

**RECOMMENDATION ON THE VARIANCE APPLICATION OF**  
**Morris Kearny Associates Urban Renewal - Subdivision**  
**FILE # 24-124**

**I. INTRODUCTION**

An application for four (4) bulk variances has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Morris Kearny Associates Urban Renewal, LLC, for the properties identified as Block 287, Lots 32.01, 54, 55, 56, 60, 61.02, 61.03, 62, 62.01, 63, 70, 70.01, 71, 71.01, and 80 in the Town of Kearny, New Jersey. The subject premises is located within the District's Koppers Coke Peninsula Redevelopment Area. The four bulk variances are sought in connection with the applicant's proposed major subdivision, which includes the creation of eight (8) proposed lots, to be known as proposed Block 287, Lots 32.011, 55.01, 60.02, 62.02 (water lot), 62.03 (water lot), 62.04 (water lot), 63.01, and 70.02.

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

1. N.J.A.C. 19:5-7.4(a), which requires that all lots in any subdivision shall have direct access to an improved public or private street; whereas, proposed Lots 32.011, 62.02 (water lot), 62.03 (water lot), 62.04 (water lot), 63.01, and 70.02, do not provide direct access to an improved public or private street.
2. Section V.D.1(a) of the Koppers Coke Peninsula Redevelopment Plan, which requires a minimum lot area of one acre; whereas, proposed Lot 32.011 has a minimum lot area of 0.418 acres.
3. Section V.D.1(b) of the Koppers Coke Peninsula Redevelopment Plan, which requires a minimum lot width of 100 feet; whereas, proposed Lot 32.011 has a minimum lot width of 30 feet.

4. Section V.D.1(c) of the Koppers Coke Peninsula Redevelopment Plan, which requires a minimum lot depth of 150 feet; whereas, proposed Lot 62.02 (water lot) has a minimum lot depth of 126.4 feet.

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 October 9, 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, October 21, 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 includes fifteen lots (Block 287, Lots 32.01, 54, 55, 56, 60, 61.02, 61.03, 62, 62.01, 63, 70, 70.01, 71, 71.01, and 80) that total 147.571 acres within the Koppers Coke Peninsula Redevelopment Area in Kearny. Through a Declaration of Taking, Docket number HUD-L-001513-19, dated July 8, 2019, a 20.626-acre lot was created for NJ Transit within the subject tract. The NJ Transit lot, created by condemnation, is not included within the subject subdivision application for the 147.571-acre property (Block 287, proposed Lots 32.011, 55.01, 60.02, 62.02 (water lot), 62.03 (water lot), 62.04 (water lot), 63.01, and 70.02).

The NJSEA approved Conditional Zoning Certificate, CZC-19-081, on August 1, 2022, for development on the subject premises that includes three proposed warehouse buildings with a total floor area of 1,876,644 square feet, and related site and access driveway (Spine Road) improvements, as well as offsite improvements related to the access driveway (Spine Road). The existing properties within the subdivision tract are part of an existing zoning lot of record,

pursuant to N.J.A.C. 19.4-3.22, and are therefore considered one lot for zoning purposes.

The subdivision tract's perimeter is bounded by the Hackensack River to the north and east, by the NJ Transit Morris and Essex Rail Line right-of-way (ROW) and New Jersey State Highway Route 7 (Route 7) to the south, and vacant industrial properties to the west, known as the former Standard Chlorine Chemical Company site.

The subject site was previously used as a coke manufacturing and coal tar refining plant and the historic use of the property contributed to environmental contamination onsite, for which the subject premises is undergoing remediation activities. Improvements related to the former manufacturing use have been removed. A portion of the site to the west of an existing slurry wall (depicted in Exhibit A-4, described in Section III.A below) is subject to environmental oversight by the United States Environmental Protection Agency (USEPA) due to its designation as a Superfund site on the National Priorities List. Additionally, the Lower Hackensack River was placed on the National Priorities List by the USEPA in 2022.

