

**RECOMMENDATION ON THE VARIANCE APPLICATION OF
Delellis Realty/7 Eleven - New Building & Signage (Variances)
FILE # 21-271**

I. INTRODUCTION

An application for three bulk variances has been filed with the NJSEA by Carlstadt Partners, LLC, for the premises located at 284 Washington Avenue and identified as Block 127, Lot 17, in the Borough of Carlstadt, New Jersey. The subject premises is located within the District's Light Industrial B zone. The three bulk variances are sought in connection with the applicant's proposal to construct a 4,714-square-foot convenience store with associated site improvements at an existing fueling service station on the subject premises.

Specifically, the Applicant is requesting bulk variance relief from the following:

1. N.J.A.C. 19:4-8.3(b)1, which prohibits loading in any front yard; whereas a loading area is proposed within the front yard facing Moonachie Avenue.
2. N.J.A.C. 19:4-8.3(c)3, which requires that all loading areas be screened and landscaped in accordance with N.J.A.C. 19:4-8.9(d)6iii; whereas the location of the westerly driveway along Moonachie Avenue does not allow for the construction of a solid and continuous fence in accordance with N.J.A.C. 19:4-8.10, supplemented by evergreens capable of maturing to a height and width sufficient to screen the loading area from the Moonachie Avenue right of way.
3. N.J.A.C. 19:4-8.14(h)4, which requires that the maximum gross sign area permitted shall not exceed five percent of the main façade of the building; whereas the total proposed sign area is 248.3 square feet, which is 15.3 percent of the building's main façade. The total proposed sign area includes one 23-square-foot business identification wall sign,

one 26.5-square-foot business identification wall sign and one 49.1-square-foot business identification wall sign (east elevation); in addition to one 76.6-square-foot business identification wall sign, one 30.8-square-foot business identification wall sign, and one 42.3-square-foot business identification wall sign (north elevation).

A public hearing was held via Zoom videoconferencing on Tuesday, August 23, 2022. Notice was given to the public and all interested parties as required by law. The public notice for this hearing was published in The Record newspaper. All information submitted to the Division of Land Use Management relative to this application was made part of the record of this recommendation

II. GENERAL INFORMATION

A. Existing and Proposed Use

The property in question consists of approximately 1.54 acres. The site is a corner property that contains frontage on two Bergen County rights-of way, Washington Avenue to the east and Moonachie Avenue to the north. The easterly and northerly portions of the subject premises are encumbered by a non-exclusive easement to the County of Bergen. The surrounding area is developed primarily with warehousing facilities, but also contains some office, retail, and restaurant uses.

The lot is currently improved with a Sunoco fuel service station, including a canopy covering six fuel dispensers and a 1,507-square-foot accessory retail building. Access is provided by one driveway on Moonachie Avenue and two driveways on Washington Avenue. The site contains numerous signs that identify the existing accessory retail building totaling 53 square feet in area. Existing pole and gas pump canopy sign areas are not included in this total.

The Applicant is proposing to retain the existing fuel service station at the premises, demolish the existing accessory retail store, and construct a new 4,714-square-foot accessory retail building with associated site improvements, including

the installation of a loading area containing two loading spaces in the site's Moonachie Avenue front yard. As part of these improvements, the applicant proposes to relocate the existing full-service driveway on Moonachie Avenue further west along this street frontage, and to construct a new ingress-only driveway in the westerly portion of the site along Moonachie Avenue to provide direct access to the parking and loading areas for the accessory convenience retail store. The maximum signage permitted by the regulations on site is five percent of the main façade area of the proposed building, or 81 square feet. Six wall signs will be installed on the proposed accessory retail building totaling 248.3 square feet in area, which represents 15.3 percent of the building's main façade area.

B. Response to the Public Notice

No written or verbal comments were submitted to this Office regarding this application prior to the public hearing.

