

**RECOMMENDATION ON THE SPECIAL EXCEPTION APPLICATION OF  
Hartz/East-West Bridals - C.O.**

**FILE # 11-717**

**I. INTRODUCTION**

An application for one special exception has been filed with the New Jersey Meadowlands Commission (NJMC) by Mr. David Hughes, Esq., on behalf of Hartz Mountain Industries, for the premises identified as 40 Enterprise Avenue, Block 57, Lot 7, in the Town of Secaucus, New Jersey. Said premises are located in the Commission's Light Industrial A zone. The special exception is sought in connection with the applicant's proposal to expand an existing 3,147-square-foot accessory retail space into 3,467 square feet of principal retail space.

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

1. N.J.A.C. 19:4-5.74(a)14, where a retail establishment is listed as a special exception use in the Light A Industrial zone. The applicant is proposing to expand an existing 3,147-square-foot accessory retail space into 3,467 square feet of principal retail space.

A public hearing was held in the Office of the Commission on Thursday, February 16, 2012. Notice was given to the public and all interested parties as required by law. The public notice 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 decision.

## **II. GENERAL INFORMATION**

### **A. Existing and Proposed Use**

The 6.35-acre site is located on Enterprise Avenue in Secaucus. The lot contains a 161,791-square-foot mixed use building and includes retail, office and warehouse space. Currently, there are two tenant spaces within the building. One tenant space is occupied and consists of 121,483 square feet of principal warehouse space and 2,094 square feet of accessory office space. The second tenant space is vacant and contains 27,193 square feet of principal warehouse space, 7,874 square feet of accessory office space and 3,147 square feet of accessory retail space. Although the uses on the site require 140 parking stalls, there are currently only 123 parking stalls on the site, which is a pre-existing non-conformity.

The proposed use will allow the existing occupied tenant space to remain as is and will split the vacant tenant space into two tenant spaces that can be leased separately. One space will consist of 28,997 square feet of principal warehouse space and 5,201 square feet of accessory office space. This space will remain vacant until a new tenant is found. The second space will be occupied by the proposed retail use and will consist of 3,467 square feet of principal retail space, 439 square feet of warehouse space, and 110 square feet of office space. The decrease of office space in the building allows for a reduction in the number of required parking spaces on site by three parking stalls. Three parking stalls are proposed to be removed from the site in order to accommodate a proposed 12- by 30-foot loading area for the proposed retail use.

### **B. Response to the Public Notice**

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

### III. PUBLIC HEARING (February 16, 2012)

A public hearing was held on Thursday, February 16, 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 Directory of Land Use Management and Deputy Chief Engineer; Mia Petrou, P.P., Senior Planner; and Gabrielle Gornelli, Staff Engineer.

#### A. Exhibits

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

<u>Number</u>	<u>Description</u>
A-1	"Project Site" - Aerial Photograph of Site.
A-2	"Site Plan for Special Exception Retail and Change in Use," prepared by Kristine Kalfas, P.E., P.P., dated December 17 2011.
A-3	"Planning Report in Support of Hartz/East-West Bridals C.O./Special Exception," prepared by Kristine Kalfas, P.E., P.P., dated February 16, 2012.

#### B. Testimony

David Hughes, Esq., of Hartz Mountain Industries, represented the applicant at the hearing. The following witness testified in support of the application:

1. Kristine Kalfas, P.E., P.P., Hartz Mountain Industries.

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

**C. Public Comment**

There were no members of the public present at this hearing.

**IV. RECOMMENDATION**

**A. Standards for the Granting of a Special Exception to permit a retail establishment in the Light Industrial A zone as per N.J.A.C. 19:4-5.74(a)14.**

The NJMC Zoning Regulations at N.J.A.C. 19:4-4.13(e) state 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.*

The proposed retail space will contribute to and promote the welfare and convenience of the public by providing a unique service to the Harmon Cove area of Secaucus. The proposed retail space will be occupied by East-West Bridals, a specialty retail store that has served the Harmon Cove area for over a decade and has successfully provided retail opportunities to local residents. Moreover, as a specialty store, the proposed tenant will continue to draw many shoppers that would not have traditionally visited the area. The proposed tenant was previously located in the Harmon Outlet Center and, by remaining the Harmon Cove area, will continue to serve new and existing customers at their convenience.

