

**RECOMMENDATION ON THE VARIANCE APPLICATION OF
MEPT Lincoln Crossing/2701 Route 3-Billboards Variances
File #14-646**

I. INTRODUCTION

An application for six (6) bulk variances has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Louis L. D'Arminio, Esq., of the firm, Price, Meese, Shulman & D'Arminio, on behalf of Interstate Outdoor Advertising, LP, for the premises identified as 2701 New Jersey State Highway Route 3 Eastbound, Block 451.05, Lot 14.011, in the Township of North Bergen, and Block 155, Lot 6, in the Town of Secaucus, New Jersey. Said premises are located in the Hackensack Meadowlands District's (District) Regional Commercial zone. The bulk variances are sought in connection with the applicant's proposal to erect two free-standing billboards on the subject property.

Specifically, the applicant is requesting relief from the following:

1. N.J.A.C. 19:4-8.14(h)7iii, which permits a maximum of one (1) billboard per lot. Two (2) billboards are proposed on the subject property.
2. N.J.A.C. 19:4-8.14(h) Table 8-5, which requires that signs be set back a minimum of 15 feet from all property lines. The southerly billboard is proposed to be set back one (1) foot from the southerly property line.
3. N.J.A.C. 19:4-8.14(h)7ii(1), which requires that billboards be installed within a ROW having a posted speed limit of 55 mph or higher, or within 50 feet thereof, and shall be oriented towards such ROW. The easterly billboard is proposed to be located adjacent to New Jersey State Highway Route 3 Eastbound ramp, which has a posted speed limit of 45 mph.

4. N.J.A.C. 19:4-8.14(h)7ii(1), which requires that billboards be installed within a ROW having a posted speed limit of 55 mph or higher, or within 50 feet thereof, and shall be oriented towards such ROW. The southerly billboard is proposed to be located adjacent to New Jersey State Highway Route 95/495 Bypass, which has a posted speed limit of 50 mph.
5. N.J.A.C. 19:4-8.14(h)7v, which requires that the maximum permitted height of a billboard shall be 30 feet above the grade level of the adjacent roadway surface, whereas the applicant is proposing to install the easterly billboard with a height of 87 feet above the adjacent New Jersey State Highway Route 3 Eastbound ramp roadway surface.
6. N.J.A.C. 19:4-8.14(h)7v, which requires that the maximum permitted height of a billboard shall be 30 feet above the grade level of the adjacent roadway surface, whereas the applicant is proposing to install the southerly billboard with a height of 62 feet above the adjacent New Jersey State Highway Route 95/495 Bypass roadway surface.

A public hearing was held at the Office of the NJSEA on Tuesday, May 5, 2015. 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 comments were received. 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 premises is an irregularly-shaped, 19.9-acre parcel fronting along New Jersey State Highway Route 3 Eastbound ramp ("Route 3") to the east

and New Jersey State Highway Route 95/495 Bypass ("Route 95") to the south. The property is located in the District's Regional Commercial zone. The site contains a vacant warehouse, office, and retail facility with an area of approximately 260,000 square feet that was last occupied by the Daffy's clothing retailer.

Adjacent land uses include a Home Depot retail facility to the northwest; a retail building, a hotel with an associated parking deck and a free-standing restaurant to the north; a vacant parcel to the west; open space across Route 95 to the south; and various commercial facilities across Route 3 to the east. There are no residential properties situated less than 2,500 feet in any direction from either of the proposed billboard locations. The Home Depot and the subject premises share an access driveway identified as Daffy's Way.

The applicant is proposing to erect two freestanding 14-foot by 48-foot double-faced billboards on the subject property. An 87-foot-high digital billboard is proposed to be erected adjacent to Route 3 along the easterly property line, and a 62-foot-high, double-faced billboard, composed of one static and one digital face, is proposed to be erected adjacent to Route 95 along the southerly property line.

B. Response to the Public Notice

No written comments or objections were submitted to the NJSEA regarding this application prior to the public hearing.

III. PUBLIC HEARING (May 5, 2015)

A public hearing was held on Tuesday, May 5, 2015. NJSEA staff in attendance were Sara J. Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon Mascaró, P.E., Deputy Director 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 by the applicant at the public hearing and marked for identification as follows:

<u>Number</u>	<u>Description</u>
A-1	Aerial photograph of subject site and surrounding area, prepared by John McDonough, LA, PP, AICP, dated May 5, 2015.
A-2	"Site Plan," Sheet No. 1 of 1, prepared by Daniel W. Caruso, P.E., of the Grybowski Group, P.C., dated November 11, 2014, revised through April 21, 2015.
A-3	Renderings (4) of billboard installations as would be seen from roadway surfaces, prepared by Interstate Outdoor Advertising, dated May 5, 2015.
A-4	Photographs (2) of existing on-site vegetation at proposed billboard locations, prepared by Interstate Outdoor Advertising, dated May 5, 2015.
A-5	Copy of NJDOT Outdoor Advertising, LP, Permit for southerly billboard, dated September 25, 2014.
A-6	Copy of NJDOT Outdoor Advertising Permit, LP, for easterly billboard, dated September 25, 2014.
A-7	Fill calculations, prepared by Daniel W. Caruso, P.E. of the Grybowski Group, P.C., dated January 15, 2015.
A-8	Curriculum Vitae of Hal Simoff, P.E., P.P., of Simoff Engineering Associates, Inc., dated May 5, 2015.
A-9	"Safety, Environmental, and Visual Impacts" report, prepared by Hal Simoff, P.E., P.P., of Simoff Engineering Associates, Inc., dated November 12, 2014, revised through April 20, 2015.

- A-10 "Proposed Outdoor Advertising Sign..." Exhibit "G", prepared by Simoff Engineering Associates, Inc., dated May 5, 2015.
- A-11 Memo re: "Proposed Billboards," prepared by Hal Simoff, P.E., P.P., of Simoff Engineering Associates, Inc., dated February 19, 2015.
- A-12 Curriculum Vitae of John McDonough, LA, PP, AICP, of John McDonough Associates, LLC, dated May 5, 2015.
- A-13 Photographs (4 sheets) of subject site, prepared John McDonough, LA, PP, AICP, of John McDonough Associates, LLC, dated May 5, 2015.

