

**RECOMMENDATION ON THE VARIANCE APPLICATION OF
SPG County Ave LLC/United Ford - C.O. Alt., Site Improvement (Variances)
FILE #23-136**

I. INTRODUCTION

An application for one use variance and five (5) bulk variances has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Karl Kemm, Esq., of the firm McManimon, Scotland & Baumann, LLC, on behalf of United Ford, LLC, for the premises located at 400 County Avenue, identified as Block 60, Lot 3, in the Town of Secaucus, New Jersey. The subject premises is located within the Hackensack Meadowlands District's Light Industrial B zone. The use and bulk variances are sought in connection with the applicant's proposal to construct interior alterations related to a change in use from warehouse and distribution facility to a truck repair facility with associated major site improvements at the subject premises.

Specifically, the applicant is requesting use variance relief from the following:

1. N.J.A.C. 19:4-5.80(a), which does not permit a truck repair facility in the Light Industrial B zone.

In addition, the applicant is requesting bulk variance relief from the following:

1. N.J.A.C. 19:4-8.2(c)13, Figure 8-1, which does not permit the parking of patron, occupant or employee vehicles in a tandem/stacked configuration to be applied towards the number of required parking spaces to be provided on site; whereas, 30 parking spaces identified as S73 through S102 are proposed in a tandem/stacked configuration.
2. N.J.A.C. 19:4-8.4(a)72 and 79, which requires a total of 79 parking spaces; whereas, a total of 74 parking spaces will be provided on site inclusive of the electric vehicle (EV) parking space credit.

3. N.J.A.C. 19:4-8.2(b)1, which prohibits vehicular use areas in required front yards or within required buffer areas; whereas, paved vehicular use areas are proposed within the required front yard facing County Avenue.
4. N.J.A.C. 19:4-8.10(a)1, which prohibits fences in required front yards; whereas, a six-foot-high chain link fence with gates is proposed within the required front yard facing County Avenue.
5. N.J.A.C. 19:4-8.14(h), Table 8-5, which permits a maximum of two (2) signs per front yard in the Light Industrial B zone; whereas, a total of four (4) signs are proposed as follows: one “United/Ford” wall sign (west elevation), one “Service” wall sign (west elevation), one “United/Ford” wall sign (east elevation), and one double-sided pylon sign.

Notice was given to the public and all interested parties as required by law. The public notice was published in the digital edition of the Star-Ledger on August 20, 2025. The public notice was also posted to NJ.com under Legal Notices, on the New Jersey Press Association’s website, njpublicnotices.com, and on the NJSEA’s website. A public hearing was held on Tuesday, September 9, 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 2.96-acre parcel contains frontage along County Avenue to the west, and NJ Turnpike right of way (ROW) to the north and east. The site is currently improved with two one-story masonry industrial buildings with paved parking and loading areas. Building 1 has a footprint of approximately 4,400 square feet and Building 2 has a footprint of approximately 40,333 square feet. The subject property also contains a 10-foot-wide water main easement and a wireless

telecommunications tower. Adjoining Lots 1 and 2 to the south are developed with a State of New Jersey Motor Vehicle Inspection Station and a Public Service Electric and Gas (PSE&G) unmanned facility, respectively.

Access is currently provided to County Avenue via the site's southerly driveway, and County Avenue and the New Jersey Turnpike on-ramp at the site's northerly driveway. The parking areas served by each of these driveways are not contiguous. For the purposes of this application, the NJSEA had previously granted the applicant's request to designate the yards adjacent to the New Jersey Turnpike Eastern Spur ROW to the east and the New Jersey Turnpike on-ramp ROW to the north as rear and side yards, respectively, in accordance with N.J.A.C. 19:4-3.19(e).

The applicant is proposing to construct interior alterations related to a change in use from a warehouse and distribution facility to a truck repair facility with associated parking- and drainage-related site improvements. No building additions are proposed. Building 1, the existing one-story masonry building located closest to County Avenue, will be demolished to accommodate expansion of the existing paved vehicular use area. A total of 30 tandem parking spaces in a double-stack configuration and six oversize 30-foot-long spaces are proposed to accommodate the staging of vehicles for servicing. A total of 22 truck service bays will be provided inside the remaining building. Access by vehicles to the service bays will occur via an overhead door opening located at the westerly façade and another at the northerly façade. The northerly existing ingress/egress driveway is proposed to be gated and restricted for use by emergency vehicles only.

B. Response to the Public Notice

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

III. PUBLIC HEARING (September 9, 2025)

A public hearing was held on Tuesday, September 9, 2025. NJSEA staff in attendance were Sara J. Sundell, P.E., P.P., Senior Director of Land Use Management and Chief Engineer; Sharon A. Mascaró, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer; Nadereh Moini, Ph.D., P.E., PTOE, PTP, NJSEA Chief of Transportation; Mia A. Petrou, P.P., AICP, CFM, Supervising Planner; and Ronald Seelogy, P.E., P.P., 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	“United Ford, LLC 400-430 County Avenue Block 60 Lot 3 Town of Secaucus Hudson County, New Jersey,” 16 sheets, prepared by Frank H. Lehr Associates, consisting of the following drawings: a) “Cover Sheet,” Sheet No. C-1, dated April 1, 2021, last revised April 28, 2025; b) “Ariel Image,” Sheet No. C-1.1, dated April 1, 2021, last revised April 1, 2024; c) “Demolition Plan,” Sheet No. C-2, dated April 1, 2021, last revised October 28, 2024; d) “Site Plan,” Sheet No. C-3, dated April 1, 2021, last revised February 24, 2025; e) “County Avenue Plans,” Sheet No. C-3.1, dated April 1, 2021, last revised June 12, 2024; f) “Grading, Drainage and Utilities Plan,” Sheet No. C-4, dated April 1, 2021, last revised April 28, 2025;

- g) "Grading, Drainage and Utilities Plan," Sheet No. C-5, dated April 1, 2021, last revised April 28, 2025;
- h) "Landscape Plan," Sheet No. C-6, dated April 1, 2021, last revised October 28, 2024;
- i) "Open Space Plan," Sheet No. C-7, dated April 1, 2021, last revised October 28, 2024;
- j) "Lighting Plan," Sheet No. C-8, dated April 1, 2021, last revised October 28, 2024;
- k) "Soil Erosion and Sediment Control Plan," Sheet No. C-9, dated April 1, 2021, last revised October 28, 2024;
- l) "Details," Sheet No. C-10, dated April 1, 2021, last revised May 14, 2025;
- m) "Details," Sheet No. C-11, dated April 1, 2021, last revised April 28, 2025;
- n) "Details," Sheet No. C-12, dated April 1, 2021, last revised December 26, 2024;
- o) "Details," Sheet No. C-13, dated April 1, 2024, last revised October 28, 2024;
- p) "Turning Movement Fire Truck," Sheet No. C-14, dated April 1, 2021, last revised October 28, 2024;
- q) "Turning Movement Fire Truck," Sheet No. C-14B, dated April 1, 2021, last revised October 28, 2024;
- r) "Truck Turning Movement," Sheet No. C-15, dated April 1, 2021, last revised October 28, 2024; and
- s) "Shop Maneuvering Turning Movements," Sheet No. C-16, dated April 1, 2021, last revised October 28, 2024.

A-2 "Aerial Immediate Area," prepared by Frank H. Lehr Associates on April 1, 2021, last revised September 5, 2025.

