

**RECOMMENDATION ON THE VARIANCE APPLICATION OF
FlightSafety International/Building Addition and Variances**

FILE #12-390

I. INTRODUCTION

An application for two (2) bulk variances has been filed with the New Jersey Meadowlands Commission (NJMC) by G. L. Wedding of FlightSafety International, Inc., for the premises located at 100 Moonachie Avenue, Block 65, Lot 7, and 51 Romeo Street, Block 65, Lot 8, in the Borough Moonachie, New Jersey. Said premises are located in the Commission's Light Industrial B zone. The variances are sought in connection with the applicant's proposal construct a 23,333 square foot addition to the existing FlightSafety facility on the subject premises.

Specifically, the applicant is requesting relief as follows:

1. N.J.A.C. 19:4-8.2(b)1, which prohibits vehicular use areas in the required front yard. The applicant is proposing vehicle parking spaces within the required 35 foot front yard setbacks along Moonachie Avenue and Romeo Street.
2. N.J.A.C. 19:4-8.4, Table 8-1, which requires a minimum of 2.5 parking spaces per 1,000 square feet of business support services floor area. The applicant is proposing 138 parking spaces, whereas 164 parking spaces are required.

A public hearing was held at the Office of the Commission on Thursday, September 20, 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 Bergen Record. 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 consists of two properties. The first property, 100 Moonachie Avenue, Block 65, Lot 7, is a 2.4-acre lot containing the existing 42,065 square foot FlightSafety facility. The second property associated with this application, 51 Romeo Street, Block 65, Lot 8, is approximately 0.6 acres in area and contains an existing 12,500 square foot warehouse building. The applicant proposes to combine Lots 7 and 8 into a single parcel through either a zoning lot of record or subdivision and demolish the existing building located on Lot 8 and construct a 23,333 square foot addition to the existing FlightSafety facility. FlightSafety proposes to expand their facility to house simulators, a training pool, and additional classrooms for pilot and flight crew education.

With the proposed 23,333 square foot addition to the building, the site will require a total of 164 parking spaces, whereas 138 spaces are proposed. Combining Lots 7 and 8 into a single parcel will create an irregularly-shaped corner lot fronting on Moonachie Avenue and Romeo Street. The applicant has sought relief to construct vehicular drive aisles and parking spaces in the required front yards and a reduction in the amount of required parking spaces.

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 (September 20, 2012)

A public hearing was held on Thursday, September 20, 2012. NJMC 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 Brandon Alviano, 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 & Topographic Survey," prepared by Langan Engineering, dated May 18, 2012;
A-2	Aerial and Site Plan, prepared by ARCO Construction and Langan Engineering;
A-3	Preliminary Renderings, Elevations and Floor Plans, prepared by ARCO Construction (reduced copy); and
A-4	Preliminary Renderings, Elevations and Floor Plans, prepared by ARCO Construction.

B. Testimony

James Rhatican, Esq., of Wolff & Samson, P.C., represented FlightSafety International. The following witnesses testified in support of the application:

1. Gregory Wedding, FlightSafety International;
2. Daniel Miola, P.E., Langan Engineering;
3. Louis W. Vandeloecht, R.A., GMA Architects; and
4. Gregg Woodruff, P.P., AICP, Langan Engineering.

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

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

IV. RECOMMENDATION

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.2(b)1, which prohibits vehicular use areas in required front yards. The applicant is proposing vehicular parking spaces within the required 35 foot front yard setback along Moonachie Avenue and Romeo Street.

The NJMC 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 vehicular use areas within a designated front yard, where front yard parking is prohibited, arises from conditions that are unique to the site. The subject property is an irregularly-shaped lot, having two front yards. The property fronts on Moonachie Avenue to the north and Romeo Street to the west.

NJMC zoning regulations limit the placement of vehicular use areas to beyond the required 35-foot front yard setback and 5 feet from side and rear property lines. The provision of new parking areas with adequate and appropriate site circulation is limited by the existing building location and site configuration.

