

RECOMMENDATION ON THE VARIANCE APPLICATION OF

White Toque/Building Addition & Variance

File #12-537

I. INTRODUCTION

Applications for three bulk variances have been filed with the New Jersey Meadowlands Commission (NJMC) by Douglas T. Harris, Esq., on behalf of White Toque, Inc., for the premises located at 11 Enterprise Avenue North, Block 56, Lot 5, in the Town of Secaucus, New Jersey. Said premises are located in the Commission's Light Industrial A (LI-A) zone. The variances are sought in connection with the applicant's proposal to construct an 8,220-square-foot warehouse building addition along with associated site improvements on the subject property.

Specifically, the applicant is requesting relief as follows:

1. N.J.A.C. 19:4-5.77(a)3ii, which requires a minimum side yard setback of 30 feet on any one side. The applicant is proposing to construct an addition that will provide a minimum side yard setback of 10 feet along the northerly side yard.
2. N.J.A.C. 19:4-5.77(a)3iii, which requires a minimum rear yard setback of 75 feet. The applicant is proposing to construct an addition that will provide a rear yard setback of 10.21 feet along the westerly property line.
3. N.J.A.C. 19:4-8.4(a)50 and 79, which require 11 parking spaces for 4,264 square feet of office space and 26 parking spaces for 38,831 square feet of warehouse space, for a total of 37 required parking spaces; whereas, a total of 29 parking spaces will be provided.

Notice was given to the public and all interested parties as required by law. Public notice of this application was published in The Jersey Journal newspaper. No written comments regarding this application were received by the Division of Land Use Management during the public comment period. 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 property in question consists of approximately 1.77 acres. It contains frontage on Enterprise Avenue North to the east. The site is bordered to the north, west and south by the property identified as Lot 3.01 in Block 56 (1-3 Enterprise Avenue North), upon which are situated two warehouse buildings. A residential area is located approximately 93 feet to the north of the subject property. The easterly portion of the subject property contains easements for sanitary sewer, storm sewer and fire main, and ingress and egress.

The site is currently improved with a one-story, metal warehouse/distribution facility with associated parking. The southerly portion of the existing building encroaches upon Lot 3.01 by 0.06 feet at the southwesterly building corner and 0.14 feet at the southeasterly building corner. Access from Enterprise Avenue North to the subject premises is provided by an ingress and egress easement through Lot 3.01 to Lot 5.

The applicant is proposing to construct a one-story, 8,220-square-foot addition to the existing warehouse/distribution facility with associated site improvements. No new loading areas are proposed. Six existing loading doors are provided on the southeasterly side of the building facing Enterprise Avenue North, all of which are accessed from the aforementioned ingress and egress easement. A total of 29 on-site parking spaces are proposed.

B. Response to the Public Notice

No written comments or objections were received during the public comment period.

III. PUBLIC HEARING (May 21, 2013)

A public hearing was held on Tuesday, May 21, 2013. NJMC staff in attendance were Sara Sundell, P.E., P.P., Director of Land Use Management and 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 to the NJMC regarding the variance request:

<u>Number</u>	<u>Description</u>
A-1	Drawing set prepared by Donohue Engineering, dated July 25, 2012, revised through March 14, 2013, unless otherwise indicated, consisting of the following sheets: "Site Plan," Sheet Number 1 of 3; "Grading & Utility Plan," Sheet Number 2 of 3; and "Open Space/Lighting Plan," Sheet Number 3 of 3, dated December 21, 2012, revised through March 14, 2013.

B. Testimony

The applicant was represented at the hearing by Douglas T. Harris, Esq. The following witnesses testified in support of the application:

1. Thomas E. Donohue, P.E., Donohue Engineering.
2. Richard LeMee, White Toque, Inc.

3. Didier Amiel, White Toque, Inc.

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.

IV. RECOMMENDATION

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.77(a)3ii, which requires a minimum side yard setback of 30 feet on one side. The applicant is proposing to construct an addition that will provide a minimum side yard setback of 10 feet along the northerly side yard.