- A-3 “Proposed Alterations for United Ford Block 60 – Lot 3 400 County Avenue Secaucus, New Jersey 07094,” three sheets, prepared by Scott F. Lurie, Architect, on February 2, 2024, last revised September 20, 2024, consisting of the following drawings:
- a) “Proposed First Floor Plan,” Drawing No. PA-1;
 - b) “Proposed Exterior Elevations,” Drawing No. PA-2;
and
 - c) “Building to Demolish,” Drawing No. PA-3.
- A-4 “Overall Aerial View,” prepared by Frank H. Lehr Associates on April 1, 2021, last revised September 5, 2025.
- A-5 “Exhibit 2,” Sheet No. EX-2, prepared by Frank H. Lehr Associates, dated April 1, 2021, last revised October 28, 2024.

B. Testimony

Karl P. Kemm, Esq., of the firm, McManimon, Scotland & Baumann, LLC, represented United Ford, LLC at the hearing. The following witnesses testified in support of the application:

1. Richard Adelsohn, P.E., P.P., CME, Frank H. Lehr Associates;
2. Joseph F. Sarra, Jr. AIA, P.E.;
3. Elizabeth Dolan, P.E., Dolan & Dean Consulting Engineers, LLC;
and
4. Allison Coffin, P.P., AICP, James W. Higgins Associates.

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

C. Public Comment

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

IV. RECOMMENDATIONS

A. Standards for the Granting of a Use Variance from the Provisions of N.J.A.C. 19:4-5.52(a), to permit construction of interior alterations related to a change in use from a warehouse and distribution facility to a truck repair facility, whereas truck repair facilities are not listed as a permitted use in the Light Industrial B zone.

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...*

2. Concerning use variances:

- i. The strict application of these regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.*

The subject premises contains a number of existing unique and peculiar characteristics. The subject premises is an irregularly-shaped parcel that is somewhat triangular in shape. The property adjoins public ROWs on all sides except for the southerly side lot line, which adjoins an unmanned PSE&G facility and a parking lot. The site contains frontage on County Avenue to the west, the NJ Turnpike on-ramp ROW to the north, and the NJ Turnpike Eastern Spur ROW to the east, although there is a steeply-sloped area separating the property from the NJ Turnpike's travel lanes. Pursuant to N.J.A.C. 19:4-3.19(e), the NJSEA Chief Engineer determined that, for the purposes of zoning, the property's easterly

lot line is considered a rear yard, and the northerly lot line is considered a side yard. Topographical constraints within the property are also evident, with the site's grade elevation ranging from approximately 55.5 feet at the southwesterly corner near the County Avenue driveway, to approximately 30 feet at its northeasterly corner, which is an unusual condition in the Hackensack Meadowlands District.

Other conditions present on the property also affect site development and redevelopment. Two warehouse structures currently exist on the site. Building 1 is an approximately 4,400-square-foot, 14.3-foot-high masonry building located at a setback of 9.1 feet from County Avenue, within the required 35-foot front yard setback, and is proposed to be demolished. Building 2, having preexisting nonconforming setbacks of 1.8 feet from the easterly rear property line (whereas 30 feet is required) and 19.1 feet from the southerly side property line (whereas 20 feet is required), is proposed to be retained and converted to a truck repair facility. Building 2 measures approximately 40,333 square feet, with building height ranging from 26.5 feet in the majority of the building, to 13.6 feet in an L-shaped portion of the building in the northerly and easterly parts of the structure. The parking area in the northerly portion of the site, which accesses this L-shaped portion of the building, is not currently contiguous to the vehicular use areas in the westerly portion of the site.

The combination of these characteristics affect site development to the extent that some permitted uses, such as banks, could not accommodate the required number of parking spaces on the site,

while others, such as auto, boat, and truck sales, could not accommodate the amount of outdoor display area typically associated with such uses. Practical difficulties also make reuse of the site as a distribution warehouse challenging, given that ceiling heights are significantly lower than the 40-foot-high market preference for modern warehouses to allow sufficient clearance to install racking.

Therefore, the strict application of the regulations to the particular unique characteristics of the subject property results in peculiar and exceptional practical difficulties and undue hardship upon the property owner.

- ii. *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 is generally surrounded by industrial uses and adjoins a public utility use to the south. No residential uses are located in the vicinity of the site. To accommodate the proposed truck repair facility, the proposed demolition of Building 1 will remove an existing nonconforming structure located within the required front yard of County Avenue, and the building's proposed reconfiguration will eliminate four existing loading doors facing the County Avenue front yard. The site will also be reconfigured to provide additional parking areas for employees and patrons and staging areas for vehicles awaiting repair. However, the parking area expansion in the northerly part of the site, combined with the connection of the existing currently-separate parking areas, would

contribute additional site traffic at the northerly site driveway. This results in public safety concerns due to the proximity and configuration of this driveway's intersection with County Avenue at the NJ Turnpike on-ramp. The applicant's engineer attested that the northerly driveway accessing the NJ Turnpike on-ramp is proposed to be gated and limited to emergency access only (T-12), which would thereby limit potential conflicts and increase public safety at the intersection of the driveway with a heavily-trafficked Hudson County ROW and an on-ramp to a major interstate ROW. However, the site plans depict pavement striping for a full-service northerly driveway. Although a swing gate (with emergency access key) is proposed, it is recommended, as a condition of this report, that the northerly driveway opening adjacent to the NJ Turnpike on-ramp shall be permanently gated and dedicated for the use of emergency services vehicles only. All other site traffic shall utilize the southerly driveway for site ingress and egress. In the event that the northerly driveway gate is proposed to be opened and/or used for non-emergency purposes in the future, the property owner shall apply to the NJSEA or Town of Secaucus pursuant to the provisions of the Hackensack Meadowlands Agency Consolidation Act, as well as any other entities with jurisdiction, for approval. This Office further reserves the right to require the applicant to eliminate the full-service pavement striping and convert the striping and signage to a "Do Not Enter" configuration at the northerly driveway.

Furthermore, testimony provided by the applicant's engineer and planner describing the proposed truck facility's operations suggest that vehicle repair and maintenance activities will be performed entirely indoors. In order to ensure that outdoor activities and

storage are not undertaken on the site, it is a recommended condition of this report that no vehicle repair or maintenance activities shall be performed outdoors, and that no outdoor storage, including, but not limited to, storage of vehicles for sale (unless and until a zoning certificate for vehicle sales on the premises is approved by the NJSEA or Town of Secaucus pursuant to the opt-out provisions of the Hackensack Meadowlands Agency Consolidation Act), salvage or junk vehicles, parts, equipment, or tires, shall occur on the site.

With the recommended conditions, the requested variance will not result in a substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, or the general welfare.

- iii. Adequate infrastructure, including storm and sanitary sewers, utilities, access roads, will be provided and shall be so designed to prevent and/or minimize negative impacts upon the existing infrastructure. In addition, the proposed use will not decrease the ability of said infrastructure to perform in a safe and efficient manner.*

The impact of the requested use variance to permit a truck repair facility on the subject premises has been carefully evaluated with respect to site and area infrastructure, and particularly in relation to drainage and traffic.

The proposed use will not decrease the ability of the existing utility infrastructure to perform in a safe and efficient manner. Adequate infrastructure, including storm and sanitary sewers, will be provided and are designed to prevent potential negative impacts to

existing utility services. As part of the proposed stormwater improvements, the applicant proposes to replace an existing 12-inch reinforced concrete storm sewer pipe within the NJ Turnpike ROW with a 15-inch reinforced concrete pipe. Therefore, it is a recommended condition of this report that the applicant shall provide written authorization from the NJ Turnpike Authority to permit the replacement of the existing 12-inch reinforced concrete storm sewer pipe within its ROW with a 15-inch reinforced concrete pipe.

