

**RECOMMENDATION ON THE VARIANCE APPLICATION OF
GMA/Capelli - Additional Soccer Fields (use change) & Variance
FILE # 16-485**

I. INTRODUCTION

An application for one bulk variance has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by GMA Group II, LLC, for the premises located at 401 Washington Avenue, identified as Block 128, Lot 34, in the Borough of Carlstadt, New Jersey. Said premises is located within the District's Light Industrial A (LI-A) zone. The variance is sought in connection with the applicant's proposal to convert 18,000 square feet of warehouse use to commercial recreation, indoor use, and 4,918 square feet of office use to warehouse use on the subject property.

Specifically, the applicant is requesting relief from the following:

1. N.J.A.C. 19:4-8.4(a)15, 50, 61, and 79, which require 134.5 parking spaces for 44,834 square feet of commercial recreation, indoor use, 1.7 parking spaces for 660 square feet of office use, 40 parking spaces for 8,000 square feet of retail use, and 70.6 parking spaces for 105,900 square feet of warehouse use, for a total requirement of 247 parking spaces; whereas 222 parking spaces are proposed.

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, January 10, 2017. 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 property in question consists of approximately 7.2 acres. It contains frontage along Washington Avenue to the west. The property is bordered to the south and west by a hotel on Lots 35 and 36.. Warehouse and distribution facilities are located on adjacent Lot 33, to the north, and Lot 37, to the south, of the subject premises. Lots 28 and 39, which are currently undeveloped, border the subject property to the east. Other properties in the vicinity are generally industrial and commercial in character.

The site is currently developed with a 159,394-square-foot mixed use warehouse, indoor commercial recreation, retail, and office building with associated parking. The applicant had previously received zoning approval from the NJSEA for a change in use from warehouse to commercial recreation, indoor, which resulted in the installation of three (3) indoor soccer fields, which have been in operation since 2011. Direct access from Washington Avenue to the subject premises is provided by two existing driveways located on the northerly portion of the site. The easterly and southerly portions of the subject premises contain a five-foot-wide sanitary sewer trunk line easement.

The applicant is proposing to convert 18,000 square feet of existing warehouse space to commercial recreation, indoor use, and 4,918 square feet of existing office space to warehouse use on the subject property. After the proposed conversion, 660 square feet of office, 8,000 square feet of retail, and 105,900 square feet of warehouse will remain. Four (4) futsal courts will be installed that will each support up to seven-on-seven player games. No site improvements are proposed. A total of 222 parking spaces are currently provided on site.

B. Response to the Public Notice

No written objections were received prior to the public hearing.

III. PUBLIC HEARING (January 10, 2017)

A public hearing was held on Tuesday, January 10, 2017. 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; Mia Petrou, P.P., AICP, Senior Planner; 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	"Site/Parking Plan," Sheet No. A-1, prepared by Greg Radford, RA, LEED AP, NCARB, on September 16, 2016, revised through December 5, 2016.
A-2	"Planner's Report," prepared by Maser Consulting, P.A., on November 2, 2016.
A-3	"Parking Accumulation Study," prepared by Maser Consulting, P.A., on May 18, 2016, last revised November 3, 2016.

B. Testimony

Kenneth A. Porro, Esq., of the firm Chasan, Lamparello, Mallon & Cappuzzo, P.C., represented the applicant at the hearing. The following witnesses testified in support of the application:

1. Deborah A. Lawlor, FAICP, P.P., Maser Consulting, P.A.;

2. Nicholas D. Aiello, P.E., PTOE, PTP, Maser Consulting, P.A.; and
3. Paul Golden, GMA Group II, LLC.

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(S)

- A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.4(a)15, 50, 61, and 79, which require 134.5 parking spaces for 44,834 square feet of commercial recreation, indoor use, 1.7 parking spaces for 660 square feet of office use, 40 parking spaces for 8,000 square feet of retail use, and 70.6 parking spaces for 105,900 square feet of warehouse use, for a total requirement of 247 parking spaces; whereas 222 parking spaces are proposed.**

The Hackensack Meadowlands 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 subject property is currently developed with a 159,394-square-foot mixed use building that occupies over half of the site. The

applicant proposes to convert 18,000 square feet of existing obsolete warehouse space into four (4) futsal courts to accommodate their expanding commercial recreation operations at the site, which they own, and 4,918 square feet of antiquated office space into equipment and uniform storage for the existing indoor soccer fields and proposed indoor futsal courts. In conjunction with the proposed change in use, the applicant is requesting a variance to provide only 222 parking spaces, whereas 247 parking spaces are required.

