

**RECOMMENDATION ON THE VARIANCE APPLICATION OF
Carter/Faith Inc.-New Building/Variances
File #14-196**

I. INTRODUCTION

An application for three (3) bulk variances has been filed with the NJSEA by Thomas J. O'Connor, Esq., of the firm, Waters, McPherson, McNeill, on behalf of Lillian Carter, for the premises identified as 333-337 Paterson Plank Road, Block 120, Lot 4, in the Borough of Carlstadt, New Jersey. Said premises are located in the Commercial Gateway Center of the Paterson Plank Road Redevelopment Area within the Hackensack Meadowlands District. The variances are sought in connection with the applicant's proposal to construct a new 4,592 square-foot warehouse/office building and related site improvements on the subject property.

Specifically, the applicant is requesting relief from the following:

1. Section IV.C of the Paterson Plank Road Redevelopment Plan, which requires a minimum front yard setback of 25 feet plus one foot per foot of height of principal structure within the Commercial Gateway Center, for a total required setback of 33 feet. A front yard setback of 19.58 feet is proposed.
2. Section IV.C of the Paterson Plank Road Redevelopment Plan, which requires a minimum side yard setback of 15 feet within the Commercial Gateway Center. A side yard setback of 3.3 feet is proposed from the building to the northerly side lot line.
3. N.J.A.C. 19:4-8.4(a)79, two loading spaces at 12 feet x 60 feet are required. One loading space at 12 feet by 30 feet is proposed.

A public hearing was held at the Office of the NJSEA on Tuesday, February 23, 2016. 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 comments or objections 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 a rectangular 10,304-square-foot parcel fronting along the northbound lanes of Paterson Plank Road (Route 120 NB), south of the intersection with Murray Hill Parkway. The property is located in the Commercial Gateway Center of the Paterson Plank Road Redevelopment Area within the Hackensack Meadowlands District. The site currently contains a vacant, single-story, 900-square-foot warehouse that has been deemed an unsafe structure by the Borough of Carlstadt.

Adjacent land uses include a Borough of Carlstadt-owned vacant lot immediately to the north, an auto body shop to the south, and a hotel to the west across Paterson Plank Road. A ditch containing a State of New Jersey riparian claim, and another ditch that flows into Berry's Creek to the south, abuts the easterly property line, between the site and a vacant parcel to the east. Other land uses in the general vicinity of the site include a number of hotels, several warehouses, a gas station inclusive of a small convenience store, a pre-existing non-conforming nightclub, and a truck repair facility. There are no residential properties situated within the general vicinity of the subject premises.

The applicant is proposing to remove the existing structure and erect a two-story 4,592-square-foot warehouse/office building. The first floor will consist of warehouse space while the second floor will consist of office space. Site

improvements will include a reconfigured vehicular use area, and on-site drainage and lighting upgrades. The applicant will operate a warehouse with administrative offices for an asbestos removal business from the premises. The applicant stated that all asbestos removal work associated with her business will be conducted off-site.

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 (February 23, 2016)

A public hearing was held on Tuesday, February 23, 2016. 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.
A-2	“Site Plan,” Sheet No. 1 of 1, prepared by George D. Cascino, P.E., P.P., dated April 27, 2011, revised through November 13, 2015.

B. Testimony

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

1. George D. Cascino, P.E., P.P., Professional Engineer and Planner; and
2. Lillian Carter, Applicant/Property Owner.

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 commented on the application.

IV. RECOMMENDATION

A. Standards for the Granting of a Bulk Variance from the Provisions of Section IV.C of the Paterson Plank Road Redevelopment Plan, which requires a minimum front yard setback of 25 feet plus one foot per height of principal structure within the Commercial Gateway Center, for a total required setback of 33 feet.

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 Commercial Gateway Center of the Paterson Plank Road Redevelopment Area. It is a rectangular 10,304-square-foot parcel, fronting the northbound lanes of Paterson Plank Road (Route 120 NB), south of the intersection with Murray Hill Parkway. There is direct access to the property from Paterson Plank Road. The lot currently contains a vacant, single-story, 900-square-foot warehouse that has been deemed an unsafe structure by the Borough of Carlstadt. Occupancy and utilization of the premises under current conditions is not possible as the building is uninhabitable and must be demolished. The existing structure has a front yard setback of 9.61 feet from Paterson Plank Road.

