

**RECOMMENDATION ON THE VARIANCE APPLICATION OF
111 Kero Holdings LLC/Addition & Variances
FILE # 18-011**

I. INTRODUCTION

An application for two bulk variances has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by 111 Kero Holdings, LLC, for the premises located at 111 Kero Road, identified as Block 126, Lots 33 and 34, in the Borough of Carlstadt, New Jersey. The subject property is located within the District's Light Industrial B zone. The variances are sought in connection with the applicant's proposal to construct an 11,247-square-foot warehouse/light manufacturing building addition with associated site improvements on the subject premises.

Specifically, the applicant is requesting relief as follows:

1. N.J.A.C. 19:4-5.84(a)1, which permits a maximum lot coverage of 50 percent, whereas a lot coverage of 55.81 percent is proposed.
2. N.J.A.C. 19:4-8.3(b)1, which prohibits loading in any front yard, whereas two loading areas are proposed in the front yard facing Kero Road.

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 Office of the Commission on Tuesday, October 2, 2018. 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, which consists of Lots 33 and 34, is approximately 4.65 acres in area. The site fronts along Kero Road to the east and is encumbered by two easements--a 10-foot-wide water easement located along the northerly lot line, which increases to a width of 20 feet along the westerly lot line adjacent to Lots 59, 60 and a portion of Lot 61, and a 20-foot-wide storm sewer easement with an east-west orientation located within the paved vehicular use area on the northerly portion of the subject premises. Properties within the immediate vicinity are developed with a mix of light industrial and warehouse/distribution uses.

The subject property is currently developed with a one-story, 106,077-square-foot manufacturing and warehouse/distribution facility building with associated parking, which is predominately located on Lot 34, with a small portion located on Lot 33. The building has a pre-existing nonconforming setback of 30 feet from Kero Road, whereas a minimum front yard setback of 35 feet is required. Direct access to the site is provided by driveway curb-cuts located along Kero Road. Eight existing, non-conforming tailboard loading doors are located in the front yard facing Kero Road. Two existing overhead loading doors will remain on the north side of the building. An existing loading door along the westerly building façade facing adjacent Lot 60 (owned by Eagle Realty, LLC) was used when the building was occupied by multiple tenants, is no longer utilized for loading. There are two additional existing loading docks along the westerly building façade facing Lot 61 (owned by the Yoo-Hoo Chocolate Beverage Corporation), which are also no longer utilized. An existing overhead door along the southerly building façade will be abandoned in order to construct the proposed warehouse/light manufacturing building addition. All existing parking and loading areas are accessed from Kero Road.

The existing building is occupied by the applicant's business, Pioneer Industries, which manufactures steel doors and frames. The applicant is proposing

to construct an 11,247-square-foot warehouse/light manufacturing building addition on an existing paved area on Lot 33 that will result in a proposed overall lot coverage of 55.81 percent. The proposed warehouse/light manufacturing building addition will accommodate the applicant's growing business operations by providing additional space for the manufacture and storage of their largest welded door frame units, which can be up to 20 feet long by 10 feet high, and by minimizing the distance these units must be moved to be loaded onto trucks. As part of its application, the applicant has proposed two loading areas within the front yard facing Kero Road and one loading door at the rear of the addition that will accommodate smaller trucks. Vehicles will continue to enter the site from Kero Road in order to access the proposed loading areas. No vehicle maneuvering will occur within the Kero Road right of way or on neighboring properties. Overall, a total of 92 parking spaces are required and will be provided on site.

The applicant also proposes to establish a zoning lot of record joining Block 126, Lots 33 and 34, for zoning purposes only.

B. Response to the Public Notice

No written objections were received prior to the public hearing.

III. PUBLIC HEARING (October 2, 2018)

A public hearing was held on Tuesday, October 2, 2018. NJSEA staff in attendance were Adam Levy, Esq., Legal Counsel, 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, CFM, Principal Planner.

Arnold Serchuk, of Eagle Realty, LLC, ("Objector") appeared at the public hearing as an objector and was represented by Barry S. Crane, Esq., of the firm, Becker, LLC. Eagle Realty, LLC is the owner of the adjacent property to the rear of the site, located at 707 Commercial Avenue and identified as Block 226, Lot 60,

in the Borough of Carlstadt, which is occupied by a light industrial and warehouse building with associated parking and loading facilities.

