

**RECOMMENDATION ON THE SPECIAL EXCEPTION APPLICATION OF  
Prologis / Teterboro Landing Phase 3 - Special Exception**

**FILE # 14-675**

**I. INTRODUCTION**

Pursuant to Public Law 2015, Chapter 19, The New Jersey Meadowlands Commission (NJMC) has become part of the New Jersey Sports and Exposition Authority (NJSEA), effective February 5, 2015.

An application for one (1) special exception use has been filed with the NJSEA by Charles B. Liebling, Esq., of the firm Windels Marx Lane & Mittendorf, LLP, on behalf of Catellus Teterboro Development Urban Renewal II, LLC, for the property identified as Block 202, Lot 4.08, in the Borough of Teterboro, New Jersey. Said premises is located in the Hackensack Meadowlands District's Teterboro/Industrial Avenue Redevelopment Area. The special exception is sought in connection with the applicant's proposal to construct eight fast food restaurants, including two fast food restaurants with drive-through facilities, and related site improvements on the subject premises.

The applicant is requesting special exception approval from Section IV B.2c of the Teterboro/Industrial Avenue Redevelopment Plan, which lists fast food restaurants as a special exception use in the redevelopment area.

A public hearing was held at the Office of the NJSEA on Tuesday, June 2, 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 Record newspaper. No written objections were submitted to the Division of Land Use Management prior to the hearing.

## II. GENERAL INFORMATION

### A. Existing and Proposed Use

The subject premises, Block 202, Lot 4.08, is a 9.66-acre parcel to be developed as the third and final phase of Teterboro Landing, a multi-structure, mixed-use development that spans over eight lots and includes retail, restaurant, office and industrial uses. The 54.77-acre Teterboro Landing site is identified as Block 202, Lots 4.04, 4.05.1, 4.07, 4.08, 4.09, 4.10, 4.11, and 4.12. The project is being developed on the former Honeywell property, which was used for the manufacturing of equipment for aircraft instrumentation and military systems. Environmental remediation, resulting from the prior use of the site, has been completed onsite in accordance with NJDEP approved Remedial Action Workplans. The first phase of development for a 159,311-square-foot Wal-Mart retail store and related site improvements, situated at the northwest end of the development, has been completed and the retail business is operational. The second phase of development is comprised of a 156,166-square-foot Costco retail store with a fuel service station, located directly west of the subject site, and a 156,256-square-foot light industrial building, located immediately south of the Costco lot. The construction of the Costco building, fuel service area, light industrial building, and related improvements is presently ongoing. Subject Lot 4.08 is located in the Commission's Teterboro/Industrial Avenue Redevelopment Area. Industrial Avenue is located to the east and three driveways along Industrial Avenue provide direct access to the subject lot. A fourth driveway extends from Green Street and runs parallel with the development's western property limit. The subject lot is bordered to the north and west by properties that are part of the Teterboro Landing development. The property to the south is a United States Postal Service mail sorting and distribution center, and the Port Authority of NY & NJ's (PANYNJ) Teterboro Airport facility is located directly east across Industrial Avenue. Route 46 is to the north of the mixed-use development, with industrial and commercial properties located across Route 46. NJ Transit's Pascack Valley rail

line borders the development to the west. New Jersey State Highway Route 17 is located further west of the train tracks. There are no residences in the vicinity of the mixed-use development.

The applicant is proposing to construct seven restaurant and retail buildings and related site improvements as part of the third and final phase of the Teterboro Landing development. Proposed building A includes over 13,000 square feet of retail and fast food restaurant space, while building B includes over 16,000 square feet of retail and fast food restaurant space. Building C is a 4,216-square-foot fast food restaurant with a drive-through facility and building D is a 12,504-square-foot retail building. Building E is a proposed 4,842-square-foot fast food restaurant with two drive-through lanes. Buildings F and G are sit-down restaurants that are 7,441 square feet and 7,677 square feet, respectively. The retail and sit-down restaurant uses are permitted in the redevelopment area, while the eight fast food restaurants are a special exception use.