B. Testimony

Louis L. D'Arminio, Esq., of the firm, Price, Meese, Shulman & D'Arminio, represented Interstate Outdoor Advertising, LP, at the hearing. The following witnesses testified in support of the application:

1. Jeffrey W. Gerber, Esq., COO, Interstate Outdoor Advertising.
2. Thomas Grybowski, PP, PLS, Grybowski Group, Planner and Land Surveyor.
3. Hal Simoff, PE, PP, Simoff Engineering Associates, Engineer.
4. John McDonough, LA, PP, AICP, John McDonough Associates, Planner.

Staff findings and recommendations are based on the entire record. A transcript of the public hearing was prepared and transcribed by Beth Calderone, Certified Court Reporter.

C. Public Comment

No members of the public were present to comment on the application.

IV. RECOMMENDATION

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.14(h)7iii, which permits a maximum of one (1) billboard per lot.

The District 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 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 located within the District's Regional Commercial zone, and is an irregularly-shaped, 19.9-acre parcel fronting along Route 3 to the east and Route 95 to the south. There is direct access to the site from Route 3 and from shared access points via Paterson Plank Road identified as Daffy's Way and Bigley Drive.

The subject property's 19.9-acre lot area is substantially larger than the required minimum lot size of three acres for the zone. Additionally, the property in question has an easterly lot line of approximately 650 linear feet in length fronting along Route 3, and a southerly frontage of approximately 979 linear feet along Route 95 and a portion of the Route 3 East ramp. With respect to billboards, multiple billboards would be permitted within this overall property if the lots were to be subdivided to the minimum lot size requirements of the Regional Commercial zone, requiring a

minimum lot area of three acres and a minimum lot width of 300 feet.

However, since the subject site is one developable parcel, only one billboard is permitted by right. The applicant proposes to install two billboards at a distance of approximately 650 feet from one another along two different frontages. The easterly billboard will be erected fronting on Route 3 and the southerly billboard will be erected fronting on Route 95. Based on the submitted site plan, the subject property is of sufficient size and configuration to accommodate two billboards, due to the distance between the billboards and their orientation towards separate roadways.

These particular property conditions were not created by the action of the property owner, and do not interfere with any existing or future utility of the site.

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

The subject property is located within the District's Regional Commercial zone, fronting along Route 3 East, and Route 95. There is direct access to the site from Route 3 and from shared access points along Paterson Plank Road identified as Daffy's Way and Bigley Drive. Adjacent land uses include a Home Depot retail facility to the northwest, a retail building, and a hotel with an associated parking deck and a free-standing restaurant to the north, a vacant parcel to the west, open space across Route 95 to the south, and various commercial facilities across Route 3 to the east. There

are no residential properties situated less than 2,500 feet in any direction from either of the proposed billboard locations. The Home Depot property and the subject premises share a driveway access called Daffy's Way.

Billboards are passive structures, and the proposed billboards are similar to other billboard installations found along nearby roadways. Each billboard will be oriented towards motorists along their corresponding roadways, and not towards any adjacent properties. The property to the south is comprised of vacant land in the District's Environmental Conservation zone, and will not be impacted by the placement of the proposed billboard across the highway. The proposed angle of the billboard sign along Route 3 will be directed towards the main travel lanes, and this orientation will minimize the visibility of the sign to occupants of the hotel on the neighboring property to the north. Furthermore, this façade of the hotel contains the stair tower and limited fenestration. As such, the granting of the requested variance to permit two billboards on the subject premises will not interfere with the operations of the site and surrounding properties.

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 permitting one billboard per lot will result in exceptional practical difficulties and undue hardship upon the applicant and property owner based on the particular characteristics of the property in question.

The applicant proposes to install two billboards at a distance of approximately 650 feet from one another along two different frontages. The easterly billboard will be erected fronting on Route 3 East and the southerly billboard will be erected fronting on Route 95.

The subject property is approximately 19.9 acres in size, which is more than six times larger than the required minimum lot size of three acres for the District's Regional Commercial zone. The property's frontage of approximately 650 linear feet along Route 3 and 979 linear feet along Route 95 and a portion of the Route 3 ramp, are two and three times larger than required, respectively.

If the property in question were subdivided into six conforming lots, with each meeting the minimum lot size of three acres for the zone, six billboards would be permitted within the same land area. A denial of the requested variance to permit two billboards on the subject property will result in exceptional practical difficulties and undue hardship upon the applicant and property owner.

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 permit the installation of two billboards on the subject premises 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. Public safety will not be compromised by the installation of the proposed billboards at their respective locations. Billboards are passive structures that will not interfere with the operations of the site and surrounding properties. They are similar to other billboard installations found along nearby roadways. The billboards will be oriented towards motorists along their corresponding roadways. Scenic viewsheds will not be negatively impacted as well. NJSEA performance standards will not be violated by the billboard installations and operations.

Additionally, the applicant has obtained outdoor advertising permits for each billboard from the NJDOT, which reviews public safety requirements as part of the state permitting process. Both the proposed combination static/digital billboard and the fully digital billboard comply with the maximum permitted billboard sign area required by the District zoning regulations, and will comply with the District's billboard regulations governing the safety of its digital operations, including automatic dimming technology to adapt to ambient illumination levels, and a minimum time lapse of eight seconds between message changes.

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

The granting of the requested variance to permit the installation of two billboards on the subject premises will not result in any substantial adverse environmental impacts. The billboards are proposed to be erected on upland portions of the site. No environmentally sensitive areas and minimal open space will be disturbed by the placement of the billboards at their respective

locations. The illumination levels of the billboards will meet all Hackensack Meadowlands District zoning requirements, and performance standards will not be exceeded for noise, vibration, airborne emissions, glare, hazardous and radioactive materials, and wastewater.

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

The requested variance to erect two billboards on the subject premises represents the minimum deviation from the regulations that will afford relief. The property's unique characteristics, including its large size and extensive frontage along multiple state rights-of-way, could, if subdivided into conforming lots, accommodate more than one billboard. As one billboard is permitted per lot, the installation of two billboards on the same subject property represents the minimum deviation from the regulations that will afford relief, as each billboard is intended to serve a separate and distinct viewing angle oriented to motorists on different roadways.

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

The requested variance to permit two billboards on the subject premises will not substantially impair the intent and purpose of the regulations. The site is located within the District's Regional Commercial zone, fronting on Route 3 Eastbound and Route 95.

