

**RECOMMENDATION ON THE VARIANCE APPLICATION OF
Ridgefield Holding/65 Railroad Ave. - Site Improvement (Variance)
File #22-421**

I. INTRODUCTION

An application for one bulk variance has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Gerald Donnelly of Ridgefield Holding Corp., for the premises identified as 65 Railroad Avenue, Block 4014, Lot 10, in the Borough of Ridgefield, New Jersey. The subject premises are located in the Hackensack Meadowlands District's Light Industrial B zone. The bulk variance is sought in connection with the applicant's proposal to construct a parking area consisting of 12 parking spaces in the required front yard along Pleasantview Terrace. Specifically, the applicant is requesting variance relief from the following:

1. N.J.A.C. 19:4-8.2(b)1, which prohibits vehicular use areas in required front yards. The applicant proposes 12 passenger vehicle parking spaces at a minimum setback of 25.1 feet along Pleasantview Terrace, whereas a 35-foot minimum front yard setback is required.

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 comments regarding this application were received by the Division of Land Use Management during the public comment period. An electronic public hearing was held virtually using Zoom video conferencing on Wednesday, May 24, 2023. 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 is a corner lot located at the northwesterly intersection of Railroad Avenue and Pleasantview Terrace in the Borough of Ridgefield. The site consists of approximately 18.26 acres and is currently improved with a 366,631-square-foot warehouse and distribution facility, with existing parking and loading areas located in the northerly, westerly, and southerly portions of the site. A drainage ditch is present in the westerly portion of the site, and is connected to an open wetland area located in the District's Environmental Conservation zone to the northwest of the subject property.

Properties within the immediate vicinity are developed primarily with a mix of warehouse/distribution and light industrial uses with accessory office space. The property in question is also proximate to the Hudson Transmission Electrical Substation to the north. A freight rail line is located to the east across Railroad Avenue from the property in question, which forms the District's jurisdictional boundary line in this portion of the Hackensack Meadowlands District.

The applicant proposes to construct 12 parking spaces in the required front yard along Pleasantview Terrace to provide access to tenant spaces located in the southeasterly portion of the building. In 2013, the applicant had previously obtained variance approval to construct 15 new parking spaces in the required front yard along Pleasantview Terrace, to the west of the proposed parking area, in File #13-333 Ridgefield Holding/65 Railroad - Variances/Use Change.

B. Response to the Public Notice

No written comments or objections were received during the public comment period.

III. PUBLIC HEARING (May 24, 2023)

A public hearing was held on Wednesday, May 24, 2023. NJSEA staff in attendance were Sara 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, CFM, Supervising Planner; and John Speer, P.E., 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 plan set prepared by Paul Lapatka, P.E., dated 05/16/2013, revised through 05/09/2023, and entitled as follows: <ul style="list-style-type: none">- "Site/Grading/Lighting Plan/Details", Sheet 1 of 2; and- "Erosion Control Plan/Details", Sheet 2 of 2.
A-2	Planning Memorandum prepared by Peter G. Steck, P.P., dated May 8, 2023.

B. Testimony

The applicant was represented at the hearing by Philip D. Neuer, Esq. The following three witnesses testified in support of the application:

1. Gerald Donnelly, P.E., Safer Development and Management Corp.;
2. Paul Lapatka, P.E.; and
3. Peter G. Steck, P.P.

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

IV. RECOMMENDATION

- A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.2(b)1, which prohibits vehicular use areas in required front yards. The applicant is proposing to construct 12 passenger vehicle parking spaces at a minimum setback of 25.1 feet along Pleasantview Terrace, whereas a 35-foot minimum front yard setback is required.

The NJSEA 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 permit vehicular use areas within the required front yard along Pleasantview Terrace arises from conditions that are unique to the subject property. The site contains two front yards, fronting on both Railroad Avenue and Pleasantview Terrace. The subject property is one of the largest lots in the Railroad Avenue neighborhood (consisting of properties containing frontage on Railroad Avenue and/or Pleasantview Terrace), second only to the electrical substation to the north. Additionally, the property in question contains extensive frontage totaling approximately 1,006 feet along Railroad Avenue, larger than any property in the vicinity. The property's secondary frontage along Pleasantview Terrace is also significant, measuring 725.55 feet in length.