The NJMC Zoning Regulations at N.J.A.C. Section 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 site is currently improved with a 34,875-square-foot warehouse/distribution facility that occupies 45 percent of the site. The applicant proposes to construct an 8,220-square-foot addition in the northerly side yard to provide additional warehouse space to accommodate their expanding business operations at this site, which they also own.

The proposed addition will provide a minimum northerly side yard setback of 10 feet, whereas a minimum side yard setback of 30 feet is required in the Light Industrial A zone. The footprint of the proposed addition is designed to align with the existing warehouse space in the building, and to accommodate the proposed functional pallet storage layout, which requires an addition 60 feet in width.

The existing building encroaches beyond the southerly lot line, and is currently within 8.56 feet of the rear lot line to the west. The configuration of the existing building on the subject property leaves the northerly yard as the most appropriate location for a building addition. However, the ability to comply with the zone's side yard setback requirement is affected by the skew of the northerly lot line, which results in a provided side yard setback ranging from 10 to 20 feet.

The subject property is also one of the smallest properties in the portion of the Light Industrial A zone in the vicinity of Enterprise Avenue North, having a lot area of 1.77 acres, whereas a minimum lot area of three acres is required in the zone.

Additionally, the site is surrounded to the north, west and south by adjoining Lot 3.01, and contains frontage along Enterprise Avenue North to the east. While the site contains frontage on a public street, there is no direct access to the site from Enterprise Avenue North; access to the site is provided through Lot 3.01 by an ingress and egress easement. An easement for a storm sewer and fire main is also located in the front yard.

This combination of conditions related to the size of the property, the siting of the existing building, the skew of the northerly lot line, and the presence of easements, 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.

- 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 neighborhood in which the subject property is located is primarily industrial and commercial in nature. A residential neighborhood is located approximately 93 feet north of the site, beyond an existing landscaped berm on Lot 3.01. Parts of this neighborhood are located in the Commission's Low Density Residential zone, and are not accessible via Enterprise Avenue North due to the presence of a gate.

The proposed improvements will not create any negative visual impacts to neighboring properties or impede their ability to function as intended. All properties within the immediate vicinity of the site are primarily industrial and commercial in nature. The proposed warehouse addition will be located at least 100 feet from nearby residences, and will be placed west of the existing berm, landscaping, and fencing located on adjacent Lot 3.01. While the landscaping features present on Lot 3.01 are not specifically intended to provide screening for the proposed development on Lot 5, it is not anticipated that any further development of the

landscaped portion of Lot 3.01 situated between the subject property and the nearby residential area will occur. Additionally, the proposed addition will have no loading doors; all loading operations will be conducted from existing loading doors located on the southeasterly side of the building facing Enterprise Avenue, opposite the lot line most proximate to existing residences.

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 that would require a minimum side yard setback of 30 feet along the northerly property line, whereas 10 feet is proposed, will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner. The subject property is an undersized lot containing a slightly skewed northerly property line. This results in the proposed addition having a side yard setback ranging from 10 to 20 feet in the northerly yard. The total lot area of the property in question is 59 percent of the minimum lot size required in the Light Industrial zone.

Compliance with NJMC side yard setback regulations would reduce the footprint of the proposed addition by nearly 50 percent. The applicant attested the additional warehouse space is desired to accommodate their expanding business operations, and that the proposed 60-foot width of the addition is needed to accommodate a functional pallet storage configuration. Alternative locations to construct the proposed addition are limited due to the

impracticability of constructing warehouse space on a second floor, and the location of the existing building on the site. The existing building encroaches beyond the southerly side yard, and constructing the proposed addition elsewhere along the southerly or easterly portions of the site would place the addition within the required front yard setback, or conflict with existing loading, vehicular access and parking areas, and other site conditions, including the presence of easements in the front yard.

In balancing the requirements of the Light Industrial A zone with the particular characteristics of the property, the proposed variance is required to provide a functional warehouse building and parking layout. The proposed warehouse addition will be constructed adjacent to the warehouse portion of the existing building, which represents a consolidated approach to building configuration and the site's layout.