#### **B. Response to the Public Notice**

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

### **III. PUBLIC HEARING (June 2, 2015)**

A public hearing was held on Tuesday, June 2, 2015. NJSEA staff in attendance were Sara 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; and Fawzia Shapiro, P.E., P.P., Senior Engineer.

#### **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	"Overall Site Layout Plan," sheet 5 of 33, prepared by Lapatka Associates, Inc., dated March 3, 2013, and revised through March 11, 2015.
A-2	"Third Phase Site Layout Plan Detail," sheet 6 of 33, prepared by Lapatka Associates, Inc., dated March 13, 2013, and revised through March 11, 2015.
A-3	Perspective color rendering of the development, prepared by Melillo & Bauer Associates.
A-4	Perspective color rendering showing Building A, prepared by Melillo & Bauer Associates.
A-5	Perspective color rendering showing open space plaza at the intersection of Route 46 and Industrial Avenue, prepared by Melillo & Bauer Associates.
A-6	Elevation view of Buildings A and B, prepared by Melillo & Bauer Associates.
A-7	"Planning Report," prepared by Burgis Associates, Inc., dated May 2015.
0-1	Letter from Renee D. Spann, Manager of the Teterboro Airport, on behalf of the Port Authority of NY & NJ, dated June 2, 2015.

### **B. Testimony**

Charles B. Liebling, Esq., of the firm Windels Marx Lane & Mittendorf, LLP, represented Catellus Teterboro Development Urban Renewal II, LLC, at the hearing. The following witnesses testified in support of the application:

1. Skot G. Koenig, LA, Lapatka Associates, Inc.;
2. Steven M. Lydon, P.P., Burgis Associates, Inc.; and
3. Jay S. Troutman, Jr., P.E., McDonough & Rea Associates, Inc.

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

Renee D. Spann, manager of Teterboro Airport, provided a letter regarding the application, on behalf of the PANYNJ, dated June 2, 2015. While the PANYNJ had no objections to the application, the letter itemized the Port Authority's concerns regarding potential wildlife problems due to the fast food restaurants, as well as traffic concerns. This letter was introduced as exhibit O-1.

## IV. RECOMMENDATION

### A. Standards for the Granting of a Special Exception from Section IV B.2c of the Teterboro/Industrial Avenue Redevelopment Plan, which lists fast food restaurants as a special exception use in the redevelopment area.

The District 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;*

The subject site is one of eight lots that are part of the Teterboro Landing multi-structure, mixed-use development on a 54.77 acre tract. The Teterboro Landing development is comprised of retail, restaurant, office and industrial uses, including a Wal-Mart store that is currently operational. A Costco membership club retail building with a fuel service station and a light industrial building with a 20,100-square-foot office component are currently under construction on adjacent lots within Teterboro Landing. The final phase of development proposes the construction of seven retail and restaurant buildings on Lot 4.08, which is located at the southeast corner of the Teterboro Landing development, adjacent to Industrial Avenue. Buildings A and B are multi-tenanted

structures with retail and fast food restaurant tenant spaces. These structures are located at the rear of the subject lot and are linked by common pedestrian walkways and outdoor patio areas. Buildings C and E are stand-alone fast food restaurants with drive-through facilities. Building D is a retail building, while buildings F and G are proposed sit-down restaurants. The area surrounding the development includes industrial and commercial businesses, offices, and Teterboro Airport.

While the redevelopment plan permits sit-down restaurants, the proposed fast food restaurants are a special exception use. The applicant testified that the proposed fast food restaurants will offer a variety of menu and dining options that would serve the general public, including employees at local businesses in the area and patrons of the adjacent retail stores. The convenience of having both sit-down and fast food dining options within the same development is a benefit to the general public, as there will be a variety of food and pricing options for patrons. Additionally, customers will benefit from the option of utilizing drive-through facilities at two of the fast food restaurants. The applicant's project planning report indicates that drive-through service amenities are an added convenience for customers with limited mobility, for patrons with small children, and for the general public during inclement weather conditions. Therefore, the proposed fast food restaurants and drive-through lanes will contribute to and promote the welfare and convenience of the public.

