

**RECOMMENDATION ON THE VARIANCE APPLICATION OF  
BCC/New Ambulance Parking/Training - Variance  
FILE # 15-346**

**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 use variance has been filed with the NJSEA by William Corcoran of Bergen Community College for the premises located at 1280 Wall Street West, identified as Block 230, Lot 10.02, in the Township of Lyndhurst, New Jersey. Said premises is located within the District's Light Industrial A zone. The use variance is sought in connection with the applicant's proposal to install an outdoor ambulance parking/training area on the subject premises.

Specifically, the applicant is requesting variance relief from the following:

1. N.J.A.C. 19:4-5.3(a)2, which requires that all operations, activities, and storage shall be conducted within completely enclosed buildings. An outdoor ambulance parking/training area is proposed on the subject premises.

Notice was given to the public and all interested parties as required by law. The public notice was published in The Record newspaper. No written objections were received. A public hearing was held in the NJSEA Offices on Tuesday, October 20, 2015. All information submitted to the Division of Land Use Management relative to this application is made part of the record of this recommendation.

## II. GENERAL INFORMATION

### A. Existing and Proposed Use

The subject property is a 6.09-acre parcel with frontage on Wall Street West to the north and Clay Avenue to the west. The site is currently improved with a five-story, 118,850-square-foot institutional use building with associated parking and is currently housing the Lyndhurst campus of Bergen Community College. There are no known easements on the subject property. Access to the site from Wall Street West and Clay Avenue will be maintained.

The proposed project involves construction of an outdoor ambulance parking/training area to be used by students of Bergen Community College's Paramedic Science Program. A concrete pad measuring approximately 36 feet by 49 feet will be installed for an ambulance parking/training area along the west side of the portion of the building that houses classrooms and an emergency simulation lab for the paramedic training program. A curb cut and driveway apron will be constructed to allow for vehicular access from the existing parking lot to the proposed ambulance parking/training area. The ambulance parking/training area will be located adjacent to the pedestrian entrance on the west side of the building. Electric and data cables hook-ups for the ambulance will provide heat during colder weather and protect the equipment located inside the vehicle. Lighting is proposed for the new ambulance parking/training area, which will be heavily screened from the adjacent right of ways by landscaping. The use variance is required in this instance as the District Zoning Regulations require that all operations and activities be conducted within completely enclosed buildings.

### B. Response to the Public Notice

No written comments were submitted to this Office prior to the public hearing.

### III. PUBLIC HEARING (October 20, 2015)

A public hearing was held on Tuesday, October 20, 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; and Ronald Seelogy, 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	"Partial Site Plan with Proposed Work and Partial Enlarged Plan," Drawing No. EX-1, prepared by RSC Architects, dated October 20, 2015.
A-2	"Interior and Exterior Existing Training Facility Photos," Drawing No. EX-2, prepared by RSC Architects, dated October 20, 2015.
A-3	"Existing Proposed Area and Proposed Area with Landscape Screening," Drawing No. EX-3, prepared by RSC Architects, dated October 20, 2015.
A-4	"Bergen Community College Additional Supporting Documents for Use Variance Request Before the New Jersey Sports & Exposition Authority," prepared by Robert P. Coane, R.A., NCARB, AIA, dated October, 2015.

#### B. Testimony

Ronald Gordon, Esq., of the firm, DeCotiis, Fitzpatrick & Cole, represented Bergen Community College at the hearing. The following witnesses testified in support of the application:

1. John Capazzi, R.A., P.P., RSC Architects;
2. Professor Jennifer McCarthy, Bergen Community College; and
3. Robert P. Coane, R.A., NCARB, AIA, Bergen Community College.

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

### C. Public Comment

No members of the public were present at the public hearing.

## IV. RECOMMENDATION

### A. Standards for the Granting of a Use Variance from the Provisions of N.J.A.C. 19:4-5.3(a)2, which requires that all operations, activities, and storage shall be conducted within completely enclosed buildings. The applicant is requesting a use variance to allow an outdoor ambulance parking/training area on the subject premises.

The NJMC Zoning Regulations at N.J.A.C. Section 19:4-4.14(e) state in part that, *a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...*

#### 1. *Concerning use variances:*

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

The strict application of these regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue

hardship upon, the property owner. The applicant testified that the proposed outdoor ambulance parking/training area is important to teach students of the Paramedic Science Program the skill sets required to perform their duties as licensed Emergency Medical Technicians (EMT) under realistic field conditions. The proposed outdoor ambulance parking/training area will be located adjacent to the portion of the building containing EMT classroom space and the emergency simulation lab. Expanding the existing institutional building to house the proposed ambulance parking/training area within an enclosed structure would require cost-inhibitive measures such as the installation of oil/water separators and heating and ventilation systems. Installation of a 36-foot by 49-foot ambulance parking/training area within the existing parking lot would result in the loss of on-site parking spaces and create possible pedestrian/ vehicular circulation conflicts and would be less efficient as it would not be in close proximity to the EMT classroom space and simulation lab. The location of the proposed ambulance parking/training area relative to the existing parking lot renders it less conspicuous due to their close proximity to one another.