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 northerly side yard, as proposed, will have no adverse impact on public safety or health, as adequate light, air, and open space will continue to be supplied. There will be at least 100 feet of

distance between the proposed northerly building line and the residential zone boundary to the north.

There will be no changes to the current on-site vehicle circulation pattern, and no new loading doors will be provided. Access to the site from Enterprise Avenue North will be maintained by the existing ingress and egress easement. In addition, excess noise, odor, vibration, or glare will not be generated as a result of the proposed building addition. Testimony was provided that the proposed addition will not require an increase in staffing levels. Therefore, it is not anticipated that the proposed addition will cause significant changes to current traffic levels.

The granting of the requested variance will enable the construction of the proposed addition to allow White Toque, Inc. to remain at its current location, where it has been a property owner since 2001, thereby promoting neighborhood stability and prosperity.

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 building addition in relation to the northerly side yard will not cause the NJMC's performance standards regarding noise, vibrations, airborne emissions, hazardous materials, glare or water quality to be exceeded. The improved site will maintain 15.64 percent open space, in compliance with the minimum open space requirements 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 requested variance represents the minimum deviation from the regulations that will afford relief. The applicant attested that the additional warehouse floor space is required to accommodate expanding business operations. Potential alternative locations to provide a conforming building addition outside of the northerly side yard are not available due to the existing site and building configuration and the presence of easements.

The proposed minimum side yard setback of 10 feet along the northerly property line is consistent with a minimum side yard setback requirement for other zones which require smaller lot sizes. While the subject property contains a conforming lot width, the lot is undersized for the zone and, therefore, is constrained in the ability to provide a conforming addition. Additionally, the total lot coverage and open space requirements are met by this application, which are indicators that the property is not being overdeveloped.

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

Specific purposes of the NJMC 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 and uses to each other and to the environment so that aesthetic and use values are maximized. The proposed

northerly side 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. 19:4-5.77(a)3iii, which requires a minimum rear yard setback of 75 feet. The applicant is proposing to construct an addition that will provide a rear yard setback of 10.21 feet along the westerly property line.

The NJMC Zoning Regulations at N.J.A.C. Section 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 site is currently improved with a 34,875-square-foot warehouse/distribution facility that occupies 45 percent of the site. The applicant proposes to construct an 8,220-square-foot addition in the northerly side yard to provide additional warehouse space to accommodate their expanding business operations at this site, which they also own.

The proposed addition will provide a minimum westerly rear yard setback of 10.21 feet, whereas a minimum rear yard setback of 75 feet is required in the Light Industrial A zone. The footprint of the proposed addition is designed to align with the existing rear

building line and warehouse space in the existing building, as well as to accommodate the proposed functional pallet storage layout, which requires an addition 60 feet in width.

The existing building encroaches beyond the southerly lot line, and is currently within 8.56 feet of the rear lot line to the west. The configuration of the existing building on the subject property leaves the northerly yard as the most appropriate location for a building addition.

The subject property is surrounded to the north, west and south by adjoining Lot 3.01, and contains frontage along Enterprise Avenue North to the east. While the site contains frontage on a public street, there is no direct access to the site from Enterprise Avenue North; access to the site is provided through Lot 3.01 by an ingress and egress easement. An easement for a storm sewer and fire main is also located in the front yard. Compliance with the zone's rear yard setback requirement is impacted by the need to provide for parking on the site, in a location accessible from the existing drive aisle and parking areas.

The subject property is also one of the smallest properties in the portion of the Light Industrial A zone in the vicinity of Enterprise Avenue North, having a lot area of 1.77 acres, whereas a minimum lot area of three acres is required in the zone.

This combination of conditions, relating to the size of the property, the siting of the existing building and the presence of easements, 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.

- 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 an 8,220-square-foot warehouse building addition with a minimum rear yard setback of 10.21 feet will not adversely affect the rights of neighboring property owners or residents. The neighborhood in which the subject property is located is primarily industrial and commercial in nature. The adjacent property to the west of the subject property contains the loading area for one of two warehouse buildings on that site. The existing structure on that property is located a sizable distance from the proposed warehouse building addition.