III. PUBLIC HEARING (August 23, 2022)

A public hearing was held on Tuesday, August 23, 2022. NJSEA staff in attendance were Sara Sundell, Director of Land Use Management and Chief Engineer; Sharon A. Mascaró, Deputy Director of Land Use Management and Deputy Chief Engineer; Mia Petrou, Supervising Planner; and Ronald Seelogy, Principal 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	"Preliminary & Final Major Site Plan for Proposed Fuel Service Station with Ancillary Retail," 18 sheets, prepared by

Stonefield Engineering on August 5, 2021, last revised on August 5, 2022.

A-2 "Aerial Exhibit," Drawing 1 of 1, prepared by Stonefield Engineering on July 22, 2022.

A-3 "Rendered Site Plan Exhibit," Drawing 1 of 1, prepared by Stonefield Engineering on August 5, 2021, last revised on August 5, 2022.

A-4 Sign site plan and details, 18 sheets, prepared by Cummings Signs on May 10, 2021.

A-5 "Aerial Drone View of Subject Site Looking South," Sheet 1, prepared by John McDonough Associates, undated.

A-6 "Street View of Subject Site from Washington Avenue," Sheet 2, prepared by John McDonough Associates on August 22, 2022.

A-7 "Street View of Subject Site from Moonachie Avenue," Sheet 3, prepared by John McDonough Associates on August 22, 2022.

A-8 "Street View of Subject Site from Moonachie Avenue," Sheet 4, prepared by John McDonough Associates on August 22, 2022.

B. Testimony

Jason Tuvel, Esq. of the firm Prime & Tuvel, represented Carlstadt Partners, LLC at the hearing. The following five witnesses testified in support of the application:

1. Matthew Seckler, P.E., PTOE, P.P., Stonefield Engineering; and
2. John McDonough, L.A., P.P., AICP, John McDonough Associates.

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

C. Public Comment

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

IV. RECOMMENDATION

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.3(b)1, which prohibits loading in any front yard. A loading area is proposed within the front yard facing Moonachie Avenue.

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 requested variance to provide for loading areas along the site's Moonachie Avenue front yard arises from conditions that are unique to the property in question. The subject property is a corner lot containing frontage on two Bergen County rights-of-way, Moonachie Avenue to the north and Washington Avenue to the east. The site contains two existing structures, consisting of an existing fuel service station canopy containing six fuel pumps, and a 1,507-square-foot accessory retail structure. The site is proposed to be redeveloped with the same uses. The applicant proposes to retain the existing fuel pumps at their current location, demolish the existing

retail store, and construct a new accessory retail structure, measuring 4,714 square feet, which is proposed to be branded as a “7-Eleven” convenience retail store. The new convenience store is proposed to be located in the same general location of the site as the existing store and will expand into an open space area in the westerly portion of the site, as the fuel service station canopy in the easterly portion of the site is to remain. These site characteristics form a unique set of circumstances that affect the applicant’s ability to redevelop the site in a conforming manner, while providing for new construction with adequate areas for vehicle circulation, parking, loading, and open space, and sufficient signage to identify the various uses on the site.

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

The subject property is located at the intersection of two county roads. Surrounding properties are predominantly industrial in nature, with the exception of The Graycliff catering facility located to the north across Moonachie Avenue, and an office building located on the northeast corner of the intersection. No residential uses are located proximate to the site. The applicant proposes two loading spaces facing Moonachie Avenue in the westerly portion of the site to serve the accessory retail store. All truck maneuvering will occur on-site; trucks will not be backing into the site from the adjacent roadways. The loading area will generally be used by two box trucks daily, and by a tractor trailer, up to WB-50 in size, twice per week. In order to screen headlight glare directed toward motorists and adjacent properties, it is recommended, as a condition of this recommendation report, that additional landscaping shall be provided along the site’s Moonachie Avenue frontage in the vicinity

of the loading area driveway, the extent of which shall be subject to the approval of the NJSEA Chief Engineer. With the recommended condition, the granting of the requested variance to provide for front yard loading along Moonachie Avenue will not adversely affect the rights of neighboring property owners or residents.

