

**RECOMMENDATION ON THE VARIANCE APPLICATION OF
Pramukh Realty LLC/Shreeji Printing Co. – Addition & Variance
File No. 16-035**

I. INTRODUCTION

An application for four (4) bulk variances has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Bennett Wasserstrum, Esq., of the firm Wasserstrum and Fabiano, on behalf of Shreeji Printing Company, for the premises located at 55 Veterans Boulevard, identified as Block 126, Lot 16, in the Borough of Carlstadt, New Jersey. Said premises are located in the Light Industrial B zone of the Hackensack Meadowlands District. The variances are sought in connection with the applicant's proposal to construct a second story addition that will result in an additional 8,246 square feet of warehouse space on the subject property.

Specifically, the applicant is requesting relief from the following:

1. N.J.A.C. 19:4-5.84(a)1, which permits a maximum lot coverage of 50 percent, whereas a maximum lot coverage of 55.64 percent is proposed.
2. N.J.A.C. 19:4-5.84(a)3ii, which requires a minimum side yard setback of 20 feet, whereas the applicant is proposing to construct an addition that will provide a minimum side yard setback of 8.3 feet along the easterly side yard.
3. N.J.A.C. 19:4-5.84(a)3iii, which requires a minimum rear yard setback of 30 feet, whereas the applicant is proposing to construct an addition that will provide a minimum rear yard setback of 9.8 feet.

4. N.J.A.C. 19:4-8.4(a)42, 50 and 79, which require 12.3 parking spaces for 18,446 square feet of warehouse space, 5.7 parking spaces for 8,500 square feet of light industrial space, and 4.0 spaces for 1,600 square feet of office space, for a total of 22 parking spaces, inclusive of five additional parking spaces associated with the proposed additional 8,246 square feet of warehouse space; whereas the applicant is proposing to maintain the existing on-site parking supply of 14 spaces.

A public hearing was held at the Office of the NJSEA on Tuesday, October 25, 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. The NJSEA received a comment letter from the Borough of Carlstadt, dated October 20, 2016, a copy of which was provided to the applicant. 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 36,847-square-foot corner lot fronting Veterans Boulevard and Triangle Boulevard in the Borough of Carlstadt. The property is located in the Light Industrial B zone of the Hackensack Meadowlands District. The site currently contains a single-story, 20,300-square-foot printing facility.

Adjacent land uses consist primarily of warehouse facilities directly adjacent to the subject premises and across both Triangle and Veterans Boulevards. There are no residential properties situated within the general vicinity of the site. The applicant is proposing to construct a second story addition that will result in an additional 8,246 square feet of warehouse space on the subject property. The

proposed total floor area of the printing facility is 28,546 square feet, consisting of 18,446 square feet of warehousing, 8,500 square feet of light industrial space, and 1,600 square feet of office space. No additional site improvements are proposed.

B. Response to the Public Notice

The NJSEA received a comment letter regarding this application from the Borough of Carlstadt, dated October 20, 2016, a copy of which was provided to the applicant prior to the public hearing.

III. PUBLIC HEARING (October 25, 2016)

A public hearing was held on Tuesday, October 25, 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; 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	"Proposed Addition," Sheet A-1, prepared by Neal M. Tanis, R.A., AIA, Associated Architects, P.C., dated December 16, 2015, revised through August 25, 2016.
A-2	"Plan of Use Areas," Sheet A-3, prepared by Neal M. Tanis, R.A., AIA, Associated Architects, P.C., dated December 16, 2015, revised through August 25, 2016.
A-3	Aerial photograph of subject site.
A-4	Aerial photograph of subject site.

B. Testimony

Bennett Wasserstrum, Esq., of the firm, Wasserstrum and Fabiano, represented the applicant, Shreeji Printing Company, at the hearing. The following witnesses testified in support of the application:

1. Neil M. Tanis, R.A., AIA, Associated Architects, P.C., Architect; and
2. Ankit Patel, Shreeji Printing Company, Applicant.