- ii. The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.*

The granting of the requested variance to allow an outdoor ambulance parking/training area 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. As a result of the installation of the concrete drop curb and apron adjacent to the parking lot drive aisle, the proposed ambulance parking/training area can be seen as an extension of the existing parking lot. The applicant provided testimony that only one ambulance will be parked in the proposed ambulance parking/training area at any one time. This recommendation includes a condition of approval limiting the use of the ambulance parking/training area to only one ambulance associated with the Paramedic Science Program, and prohibiting the area to be used for parking or loading of any other vehicles. There are no changes proposed to the existing on-site vehicular circulation patterns and parking, which are presently organized in an efficient and safe arrangement. The institutional use is inherently beneficial to the public health. Students of the Paramedic Science Program are from Bergen County and, upon graduation from the program, could serve the citizens of Bergen County as certified EMT's.

Potential negative aesthetic impacts to the surrounding properties will be avoided through proper site screening techniques. The applicant proposes to screen the proposed outdoor ambulance parking/training area by installing landscaping of a sufficient height around the perimeter of the concrete pad. The proposed ambulance parking/training area will be in use between the hours of 8 AM and 5 PM, and will not be a nuisance to the existing residential use located opposite the site to the north on Clay Avenue. The institutional use building itself visually screens the proposed ambulance parking/training area from the view of the residential building.

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

The granting of the requested variance will not impact the existing utility infrastructure. As the site is located in a developed area, all required infrastructure, including electricity, sanitary and storm sewers, is currently in place. No alterations to the existing building are proposed; therefore, no increase in the volume of sanitary sewage is anticipated. Existing drainage patterns will be maintained. The proposed ambulance parking/training area will not decrease the ability of the existing infrastructure to perform in a safe and efficient manner. No significant impact to traffic in the surrounding area will result from this application.

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

The granting of the requested variance will not result in any adverse environmental impacts. District performance standards will not be exceeded for noise, vibration, glare, airborne emissions, hazardous or radioactive materials. The engine of the ambulance will not be running while student demonstrations are in progress. All equipment within the ambulance will be powered by a dedicated underground electrical line. No environmentally sensitive areas are proposed to be disturbed.

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

District Zoning Regulations require that all operations, activities and storage occur within completely enclosed buildings. One exclusion is off-street parking of empty, registered and operational vehicles. The ambulance, which will be registered and operational, will be parked on a concrete pad connected to the existing parking lot access drive by a concrete drop curb and apron. The location of the proposed ambulance parking/training area relative to the existing parking lot renders it less conspicuous due to their close proximity to one another.

Accordingly, the granting of the variance would not impair the intent and purpose of these regulations. Sufficient space will remain for the existing institutional use on site, while allowing Bergen Community College to provide necessary training for its Paramedic Science Program. The area allocated for the proposed ambulance parking/training area is appropriately located and does not conflict with vehicle circulation. Landscaped screening is proposed to counteract any negative visual and aesthetic effects of the ambulance parking/training area on the surrounding streets and properties.

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

The District Zoning Regulations reflect the spirit and intent of the NJMC Master Plan and are the mechanism by which the policies

and principles of the NJMC Master Plan are implemented and enforced, in accordance with smart growth policies. The subject property is located within the District's Light Industrial A zone. Although outdoor operations, activities and storage are permitted in the Intermodal B and Heavy Industrial zones, they are not permitted in the Light Industrial A zone. However, the outdoor operation and type of storage associated with the proposed ambulance parking/training area is similar in nature to the nearby parking facilities. Also, the proposed use of the ambulance parking/training area meets the inherent intent of the permitted institutional use on site.

Due to the limited size and scope of the ambulance parking/training area proposed at the premises, the variance will not result in a substantial detriment to the planning goals of the NJMC Master Plan - one of those goals being support of the public health, safety and general welfare. Accordingly, the proposed ambulance parking/training area will contribute to and promote the intent of the NJMC Master Plan.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Use Variance from the Provisions of N.J.A.C. 19:4-5.3(a)2, which requires that all operations, activities, and storage shall be conducted within completely enclosed buildings. The applicant is requesting a use variance to allow an outdoor ambulance parking/training area on the subject premises.

Based on the record in this matter, the use variance application to permit an outdoor ambulance parking/training area on the subject properties is hereby recommended for APPROVAL SUBJECT TO THE FOLLOWING CONDITION:

1. The ambulance parking/training area shall be limited to the parking of one ambulance associated with Bergen Community College's Paramedic Science Program and shall not be used for parking or loading of any other vehicles.

CONDITIONAL APPROVAL 12-4-15

Recommendation on  
Use Variance Request

Date



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

CONDITIONAL APPROVAL 12-7-15

Recommendation on  
Use Variance Request

Date



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