The proposed improvements will not create any negative visual impacts to neighboring properties or impede their ability to function as intended. All properties within the immediate vicinity of the site are already developed. The proposed addition will have no loading doors; all loading operations will be conducted from existing loading doors located on the southeasterly side of the building.

- 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 westerly property line, whereas 10.21 feet is proposed, will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner. The subject property is undersized, containing 59 percent of the minimum lot size required in the Light Industrial A zone, which impacts the ability to provide a conforming addition on a developed parcel.

Alternative locations to construct the proposed addition are limited due to the impracticability of constructing warehouse space on a second floor, and the location of the existing building and parking areas on the site. The existing building currently encroaches beyond the southerly side yard, and is within 8.56 feet of the rear lot line to the west.

Pushing the rear building line to the east to comply with the required 75-foot rear yard setback would place the proposed addition in a narrower portion of the lot and, thus, further into the side yard than the 10 feet proposed. Additionally, constructing the proposed addition in any other location on the site would impact the ability to provide a functional parking layout. Parking must be provided in a location accessible from the existing drive aisle and parking areas. The only means of access to the site is through the existing easement from Lot 3.01 and drive aisle in the easterly front yard.

Ultimately, the proposed variance is required to ensure a functional addition that aligns the warehouse space in the proposed addition

with the existing warehouse space. The proposed addition with a minimum setback of 10.21 feet from the rear property line would follow the existing rear building line, and is configured to accommodate a functional pallet storage layout within the building.

- 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. No adverse impacts to public health will result from the proposal, as adequate light, air, and open space will continue to be provided.

There will be no changes to the current on-site vehicle circulation pattern, and no new loading doors will be provided. Access to the site from Enterprise Avenue North will be maintained by the existing ingress and egress easement. In addition, excess noise, odor, vibration, or glare will not be generated as a result of the proposed building addition. Testimony was provided that the proposed addition will not require an increase in staffing levels. Therefore, it is not anticipated that the proposed addition will cause significant changes to current traffic levels. The granting of the requested variances will enable the construction of the proposed addition to allow White Toque, Inc. to remain at its

current location, where it has been a property owner since 2001, thereby promoting neighborhood stability and prosperity.

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 addition in relation to the rear yard will not cause the NJMC's performance standards regarding noise, vibrations, airborne emissions, hazardous materials, glare or water quality to be exceeded. The improved site will maintain 15.64 percent open space, in compliance with the minimum open space requirements 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 construct an 8,220 square-foot warehouse building addition with a minimum rear yard setback of 10.21 feet represents the minimum deviation from the NJMC regulations that will afford relief. Due to the particular characteristics of the property, the proposed addition could not be constructed in a feasible manner if the required 75-foot rear yard setback was applied. The applicant seeks to maintain consistency with the existing rear yard setback to construct the proposed addition in order to align the existing and proposed warehouse spaces and ensure a functional building layout. Additionally, the total lot coverage and open space requirements are met by this

application, which signifies that the property is not to be overdeveloped.

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

Specific purposes of the NJMC 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 and uses to each other and to the environment so that aesthetic and use values are maximized. The placement of the building addition efficiently balances the zoning requirements for the Light Industrial A zone with the specific characteristics of the site, as detailed above. Granting the requested variance would allow the rear building line to remain consistent with the existing setback of the building. The current warehouse facility will be able to remain at its current location through the development of a functional addition. Therefore, the proposed variance would not substantially impair the intent and purpose of the NJMC zoning regulations. Further, the granting of the requested variance will contribute to and promote this intent by allowing the site to be developed and utilized in a safe, orderly, and efficient manner.

C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.4(a)50 and 79, which requires 11 parking spaces for 4,264 square feet of office space and 26 parking spaces for 38,831 square feet of warehouse space, for a total of 37 required parking spaces; whereas, a total of 29 parking spaces will be provided.