The site is presently undeveloped, with soil movement operations ongoing in preparation for future development. While formerly flowed tidelands are present on the site, mapped tidelands have been conveyed through State tideland grants, and the NJDEP Tidelands Resource Council issued a preliminary statement of no interest regarding the lots for the proposed subdivision. Wetlands are present onsite along portions of the south property line abutting the NJ Transit right-of-way, and the applicant is in the process of obtaining the required NJDEP permits for future development. Future development of the subject site includes the construction of three warehouse buildings and related improvements, including a proposed access driveway (Spine Road) that continues offsite and connects at the east side to Fish House Road and at the west side to New Jersey State Highway Route 7.

The major subdivision application proposes to consolidate and resubdivide fifteen existing lots into eight proposed lots within Block 287, including five upland lots and three water lots, which are located below the mean high water line of the Hackensack River. Proposed lot lines for the water lots coincide with an existing steel sheet pile wall and/or the mean high water line of the Hackensack River along the south and east side. The proposed lots are as follows:

1. Proposed Lot 32.011: A 0.418-acre narrow upland lot that was a previous railroad right-of-way, and is bordered at the north, south and west by off-tract industrial properties.
2. Proposed Lot 55.01: A 14.12-acre upland lot that will contain the required parking for a future warehouse building (Building #3) located on the adjacent lot.
3. Proposed Lot 60.02: A 15.79-acre upland lot that will contain a future warehouse building (Building #3) with related improvements, and is located west of the NJ Transit parcel created by condemnation.
4. Proposed Lot 62.02 (water lot): A 12.811-acre water lot that is located below the mean high water line of the Hackensack River.
5. Proposed Lot 62.03 (water lot): A 9.817-acre water lot that is located below the mean high water line of the Hackensack River.
6. Proposed Lot 62.04 (water lot): A 21.186-acre water lot that is located below the mean high water line of the Hackensack River.
7. Proposed Lot 63.01: An 18.172-acre upland lot that will contain a future warehouse building (Building #2) with related improvements, and is located east of the NJ Transit parcel created by condemnation.
8. Proposed Lot 70.02: A 55.257-acre upland lot that will contain a future warehouse building (Building # 1) and related improvements.

Proposed Lots 55.01 and 60.02 will have frontage on New Jersey State Highway Route 7. However, proposed Lots 32.011, 62.02 (water lot), 62.03 (water lot), 62.04 (water lot), 63.01, and 70.02 do not have direct access to an improved

public or private street, and therefore, a bulk variance is requested. Bulk variances are requested for proposed Lot 32.011 for a proposed minimum lot area of 0.418 acres, whereas a minimum lot area of one acre is required, and for a minimum lot width of 30-feet, whereas a minimum lot width of 100-feet is required. A bulk variance is also requested for a minimum lot depth of 126.4 feet for proposed Lot 62.02 (water lot), whereas a minimum lot depth of 150-feet is required.

**B. Response to the Public Notice**

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

**III. PUBLIC HEARING (October 21, 2025)**

A public hearing was held on Tuesday, October 21, 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; Fawzia Shapiro, P.E., P.P., CFM, CME, Assistant Chief Engineer; and Mia A. Petrou, P.P., AICP, CFM, Supervising Planner.

**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	"Survey Exhibit," Sheet No. S-1, prepared by Paulus, Sokolowski and Sartor, LLC, and dated November 17, 2025, with the preparation date corrected during testimony to October 17, 2025 ( <i>Transcript 1, Page 8</i> ).