With respect to traffic, the applicant's traffic engineer attested that there will be no changes to the operational level of service at the adjacent intersection at County Avenue and UPS Drive, and that the projected traffic volumes do not warrant installation of a traffic signal at the site driveway (T-26). However, NJSEA staff is not only concerned about mobility, but safety, and continues to have concerns about the safety of the southerly driveway's operations at its intersection with County Avenue, given its close offset to UPS Drive nearby. Therefore, it is a recommended condition of this report that the applicant shall perform an annual crash study analyzing frequency and severity of crashes for three consecutive years. The first crash study shall analyze crashes within one year from the date of issuance of the certificate of completion and occupancy approval and shall be submitted to the NJSEA within 15 months from that date. Two additional studies shall be submitted to the NJSEA annually thereafter. At the end of the third year, the applicant shall prepare and submit to the NJSEA and Hudson County a comprehensive crash analysis report, incorporating the prior studies and comparing the frequency and severity of crashes for the three

consecutive years succeeding the date of certificate of completion and occupancy approval with either the three consecutive years or five non-consecutive years prior to the date of occupancy approval. Upon review of this submission, Hudson County and the NJSEA will determine whether the applicant shall install, at its own expense, a traffic signal head at the site's southerly driveway, to be linked to the existing traffic signal at the intersection of County Avenue and UPS Drive, with corresponding revisions to the traffic signal timing, and/or other safety countermeasures to be identified and approved by the NJSEA and Hudson County.

With the recommended conditions, the proposed use will not decrease the ability of on-site and area infrastructure to perform in a safe and efficient manner.

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

The granting of the requested variance to permit a truck repair facility at the subject premises will not result in a substantial adverse environmental impact. Lot coverage on the site will be reduced by 3.4 percent due to the demolition of Building 1, and the applicant proposes to renovate Building 2, with no additional floor area expansion. Although additional pavement is proposed on the site, the proposal provides 20.7 percent open space, which exceeds the required minimum of 15 percent. No wetlands are located on the property. All operations, including collection, storage, and disposal of vehicle fluids, shall comply with all required health and environmental regulations and life safety codes. The recommended condition in Section *ii.* above, prohibiting outdoor storage and

operations, as well as the installation of proposed water quality units, address the potential for vehicle fluids leaking on the site. Furthermore, District performance standards will be met for noise, vibration, airborne emissions, glare, hazardous and radioactive materials, and wastewater.

v. The variance will not substantially impair the intent and purpose of these regulations.

The requested variance to permit a truck repair use at the subject premises will not substantially impair the intent and purpose of the District zoning regulations. The intent of the Light Industrial B zone in which the subject property is located is to accommodate a wide range of industrial, distribution, and commercial uses that generate a minimum of detrimental environmental effects.

Truck sales, which are permitted uses in the Light Industrial B zone, may include limited maintenance as accessory to the principal sales use. While the proposed use would be a stand-alone truck repair use, relocated from its former premises at 330 County Avenue (Block 43, Lot 3 in Secaucus), which is situated approximately 900 feet south of the subject property, it would remain affiliated with a truck sales operation at a nearby location, which is under construction at 211 County Avenue (Block 30, Lot 10 in Secaucus). Furthermore, the recommended condition in Section *ii.* of this report restricting outdoor operations and storage addresses potential detrimental environmental effects that are typically associated with truck repair uses.

- vi. *The variance at the specified location will contribute to and promote the intent of the District Master Plan.*

The subject property is located in the Neighborhood Planning Area of the Land Use Plan of the *Hackensack Meadowlands District Master Plan Update 2020*. This portion of the Neighborhood Planning Area generally spans properties within the District along County Avenue between Paterson Plank Road and New County Road and is principally intended to protect and maintain the existing one- and two-family residential areas. The District Master Plan seeks to promote the continuation of this development scale within established residential neighborhoods and to accommodate small scale retail and service establishments intended to principally support the residential uses in the area, as well as to ensure that appropriate buffers from more intense uses are provided to minimize negative impacts to residential uses.

The Land Use Plan represents a broad vision of the general types of development intended for a general area. In some cases, such as in the subject application, there are specific reasons as to why that vision cannot be realized based on individual circumstances. The subject application proposes to reuse an existing industrial structure on the premises. Furthermore, the subject property and its adjacent neighbors in this section of the Neighborhood Planning Area are industrial in nature and/or transportation oriented, and do not contain, or are not immediately proximate to, residential uses. However, this very circumstance contributes to the Neighborhood Planning Area objective to buffer residents from intense uses by the property's distance to them.

Notwithstanding, the subject application does further and promote general objectives of the District Master Plan. The proposal is privately redeveloping an underutilized, previously developed site, reusing an existing structure and diverting development pressures from undeveloped, environmentally-sensitive open space areas. This promotes specified goals of the District Master Plan to promote a suitable array of land uses that encourages economic vitality with job creation, and fosters the Meadowlands economy in a manner that stimulates job growth and prosperity.

B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.2(c)13, Figure 8-1, which does not permit the parking of patron, occupant or employee vehicles in a tandem/stacked configuration to be applied towards the number of required parking spaces to be provided on site; whereas, 30 parking spaces identified as S73 through S102 are proposed in a tandem/stacked configuration.

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 permit 30 double-stacked tandem parking spaces on the subject property arises from a number of existing unique and peculiar characteristics that affect site development. The

subject premises is an irregularly-shaped parcel that is somewhat triangular in shape. The property adjoins public ROWs on all sides except for the southerly side lot line, which adjoins an unmanned PSE&G facility and parking lot. The site contains frontage on County Avenue to the west, the NJ Turnpike on-ramp ROW to the north, and the NJ Turnpike Eastern Spur ROW to the east, and there is a steeply-sloped area separating the property from the NJ Turnpike's travel lanes. Pursuant to N.J.A.C. 19:4-3.19(e), the NJSEA Chief Engineer determined that, for the purposes of zoning, the property's easterly lot line is considered a rear yard, and the northerly lot line is considered a side yard. Topographical constraints within the property are also evident, with the site's grade elevation ranging from approximately 55.5 feet at the southwesterly corner near the County Avenue driveway, to approximately 30 feet at its northeasterly corner, which is an unusual condition in the Hackensack Meadowlands District.

Other conditions present on the property also affect site development and redevelopment. Two warehouse structures currently exist on the site. Building 1 is an approximately 4,400-square-foot, 14.3-foot-high masonry building located at a setback of 9.1 feet from County Avenue, within the required 35-foot front yard setback, and is proposed to be demolished. Building 2, having preexisting nonconforming setbacks of 1.8 feet from the easterly rear property line (whereas 30 feet is required) and 19.1 feet from the southerly side property line (whereas 20 feet is required), is proposed to be retained and converted to a truck repair facility. Building 2 measures approximately 40,333 square feet, with building heights ranging from 26.5 feet in the majority of the building, to 13.6

feet in an L-shaped portion of the building in the northerly and easterly parts of the structure. The parking area in the northerly part of the site, which accesses this L-shaped portion of the building, is not contiguous to the vehicular use areas in the westerly portion of the site.

In combination, these conditions and, in particular, the configuration of the existing structure to remain on the premises, affect the ability of the property owner to provide sufficient staging area for vehicles proposed to be serviced. The requested variance arises from these unique conditions, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.

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

Neighboring property owners in the vicinity of the site are generally industrial in nature. The subject property is surrounded by ROWs on three sides and adjoins an unmanned PSE&G facility and parking lot to the south. No residential uses are located in the vicinity of the site.

The granting of the requested variance to provide tandem parking spaces will not adversely affect the right of neighboring property owners. The tandem spaces are proposed to be utilized solely for staging of vehicles being serviced, which will primarily be driven by employees of the truck repair facility to access the drive-in door service entrance located immediately opposite the tandem parking spaces, allowing for efficient operations that minimize on-site

maneuvering. No off-site impacts will occur as a result of the proposed tandem parking configuration.