The applicant is proposing to combine Lots 7 and 8, demolish the existing 12,500 square foot warehouse building on Lot 8, and construct a 23,333 square foot addition to the existing FlightSafety facility. As such, adequate parking areas need to be provided to accommodate the additional park spaces required as a result of the addition. As the proposed addition will be built onto the western portion of the existing building, the applicant has maximized the area of available conforming locations to construct additional parking areas. Since the addition will generate more required parking spaces than the maximum number of conforming spaces proposed on the site, the applicant has offset this deficiency by locating some parking spaces within the required front yard. These circumstances are unique to the property in question.

- 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 allow vehicular use areas in the required front yards along Moonachie Avenue and Romeo Street will not adversely affect the rights of neighboring property owners or residents. The site is located within a fully developed commercial/industrial area. Properties immediately located to the south, east and west of the premises are zoned Light Industrial B and consist of a variety of commercial and industrial uses. Teterboro Airport is located across Moonachie Avenue, to the north. The proposed vehicular parking areas that will be located within the required front yard setback are situated along both Moonachie Avenue and Romeo Street. The proposed parking areas will not create any negative visual impacts to the neighboring

properties or impede their ability to function as intended. The parking areas and drive aisles will not have any negative visual impacts from the right-of-ways, as they will be mitigated by a proposed landscaped buffer along Moonachie Avenue and Romeo Street. Therefore, the granting of the variance will not adversely affect the rights of neighboring property owners or residents.

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 peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner. The applicant proposes to construct a 23,333 square addition onto their existing 46,065 square foot facility, which results in a requirement for additional parking for the expanded facility. There are practical difficulties associated with providing compliant parking locations on a property with an existing building and two front yards. The applicant proposes to locate parking within the required front yards along Moonachie Avenue and Romeo Street since parking in the remaining yards is maximized to the extent possible. In addition, the applicant has concurrently applied for a second variance requesting relief for a deficiency in the number of required spaces. The inability to locate any parking in the required front yards would create an even greater hardship relative to the deficit in the number of parking spaces, whereas according to the applicant's testimony, the proposed parking arrangement satisfies the projected parking demand for the proposed development.

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 to the public health, safety, morals, order, convenience, prosperity or general welfare by the granting of the requested variance. The surrounding neighborhood properties principally consist of warehouse and distribution uses, with some sites already containing pre-existing, non-conforming front yard parking. The applicant is proposing to locate parking spaces and drive aisles in the required front yards fronting on Moonachie Avenue and Romeo Street. Currently, there is approximately 180 feet of drop-curb frontage along Romeo Street serving the existing front yard parking area and building on Lot 8. The applicant plans to demolish the building and provide curb and landscaping along the entire length of the frontage on Lot 8, thereby limiting vehicular access to Romeo Street from the existing driveway on Lot 7. These improvements will decrease the degree of nonconformity and improve public safety. The frontage along Lot 7 will also include front yard parking and drive aisles. However, the applicant proposes to landscape the perimeter, thus increasing the visual aesthetics from Moonachie Avenue and Romeo Street.

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

The granting of the requested variance will not have any adverse environmental impacts. The location of the proposed parking

spaces and drive aisles located within the 35 front yard setback along Moonachie Avenue and Romeo Street will not cause the NJMC's performance standards regarding noise, vibrations, airborne emissions, hazardous materials, glare or water quality to be exceeded. Additionally, landscaping will be provided and open space requirements are met.

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

The requested variance represents the minimum deviation from the regulations that will afford relief. The subject premises fronts on Moonachie Avenue to the north and Romeo Street to the west. The addition cannot be accommodated in any other location on the property other than the western portion of the site, due to the configuration of the existing building and lack of available area in the northerly, easterly and southerly yards. Potential locations to provide parking areas outside of a front yard are limited due to the existing site layout and building configuration. In cases where a conforming location is available, the applicant has provided compliant parking areas.

The proposed parking areas have been sited to ensure the safe and efficient vehicular operation and circulation. Furthermore, to minimize any visual impacts of the parking spaces and drive aisles in the front yards, the applicant proposes to install a landscaped buffer running the length of the site.