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 N.J.A.C. 19:4-5.84(a)1, which permits a maximum lot coverage of 50 percent, whereas a maximum lot coverage of 55.64 percent is proposed.

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 Light Industrial B zone of the Hackensack Meadowlands District. The lot is a somewhat irregular

square-shaped parcel measuring 36,847-square-feet in area, having a slightly angled easterly lot line. The property is a corner lot, fronting both Veterans Boulevard and Triangle Boulevard in the Borough of Carlstadt. The site's parking area is accessed from Triangle Boulevard, with the main building entrance and an existing loading area facing Veterans Boulevard. The site currently contains a single-story, 20,300-square-foot printing facility that has been in operation on the site since 2011. There are 14 on-site parking spaces provided for the facility located within the front yard of Triangle Boulevard. The existing structure has a side yard setback of 9.8 feet and a rear yard setback of 9.8 feet, with a lot coverage of 55.09 percent.

The subject property's lot area is smaller than the required one acre minimum lot size for properties in the Light Industrial B zone. Further development on the site is limited, as the existing building covers 55.09 percent of the lot, whereas the maximum permitted lot coverage for the zone is 50 percent. The applicant is proposing a second story addition of 8,246 square feet, located principally above the existing building footprint. In order to preserve the structural integrity of the existing building, the applicant proposes to support the second floor addition with exterior columns along the building's easterly façade, resulting in a proposed 18-inch building overhang within the easterly side yard. This proposal represents an increase in the existing lot coverage by approximately 0.55 percent, or 201 square feet, for an overall proposed lot coverage of 55.64 percent.

The existing building layout and structural characteristics are unique considerations from which the requested variance arises. These conditions are pre-existing nonconforming conditions that uniquely affect the ability of the property owner to comply with the zoning requirements, and have not been created by the action of the property owner or applicant.

- 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 lot coverage of 55.64 percent for the proposed building addition, whereas a maximum lot coverage of 50 percent is permitted, will not adversely affect the rights of neighboring property owners. There are no residents located in the vicinity of the subject property. Adjacent and nearby land uses include warehouses and various commercial enterprises. These establishments have been operating unimpeded, despite the existing nonconforming conditions of the subject property, which include the pre-existing nonconforming lot coverage of 55.09 percent.

The proposed 18-inch depth second story overhang along the easterly side yard will increase the lot coverage by 0.55 percent, from 55.09 percent to 55.64 percent. The purpose of the proposed addition is to accommodate additional warehouse capacity within the existing printing facility. The applicant has stated that no additional employees will be required as a result of the proposed building expansion, and the site will continue to function as it currently exists. As a result, no additional parking demand will

result from the additional building area, and no stormwater drainage improvements are required as a result of the additional lot coverage. The requested variance enables the construction of an addition 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 maximum permitted lot coverage will result in exceptional practical difficulties and undue hardship upon the property owner. The subject property is a 36,847-square-foot parcel, which is undersized in relation to the required minimum one-acre lot size in the Light Industrial B zone. The existing 20,300-square-foot building covers 55.09 percent of the lot, exceeding the maximum permitted lot coverage of 50 percent for the zone. Further development is limited on the site, as the existing building and associated parking and loading areas cover approximately 85 percent of the lot area.

The internal layout of the facility's operations requires the addition to be located on the easterly side of the building as proposed, creating the additional lot coverage. Due to the need to preserve the structural integrity of the existing building, the second story addition must be configured with an 18-inch overhang along the easterly building wall to accommodate support columns. The

proposed 201-square-foot overhang represents 2.4 percent of the total floor area of the proposed second floor addition, and a de minimis 0.55 percent increase in the existing building coverage on the site. Denial of the requested variance would result in significant practical difficulty and hardship to the property owner, as substantial internal reconfiguration of printing equipment and associated building systems would be required to accommodate the addition wholly above the existing building footprint. The resulting disruption to the facility's operations and additional costs associated with this undertaking would render the proposed addition unfeasible.