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	"Cover Sheet," Sheet 1 of 8, prepared by Mianecki Consulting Engineers, dated September 28, 2017, last revised on May 9, 2018.
A-2	"Site & Dimensional Layout Plan," Sheet 2 of 8, prepared by Mianecki Consulting Engineers, dated September 28, 2017, last revised on May 9, 2018.
A-3	"Grading, Drainage, & Utility Plan," Sheet 3 of 8, prepared by Mianecki Consulting Engineers, dated September 28, 2017, last revised on May 9, 2018.
A-4	"Landscape & Lighting Plan," Sheet 4 of 8, prepared by Mianecki Consulting Engineers, dated September 28, 2017, last revised on May 9, 2018.
A-5	"Truck Turning Plan (WB-50 Design Vehicle)," Sheet 7 of 8, prepared by Mianecki Consulting Engineers, dated September 28, 2017, last revised on May 9, 2018.
A-6	"Truck Turning Plan (WB-40 Design Vehicle)," Sheet 8 of 8, prepared by Mianecki Consulting Engineers, dated September 28, 2017, last revised on May 9, 2018.
A-7	"Building Addition for Pioneer Industries," prepared by Arcari & Iovino Architects, PC, dated November 6, 2017.

- A-8 "Existing and Proposed Elevations," Drawing Number A.102, prepared by Arcari & Iovino Architects, PC, dated November 6, 2017.
- A-9 "Existing and Proposed Elevations," Drawing Number A.103, prepared by Arcari & Iovino Architects, PC, dated November 6, 2017.
- A-10 "Aerial Photograph," prepared by Burgis Associates, Inc., dated September 26, 2018.

The following is a list of the exhibits submitted by the Objector at the public hearing and marked for identification as follows:

<u>Number</u>	<u>Description</u>
O-1	"Drainage Improvements," prepared by Schwanewede/Hals Engineering, dated October 1, 2018.
O-2	Digital photograph entitled, "Rain Event - September 25, 2018."
O-3	Three (3) emails with subject, "Disproportional Mania," dated November 10, 2017, from Arnold Serchuk of Eagle Realty, LLC, to the offices of O'Toole Scrivo and Schwanewede/Hals Engineering; November 12, 2017, from Arnold Serchuk of Eagle Realty, LLC, to the offices of Becker, LLC; and December 8, 2017, from Arnold Serchuk of Eagle Realty, LLC, to Schwanewede/Hals Engineering.
O-4	Digital photograph entitled, "Oct. 2016."
O-5	Letter dated October 30, 2017, from Arnold Serchuk of Eagle Realty, LLC, to James (last name unknown).
O-6	Two (2) digital photographs entitled, "Sept. 25, 2018."

- O-7 Untitled digital photograph depicting 111 Kero Road and the sump pit.
- O-8 Two (2) untitled digital photographs along the property line between the Yoo-Hoo Chocolate Beverage Corporation and Eagle Realty, LLC properties.

B. Testimony

Bruce R. Rosenberg, Esq., of the firm, Winne Banta Basralian & Kahn, P.C., represented the applicant at the hearing. The following witnesses testified in support of the application:

1. Mitchell Dorf, 111 Kero Holding, LLC;
2. Joseph S. Miannecki, Jr., P.E., Miannecki Consulting Engineers;
3. Edward Arcari, R.A., Arcari & Iovino Architects, PC; and
4. Steve Lydon, P.P., Burgis Associates, Inc.

Barry S. Crane, Esq., of the firm, Becker, LLC, represented the Objector at the public hearing. The following witnesses testified in opposition to the application on behalf of the Objector at the hearing:

1. Joseph Vince, P.E., P.P., Schwanewede/Hals Engineering; and
2. Arnold Serchuk, Eagle Realty, 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

The Objector, Arnold Serchuk of Eagle Realty, LLC, was present at the public hearing, and was represented by Barry S. Crane, Esq., of the firm Becker, LLC.