The subject property's lot area is significantly smaller than the required minimum lot size of two acres for properties in the Commercial Gateway Center. Additionally, the existing lot width of approximately 110 feet and depth of approximately 90 feet are substantially less than what could be expected of a lot of two acres in area. Also, potential development on the site is affected by a proposed 15-foot-wide buffer strip adjacent to the existing ditch at the rear of the site. These conditions necessitate the placement of a portion of the building within the required front yard setback. Nevertheless, the proposed front yard setback of 19.58 feet is approximately twice the existing building's front yard setback. These particular property conditions were not created by the action of the current property owner and will not impede future utilization of the site as proposed.

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

The granting of the variance to permit a front yard setback of 19.58 feet for the new building, where a minimum front yard setback of 33 feet is required, will not adversely affect the rights of neighboring property owners. Adjacent and nearby land uses include warehouses, hotels, and various commercial enterprises. These establishments have been operating unimpeded, despite the existing conditions of the subject property, including the existing building having a non-conforming front yard setback of 9.61 feet.

The proposed warehouse/office building will be occupied by an asbestos removal business, as was the existing building. The new building will be set back approximately twice as far from Paterson Plank Road as the current structure. The proposed building location will allow on-site parking and loading areas to be configured to provide a safe and efficient circulation pattern. In addition, on-site stormwater drainage improvements will be provided, as well as lighting and landscaped open space, including the restoration of landscaped areas in the front yard along Paterson Plank Road. The requested variance enables the construction of a new building on a degraded site that will result in aesthetic improvements benefitting the neighborhood. Therefore, the granting of the requested variance will not adversely affect the rights of neighboring property owners, as the properties will be able to continue to operate in their current capacity.

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 governing the minimum front yard setback requirement will result in exceptional practical difficulties and undue hardship upon the property owner. The subject property is 10,304 square feet in area, which is substantially smaller than the required minimum two-acre lot size in the Commercial Gateway Center. The existing lot width of approximately 110 feet and lot depth of approximately 90 feet are substantially less than what could be expected on a two-acre lot. Development towards the rear of the site is further constrained by a required 15-foot-wide buffer strip along the existing ditch.

The required front yard setback in the zone is 25 feet plus an additional one foot of setback for every foot of building height. If the site were to be improved in accordance with the regulations, the proposed building would be set back 33 feet from Paterson Plank Road. A conforming front yard setback would cause a portion of the building to be placed within the required 15-foot buffer strip in the rear yard, resulting in the elimination of the sole loading space on the property. Alternatively, a lower single-story building, instead of the proposed two-story building, would result in a building with a larger footprint, encroaching further into the required front yard setback and rear buffer strip.

As noted above, the existing warehouse has been deemed an unsafe structure by the Borough of Carlstadt, requiring it to be demolished. In its present condition, the property does not have

any viable utility. The proposed front yard setback of 19.58 feet will be more in compliance with the Commercial Gateway Center front yard setback requirement than currently exists on 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 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 be enhanced as the placement of the proposed building further back from Paterson Plank Road than the existing building will still allow for a more efficient parking and loading layout and reduce potential vehicular conflicts on the site. Adequate light, air, and open space, including the restoration of landscaped areas in the front yard along Paterson Plank Road, will be provided. In addition, NJSEA performance standards will not be violated by the proposed building setback and related site improvements.

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

The granting of the requested variance will not result in any substantial adverse environmental impacts. The proposed building and all associated site improvements will occur on existing impervious surfaces, and a significant increase in open space area is proposed. A 15-foot-wide buffer strip will be provided in the rear yard, minimizing development impacts to the existing ditch, and