- 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 additional lot coverage resulting from the proposed addition, as the applicant is primarily adding space on a second floor above existing building area. Furthermore, adequate light, air, and open space will be maintained.

- 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 second story building addition overhang will occur over existing

impervious surfaces and will not impact area drainage. Open space will not be reduced or infringed upon by the addition. 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 subject property's lot area of 36,847 square feet is undersized in relation to the minimum required lot size of one acre for the Light Industrial B zone. The ability to provide a conforming lot coverage of 50 percent is not possible, as the existing building coverage already exceeds this amount, at 55.09 percent. The applicant is constructing the majority of the second-story building addition over an existing structure, which accounts for the existing lot coverage calculations. The columns that will be utilized to support the proposed addition along the easterly building wall are the minimum size that is necessary to support the proposed construction. As such, the protrusion of 18 inches into the side yard, creating an additional 0.55 percent of lot coverage, is 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 an overall lot coverage of 55.64 percent, whereas a maximum lot coverage of 50 percent is allowed,

will not substantially impair the intent and purpose of the regulations. The site is located within the District's Light Industrial B zone. The purpose of the Light Industrial B zone is to accommodate a wide range of industrial, distribution, and commercial uses that generate a minimum of detrimental environmental effects.

The intent and purpose of lot coverage requirements is to regulate the amount of land that can be covered by structures for both aesthetic purposes and for adequate site drainage. The applicant proposes a second story addition which extends only 18 inches beyond the existing building footprint in order to accommodate structural components. The increase in lot coverage resulting from the addition is de minimis, and will not generate any detrimental environmental effects. In fact, the addition's overhang will extend over existing pavement, not open space. Furthermore, the aesthetic appearance of the surrounding area will not be compromised by the small increase in lot coverage. 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 N.J.A.C. 19:4-5.84(a)3ii, which requires a minimum side yard setback of 20 feet whereas the applicant is proposing a minimum side yard setback of 8.3 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 Light Industrial B zone of the Hackensack Meadowlands District. The lot is a somewhat irregular square-shaped parcel measuring 36,847 square feet in area, having a slightly angled easterly lot line. The property is a corner lot, fronting both Veterans Boulevard and Triangle Boulevard in the Borough of Carlstadt. The site's parking area is accessed from Triangle Boulevard, with the main building entrance and an existing loading area facing Veterans Boulevard. The site currently contains a single-story, 20,300-square-foot printing facility that has been in operation on the site since 2011. There are 14 on-site parking spaces provided for the facility within the front yard along Triangle Boulevard.

The applicant is proposing an 8,246-square-foot second story addition within the easterly side yard, which is required to maintain a 20-foot-wide side yard setback. The existing building on the site has a nonconforming side yard setback of 9.8 feet. In order to preserve the structural integrity of the existing building, the applicant proposes to support the second floor addition with exterior columns along the building's easterly façade, resulting in a proposed 18-inch deep building overhang within the easterly side yard. The overhang results in a decrease in the minimum existing side yard setback from 9.8 feet to 8.3 feet. The pre-existing nonconforming side yard setback was not created by the action of the current property owner. The existing building layout and

structural characteristics are unique considerations from which the requested variance arises.

Additionally, the subject property's lot area is smaller than the required one acre minimum lot size for properties in the Light Industrial B zone. Further development on the site is limited due to other pre-existing nonconforming conditions, including reduced building setbacks and excess lot coverage, as well as the property's corner lot configuration, which requires two 35-foot front yard setbacks.

These conditions uniquely affect the ability of the property owner to comply with the zoning requirements, and have not been created by the action of the property owner or applicant.

- 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 8.3 feet for the proposed building addition, whereas a minimum side yard setback of 20 feet is required, will not adversely affect the rights of neighboring property owners. There are no residents located in the vicinity of the subject property. Adjacent and nearby land uses consist of warehouses and various commercial enterprises. These establishments have been operating unimpeded, despite the existing nonconforming conditions of the subject property, which includes the easterly side yard setback of 9.8 feet.

