

**RECOMMENDATION ON THE SPECIAL EXCEPTION APPLICATION OF
Sunoco/Site Improvement & Addition
FILE: 13-052**

I. INTRODUCTION

An application for one (1) special exception has been filed with the New Jersey Meadowlands Commission (NJMC) by John P. Wyciskala, Esq., of the firm Inglesino, Pearlman, Wyciskala & Taylor, LLC, on behalf of Sunoco, Inc., for the premises identified as 284 Washington Avenue, Block 127, Lot 17, in the Borough of Carlstadt, New Jersey. Said premises are located in the Commission's Light Industrial B zone. The special exception is sought in connection with the applicant's proposal to construct a 245.5-square-foot retail building addition on the subject premises.

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

1. N.J.A.C. 19:4-5.81(a)11, wherein a retail establishment is listed as a special exception use in the Light Industrial B zone.

Notice was given to the public and all interested parties as required by law. The public notice was published in the Jersey Journal newspaper. No written objections were submitted to the Division of Land Use Management. A public hearing was held in the Office of the Commission on Tuesday, July 9, 2013. 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 1.5-acre site, located at 284 Washington Avenue in the Borough of Carlstadt, is a corner lot situated at the southwest intersection of Washington and Moonachie Avenues. The lot is currently improved with a Sunoco fuel service station, including a canopy covering six fuel dispensers and a 1,262-square-foot accessory retail building. The surrounding area is developed primarily with warehousing facilities, but also contains some office, retail, and restaurant uses.

Sunoco proposes to expand the existing accessory retail space by constructing a 245.5-square-foot addition to the rear of the existing building, which will provide additional walk-in cooler space and an expanded restroom. General façade enhancements and related site improvements are also proposed, including replacement of the existing sidewalk accessing the retail building, restriping of the parking area, and the installation of rip rap to maintain the functionality of the existing drainage system. This recommendation applies solely to the proposed 245.5-square foot retail addition, as retail uses are a special exception use in the Light Industrial B zone. No variances are required by this application.

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 (July 9, 2013)

A public hearing was held on Tuesday, July 9, 2013. 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; Mark Skerbetz, P.P., AICP, Senior Planner; and Mia Petrou, P.P., AICP, Senior Planner.

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	Property survey, Drawing No. 1 of 1, prepared by Control Point Associates, Inc., dated January 14, 1997, revised through February 15, 2011.
A-2	"Site Plan," Drawing No. 4 of 5, prepared by Bohler Engineering, dated January 2, 2013, revised through April 10, 2013.
A-3	"Exterior Elevations," Drawing No. A-04, prepared by Bohler Engineering, dated March 22, 2013, revised through June 13, 2013.
A-4	"Construction Floor Plan & Notes," Drawing No. A-01, prepared by Bohler Engineering, dated March 22, 2013, revised June 13, 2013.

B. Testimony

Dean Donatelli, Esq., of the firm Inglesino, Pearlman, Wyciskala & Taylor, LLC, represented the applicant at the hearing. The following witness testified in support of the application:

1. Derek M. Jordan, P.E., of Bohler Engineering, P.C.

Staff findings and recommendations are based on the entire record. A transcript of the public hearing was prepared and transcribed by Darlene Kulesa, 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 retail in the Light Industrial B zone as per N.J.A.C. 19:4-5.81(a)11.

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.*

Sunoco operates a fuel service station on the subject premises that includes a canopy covering six fuel dispensers and a 1,262-square-foot accessory retail building. Sunoco is proposing to expand the existing accessory retail space by constructing a 245.5-square-foot addition to the rear of the existing building, which requires a special exception approval.

The additional retail space will offer the public greater product selection in an area of the Meadowlands District that does not provide many retail opportunities for area residents, employees, or motorists. As such, the proposed additional retail space will contribute to and promote the welfare and convenience of the public by expanding consumer choices and attracting patrons that may not have otherwise visited the subject site. The special exception will also promote neighborhood stability by allowing an established business who has maintained a presence in Carlstadt for many years to continue to have a presence in the area.

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

The proposed 245.5-square-foot retail addition to the existing Sunoco fuel service station 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 immediate area is developed primarily with warehousing facilities, but also contains some office, retail, and restaurant uses. The retail addition is relatively small, resulting in a 0.4 percent increase in lot coverage, and is easily accommodated on the site, as all other NJMC zoning requirements will be met. Property values within the surrounding area will not be negatively affected as the addition will have no detrimental physical or visual impact, and will not impact the ability of the neighboring businesses to operate as intended.