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

The principal function of the fast food restaurants will be the preparation and sale of food and beverages. While there are three

driveways from Industrial Avenue that can be used to access the restaurant and retail buildings, the fast food drive-through lanes are only accessible from drive aisles within the site. The applicant testified that there is adequate vehicle stacking length at the drive-through lanes, and since the proposed drive-through lanes are separated from Industrial Avenue, the queuing of vehicles at the drive-through windows will not impact operations on adjoining properties or on local roadways. While the applicant is proposing to land bank 105 parking spaces to create an open space plaza near the corner of Industrial Avenue and Route 46, the open space area may be converted to parking in the future if it is determined that additional parking is required. Sufficient shared parking is available for the restaurant and retail uses in the development. Off-site traffic improvements have also been proposed to mitigate the impact of site generated traffic for the development as a whole. To that end, Industrial Avenue has been widened to provide thru- and turning-lanes, the intersection of Industrial Avenue and Route 46 has been improved, and the related traffic signal has been modified. Driveway #2, which traverses the interior of the development, has been signalized at its intersection with Industrial Avenue. The reconstruction of the Green Street intersection with the Route 46 eastbound access ramp, the extension of Green Street into the property (near Driveway #3), and the reconstruction of the Green Street intersection with the Route 46 westbound access ramp were also undertaken by the applicant. The signalization of both the Route 46 eastbound and westbound access ramps at Green Street are under construction. The purpose of these transportation improvements is to mitigate the traffic impacts of the proposed development.

The fast food restaurant in building C is set back approximately 375 feet from Industrial Avenue and its drive-through lane is accessed from the back of the building. While the drive-through area for fast food building E is located approximately 30 feet from Industrial Avenue, evergreen shrubs are proposed along the property frontage for screening purposes. Loading areas have been positioned behind buildings and in locations where truck traffic will not interfere with vehicular or pedestrian circulation. Additionally, most refuse and recycling areas are located behind buildings. The refuse and recycling area for the fast food restaurant in building E is accommodated within a screened and gated dumpster area. In summary, the drive-through lanes, loading areas and refuse and recycling areas associated with the fast food restaurants have been either screened or designed to have minimal impacts on the property values of the surrounding area.

The applicant testified to reviewing various operational procedures to manage food waste on the premises in order to avoid attracting wildlife, and particularly birds, which could pose hazards for the PANYNJ's Teterboro Airport. It is recommended that approval of the special exception request be conditioned upon the applicant submitting a waste management and wildlife hazard mitigation plan for review and approval by the NJSEA and the PANYNJ.

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 location and size of the proposed fast food restaurants will not dominate the immediate area or neighborhood in a manner

that would prevent development and use of neighboring properties in accordance with District zoning regulations. Eight fast food restaurants, with 22,556 square feet of total floor area, are proposed for the development. Six of the eight restaurants are located within multi-tenanted structures A and B. Fast food restaurants in buildings C and E are stand-alone restaurants with drive-through amenities. All restaurants within the development are located within the subject phase of development and are clustered on a 9.66-acre parcel that fronts on Industrial Avenue. The proposed fast food restaurant buildings contain significantly less floor area and are smaller in height when compared to the 159,311-square-foot Walmart that occupies the site, and the 156,166-square-foot Costco structure and 156,256-square-foot light industrial building that are under construction at the rear of the development. Specifically, the special exception use accounts for less than five percent of the total building floor area proposed for the Teterboro Landing development. Also, the restaurants are oriented internal to the site, rather than towards Industrial Avenue. Access to drive-through windows is provided from internal access aisles, so there will be no interference with traffic on Industrial Avenue. The location and size of the special exception use will have minimal impact on properties in the immediate area, which include the 900-acre Teterboro Airport with related hangar buildings and the expansive USPS mail sorting and distribution center. Properties in the surrounding area will be able to continue to function as intended.