The proposed 18-inch deep building addition within the easterly side yard will decrease the pre-existing nonconforming minimum side yard setback of 9.8 feet to 8.3 feet. However, due to the irregular angle of the easterly lot line, a range in setbacks from 8.3 feet at the northeasterly building corner, to 17 feet at the southeasterly building corner along Veterans Boulevard, is provided within the easterly side yard. The adjacent building to the east is located approximately 100 feet from the proposed addition, and there is substantial vegetation existing between the properties that will provide screening of the addition from its easterly neighbor.

The purpose of the proposed addition is to accommodate additional warehouse capacity within the existing printing facility. There will be no building entrances or increased activity within the easterly side yard as a result of the proposed addition. The applicant stated that no additional employees will be required as a result of the proposed building expansion, and the site will continue to function as it currently exists. 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 side yard setback requirement will result in exceptional practical difficulties and undue hardship upon the property owner. The subject property is a 36,847-square-foot parcel, which is undersized in relation to the required minimum one-acre lot size in the Light Industrial B zone. The existing 20,300-square-foot building has an existing minimum setback along the easterly side yard of 9.8 feet, approximately half of the minimum required side yard setback of 20 feet for the zone. Development on the site is further constrained due to the pre-existing, nonconforming lot coverage and rear yard setback on the property.

If the site were to be improved in accordance with the regulations, the proposed second story addition would have to be positioned a minimum of 20 feet from the easterly side yard. A conforming location for the proposed addition is not feasible due to the need to preserve the structural integrity of the existing building. Additionally, substantial internal reconfiguration of printing equipment and associated building systems would be required to accommodate a building addition in a conforming location, resulting in a significant disruption to the facility's operations and additional costs, to the extent that the proposed addition would become impracticable. The existing building conditions and configuration require the addition to be located as proposed, creating the need for the requested side yard setback of 8.3 feet. The second story addition must be supported by external columns, which results in the proposed 18-inch deep overhang along the easterly building wall.

- 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 proposed side yard setback of 8.3 feet resulting from the proposed addition. Adequate light, air, and open space will be maintained, as the applicant is primarily adding space on a second floor above existing building area. The requested variance represents a de minimis 18-inch expansion into the existing nonconforming side yard to accommodate a growing business, which promotes overall neighborhood prosperity through investment in the neighborhood.

- 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 addition will occur over existing impervious surfaces and will not impact area drainage. Open space will not be reduced or infringed upon by the addition. 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 8.3 feet, whereas a minimum side yard setback of 20 feet is required, represents the minimum deviation from the regulations that will afford relief. The property's unique characteristics, including its smaller lot area in comparison to the requirements of the Light Industrial B zone, limit further potential development of the site. The ability to provide a conforming side yard setback is not possible, as the existing building has a pre-existing nonconforming side yard setback of 9.8 feet, and the existing building configuration cannot support a building addition in a conforming location. The columns to be utilized for the new construction are the minimum size necessary that can adequately support the second story addition. The overhang will encroach 18 inches into the side yard setback, reducing the setback from 9.8 feet to 8.3 feet. However, due to the irregular angle of the easterly lot line, the actual proposed side yard setback ranges from 8.3 feet at the rear building corner to 17 feet along Veterans Boulevard. 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 to permit a side yard setback of 8.3 feet, whereas a minimum side yard setback of 20 feet is required, will