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 District Zoning Regulations' site plan standards with respect to parking design at N.J.A.C. 19:4-8.2(c)13, Figure 8-1, do not permit the parking of patron, occupant or employee vehicles in a tandem/stacked configuration, and do not allow such spaces to be counted towards the number of parking spaces required to be provided on site. The applicant proposes to install 30 double-stacked tandem parking spaces, identified as S73 through S102 on the site plan, in the southwesterly portion of the site in the vicinity of Building 1, which is proposed to be demolished.

As detailed in Section *i.* above, the site's particular characteristics, including its irregular configuration, adjacency to Hudson County and NJ Turnpike ROWs, topographical conditions, and the presence and configuration of existing improvements, result in practical difficulties affecting site development.

The applicant proposes to demolish an existing building on the site and install site improvements that will both expand parking capacity and connect two existing noncontiguous parking areas on the site.

The location and configuration of the existing building to remain affects the site design. The proposed tandem spaces are located opposite the drive-in service door, allowing for efficient site operations. The applicant proposes to demolish an existing building, proposes to close four existing loading doors in the front yard of County Avenue that will allow parking spaces to be provided in front of them, and proposes to expand paved areas in the northerly portion of the site. There is no additional space on the property in which additional parking areas can be made available due to the particular site conditions.

Therefore, the strict application of the regulations to the particular characteristics of the subject property results in peculiar and exceptional practical difficulties and undue hardship upon the property owner.

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

Tandem parking spaces on commercial and industrial sites can result in adverse impacts to site circulation and area aesthetics. In this particular instance, the tandem spaces will be used for the staging of vehicles being serviced, akin to how trailers awaiting access to a loading dock may be staged at certain warehouse sites, parked in a holding area until they are ready to be utilized. The proposed operations of the tandem parking spaces, therefore, are not typical of how a standard parking space for a passenger vehicle operates, and tandem spaces are not counted toward satisfying a site's parking

requirement. In this instance, vehicles to be serviced will typically be valeted by employees of the truck repair facility.

In order to ensure that public health, safety, morals, order, convenience, prosperity and general welfare are not negatively affected, it is recommended, as a condition of this report, that vehicles parked in a tandem/stacked configuration shall be registered and operational, and that the area of the site striped for tandem/stacked parking shall not be used for the display or storage of unregistered vehicles intended for sale.

The maximum length of vehicles to be serviced at the subject facility, as attested to in testimony by the applicant's engineer, is 35 feet (T-93). Each tandem space is 22 feet in depth, and the double-stacking of the spaces could also accommodate the occasional vehicle that is longer than 22 feet. However, in order to ensure that site circulation is not adversely impacted, it is a recommendation of this report that the maximum length of vehicles parked in the tandem/stacked parking area shall not exceed 35 feet, and that parked vehicles shall not extend beyond the 44-foot-long striped tandem parking space.

With the recommended conditions, the requested variance to provide tandem parking spaces for the staging of vehicles being serviced on the site 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.

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

The granting of the requested variance to permit up to 30 tandem parking spaces at the subject premises will not result in a substantial adverse environmental impact. The ability to double-stack parking spaces limits the pavement expansion on the site and avoids areas of steep slopes in the northeasterly portion of the property. Although additional pavement is proposed on the site, the proposal provides 20.7 percent open space, which exceeds the required minimum of 15 percent. No wetlands are located on the property. All operations, including collection, storage, and disposal of vehicle fluids, shall comply with all required health and environmental regulations and life safety codes. Furthermore, District performance standards will be met for noise, vibration, airborne emissions, glare, hazardous and radioactive materials, and wastewater.

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

As detailed in Section *i.* above, the site's particular characteristics, including its irregular configuration, adjacency to Hudson County and NJ Turnpike ROWs, topographical conditions, and the presence and configuration of the existing improvements, result in practical difficulties affecting site development.

The applicant proposes to demolish an existing building on the site and install site improvements that will both expand parking capacity and connect two existing noncontiguous parking areas on the site.

The tandem parking spaces are located near and directly opposite the drive-in service entrance, allowing for efficient site operations.

The applicant has demonstrated that there is no available alternative to provide for vehicle staging in a single-space configuration. 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 variance will not substantially impair the intent and purpose of the District Zoning Regulations. The proposed tandem parking spaces will not be utilized in the same manner as a standard parking space for a passenger vehicle. The tandem spaces will be used for the staging and temporary storage of vehicles being serviced within the building, and the vehicles in these spaces will typically be driven by employees of the truck repair facility. The proposed variance will allow the site to be utilized in a manner that promotes development in accordance with good planning principles that relates the type, design, and layout of such development to the site.

C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.4(a)72 and 79, which requires a total of 79 parking spaces; whereas, a total of 74 parking spaces will be provided on site inclusive of the electric vehicle (EV) parking space credit.

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 74 parking spaces on the subject property, whereas 79 parking spaces are required, arises from a number of existing unique and peculiar conditions that affect site development. The subject premises is an irregularly-shaped parcel that is somewhat triangular in shape. The property adjoins public ROWs on all sides except for the southerly side lot line, which adjoins an unmanned PSE&G facility and parking lot. The site contains frontage on County Avenue to the west, the NJ Turnpike on-ramp ROW to the north, and the NJ Turnpike Eastern Spur ROW to the east, and there is a steeply-sloped area separating the property from the NJ Turnpike's travel lanes. Pursuant to N.J.A.C. 19:4-3.19(e), the NJSEA Chief Engineer determined that, for the purposes of zoning, the property's easterly lot line is considered a rear yard, and the northerly lot line is considered a side yard. Topographical constraints within the property are also evident, with the site's grade elevation ranging from approximately 55.5 feet at the southwesterly corner near the County Avenue driveway, to approximately 30 feet at its northeasterly corner, which is an unusual condition in the Hackensack Meadowlands District.

Other conditions present on the property also affect site development and redevelopment. Two warehouse structures currently exist on the site. Building 1 is an approximately 4,400-square-foot, 14.3-foot-high masonry building located at a setback of 9.1 feet from County Avenue, within the required 35-foot front yard setback, and is proposed to be demolished. Building 2, having preexisting nonconforming setbacks of 1.8 feet from the easterly rear property line (whereas 30 feet is required) and 19.1 feet from the southerly side property line (whereas 20 feet is required), is proposed to be retained and converted to a truck repair facility. Building 2 measures approximately 40,333 square feet, with building heights ranging from 26.5 feet in the majority of the building, to 13.6 feet in an L-shaped portion of the building in the northerly and easterly parts of the structure. The parking area in the northerly part of the site, which accesses this L-shaped portion of the building, is not currently contiguous to the vehicular use areas in the westerly portion of the site.

In combination, these conditions and, in particular, the configuration of the existing structure to remain on the premises, affect the ability of the property owner to provide the total number of required parking spaces.

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

Neighboring property owners in the vicinity of the site are generally industrial in nature. The subject property is surrounded by ROWs on three sides and adjoins an unmanned PSE&G facility and parking

lot to the south. No residential uses are located in the vicinity of the site.

A total of 79 parking spaces are required for the proposed truck repair facility, and a total of 74 parking spaces are proposed to be provided on site, inclusive of the electric vehicle (EV) parking space credit which states that all parking spaces with electric vehicle supply/service or make-ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. The applicant also proposes to install 30 double-stacked tandem parking spaces (identified as S73 through S102 on the site plan) and six 10-foot by 30-foot parking spaces for oversized vehicles (identified as S67 through S72 on the site plan) that will be used to stage vehicles being serviced. The 30 tandem parking spaces and six oversized parking spaces are not counted toward fulfilling the site's parking requirement, but are nonetheless available and sufficient to serve the proposed truck repair use on the site.