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

The requested variance to permit parking and drive aisles in the front yard facing Moonachie Avenue and Romeo Street will not impair the intent and purpose of the regulations. The intent of prohibiting vehicular use areas within the required front yard is to minimize the visual impacts to neighboring properties. Although some of the parking spaces and drive aisles along Moonachie Avenue and Romeo Street will be located within the required 35 foot front yard setback, the applicant has proposed a vegetative buffer that varies from approximately 10 to 25 feet from the curb line of the parking area to the curb line of Moonachie Avenue and Romeo Street. This landscaped area will minimize any visual impacts of the proposed parking from the right-of-way.

The approval of the variance request will contribute to and promote the intent of the NJMC Master Plan by allowing the site to be 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, Table 8-1, which requires a minimum of 2.5 parking spaces per 1,000 square feet of business support services floor area. The applicant is proposing 138 parking spaces, whereas 164 parking spaces are required.

The NJMC 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 138 parking spaces, whereas 164 spaces are required, for a building with a business support services use, arises from conditions that are unique to the site. The subject premises is comprised of Lots 7 and 8 and is an irregularly-shaped, 3.06-acre parcel, having two front yards. The property fronts on Moonachie Avenue to the north and Romeo Street to the west. The applicant is proposing to combine Lots 7 and 8, demolish the existing 12,500 square foot warehouse building on Lot 8, and construct a 23,333 square foot addition to the existing FlightSafety facility. As a result of the building addition, there will be an increase in the number of required parking spaces. Currently, there are 93 parking spaces servicing the two existing buildings on Lots 7 and 8. The applicant proposes to combine the two lots and utilize the majority of Lot 8 as a parking area.

The property's two front yards, combined with the layout of the existing FlightSafety building and site improvements, are conditions that are unique and not ordinarily found in the Commission's Light Industrial B zone.

- 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 permit 138 parking spaces for a business support service building, whereas 164 spaces

are required, will not adversely affect the rights of neighboring property owners or residents. The site is located within a fully developed industrial area. Properties to the south, west, and east of the premises are zoned Light Industrial B and consist of a variety of industrial and commercial uses. Teterboro Airport is located across Moonachie Avenue to the north of the property.

The applicant testified that there are anywhere between 40 and 60 employees and 30 to 40 customers during a maximum shift, as the operation currently exists today. As a result of the proposed addition to the existing facility, the applicant expects a 20 percent increase in the total number of employees and customers. Based on this, the maximum projected number of employees and customers is 120 persons, and therefore, the 138 parking spaces proposed would be sufficient to accommodate the future parking demand at the site. Many customers carpool to the facility, further lessening the demand for parking spaces on the site. Therefore, the granting of the variance will not adversely affect the rights of neighboring property owners or residents.

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 peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner. The applicant testified that the necessity for the addition to the existing facility is to provide for the ability to train pilots and flight crews in procedures for water emergency training and rescues. The current FlightSafety facility is not equipped with a "dunker" pool. Therefore, pilots and flight crews must utilize a pool facility off-site. The primary purpose of the addition is to provide for a dunker pool and related classrooms and equipment to be located at the subject facility.

In accordance with N.J.A.C. 19:4-8.4(a), Table 8-1, a business support service requires 2.5 parking spaces per 1,000 square feet of floor area. The strict application of the NJMC regulations would obligate the property owner to provide 164 on-site parking spaces to comply with parking requirements from the existing facility and the 23,333 square foot addition.

The FlightSafety operation is a very specialized use. The applicant testified that the construction of the addition would result in a projected 20 percent increase in employees and customers to the site. As depicted on the site plan, the applicant has maximized all available parking areas, while providing the required amount of open space. In accordance with the applicant's testimony, the proposed 138 parking spaces will be sufficient to accommodate projected parking demand at the site.