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 loading in a front yard would result in exceptional practical difficulties and hardship upon the property owner. The unique characteristics of the property, including its frontage on two county roads, and the constraints related to siting of the new retail structure with adequate areas for vehicle circulation, parking, loading, and open space, cause these practical difficulties.

Specifically, the proposed retail building is located in the general vicinity of the existing retail building. The proposed site design provides for a new driveway in the northerly portion of the site to serve the retail store and its adjacent loading area to the west.

The southerly rear yard and westerly side yard, where loading would be permissible, are not suitable locations to accommodate the site's loading operations. There is not sufficient space available along these yards to provide loading spaces and associated truck maneuvering due to the location of the site's detention basin in the southwesterly portion of the site. The proposed building placement, set back beyond the required front yard setback, is required to accommodate the site's vehicular circulation and parking areas, as

well as to accommodate a Bergen County road widening and utility easement. Alternative building configurations on the site are constrained due to the retention of the existing fuel service station at its existing location, the detention basin to the west of the retail building, and proposed site grading that is required to elevate the proposed retail building above the FEMA floodplain. In balancing the requirements of the Light Industrial B zone with the particular characteristics of the property, the proposed variance from the regulations is necessary to ensure a functional site layout.

- 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 site's retail redevelopment is not anticipated to cause a significant increase in area traffic. The applicant provided testimony that trucks utilizing the proposed loading area will generally be limited to WB-50 tractor trailers utilizing the site at a frequency of twice per week, with daily box truck deliveries generally not exceeding two per day. Sufficient area is provided on the site to allow trucks to maneuver into the loading area from within the site, and not by reversing into the loading area from Moonachie Avenue.

The westerly site driveway on Moonachie Avenue, to be utilized by trucks entering the loading area, is limited to ingress-only movements, thereby limiting potential conflicts with other vehicles utilizing the site. The applicant's traffic professional provided testimony that site deliveries are generally avoided during the morning rush hours, which are generally the peak hours of operation of the convenience retail store (T-65 to T-67). In addition, a full-

service driveway is available further east on Moonachie Avenue to accommodate vehicles entering the site.

In order to ensure that no off-site impacts occur by drivers unfamiliar with the site, it is recommended, as a condition of this report, that signage be posted at the westerly ingress driveway of Moonachie Avenue to inform truck drivers that no reverse movements are permitted on Moonachie Avenue.

Furthermore, excess noise, odor, vibration or glare will not be generated as a result of the proposed loading area.

With the recommended condition, 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.

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

The granting of the requested variance will not have any adverse environmental impacts. The amount of open space to be provided will exceed the minimum 15 percent requirement of the District Zoning Regulations, with approximately one-third of the site to remain as open space. No environmentally sensitive areas, will be disturbed, and all drainage requirements will be met. The requested variance to locate the proposed loading area within the front yard facing Moonachie Avenue will not cause the NJSEA's environmental performance standards for noise, vibrations, airborne emissions or hazardous materials to be exceeded. Potential glare caused by truck headlights will be minimized to the extent possible, pursuant to the recommended condition in Section *ii.* above to provide additional

landscaping along the site's Moonachie Avenue frontage in the vicinity of the loading area driveway.

- 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. Potential locations to provide alternative loading areas outside of the front yard facing Moonachie Avenue are limited due to the existing site layout and particular and unique conditions on the property. The proposed loading area has been situated to ensure safe and efficient operations of the proposed convenience store. The recommended condition to install additional landscaping to screen headlight glare and improve site aesthetics will ensure that the requested variance is the minimum deviation from the regulations.

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

The proposed loading area facing Moonachie Avenue 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. In this particular variance request, public safety is not adversely impacted due to the proposed site design, which allows sufficient area on the site for trucks to maneuver into the loading area, without reversing into the site from adjacent roadways. A recommendation in Section *iv.* above will require signage to be posted on the site as a further measure to prevent reverse movements on Moonachie Avenue. In addition, the frequency of deliveries is minimal and will occur during off-peak

hours. Most deliveries will occur twice daily via box trucks, with WB-50 trailer deliveries occurring approximately twice per week. The site will, therefore, be utilized in a safe and orderly manner. Furthermore, per the recommendation in Section *ii.* above, additional landscaping will be provided to screen headlight glare from trucks utilizing the loading area and to address area aesthetics.