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 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 to stripe

a total of 66 parking spaces to service the facility, which are counted as 74 parking spaces due to the electric vehicle (EV) parking space credit. The applicant also proposes to install 30 tandem parking spaces in a double-stacked configuration (identified as S73 through S102 on the site plan) and six 10-foot by 30-foot parking spaces for oversized vehicles (identified as S67 through S72 on the site plan) that will be used to stage vehicles being serviced. The 30 tandem parking spaces and six oversized parking spaces are not counted toward fulfilling the site's parking requirement.

As detailed in Section *i.* above, the site's particular characteristics, including its irregular configuration, adjacency to Hudson County and NJ Turnpike ROWs, topographical conditions, and the presence and configuration of existing improvements, result in practical difficulties affecting site development.

The applicant proposes to demolish an existing building on the site and install site improvements that will both expand parking capacity and connect two existing noncontiguous parking areas on the site. The location and configuration of the existing building to remain affects the site design and the location of where parking may be provided. The applicant proposes to demolish an existing building, proposes to close four existing loading doors in the front yard of County Avenue that will allow parking spaces to be provided in front of them, and proposes to expand paved areas in the northerly portion of the site. There is no additional space on the property in which additional parking area can be made available due to the particular site conditions.

Therefore, the strict application of the regulations to the particular characteristics of the subject property results in peculiar and exceptional practical difficulties and undue hardship upon the property owner.

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

The proposed truck repair facility is being relocated from its former premises at 330 County Avenue (Block 43, Lot 3 in Secaucus), situated approximately 900 feet south of the subject property. The applicant's professional engineer attested that the proposed operations involve arrangements for employees of the repair facility to pick up and return vehicles to be serviced from off-site locations (T-86). These circumstances therefore lessen parking demand on the subject premises and allow for the ability of the facility operator to control the amount of vehicles on the site. Therefore, the total amount of parking available on the site will be sufficient to accommodate proposed operations.

Parking spaces proposed to meet a portion of the the required parking needed on the site are depicted in front of the existing loading dock doors on the westerly facade. Although testimony by the architect alluded to the closing of existing openings (T-22), the proposed floor plan continues to show existing loading dock openings, as well as a proposed opening to access an interior truck display area in the vicinity of Barrier Free parking spaces. Per N.J.A.C. 19:4-8.3(a)5, space allocated for loading or truck

maneuvering shall not be used to satisfy any portion of the site's required parking. Therefore, since the parking spaces are required to satisfy the site's zoning requirements, it is a recommended condition of this report that the three existing loading dock doors in the vicinity of parking spaces #52 through #57 shall be physically blocked at the exterior to prevent their use, the method of which shall be subject to the review and approval of the NJSEA Chief Engineer. Furthermore, it is a recommended condition of this report that exterior loading door opening(s) to the proposed truck display area shall be eliminated. The truck display area may be accessed via the adjacent drive-in service entrance.

With the recommended conditions, the granting of the requested variance to permit 74 parking spaces on the site, whereas 79 spaces are required, 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.

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

The granting of the requested variance to permit 74 parking spaces on the site, whereas 79 spaces are required, will not result in a substantial adverse environmental impact. Rather, the provision of five parking spaces fewer than required will preserve open space and avoid impacts to steeply sloped areas on the site. Furthermore, District performance standards will be met for noise, vibration, airborne emissions, glare, hazardous and radioactive materials, and wastewater.

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

As detailed in Section *i.* above, the site's particular characteristics, including its irregular configuration, adjacency to Hudson County and NJ Turnpike ROWs, topographical conditions, and the presence and configuration of the existing improvements, result in practical difficulties affecting site development.

The applicant proposes to demolish an existing building on the site and install site improvements that will expand parking capacity to the extent practicable. The applicant has demonstrated that there is no available alternative to provide for additional parking spaces on the site while continuing to provide sufficient space to stage vehicles for service. A total of 36 spaces (consisting of 30 tandem and 6 oversize vehicle spaces) that are not accounted for in the required parking totals will be available to accommodate parking demand, and vehicles in these areas may be staged for service within any of the 22 service bays within the building.

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 variance will not substantially impair the intent and purpose of the District Zoning Regulations. Specific

purposes of the District Zoning Regulations include providing sufficient space in appropriate locations for a variety of uses and ensuring that such uses are suitably sited and placed in order to relate buildings and uses to each other. It has been demonstrated that the proposed amount of parking spaces are sufficient to service the site, inclusive of the 74 parking spaces accounted for in the site's required parking calculation, and the 36 spaces to be utilized for the staging of vehicles to be serviced within the facility, which are not accounted for in the required parking totals, but are nonetheless available to accommodate vehicles on the site, while avoiding overflow to adjacent properties and ROWs.

D. 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 or within required buffer areas; whereas, paved vehicular use areas are proposed within the required front yard facing County 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 permit vehicular use areas in the required front yard, at a minimum setback of 9.0 feet from the County Avenue front lot line (as measured to the outer edge of the retaining wall), arises from a number of existing unique and peculiar characteristics

that affect site development. The subject premises is an irregularly-shaped parcel that is somewhat triangular in shape. The property adjoins public ROWs on all sides except for the southerly side lot line, which adjoins an unmanned PSE&G facility and parking lot. The site contains frontage on County Avenue to the west, the NJ Turnpike on-ramp ROW to the north, and the NJ Turnpike Eastern Spur ROW to the east, and there is a steeply-sloped area separating the property from the NJ Turnpike's travel lanes. Pursuant to N.J.A.C. 19:4-3.19(e), the NJSEA Chief Engineer had determined that, for the purposes of zoning, the property's easterly lot line is considered a rear yard, and the northerly lot line is considered a side yard. Topographical constraints within the property are also evident, with the site's grade elevation ranging from approximately 55.5 feet at the southwesterly corner near the County Avenue driveway, to approximately 30 feet at its northeasterly corner, which is an unusual condition in the Hackensack Meadowlands District.

Other conditions present on the property also affect site development and redevelopment. Two warehouse structures currently exist on the site. Building 1 is an approximately 4,400-square-foot, 14.3-foot-high masonry building located at a setback of 9.1 feet from County Avenue, within the required front yard setback of 35 feet, and is proposed to be demolished. Building 2, having preexisting nonconforming setbacks of 1.8 feet from the easterly rear property line (whereas 30 feet is required) and 19.1 feet from the southerly side property line (whereas 20 feet is required), is proposed to be retained and converted to a truck repair facility. Building 2 measures approximately 40,333 square feet, with building height ranging from 26.5 feet in the majority of the building, to 13.6

feet in an L-shaped portion of the building in the northerly and easterly parts of the structure. The parking area in the northerly part of the site, which accesses this L-shaped portion of the building, is not contiguous to the vehicular use areas in the westerly portion of the site.

In combination, these conditions and, in particular, the configuration of the existing structure to remain on the premises, affect the ability of the property owner to configure compliant parking areas on the site. The requested variance arises from these unique conditions, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.

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

Approximately 30 parking spaces are proposed wholly (spaces S-25 through S-35, and S-96 through S-102) or partially (S-81 through S-87, and S-91 through S-95) within the site's required minimum 35-foot front yard setback along County Avenue, at a minimum setback of 9.0 feet from the County Avenue front lot line, including associated drive aisles.