- A-2            “Preliminary Major Subdivision, Block 287 Lots 32.01, 54, 55, 56, 60, 61.02, 61.03, 62, 62.01, 63, 70, 70.01, 71, 71.01, and 80, Town of Kearny, Hudson County, New Jersey,” 5 sheets, prepared by Paulus, Sokolowski and Sartor, LLC, dated February 12, 2025, last revised September 26, 2025, and consisting of the following drawings:
- a) “Preliminary Major Subdivision Cover Sheet,” Sheet No. C-1;
  - b) “Preliminary Major Subdivision Plan,” Sheet No. S-1;
  - c) “Preliminary Major Subdivision Plan,” Sheet No. S-2;
  - d) “Preliminary Major Subdivision Plan,” Sheet No. S-3; and
  - e) “Annexed Areas Detail Exhibit and Fish House Road Access Detail,” Sheet No. S-4;
- A-3            Letters from the Town of Kearny, Office of the Tax Assessor, regarding recommended lot numbers to be used for the major subdivision, as follows:
- a) Letter to Fawzia Shapiro, P.E., P.P., of the NJSEA, dated October 16, 2025;
  - b) Letter to Keith Morris of Morris Kearny Associates Urban Renewal, LLC, dated March 12, 2024; and
  - c) Letter to Keith Morris of Morris Kearny Associates Urban Renewal, LLC, dated October 16, 2025.
- A-4            “Proposed Lots with Site Plan Overlay,” Drawing CS100, prepared by Langan Engineering and Environmental Services, LLC, and dated September 11, 2025.

### **B. Testimony**

William C. Sullivan, Esq., of the firm, Scarinci Hollenbeck, LLC, represented Morris Kearny Associates Urban Renewal, LLC, at the hearing. The following witnesses testified in support of the application:

1. Brad P. Joshnick, P.L.S., Paulus, Sokolowski and Sartor, LLC;
2. Sean F. Moronski, P.P., AICP, Langan Engineering and Environmental Services, LLC; and
3. Keith Morris, Morris Kearny Associates Urban Renewal, 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 Court Reporter.

### **C. Public Comment**

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

## **IV. RECOMMENDATIONS**

- A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:5-7.4(a), which requires that all lots in any subdivision shall have direct access to an improved public or private street; whereas, proposed Lots 32.011, 62.02 (water lot), 62.03 (water lot), 62.04 (water lot), 63.01, and 70.02, do not provide direct access to an improved public or private street.**

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 property, consisting of 147.571 acres, is one of the largest vacant parcels zoned for development in the Hackensack Meadowlands District and contains many unique characteristics. The subject property is currently comprised of 15 individual lots, and is proposed to be resubdivided into eight lots that will subsequently be joined within an updated zoning lot of record pursuant to N.J.A.C. 19:4-3.22. Three of these proposed lots are intended to accommodate portions of the site comprised of water, which are delineated by an existing steel sheet pile wall and/or the mean high water line along the Hackensack River.

The project site is irregularly-shaped, with its northerly and easterly boundaries formed by the Hackensack River, and its southerly boundary formed by the NJ Transit Morris and Essex rail ROW and Route 7. The subject property is significantly longer than it is wide, with approximately 5,600 linear feet at its northerly boundary along the Hackensack River and approximately 1,700 linear feet at its easterly boundary along the river, although the property narrows to under 1,000 feet in depth in its central portion. Despite containing frontage along public ROWs, the site currently contains limited access to an improved public or private street.

An approximately 30-foot-wide by 605-foot-long landlocked spur in existing Lot 32.01, sandwiched between existing Lots 48 through 52



and owned by an affiliate of the applicant (SM Kearny Associates, LLC), protrudes from the site's westerly boundary. Furthermore, the non-water upland portion of the project site is split by a parcel owned by NJ Transit created via condemnation, which separates the western portion of the project site's uplands from the eastern portion.

In the proposed subdivision, proposed Lots 32.011, 62.02 (water lot), 62.03 (water lot), 62.04 (water lot), 63.01, and 70.02 do not have direct access to an improved public or private street, and, therefore, a bulk variance is required. The requested variance arises from the above characteristics that are unique to the property in question.

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

The granting of the requested variance will not adversely affect the rights of neighboring property owners or residents. No residents are located in the vicinity of the property. Three of the proposed lots are water lots comprised of areas on the property located below mean high water and/or beyond a sheet pile wall separating these environmentally-sensitive areas from the upland lots proposed to be developed. Access to these lots from a street is not needed as they will remain open water.