The intent of this regulation is to minimize visual clutter and, thereby, ensure the safety of the traveling public. In this particular instance, the subject property contains a large lot area, over 6 times larger than the minimum lot size requirement in the Regional Commercial zone. Multiple billboards would otherwise be permitted if the overall property were subdivided into lots with the minimum required three-acre size, each allowing for one billboard. The property also contains extensive frontage along state rights-of-way. The applicant proposes to install two billboards approximately 650 feet apart from each other along two different roadway frontages, and will be oriented towards two separate vehicular viewsheds. The easterly billboard will be erected fronting on Route 3 and the southerly billboard will be erected fronting on Route 95. Due to the particular property characteristics, the distance between the billboards, and the different billboard orientations and viewsheds, the requested variance will not substantially impair the intent and purpose of the regulations.

B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.14(h) Table 8-5, which requires that signs be set back a minimum of 15 feet from all property lines.

The District 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 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 located within the District's Regional Commercial zone, and is an irregularly-shaped, 19.9-acre parcel fronting along state highways: Route 3 to the east, Route 95 to the south, and the New Jersey Turnpike to the west. There is direct access to the site from Route 3 and from shared access points via Paterson Plank Road identified as Daffy's Way and Bigley Drive.

The subject property is approximately 19.9 acres in size, substantially larger than the required minimum lot size of three acres for the zone. Additionally, the property in question has an easterly lot line of approximately 650 linear feet in length fronting along Route 3, and a southerly frontage of approximately 979 linear feet along Route 95 and a portion of the Route 3 ramp.

Despite the large lot area and extensive roadway frontages of the subject property, the placement of the proposed southerly billboard along Route 95 is proposed at a setback of one foot from the right-of-way. The distance between the billboard and the edge of the paved roadway surface is approximately 100 feet. As such, the one-foot setback is not apparent from a visual reference point. Based on the submitted site plan, the subject property is of sufficient size and configuration, and the Route 95 right-of-way is of sufficient width, to accommodate a setback of one foot without interfering with any existing or future use of the site or public right-of-way.

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

The subject property is located within the District's Regional Commercial zone, fronting along Route 3 East, Route 95, and the New Jersey Turnpike. There is direct access to the site from Route 3 and from shared access points along Paterson Plank Road identified as Daffy's Way and Bigley Drive. Adjacent land uses include a Home Depot retail facility to the northwest, a retail building and a hotel with an associated parking deck and a free-standing restaurant to the north, a vacant parcel to the west, open space across Route 95 to the south, and various commercial facilities across Route 3 to the east. There are no residential properties situated within 2,500 feet in any direction from either of the proposed billboard locations.

Billboards are passive structures, and the proposed billboards are similar to other billboard installations found along nearby roadways. The southerly billboard will be oriented towards motorists along Route 95, not towards any adjacent properties. The property across the right-of-way to the south is comprised of vacant land in the District's Environmental Conservation zone, and will not be impacted by the placement of the proposed billboard across the roadway. As such, the granting of the requested variance to permit a one foot setback from the southerly property line will not interfere with the operations of the site and surrounding properties.

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 the southerly billboard to be set back 15 feet from the southerly property line would result in practical difficulties and undue hardship upon the applicant and property owner. The billboard is proposed to be set back one foot from the property line fronting Route 95.

Although the subject property is large in comparison to neighboring properties in the zone and contains extensive frontage along neighboring rights-of-way, the proposed sign is situated in a location where the horizontal distance between the billboard and roadway surface is approximately 100 feet. Moving the billboard back to the required 15 foot setback would reduce its visibility to motorists along this roadway and compromise safety.

The proposed location is determined to be suitable to accommodate the southerly billboard, as evidenced by the approval of the proposed sign by the New Jersey Department of Transportation (NJDOT).

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 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. Public safety will not be compromised by the installation of the southerly billboard within one foot of the southerly property line. The billboard is a passive structure that will not interfere with the operations of the site and surrounding properties. It is similar to other billboard installations found along nearby roadways. The billboard will be oriented towards motorists along Route 95. No scenic viewsheds will be negatively impacted. NJSEA performance standards will not be violated by the billboard installation and operation.

Additionally, the applicant has obtained an outdoor advertising permit for the billboard from the NJDOT, which reviews public safety requirements as part of the state permitting process. The proposed combination static/digital billboard complies with the maximum billboard sign area permitted by the District zoning regulations, and will comply with the District's billboard regulations governing the safety of its digital operations, including automatic dimming technology to adapt to ambient illumination levels, and a minimum time lapse of eight seconds between message changes.

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

The granting of the requested variance to permit a one foot setback for the southerly billboard, whereas a minimum setback of 15 feet is required, will not result in any substantial adverse environmental impacts. The billboard is proposed to be erected on an upland portion of the site. No environmentally sensitive areas and minimal open space will be disturbed by the placement of the billboard at the proposed location. The illumination level of the billboard will meet all requirements for the operation of billboards pursuant to the District zoning regulations. District performance standards will not be exceeded for noise, vibration, airborne emissions, glare, hazardous and radioactive materials and wastewater by the billboard.

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 southerly billboard is proposed to be located within one foot of the southerly property line. The placement of the billboard at one foot from the property line is required to establish the appropriate cone of vision for motorists traveling on Route 95 to safely read its message.

The proposed setback does not create any negative visual impacts or conflicts with improvements on the subject site or adjacent properties. As the billboard is a passive structure, it will not interfere with the operations of the site and surrounding properties.

While a conforming setback could be achieved on the site, the proposed setback does not create any negative visual impacts or conflicts with improvements on the subject site or adjacent properties. The proposed setback is approximately 105 feet from the edge of pavement, providing an adequate separation for safety purposes between the sign and the roadway. Therefore, the requested variance represents the minimum deviation from the regulations that will afford relief.

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

The intent and purpose of the application of setback requirements for billboards is to provide adequate separation of billboards from rights-of-way in order to minimize visual impact and promote safety. The southerly billboard is proposed to be located within one foot of the southerly property line. The placement of the billboard at one foot from the property line is required to establish the appropriate cone of vision for motorists traveling on Route 95 to safely read its message. The proposed setback will not create any negative visual impacts or conflicts with improvements on the subject property or adjacent properties. Similarly, the setback does not negatively impact the aesthetic environment along Route 95, where other billboards are present. The appearance of the surrounding area will not be compromised by the proposed setback. As such, the requested variance will not substantially impair the intent and purpose of the regulations.