Neighboring properties in the vicinity of the site are generally industrial in nature. The subject property is surrounded by ROWs on three sides and adjoins an unmanned PSE&G facility and parking lot to the south. No residential uses are located in the vicinity of the site.

Due to the site's particular topographical characteristics, the proposed parking area, including the area within the required front yard, is situated lower than the elevation of County Avenue, with a retaining wall along this frontage ranging in height from approximately 0.6 feet to 6.7 feet to address the grade separation, which will serve to minimize its visibility from surrounding properties and shield potential headlight glare toward motorists on County Avenue. Furthermore, no parking spaces are proposed on the site opposite UPS Drive; thusly, oncoming motorists on this roadway will not be exposed to headlight glare. Approximately 19 parking spaces proposed within the required front yard in the southerly portion of the site are located within the area of the footprint of Building 1, an existing 4,400-square-foot building located at a setback of 9.1 feet from County Avenue, which is proposed to be demolished. Finally, there is an additional 10 feet of area between the property's westerly lot line and the cartway of County Avenue, which provides additional offset distance.

Therefore, the granting of the requested variance to permit vehicular use areas in the required front yard 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 requested variance to permit vehicular use areas in the required front yard, at a minimum setback of 9.0 feet from the County Avenue front lot line, arises from the particular characteristics of the

property. As detailed in Section *i.* above, the site's particular characteristics, including its irregular configuration, adjacency to Hudson County and NJ Turnpike ROWs, topographical conditions, and the presence and configuration of existing improvements, result in practical difficulties affecting site development.

Given these unique conditions and physical characteristics, practical difficulties are evident in the attempt to provide functional and compliant parking areas on the site, while also providing area for the staging of vehicles being serviced. The applicant proposes to demolish an existing building, proposes to close four existing loading doors in the front yard of County Avenue that will allow parking spaces to be provided in front of them, and proposes to expand paved areas in the northerly portion of the site. There is no additional space on the property in which additional parking areas can be made available due to the particular site conditions. Therefore, the strict application of the regulations will result in peculiar and exceptional practical difficulties and undue hardship upon the property owner.

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

There will be no substantial detriment to the public good and no adverse effects on the public health, safety, morals, order, convenience, prosperity or general welfare by the granting of the requested variance. The location of the parking within the required

County Avenue front yard is necessary to achieve a functional site layout given the particular site constraints.

Public safety will not be compromised by the requested variance; vehicles cannot access County Avenue directly from the proposed location, and headlight glare will be screened by the site's topography and proposed screening. There is an additional 10 feet of area between the property's westerly lot line and the cartway of County Avenue, which provides for a total distance of 19.0 feet between vehicular uses areas on the site and motorists on County Avenue.

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

The granting of the requested variance to locate vehicular use areas within the required front yard will not result in substantial adverse environmental impacts. The area's aesthetics will not be adversely impacted by the proposed location of parking in the required front yard. Landscaping will be provided, and overall the proposed development will provide 20.7 percent open space, exceeding the minimum 15 percent that is required in the Light Industrial B zone. The proposed vehicular use areas within the required front yard will be screened by the site's topography and landscaping, and will not result in glare. Furthermore, District performance standards will be met for noise, vibration, airborne emissions, hazardous and radioactive materials, and wastewater.

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

The requested variance balances the regulations governing front yard setback requirements with the specific site conditions. The proposed development will meet minimum open space requirements and a portion of the vehicular use area is located in the vicinity of a building that had been located at a 9.1-foot setback from the County Avenue front lot line, similar to the proposed 9.0-foot setback of the vehicular use areas. The vehicular use areas are proposed within the County Avenue required front yard due to the lack of practicable alternative locations on the site due to the particular site conditions, including an irregular property configuration, adjacency to Hudson County and NJ Turnpike ROWs, topographical conditions, and the presence and configuration of the existing improvements. The proposed parking configuration on this particular property balances the applicable zoning requirements with site constraints. 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.*

Specific purposes of the District Zoning Regulations include providing sufficient space in appropriate locations for a variety of uses and ensuring that such uses are suitably sited and placed in order to relate buildings and uses to each other and to the environment so that aesthetics and use values are maximized. The subject proposal for the location of vehicular use areas within the

required front yard setback will not substantially impair the intent and purpose of the regulations. Public safety will not be compromised, as adequate screening will be provided. The principal intent and purpose of setback regulations include the provision of sufficient light, air and open space to the subject property and adjoining properties. The site will exceed the minimum open space requirement and the proposed location of the vehicular use areas will not impact the provision of light and air. Therefore, the intent and purpose of the regulations will not be significantly impaired by the requested variance.

E. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.10(a)1, which prohibits fences in required front yards; whereas, a six-foot-high chain link fence with gates is proposed within the required front yard facing County 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 permit a 6-foot-high chain link fence within the required front yard, at a minimum setback of 8 feet from County Avenue, arises from a number of existing unique and peculiar characteristics that affect site development. The subject premises is an irregularly-shaped parcel that is somewhat triangular

in shape. The property adjoins public ROWs on all sides except for the southerly side lot line, which adjoins an unmanned PSE&G facility and parking lot. The site contains frontage on County Avenue to the west, the NJ Turnpike on-ramp ROW to the north, and the NJ Turnpike Eastern Spur ROW to the east, and there is a steeply-sloped area separating the property from the NJ Turnpike's travel lanes. Pursuant to N.J.A.C. 19:4-3.19(e), the NJSEA Chief Engineer determined that, for the purposes of zoning, the property's easterly lot line is considered a rear yard, and the northerly lot line is considered a side yard. Topographical constraints within the property are also evident, with the site's grade elevation ranging from approximately 55.5 feet at the southwesterly corner near the County Avenue driveway, to approximately 30 feet at its northeasterly corner, which is an unusual condition in the Hackensack Meadowlands District.

Other conditions present on the property also affect site development and redevelopment. Two warehouse structures currently exist on the site. Building 1 is an approximately 4,400-square-foot, 14.3-foot-high masonry building located at a setback of 9.1 feet from County Avenue, within the required front yard setback of 35 feet, and is proposed to be demolished. Building 2, having preexisting nonconforming setbacks of 1.8 feet from the easterly rear property line (whereas 30 feet is required) and 19.1 feet from the southerly side property line (whereas 20 feet is required), is proposed to be retained and converted to a truck repair facility. Building 2 measures approximately 40,333 square feet, with building heights ranging from 26.5 feet in the majority of the building, to 13.6 feet in an L-shaped portion of the building in the northerly and

easterly parts of the structure. The parking area in the northerly part of the site, which accesses this L-shaped portion of the building, is not contiguous to the vehicular use areas in the westerly portion of the site.

In combination, these conditions and, in particular, the configuration of the existing structure to remain on the premises, affect the ability of the property owner to provide a compliant fence location. The requested variance arises from these unique conditions, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.

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

Neighboring properties in the vicinity of the site are generally industrial in nature. The subject property is surrounded by ROWs on three sides and adjoins an unmanned PSE&G facility and parking lot to the south. No residential uses are located in the vicinity of the site.

The proposed fence is intended to secure the property, provide enhanced screening of adjacent parking areas, and to protect public safety of pedestrians utilizing the sidewalk along County Avenue due to the topographical conditions on the site, which can result in a grade separation of between approximately 0.6 feet and 6.7 feet between the top of the retaining wall and the grade level of adjacent parking spaces within the required front yard. The proposed fence will not create any negative visual impacts to neighboring properties

or impede their ability to function as intended. However, since the plans depict an open chain link fence, in order to ensure that the adjacent parking area is appropriately screened, it is a recommended condition of this report that the proposed screening method shall be further enhanced by methods that may include a combination of fencing and/or additional landscaping, determined in consultation with the NJSEA Chief Engineer.