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

The proposed fast food restaurants and related drive-through amenities complement the retail and light industrial uses in the development and the commercial/industrial uses in the surrounding area. The fast food restaurants provide a variety of dining and pricing options that can serve the general public and businesses in the area. There are three driveways from Industrial Avenue that provide direct access to the restaurant and retail portion of the development. The restaurant drive-through lanes are accessed from internal drive aisles and not from Industrial Avenue. Therefore, vehicles queuing for the drive-through windows will not impact operations on neighboring properties or on Industrial Avenue. The applicant testified that there is adequate stacking length for the vehicles utilizing the drive-through lanes and sufficient shared parking is available on the premises. Loading areas have been situated behind individual building or in locations that will not impede traffic or pedestrian circulation on the premises or on local roads. The fast food restaurant uses and related intensity will not negatively impact area traffic conditions. Various off-site roadway improvements, including a signalized driveway constructed at Industrial Avenue, and a second traffic signal at Green Street and Route 46 that is under construction, will provide safe and controlled access to the development. The nature and intensity of eight fast food restaurants that account for less than five percent of the overall development's total floor area will not dominate the immediate neighborhood and will have no detrimental effects on surrounding properties. Neighboring properties will not be impeded in their ability to continue their current function.

With regards to refuse and recycling operations for the fast food restaurants, the applicant is reviewing various alternatives for the management of trash on the premises. It is recommended that approval of the special exception request be conditioned upon the applicant submitting a waste management and wildlife hazard mitigation plan for review and approval by the NJSEA and the PANYNJ.

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

The subject phase of development for the Teterboro Landing project includes a mix of retail and restaurant buildings near Industrial Avenue that are linked by patio areas, sidewalks and crosswalks to create a pedestrian-oriented retail center. The dining options are comprised of fast food and sit-down restaurants, including two stand-alone fast food restaurants with drive-through amenities, and six fast food restaurants located in two multi-tenanted structures. Two sit-down restaurants are also proposed, but are not the subject of the special exception application. The applicant testified that the fast food drive-through lanes, which are located interior to the site, provide adequate queuing length for vehicles. Appropriate vehicle and pedestrian circulation is provided onsite. Furthermore, loading zones have been located in areas that do not interfere with vehicle or pedestrian traffic, and adequate truck circulation is provided to access the refuse, recycling and loading areas.

The applicant proposed off-site roadway improvements to mitigate the impact of site generated traffic. Access to the subject restaurant/retail portion of the project is provided by three driveways from Industrial Avenue. Driveway #2, which traverses the interior of the development, is signalized at its intersection with Industrial Avenue. The widening of Industrial Avenue, to provide thru-and left turn-lanes along the site frontage, and the reconstruction of the intersection of Route 46 and Industrial Avenue were completed as part of the overall development. The reconstruction of the Green Street intersection with the Route 46 eastbound access ramp, the extension of Green Street into the property (Driveway #3), and the reconstruction of Green Street and the Route 46 westbound access ramp were also undertaken for the project. The signalization of both the Route 46 eastbound and westbound ramps at Green Street is under construction. These off-site transportation improvements have been designed to prevent traffic hazards and minimize traffic congestion, thereby mitigating the traffic impact of the proposed development. Therefore, the proposed special exception use will not burden or create a dominating effect on the surrounding roadway access or circulation.

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

The proposed restaurant buildings range in height from approximately 17 feet to 24 feet and will not visually dominate the area when compared to the PANYNJ's Teterboro Airport hangar buildings or the USPS mail sorting and distribution complex

adjacent to the site. All of the structures in the subject phase of development meet setback requirements. Fast food restaurant E is located nearest to Industrial Avenue with a setback of 51 feet, while a minimum setback of 25 feet is required. The other fast food buildings are located more than 370 feet from Industrial Avenue. Proposed landscaping will screen and buffer views of the site from Industrial Avenue. The applicant is also proposing to install fencing and walls to screen refuse and recycling areas. A concrete block retaining wall that is less than four-feet in height is proposed adjacent to restaurant building E. The proposed structures, walls and fences will not dominate or negatively impact the Industrial Avenue view shed.

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

A comprehensive landscape plan is proposed for the last phase of development. Densely planted evergreen shrubs are proposed in lawn areas adjacent to Industrial Avenue to function as substantial year-round screening of the site, and particularly to screen the drive-through lanes for restaurant E. The drive-through lane for restaurant C is shielded from view because it is located between the restaurant and retail building D. The applicant testified that due to the development's proximity to the airport, the number of plants, planting heights, and plant material have been carefully selected to conform to the Federal Aviation Administration's (FAA) requirements. The proposed landscaping will provide effective screening in accordance with both the NJSEA and FAA requirements.