The subject property is a large irregularly-shaped parcel of approximately 7.2 acres, with a gradually increasing lot depth from north to south, due to the angle of the easterly rear lot line. The lot also contains a small panhandle configuration in the southerly portion of the site. . The existing building on the site encroaches into both the required front yard to the west and the required rear yard to the east. The building is set back 32.58 feet from the southerly side property line, where the minimum required side yard is no less than 30 feet on any one side. Existing parking is provided in the northerly portion of the site and along the easterly rear lot line. Approximately 20 existing non-conforming parking spaces are located within the required front yard along Washington Avenue. A five-foot-wide sanitary sewer trunk line easement is also present along the easterly and southerly property lines. The particular configuration of the subject property and improvements impact the ability of the property owner to provide additional conforming parking spaces on the site. These conditions are not ordinarily found in the LI-A zone and were not created by any action of the property owner.

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

The granting of the requested bulk variance to provide 222 parking spaces, whereas 247 parking spaces are required, will not adversely affect the rights of neighboring property owners or residents. The area is developed with industrial and commercial uses, and no residences are located in the vicinity of the subject property. The peak period of use of the proposed futsal courts, as well as the existing indoor soccer fields, will occur during weekday evenings and on weekends, which constitutes off-peak usage in relation to the hours of operation of uses in the remainder of the building and the surrounding commercial and industrial neighborhood. Peak demand for use of the indoor soccer fields and futsal courts occurs at midday on Saturdays, when it is anticipated that 46 vehicles will be entering the site and 46 vehicles will be leaving, for a total of 92 peak hour trips. Standards in both the New Jersey State Highway Access Code and Section 1.3 of the Manual on Transportation Engineering Studies state that a study area location that generates less than 100 peak hour trips would not be considered significant.

The applicant's traffic engineer testified that a study was conducted at the site on Friday, April 29, 2016, and Saturday, April 30, 2016, in order to determine peak parking demand associated with the existing indoor soccer fields. Friday's peak parking demand occurred at 6:17 P.M., with only 17 of 222 parking spaces occupied, or eight percent of capacity. Saturday's peak parking demand occurred at 1:45 P.M., with 73 of 222 parking spaces occupied, or 33

percent of capacity. The study estimates that an additional 92 parking spaces would be occupied on a typical Saturday after the proposed change in use to add the four futsal courts, resulting in a total demand for 165 parking spaces. The estimated parking demand is significantly less than the 222 parking spaces currently provided on site.

Due to the specific nature of the proposed indoor recreation use, a team sport such as futsal may be more likely to result in carpooling among participants. The applicant's traffic engineer testified that 25 percent of the participants would likely use a carpooling option, resulting in a further reduction of the anticipated parking demand.

Approval of the requested variance will not result in overflow parking on neighboring properties and, therefore, will not adversely impact neighboring properties. The existing 222 parking spaces on site will be sufficient to accommodate the proposed use.

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.

This application proposes to provide 222 parking spaces, whereas 247 parking spaces are required. The proposed futsal court use is classified as an indoor commercial recreation use, and there is no specific parking regulation that applies to the particular characteristics of this proposed use. District parking regulations for indoor commercial recreation uses provide standards for basketball courts and tennis courts, and also require three parking spaces per

1,000 square feet of floor area, which, for example, is intended to account for areas used for fitness equipment typically associated with gyms/fitness facilities. The outdoor commercial recreation use parking regulations also apply the three parking spaces per 1,000 square feet of floor area parking standard to field areas. However, the proposed futsal court use will accommodate fewer players than a full soccer field, and the number of spectators expected for each game will be minimal. Therefore, there are practical difficulties in applying District parking requirements to the proposed use on the property in question.

Nonetheless, the applicant is able to definitively quantify the anticipated occupancy of the proposed indoor recreation floor space. Based on the applicant's testimony, the warehouse facility currently operates one shift between the hours of 9:00 A.M. to 5:00 P.M., Monday through Friday. The retail store on the site operates one shift between the hours of 10:00 A.M. to 7:00 P.M. on Thursdays and Fridays, and 10:00 A.M. to 5:00 P.M. on Saturdays. A total of 17 parking spaces are required to accommodate vehicles for existing office, retail, and warehouse staff, as well as retail store customers, during normal business hours. It is anticipated that no new employees will be required for the proposed change in use. Furthermore, existing office space will be eliminated, which would further reduce parking demand at the subject premises.