not substantially impair the intent and purpose of the regulations. The site is located within the District's Light Industrial B zone. The purpose of the Light Industrial B zone is to accommodate a wide range of industrial, distribution, and commercial uses that generate a minimum of detrimental environmental effects. The 18-inch decrease in the existing side yard setback resulting from the addition is a minimal encroachment and will not generate any detrimental environmental effects. In fact, the addition's second story overhang will extend over existing pavement, not open space. The intent of setback regulations is to provide for sufficient separation between uses, as well as sufficient light, air, and open space, will not be substantially impaired by the requested variance, given the particular characteristics present on the subject property and in the adjoining neighborhood. The aesthetic appearance of the surrounding area will not be compromised by the reduced side yard 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. 19:4-5.84(a)3iii, which requires a minimum rear yard setback of 30 feet, whereas the applicant is proposing a minimum rear yard setback of 9.8 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 Light Industrial B zone of the Hackensack Meadowlands District. The lot is a somewhat irregular square-shaped parcel measuring 36,847 square feet in area, having a slightly angled easterly lot line. The property is a corner lot, fronting both Veterans Boulevard and Triangle Boulevard in the Borough of Carlstadt. The site's parking area is accessed from Triangle Boulevard, with the main building entrance and an existing loading area facing Veterans Boulevard. The site currently contains a single-story, 20,300-square-foot printing facility that has been in operation on the site since 2011. There are 14 on-site parking spaces provided for the facility within the front yard along Triangle Boulevard.

The applicant is proposing an 8,246-square-foot second story addition that would maintain the existing rear yard setback of 9.8 feet, whereas a 30-foot rear yard setback is required. Additionally, to preserve the structural integrity of the existing building, the applicant proposes to support the second floor addition with exterior columns along the building's easterly façade, resulting in a proposed 18-inch building overhang within the easterly side yard, which likewise extends the overall width of the nonconforming rear building line by 18 inches.

The existing building layout and structural characteristics are unique considerations from which the requested variance arises. The pre-existing nonconforming rear yard setback of 9.8 feet was not created by the action of the current property owner.

Additionally, the subject property's lot area is smaller than the required one acre minimum lot size for properties in the Light Industrial B zone. Further development on the site is limited due to other pre-existing nonconforming conditions on the site, including reduced building setbacks and excess lot coverage, as well as the property's corner lot configuration, which requires two 35-foot front yard setbacks.

These conditions uniquely affect the ability of the property owner to comply with the zoning requirements, and have not been created by the action of the property owner or applicant.

- 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 rear yard setback of 9.8 feet for the proposed building addition, whereas a minimum rear yard setback of 30 feet is required, will not adversely affect the rights of neighboring property owners. There are no residents located in the vicinity of the subject property. The proposed addition will maintain the pre-existing nonconforming rear yard setback of 9.8 feet. There will be no further encroachment into the rear yard resulting from the addition. Adjacent and nearby land uses consist of warehouses and various commercial enterprises. These establishments have been operating unimpeded, despite the existing nonconforming conditions of the subject property, which includes the northerly rear yard setback of 9.8 feet.

The only property potentially impacted by the proposed expansion of the building within the rear yard is Lot 17, the adjacent property to the north, which is currently improved with a single-story industrial building. The portion of the site immediately adjoining the location of the proposed addition consists of paved parking area and a loading door. Notably, there are no windows present on that building's southerly façade in the vicinity of the proposed addition.

The purpose of the proposed addition is to accommodate additional warehouse capacity within the existing printing facility. The applicant has stated that no additional employees will be required as a result of the proposed building expansion and the site will continue to function as it currently exists. 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 rear yard setback requirement will result in exceptional practical difficulties and undue hardship upon the property owner. The subject property is a 36,847-square-foot parcel, which is undersized in relation to the required one-acre minimum lot size in the Light Industrial B zone. The existing 20,300-square-foot building has an existing minimum rear yard setback of 9.8 feet along the northerly

property line, which is approximately two-thirds less than the minimum required rear yard setback of 30 feet for the zone. Development on the site is further constrained due to the pre-existing, nonconforming lot coverage and side yard setback on the property.

If the site were to be improved in accordance with the regulations, the proposed second story addition would have to be positioned a minimum of 30 feet from the rear yard. A conforming location for the proposed addition is not feasible due to the need to preserve the structural integrity of the existing building. Additionally, a substantial internal reconfiguration of printing equipment and associated building systems would be required to accommodate a building addition in a conforming location, resulting in a significant disruption to the facility's operations and additional costs, to the extent that the proposed addition would become impracticable. The existing building conditions and configuration require the addition to be located as proposed, creating the need for the requested rear yard setback of 9.8 feet.

