

**RECOMMENDATION ON THE VARIANCE APPLICATION OF  
St. Paul's Ave Prop - Delight Foods - Addition, Site Improvement (Variances)  
FILE #24-232**

**I. INTRODUCTION**

An application for two bulk variances has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Phillip Parayil of St. Paul's Avenue Properties, LLC, for the premises identified as 438 Saint Paul's Avenue, Block 6201, Lot 12, in the City of Jersey, New Jersey. The subject premises is located in the Heavy Industrial zone of the Hackensack Meadowlands District (District). The bulk variances are sought in connection with an application to construct a 4,918-square-foot building addition with associated site improvements. Specifically, variance relief is requested from the following:

1. N.J.A.C. 19:4-5.105(a)3i, which requires a minimum front yard setback of 35 feet, whereas a minimum front yard setback of 15 feet is proposed.
2. N.J.A.C. 19:4-5.105(a)3ii, which requires a minimum side yard setback of 20 feet, whereas a minimum side yard setback of 14.4 feet is proposed.

Public notice of this hearing was published in the digital edition of the Star-Ledger on February 18, 2025. No written objections were received. A public hearing was held in the Commission Meeting Room of the NJSEA, One DeKorte Park Plaza, Lyndhurst, New Jersey on Tuesday, March 4, 2025. All information submitted to the Division of Land Use Management relative to this application is made part of the record of this recommendation.

## II. GENERAL INFORMATION

### A. Existing and Proposed Use

The subject property, identified as 438 Saint Paul's Avenue, Block 6201, Lot 12, in Jersey City, consists of approximately 1.59 acres and is located in the District's Heavy Industrial zone. The site is currently developed with an existing two-story 38,652-square-foot industrial building used for the processing and warehousing and distribution of food products for Delight Foods USA. The site contains three front yards, with approximately 120 feet of frontage along Saint Paul's Avenue, 520 feet along James Avenue, and 125 feet along Lewis Avenue, with access to James Avenue via three full movement driveways. Employee and visitor parking is primarily accessed by the southernmost driveway along James Avenue, and delivery vehicles access the site via the two northernmost driveways along James Avenue.

The site is bordered by a variety of industrial uses along both Saint Paul's Avenue and James Avenue, including PSE&G's West End Yard property to the west across James Avenue. Adjacent land uses along Lewis Avenue include a mixture of industrial and residential uses at a grade approximately eight feet higher than the subject property along James Avenue.

The applicant proposes to construct a 4,918-square-foot building addition with associated site improvements within the remaining undeveloped portion of the site that fronts along Lewis Avenue. The proposed building addition will house modern high pressure processing (HPP) equipment to preserve food without refrigeration, thus allowing the applicant's food processing operation to meet both market demands and USDA regulatory requirements and enhance operational efficiencies of the business in an environmentally friendly way. Since the proposed HPP equipment is required to be under the same roof as the existing processing equipment, the addition will tie directly into the easternmost edge of the existing building, where the food products are currently processed.

Bulk variances are requested for both front and side yard setbacks for the construction of the new 4,918-square-foot building addition along the Lewis Avenue frontage. The required minimum front yard setback in the Heavy Industrial zone is 35 feet, and the applicant proposes a minimum setback of 15 feet. The required minimum side yard setback in the Heavy Industrial zone is 20 feet, and the applicant proposes a minimum setback of 14.4 feet.

**B. Response to the Public Notice**

No written comments were submitted to this Office prior to the public hearing.

**III. PUBLIC HEARING (March 4, 2025)**

A public hearing was held in the Commission Meeting Room of the NJSEA, One DeKorte Park Plaza, Lyndhurst, New Jersey on Tuesday, March 4, 2025. NJSEA staff in attendance were Sara J. Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon A. Mascaró, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer; Mia A. Petrou, P.P., AICP, CFM, Supervising Planner; and Anthony Albano, 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	"Cover Sheet," Sheet CS-1, prepared by McNally, Doolittle Engineering, LLC, and dated 6/7/2024, and last revised 2/3/2025.

- A-2            “Site Plan,” Sheet SP-1, prepared by McNally, Doolittle Engineering, LLC, and dated 6/7/2024, and last revised 2/3/2025.
- A-3            “Landscape & Lighting Plan,” Sheet LL-1, prepared by McNally, Doolittle Engineering, LLC, and dated 6/7/2024, and last revised 2/3/2025.
- A-4            “Architectural Floor Plan and 3D Modeling Image,” prepared by Concept Design Group, LLC, and dated 5/14/24.
- A-5            “Architectural Building Section and 3D Modeling Images 2 and 3,” prepared by Concept Design Group, LLC, and dated 5/14/24.
- A-6            “Aerial Imagery of Subject Site and Surroundings,” Sheets 1 through 6, prepared by John McDonough Associates.
- A-7            “Grading & Drainage Plan,” Sheet GD-1, prepared by McNally, Doolittle Engineering, LLC, and dated 6/7/2024, and last revised 2/3/2025.