The NJMC Zoning Regulations at N.J.A.C. Section 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 developed with a 34,875-square-foot warehouse/distribution facility that occupies 45 percent of the site. The applicant proposes to construct an 8,220-square-foot addition in the northerly side yard to provide additional warehouse space to accommodate their expanding business operations at this site, which they also own. In conjunction with the proposed building addition, the applicant requests a variance to provide 29 parking spaces, whereas 37 parking spaces are required.

The configuration of the existing building on the subject property leaves the northerly side yard as the most appropriate location for a functional building addition, and the easterly and northeasterly portions of the site to accommodate parking for the facility. The existing building encroaches upon adjacent Lot 3.01 to the south by 0.14 feet beyond the southerly lot line, and is set back 8.56 feet from

the westerly rear lot line. The building addition is proposed to be placed in a location that aligns the proposed warehouse space with the existing warehouse floor area. Therefore, the only available locations for the provision of parking remain in the easterly and northeasterly portions of the site. Other site conditions that impact the ability to further develop the property relate to the comparatively small size of the lot in relation to both the required minimum lot area in the Light Industrial A zone and the area of neighboring industrial properties; the skew of the northerly lot line; and the presence of easements in the front yard. These conditions are not ordinarily found in the Light Industrial A zone and were not created by any action of the property owner.

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

The granting of the requested bulk variance to construct the warehouse addition with 29 parking spaces, whereas 37 parking spaces are required, will not adversely affect the rights of neighboring property owners or residents. Although the floor area of the existing warehouse facility will increase by the construction of the addition, it is anticipated that the number of employees will remain at its current level of 21. Therefore, the 29 on-site parking spaces provided will adequately satisfy the demand for the facility and any potential increase in employment levels.

- 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.*

This application proposes to provide 29 parking spaces, whereas 37 parking spaces are required. Based on the applicant's testimony, the warehouse facility operates one shift between the hours of 7:00 AM to 6:00 PM. A total of 21 parking spaces are actually required to accommodate vehicles for office, sales and warehouse staff during normal business hours. It is anticipated that no new employees and no expansion of working hours will be required for the additional warehouse space. Furthermore, existing showroom space will be eliminated, which would further reduce parking demand at the premises.

Due to the undersized condition of the lot, there is less area on the site to accommodate required site improvements, such as parking, than on typical properties in the same zone.

Additionally, the existing building encroaches upon adjacent Lot 3.01 to the south by 0.06 feet at the southwesterly building corner and 0.14 feet at the southeasterly building corner, and the proposed addition is set back 10 feet from the northerly lot line. As such, neither area is of sufficient width to provide parking spaces along the sides of the building. Similarly parking spaces could not be proposed at the rear of the building, which is set back 8.56 feet from the westerly rear lot line. The placement of additional parking spaces in the easterly front yard is constrained due to the presence of easements, and would result in the removal of open space and an increase in the amount of impervious coverage on the site. Furthermore, this alternative would likely result in additional variances from minimum open space requirements and for the

location of a vehicular use area within the required front yard facing Enterprise Avenue North.

Therefore, the strict application of the parking regulations will result in peculiar and exceptional practical difficulties and undue hardship to the applicant.

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 granting of the requested variance to provide 29 parking spaces on the site, whereas 37 parking spaces are required, will not result in substantial detriment to the public good or adversely affect the general welfare. The expansion of the existing warehouse/distribution building is not anticipated to increase staffing levels at the facility. Based on testimony provided by the applicant, the 29 parking spaces proposed will be adequate for the current and anticipated parking demand for the expanded warehouse/distribution facility. The ability to provide additional parking spaces on the easterly portion of the site is constrained by the presence of easements and would result in a decrease in open space on the site.

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

The granting of the requested variance to provide 29 parking spaces, whereas 37 parking spaces are required, will not result in any adverse environmental impacts. No environmentally sensitive

areas will be disturbed. All open space requirements will be met and there will be no adverse impact to area drainage. In addition, the NJMC's environmental performance standards for noise, glare, vibrations, airborne emissions, or hazardous materials will not be exceeded.

