerns. Therefore, the proposed number of parking spaces is sufficient to serve the operations of the proposed YMCA facility.

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

Granting the requested variance will not substantially impair the intent and purpose of these regulations. The project provides for the orderly and comprehensive development of the subject property. The intent of the NJSEA's parking requirements is to accommodate parking demand based on a particular use, in anticipation of the needs of occupants, employees, or patrons of

such use. To that end, the applicant's traffic engineer has estimated that the anticipated parking demand at the site will be met by the 166 parking spaces during normal business hours Monday through Friday. The applicant has testified that an additional 151 parking spaces will be provided off-site through lease agreements to address possible increased parking demand during weekday evening and weekend events and activities. Since sufficient parking is proposed on site to accommodate the specific parking demand for the use and satellite parking through license agreements is proposed to handle possible increased demand, the intent and purpose of the NJSEA's parking regulations is satisfied.

V. SUMMARY OF CONCLUSIONS

A. <u>Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.77(a)3iii, which requires a minimum rear yard setback of 75 feet, whereas the applicant is proposing to construct an addition that will provide a rear yard setback of 37.9 feet along the easterly property line.</u>

Based on the record in this matter, the bulk variance application to construct a 9,600-squaree-foot building addition with a minimum rear yard setback of 37.9 feet, whereas a minimum rear yard setback of 75 feet is required, is hereby recommended for APPROVAL.

APPROVAL	9/1/16	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management
Approved	9/7/16	
Recommendation on Variance Request	Date	Ralph J. Marra, Jr. Senior Vice President Legal & Governmental Affairs

B. <u>Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.4(a)15, 23, 50 and 69, which require 144.2 parking spaces for 41,406 square feet of commercial recreation, indoor, space and two (2) basketball courts; 25.4 parking spaces for a child care center; 17.8 parking spaces for 7,120 square feet of office space; and 90.3 parking spaces for 3,430 square feet of swimming pool space for a total of 278 required parking spaces; whereas 166 parking spaces are proposed.</u>

Based on the record in this matter, the bulk variance application to permit 166 parking spaces for a commercial recreation, indoor, use, whereas 278 parking spaces are required on the subject premises, is hereby recommended for APPROVAL subject to the following conditions:

1. The applicant shall notify the NJSEA in writing a minimum of fifteen (15) days in advance of any change to the satellite parking license agreements that would temporarily or permanently restrict the use of the additional satellite parking for the YMCA facility. In the event of any change to a license agreement, the applicant shall have 120 days to procure alternate parking locations to make up for the lost satellite parking spaces and to submit the alternate parking locations to the NJSEA for review and approval.
2. The applicant shall provide signage on the subject property informing individuals utilizing the facility that additional parking is available at 355, 360, and 375 Murray Hill Parkway. Also, signage and striping shall be provided at 355, 360, and 375 Murray Hill Parkway identifying those areas allocated for overflow parking as indicated on the Pedestrian Access Plan.

CONDITIONAL APPROVAL 9/1/16

Recommendation on Variance Request — Date

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

Conditional approval 9/7/16

Recommendation on Variance Request — Date

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