

**RECOMMENDATION ON THE SPECIAL EXCEPTION APPLICATION OF
' 1806 Harrison/National Water Main Cleaning Company-C.O. (Change in Use)**

FILE # 11-455

I. INTRODUCTION

An application for one special exception has been filed with the New Jersey Meadowlands Commission (NJMC) by William F. Harrison, Esq., of the firm Genova, Burns & Giantomasi, on behalf of National Water Main Cleaning Company for the premises identified as 1806 Harrison Avenue (a.k.a. 775 Harrison Avenue by the Town of Kearny), Block 286, Lot 40, in the Town of Kearny, New Jersey. Said premises are located in the Commission's Intermodal A zone. The special exception is sought in connection with the applicant's proposal to operate a contractor's yard on the subject premises.

Specifically, the applicant is requesting special exception approval pursuant to:

1. N.J.A.C. 19:4-5.88(a)5, where contractor's yard or facilities are listed as a special exception use in the Intermodal A zone.

A public hearing was held at the Office of the Commission on Tuesday, February 7, 2012. Notice was given to the public and all interested parties as required by law. The public notice of this hearing was published in The Jersey Journal. No written objections were submitted to the Division of Land Use Management. 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 is a 5.17-acre lot, containing a 55,381-square-foot, single-tenanted industrial building with associated paved parking areas and related site improvements. In addition, a Kearny Municipal Utilities Authority pump station exists on a leased area in the southwesterly corner of the site. The property is located in the Commission's Intermodal A zone in the southwesterly portion of the Hackensack Meadowlands District. The lot is irregularly-shaped, fronting on a PSE&G right-of-way and Harrison Avenue to the south. The site is bounded to the north by the NJMC's closed 1-A Landfill, to the east by the Northeast Corridor rail line, and to the west by a light industrial property. Undeveloped marshland exists to the south across Harrison Avenue.

The applicant is proposing to operate a contractor's yard on the subject premises. The applicant's proposed business is a municipal maintenance service specializing in the video inspection and light cleaning of underground pipelines such as water lines and sewer lines. Various pieces of equipment and vehicles utilized in the daily operation of the business will be stored on site. Most of the storage will occur within the existing industrial building. However, a new paved parking and storage area will be provided along the northerly portion of the site between the building and the 1-A Landfill for equipment and vehicles that cannot be stored within the building. On-site drainage improvements are proposed in the northeasterly portion of the property in connection with the new paved area. Office space will be added within the building to accommodate employees working on the premises. No other improvements are proposed.

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 (February 7, 2012)

A public hearing was held on Tuesday, February 7, 2012. 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; and Mark Skerbetz, 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	"ALTA/ACSM Land Title Survey," prepared by Control Point Associates, Inc., dated May 5, 2011.
A-2	"Site Plan Rendering," prepared by Bohler Engineering, dated August 4, 2011, revised through January 9, 2012.
A-3	Planner's report, prepared by Peter G. Steck, P.P., dated February 6, 2012.

B. Testimony

William F. Harrison, Esq., of the firm Genova, Burns & Giantomasi, represented National Water Main Cleaning Company at the hearing. The following witnesses testified in support of the application:

1. Salvatore Perri, National Water Main Cleaning Company
2. Brian McMorrow, P.E., Bohler Engineering
3. Peter G. Steck, P.P., Community Planning Consultant

Staff findings and recommendations are based on the entire record. A transcript of the public hearing was prepared and transcribed by Darlene Kulesa, Certified Court Reporter.

C. Public Comment

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

IV. RECOMMENDATION

A. Standards for the Granting of a Special Exception from the Provisions of N.J.A.C. 19:4-5.88(a)5, where contractor's yard or facilities are listed as a Special Exception Use in the Intermodal A zone.

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

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

As a maintenance service specializing in the videoing and cleaning of water and sewer lines, National Water Main Cleaning Company assists municipalities and other governmental agencies having jurisdiction by maintaining and upgrading existing water and sewer line infrastructure. Ensuring sufficient and reliable water and sewer service in the region will enable the retention of existing businesses and help attract businesses. Currently, the surrounding area is served by older utility infrastructure, including water and sewer lines. Approval of this proposed special exception use will increase the likelihood that the affected infrastructure will be maintained in a timely and satisfactory manner, thereby having a positive effect on the businesses in the area. The proposed contractor's yard will allow for reliable water and sewer service for businesses and residents, not only within the general vicinity of the site, but within the broader region served by the National Water Main Cleaning Company. As such, the proposed contractor's yard will contribute to and promote the welfare and convenience of the public.

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

The principal function on the premises will be the storage of equipment and vehicles utilized at off-site jobs where the videoing and cleaning of water and sewer lines will occur. Most storage and office operations will be conducted within the building, with the remaining storage of equipment and vehicles to be provided outdoors along the rear of the site. The current activities on the neighboring properties will not be impeded by the operation of the contractor's yard. The only potential negative impact created by the facility would be the impacts on area aesthetics due to the presence of the outdoor storage. However, this effect will be mitigated by the fact that most of the storage of vehicles and equipment will be conducted within the existing building. The remaining storage will occur to the rear of the site and will be screened from Harrison Avenue by the building. Outdoor storage will not be visible from Harrison Avenue as the site is elevated and set back approximately 80 feet from the roadway. In addition, adequate screening of this storage area by a combination of evergreen and deciduous trees and shrubs will be provided along the rear property line between the premises and the 1-A Landfill. Therefore, the proposed contractor's yard will not cause substantial injury to other properties in the surrounding neighborhood.