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, and exceptional and undue hardship upon, the property owner. Locating the fence at the required 35-foot front yard setback line would place it in the middle of on-site drive aisles and vehicular use area, which would impede site circulation and emergency vehicle access to the building. A conforming fence location would also obstruct access between the northerly and southerly parts of the site. The proposed location of the fence and gate will allow the site to continue to function as intended, as the fencing is located adjacent to proposed parking spaces within the required front yard, and will not negatively impact aesthetics in the neighborhood. Rather, the proposed fence will serve to screen vehicular use areas within the required front yard and protect pedestrians utilizing the sidewalk along County Avenue due to topographical conditions on 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 effects to the public health, safety, morals, order, convenience, prosperity or general welfare by the granting of the requested variance. The surrounding neighborhood properties on County Avenue principally consist of industrial uses.

The gate at the northerly driveway will be limited to emergency access only, and key access will ensure that vehicles utilized for emergency services purposes will continue to have access to the facility. The proposed fence will not be located within any required sight lines and is required to be located at the specified location to both secure the site and protect the public from the grade separation between County Avenue and the parking areas on the site due to its topography.

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

The granting of the requested variance to permit a six-foot-high chain link fence and gate within the required 35-foot front yard setback facing County Avenue will not have any adverse environmental impacts. The location and materials of the proposed fence and gate will not violate the District's performance standards for noise, vibrations, airborne emissions, hazardous materials, glare or water quality, and no environmentally sensitive areas will be

disturbed by the proposed placement of the fence and gate within the required front yard.

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

The proposed fence and gate will be installed on a developed lot where potential locations to provide a functional gate and fence without altering the vehicular circulation and safe operations of the site are limited. The fence and gate are proposed to be installed at a minimum setback of 8 feet from the County Avenue ROW line, which is adjacent to proposed vehicular use areas within the required front yard at a setback of 9.0 feet. There is, furthermore, an additional 10 feet of area between the property's westerly lot line and the cartway of County Avenue, which provides additional distance between the site's fence and motorists along County Avenue. 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 a six-foot-high chain link fence and gate at a minimum setback of 8 feet from County Avenue, within the required 35-foot front yard setback, will not impair the intent and purpose of the regulations. An intent of the regulation that prohibits fences in required front yards is to minimize adverse visual impacts to neighboring properties. The property in question is located in an area comprised of various industrial uses. Although the fence and

gate will be installed within the required front yard setback, the rising elevation of the County Avenue roadway surface relative to the subject property, which varies along the length of the lot line, will result in a minimal visual impact to the surrounding area.

- F. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.14(h), Table 8-5, which permits a maximum of two (2) signs per front yard in the Light Industrial B zone; whereas, a total of four (4) signs are proposed as follows: one "United/Ford" wall sign (west elevation), one "Service" wall sign (west elevation), one "United/Ford" wall sign (east elevation), and one double-sided pylon sign.

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 permit four signs at the subject premises, whereas two signs are the maximum number of signs permitted, arises from a number of existing unique and peculiar characteristics that affect site development. The subject premises is an irregularly-shaped parcel that is somewhat triangular in shape. The property adjoins public ROWs on all sides except for the southerly side lot line, which adjoins an unmanned PSE&G facility and parking lot. The site contains frontage on County Avenue to the west, the NJ

Turnpike on-ramp ROW to the north, and the NJ Turnpike Eastern Spur ROW to the east, and there is a steeply-sloped area separating the property from the NJ Turnpike's travel lanes. Pursuant to N.J.A.C. 19:4-3.19(e), the NJSEA Chief Engineer determined that, for the purposes of zoning, the property's easterly lot line is considered a rear yard, and the northerly lot line is considered a side yard. Topographical constraints within the property are also evident, with the site's grade elevation ranging from approximately 55.5 feet at the southwesterly corner near the County Avenue driveway, to approximately 30 feet at its northeasterly corner, which is an unusual condition in the Hackensack Meadowlands District.

Other conditions present on the property also affect site development and redevelopment. Two warehouse structures currently exist on the site. Building 1 is an approximately 4,400-square-foot, 14.3-foot-high masonry building located at a setback of 9.1 feet from County Avenue, within the required front yard setback of 35 feet, and is proposed to be demolished. Building 2, having preexisting nonconforming setbacks of 1.8 feet from the easterly rear property line (whereas 30 feet is required) and 19.1 feet from the southerly side property line (whereas 20 feet is required), is proposed to be retained and converted to a truck repair facility. Building 2 measures approximately 40,333 square feet, with building heights ranging from 26.5 feet in the majority of the building, to 13.6 feet in an L-shaped portion of the building in the northerly and easterly parts of the structure.

In combination, these conditions affect the ability of the property owner to provide conforming signage for the premises. The

requested variance arises from these unique conditions, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.

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

Neighboring properties in the vicinity of the site are generally industrial in nature. The subject property is surrounded by ROWs on three sides and adjoins an unmanned PSE&G facility and parking lot to the south. No residential uses are located in the vicinity of the site. The total area of the proposed signage is within the maximum permitted sign area, and the placement of the proposed signs on the building and the site will not result in visual clutter. Any proposed illumination will be required to comply with the District zoning regulations. Therefore, the granting of the 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 subject property contains frontage on County Avenue to the west, the NJ Turnpike access ramp to the north, and the NJ Turnpike Eastern Spur to the east. With the exception of the southerly lot line, all other lot lines contain frontage on a public ROW. Pursuant to N.J.A.C. 19:4-3.19(e), the NJSEA Chief Engineer determined that, for the purposes of zoning, the property's easterly lot line is considered

a rear yard, and the northerly lot line is considered a side yard. Consequently, although the property contains frontage on three public ROWs, only the County Avenue site frontage is considered a front yard for the purposes of zoning. Otherwise, the maximum permitted number of signs would be six, as NJSEA sign regulations allow a maximum of two signs per front yard, which would have allowed for the proposed signage to be deemed compliant.

Therefore, the strict application of the regulations will result in peculiar and exceptional practical difficulties and exceptional and undue hardship upon the property owner.

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

The requested variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. The proposed signage will not result in glare to adjacent properties or ROWs. No flashing or rotating signage is proposed.

The proposed number of signs are necessary to identify specific components of the site, including the United/Ford wall signs identifying the tenant of the building, the Service wall sign directing patrons to the appropriate building entrance to check in their vehicles for service, and the pylon sign identifying the driveway entrance. Public safety, order and convenience will be enhanced

because the additional signage will adequately identify and direct the public to the site.

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 variance to permit four signs, whereas the maximum number of signs permitted is two. The additional signage will not disturb any environmentally sensitive areas. The proposed ground sign will be set back at a sufficient distance to allow for adequate line-of-sight to the proposed sign for motorists travelling along County Avenue. There will not be any noise, vibrations, glare, airborne emissions or hazardous materials generated by the proposed signage.

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

The proposed number of signs represents the minimum deviation from District zoning regulations that will afford relief. The proposed number of signs are necessary to identify specific components of the site, including the United/Ford wall signs identifying the tenant of the building, the Service wall sign directing patrons to the building entrance to check in their vehicles for service, and the pylon sign identifying the driveway entrance. The additional signs are needed in order to adequately identify and direct the public to the site safely. The proposed signage is appropriately placed on the building and the site, and is consistent with the scale of the building, meeting maximum sign area requirements.

The main façade of the building measures 329.25 feet in length and contains a façade area of 8,085.2 square feet. The total proposed sign area of 314.7 square feet is within the maximum permitted sign area of 404.3 square feet, representing five percent of the façade area. Therefore, the proposed number of signs will not result in a cluttered landscape and will allow passing motorists to safely identify and access the site from County Avenue.

