

**RECOMMENDATION ON THE VARIANCE APPLICATION OF  
Fink/Open Road Audi - Variance (Outdoor Storage)**

**FILE #13-156**

**I. INTRODUCTION**

An application for one (1) use variance has been filed with the New Jersey Meadowlands Commission (NJMC) by Martin Gross of Open Road Audi Group, for the premises located at 2600 71<sup>st</sup> Street, Block 453.05, Lot 5, in the Township of North Bergen, New Jersey. Said premises are located in the Commission's Light Industrial A zone. The variance is sought in connection with the applicant's proposal for the storage of automobiles on the subject premises.

Specifically, the applicant is requesting relief as follows:

1. N.J.A.C. 19:4-5.73(a), which does not list outdoor storage as a permitted use in the Light Industrial A zone. The applicant is proposing the outdoor storage of new automobiles on the premises.

A public hearing was held at the Office of the Commission on Tuesday, June 25, 2013. 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 newspaper. 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 property is located at 2600 71<sup>st</sup> Street, Block 453.05, Lot 5, and is a 3.9 acre lot containing an existing 171,061 square foot warehouse facility. The

current tenant, Open Road Audi, utilizes the interior of the building for the storage and distribution of new automobiles. Open Road Audi proposes to utilize the existing paved parking area for the outdoor storage of automobiles. The applicant proposes to stripe a total of 173 car parking spaces for the purpose of storing automobiles outdoors on the premises, in addition to the interior storage in the building.

**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 Tuesday, June 25, 2013. NJMC staff in attendance were Sara J. Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer, Ronald Seelogy, Senior Engineer 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	"Site Plan of Existing Warehouse with Proposed Vehicular Storage," prepared by Cascino Engineering, revised through May 1, 2013;
A-2	Aerial Photograph;
A-3	Copy of a letter dated May, 28, 2013, from George Cascino, P.E., P.P., to David Liebgold of the NJMC; and
A-4	Photograph of the site.

**B. Testimony**

Carmine Alampi, Esq., of Alampi & De Marrais, P.C., represented Open Road Audi Group. The following witnesses testified in support of the application:

1. Steven Park, Open Road Audi Group;
2. George Cascino, P.E., P.P., Cascino Engineering.

Staff findings and recommendations are based on the entire record. A transcript of the public hearing was prepared and transcribed by Kelly G. Palazzi, 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 Use Variance from the Provisions of N.J.A.C. 19:4-5.73(a), which does not list outdoor storage as a permitted use in the Light Industrial A zone. The applicant is proposing the outdoor storage of automobiles on the premises.**

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 use variances:*
- i. *The strict application of these regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.*

Testimony was provided by the applicant that the strict application of the regulations would result in practical difficulties and undue

hardship to the property owner. Open Road Audi is currently operating under an occupancy certification that permits warehousing and distribution of new automobiles within the existing building. Audi is currently unable to meet the increasing supply demands of their Audi dealership located in Manhattan. The applicant is proposing to expand their existing, permitted warehousing use within the building with a complementary outdoor storage use on the site.

- ii. *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 proposed outdoor storage of new automobiles at the subject site will blend in with the character of the industrial nature of the surrounding properties, which includes truck terminals, warehouses and outdoor storage of truck trailers and containers. As a result, the outdoor storage of new automobiles on the property will have a de minimus visual impact on the surrounding properties.

The site is located at the western dead end of 71<sup>st</sup> Street. Further to the west of the site is the New Jersey Turnpike. Directly to the east is a lot utilized for the storage of trucks and trailers associated with a warehouse and distribution facility to the north of the site. Properties to the north and south are warehouse and distribution facilities. Under the existing conditions, many vehicles are parked outside in parking lots on neighboring properties, thus, the additional new cars located on the subject lot will not present a

dissimilar visual effect. Other than additional striping in the parking lot area for the proposed automobiles to be stored there, no additional paving or other site improvements are proposed at the subject property.

The proposed outdoor storage area is not open to the public, thus there will be no interaction that could compromise the public health, safety and welfare. Plans for the proposed automobile storage depict organized rows of parking spaces, including triple-stacked parking spaces, and adequate drive aisle dimensions. Visually, the proposed outdoor storage of automobiles would not be significantly distinguishable from that of a regular, fully occupied parking lot. Thus, permitting the outdoor storage of new automobiles on the site will not be a substantial detriment to the public good and will not have any adverse effects on the general public or neighboring properties.