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 existing Sunoco fuel service station includes a 1,262-square-foot accessory retail building, occupying only 1.9 percent of the total subject lot area. With the addition of the 245.5-square-foot retail space to the existing structure, the Sunoco retail area will occupy 2.3 percent of the lot area. Combined with the existing fuel dispenser canopy, approximately 8.5 percent of the lot area will be covered by structures, well below the maximum 50 percent lot coverage permitted in the Light Industrial B zone. This proposed area of retail will not overwhelm either the property or the neighborhood in which

it is located. The required number of parking spaces to support the fuel service area and retail space shall be provided on site.

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

The proposed 245.5-square-foot retail addition to the rear of the existing building will complement the adjacent area and will function in a manner that will not be out of character or scale with the subject premises or surrounding land uses. Warehousing uses are the predominant land use in this portion of the Meadowlands District. Office, retail, and restaurant uses are also located nearby. Many fuel service stations also contain an accessory retail use, as is the case with the subject property. The additional retail floor area will not change the nature of the existing usage of the premises, and will essentially continue to function as existing, although in an improved manner that will offer more product choices to patrons. The proposed renovations to the building and site will improve its appearance and functionality, particularly as it regards Barrier Free accessibility. Therefore, the nature and intensity of the proposed retail building addition can be accommodated on the site, as well as in the neighborhood.

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

The location of the proposed 245.5-square-foot retail addition to the rear of the existing building on the subject premises is directly accessible from both Washington and Moonachie Avenues, and will not negatively impact these roadways. Adequate parking is

provided on-site for both the existing and proposed development. One additional parking space is required by the proposed addition, and will be provided at the site. The existing site access points, on-site circulation routes, and drive aisle widths will remain and are adequate to serve the additional retail space. Additionally, improved Barrier Free accessibility will be provided by the proposed improvements.

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

The proposed improvements include a 245.5-square-foot retail addition to the rear of the existing building, façade improvements, the addition of one parking space by re-striping, the replacement of the existing on-site sidewalk, and minor drainage improvements. Upon completion, the addition is proposed to blend in with the character and building construction of the original structure. The scale of the proposed improvements will not dominate the immediate neighborhood, but will improve the appearance of a site located at a major intersection in the Meadowlands District.

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

The site is presently well maintained and landscaped in an appropriate manner. No new landscaping or screening will be required.

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 site will continue to function as a fuel service station with an accessory retail use.

The proposed retail addition will not affect the ability of the existing drainage system to perform in a safe and efficient manner. No significant amount of additional impervious coverage is proposed. Only minor drainage improvements are proposed to maintain the functionality of the drainage system on the site. Additionally, the existing utility infrastructure, including electric, water, sewer, and gas, is adequate to meet the requirements of the proposed addition, as well as the principal fuel service use 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 vicinity's roadway network can satisfactorily support the proposed 245.5-square-foot retail addition to the existing Sunoco fuel service station. Access to the site is, and shall continue to be, from Washington and Moonachie Avenues. The proposed addition will not impact on-site circulation, as it is proposed to be located in the rear of the building on area that is currently open space, nor will it cause any additional congestion within the area.

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

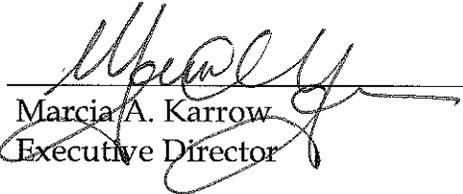
The proposed principal retail space will not result in any adverse environmental impacts. The proposal represents only a small increase in lot coverage at the subject site. All open space, landscaping, parking, and lot coverage requirements will comply with the regulations of the Light Industrial B zone. Approximately 59 percent of the site will remain open space, significantly in excess of the minimum 15 percent requirement of the Light Industrial B zone. The proposed addition will not result in an exceedance of NJMC environmental performance standards regarding noise, vibration, glare, air emissions, and hazardous or radioactive materials. There are no proposed changes to the site that will result in the disturbance of environmentally sensitive areas.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Special Exception to permit retail in the Light Industrial B zone as per N.J.A.C. 19:4-5.81(a)11.

Based on the record in this matter, the special exception application to construct a 245.5-square-foot addition to the existing retail building on the subject premises is hereby recommended for approval.

<u>APPROVAL</u>	<u>8-30-13</u>	
Recommendation on Special Exception Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management

<u>Approval</u>	<u>9/3/13</u>	
Recommendation on Special Exception Request	Date	Marcia A. Karrow Executive Director