Despite these characteristics, which are advantageous at first glance, the ability to construct additional parking to reasonably serve the needs of tenants in the southeasterly portion of the building is constrained by the placement of the building on the site, which is located at a minimum 24.87-foot setback from Railroad Avenue and 75.24-foot setback from Pleasantview Terrace. Existing on-site parking and loading areas are located along the building perimeter, with parking areas for tenant access primarily located in the northerly and westerly portions of the site. The building on the site is currently occupied by 21 tenants, although the building may accommodate up to 37 individual tenant spaces. This is an unusual condition compared to warehouse buildings of similar size, which, in recent years, generally tend to be occupied by larger e-commerce users. The site and building configurations leave little opportunity to provide dedicated off-street parking or loading areas for tenant spaces in the southeasterly portion of the site. These circumstances are unique to the property in question.

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

The site is located within a fully developed industrial area, and no residences are located nearby. There will be no adverse impacts to the property located to the south across Pleasantview Terrace, (Block 4014, Lot 12), which is an industrial property containing a railroad siding and large storage tanks in its Pleasantview Terrace front yard. The proposed parking area will be accessed via a proposed driveway on Pleasantview Terrace, with sufficient area provided for on-site circulation, with no reverse maneuvers by vehicles within the adjoining roadway. Furthermore, the parking areas will not result in

any negative visual impacts from neighboring properties or roadways, as the proposed parking area will be screened by proposed landscaping.

Therefore, the granting of the requested variance to permit parking in the required front yard along Pleasantview Terrace 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 will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner due to the particular characteristics of the site and configuration of existing improvements thereon. The subject property contains two front yards and an extensive amount of frontage along both Railroad Avenue, with 1,006 feet of frontage, and Pleasantview Terrace, with 725.55 feet of frontage. A minimum 35-foot front yard setback is required from both roadways, and the proposed parking will be set back 25.1 feet from the Pleasantview Terrace property line.

The building's location, placed at a minimum 24.87-foot setback from Railroad Avenue and a 75.24-foot setback from Pleasantview Terrace, leaves little opportunity to provide compliant off-street parking easily accessible to tenant spaces in the southeasterly portion of the site. The site is served by existing parking areas primarily located on the northerly and westerly portions of the property. The westerly parking

area also contains trailer parking spaces to accommodate efficient staging of the warehouse and distribution operations on the site. Use of the parking lot expansion approved in 2013, consisting of 15 passenger vehicle parking spaces to the west of the proposed parking area, would require walking in the street and crossing active loading areas to access the southeasterly tenant spaces. Thus, the existing parking spaces on the site do not practicably serve tenant spaces in the southeasterly portion of the building, as there is no direct internal building access available, or easily provided, between existing parking areas and the tenant spaces.

Environmental features in the northerly portion of the site and the presence of a drainage ditch on the westerly portion of the site preclude expansion of the existing parking areas in those directions, which would, furthermore, be located too remotely from the southeasterly portion of the building.

- 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 surrounding neighborhood properties principally consist of light industrial and warehouse and distribution uses, with some sites also containing pre-existing, non-conforming front yard parking. Currently, occupants of tenant spaces located in the southeasterly portion of the building must utilize on-site parking to the west or the north of their tenant space, and walk in the street across active loading areas to access their spaces. The location of the proposed parking area will provide employees direct access to the southeasterly portion of the building, and Barrier Free parking spaces and building access are

proposed to accommodate the public good, safety, and convenience in this portion of the site. Proposed landscaping will provide screening of the parking spaces, which are designed to face the building and will not result in glare to neighboring properties.

In order to fully address public safety and the general welfare, a condition is recommended that the applicant shall provide a revised site plan depicting additional grading and railing details in the vicinity of the proposed parking area, adjacent building access, and the adjacent existing loading area to the west, for the review and approval of the NJSEA Chief Engineer. Additionally, a second condition is recommended for the applicant to obtain approval from the Borough of Ridgefield for any relocation of the existing “No Parking” street sign and/or modification of the extent of the yellow curb line on Pleasantview Terrace, which are currently located adjacent to the proposed parking area, prior to construction.

With the recommended conditions, there will be no substantial detriment to the public good and no adverse effects to the public health, safety, morals, order, convenience, prosperity or general welfare by the granting of the requested variance to construct a vehicular use area consisting of 12 parking spaces at a 25.1-foot setback from Pleasantview Terrace, whereas 35 feet is required.