B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.3(c)3, which requires that all loading areas be screened and landscaped in accordance with N.J.A.C. 19:4-8.9(d)6iii. The location of the westerly driveway along Moonachie Avenue does not allow for the construction of a solid and continuous fence in accordance with N.J.A.C. 19:4-8.10, supplemented by evergreens capable of maturing to a height and width sufficient to screen the loading area from the Moonachie Avenue right of way.

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 requested variance regarding the lack of screening of the site's loading area within the Moonachie Avenue front yard arises from conditions that are unique to the property in question. The subject property is a corner lot containing frontage on two Bergen County rights-of-way, Moonachie Avenue to the north and Washington Avenue to the east. The site contains two existing structures, consisting of an existing fuel service station canopy containing six

fuel pumps, and a 1,507-square-foot accessory retail structure. The site is proposed to be redeveloped with the same uses. The applicant proposes to retain the existing fuel pumps and canopy at their current location, demolish the existing retail store, and construct a new accessory retail structure, measuring 4,714 square feet, which is proposed to be branded as a “7-Eleven” convenience retail store. The new convenience store is proposed to be located in the same general location of the site as the existing store and will expand into an open space area in the westerly portion of the site, as the fuel service station canopy in the easterly portion of the site is to remain. These site characteristics form a unique set of circumstances that affect the applicant’s ability to redevelop the site in a conforming manner, while providing for new construction with adequate areas for vehicle circulation, parking, loading, and open space, and sufficient signage to identify the various uses on the site.

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

The subject property is located at the intersection of two county roads. Surrounding properties are predominantly industrial in nature, with the exception of The Graycliff catering facility located to the north across Moonachie Avenue, and an office building located at the northeast corner of the intersection. No residential uses are located proximate to the site. The applicant proposes two loading spaces to serve the accessory retail store facing Moonachie Avenue in the westerly portion of the site. Use of the loading area will generally be by two box trucks daily, and by a tractor trailer, up to WB-50 in size, twice a week.

Off-site visibility of the loading area will be limited due to the setback of the loading area, approximately 80 feet from Moonachie Avenue, a slight offset in the position of the loading area with respect to the westerly ingress driveway, and existing and proposed landscaping. Per testimony by the applicant's engineer, the loading area will have an approximately two-second view time from passing motorists on Moonachie Avenue (T-18 and 19).

In order to more effectively screen headlight glare toward motorists and adjacent properties, it is recommended, as a condition of this recommendation report, that additional landscaping shall be provided along the site's Moonachie Avenue frontage in the vicinity of the loading area driveway, the extent of which shall be subject to the approval of the NJSEA Chief Engineer. With the recommended condition for the screening and landscaping of the proposed front yard loading area along Moonachie Avenue, the granting of the requested variance will not adversely affect the rights of neighboring property owners or residents.

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 would require screening and landscaping of the loading area along the site's Moonachie Avenue frontage, would result in exceptional practical difficulties and hardship upon the property owner. The unique characteristics of the property, including its frontage on two county roads, and the constraints related to siting of the new retail structure with adequate areas for vehicle circulation, parking, loading, and open space, cause these practical difficulties.

The requirement to screen the loading area would result in the elimination of the site's westerly ingress-only driveway. This would alter the site's circulation pattern to the extent that it would make access to the loading area impracticable, requiring trucks to enter the easterly full-service driveway along Moonachie Avenue, and reverse into the loading area. This configuration would obstruct the full-service, two-way driveway entrance during times of use, and would result in conflicts with both vehicles and pedestrians utilizing the fuel service station and convenience retail store.