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 proposed rear yard setback of 9.8 feet resulting from the proposed addition. Adequate light, air, and open space will be maintained,

as the applicant is primarily adding space on a second floor above existing building area.

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 addition will occur over existing impervious surfaces and will not impact area drainage. Open space will not be reduced or infringed upon by the addition. 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 rear yard setback variance of 9.8 feet, whereas a minimum rear yard setback of 30 feet is required, represents the minimum deviation from the regulations that will afford relief. The property's unique characteristics, including its smaller lot area in comparison to the requirements of the Light Industrial B zone, limit further potential development of the site. The ability to provide a conforming rear yard setback is not possible, as the existing building has a pre-existing nonconforming rear yard setback of 9.8 feet. The second story addition will extend 18 inches beyond the easterly building façade, and will continue the existing rear building line without further encroaching further north into the existing rear yard. 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 to permit a rear yard setback of 9.8 feet, whereas a minimum rear yard setback of 30 feet is required, will not substantially impair the intent and purpose of the regulations. The site is located within the District's Light Industrial B zone. The purpose of the Light Industrial B zone is to accommodate a wide range of industrial, distribution, and commercial uses that generate a minimum of detrimental environmental effects. The existing nonconforming rear yard setback will be continued by the proposed addition, and no detrimental environmental effects will result from the addition.

The intent of setback regulations to provide for sufficient separation between uses, as well as sufficient light, air, and open space, will not be substantially impaired by the requested variance, given the particular characteristics present on the subject property and in the adjoining neighborhood. The aesthetic appearance of the surrounding area will not be compromised by the building addition within the required rear yard setback. As such, the requested variance will not substantially impair the intent and purpose of the regulations.

D. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.4(a)42, 50 and 79, which require 12.3 parking spaces for the 18,446 square of warehouse space, 5.7 parking spaces for 8,500 square feet of light industrial space, and 4.0 spaces for 1,600 square feet of office space, for a total of 22

parking spaces, inclusive of five additional parking spaces associated with the proposed additional 8,246 square feet of warehouse space, whereas the applicant is proposing to maintain the existing on-site parking supply of 14 spaces.

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 Light Industrial B zone of the Hackensack Meadowlands District. The lot is a somewhat irregular square-shaped parcel measuring 36,847-square feet in area, having a slightly angled easterly lot line. The property is a corner lot, fronting both Veterans Boulevard and Triangle Boulevard in the Borough of Carlstadt. The site's parking area is accessed from Triangle Boulevard, with the main building entrance and an existing loading area facing Veterans Boulevard. The site currently contains a single-story, 20,300-square-foot printing business that has been in operation on the site since 2011. There are 14 existing on-site parking spaces provided for the facility within the front yard along Triangle Boulevard. The existing building has pre-existing nonconforming conditions, including a side yard setback of 9.8 feet, a rear yard setback of 9.8 feet, and a lot coverage of 55.09 percent.

The applicant is proposing an 8,246-square-foot second story building addition to increase warehouse space at the subject property, which requires an additional five parking spaces to support the proposed expansion, for a total of 22 parking spaces required at the premises. No additional parking spaces are proposed to be provided.

The subject property's lot area is smaller than the required minimum lot size of one acre for properties in the Light Industrial B zone. Further development on the site is limited due to pre-existing nonconforming conditions, including reduced building setbacks and excess lot coverage, as well as the property's corner lot configuration which requires two 35-foot front yard setbacks. These conditions that uniquely affect the ability of the property owner to comply with the parking requirements, and have not been created by the action of the property owner or applicant.