landscaped open space is proposed in the front yard along Paterson Plank Road. No environmentally sensitive areas will be disturbed. In addition, NJSEA 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 property's unique characteristics, including its relatively small lot area and dimensions in comparison to the minimum requirements of the Commercial Gateway Center zone, limit potential development of the site. The ability to provide a conforming front yard setback of 33 feet is constrained by the lot depth of approximately 90 feet, and by a 15-foot-wide buffer to the adjacent ditch in the rear yard. In addition, a required 12 foot wide loading area will be positioned between the rear of the building and the buffer strip. These conditions limit the ability of the applicant to provide a conforming front yard setback on the property. However, the site is not proposed to be over-developed. Lot coverage of 22.3 percent is proposed, where up to 60 percent of the lot is permitted to be covered by structures. Additionally, a proposed floor area ratio (FAR) of 0.45 is proposed, which represents less than half of the permitted FAR of 1.0. Therefore, the requested variance to provide a front yard setback of 19.58 feet 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 a front yard setback of 19.58 feet for the new building, whereas a minimum front yard setback of 33 feet is required, will not substantially impair the intent and purpose of the regulations. The site is located within the Commercial Gateway Center of the Paterson Plank Road Redevelopment Area. The purpose of the Paterson Plank Road Redevelopment Plan is to promote the provision of productive industrial and commercial ratables for the Boroughs of Carlstadt and East Rutherford, while encouraging sustainable design and green technology, and promoting high standards of creative layout, design, and construction in the development and use of the land. In this particular instance, the 10,304-square-foot lot is approximately eight times smaller than the required minimum lot size of two acres in the Commercial Gateway Center zone, which impacts the ability of development on the property to conform to the bulk requirements of the zone. Additionally, the existing lot width of approximately 110 feet and depth of approximately 90 feet are substantially less than what could be expected of a lot of two acres in area.

The proposed warehouse/office building is a permitted use, and will provide a productive commercial ratable for the Borough of Carlstadt. In addition, the aesthetic appearance of the surrounding area will not be compromised by the proposed setback, but rather, will be enhanced by the new development. As such, 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 Section IV.C of the Paterson Plank Road Redevelopment Plan, which requires a minimum side yard setback of 15 feet within the Commercial Gateway Center.

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 Commercial Gateway Center of the Paterson Plank Road Redevelopment Area, and is a rectangular 10,304-square-foot parcel fronting the northbound lanes of Paterson Plank Road (Route 120 NB). There is direct access to the property from Paterson Plank Road. The lot currently contains a vacant, single-story, 900-square-foot warehouse that has been deemed an unsafe structure by the Borough of Carlstadt. Occupancy and utilization of the premises under current conditions is not possible, as the building is uninhabitable and must be demolished.

The lot area is substantially smaller than the required minimum lot size of two acres in the Commercial Gateway Center. Additionally, the existing lot width of approximately 110 feet and lot depth of approximately 90 feet are substantially less than what could be

expected of a two-acre lot. These conditions uniquely impact the ability of the property owner to construct a reasonably-sized building meeting all of the zoning requirements applicable to site development. The lot size and dimensions are property conditions that were not created by the action of the current 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 a side yard setback of 3.3 feet for a proposed warehouse/office building, where a minimum side yard setback of 15 feet is required, will not adversely affect the rights of neighboring property owners. The site is located along Paterson Plank Road, within the Commercial Gateway Center of the Paterson Plank Road Redevelopment Area. Adjacent and nearby land uses include warehouses, hotels, and various commercial enterprises. These establishments have been operating unimpeded, despite the existing conditions of the subject property. In particular, the adjoining property to the west consists of a small vacant parcel of land, owned by the Borough of Carlstadt, measuring 0.15 acres, which has minimal development potential.

The new warehouse building will be occupied by an asbestos removal business, in the same manner as the existing building had previously been utilized. In its current state, vehicles are parked along the northerly property line with no setback to that property line. The proposed 3.3-foot side yard setback will be landscaped and will improve conditions in this portion of the site, while also allowing for efficient overall utilization of the site.

In addition to storm water drainage improvements, new lighting and landscaping will be provided. The proposed building and site improvements amount to a private redevelopment action on the property, which will result in a well-organized and modern site configuration, having a positive aesthetic impact to the area. As such, the granting of the requested variance will not adversely affect the rights of neighboring property owners as the properties will be able to continue to operate unaffected by the proposed building setback.