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

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

The location and size of the proposed contractor's yard will not dominate the immediate area or neighborhood in a manner that would prevent development and use of neighboring properties in accordance with NJMC zoning regulations. The principal on-site use of the contractor's yard will be the indoor and outdoor storage of equipment and vehicles used in conjunction with the videoing and cleaning of off-site water and sewer lines. A 55,381-square-foot single-tenanted industrial building with associated paved parking areas and related site improvements exists on the premises. No exterior building expansions or additions are proposed. Minor site improvements, consisting of a new paved area to the rear of the site between the building and 1-A Landfill, are proposed for the storage of vehicles and equipment. This area, however, will be heavily screened from the rear by a combination of evergreen and deciduous trees and shrubs and will also not be visible from the street. An existing office trailer along the westerly property line will be removed from the premises once all interior building renovations and site improvements are completed. Properties in the surrounding area will be able to continue to function as intended.

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

The proposed contractor's yard is a low intensity use relative to the former industrial use that previously occupied the site. The principal function on the premises will be the storage of equipment and vehicles utilized at off-premise job sites where the videoing and cleaning of water and sewer lines will occur. Most storage and office operations will be conducted within the building, with the remaining storage of equipment and vehicles provided outdoors along the rear of the site in an orderly manner. This low intensity use will not dominate the

immediate neighborhood and will have no detrimental effects on the surrounding properties, as they will not be impeded in their ability to continue their current function.

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

Except for the proposed rear paved parking and storage area, the site is already fully developed, containing an existing industrial building with associated site improvements. Sufficient on-site access and vehicular circulation for the existing and proposed use is in place. Direct access to the site from Harrison Avenue is through a 50-foot-wide roadway easement across the PSE&G right of way. Vehicular circulation is provided around the entire perimeter of the building. Although the proposed rear paved parking and storage area may increase vehicular use on the premises, it will not burden or create a dominating effect on the surrounding roadway access or circulation. All parking and loading requirements for the site are met by the proposed use. Neighboring properties will not be impeded in their ability to function. As Harrison Avenue is a four lane road with traffic signals nearby, Harrison Avenue will easily accommodate any increase in vehicular intensity on the premises due to the proposed special exception use.

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

The location, nature, and height of structures and fences on the site will not dominate the surrounding area. Except for the proposed rear paved parking and storage area, the site is already fully developed. There will be no additions to the existing building or new fences installed. Fencing is already in

place along the side and rear property lines. The outdoor storage of equipment and vehicles will be behind the building in the rear of the site, heavily screened from the adjacent 1-A Landfill by a combination of evergreen and deciduous trees and shrubs, and will not be visible from the street.

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

Heavy vegetative screening will be provided along an existing fence in the rear of the property between the new paved parking and storage area and the 1-A Landfill. Proposed landscaping will include a mix of deciduous and evergreen trees and shrubs designed to thoroughly screen the site from the landfill. Fencing and screening already exists along the side lot lines between the site and neighboring properties. As the site is elevated and setback approximately 80 feet from Harrison Avenue, visibility from the roadway is limited and restricted to the building itself.

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

The proposed contractor's yard shall not require any additional water, sewer, or gas service than what is currently provided on site. All required infrastructure, including sanitary sewers, are in place. The proposed use will not decrease the ability of the existing utility infrastructure to perform in a safe and efficient manner. Electric and telephone requirements for the contractor's yard will be adequately handled by the existing services available to the property. The on-site stormwater drainage facility will be expanded to compensate for the additional impervious surfaces proposed along the rear of the site,

resulting in peak runoff rate that will be less than what now occurs on the premises.

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

The site contains sufficient on-site access and vehicular circulation for the existing and proposed use. The impact to traffic in the surrounding area will be insignificant as Harrison Avenue is a four lane road with traffic signals nearby, capable of handling any increase in vehicular usage generated by the contractor's yard. Harrison Avenue already experiences a heavy volume of trucking generated by nearby industrial and commercial uses; as such, the type and volume of traffic generated by the contractor's yard will not change the character of the vehicular usage already in the area and will not add a significant amount of vehicles to the road. Direct site access is provided from Harrison Avenue via a 50-foot-wide roadway easement through the adjacent PSE&G right-of-way. Adequate vehicular circulation is provided around the entire perimeter of the building. The areas of outdoor storage are clearly delineated on the proposed site plan in an orderly manner and a designated fire lane is provided to ensure public safety.

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

The proposed contractor's yard and associated site improvements will not cause any adverse environmental impacts. There will be no manufacturing processes occurring on the premises, only the indoor and outdoor storage of equipment and vehicles. The applicant testified that NJMC environmental performance standards will not be exceeded in

regard to noise, vibration, glare, air emissions, hazardous or radioactive materials that may be generated from the proposed yard. No wetlands or environmentally sensitive areas will be disturbed. Existing stormwater runoff facilities will be improved to facilitate the additional impervious surfaces proposed for the premises.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Special Exception from the Provisions of N.J.A.C. 19:4-5.88(a)5, where Contractor's Yards or Facilities are listed as a Special Exception Use in the Intermodal A zone.

Based on the record in this matter, the application for a special exception to operate a contractor's yard on the subject premises is hereby recommended for approval.

<u>APPROVAL</u>	<u>3-12-12</u>	
Recommendation on Special Exception Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management and Chief Engineer

<u>Approval</u>	<u>3/12/12</u>	
Recommendation on Special Exception Request	Date	Marcia A. Karrow Executive Director