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

The proposed principal retail space will be compatible with the surrounding land uses and will not cause substantial injury to the value of other properties in the surrounding neighborhood. The Harmon Cove area traditionally consists of mixed warehouse and retail use buildings. The building will remain a mixed-used building. Although the subject tenant space was most recently occupied by retail establishment that was accessory to a principal warehouse use, the change to a principal retail use will not be discernable to either the public or the neighboring properties. The proposed use change of 320 square feet from office to retail use is minimal and will not significantly change the function of the building. The proposed use will blend in well with the surrounding properties. Additionally, shoppers coming to the area to visit the proposed retail space will also provide business to other retail establishments within the 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 of the proposed principal retail space will utilize the existing 3,147 square feet of accessory retail use with an additional 320 square feet of proposed retail space taken from existing office space, for a total of 3,467 square feet of principal retail space. The existing accessory retail space occupies approximately 1.9 percent

of the total floor area of the mixed-use building. The proposed principal retail space will occupy approximately 2.1 percent of the total floor area within the building. The size is comparable to other retail spaces within the Harmon Cove area. The existing 27,193 square feet of warehouse space within the building had previously been leased with 2,094 square feet of accessory office space and 3,147 square feet of retail space. This proposal would divide this space, allowing the retail space to be leased independently of the warehouse and office spaces. The exterior of the building, including landscaping and other site attributes, will not change. The site parking will be reduced by three to accommodate one 12-by 30-foot loading stall. The removal of the three parking stalls is in compliance with NJMC regulations due to the reduction in required parking resulting from the change in use of 320 square feet from office to retail. The removal of the three parking stalls and corresponding addition of a loading stall is the only significant change that will take place outside of the building.

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

The operation of the proposed principal retail space will complement the surrounding area and will function in a manner that will not be out of character or scale with the surrounding land uses, including warehouse and both accessory and principal retail outlets. The principal retail use at the subject site will function in a way that is consistent with the prior accessory retail use. The proposed use change of 320 square feet from office to retail is minimal and will not impact the operation of the building. The

additional square footage will not result in a more intense use than previously exists on the subject location.

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

The location of the proposed principal retail space on the subject premises is immediately accessible from Enterprise Avenue, and will not decrease the utility of this roadway. The site parking will be reduced by three to accommodate one 12- by 30-foot loading space. The removal of the three parking spaces is in compliance with NJMC regulations due to the change in use of 320 square feet from office to retail. The proposed 12- by 30-foot loading area will accommodate a small straight truck and will be accessed by the existing site access point. The existing site access point, on-site circulation routes, and drive aisle widths will remain and are adequate to serve the proposed change in use. As there are no proposed changes to the on-site circulation, this site will not dominate the neighborhood or impact the use of the surrounding properties.

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

No substantial exterior site improvements are required or proposed for the retail space. The facility shall only require interior alterations and, therefore, the height of the existing building shall not change. There are no additional proposed fences or walls on the site.

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

The site is presently well maintained and landscaped in an appropriate manner and requires no additional landscaping. There are existing mature trees and shrubs on site. No new landscaping or screening will be required as there is no exterior equipment proposed on the site.

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

The requested special exception on the subject premises will not detrimentally impact the existing utility infrastructure. The subject property is fully developed and contains all required utilities. The proposed retail space will not affect the ability of the existing drainage system to perform in a safe and efficient manner and no additional impervious coverage is proposed. The existing electric service will be split within the building to provide a separate electrical service for the retail space. Additionally, the existing utility infrastructure, including water, sewer, and gas is adequate to meet the requirements of the proposed retail space, as well as the other remaining property uses on the site.

*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 existing access roads within the Harmon Cove roadway network can satisfactorily support the proposed principal retail space. Access to the retail establishment will be from Enterprise Avenue, as currently exists for the site. The 320-square-foot change in use from office to retail space is minimal and will not significantly alter the intensity of the subject tenant space. Consequently, the proposed use will not substantially impact the on-site circulation, nor will it cause any traffic hazards or congestion within the area.

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

The proposed principal retail space will not result in any adverse environmental impacts. NJMC environmental performance standards will not be exceeded for any noise, vibration, glare, air emissions, and hazardous or radioactive materials generated from the proposed facility. There are no proposed changes to the site that introduce storage or disposal of hazardous or radioactive materials. In addition, the existing sanitary lines will continue to be used as they were used before.

## V. SUMMARY OF CONCLUSIONS

- A. Standards for the Granting of a Special Exception to permit a principal retail establishment in the Light Industrial A zone as per N.J.A.C. 19:4-5.74(a)14.

Based on the record in this matter, the special exception application for a 3,467-square-foot retail space as a principal use on the subject premises is hereby recommended for approval.

APPROVAL

Recommendation on  
Special Exception Request

3-9-12

Date



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

Approval

Recommendation on  
Special Exception Request

3/12/12

Date



Marcia A. Karrow  
Executive Director