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 a minimum building side yard setback of 15 feet will result in exceptional practical difficulties and undue hardship upon the property owner, based on the existing conditions and particular characteristics of the property in question. The subject property's lot area of 10,304 square feet is substantially smaller than the required minimum lot size of two acres in the Commercial Gateway Center. The existing lot frontage of approximately 110 feet and lot depth of approximately 90 feet are considerably less than the dimensions that would be expected of a lot having an area of two acres. These conditions result in significant practical difficulties when attempting to design a conforming building and site on a property that is approximately eight times smaller than the minimum size permitted by the zoning regulations.

If the site were to be developed in accordance with the requirements of the Commercial Gateway Center, the proposed warehouse/office building would have to be set back a minimum of 15 feet from the northerly side property line. This would result in the building shifting to the south, thus reducing the width of the proposed drive aisle serving the on-site parking and loading areas, from a conforming 24 feet to only 18 feet, a nonconforming and impracticable configuration that would affect site circulation and public safety. As noted previously, the existing warehouse has been deemed an unsafe structure by the Borough of Carlstadt, and is to be demolished. In its present condition, the property is devoid of any significant utility. As such, a denial of the requested variance to permit a side yard setback of 3.3 feet 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 a side yard setback of 3.3 feet for a new two-story, 4,592-square-foot warehouse/office building, where a minimum side yard setback of 15 feet is required, 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 be promoted, as the proposed placement of the building within the required side yard setback will permit the development of the site with sufficient parking and loading areas and allow for adequate site circulation. In addition, NJSEA performance

standards will not be violated by the proposed building setback and related site improvements.

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

The granting of the requested variance will not result in any substantial adverse environmental impacts. The proposed building and all associated site improvements will occur on existing impervious surfaces. Development will not take place in any existing or proposed open space areas. A 15-foot-wide buffer strip will be provided in the rear yard, minimizing any negative development impacts to the adjacent ditch. No environmentally sensitive areas will be disturbed. In addition, NJSEA 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 side yard setback variance of 3.3 feet, whereas a minimum side yard setback of 15 feet is required, represents the minimum deviation from the regulations that will afford relief. The property's unique characteristics, including its relatively small lot area and dimensions in comparison to the requirements of the Commercial Gateway Center zone, limit potential development of the site. The ability to provide a conforming side yard setback is constrained by a small lot width of approximately 110 feet. In addition, the width of the required on-site drive aisle and parking spaces to be located between the building and the southerly

property line, further limits the ability of the applicant to provide a greater northerly side yard setback than that which is proposed. Accordingly, 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 will not substantially impair the intent and purpose of the regulations. The site is located within the Commercial Gateway Center of the Paterson Plank Road Redevelopment Area. The purpose of the Paterson Plank Road Redevelopment Plan is to promote the provision of productive industrial and commercial ratables for the Boroughs of Carlstadt and East Rutherford, while encouraging sustainable design and green technology, and promoting high standards of creative layout, design, and construction in the development and use of the land. In this particular instance, the 10,304-square-foot lot is substantially smaller than the required minimum lot size of two acres in the Commercial Gateway Center. Additionally, the existing lot width of approximately 110 feet and lot depth of approximately 90 feet are substantially less than the dimensions that would be expected of a lot having an area of two acres.

The proposed warehouse/office building could meet the required side yard setback of 15 feet if the lot were the minimum required two-acre size. The warehouse/office building is a permitted use, and will provide a productive commercial ratable for the Borough of Carlstadt. In addition, the appearance of the surrounding area

will not be compromised by the proposed setback, but area aesthetics will be enhanced by the new development. 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. 19:4-8.4(a)79, which requires two loading spaces at 12 feet x 60 feet.

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 applicant is proposing one 12-foot by 30-foot loading space, whereas two loading spaces with a minimum dimension of 12 feet by 60 feet are required. The site is located within the Commercial Gateway Center -of the Paterson Plank Road Redevelopment Area. It is a rectangular 10,304-square-foot parcel, fronting the westbound lanes of Paterson Plank Road (Route 120NB). There is direct access to the property from Paterson Plank Road. The lot contains a vacant, single-story, 900-square-foot warehouse that has been deemed an unsafe structure by the Borough of Carlstadt. Occupancy and utilization of the premises under current conditions is not possible as the building is uninhabitable and must be demolished.