Proposed Lot 32.011 is, as described above, a long and narrow parcel that is located between properties owned by another entity that is affiliated with the property owner. The applicant attested that proposed Lot 32.011 is planned to be conveyed to SM Kearny

Associates, LLC for intended future consolidation with adjoining property (existing Lots 48 through 52). (T-32, 33)

Proposed Lots 63.01 and 70.02 are located to the east of the NJ Transit parcel, and, although no current improved street access is provided to these lots, the proposed Spine Road will be constructed in the future to service approved development on the project site, providing access to both Route 7 to the west and to Fish House Road to the east. Due to the location of the NJ Transit Morris & Essex Rail Line ROW to the south of the subject parcels, which serves as a physical barrier between the project site and adjoining developed properties to the south, no adjacent property owners would be affected by the requested variance. Easements are in place across adjacent Lots 73 and 79, owned by the Hudson County Improvement Authority (HCIA), and across the NJ Transit parcel created by condemnation and the NJ Transit Morris Essex Rail Line ROW, to provide access to the future Spine Road from Fish House Road.

*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. Proposed Lots 32.011, 62.02 (water lot), 62.03 (water lot), 62.04 (water lot), 63.01, and 70.02 do not have direct access to an improved public or private street.

With respect to the three proposed water lots (proposed Lots 62.02, 62.03, and 62.04), the proposed subdivision line is intended to accommodate open water areas within the Hackensack River, which may be subject to separate and distinct environmental oversight due to the placement of the Lower Hackensack River on the National Priorities List by the USEPA in 2022.

Proposed Lot 32.011 contains the vestiges of a former rail spur that served the former industrial use of the property, and currently splits lots under common ownership by another entity affiliated with the property owner (SM Kearny Associates, LLC) on adjacent property. The creation of proposed Lot 32.011 would allow for its future consolidation with existing Lots 48 through 52, and would provide access to currently landlocked parcels situated along the Hackensack River (Lots 49 and 52), which would otherwise be prevented from occurring by the strict application of the regulations.

With respect to proposed Lots 63.01 and 70.02, the particular and unique circumstances present on the subject property, including the physical barrier caused by the adjacent NJ Transit Morris & Essex Rail Line to the south, contribute to these practical difficulties. However, a proposed access driveway through the site (Spine Road) that also traverses offsite and connects at the east side to Fish House Road and at the west side to Route 7 is proposed along the southerly boundary of the project site to provide for access in the future. The Spine Road, and the development it proposes to serve, has obtained NJSEA conditional zoning approval, and the applicant has agreements with the HCIA and NJ Transit regarding the construction of the Spine Road. The proposed subdivision is needed

to facilitate the site's redevelopment to provide for distinct leasehold areas for the purposes of financing and to enable the construction of the Spine Road. (T-27)

*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 to permit the creation of six lots without direct access to an improved public or private street 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 subject property's redevelopment will be promoted by the proposed subdivision, which will result in a more orderly, comprehensive layout that will consolidate 15 existing lots into eight lots that will be joined in a zoning lot of record. Each of the proposed lots are intended for a specific purpose, and access to approved development will be provided in the future by the construction of the proposed Spine Road.

*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 to permit the creation of six lots without direct access to an improved public or private street. Rather, the proposed subdivision will promote the redevelopment of a property with a long history of contamination, including areas of the property located on the National Priorities List. The proposed variance will also avoid the disturbance of environmentally sensitive open water areas. 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.*

Proposed Lots 32.011, 62.02 (water lot), 62.03 (water lot), 62.04 (water lot), 63.01, and 70.02 do not have direct access to an improved public or private street. However, the applicant has received conditional zoning approval for the development of the site depicting a Spine Road that will provide access from the developed lots on the site to both Route 7 and Fish House Road in the future. Furthermore, the properties will be combined within a zoning lot of record, which eliminates interior lot lines for the purposes of zoning review. As a result, the proposed variance would be a moot concern since proposed Lots 55.01 and 60.02, to be included within the zoning lot of record, contain frontage on Route 7. However, the lots must first be created in order to be consolidated within a zoning lot of record. Ultimately, the subdivision is needed to facilitate the property's

redevelopment by creating defined leasehold areas for the purposes of financing, which will enable the Spine Road to be constructed. (T-31) 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 to permit the creation of six lots without direct access to an improved public or private street, will not substantially impair the intent and purpose of these regulations or the Koppers Coke Peninsula Redevelopment Plan. The requested variance will promote the purposes of the District Zoning Regulations to promote the orderly and comprehensive development of the District, and to promote development 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 requested variance will also further the objectives of the Koppers Coke Peninsula Redevelopment Plan, including to utilize zoning to promote the remediation of properties in the redevelopment area and provide the basis for development opportunities that will return these properties to productive reuse.