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 lot coverage of 55.81 percent is 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 4.65-acre site, which is comprised of Lots 33 and 34, is located within the Light Industrial B zone of the Hackensack Meadowlands District. The southerly and westerly property lines of the subject premises are skewed resulting in a somewhat irregular shape. The site's parking and loading facilities are accessed from Kero Road. The property is currently developed with a one-story, 106,077-square-foot light manufacturing and warehouse/distribution building, which is located on both Lots 33 and 34 and set back 30 feet from the Kero Road right of way, whereas a minimum front yard setback of 35 feet is required.

Further development on the site is limited, as the existing building covers 50.3 percent of the subject premises, whereas the maximum permitted lot coverage in the Light Industrial B zone is 50 percent. The applicant is proposing to construct an 11,247-square-foot warehouse/light manufacturing building addition along the southern side of the existing building on Lot 33 to accommodate Pioneer Industry's fabrication of oversized steel door frame units. This proposal represents an increase in the existing lot coverage of approximately 5.51 percent, for an overall proposed lot coverage of 55.81 percent.

These pre-existing nonconforming conditions uniquely affect the ability of the property owner to comply with the zoning requirements, and have not been created by any 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 55.81 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 premises. 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 properties, which include the pre-existing nonconforming lot coverage of 50.3 percent, open space of 6.81 percent, whereas a

minimum open space of 15 percent is required, and minimum front yard setback of 30 feet, whereas a minimum front yard setback of 35 feet is required. Also, the site is configured such that existing loading doors are provided in the front yard at a 30-foot setback.

The proposed 11,247-square-foot building addition will change the overall lot coverage on the property from 50.30 to 55.81 percent, a 5.51 percent increase. The purpose of the proposed addition is to improve production and accommodate additional warehouse capacity for the applicant's steel door and frame manufacturing facility. The proposed addition, with its higher ceilings will accommodate the applicant's fabrication of oversized steel door frame units. The applicant has testified that six to ten new employees will be required as a result of the proposed building expansion. A total of 92 parking spaces will be provided on-site in order to meet the increased parking requirement resulting from the additional building area. The requested variance enables the construction of an addition that will also result in aesthetic improvements benefitting the neighborhood. It is noted that the proposed addition and site improvements will not be visible from the Objector's property, as the rear yard of the Objector's property abuts the northerly portion of the rear yard of the applicant's property. Existing stormwater runoff will not be negatively impacted, and the project will result in a slight reduction of the runoff peak flow rate.

The Objector's professional expressed concerns regarding the surface discharge of roof leaders along the southerly façade of the proposed building addition towards the rear of the subject

property in the general direction of the Objector's property. The Objector's professional testified that, in his professional opinion, all roof drains from the roof of the proposed building addition should be piped into the on-site stormwater conveyance system for eventual discharge into the public storm sewer located in the Kero Road right of way. Based upon the merits of Objector's professional's request, the granting of the requested variance will be conditioned upon the connection of all roof drains for the proposed building addition into the on-site stormwater conveyance system for eventual discharge into the public storm sewer located in the Kero Road right of way.

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 existing 106,077-square-foot manufacturing and warehouse/distribution building covers 50.3 percent of combined Lots 33 and 34, slightly exceeding the maximum permitted lot coverage of 50 percent for the zone. Further development is thereby limited on the site, as the existing building and associated parking and

loading facilities cover approximately 93.19 percent of Lots 33 and 34.

The applicant testified that the assembly of oversized steel doors and frames will occur within the new building addition. This location was selected by the applicant for two reasons - the higher proposed ceiling height to accommodate the fabrication of the oversized steel frame units and the close proximity of this area to the proposed loading doors to load the oversized door frame units that will be fabricated in the addition onto awaiting trucks, which will enhance safety by minimizing the distance the very large frames would have to be moved.. Assembly activities, such as welding, need to occur where there is sufficient ceiling height and proper ventilation. Therefore, a second-story building addition within the footprint of the existing building, which would not increase lot coverage, is not practical in this instance.

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 building expansion. Adequate light and air will be maintained. The applicant is proposing to reduce the pre-existing degree of nonconformity by increasing the open space area provided on

combined Lots 33 and 34 from 6.81 percent to 8.76 percent, whereas minimum open space of 15 percent is required. The proposed increase in lot coverage will have no adverse effects on neighboring property owners, including the Objector, as the proposed increase in open space area will reduce the stormwater peak runoff rates to the existing public storm sewer system.