C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.14(h)7ii(1), which requires that billboards be installed within a ROW having a posted speed limit of 55 mph or higher, or within 50 feet thereof, and shall be oriented towards such ROW.

The District 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 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 located within the District's Regional Commercial zone, fronting along Route 3 East, Route 95, and the New Jersey Turnpike. There is direct access to the site from Route 3 and from shared access points via Paterson Plank Road, identified as Daffy's Way and Bigley Drive.

The subject property is approximately 19.9 acres in size, substantially larger than the minimum lot size of three acres required for the zone, and fronts on two major roadways. Additionally, the property in question contains extensive frontage along these rights-of-way, having an easterly lot line of approximately 650 linear feet in length fronting Route 3, and a southerly frontage of approximately 979 linear feet along Route 95 and a portion of the Route 3 ramp.

The applicant proposes to install the easterly billboard at a location that is adjacent to the Route 3 Eastbound ramp to Route 95 and the

New Jersey Turnpike. The posted speed limit for this portion of the roadway is 45 mph, less than the minimum required 55 mph speed limit for billboard placement. However, Route 3 is a functioning high-volume state highway, not a local road, allowing for adequate billboard visibility for traveling motorists. Because of the uniqueness of the site, in that it fronts along two major state highways and has a significantly greater area than that required in the zone, the proposed location of the billboard effectively meets the intention of the regulations, requiring billboards be erected adjacent to high-speed, high-capacity regional arterial roadways.

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

The subject property is located within the District's Regional Commercial zone and fronts along Route 3 East, Route 95, and the New Jersey Turnpike. There is direct access to the site from Route 3 and from shared access points along Paterson Plank Road identified as Daffy's Way and Bigley Drive. Adjacent land uses include a Home Depot retail facility to the northwest, a retail building, a hotel with an associated parking deck, and a free-standing restaurant to the north, a vacant parcel to the west, open space across Route 95 to the south, and various commercial facilities across Route 3 to the east. There are no residential properties situated within 2,500 feet in any direction from either of the proposed billboard locations.

Billboards are passive structures, and the proposed billboards are similar to other billboard installations found along nearby

roadways. The easterly billboard will be oriented towards motorists traveling along Route 3, a major state highway, and not towards any adjacent properties. As such, the granting of the requested variance to permit the easterly billboard to be located adjacent to a portion of Route 3 having a posted speed limit of less than 55 mph on the subject premises will not interfere with the operations of the site and surrounding properties.

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 the placement of a billboard sign within a ROW having a posted speed limit of 55 mph or higher, or within 50 feet thereof, would result in exceptional practical difficulties and hardship as applied to the particular characteristics of the subject property. The site is located within the District's Regional Commercial zone, fronting on Route 3 and Route 95.

The applicant proposes to install the easterly billboard at a location that fronts the Route 3 East ramp to Route 95. The posted speed limit for this portion of the roadway is 45 mph, less than the minimum required 55 mph limit for billboard placement. Although the speed limit is less than 55 mph, Route 3 functions as a high volume state highway, not a local road.

The proposed easterly billboard is oriented towards motorists on the main travel lanes of Route 3 East, and the proposed location is

the optimal location to safely view the sign due to the curvature of the roadway as the sign is approached, as well as the existence of trees located within the sign's cone of vision further to the west.

There are no alternative practicable locations available on the subject property for the billboard to be placed in a conforming location that would not impact the visibility of the sign towards motorists on State Highway Route 3.

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 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. Public safety will not be compromised by the installation of the easterly billboard to be located adjacent to a portion of Route 3 that has a posted speed limit of less than 55 mph, and it will not result in any substantial adverse environmental impacts. The billboard is a passive structure that will not interfere with the operations of the site and surrounding properties. It is similar to other billboard installations found along nearby roadways. The billboard will be oriented towards motorists traveling along Route 3. Scenic viewsheds will not be negatively impacted. The Hackensack Meadowlands District's performance standards will not be violated by the billboard installation and operation.

Additionally, the applicant has obtained an outdoor advertising permit for the billboard from the NJDOT, which reviews public safety requirements as part of the state permitting process. The proposed digital billboard complies with the maximum billboard sign area permitted by the District zoning regulations, and will comply with the District's billboard regulations governing the safety of its digital operations, including automatic dimming technology to adapt to ambient illumination levels, and a minimum time lapse of eight seconds between message changes.

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

The granting of the requested variance to permit the easterly billboard to be located adjacent to a portion of Route 3 having a posted speed limit of less than 55 mph, will not result in any substantial adverse environmental impacts. The billboard is proposed to be erected on an upland portion of the site. No environmentally sensitive areas and minimal open space will be disturbed by the placement of the billboard at the proposed location. The illumination level of the billboard will meet all requirements, and performance standards will not be exceeded for noise, vibration, airborne emissions, glare, hazardous and radioactive materials and wastewater.

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

The requested variance to permit the easterly billboard to be located adjacent to a portion of Route 3 having a posted speed limit of less than 55 mph represents the minimum deviation from the regulations that will afford relief. The posted speed limit for this portion of the roadway is 45 mph, less than the minimum required 55 mph for billboard placement. However, Route 3 functions as a high-volume state highway, not a local road, allowing for adequate billboard visibility for traveling motorists. The particular and unique site conditions detailed above make the subject property an appropriate site to accommodate a billboard at the specified location, in a zone where billboards are permitted. The proposed billboard is compatible with the improvements on the subject property and other commercial uses in the vicinity. As such, the requested variance represents the minimum deviation from the regulations that will afford relief.

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

The District zoning regulations require that a billboard be installed within a right-of-way having a posted speed limit of 55 mph or higher, or within 50 feet thereof. The easterly billboard is proposed to be located adjacent to the Route 3 East ramp having a posted speed limit of less than 55 mph. The intent of this regulation is to ensure that billboards are directed to highways in appropriate locations and in appropriate zones. The subject site is located in the

Regional Commercial zone, where billboards are a permitted use. This roadway is a high-volume state right-of-way, not a local road, and will allow for adequate billboard visibility for traveling motorists. Therefore, the proposed billboard at this particular location will not substantially impair the intent and purposes of the regulations.

D. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.14(h)7ii(1), which requires that billboards be installed within a ROW having a posted speed limit of 55 mph or higher, or within 50 feet thereof, and shall be oriented towards such ROW.

The District 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 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 located within the District's Regional Commercial zone, fronting along Route 3 East, Route 95, and the New Jersey Turnpike. There is direct access to the site from Route 3 and from shared access points via Paterson Plank Road identified as Daffy's Way and Bigley Drive. The subject property's 19.9-acre lot area is substantially larger than the required minimum lot size of three acres for the zone, fronting on two state rights-of-way. Additionally, the property in question has an easterly lot line of approximately 650 linear feet in length fronting Route 3, and a southerly frontage of approximately 979 linear feet along Route 95

and a portion of the Route 3 ramp. However, there is limited access to these roadways, consisting of one driveway on the Route 3 East frontage.

The applicant proposes to install the southerly billboard at a location that fronts on Route 95. The posted speed limit for this portion of the roadway is 50 mph, less than the minimum required 55 mph for billboard placement. However, Route 95 is a high volume state right-of-way, not a local road, allowing for adequate billboard visibility for traveling motorists. The subject application for a commercial improvement on a commercially-zoned site along a heavily-traveled regional roadway is consistent with the intent of the District's billboard regulations to orient billboards towards highway locations.

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

The subject property is located within the District's Regional Commercial zone, fronting along Route 3 East and Route 95. There is direct access to the site from Route 3 and from shared access points along Paterson Plank Road identified as Daffy's Way and Bigley Drive. Adjacent land uses include a Home Depot retail facility to the northwest, a retail building, a hotel with an associated parking deck, and a free-standing restaurant to the north, a vacant parcel to the west, open space across Route 95 to the south, and various commercial facilities across Route 3 to the east. There are no residential properties situated within 2,500 feet in any direction from either of the proposed billboard locations.

Billboards are passive structures, and the proposed billboards are similar to other billboard installations found along nearby roadways. The southerly billboard will be oriented towards motorists along Route 95, not towards any adjacent properties. The property to the south is comprised of vacant land in the District's Environmental Conservation zone, and will not be impacted by the placement of the proposed billboard across the roadway. As such, the granting of the requested variance to permit the southerly billboard to be located adjacent to Route 95 having a posted speed limit of less than 55 mph on the subject premises will not interfere with the operations of the site and surrounding properties.

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 the placement of a billboard sign within a ROW having a posted speed limit of 55 mph or higher, or within 50 feet thereof, would result in exceptional practical difficulties and hardship as applied to the particular characteristics of the subject property. The site is located within the District's Regional Commercial zone, fronting on Route 3 East, Route 95, and the New Jersey Turnpike. There is direct access to the site from Route 3 and from Paterson Plank Road via shared access points Daffy's Way and Bigley Drive.

The applicant proposes to install the southerly billboard along the Route 95 frontage. The posted speed limit for this portion of the

roadway is 50 mph, less than the minimum required 55 mph for billboard placement. Although the speed limit is less than 55 mph, Route 95 functions as a high volume state right-of-way that connects to roadways having a speed limit of 55 mph or greater, not a local road. This allows adequate billboard visibility for traveling motorists in the area.

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 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. Public safety will not be compromised by the installation of the southerly billboard adjacent to Route 95. The roadway's posted 50 mph speed limit, which is less than minimum 55 mph required, will not result in any substantial adverse environmental impacts. The billboard is a passive structure that will not interfere with the operations of the site or surrounding properties. It is similar to other billboard installations found along nearby roadways. The billboard will be oriented towards motorists traveling along Route 95. Scenic viewsheds will not be negatively impacted. Hackensack Meadowlands District performance standards will not be violated by the billboard installation and operation.

Additionally, the applicant has obtained an outdoor advertising permit for the billboard from the NJDOT, which reviews public

safety requirements as part of the state permitting process. The proposed combination static/digital billboard complies with the maximum permitted billboard sign area required by the District zoning regulations, and will comply with the District's billboard regulations governing the safety of its digital operations, including automatic dimming technology to adapt to ambient illumination levels, and a minimum time lapse of eight seconds between message changes.

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

The granting of the requested variance to permit the southerly billboard to be located adjacent to Route 95, which has a posted speed limit of less than 55 mph; will not result in any substantial adverse environmental impacts. The billboard is proposed to be erected on an upland portion of the site. No environmentally sensitive areas and minimal open space will be disturbed by the placement of the billboard at the proposed location. The illumination level of the billboard will meet all District zoning regulations governing its operations. The District's performance standards will not be exceeded for noise, vibration, airborne emissions, glare, hazardous and radioactive materials and wastewater by the billboard.

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

The requested variance to permit the southerly billboard to be located adjacent to Route 95, which has a posted speed limit of less than 55 mph, represents the minimum deviation from the regulations that will afford relief. The posted speed limit for this portion of the roadway is 50 mph, less than the minimum required 55 mph for billboard placement. However, Route 95 functions as a high-volume state right-of-way, not a local road, thus allowing for adequate billboard visibility for traveling motorists. The particular and unique site conditions detailed above make the subject property an appropriate site to accommodate a billboard at the specified location, in a zone where billboards are permitted. The proposed billboard is compatible with the improvements on the subject property and other commercial uses in the vicinity. As such, the requested variance represents the minimum deviation from the regulations that will afford relief.

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

The NJSEA regulations require that a billboard be installed within a right-of-way having a posted speed limit of 55 mph or higher, or within 50 feet thereof. The southerly billboard is proposed to be located adjacent to the Route 95, which has a posted speed limit of less than 55 mph. The intent of this regulation is to ensure that billboards are directed to highways in appropriate locations and in appropriate zones. The subject site is located in the Regional

Commercial zone, where billboards are a permitted use. This roadway functions as a high-volume state right-of-way, not a local road, thus allowing for adequate billboard visibility for traveling motorists. The subject application for a commercial improvement on a commercially-zoned site along a heavily-traveled regional roadway is consistent with the intent of the District's billboard regulations to orient billboards towards highway locations. Therefore, the proposed billboard at this particular location will not substantially impair the intent and purposes of the regulations.

E. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.14(h)7v, which requires the maximum permitted height of a billboard to be 30 feet above the grade level of the adjacent roadway surface.

The District 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 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 requested variance to permit the installation of the easterly billboard at a height of 87 feet above the grade level of the adjacent roadway surface of Route 3 East, whereas a maximum height of 30 feet above the grade level of the roadway is permitted, arises from conditions that are unique to the site. The site is located within the District's Regional Commercial zone and is an irregularly-shaped, 19.9-acre parcel fronting along two state highways: Route 3 East

and Route 95. There is direct access to the site from Route 3 and from shared access points via Paterson Plank Road identified as Daffy's Way and Bigley Drive.

The subject property's 19.9-acre size is substantially larger than the zone's required minimum lot size of three acres. Additionally, the property in question has an easterly lot line of approximately 650 linear feet in length fronting Route 3, and a southerly frontage of approximately 979 linear feet along Route 95 and a portion of the Route 3 ramp.

The applicant proposes to install the easterly billboard at a location that fronts on Route 3. The maximum permitted height is proposed to be exceeded in order for the billboard to provide adequate visibility to motorists, as well as to sufficiently clear obstructions within the cone of vision, including vegetation on an adjacent property, sign bridges, and overpasses. These are conditions that were not created by 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 to permit the installation of a billboard having a height of 87 feet above the grade level of the adjacent roadway surface of the Route 3 East, whereas a maximum height of 30 feet above the grade level of the roadway is permitted, will not adversely affect the rights of neighboring property owners or residents. The requested height of 87 feet is necessitated by existing roadway structures and other obstructions that would

obscure the visibility of the billboard message if erected at the maximum permitted height of 30 feet above the roadway surface.

The subject property is located within the District's Regional Commercial zone, fronting on Route 3 East and Route 95. There is direct access to the site from Route 3 and from shared access points from Paterson Plank Road via Daffy's Way and Bigley Drive. Adjacent land uses include a Home Depot retail facility to the northwest, a retail building, a hotel with an associated parking deck, and a free-standing restaurant to the north, a vacant parcel to the west, open space across Route 95 to the south, and various commercial facilities across Route 3 to the east. There are no residential properties situated within 2,500 feet in any direction of either of the proposed billboard locations. In addition, the billboard is oriented in a manner to the roadway that it will not be visible from the adjacent hotel.

Billboards are passive structures, and the proposed billboards are similar to other billboard installations found along nearby roadways. The easterly billboard will be oriented towards motorists along Route 3, not towards any adjacent properties. As such, the granting of the requested variance will not interfere with the operations of the site and surrounding properties.

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 applicant proposes to install a billboard having a height of 87 feet above the grade level of the adjacent roadway surface of the Route 3, whereas a maximum height of 30 feet above the grade level of the roadway is permitted.

The particular characteristics of the property present practical difficulties in the installation of the proposed billboard on the site, resulting in a proposed billboard height that exceeds the maximum permitted height. In order to accommodate a billboard on the subject property, which is a permitted use in the Regional Commercial zone, the billboard must be visible to its intended audience of motorists on adjacent Route 3. The applicant's traffic engineer provided a cone of vision analysis that establishes the appropriate viewing angle and read time that would be required to safely view the sign. If the requested variance were not granted, the billboard would be obstructed by existing roadway structures and vegetation, thus obscuring the visibility of the billboard message. The proposed height is required to allow the billboard to be safely viewed by motorists traveling along Route 3.

- 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 permit the easterly billboard to exceed the maximum permitted height 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 billboard is a passive structure that will not interfere with the operations of the site and surrounding properties. It is similar to other billboard installations found along the nearby roadways. The billboard will be oriented towards motorists along Route 3, and no scenic viewsheds will be negatively impacted. All performance standards of the Hackensack Meadowlands District zoning regulations will be met by the billboard installation and operation.

Additionally, the applicant has obtained an outdoor advertising permit for the billboard from the NJDOT, which reviews public safety requirements as part of the state permitting process. The proposed digital billboard complies with the maximum permitted billboard sign area required by District zoning regulations, and will comply with the District's billboard regulations governing the safety of its digital operations, including automatic dimming technology to adapt to ambient illumination levels, and a minimum time lapse of eight seconds between message changes.

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

The granting of the requested variance to permit the easterly billboard to be greater than 30 feet above the grade of the adjacent Route 3 roadway surface on the subject premises will not result in any substantial adverse environmental impacts. The billboard is proposed to be erected on an upland portion of the site. No environmentally sensitive areas and minimal open space will be disturbed by the placement of the billboard at the proposed location. The illumination level of the billboard will meet all requirements for the operation of billboards pursuant to the District zoning regulations. District performance standards will not be exceeded for noise, vibration, airborne emissions, glare, hazardous and radioactive materials and wastewater by the billboard.

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

The requested variance to permit the installation of the easterly billboard at a height of 87 feet above the grade level of the adjacent roadway surface of Route 3 East, whereas a maximum height of 30 feet above the grade level of the roadway is permitted, represents the minimum deviation from the regulations that will afford relief. In order to accommodate a billboard on the subject property, which is a permitted use in the Regional Commercial zone, the billboard must be visible to its intended audience of motorists on Route 3. The applicant's traffic engineer provided a cone of vision analysis that establishes the appropriate viewing angle and read

time that would be required to safely view the sign. If the requested variance were not granted, a billboard erected at a conforming height of 30 feet would be obstructed by existing roadway structures and vegetation on an adjacent property, obscuring the visibility of the billboard message. The proposed height is the minimum required height to allow the billboard to be safely visible from the premises. As such, the requested variance represents the minimum deviation from the regulations that will afford relief.

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

The requested variance to permit the installation of the easterly billboard at a height of 87 feet above the grade level of the adjacent roadway surface of Route 3, whereas a maximum height of 30 feet above the grade level of the roadway is permitted, will not substantially impair the intent and purpose of the regulations. Although the billboard is proposed to be higher than the maximum permitted height of 30 feet above the roadway surface, the proposed height of 87 feet does not cause any significant negative visual impact for the surrounding area. A height of 87 feet is required in order for the billboard to provide adequate visibility to motorists, as well as to sufficiently clear the visual obstruction caused by nearby vegetation, sign bridges and overpasses. The billboard will be oriented towards motorists along Route 3, not towards any adjacent properties. Billboards are passive structures that are commonly found along nearby roadways. As such, the

granting of the requested variance will not substantially impair the intent and purpose of the regulations.

F. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.14(h)7v, which requires the maximum permitted height of a billboard to be 30 feet above the grade level of the adjacent roadway surface.

The District 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 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 requested variance to permit the installation of the southerly billboard at a height of 62 feet above the grade level of the adjacent roadway surface of Route 95, whereas a maximum height of 30 feet above the grade level of the roadway is permitted, arises from conditions that are unique to the site. The site is located within the District's Regional Commercial zone, and is an irregularly-shaped, 19.9-acre parcel fronting on two state highways: Route 3 East and Route 95. There is direct access to the site from Route 3 and from shared access points via Paterson Plank Road identified as Daffy's Way and Bigley Drive. The subject property's 19.9-acre size is substantially larger than the required minimum lot size of three acres for the zone. Additionally, the property in question has an easterly lot line of approximately 650 linear feet in length fronting

along Route 3, and a southerly frontage of approximately 979 linear feet along Route 95 and a portion of the Route 3 ramp.

The applicant proposes to install the southerly billboard at a location that fronts on Route 95. The maximum permitted height is proposed to be exceeded in order for the billboard to provide adequate visibility to motorists, as well as to sufficiently clear obstructions within the cone of vision, including nearby sign bridges and overpasses. These are conditions that were not created by 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 to permit the installation of a billboard having a height of 62 feet above the grade level of the adjacent roadway surface of Route 95, whereas a maximum height of 30 feet above the grade level of the roadway is permitted, will not adversely affect the rights of neighboring property owners or residents. The requested height of 62 feet is necessitated by existing roadway structures and other obstructions that would obscure the visibility of the billboard message if erected at the maximum permitted height of 30 feet above the roadway surface.

The subject property is located within the District's Regional Commercial zone, fronting on Route 3 and Route 95. There is direct access to the site from Route 3 and from shared access points from Paterson Plank Road via Daffy's Way and Bigley Drive. Adjacent land uses include a Home Depot retail facility to the northwest, a retail building, a hotel with an associated parking

deck, and a free-standing restaurant to the north, a vacant parcel to the west, open space across Route 95 to the south, and various commercial facilities across Route 3 to the east. There are no residential properties situated within 2,500 feet in any direction from either of the proposed billboard locations.

Billboards are passive structures, and the proposed billboards are similar to other billboard installations found along the nearby roadways. The southerly billboard will be oriented towards motorists along Route 95, not towards any adjacent properties. The property across the right-of-way to the south is comprised of vacant land in the District's Environmental Conservation zone, and will not be impacted by the placement of the proposed billboard across the roadway. As such, the granting of the requested variance will not interfere with the operations of the site and surrounding properties.

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 applicant proposes to install a billboard having a height of 62 feet above the grade level of the adjacent roadway surface of Route 95, whereas a maximum height of 30 feet above the grade level of the roadway is permitted. Billboards are passive structures, and the proposed billboard is similar to other billboard installations found along nearby roadways. The southerly billboard will be oriented towards motorists along Route 95, and not towards any adjacent properties.

The particular characteristics of the property present practical difficulties in the installation of the proposed billboard on the site, resulting in a proposed billboard height that exceeds the maximum permitted height. In order to accommodate a billboard on the subject property, which is a permitted use in the Regional Commercial zone, the billboard must be visible to its intended audience of motorists on adjacent Route 95. The applicant's traffic engineer provided a cone of vision analysis that establishes the appropriate viewing angle and read time that would be required to safely view the sign. If the requested variance were not granted, the billboard would be obstructed by existing overhead roadway structures, obscuring the visibility of the billboard message. The proposed height is required to allow the billboard to be safely visible from the premises.

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 permit the southerly billboard to exceed the permitted height 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 billboard is a passive structure that will not interfere with the operations of the site and surrounding properties. It is similar to other billboard installations found along the nearby roadways. The

billboard will be oriented towards motorists along Route 95, and no scenic viewsheds will be negatively impacted. All performance standards of the Hackensack Meadowlands District zoning regulations will be met by the billboard installation and operation.

Additionally, the applicant has obtained an outdoor advertising permit for the proposed billboard from the NJDOT, which reviews public safety requirements as part of the state permitting process. The proposed combination static/digital billboard complies with the maximum permitted billboard sign area required by the District regulations, and will comply with the District's billboard regulations governing the safety of its digital operations, including automatic dimming technology to adapt to ambient illumination levels, and a minimum time lapse of eight seconds between message changes.

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

The granting of the requested variance to exceed the maximum permitted height will not result in any substantial adverse environmental impacts. The billboard is proposed to be erected on an upland portion of the site. No environmentally sensitive areas and minimal open space will be disturbed by the placement of the billboard at the proposed location. The illumination level of the billboard will meet all requirements for the operation of billboards pursuant to the District zoning regulations. District performance standards will not be exceeded for noise, vibration, airborne emissions, glare, hazardous and radioactive materials and wastewater by the billboard.

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

The requested variance to permit the installation of the southerly billboard at a height of 62 feet above the grade level of the adjacent roadway surface of Route 95, whereas a maximum height of 30 feet above the grade level of the roadway is permitted, represents the minimum deviation from the regulations that will afford relief. In order to accommodate a billboard on the subject property, which is a permitted use in the Regional Commercial zone, the billboard must be visible to its intended audience of motorists on Route 95. The applicant's traffic engineer provided a cone of vision analysis that establishes the appropriate viewing angle and read time that would be required to safely view the sign. If the requested variance were not granted, the visibility of the billboard erected at a conforming height of 30 feet would be obstructed by existing roadway structures and truck traffic. The proposed height is the minimum required height to allow the billboard to be safely visible to motorists on the adjacent road. As such, the requested variance represents the minimum deviation from the regulations that will afford relief.