4. *Adequate utilities, drainage and other necessary facilities have been or will be provided;*

The requested special exception on the subject premises will not negatively impact existing utility infrastructure on the premises. The property was previously developed as an industrial complex, and therefore contains all required utilities for the operation of the proposed fast food restaurants. With regards to stormwater management, site drainage patterns have been maintained and subsurface detention basins have been designed to control post-development peak runoff rates. Water quality requirements have also been met for the development utilizing both structural and non-structural design elements. Underground detention basins were designed in compliance with FAA guidelines to discourage standing water that could attract birds and other wildlife to the area. Due to the development's proximity to the airport, proposed light pole heights and locations were also selected based on FAA requirements.

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 site layout for the subject phase has been arranged to provide satisfactory vehicular and pedestrian circulation. Loading and refuse/recycling zones have been appropriately located to minimize interference with vehicle and pedestrian circulation; and adequate truck circulation is provided to access the loading, refuse, and recycling areas. The drive-through lanes for the fast food restaurants are located interior to the site. The applicant testified that there is satisfactory queuing lengths for the drive-through facilities, with no

negative impact to circulation on the premises, or off-site on Industrial Avenue.

Off-site roadway improvements for the development have been proposed by the applicant. Constructed improvements include the widening of Industrial Avenue to provide thru- and left turning-lanes along the site frontage, the signalization of driveway #2 from Industrial Avenue, the reconstruction of the Route 46 and Industrial Avenue intersection, and modification to the related traffic signal. The reconstruction of the Route 46 and Green Street intersection has been completed, while the construction of the traffic signal at the intersection of the Route 46 westbound access ramp and Green Street, and the construction of the traffic signal at the intersection of the Route 46 eastbound access ramp and Green Street are underway. These transportation improvements serve to mitigate traffic impacts due to the Teterboro Landing development by minimizing traffic hazards and traffic congestion.

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

The proposed special exception use will not cause any adverse environmental impacts. The redevelopment plan requires compliance with the District's Category A performance standards. The applicant testified that performance standards will be met for noise, vibration, glare, airborne emissions, hazardous or radioactive materials, and wastewater. The Teterboro Landing project is being developed on the former Honeywell property, and has been the subject of an environmental cleanup in accordance with NJDEP approved Remedial Action Workplans. There are no wetland impacts associated with the

development of the proposed fast food restaurants. Therefore, the approval of the special exception will not result in any substantial adverse environmental impacts.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Special Exception from Section IV B.2c of the Teterboro/Industrial Avenue Redevelopment Plan, which lists fast food restaurants as a special exception use in the redevelopment area.

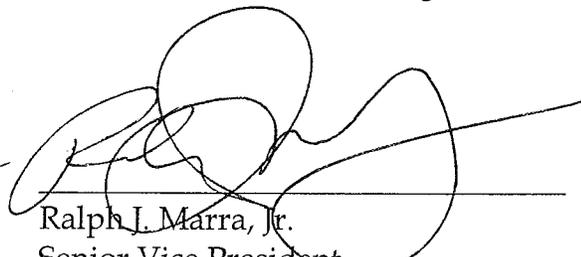
Based on the record in this matter, the application for a special exception to construct eight fast food restaurants, including two fast food restaurants with drive-through facilities, and related site improvements on the subject premises is hereby recommended for APPROVAL WITH THE FOLLOWING CONDITION:

1. The applicant shall submit a waste management and wildlife hazard mitigation plan to the NJSEA and Port Authority of NY & NJ for review and approval prior to the issuance of zoning certificate approval for the subject phase of development.

CONDITIONAL APPROVAL 7/16/15  
Recommendation on the Date  
Special Exception Request

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

Conditional Zoning 7/22/15  
Recommendation on the Date  
Special Exception Request

  
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Ralph J. Marra, Jr.  
Senior Vice President  
Legal & Regulatory Affairs