**B. Standards for the Granting of a Bulk Variance from the Provisions of Section V.D.1(a) of the Koppers Coke Peninsula Redevelopment Plan, which requires a minimum lot area of one acre; whereas, proposed Lot 32.011 has a minimum lot area of 0.418 acres.**

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 property, consisting of 147.571 acres, is one of the largest vacant parcels zoned for development in the Hackensack Meadowlands District and contains many unique characteristics. The subject property is currently comprised of 15 individual lots, and is proposed to be resubdivided into eight lots that would subsequently be joined within an updated zoning lot of record pursuant to N.J.A.C. 19:4-3.22. Three of these proposed lots are intended to accommodate portions of the site comprised of water, which are delineated by an existing steel sheet pile wall and/or the mean high water line along the Hackensack River.

The project site is irregularly-shaped, with its northerly and easterly boundaries formed by the Hackensack River, and its southerly boundary formed by the NJ Transit Morris and Essex Rail Line ROW and Route 7. The subject property is significantly longer than it is

wide, with approximately 5,600 linear feet at its northerly boundary along the Hackensack River and approximately 1,700 linear feet at its easterly boundary along the river, although the property narrows to under 1,000 feet in depth in its central portion. Despite containing frontage along public ROWs, the site currently contains limited access to an improved public or private street.

Proposed Lot 32.011 is an approximately 30-foot-wide by 605-foot-long landlocked spur of existing Lot 32.01, sandwiched between existing Lots 48 through 52 and owned by an affiliate of the applicant (SM Kearny Associates, LLC), which protrudes from the site's westerly boundary. Furthermore, the non-water upland portion of the project site is split by a parcel owned by NJ Transit created via condemnation, which separates the western portion of the project site's uplands from the eastern portion.

The requested variance arises from the above characteristics that are unique to the property in question.

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

The granting of the requested variance to provide for a lot area of 0.418 acres, whereas a minimum lot area of one acre is required, will not adversely affect the rights of neighboring property owners or residents. Proposed Lot 32.011 is a long and narrow parcel that is landlocked between properties owned by SM Kearny Associates, LLC, an entity that is affiliated with the property owner. The applicant attested that proposed Lot 32.011 is planned to be



conveyed to SM Kearny Associates, LLC for intended future consolidation with adjoining property at existing Lots 48 through 52. (T-32, 33) This intended consolidation would benefit the adjoining property owner by allowing for the consolidation of lands currently split by the proposed lot.

- 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 requires a minimum lot area of one acre, whereas the applicant proposes to create Proposed Lot 32.011 with a lot area of 0.418 acres. Proposed Lot 32.011 contains the vestiges of a 30-foot-wide former rail spur that served the former industrial use of the property. Proposed Lot 32.011 encompasses a 605-foot-long portion of this spur, protruding from the westerly boundary line of the larger project site. This spur currently splits property to the north and south of the proposed lot owned by SM Kearny Associates, LLC, an entity affiliated with the applicant. The creation of proposed Lot 32.011 would allow for its future conveyance to SM Kearny Associates, LLC and consolidation with existing Lots 48 through 52. This consolidation would provide access to currently landlocked parcels (Lots 49 and 52) on the adjoining property, and would also provide for a more regular subdivision configuration on the subject property by eliminating the narrow, landlocked protrusion from the larger project site. Therefore, the strict application of the regulations will result in peculiar and exceptional practical difficulties to, or 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 to permit a lot area of 0.418 acres, whereas a minimum lot area of one acre is 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. Rather, the subject property's redevelopment will be promoted by the proposed subdivision, which will result in a more orderly, comprehensive layout by eliminating the narrow, landlocked protrusion from the larger project site that no longer serves any purpose for the subject property. Additionally, the proposed parcel is intended to be conveyed to adjacent property owner SM Kearny Associates, LLC, which is an entity affiliated with the applicant, to be consolidated with adjacent Lots 48 through 52 in the future.