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 to the public health, safety, morals, order, convenience, prosperity or general welfare by the granting of the requested variance for a reduction of require parking spaces. The surrounding neighborhood properties principally consist of warehouse and distribution uses. The applicant proposes to construct a 23,333 square foot addition to the existing building, while demolishing a 12,500 square foot warehouse. The applicant's planner testified that the number of proposed parking spaces is adequate to support the parking demand generated by the facility with the proposed addition.

The applicant has redesigned the site by combining Lots 7 and 8 and creating 360-degree circulation around the addition and existing building. Vehicular access to the site will be reduced to two points of ingress/egress, as opposed to the three driveway access points on Lot 7 and the 180 linear feet of drop curb along Romeo Street on Lot 8 that currently exist.

To further increase the aesthetics from Moonachie Avenue and Romeo Street, the applicant is proposing to increase the existing landscaping by providing improved vegetation in the form of shade trees, evergreen and deciduous shrubs and ornamental grasses.

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

The granting of the requested variance will not have any adverse environmental impacts. By the granting of the requested variance

to permit 138 parking spaces for a business support services building, whereas 164 spaces are required, the NJMC's performance standards regarding noise, vibrations, airborne emissions, hazardous materials, glare or water quality will not be exceeded. Additionally, landscaping will be provided and open space requirements are met.

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

The requested variance represents the minimum deviation from the regulations that will afford relief. The applicant proposes to construct a 23,333 square foot addition to their existing 42,065 square foot facility. In order accommodate the proposed increase in building area, the applicant has maximized the provision of parking spaces in relation to the property's existing constraints. The reduction in the total number of parking spaces, compared to the number of spaces required, will result in less impervious coverage on the site, thereby creating more areas for open space and vegetative screening from right-of-ways.

In accordance with N.J.A.C. 19:4-8.4(a), Table 8-1, a total of 164 on-site parking spaces are required for the existing facility and the proposed addition. The applicant's planner testified that the 138 parking spaces are adequate to satisfy parking demand for the facility and its addition. As such, 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.

The requested variance to permit 138 parking spaces for a flight safety training facility, whereas 164 spaces are required, will not impair the intent and purpose of the regulations. In accordance with N.J.A.C. 19:4-5.79, the Light Industrial B zone is "designed to accommodate a wide range of industrial, distribution, and commercial uses that generate a minimum of detrimental environmental effects." The existing FlightSafety facility is a state of the art aviation training center for pilots, mechanics and flight crews. The granting of the bulk variance will permit an expansion to this existing permitted use, which will allow training activities that had been previously conducted off-site to now be housed under one roof.

Furthermore, granting the requested variance will allow FlightSafety, which has existed at its current location since 1984, to remain in Moonachie. This, in turn, will create additional job opportunities and allow a successful business to continue to prosper.

In addition, the variance would allow for the development of land in accordance with good planning principles that relate to the subject site and surrounding environs. The approval of the variance request will contribute to and promote the intent of the NJMC Master Plan by allowing the site to be developed and utilized in a safe, orderly, and efficient manner.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.2(b)1, which prohibits vehicular use areas in the required front yards. The applicant is proposing vehicle parking spaces within the required 35 foot front yard setback along Moonachie Avenue and Romeo Street.

Based on the record in this matter, the bulk variance application to permit vehicular use areas in the required 35 foot front yard setback along Moonachie Avenue and Romeo Street, where such vehicular use areas are not permitted in any required front yard, is hereby recommended for approval.

APPROVAL
Recommendation On
Variance Request

11-7-12
Date


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

APPROVAL
Recommendation On
Variance Request

11-8-12
Date


Marcia A. Karrow
Executive Director

B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.4 Table 8-1, which requires a minimum 2.5 spaces per 1,000 square feet of business support services floor area. The applicant is proposing 138 parking spaces, whereas 164 parking spaces are required.

Based on the record in this matter, the bulk variance application to permit 138 parking spaces, whereas 164 parking spaces are required, in connection with the applicant's proposal to construct a 23,333 square foot addition to the existing building, is hereby recommended for approval.

APPROVAL

11-7-12



Recommendation On
Variance Request

Date

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

Recommendation On
Variance Request

Date

Marcia A. Karrow
Executive Director