

**OTHER AGENCIES**

**NEW JERSEY MEADOWLANDS COMMISSION**

**District Zoning Regulations**

**Official Zoning Map**

**Block 442, Lot 1.03, in the Township of North Bergen**

**Proposed Amendment: N.J.A.C. 19:4-3.3**

Authorized By: New Jersey Meadowlands Commission, Marcia A. Karrow,  
Executive Director.

Authority: N.J.S.A. 13:17-1 et seq., specifically 13:17-6(i). See also N.J.A.C.  
19:3-1.5.

Calendar Reference: See Summary below for explanation of exception to  
calendar requirement.

Proposal Number: PRN 2012-110.

A **public hearing** on this matter will be held on Tuesday, August 28, 2012, at  
10:00 A.M. at the following location:

New Jersey Meadowlands Commission

One DeKorte Park Plaza

Lyndhurst, New Jersey 07071

Submit written comments by October 5, 2012 to:

Sara J. Sundell, P.E., P.P.

Director of Land Use Management  
New Jersey Meadowlands Commission  
One DeKorte Park Plaza  
Lyndhurst, New Jersey 07071

It is requested (but not required) that anyone submitting written comments also include a disc containing a digital version, preferably in Microsoft Word. Interested persons may obtain a copy of this proposal from the NJMC website, [www.njmeadowlands.gov](http://www.njmeadowlands.gov). The proposal may also be inspected during normal office hours at the NJMC, One DeKorte Park Plaza, Lyndhurst, New Jersey 07071.

The agency proposal follows:

#### **Summary**

On April 9, 2012, a petition for rezoning was received by the New Jersey Meadowlands Commission (NJMC) from the property owner, Ben F. Senger, regarding the property identified as Block 442, Lot 1.03, located within the Hackensack Meadowlands District (District), in the Township of North Bergen. The petition requests that the NJMC rezone Block 442, Lot 1.03, from its existing zoning of Regional Commercial (RC) to Intermodal A (I-A).

Block 442, Lot 1.03, is comprised of 0.79 acres, and is developed with a one-story brick restaurant building. The site fronts on Paterson Plank Road to the south and is bordered by the Cromakill Creek to the west and north. The site

contains a 10-foot-wide storm sewer easement on the northerly portion of the site that accepts runoff from West Side Avenue and properties further east. A 19.69-foot by 9.84-foot drainage easement is located on the southerly portion of the site, necessitated by recent improvements made to the Paterson Plank Road/West Side Avenue intersection. To the east of the site is Block 442, Lot 4, which is a property zoned as Right-of-Way, owned by PSE&G, and developed with electric transmission line towers. This lot also contains an ingress/egress easement allowing access to the subject property from West Side Avenue. The undeveloped property to the west of the site is zoned RC. According to the petitioner, the site is feasible for development with uses permitted in the I-A zone, such as a contractor's office.

The current zone designation of Block 442, Lot 1.03, is RC. The RC zone contains large-scale commercial development serving a regional market incorporating retail facilities and employment centers proximate to major roadways. The rezoning of Block 442, Lot 1.03, to I-A would promote the utilization of the parcel in a planned manner consistent with the character of the existing industrial neighborhood. Direct access to the property is provided from West Side Avenue, which is more appropriate for industrial rather than commercial uses. A contractor's office is a permitted use in the I-A zone, but not in the RC zone.

The purpose of the proposed rezoning of the subject property is to balance economic development with environmental enhancement, preservation, and

restoration. The proposed rezoning request will allow for the development of an industrial property adjoining similar land uses while preserving environmentally-sensitive areas along Cromakill Creek.

At its regularly scheduled meeting of May 23, 2012, the NJMC Board of Commissioners authorized staff to prepare and submit a notice of proposal to the Office of Administrative Law for publication in the New Jersey Register and conduct a public hearing to obtain public input regarding this matter.

The NJMC has provided a 60-day comment period in this notice of proposal. Thus, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

### **Social Impact**

The proposed rezoning of Block 442, Lot 1.03, includes an area of approximately 0.79 acres. No negative social impact is envisioned as a result of rezoning the subject property. Block 442, Lot 1.03, adjoins an existing industrial area located along West Side Avenue. There will be no significant demand for services. The rezoning will permit development of this property with private funding and will direct economic growth to an existing industrial neighborhood.