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

The granting of the variance will not substantially impair the intent and purpose of these regulations. The purpose of the District's sign regulations is to provide for adequate identification of a site while avoiding visual and aesthetic clutter. The applicant proposes signage that is needed to identify the site's occupant, driveway entrance, and service entrance. The proposed signage has been designed in accordance with good, sound planning practices and does not maximum the maximum area of signage permitted on the premises. The sign will adequately identify and direct motorists to their intended destination without visual clutter, thereby promoting public safety.

V. SUMMARY OF CONCLUSIONS

- A. Standards for the Granting of a Use Variance from the Provisions of N.J.A.C. 19:4-5.52(a), to permit construction of interior alterations related to a change in use from a warehouse and distribution facility to a truck repair facility, whereas truck repair facilities are not listed as a permitted use in the Light Industrial B zone.

Based on the record in this matter, the use variance application to construction of interior alterations related to a change in use from a warehouse and distribution facility to a truck repair facility is hereby recommended for APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. The northerly driveway opening adjacent to the New Jersey Turnpike on-ramp shall be permanently gated and dedicated for the use of emergency services vehicles only. All other site traffic shall utilize the southerly driveway for site ingress and egress. In the event that the northerly driveway gate is opened or used for non-emergency purposes in the future, the property owner shall apply to the NJSEA or the Town of Secaucus pursuant to the Hackensack Meadowlands Agency Consolidation Act, as well as any other entities with jurisdiction. This Office reserves the right to require the applicant to eliminate the full-service pavement striping and convert the striping and signage to a "Do Not Enter" configuration at the northerly driveway.
2. The applicant shall provide written authorization from the New Jersey Turnpike Authority to permit the replacement of an existing 12-inch

reinforced concrete storm sewer pipe within its right of way with a 15-inch reinforced concrete pipe.

3. The applicant shall perform an annual crash study analyzing frequency and severity of crashes for three consecutive years. The first crash study shall analyze crashes within one year from the date of issuance of the certificate of completion and occupancy approval and shall be submitted to the NJSEA within 15 months from that date. Two additional studies shall be submitted to the NJSEA annually thereafter. At the end of the third year, the applicant shall prepare and submit to the NJSEA and Hudson County a comprehensive crash analysis report, incorporating the prior studies and comparing the frequency and severity of crashes for the three consecutive years succeeding the date of certificate of completion and occupancy approval with either the three consecutive years or five non-consecutive years prior to the date of occupancy approval. Upon review of this submission, Hudson County and the NJSEA will determine whether the applicant shall install, at its own expense, a traffic signal head at the site's southerly driveway, to be linked to the existing traffic signal at the intersection of County Avenue and UPS Drive, with corresponding revisions to the traffic signal timing, and/or other safety countermeasures to be identified and approved by the NJSEA and Hudson County.
4. No vehicle repair or maintenance activities shall be performed outdoors, and no outdoor storage, including, but not limited to, storage of vehicles for sale (unless and until a zoning certificate for vehicle sales on the premises is approved by the NJSEA or Town of Secaucus pursuant to the opt-out provisions of the Hackensack Meadowlands

Agency Consolidation Act), salvage or junk vehicles, parts, equipment, or tires, shall occur on the site.

<u>CONDITIONAL APPROVAL</u>	<u>11/13/2025</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Senior Director of Land Use Management

<u>CONDITIONAL APPROVAL</u>	<u>11/13/25</u>	
Recommendation on Variance Request	Date	Robert Davidow, Esq. Senior Vice President Office of Legal & Regulatory Affairs

B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.2(c)13, Figure 8-1, which does not permit the parking of patron, occupant or employee vehicles in a tandem/stacked configuration to be applied towards the number of required parking spaces to be provided on site; whereas, 30 parking spaces identified as S73 through S102 are proposed in a tandem/stacked configuration.

Based on the record in this matter, the bulk variance application to permit the parking of vehicles in a tandem/stacked configuration is hereby recommended for APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. Vehicles parked in a tandem/stacked configuration shall be registered and operational. The area of the site striped for tandem/stacked parking shall not be used for the display or storage of unregistered vehicles intended for sale.
2. The maximum length of vehicles parked in the tandem/stacked parking area shall not exceed 35 feet. Parked vehicles shall not extend beyond the 44-foot-long striped tandem parking space.

CONDITIONAL APPROVAL

Recommendation on
Variance Request

11/13/2025

Date



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

CONDITIONAL APPROVAL

Recommendation on
Variance Request

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Date



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

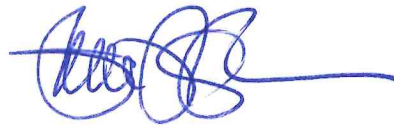
C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.4(a)72 and 79, which requires a total of 79 parking spaces; whereas, a total of 74 parking spaces will be provided on site inclusive of the electric vehicle (EV) parking space credit.

Based on the record in this matter, the bulk variance application to permit a total of 74 parking spaces on site inclusive of the EV parking credit is hereby recommended for APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. The three existing loading dock doors in the vicinity of parking spaces #52 through #57 shall be physically blocked at the exterior to prevent their use, the method of which shall be subject to the review and approval of the NJSEA Chief Engineer.
2. Exterior loading door opening(s) to the proposed truck display area shall be eliminated.

CONDITIONAL APPROVAL

11/13/2025



Recommendation on
Variance Request

Date

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

CONDITIONAL APPROVAL 11/13/25

Recommendation on
Variance Request

Date



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

D. 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 or within required buffer areas; whereas, paved vehicular use areas are proposed within the required front yard facing County Avenue.

Based on the record in this matter, the bulk variance application to permit paved vehicular use areas within the required front yard facing County Avenue is hereby recommended for APPROVAL.

APPROVAL
Recommendation on
Variance Request

11/13/2025
Date


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

APPROVAL
Recommendation on
Variance Request

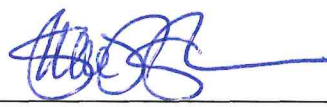
11/13/25
Date


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

- E. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.10(a)1, which prohibits fences in required front yards; whereas, a six-foot-high chain link fence with gates is proposed within the required front yard facing County Avenue.

Based on the record in this matter, the bulk variance application to permit a six-foot-high chain link fence with gates within the required front yard facing County Avenue is hereby recommended for APPROVAL SUBJECT TO THE FOLLOWING CONDITION:

1. The proposed screening method shall be further enhanced by methods that may include a combination of fencing and/or additional landscaping, determined in consultation with the NJSEA Chief Engineer.

<u>CONDITIONAL APPROVAL</u>	<u>11/13/2015</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Senior Director of Land Use Management

<u>CONDITIONAL APPROVAL</u>	<u>11/13/2015</u>	
Recommendation on Variance Request	Date	Robert Davidow, Esq. Senior Vice President Office of Legal & Regulatory Affairs

F. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.14(h), Table 8-5, which permits a maximum of two (2) signs per front yard in the Light Industrial B zone; whereas, a total of four (4) signs are proposed as follows: one "United/Ford" wall sign (west elevation), one "Service" wall sign (west elevation), one "United/Ford" wall sign (east elevation), and one double-sided pylon sign.

Based on the record in this matter, the bulk variance application to permit a total of four (4) signs is hereby recommended for APPROVAL.

<u>APPROVAL</u>	<u>11/13/2025</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Senior Director of Land Use Management

<u>APPROVAL</u>	<u>11/13/25</u>	
Recommendation on Variance Request	Date	Robert Davidow, Esq. Senior Vice President Office of Legal & Regulatory Affairs