In balancing the requirements of the Light Industrial B zone with the particular characteristics of the property, the proposed variance is necessary to ensure a functional site layout.

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 adversely affect public health, safety, morals, order, convenience, prosperity or general welfare. The site's Moonachie Avenue ingress-only driveway is required to be unobstructed to allow for functional loading operations on the subject property. If landscaped screening were required to be installed in conformance with the regulations, this would result in the elimination of the ingress-only driveway on the site. However, per the recommended conditions in Sections I-ii. and II-ii, of this recommendation, additional landscaping will be installed to screen the front yard loading area to the extent possible.

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

The granting of the requested variance will not have a substantial adverse environmental impact. Visibility of the loading area will be limited due to the setback of the loading area, approximately 80 feet from Moonachie Avenue, a slight offset in the position of the loading area with respect to the westerly ingress driveway, and existing and proposed landscaping. With the recommended condition to provide additional landscaping, the lack of landscaped screening in the portion of the site in front of the loading area will not cause the NJSEA'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. Testimony has established that potential locations to provide alternative loading areas outside of the front yard facing Moonachie Avenue are limited due to the existing site layout and particular and unique conditions on the property. The proposed loading area has been situated to ensure safe and efficient operations of the proposed convenience store, and minimizes the amount of impervious pavement required to provide access to the loading area. The 20-foot-wide curb opening of the ingress-only driveway in the vicinity of the loading area, which is the only area where landscaped screening for the loading area is not provided, represents approximately 7.7 percent of the site's Moonachie Avenue frontage. The recommended condition to install additional landscaping to screen headlight glare and improve site

aesthetics will ensure that the requested variance is the minimum deviation from the regulations.

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

The intent of the District Zoning Regulations includes the promotion of development in accordance with good planning principles that relates the type, design and layout of such development to the particular site and surrounding environs. The absence of landscaping across a portion of the site's loading frontage is necessary to allow for appropriate access to the loading area of the proposed convenience retail store, which permits the site to be developed in a safe and orderly manner. The recommended condition to install additional landscaping will maximize the available area that exists on the site to provide for screening. Therefore, granting of the requested variance will not substantially impair the intent and purpose of these regulations.

C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.14(h)4, which requires that the maximum gross sign area permitted shall not exceed five percent of the main façade of the building; whereas the total proposed sign area is 248.3 square feet, which is 15.3 percent of the building's main façade. The total proposed sign area includes one 23-square-foot business identification wall sign, one 26.5-square-foot business identification wall sign and one 49.1-square-foot business identification wall sign (east elevation); in addition to one 76.6-square-foot business identification wall sign, one 30.8-square-foot business identification

wall sign, and one 42.3-square-foot business identification wall sign (north elevation).

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 requested variance to exceed the maximum permitted gross sign area arises from conditions that are unique to the property in question. The subject property is a corner lot containing frontage on two Bergen County rights-of-way, Moonachie Avenue to the north and Washington Avenue to the east. The site contains two existing structures, consisting of a fuel service station canopy containing six fuel pumps, and a 1,507-square-foot accessory retail structure. The site is proposed to be redeveloped with the same uses. The applicant proposes to retain the existing fuel pumps and canopy at their current location, demolish the existing retail store, and construct a new accessory retail structure, measuring 4,714 square feet, which is proposed to be branded as a “7-Eleven” convenience retail store. The new convenience store is proposed to be located in the same general location on the site as the existing store and will expand into an open space area in the westerly portion of the site, as the fuel service station canopy in the easterly portion of the site is to remain. These site characteristics form a unique set of circumstances that affect the applicant’s ability to redevelop the site in a conforming manner, while providing for new construction with adequate areas for vehicle circulation, parking, loading, and open space, and sufficient signage to identify the various uses on the site.

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

The subject property is located at the intersection of two county roads. Surrounding properties are predominantly industrial in nature, with the exception of The Graycliff catering facility located to the north across Moonachie Avenue, and an office building located on the northeast corner of the intersection. No residential uses are located proximate to the site.