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

The granting of the requested variance to construct vehicular use areas within the required 35-foot front yard setback along Pleasantview Terrace will not have any adverse environmental impacts. Rather, the proposed location of the parking spaces avoids

environmentally sensitive features in otherwise conforming locations in the northerly and westerly portions of the property. Approximately 28.2 percent of the site is proposed to remain as open space, whereas a minimum 15 percent is required in the Light Industrial B zone, and landscaping will be provided to screen the proposed parking area. Sufficient stormwater drainage will be provided for the proposed parking area. Additionally, the location of the proposed parking spaces will not cause the District performance standards with respect to noise, vibrations, airborne emissions, hazardous materials, glare or water quality to be exceeded.

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

A total of 380 parking spaces are required by the District Zoning Regulations to serve the existing uses on the premises, whereas 386 parking spaces exist at the premises, of which 14 are Barrier Free accessible parking spaces. The proposed parking lot would increase the total parking on the site by 12 parking spaces, resulting in a total of 398 spaces, of which 16 spaces would be Barrier Free accessible parking spaces. The proposed parking area would expand Barrier Free accessibility to tenant spaces in the southeasterly portion of the building, and will provide safe, dedicated access to this portion of the building for all users.

The minimum setback requested in the variance application for the vehicular use area is 25.1 feet from Pleasantview Terrace. The plans incorporate no more than the minimum required dimensions for 90 degree parking spaces located adjacent to the building, which includes

a required six foot landscape buffer from the building face, 18-foot-long parking spaces and a 24-foot-wide drive aisle, resulting in an intrusion of approximately 10 feet of the drive aisle into the 35 foot front yard setback. The proposed parking area, although proposed to be partially located within a required front yard, has been suitably sited to ensure safe and efficient vehicular operation and circulation. Furthermore, the applicant proposes to install landscaping to minimize any negative visual impacts of the parking spaces.

The proposed parking along Pleasantview Terrace cannot be practicably accommodated in any other location on the property, due to the configuration of the existing building on the site, the presence of environmental features, and the lack of direct access to southeasterly tenant spaces from the existing parking areas on the site. 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 requested variance to permit parking in the required front yard facing Pleasantview Terrace will not impair the intent and purpose of the regulations. The intent of prohibiting vehicular use areas within the required front yard is to prevent glare and to promote area aesthetics by minimizing visual impacts to neighboring properties. Although a portion of the proposed drive aisle along Pleasantview Terrace will be located within the required 35-foot front yard setback, the applicant has proposed landscaping to minimize any visual impacts of the proposed parking from the right-of-way. In this particular case, the aesthetic goals of the regulations

are balanced with the provision of additional parking that will allow the building's multiple tenants to efficiently and safely access their tenant spaces.

The approval of the variance request will contribute to and promote the intent of the Hackensack Meadowlands District Master Plan Update 2020 and the District Zoning Regulations by allowing the site to be utilized in a safe, orderly, and efficient manner and, consistent with the site's Employment Center Planning Area designation within the Master Plan, to allow the property to adapt to current market conditions to meet the needs of its multiple tenants.

IV. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.2(b)1, which prohibits vehicular use areas in required front yards. The applicant is proposing to construct a vehicular use area containing 12 passenger vehicle parking spaces at a minimum setback of 25.1 feet along Pleasantview Terrace, whereas a 35-foot minimum front yard setback is required.

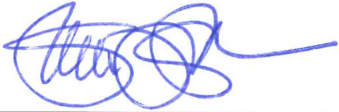
Based on the record in this matter, the bulk variance application to construct a vehicular use area containing 12 passenger vehicle parking spaces at a minimum setback of 25.1 feet along Pleasantview Terrace is hereby recommended for APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall provide a revised site plan depicting additional grading and railing details in the vicinity of the proposed parking area, adjacent building entrances, and the existing adjacent loading area to the west of the proposed parking area, for the review and approval of the NJSEA Chief Engineer.
2. The applicant shall obtain approval from the Borough of Ridgefield for any relocation of the existing "No Parking" street sign and/or modification of the extent of the yellow curb line on Pleasantview Terrace, prior to construction.

CONDITIONAL APPROVAL 7/11/2023

Recommendation on
Variance Request

Date

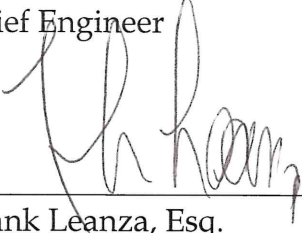

Sara J. Sundell, P.E., P.P.
Director of Land Use Management and
Chief Engineer

Conditional Approval

7/12/23

Recommendation on
Variance Request

Date


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