The subject property's lot area is substantially smaller than the required minimum lot size of two acres for the Commercial Gateway Center. Additionally, the existing lot width of approximately 110 feet and depth of approximately 90 feet are substantially less than the dimensions that would be expected of a lot having an area of two acres. Also, potential development towards the rear of the site is encumbered by a proposed 15-foot-wide buffer strip along the existing ditch. One 12-foot by 30-foot loading space is proposed to be provided between the rear of the building and the buffer. Due to the property's small lot depth and width, there are no other locations on the property to provide a second loading area of any functional size. The proposed warehouse/office building will be two stories, whereas the footprint of an equivalent single-story structure would further reduce the area to provide any loading space. The particular conditions of the site as described above were not created by the action of the current property owner and will not impede future utilization of the site as proposed.

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

The granting of the variance to provide one 12-foot by 30-foot loading space, where two loading spaces with a minimum dimension of 12 feet by 60 feet are required, will not adversely affect the rights of neighboring property owners. Adjacent and nearby land uses include existing warehouses, hotels, and various commercial enterprises.

The proposed warehouse/office building will be occupied by an asbestos removal business, as was the existing building. The applicant proposes one 12-foot by 30-foot loading space, which is adequate to serve the proposed smaller-scale use of the site. An additional 12-foot-wide drive-in loading door is available for use on the site. The proposed loading will be sufficient to serve a facility of this size. The loading area will be screened by its proposed placement to the rear of the building, also allowing for the remainder of the site to be configured to provide for a conforming access aisle and required on-site parking. In addition, on-site stormwater drainage improvements will be provided, as well as lighting and landscaped open space. The site will be utilized in a more efficient manner than currently exists and area aesthetics will be improved. The neighboring properties will be able to continue to operate unimpeded.

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 two loading spaces at 12 feet by 60 feet will result in exceptional practical difficulties and undue hardship upon the property. There are no available locations on the site to provide two conforming 12-foot by 60-foot loading areas due to the property's particular characteristics. The subject property's area of 10,304-square-feet is substantially smaller than the required minimum 2-acre lot size in the Commercial Gateway Center. The existing lot frontage of approximately 110 feet and depth of approximately 90 feet are considerably less than the dimensions that would be expected of a

lot having an area of two acres. A 60-foot long loading space would, therefore, occupy more than half of the available lot width or depth, leaving insufficient area for a tractor-trailer to safely and efficiently circulate on a lot of this size.

The proposed building, already having a footprint approximately two-thirds smaller in area compared to the maximum permitted footprint on the site based upon allowable lot coverage and required setbacks, would have to be further reduced in size in order to create space for the required loading areas. A smaller building would have no practical utility for its intended use. As noted previously, the existing warehouse has been deemed an unsafe structure by the Borough of Carlstadt, and is to be demolished. In its existing condition, the property is essentially unusable. As such, a denial of the requested variance 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 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 loading area will be placed between the rear building wall and a proposed 15-footwide buffer strip from an existing ditch. Public safety will be promoted by the requested variance, as on-site circulation will be designed to minimize the potential for vehicular conflicts between trucks and passenger

vehicles. Drainage improvements will be installed and open space will be increased over existing conditions. In addition, NJSEA performance standards will not be violated by the proposed building setback and related site improvements.

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

The granting of the requested variance will not result in any substantial adverse environmental impacts. The proposed building and all associated site improvements will occur on existing impervious surfaces. Development will not take place in any existing or proposed open space areas. The loading area will be placed between the rear building wall and a proposed 15-foot-wide buffer strip along an adjacent ditch. The buffer will minimize any negative development impacts to the adjacent ditch. No environmentally sensitive areas will be disturbed. In addition, NJSEA 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 provide one 12-foot by 30-foot loading space, where two loading spaces at 12 feet by 60 feet are required, represents the minimum deviation from the regulations that will afford relief. The property's unique characteristics, including its relatively small size and dimensions for a property within the Commercial Gateway Center, constrain potential development, restricting the number of loading areas that can be accommodated

on the premises. Two conforming loading areas cannot be provided on the site without greatly reducing the size of the building. Additionally, it is doubtful that tractor trailers could safely maneuver on a site of this size without significant public safety concerns. Required parking spaces and their associated two-way drive aisle would be compromised should two conforming loading areas be provided. The applicant demonstrated that one 12-foot by 30-foot loading area will adequately serve the new warehouse/office building. Accordingly, 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 will not substantially impair the intent and purpose of the regulations. The site is located within the Commercial Gateway Center of the Paterson Plank Road Redevelopment Area within the Hackensack Meadowlands District, fronting the northbound lanes of Paterson Plank Road.