**B. Testimony**

Thomas J. O'Connor, Esq., of the Waters, McPherson, McNeill, P.C., represented the applicant, St. Paul's Avenue Properties, LLC, at the hearing. The following witnesses testified in support of the application:

1.     Matthew A. Greco, P.E., McNally, Doolittle Engineering, LLC;
2.     John McDonough, P.P., John McDonough Associates; and
3.     Phillip Parayil, St. Paul's Avenue Properties, LLC.

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

### C. Public Comment

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

## IV. RECOMMENDATION(S)

### A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.105(a)3i, which requires a minimum front yard of 35 feet, whereas a front yard setback of 15 feet is proposed.

The District Zoning Regulations at N.J.A.C. 19:4-4.14(e) state in part that, *a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...*

#### 1. *Concerning bulk variances:*

- i. The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.*

The subject 1.59-acre property exhibits an irregular configuration, which includes three front yards, with the remaining undeveloped area of the site being located within a 125-foot-wide flagged portion of the site that fronts along Lewis Avenue.

The property is currently improved with an existing two-story industrial building with a gross floor area of approximately 38,652 square feet, which is used for the processing and warehouse and distribution of food products. The proposed addition is designed to align with the easternmost edge of the existing building, where the food products are currently processed to accommodate market demands and USDA regulatory requirements of the newer, more

sustainable HPP food manufacturing operation. In order to align the proposed addition with the processing operations within the existing building, the addition is proposed to be constructed in the site's undeveloped area along Lewis Avenue at a 15-foot setback.

These conditions are unique to the property in question and affect site development.

- 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 front yard setback of 15 feet, whereas 35 feet is the minimum required front yard in the Heavy Industrial zone, will not adversely affect the rights of neighboring property owners or residents. The existing structures on the neighboring properties in the vicinity of the subject site encroach within the required front yard setback, and many are set at zero feet with those existing buildings being built on the property lines along Lewis Avenue. The proposed addition will have a setback of 15 feet from the Lewis Avenue property line, which will provide a greater setback than the existing neighboring properties.

The location and configuration of the building addition on the subject property is designed to integrate and align with the food processing operations within the existing building on the property. Due to the higher elevations along Lewis Avenue compared with those along James Avenue, to match the floor elevation of the existing building the proposed addition will be constructed approximately eight feet lower than the adjacent properties along

Lewis Avenue, which will thus help to minimize the visual impact of the addition. The applicant is also proposing vegetative screening, including shrubs and four street trees along Lewis Avenue, to further screen the addition and improve area aesthetics.

Therefore, there will be no adverse impact to 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 not result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.

The subject property exhibits an irregular configuration including three front yards, with the undeveloped area of the site being located within a 125-foot-wide flagged portion of the site along the Lewis Avenue frontage. These conditions are unique to the property in question and affect site development. These conditions result in practical difficulties when seeking to expand the existing operation to meet market demands and USDA regulatory standards. There is no practicable alternative to the proposed location and configuration of the proposed building addition that would allow for the integrated alignment of the proposed addition with the food processing operations within the existing 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.*

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 granting the requested variance for a front yard setback of 15 feet, whereas 35 feet is the minimum required front yard in the Heavy Industrial zone. Many of the existing buildings along Lewis Avenue in the vicinity of the site are constructed on or near the property line and the proposed condition would not be out of character for the area.

There are no new driveways proposed to access the site from Lewis Avenue. Access to the site will continue to be from the existing driveways along James Avenue.

Additionally, area aesthetics will be enhanced by additional landscaping, including the installation of four street trees and vegetative screening proposed to be planted in front of the addition along Lewis Avenue.

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

There will be no adverse environmental impacts resulting from the granting of the requested variance for a front yard setback of 15 feet, whereas 35 feet is the minimum required front yard in the Heavy Industrial zone. The addition will promote more environmentally friendly operations within the food processing facility, as it is



intended to house new HPP equipment that will preserve food without the need for refrigeration or freezing. Area aesthetics will be enhanced by additional landscaping, including the installation of four street trees and vegetative screening along Lewis Avenue. The proposed development will not adversely impact wetlands or other sensitive environmental features. Furthermore, the requested variance 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 particular characteristics of the subject property, including its irregular configuration and the need to construct the proposed addition to integrate and align with the processing operations within the existing building, results in practical difficulties that affect the site's ability to conform to the District Zoning Regulations. The proposed front yard setback, measured 15 feet from the Lewis Avenue property line, whereas 35 feet is required, would not be inconsistent with the existing setbacks in the area, where existing buildings are commonly built on or near the property line.