The applicant's traffic engineer estimated that each futsal court would be used by a maximum of 23 persons per game, consisting of up to 20 players, two coaches and one referee, resulting in a total occupancy of 92 persons for four proposed futsal courts. Taking

into consideration the demand for 73 parking spaces for the three existing indoor soccer fields, the applicant's traffic engineer estimated that the anticipated parking demand at the site will be 165 parking spaces. Accounting for the off-peak hours of operation and the estimated proportion of carpool participants, the 222 parking spaces provided on site are sufficient to serve the proposed indoor recreation futsal court use.

Due to existing site conditions and the siting of the existing building, there is insufficient area to accommodate required site improvements, specifically additional parking, compared with typical properties in the same zone. The placement of additional parking spaces in the southerly side yard is constrained due to the presence of a sanitary sewer easement and building setback of 32.58 feet, and would result in the removal of open space and an increase in the amount of impervious coverage on the site. District zoning regulations prohibit the expansion of existing nonconforming parking located within the required front yard facing Washington Avenue. Either alternative would result in the need for additional variances from open space requirements or for the location of a vehicular use area within a required front yard. The existing parking on the site is sufficient to accommodate the proposed use of the premises. Therefore, the strict application of the parking requirements will result in peculiar and exceptional practical difficulties and undue hardship upon the 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 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 peak of the futsal courts' usage and, consequently, the peak period of parking demand, will occur during weekday evenings and on weekends when neighboring industrial development is generally not in operation. Therefore, there is no significant impact to public safety and order.

As described herein, the 222 parking spaces provided on site are sufficient to serve existing and proposed uses. Indoor recreational facilities provide a public health benefit where participants may engage in sports and recreational activities in a climate-controlled environment, allowing for year-round exercise and training.

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

The granting of the requested variance will not have any adverse environmental impacts. This application will not cause the District's environmental performance standards for noise, glare, vibrations, airborne emissions, or hazardous materials to be exceeded. Approval of the requested variance will avoid loss of open space to accommodate additional parking stalls and potential impacts to area drainage.

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

The granting of the requested variance to provide 222 parking spaces on the site, whereas 247 parking spaces are required to support the proposed indoor commercial recreation use, represents the minimum deviation from the regulations that will afford relief.

No increase in staff levels is anticipated. The applicant has maximized the amount of parking provided on site to the greatest extent possible. Alternative locations to further expand parking on the subject property are not available. Therefore, the 222 parking spaces provided will be adequate to satisfy the anticipated parking demand and will be able to accommodate patrons of the proposed futsal courts.

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

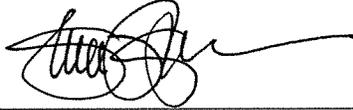
Granting the requested variance to permit fewer parking spaces than required will not substantially impair the intent and purpose of these regulations. The project provides for the orderly and comprehensive development of the subject property. The intent of the District's parking requirements is to estimate parking demand based on a particular use, in anticipation of the needs of occupants, employees, or patrons of such use. To that end, the applicant's traffic engineer has estimated that the anticipated parking demand at the site will be 165 parking spaces. Since sufficient parking is available on site to accommodate the specific parking demand for

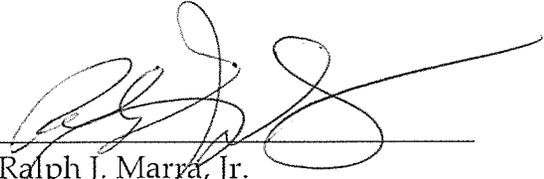
the site's uses, the intent and purpose of the District's parking regulations is satisfied.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.4(a)15, 50, 61, and 79, which require 134.5 parking spaces for 44,834 square feet of commercial recreation, indoor use, 1.7 parking spaces for 660 square feet of office use, 40 parking spaces for 8,000 square feet of retail use, and 70.6 parking spaces for 105,900 square feet of warehouse use, for a total requirement of 247 parking spaces; whereas 222 parking spaces are proposed.

Based on the record in this matter, the bulk variance application to permit 222 parking spaces, whereas 247 parking spaces are required on the subject premises, is hereby recommended for APPROVAL.

<u>APPROVAL</u>	<u>3/6/2017</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management

<u>Approval</u>	<u>3/6/2017</u>	
Recommendation on Variance Request	Date	Ralph J. Marra, Jr. Senior Vice President Legal & Governmental Affairs