The applicant proposes three wall signs on the two front façades along Moonachie Avenue and Washington Avenue, to identify the “7-Eleven” convenience store and two accessory prepared take-out food brands (“Raise the Roost” and “Laredo Taco”) that are available within the accessory retail store. The convenience store building is set back approximately 89 feet from Moonachie Avenue and 200 feet from Washington Avenue, whereas 35 feet is the minimum required front yard setback in the Light Industrial B zone in which the property is located. The signage is appropriately-sized to be visible given the distance of the building to the adjacent roadways. There will be no glare or other adverse impacts from the proposed signs to adjoining properties or roadways. Therefore, the granting of the requested variance will not adversely affect the rights of neighboring property owners or residents.

- 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 applicant proposes three wall signs on the two front façades located along Moonachie Avenue and Washington Avenue, to identify the “7-Eleven” convenience store and two prepared take-out food brands (“Raise the Roost” and “Laredo Taco”) that are available within the accessory retail store. The total proposed sign area for six proposed wall signs is 248.3 square feet, which is 15.3 percent of the building’s main façade, whereas five percent, or 81 square feet, is the maximum sign area permitted by the Hackensack Meadowlands District Zoning Regulations.

The District sign regulations calculate the permitted sign area based on the area of a single façade. The site contains frontage along two county roads, and the building requires identification from each roadway. Although a pole sign and readerboard associated with the fuel service station use exists along Washington Avenue, visibility of the signage for the accessory retail store is challenged due to the distance of the building to the adjacent roadways. The convenience store building is set back approximately 89 feet from Moonachie Avenue and 200 feet from Washington Avenue beyond the fuel service canopy, whereas 35 feet is the minimum required front yard setback in the Light Industrial B zone in which the property is located. The proposed signage is appropriately-sized to be visible given the distance of the building to the adjacent roadways, and the additional sign area will allow each component of the accessory retail store to be identified.

In addition, the site’s existing elevation in the vicinity of the existing accessory retail store is at approximately elevation 4 to 5 feet (NAVD88). However, the proposed accessory retail store building will have a minimum finished floor elevation of 9 feet, which is a

minimum of one foot above the 100-year base flood elevation of 8 feet (NAVD88) established by FEMA. This difference in elevation also affects the visibility of the signage on the retail store building. The additional sign area on the easterly façade will allow better identification of the accessory retail store building by patrons utilizing the fuel service station in the easterly portion of the site, which will remain at approximately elevation 5 feet.

The strict application of the regulations limiting the total sign area to 81 square feet would result in exceptional practical difficulties and hardship upon the property owner due to these particular and unique property characteristics, and would result in an ineffective sign plan that would not accomplish adequate identification of the building and the site from both adjacent roadways and from within the site itself.

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

The granting of the requested variance to permit additional sign area at the subject premises will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. The additional sign area will promote visibility of the signage on the building to passing motorists to enable them to safely identify and access the corner property from the two adjacent county roadways, and to direct motorists using the fuel service station on the site to the main building entrance. Public safety, order, and convenience will therefore be enhanced by the additional sign area.

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

There will be no adverse environmental impact resulting from the granting of the requested signage variance. The additional sign area will not disturb any environmentally sensitive areas. There will not be any noise, vibrations, glare, airborne emissions, or hazardous materials generated by the proposed signage. No visual clutter or other adverse impacts to area aesthetics will result from the excess sign area.

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

The signage variance arises from the need to identify the uses in the convenience retail store from two county road frontages, as well as from within the site itself. The applicant proposes three signs per façade, which all conform to the maximum area for any single sign, and each sign identifies one component of the accessory retail use. The distance of the building from the adjacent roadways also results in the need for a larger sign area than permitted. Therefore, 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 signage variance will not substantially impair the intent and purpose of these regulations. The purpose of the Hackensack Meadowlands District sign regulations is to provide for adequate identification of a site while avoiding visual and aesthetic clutter. Adequate identification is important to promote public safety

by allowing motorists to effectively identify a building to allow safe entry into the site. The proposed signage on the corner property will be used to identify the facility from two county roadways, and from patrons utilizing the fuel pumps in the easterly portion of the property. Therefore, the additional signage will promote the intent and purpose of the sign regulations and will relate to the particular site and surrounding environs.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Use Variance from the Provisions of N.J.A.C. 19:4-8.3(b)1, which prohibits loading in any front yard; whereas a loading area is proposed within the front yard facing Moonachie Avenue.