The applicant testified that the addition is the minimal space needed to house the new HPP equipment. There is no practicable alternative to the configuration of the proposed addition that would allow for the necessary alignment of the proposed use areas in the addition with the existing processing equipment within the existing building.

Therefore, the variance represents the minimum deviation from the regulations that will afford relief.

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

The granting of the requested variance for a front yard setback of 15 feet, whereas 35 feet is the minimum required front yard in the Heavy Industrial zone will not substantially impair the intent and purpose of these regulations. Rather, for the reasons stated herein, the requested variance will promote the purposes of the Hackensack Meadowlands District Zoning Regulations to promote the orderly and comprehensive development of the District in accordance with good planning principles that relates the type, design, and layout of such development to both the particular site and surrounding environs.

The proposed front yard setback will not be out of character for the area when compared to the adjacent buildings that are built upon or near their Lewis Avenue property line. The overall scope of the project will improve stormwater management within the project area by reducing flows with the construction of a stormwater outlet control structure and ensuring that there are no negative effects on surrounding properties. Area aesthetics will be enhanced by additional landscaping, including the installation of four street trees and vegetative screening along Lewis Avenue.

**B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.105(a)3ii, which requires a minimum side yard of 20 feet, whereas a side yard of 14.4 feet is proposed.**

The District Zoning Regulations at N.J.A.C. 19:4-4.14(e) state in part that, *a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...*

*1. Concerning bulk variances:*

- i. The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.*

The subject 1.59-acre property exhibits an irregular configuration, which includes three front yards, with the remaining undeveloped area of the site being located within a 125-foot-wide flagged portion of the site that fronts along Lewis Avenue.

The property is currently improved with an existing two-story manufacturing and warehouse building with a gross floor area of approximately 38,652 square feet, which is used for the processing and warehousing and distribution of food products. The proposed addition is designed to align with the easternmost edge of the existing building, where the food products are currently processed, to accommodate market demands and USDA regulatory requirements of the newer, more sustainable HPP food manufacturing operation. In order to align the proposed addition with the existing building, the addition is proposed to be constructed at a 14.4-foot setback from the southerly side yard along Lewis Avenue, adjacent to the rear yards of Block 6201, Lots 13 and 14.

These conditions are unique to the property in question and affect site development.

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

The granting of the requested variance to permit a side yard setback of 14.4 feet, whereas 20 feet is the minimum required side yard in the Heavy Industrial zone, will not adversely affect the rights of neighboring property owners or residents. The southern side yard of the subject property, where the side yard variance is requested, abuts the rear yards of both adjacent Lot 13, which contains two paved parking spaces, and adjacent Lot 14, which contains vegetated open space. The proposed addition is located to the north of those adjacent properties and therefore would not negatively affect the provision of natural daylight or air on those properties.

The location and configuration of the building addition on the subject property are designed to align with the edge of the existing building on the property that houses the food processing operations and therefore the proposed addition will continue the existing building envelope and setback to which the neighboring property owners/residents are accustomed.

Due to the higher elevations of the neighboring properties compared with those along James Avenue, in order to match the floor elevations of the existing building the proposed addition will be surrounded by a retaining wall and will be constructed

approximately eight feet lower than the adjacent properties, which will help to minimize the visual impact of the addition on those properties. The applicant is proposing significant vegetative screening along the perimeter of the addition near to top of the retaining walls, which will further help to minimize visual impacts.

The overall scope of the project will improve stormwater management within the project area by reducing flows with the construction of a stormwater outlet control structure with associated stormwater storage and will ensure that there are not negative impacts on the neighboring properties.

Therefore, there will be no adverse impact to 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 not result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.

The subject property exhibits an irregular configuration including three front yards, with the undeveloped area of the site being located within a 125-foot-wide flagged portion of the site along the Lewis Avenue frontage. These conditions are unique to the property in question and affect site development. These conditions result in practical difficulties when seeking to expand the existing operation

to meet both market demands and USDA regulatory standards. There is no practicable alternative to the proposed location and configuration of the proposed building addition that would allow for the integrated alignment of the proposed addition with the food processing operations within the existing 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.*

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 granting the requested variance for a side yard setback of 14.4 feet, whereas 20 feet is the minimum required side yard in the Heavy Industrial zone. The existing buildings along Lewis Avenue in the vicinity of the site are commonly constructed within the required side yard setback and the proposed condition would not be out of character for the area.