- 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 maintain the existing on-site parking supply of 14 spaces, where five additional parking spaces are required for the proposed second story addition, will not adversely affect the rights of neighboring property owners. There are no residents located in the vicinity of the subject property. There will be no other site improvements with the exception of the proposed building addition. Adjacent and nearby land uses include warehouses and various commercial enterprises. These establishments have been operating unimpeded, despite the existing nonconforming parking conditions on the subject site.

The purpose of the proposed addition is to accommodate additional warehouse capacity within the existing printing facility. The applicant has stated that no additional employees will be required as a result of the proposed building expansion and the site will continue to function as it currently exists. No additional parking demand will result from the additional building area. The existing 32 employees at the facility do not all arrive in separate vehicles, and most workers utilize public transportation or car pool to work. Overflow parking onto adjacent properties or area roadways is not anticipated. The requested variance enables the construction of an addition 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 requiring the provision of five additional parking spaces will result in exceptional practical difficulties and undue hardship upon the property owner. The subject property is a 36,847-square-foot parcel, which is undersized in relation to the required minimum one-acre lot size in the Light Industrial B zone. The existing 20,300-square-foot building and associated on-site parking covers approximately 85 percent of the total lot area. The ability to provide additional parking spaces on the site is constrained due to these existing conditions.

The site's existing parking area is located within the westerly front yard along Triangle Boulevard. The only remaining area that could accommodate parking at the site is within the southerly front yard along Veterans Boulevard. However, the site's open space and main building entrance are present in this location, and the placement of parking at the busy intersection of two industrial roadways is not an appropriate planning alternative due to safety considerations.

If the required five additional parking were required to be provided, the second story addition could not be built as there is no appropriate location available on the premises to install additional parking.

- 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 addition is proposed to increase warehouse capacity of the printing company in order to allow the business to remain competitive. The applicant has stated that no additional equipment or machinery, and therefore, no additional employees, will be required to operate the expanded facility. Consequently, no additional parking demand is generated by the proposed addition. As a result, there will be no infringement into existing open space or the installation of parking spaces in unsuitable locations. Public safety will not be compromised by the requested variance, as the

existing on-site parking configuration will remain with existing circulation patterns in place.

- 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. Open space will not be reduced or infringed upon as there is no expansion of impervious surfaces that would otherwise be required to accommodate additional parking. 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 represents the minimum deviation from the regulations that will afford relief. The property's unique characteristics, including its smaller lot area in comparison to the requirements of the Light Industrial B zone, limit further development on the site. The existing building and parking improvements cover approximately 85 percent of the site. The ability to provide additional on-site parking is not possible as there is no available area on the premises where conforming parking could be located. The applicant attested that no additional employees and, therefore, no increased parking demand will occur at the site as result of the proposed addition, which is intended to be utilized for storage space. 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 granting of the requested variance to provide fewer parking spaces than required for the proposed second story addition will not substantially impair the intent and purpose of the regulations. The site is located within the District's Light Industrial B zone. The purpose of the Light Industrial B zone is to accommodate a wide range of industrial, distribution, and commercial uses that generate a minimum of detrimental environmental effects.

In this particular instance, the proposed second story addition will expand the storage capacity of the existing printing facility. The proposed storage area is accessory to the facility's light industrial operations, which can be distinguished from storage areas used by a typical warehouse and distribution facility. An expansion of principal warehouse space would generally require additional employees to support the distribution of the products stored in the warehouse, and therefore, require additional parking. No additional employees will be needed for passive storage space that, according to the applicant, will allow them to order supplies in bulk and store them in a controlled environment, therefore allowing the business to become more competitive. The pre-existing nonconforming 14 parking spaces at the site will be sufficient to continue to accommodate the operations of a light industrial use at the premises in the manner proposed. 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 N.J.A.C. 19:4-5.84(a)1, which permits a maximum lot coverage of 50 percent, whereas a maximum lot coverage of 55.64 percent is proposed.

Based on the record in this matter, the bulk variance application to permit a lot coverage of 55.64 percent on the subject property is hereby recommended for **APPROVAL**.