*iii. Adequate infrastructure, including storm and sanitary sewers, utilities, and access roads, will be provided and shall be so designed to prevent and/or minimize negative impacts upon the existing infrastructure. In addition, the proposed use will not decrease the ability of said infrastructure to perform in a safe and efficient manner.*

The granting of the requested variance to allow for the outdoor storage of new automobiles will not impact to the existing utility infrastructure. As the subject property is located in an established industrial area, all required infrastructure, including roadways, stormwater and sanitary sewers are in place. The proposed use

will not decrease the ability of the existing infrastructure to perform in a safe and efficient manner.

There will be no additional pavement being added to the site. The applicant plans to utilize the existing asphalt parking area for the outdoor car storage. An additional 173 parking spaces will be striped on the site to be utilized for the storage of new automobiles. There are 43 existing parking spaces that will continue to be utilized by employees and visitors to the property.

*iv. The variance will not have a substantial adverse environmental impact.*

The granting of the requested variance to permit the outdoor storage of new automobiles on the subject premises will not result in any adverse environmental impacts. NJMC environmental performance standards will not be exceeded for noise, vibration, glare, airborne emissions, hazardous or radioactive materials. In addition, as there will be no additional pavement being added to the site, no environmentally sensitive areas will be disturbed.

*v. The variance will not substantially impair the intent and purpose of these regulations.*

The stated 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 impacts. Although a total of 26 different land uses are permitted within the zone, including light

industrial uses and warehousing-distribution, outdoor storage is not permitted.

One intention of the exclusion of an outdoor storage use in the Light Industrial A zone is to avoid the functions of such a use that is more suited to a Heavy Industrial zone. Outdoor storage as a use is often comprised of equipment and materials situated on the site in a disorganized and haphazard manner that is aesthetically unappealing. The applicant's proposed outdoor storage use consists of new automobiles. The applicant has submitted a striping plan illustrating organized rows of parking spaces, including triple-stacked parking spaces, and adequate drive aisle dimensions. Visually, the proposed outdoor storage of automobiles would not be significantly distinguishable from that of a regular, fully occupied parking lot. The storage of new automobiles will not cause any detrimental environmental effects, as the vehicles will not be idling and there will be no transfer of fuel from a dispensary unit to the vehicles on the site.

*vi. The variance at the specified location will contribute to and promote the intent of the NJMC Master Plan.*

The Master Plan designates the subject premises as a part of the District's Employment Center planning area, and states in part, "The centers may include a mix of land uses such as office, warehouse-distribution, and industrial facilities." See Master Plan, adopted January 2004, (area plans, 11-7). While the Master Plan's planning areas do not constitute zoning districts, their descriptions provide the foundation of the NJMC District Zoning Regulations.

The regulations reflect the spirit and intent of the Master Plan and are the mechanism by which the policies and principles of the Master Plan are implemented and enforced, in accordance with smart growth policies. The subject premises is located within the District's Light Industrial A zone. As stated previously, a total of 26 different land uses are permitted within the zone, including light industrial uses and warehouse-distribution facilities, although outdoor storage of automobiles is not permitted. However, the proposed use has similar characteristics to an automobile sales lot, which is a permitted use in the Light Industrial A zone.

One goal of the NJMC Master Plan is to promote an array of land uses that encourage economic vitality in the region. The proposed outdoor storage of automobiles will complement the existing permitted use within the building and will benefit the convenience of having this facility within close proximity to the applicant's Audi dealership in Manhattan.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Use Variance from the Provisions of N.J.A.C. 19:4-5.73(a), which does not list outdoor storage as a permitted use in the Light Industrial A zone.

Based on the record in this matter, the use variance application to permit the outdoor storage of new automobiles on the premises is hereby recommended for approval, subject to the following condition:

1. Outdoor storage on the premises shall be limited to a maximum of 173 new automobiles in the locations indicated on the site plan prepared by George D. Cascino, P.E., P.P., entitled "Site Plan of Existing Warehouse with Proposed Vehicular Storage," dated March 11, 2013, and revised through May 1, 2013.

CONDITIONAL APPROVAL 9/5/13

Recommendation on  
Variance Request

Date

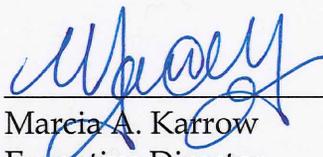


Sara J. Sundell, P.E., P.P.  
Director of Land Use Management

conditional approval 9/5/13

Recommendation on  
Variance Request

Date



Marcia A. Karrow  
Executive Director