Based on the record in this matter, the bulk variance application to permit a loading area within the front yard facing Moonachie Avenue is hereby recommended for APPROVAL WITH THE FOLLOWING CONDITIONS:

1. Additional landscaping shall be provided along the site's Moonachie Avenue frontage, the extent of which shall be subject to the approval of the NJSEA Chief Engineer, in order to screen headlight glare directed toward motorists and adjacent properties.
2. Signage shall be posted at the westerly ingress-only driveway of Moonachie Avenue to inform truck drivers that no reverse movements are permitted on Moonachie Avenue to access the site.

CONDITIONAL APPROVAL 10/12/2022

Recommendation on
Variance Request


Date


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

Conditional Approval

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(c)3, which requires that all loading areas be screened and landscaped in accordance with N.J.A.C. 19:4-8.9(d)6iii; whereas the location of the westerly driveway along Moonachie Avenue does not allow for the construction of a solid and continuous fence in accordance with N.J.A.C. 19:4-8.10, supplemented by evergreens capable of maturing to a height and width sufficient to screen the loading area from the Moonachie Avenue right of way.

Based on the record in this matter, the bulk variance application to construct the proposed loading area along Moonachie Avenue without the required screening and landscaping to be provided on the subject premises is hereby recommended for APPROVAL WITH THE FOLLOWING CONDITION:

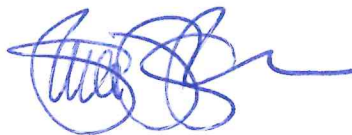
1. Additional landscaping shall be provided along the site's Moonachie Avenue frontage, the extent of which shall be subject to the approval of the NJSEA Chief Engineer, in order to screen headlight glare directed toward motorists and adjacent properties.

CONDITIONAL APPROVAL

Recommendation on
Variance Request

10/12/2022

Date



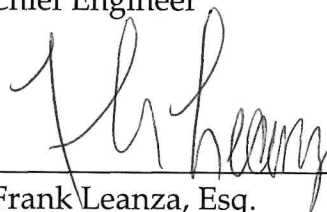
Sara J. Sundell, P.E., P.P.
Director of Land Use Management and
Chief Engineer

Conditional Approval

Recommendation on
Variance Request

10/13/22


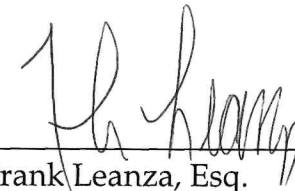
Date



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

C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.14(h)4, which requires that the maximum gross sign area permitted shall not exceed five percent of the main façade of the building; whereas the total proposed sign area is 248.3 square feet, which is 15.3 percent of the building's main façade. The total proposed sign area includes one 23-square-foot business identification wall sign, one 26.5-square-foot business identification wall sign and one 49.1-square-foot business identification wall sign (east elevation); in addition to one 76.6-square-foot business identification wall sign, one 30.8-square-foot business identification wall sign, and one 42.3-square-foot business identification wall sign (north elevation).

Based on the record in this matter, the bulk variance application to provide a total sign area of 248.3 square feet, which is 15.3 percent of the building's main façade, whereas five percent of the building's main façade area is permitted, is hereby recommended for APPROVAL.

<u>APPROVAL</u>	<u>10/12/2022</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management and Chief Engineer
<u>Approval</u>	<u>10/13/22</u>	
Recommendation on Variance Request	Date	Frank Leanza, Esq. Senior Vice President Chief of Legal & Regulatory Affairs