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 expansion will be constructed on an existing paved area and will not negatively impact current drainage patterns. Although the Objector expressed concerns that the proposed construction will increase stormwater runoff peak flow towards the Objector's property, the applicant's engineer testified that, after construction of the proposed building addition and associated site improvements, the post-development runoff peak flow in the general direction of the Objector's property will be slightly less than the current pre-development runoff peak flow rate in that direction, and thus will not negatively affect the Objector or his tenant's business operations.

The addition is proposed to be located on an existing paved area and landscaped open space on the site is proposed to be increased and therefore not further infringed upon by the proposed addition. No environmentally sensitive areas will be disturbed. Also, District performance standards will not be exceeded for noise, vibration,

airborne emissions, glare, hazardous or radioactive materials and wastewater.

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

The provision of a conforming lot coverage of 50 percent on the subject site is not possible; as the 106,077-square-foot building's pre-existing nonconforming lot coverage of 50.3 percent already exceeds this amount. The proposed building addition will meet the minimum required front, side and rear yard setbacks and the landscaped open space percentage on the site is proposed to be increased. Furthermore, this application proposes a floor-area ratio (FAR) of only 0.58, whereas a maximum FAR of 2.5 is permitted in the Light Industrial B zone. The increased lot coverage of 5.51 percent resulting from the addition 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 55.81 percent, whereas the pre-existing nonconforming lot coverage is 50.3 percent and a maximum lot coverage of 50 percent is permitted, will not substantially impair the intent and purpose of the regulations. The subject properties are 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. If the subject properties were located within the District's Light Industrial A zone, which is designed to accommodate a wide range of industrial, distribution, commercial, and business uses on larger lots, the proposed lot coverage of 55.81 percent would not exceed the maximum allowable lot coverage for the Light Industrial A zone of 60 percent.

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 and open space. The increase in lot coverage resulting from the proposed addition will not generate any detrimental environmental effects. The proposed addition will be constructed over existing asphalt, not open space, and the area of open space on the site will be increased. The applicant has testified that the post-development stormwater peak runoff rate will be less than the pre-development stormwater peak runoff rate due to the proposed reduction in impervious cover. Furthermore, the aesthetic appearance of the surrounding area will not be compromised by the proposed 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. 19:4-8.3(b)1, which prohibits loading in any front yard, whereas the applicant is proposed two loading areas in the front yard facing Kero Road.

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, which is somewhat irregular in shape due to skewed southerly and westerly lot lines, contains frontage on Kero Road to the east. The property is currently developed with a one-story, 106,077-square-foot light manufacturing and warehouse/distribution building, which is located on both Lots 33 and 34. The subject property contains pre-existing nonconforming conditions related to the size and location of the existing building. In particular, the existing building covers 50.3 percent of the site, whereas a maximum lot coverage of 50 percent is permitted in the Light Industrial B zone; the existing building is set back 30 feet from the Kero Road right of way, whereas a minimum front yard setback of 35 feet is required; and the existing open space 6.81 percent is, whereas a minimum 15 percent open space is required. Also, the site is configured such that existing loading doors are provided in the front yard. These are pre-existing nonconforming conditions that affect the future development of the property in question.

District regulations require that loading doors and facilities be located in rear and side yards. However, the location and configuration of the existing building on the site limit the potential locations of new loading areas with adequate vehicle circulation

and appropriate building access that would be in conformance with the regulations.

Two new loading doors are proposed along the easterly face of the addition, with a setback of 73.9 feet from the Kero Road right of way, adjacent to eight existing loading doors on the easterly face of the existing building, which are setback only 30 feet from the Kero Road right of way, whereas the minimum required front yard setback is 35 feet. Two existing overhead loading doors will remain on the north side of the building. An existing loading door along the westerly building façade facing Lot 60, which is owned by the Objector, is no longer utilized for loading. There are two additional existing loading docks along the westerly building façade facing Lot 61, which is owned by the Yoo-Hoo Chocolate Beverage Corporation, which are also no longer utilized. An existing overhead door along the southerly building façade will be abandoned in order to construct the proposed warehouse/light manufacturing building addition. All existing parking and loading areas are accessed from Kero Road.