The entity impacted most will be the property owner. If approved, the property owner would be bound by a different set of rules that would be applicable to development of the site. However, since the proposal is the result of a petition filed by the property owner, the NJMC may conclude that the

property owner has analyzed the impacts of the rezoning and made a determination to proceed with the request.

### **Economic Impact**

The rezoning is anticipated to have an overall positive economic impact on the District. The types of uses permitted in the I-A zone do not typically pose an economic burden to the municipality. Promoting flexibility in the uses that may be conducted on Block 442, Lot 1.03, will translate into a positive economic impact to the public by promoting increased employment and productivity.

The NJMC is not aware of any funding sources that may be impacted by the proposed rezoning. There will not be a detrimental economic impact on the public, and there are no foreseen economic impacts on implementing agencies. The NJMC is the agency with zoning jurisdiction and there are no administrative, enforcement or oversight costs to this agency as a result of this rezoning.

### **Federal Standards Statement**

The District is located within the Federally designated Coastal Zone Management Area for New Jersey (designated in accordance with 15 CFR 923.53(a)(1)). The NJMC acts as the lead coastal planning and management agency for the District under the guidance of the New Jersey Department of Environmental Protection (NJDEP).

The NJMC District Zoning Regulations serve as a regulatory tool for meeting the goals and rules established by the New Jersey Coastal Management Program. The proposed amendment does not contain any requirements or standards in excess of those imposed under Federal law.

### **Jobs Impact**

The proposed rezoning will have a positive impact on jobs in the immediate area and the District. The petitioner proposes a change in use from a restaurant to a contractor's office in conformity with I-A zone regulations on Block 442, Lot 1.03. New opportunities for construction and employment would result from the development of this vacant property for industrial use.

### **Agriculture Industry Impact**

The proposed amendment will have no impact on the agriculture industry in the State of New Jersey. The property has not been used for any agricultural or related purposes.

### **Regulatory Flexibility Statement**

The proposed amendment does not impose additional reporting, recordkeeping, or other compliance requirements on small businesses, which means any business which is resident in New Jersey, independently owned and

operated, not dominant in its field, and which employs fewer than 100 full-time employees.

The I-A zone is designed to accommodate transportation facilities that are located proximate to port, rail, and trucking activities, and complementary light industrial uses. The permitted uses in this zone include automobile rental facilities, minor automobile repair facilities, automobile sales, bus garages, Class A and D recycling facilities, contractor's offices, fuel service stations, intermodal facilities, light industry, parks or recreation facilities, passenger rail terminals, light public utility uses, self-storage facilities, taxi and limousine services, warehouse and distribution facilities, and wholesale establishments. Most of these uses would be classified as small businesses.

Therefore, the rezoning of the subject property, as requested in the petition, will have no impact on the existing requirement that the property owner obtain all permits and or/applicable approvals from the NJMC.

### **Housing Affordability Impact Analysis**

Any proposed development on the rezoned property would be subject to the affordable housing requirements set forth by law or court order at the time of zoning certificate application. Therefore, this rezoning is not expected to impact the production of affordable housing or affect any applicable affordable housing requirements. The proposed rezoning is not anticipated to impact the average costs associated with housing in the District.

## Smart Growth Development Impact Analysis

The availability of affordable housing within the District is not anticipated to increase or decrease due to the proposed rezoning from the RC zone to the I-A zone. The developer would be required to satisfy any affordable housing required by law at the time of zoning certificate application. The District is not located within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan. Accordingly, the rezoning will not affect, in any manner, new construction within those areas.

**Full text** of the proposal follows:

19:4-3.3 Official Zoning Map

Change the zoning designation of Block 442, Lot 1.03, in the Township of North Bergen, from Regional Commercial to Intermodal A.

OFFICE OF ADMINISTRATIVE LAW NOTE: The Official Zoning Map is not reproduced herein, but may be reviewed at the following locations:

New Jersey Meadowlands Commission

One DeKorte Park Plaza

Lyndhurst, New Jersey 07071

Office of Administrative Law

Quakerbridge Plaza, Building 9

Quakerbridge Road

Trenton, New Jersey 08625