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

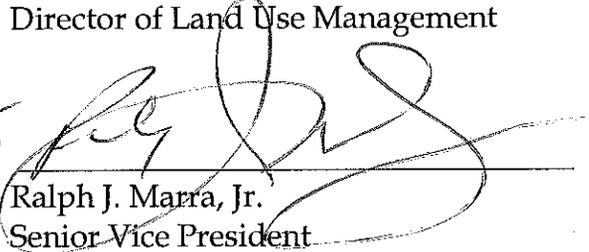
The requested variance to permit the installation of the southerly billboard at a height of 62 feet above the grade level of the adjacent roadway surface of Route 95, whereas a maximum height of 30 feet

above the grade level of the roadway is permitted, will not substantially impair the intent and purpose of the regulations. Although the billboard is proposed to be higher than the maximum permitted height of 30 feet above the roadway surface, the proposed height of 62 feet does not cause any significant negative visual impact for the surrounding area. A height of 62 feet is required in order for the billboard to provide adequate visibility to motorists, as well as to sufficiently clear visual obstruction caused by nearby sign bridges and overpasses. The billboard will be oriented towards motorists along Route 95, and not towards any adjacent properties. Billboards are passive structures that are commonly found along nearby roadways. As such, the granting of the requested variance will not substantially impair the intent and purpose of the regulations.

V. SUMMARY OF CONCLUSIONS

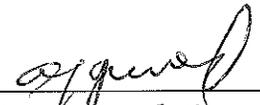
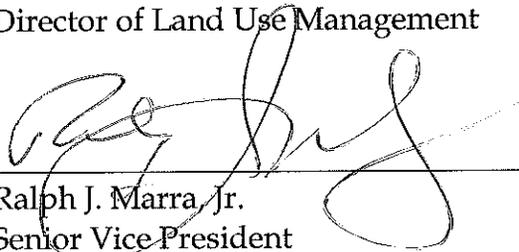
A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.14(h)7iii, which permits a maximum of one (1) billboard per lot.

Based on the record in this matter, the bulk variance application to permit a total of two (2) billboards on the subject property is hereby recommended for APPROVAL.

<u>APPROVAL</u>	<u>7.20.15</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management
<u>approved</u>	<u>7/30/15</u>	
Recommendation on Variance Request	Date	Ralph J. Marra, Jr. Senior Vice President Legal & Regulatory Affairs

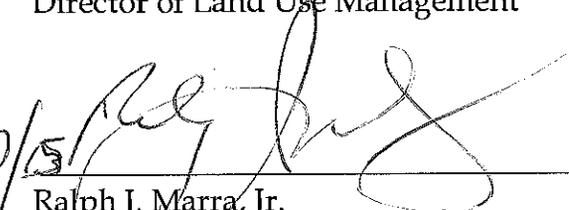
B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.14(h) Table 8-5, which requires that signs be setback a minimum of 15 feet from all property lines.

Based on the record in this matter, the use variance application to permit a billboard at a minimum setback of one (1) foot from the southerly property line is hereby recommended for APPROVAL.

<u>APPROVAL</u>	<u>7-29-15</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management
	<u>7/30</u>	
Recommendation on Variance Request	Date	Ralph J. Marra, Jr. Senior Vice President Legal & Regulatory Affairs

C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.14(h)7ii(1), which requires that billboards be installed within a ROW having a posted speed limit of 55 mph or higher, or within 50 feet thereof, and shall be oriented towards such ROW.

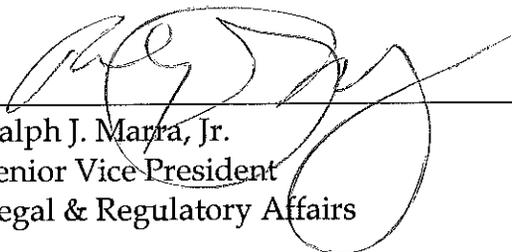
Based on the record in this matter, the bulk variance application to permit a billboard to be located adjacent to the New Jersey State Highway Route 3 Eastbound ramp, which has a posted speed limit of 45 mph, is hereby recommended for APPROVAL.

<u>APPROVAL</u>	<u>7.29.15</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management
<u>approved</u>	<u>7/30/15</u>	
Recommendation on Variance Request	Date	Ralph J. Marra, Jr. Senior Vice President Legal & Regulatory Affairs

D. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.14(h)7ii(1), which requires that billboards be installed within a ROW having a posted speed limit of 55 mph or higher, or within 50 feet thereof, and shall be oriented towards such ROW.

Based on the record in this matter, the bulk variance application to permit a billboard to be located adjacent to New Jersey State Highway Route 95/495 Bypass, which has a posted speed limit of 50 mph, is hereby recommended for APPROVAL.

<u>APPROVAL</u>	<u>7.29.15</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management

<u>approved</u>	<u>7/30/15</u>	
Recommendation on Variance Request	Date	Ralph J. Marra, Jr. Senior Vice President Legal & Regulatory Affairs

E. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.14(h)7v, which requires the maximum permitted height of a billboard to be 30 feet above the grade level of the adjacent roadway surface.

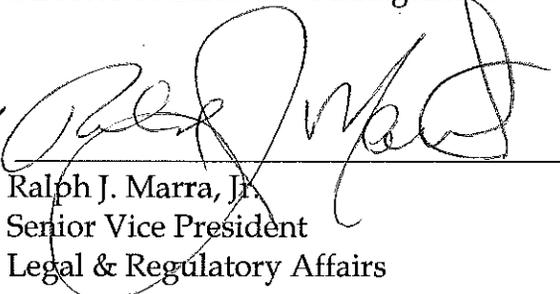
Based on the record in this matter, the bulk variance application to permit a billboard with a maximum height of 87 feet above the grade level of the adjacent New Jersey State Highway Route 3 Eastbound ramp roadway surface is hereby recommended for APPROVAL.

<u>APPROVAL</u>	<u>7.29.15</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management

<u>approved</u>	<u>7/30/15</u>	
Recommendation on Variance Request	Date	Ralph J. Marra Jr. Senior Vice President Legal & Regulatory Affairs

F. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.14(h)7v, which requires the maximum permitted height of a billboard to be 30 feet above the grade level of the adjacent roadway surface.

Based on the record in this matter, the bulk variance application to permit a billboard with a maximum height of 62 feet above the grade level of the adjacent New Jersey State Highway Route 95/495 Bypass roadway surface is hereby recommended for APPROVAL.

<u>APPROVAL</u>	<u>7-29-15</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management
<u>approved</u>	<u>7/30/15</u>	
Recommendation on Variance Request	Date	Ralph J. Marra, Jr. Senior Vice President Legal & Regulatory Affairs