The purpose of the Paterson Plank Road Redevelopment Plan is to promote the provision of productive industrial and commercial ratables for the Boroughs of Carlstadt and East Rutherford, while encouraging sustainable design and green technology, and promoting high standards of creative layout, design, and construction in the development and use of the land. The warehouse/office building is a permitted use, and will provide a productive commercial ratable for the Borough of Carlstadt.

The intent and purpose of NJSEA loading regulations include the provision of adequate, safe and efficient means of deliveries to and from a site. It is anticipated that tractor trailer deliveries, which could be accommodated within a 60-foot-long loading area, will not be utilized at this property due to the small size of the site and the building to be placed on it. The applicant proposes one 12-foot by 30-foot loading space, which is adequate to serve the proposed smaller-scale use of the site. An additional 12-foot-wide drive-in loading door is available for use on the site.

In addition, the appearance of the surrounding area will not be compromised by one 12-foot by 30-foot loading area, which is screened by its location behind the proposed building. Area aesthetics will be enhanced by the proposed improvements. As such, the requested variance will not substantially impair the intent and purpose of the regulations.

V. SUMMARY OF CONCLUSIONS

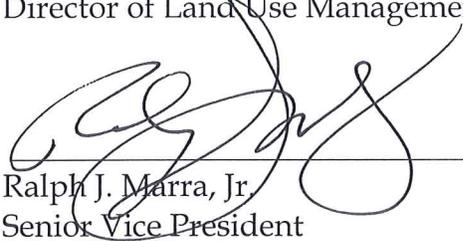
A. Standards for the Granting of a Bulk Variance from the Provisions of Section IV.C of the Paterson Plank Road Redevelopment Plan, which requires a minimum front yard setback of 25 feet plus one foot per height of principal structure within the Commercial Gateway Center, for a total required setback of 33 feet.

Based on the record in this matter, the bulk variance application to permit a front yard setback of 19.58 feet on the subject property is hereby recommended for **APPROVAL**.

<u>APPROVAL</u> Recommendation on Variance Request	<u>5/2/16</u> Date	 Sara J. Sundell, P.E., P.P. Director of Land Use Management
 Recommendation on Variance Request	<u>5/3/16</u> Date	 Ralph J. Marra, Jr. Senior Vice President Legal & Regulatory Affairs

B. Standards for the Granting of a Bulk Variance from the Provisions of Section IV.C of the Paterson Plank Road Redevelopment Plan, which requires a minimum side yard setback of 15 feet within the Commercial Gateway Center.

Based on the record in this matter, the bulk variance application to permit a side yard setback of 3.3 feet from the building to the northerly side lot line on the subject property is hereby recommended for **APPROVAL**.

<u>APPROVAL</u>	<u>5/2/16</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management
	<u>5/13/16</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. 19:4-8.4(a)79, which requires two loading spaces at 12 feet x 60 feet.

Based on the record in this matter, the bulk variance application to permit one loading space at 12 feet by 30 feet on the subject property is hereby recommended for **APPROVAL**.

APPROVAL

Recommendation on
Variance Request

5/2/16

Date



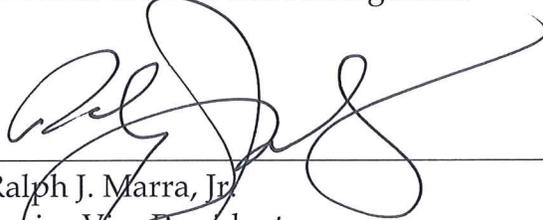
Sara J. Sundell, P.E., P.P.
Director of Land Use Management

Approval

Recommendation on
Variance Request

5/3/16

Date



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