<u>APPROVAL</u>	<u>12/5/16</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management

<u>APPROVAL</u>	<u>12/5/16</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. 19:4-5.84(a)3ii, which requires a minimum side yard setback of 20 feet, whereas the applicant is proposing a minimum side yard setback of 8.3 feet.

Based on the record in this matter, the bulk variance application to permit a minimum side yard setback of 8.3 feet from the building to the easterly side lot line on the subject property is hereby recommended for **APPROVAL**.

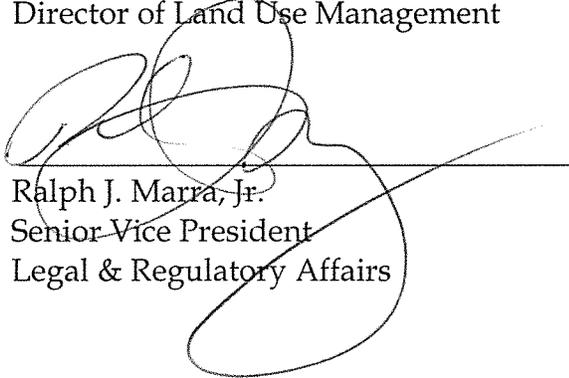
APPROVAL
Recommendation on
Variance Request

12/5/16
Date


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

APPROVAL
Recommendation on
Variance Request

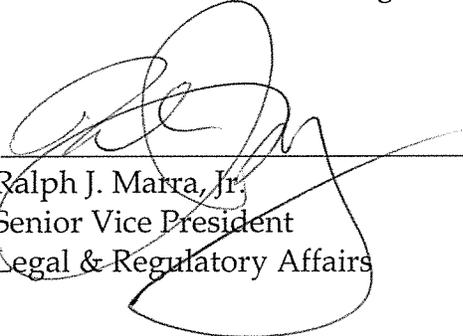
12/5/16
Date


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. 19:4-5.84(a)3iii, which requires a minimum rear yard setback of 30 feet, whereas the applicant is proposing a minimum rear yard setback of 9.8 feet.

Based on the record in this matter, the bulk variance application to permit a minimum rear setback of 9.8 feet on the subject property is hereby recommended for **APPROVAL**.

<u>APPROVAL</u>	<u>12/5/16</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management

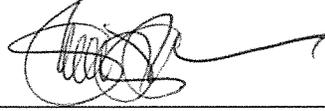
<u>APPROVAL</u>	<u>12/5/16</u>	
Recommendation on Variance Request	Date	Ralph J. Marra, Jr. Senior Vice President Legal & Regulatory Affairs

D. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.4(a)42, 50 and 79, which require 12.3 parking spaces for the 18,446 square of warehouse space, 5.7 parking spaces for 8,500 square feet of light industrial space, and 4.0 spaces for 1,600 square feet of office space, for a total of 22 parking spaces, inclusive of five additional parking spaces associated with the proposed additional 8,246 square feet of warehouse space, whereas the applicant is proposing to maintain the existing on-site parking supply of 14 spaces.

Based on the record in this matter, the bulk variance application to maintain the existing parking supply of 14 spaces on the subject property is hereby recommended for **APPROVAL**.

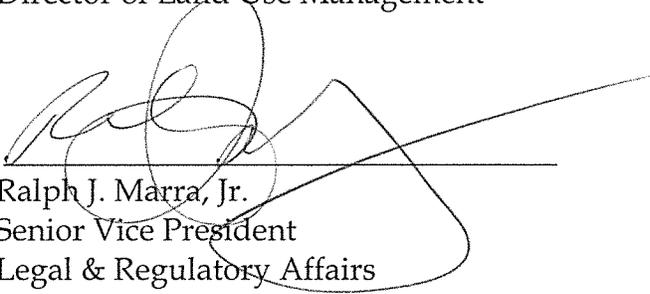
APPROVAL
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Sara J. Sundell, P.E., P.P.
Director of Land Use Management

APPROVAL
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Ralph J. Marra, Jr.
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