

**RECOMMENDATION ON THE SPECIAL EXCEPTION APPLICATION OF  
25 Enterprise/Tommy Hilfiger-C.O. (Use Change/ Special Exception)**

**FILE: 12-513**

**I. INTRODUCTION**

An application for one (1) special exception has been filed with the New Jersey Meadowlands Commission (NJMC) by George D. Cascino, P.E., P.P., on behalf of 25 Enterprise Avenue, LLC, for the premises identified as 25 Enterprise Avenue North, Block 56, Lot 1, in the Town of Secaucus, New Jersey. Said premises are located in the Commission's Light Industrial A zone. The special exception is sought in connection with the applicant's proposal to operate a retail establishment for Tommy Hilfiger as a principal use on the subject premises.

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

1. N.J.A.C. 19:4-5.74(a)14, wherein a retail establishment is listed as a special exception use in the Light Industrial A Zone.

Notice was given to the public and all interested parties as required by law. The public notice was published in the Secaucus Home News and Jersey Journal newspapers. 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, December 4, 2012. 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 6.6-acre site is located at 25 Enterprise Avenue North in Secaucus. The lot is currently improved with a 148,486-square-foot building containing

warehouse, retail, and office uses. The surrounding area is generally developed with warehouse, accessory retail, and principal retail establishments.

Tommy Hilfiger currently occupies a 14,961-square-foot tenant space at the subject location, consisting of 7,561 square feet of warehouse space and 7,400 square feet of accessory retail space. Tommy Hilfiger proposes to expand the existing retail space by 1,900 square feet by reducing the warehouse space by the equivalent amount, thus resulting in 9,300 square feet of principal retail space and 5,661 square feet of warehouse space, making the retail area the principal use in the subject tenant space. Therefore, a special exception is required for the proposed 9,300 square foot principal retail space. Group USA and Kenneth Cole have accessory retail stores within the building on the subject premises.

#### **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 (December 4, 2012)**

A public hearing was held on Tuesday, December 4, 2012. 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	"Proposed Tommy Hilfiger Tenancy," prepared by George D. Cascino, P.E., P.P., Sheet 1 of 1, dated September 14, 2012, revised through October 10, 2012.
A-2	Aerial photograph of the subject site and surrounding properties.

**B. Testimony**

Thomas J. O'Connor, Esq., of Waters, McPherson, McNeill, represented the applicant at the hearing. The following witness testified in support of the application:

1. George D. Cascino, P.E., P.P.; and
2. Gregory Palazzo, V.P. of Design and Construction, Tommy Hilfiger.
3. Farzin Maali, E.V.P., Glenmore Management, LLC

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 a retail establishment in the Light Industrial A zone as per N.J.A.C. 19:4-5.74(a)14.**

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.*

Tommy Hilfiger currently operates a 14,961 square foot warehouse and accessory retail store on the subject premises. Of that floor area, 7,561 square feet is used as warehouse space, while 7,400 square feet is used as the accessory retail store. This application proposes that 1,900 square feet of the existing warehouse space be converted into retail space resulting in a total of 9,300 square feet of retail floor area and 5,661 square feet of warehouse floor area.

Tommy Hilfiger has attracted shoppers to the Secaucus outlet neighborhood for a number of years and is a distinct specialty retailer that does not commonly operate its own stand-alone retail store. The proposed retail space will contribute to and promote the welfare and convenience of the public by continuing to provide a unique retailer to the northeastern New Jersey region, and by promoting patronage of the Secaucus outlet neighborhood in general by attracting shoppers that may not have otherwise visited the area. The special exception will also promote neighborhood stability by allowing an established tenant who has maintained a presence in the Secaucus outlet neighborhood 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 principal retail space for Tommy Hilfiger 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 Harmon Cove area in which the subject property is located traditionally consists of mixed warehouse and retail uses. The building will remain a mixed use building. Additionally, shoppers coming to the area to visit the Tommy Hilfiger retail space may also promote business at other retail establishments within the neighborhood.

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 Tommy Hilfiger accessory retail space occupies only 4.9 percent of the building's total floor area. With the conversion of 1,900 square feet of warehouse space to retail area, the Tommy Hilfiger retail store will occupy 6.3 percent of the building's total floor area. Combined with both the Group USA and Kenneth Cole retail spaces, approximately 24 percent of the total building area will be comprised of retail space. This existing level of retail is not significant as it will not overwhelm either the property or the neighborhood in which it is located. The required number of parking spaces to support all of the building's tenants and their operations is provided.

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

The proposed operation of the Tommy Hilfiger retail store as a principal retail use, as opposed to an accessory retail use, will complement the surrounding area and will function in a manner that will not be out of character or scale with the surrounding land

uses. The surrounding neighborhood is developed with mixed warehouse, office and retail uses, including both accessory and principal retail stores.

Historically, there has been more floor area dedicated to retail usage at the subject property than presently proposed. A prior tenant at this location, Mikasa, had occupied a larger portion of the building as retail space. Therefore, the nature and intensity of the proposed use can be accommodated on the site and in the neighborhood.

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

The location of the proposed principal retail space on the subject premises is immediately accessible from both American Way and Enterprise Avenue North, and will not decrease the utility of these roadways. Adequate parking is provided on-site. The existing site access points, on-site circulation routes, and drive aisle widths will remain and are adequate to serve the proposed principal retail use. Therefore, the proposed special exception will not dominate the neighborhood or impact the use of surrounding properties.

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

Except for the proposed conversion of 1,900 square feet of warehouse space into retail space, there are no other changes

proposed to either the building or the site to accommodate the Tommy Hilfiger retail store as a principal retail use. There is adequate on-site parking to provide for the conversion of 1,900 square feet warehouse space to retail space by Tommy Hilfiger.

*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 it exists, since Tommy Hilfiger currently operates an accessory retail store at this location, and does not propose any additional alterations to the premises.

The proposed principal retail space will not affect the ability of the existing drainage system to perform in a safe and efficient manner and no additional impervious coverage is proposed. Additionally, the existing utility infrastructure, including electric, water, sewer, and gas, is adequate to meet the requirements of the proposed principal retail space, as well as the other remaining uses 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 neighborhood's roadway network can satisfactorily support the proposed principal retail space. Access to the retail establishment will be from the existing driveway on American Way and from two existing driveways on Enterprise Avenue North. The proposed principal retail use will not substantially impact the on-site circulation, 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. NJMC environmental performance standards will not be exceeded for noise, vibration, glare, air emissions, and hazardous or radioactive materials generated from the proposed facility. There are no proposed changes to the site that introduce storage or disposal of hazardous or radioactive materials. No additional bathrooms will be required by the proposed special exception use.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Special Exception to permit a retail establishment as a principal use in the Light Industrial A zone as per N.J.A.C. 19:4-5.74(a)14.

Based on the record in this matter, the special exception application for a 9,300-square-foot retail space as a principal use on the subject premises is hereby recommended for approval.

APPROVAL  
Recommendation on  
Special Exception Request

1-4-13  
Date

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

Approval  
Recommendation on  
Special Exception Request

1/4/13  
Date

  
Marcia A. Karrow  
Executive Director