The proposed addition is located to the north of the adjacent properties where the side yard variance is requested and therefore would not negatively affect natural daylight on those properties.

Additionally, area aesthetics will be enhanced by additional landscaping, including the installation of four street trees and vegetative screening proposed to be planted along the perimeter of the addition, including in the area of the requested side yard variance.

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

There will be no adverse environmental impacts resulting from the granting of the requested variance for a side yard setback of 14.4 feet, whereas 20 feet is the minimum required side yard in the Heavy Industrial zone. The addition will promote more environmentally friendly operations within the food processing facility, as it is intended to house new HPP equipment that will preserve food without the need for refrigeration or freezing.

Area aesthetics will be enhanced by additional landscaping, including the installation of four street trees and vegetative screening along the perimeter of the addition, including in the area of the requested side yard variance. The proposed development will not adversely impact wetlands or other sensitive environmental features. Furthermore, the requested variance 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 particular characteristics of the subject property, including its irregular configuration and the need to integrate and align with the processing operations within the existing building, results in practical difficulties that affect the site's ability to conform to the District Zoning Regulations. The proposed side yard setback, measured 14.4 feet from the southerly side yard along Lewis

Avenue, whereas 20 feet is required, would not be inconsistent with the existing setbacks in the area where the buildings were commonly built within the required side yard setbacks.

The applicant testified that the addition is the minimal space needed to house the new HPP equipment. There is no practicable alternative to the configuration of the proposed addition that would allow for the alignment of the proposed use areas with those that currently exist within the existing building. Therefore, the variance represents the minimum deviation from the regulations that will afford relief.

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

The granting of the requested variance for a side yard setback of 14.4 feet, whereas 20 feet is the minimum required side yard in the Heavy Industrial zone will not substantially impair the intent and purpose of these regulations. Rather, for the reasons stated herein, the requested variance will promote the purposes of the Hackensack Meadowlands District Zoning Regulations to promote the orderly and comprehensive development of the District in accordance with good planning principles that relate the type, design, and layout of such development to both the particular site and surrounding environs.

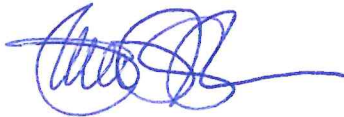
The proposed side yard setback would not be out of character for the area when compared to the neighboring buildings that were built within the required side yard setback. The overall scope of the project will improve stormwater management within the project

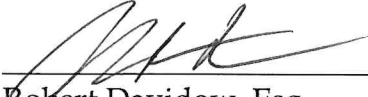


area by reducing flows with the construction of a stormwater outlet control structure with associated stormwater storage and will ensure that there are not negative impacts to the neighboring properties. Area aesthetics will be enhanced by additional landscaping, including the installation of four street trees and vegetative screening along the perimeter of the addition.

**B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.105(a)3ii, which requires a minimum side yard setback of 20 feet, whereas a front yard setback of 14.4 feet is proposed.**

Based on the record in this matter, the bulk variance application to permit a side yard setback of 14.4 feet, whereas a minimum side yard setback of 20 feet is required, is hereby recommended for approval.

<u>APPROVAL</u>	<u>4/15/2025</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Senior Director of Land Use Management

<u>APPROVAL</u>	<u>4/15/2025</u>	
Recommendation on Variance Request	Date	Robert Davidow, Esq. Senior Vice President Office of Legal & Regulatory Affairs

V. SUMMARY OF CONCLUSIONS

- A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.105(a)3i, which requires a minimum front yard setback of 35 feet, whereas a front yard setback of 15 feet is proposed.

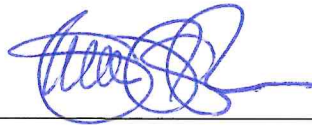
Based on the record in this matter, the bulk variance application to permit a front yard setback of 15 feet, whereas a minimum front yard setback of 35 feet is required, is hereby recommended for approval.

APPROVAL

Recommendation on  
Variance Request

4/15/2025

Date



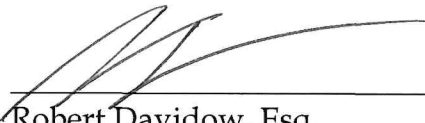
Sara J. Sundell, P.E., P.P.  
Senior Director of Land Use Management

APPROVAL

Recommendation on  
Variance Request

4/15/2025

Date



Robert Davidow, Esq.  
Senior Vice President  
Office of Legal & Regulatory Affairs