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

The granting of the requested variance to provide 29 parking spaces, whereas 37 parking spaces are required, represents the minimum deviation from NJMC regulations that will afford relief. The proposed building addition has been designed to accommodate a functional pallet storage layout, leaving no practicable alternate locations for the accommodation of the additional required parking on the site.

The warehouse/distribution facility has 21 full-time employees during its normal business hours of 7:00 AM to 6:00 PM. The general public will not be patronizing the site, as existing showroom space will be removed as part of this application. No increase in staff levels is anticipated. Locating parking spaces on the easterly portion of the site would create the need for additional variances from NJMC regulations, including variances for the placement of a vehicular use area in the required front yard facing Enterprise Avenue North, and the minimum amount of open space provided. Therefore, the 29 parking spaces proposed will be adequate to satisfy the anticipated parking demand and will be

able to accommodate visitors and any potential future increase in employment levels.

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. The purpose of the Light Industrial A zone is "to accommodate on large lots a wide range of industrial, distribution, commercial and business uses that generate a minimum of detrimental environmental effects." As the proposed variance will allow for the expansion of an existing warehouse/distribution facility, it will promote orderly and comprehensive development in accordance with good planning principles that relates the type, design and layout of such development to both the particular site and surrounding environment. To upgrade the 49-year old facility to address the expansion of business operations, additional pallet positions are required, which dictate the size of the proposed addition.

Although the proposed 29 parking spaces do not comply with the zoning requirements, they are adequate to support the site's parking demand. Approval of the requested variance would avoid the needless removal of open space, and the resulting requirement for another variance, to construct parking spaces that would not be utilized. The proposed addition and associated site improvements will contribute to and promote the intent of the NJMC regulations by allowing the site to be developed in a safe and orderly manner.

V. SUMMARY OF CONCLUSIONS

- A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.77(a)3ii which requires a minimum side yard setback of 30 feet on one side. The applicant is proposing to construct an addition that will provide a minimum side yard setback of 10 feet along the northerly side yard.

Based on the record in this matter, the bulk variance application to construct an 8,220-square-foot warehouse building addition with a proposed side yard setback of 10 feet along the northerly side yard, whereas a minimum side yard setback of 30 feet on any one side is required, is hereby recommended for approval.

APPROVAL

Recommendation on
Variance Request

7-3-13

Date



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

approval

Recommendation on
Variance Request

7/3/13

Date



Marcia A. Karrow
Executive Director

B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.77(a)3iii, which requires a minimum rear yard setback of 75 feet. The applicant is proposing to construct an addition that will provide a rear yard setback of 10.21 feet along the westerly property line.

Based on the record in this matter, the bulk variance application to construct an 8,220-square-foot warehouse building addition with a proposed rear yard setback of 10.21 feet along the westerly property line, whereas a minimum rear yard setback of 75 feet is required, is hereby recommended for approval.

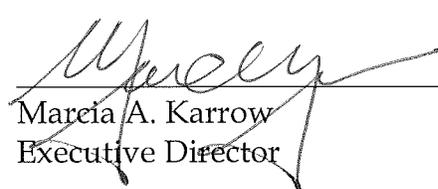
<u>APPROVAL</u>	<u>7.3.13</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management

<u>Approval</u>	<u>7/3/13</u>	
Recommendation on Variance Request	Date	Marcia A. Karrow Executive Director

C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.4(a)50 and 79, which require 11 parking spaces for 4,264 square feet of office space and 26 parking spaces for 38,831 square feet of warehouse space, for a total of 37 required parking spaces; whereas, a total of 29 parking spaces will be provided.

Based on the record in this matter, the bulk variance application to construct an 8,220-square-foot warehouse building addition with 29 parking spaces provided, whereas a minimum of 37 parking spaces are required, is hereby recommended for approval.

<u>APPROVAL</u>	<u>7-3-13</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management

<u>approval</u>	<u>7/3/13</u>	
Recommendation on Variance Request	Date	Marcia A. Karrow Executive Director