Possible locations for conforming loading areas are limited to the southerly and northerly side yards and the westerly rear yard. However, the provision of new loading spaces in the southerly and northerly side yards or westerly rear yard would cause site circulation conflicts with adjacent vehicular use and parking areas and would create the need for additional variances and the construction of additional paved areas beyond that which is currently proposed, which would lead to a decrease in the amount of open space provided. Due to the siting of the existing building

and adjacent parking areas, there is no possibility to provide a conforming loading space with adequate maneuvering area in the northerly side yard of the subject property. No additional land can be acquired from any adjacent properties. These pre-existing nonconforming conditions that limit potential loading locations on the site were not created by any action of the applicant or 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 provide two loading areas in the front yard facing Kero Road will not adversely affect the rights of neighboring property owners or residents. The neighborhood in which the subject property is located is primarily industrial in nature, and there are no residences located nearby. Trucks will enter the site from the existing driveway on Kero Road to utilize the proposed loading areas in the addition. In accordance with the applicant's testimony, the proposed southerly and northerly loading areas located in the front yard along the east face of the addition, will be utilized by vehicles with a maximum length of 40 feet and 50 feet, respectively. Both maximum vehicle lengths were proposed by the applicant after an analysis was performed to determine the largest-sized vehicle that could safely maneuver on-site into each loading area along the easterly façade of the addition without encroaching upon neighboring properties or the Kero Road right of way, while the adjacent loading areas are occupied by a parked vehicle. The vehicle length limitations, along with

requirements for corresponding striping and signage, will be a condition of approval of this variance request.

The proposed improvements will not create any negative visual impacts to neighboring properties or impede their ability to function as intended. Properties within the immediate vicinity of the site are already developed. The existing loading areas for the industrial property located directly across Kero Road from the subject site (Block 126, Lot 30) are set back from the street and will not be affected.

The Objector provided comments at the public hearing and inquired whether new loading areas are necessary when existing loading facilities are currently provided along the westerly building façade abutting the Objector's property (Block 126, Lot 60). The applicant testified that its oversized steel door frame unit assembly activities, such as welding, are presently conducted in an area at the center of the existing building, and are not within close proximity of the existing loading doors facing Kero Road. If Pioneer Industries were to continue to utilize the existing loading areas in question for the oversized units that would be manufactured in the addition, this portion of the existing building would have to be modified to provide higher ceilings and adequate ventilation systems.

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 that prohibit front yard loading will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner. In balancing the requirements of the Light Industrial B zone with the particular characteristics of the property, the proposed variance is required to ensure a functional building and parking layout. Both proposed loading doors will be constructed adjacent to an existing loading area containing eight loading doors, which represents a consolidated approach to the site's layout. Two existing overhead drive-in loading doors will remain on the north side of the building, however, due to the current building configuration and site/parking area layout, these existing loading areas are not accessible to tractor trailers.

Testimony was provided that the applicant needs the additional loading doors to accommodate their expanding business operations. The doors will be utilized to load the oversized door frame units that will be fabricated in the addition, thus enhancing safety by minimizing the distance the very large frames would have to be moved. By setting the front building façade of the proposed addition back an additional 23 feet from the existing front building façade, two loading spaces will be provided with adequate truck maneuvering area within the site, thereby minimizing the degree of nonconformity, as compared with the

existing front yard loading areas, by not having trucks maneuver in the Kero Road right of way.

Alternative site layouts, such as constructing loading areas along the southerly or westerly facades of the building addition, would result in site circulation conflicts with vehicular parking areas and create the need for additional variances and the construction of additional paved areas beyond what is currently proposed, which would lead to a decrease in the amount of open space provided. Therefore, the strict application of the zoning regulations with respect to loading limitations in the front yard results in practical difficulties in the functionality of the site.

- 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.*

There will be no substantial detriment to the public good and no adverse impacts to the public health, safety, morals, order, convenience, prosperity or general welfare by the granting of the requested variance. The placement of the proposed addition's loading areas within the front yard facing Kero Road will have no adverse impact on public safety or health as adequate light, air and open space will continue to be provided.

The applicant provided testimony that trucks utilizing the southerly and northerly loading areas along the east face of the addition will not exceed 40 feet and 50 feet in length, respectively. The location of the two front yard loading areas, which are

proposed to be set back 73.9 feet from the Kero Road right of way, will permit vehicles to safely maneuver within the site to access the doors, without the need to back up into those loading areas from Kero Road. In addition, excess noise, odor, vibration or glare will not be generated as a result of the proposed front yard loading areas. It is anticipated that the number of vehicle trips associated with the proposed loading areas will not cause significant changes to current traffic patterns.

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

The granting of the requested variance to provide two loading areas in the front yard facing Kero Road will not have any adverse environmental impacts. There will be an increase in open space provided on site from 6.81 percent to 8.76 percent, and no additional paved surfaces have been proposed. No environmentally sensitive areas, such as wetlands or stormwater facilities, will be disturbed. New light fixtures will be shielded and positioned to prevent glare from becoming a hazard or nuisance to site users, adjacent properties and the traveling public. The applicant provided testimony that the new loading areas will decrease the number of trucks queuing in Kero Road, thereby reducing engine idling. Therefore, the requested variance to locate two proposed loading areas within the front yard facing Kero Road will not cause the District's environmental performance standards for noise, glare, vibrations, airborne emissions or hazardous materials to be exceeded.

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 applicant provided testimony that the additional loading areas are required to streamline their current business operations by allowing oversized steel door frame units that are manufactured in the proposed addition to be safely loaded directly onto awaiting trucks through the proposed nearby loading doors. Potential locations to provide alternative loading areas outside of the front yard facing Kero Road are limited due to building configuration and existing site layout. The proposed loading areas have been situated to ensure safe and efficient operations of the light industrial and warehouse/distribution facility due to space limitations in the side yard for adequate access/maneuvering, necessitating their location in the front yard facing Kero Road.

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

The two proposed loading areas facing Kero Road will not substantially impair the intent and purpose of these regulations. The intent and purpose of front yard loading regulations are rooted in the promotion of public safety and aesthetics. Although this proposal locates two loading areas in the front yard, public safety is not adversely impacted. Maneuvering to access the loading areas will not impede on-site or off-site circulation. The proposed loading area will not be a significant detriment to area aesthetics, as

the proposed loading doors will be located adjacent to an existing loading area.

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 lot coverage of 55.81 percent is proposed.

Based on the record in this matter, the bulk variance application to construct an 11,247-square-foot warehouse/light manufacturing building addition that will result in a proposed lot coverage of 55.81 percent, whereas a maximum lot coverage of 50 percent is permitted, is hereby recommended for APPROVAL CONDITIONED UPON THE FOLLOWING:

1. All roof drains servicing the proposed building addition shall be connected to the on-site stormwater conveyance system for eventual discharge into the public storm sewer located in the Kero Road right of way.

CONDITIONAL APPROVAL 12/3/2018

Recommendation on
Variance Request

Date


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

CONDITIONAL APPROVAL 12/3/18

Recommendation on
Variance Request

Date

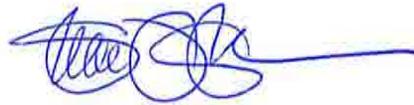

Frank Leanza, Esq.
Senior Vice President
Chief of Legal & Regulatory Affairs

B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.3(b)1, which prohibits loading in any front yard, whereas the applicant is proposed two loading areas in the front yard facing Kero Road.

Based on the record in this matter, the bulk variance application to construct two loading areas within the front yard facing Kero Road, whereas loading in any front yard is not permitted, is hereby recommended for APPROVAL CONDITIONED UPON THE FOLLOWING:

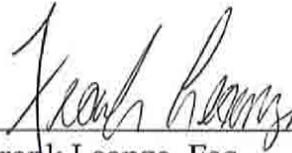
1. The length of vehicles utilizing the southernmost loading area along the east face of the proposed addition shall not exceed 40 feet.
2. The length of vehicles utilizing the northernmost loading area along the east face of the proposed addition shall not exceed 50 feet.
3. Striping and/or signage shall be provided alerting drivers to the length limitations of each proposed loading area.

CONDITIONAL APPROVAL 12/3/2018
Recommendation on Date
Variance Request



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

CONDITIONAL APPROVAL 12/3/18
Recommendation on Date
Variance Request



Frank Leanza, Esq.
Senior Vice President
Chief of Legal & Regulatory Affairs