*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 to permit the creation of proposed Lot 32.011 with a lot area of 0.418 acres, whereas a minimum lot area of one acre is required. There is no development proposed or approved on the proposed undersized lot; thusly, there will be no impact on the provision of light, air, or open space. The requested variance will effectuate a subdivision that will promote the redevelopment of a property with a long history of contamination, including areas within the National Priorities List. 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 requested variance to permit the creation of proposed Lot 32.011 with a lot area of 0.418 acres, whereas a minimum lot area of one acre is required, represents the minimum deviation from the regulations that will afford relief. The configuration of the approximately 30-foot-wide by 605-foot-long landlocked spur is the result of the configuration of existing Lot 32.01, which contained the vestiges of a rail spur serving the former industrial use of the property. This portion of the lot is vacant and is not needed to effectuate the redevelopment of the subject property. The applicant intends to convey this parcel to the owner of adjoining property at Lots 48

through 52, SM Kearny Associates, LLC, for future consolidation with these properties.

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

The granting of the requested variance to permit the creation of proposed Lot 32.011 with a lot area of 0.418 acres, whereas a minimum lot area of one acre is required, will not substantially impair the intent and purpose of these regulations or the Koppers Coke Peninsula Redevelopment Plan. The requested variance will promote the purposes of the District Zoning Regulations to promote the orderly and comprehensive development of the District, and to promote development 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 requested variance will also further the objectives of the Koppers Coke Peninsula Redevelopment Plan, including to utilize zoning to promote the remediation of properties in the redevelopment area and provide the basis for development opportunities that will return these properties to productive reuse.

**C. Standards for the Granting of a Bulk Variance from the Provisions of Section V.D.1(b) of the Koppers Coke Peninsula Redevelopment Plan, which requires a minimum lot width of 100 feet; whereas, proposed Lot 32.011 has a minimum lot width of 30 feet.**

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 property, consisting of 147.571 acres, is one of the largest vacant parcels zoned for development in the Hackensack Meadowlands District and contains many unique characteristics. The subject property is currently comprised of 15 individual lots, and is proposed to be resubdivided into eight lots that would subsequently be joined within an updated zoning lot of record pursuant to N.J.A.C. 19:4-3.22. Three of these proposed lots are intended to accommodate portions of the site comprised of water, which are delineated by an existing steel sheet pile wall and/or the mean high water line along the Hackensack River.

The project site is irregularly-shaped, with its northerly and easterly boundaries formed by the Hackensack River, and its southerly boundary formed by the NJ Transit Morris and Essex Rail Line ROW and Route 7. The subject property is significantly longer than it is

wide, with approximately 5,600 linear feet at its northerly boundary along the Hackensack River and approximately 1,700 linear feet at its easterly boundary along the river, although the property narrows to under 1,000 feet in depth in its central portion. Despite containing frontage along public ROWs, the site currently contains limited access to an improved public or private street.

Proposed Lot 32.011 is an approximately 30-foot-wide by 605-foot-long landlocked spur of existing Lot 32.01, sandwiched between existing Lots 48 through 52 and owned by an affiliate of the applicant (SM Kearny Associates, LLC), which protrudes from the site's westerly boundary. Furthermore, the project site's upland area is split by a parcel owned by NJ Transit created via condemnation, which separates the western portion of the project site's uplands from the eastern portion.

The requested variance arises from the above characteristics that are unique to the property in question.

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

The granting of the requested variance to permit a lot width of 30 feet, whereas a minimum lot width of 100 feet is required, will not adversely affect the rights of neighboring property owners or residents. Proposed Lot 32.011 is a long and narrow parcel that is landlocked between properties owned by SM Kearny Associates, LLC, an entity that is affiliated with the property owner. The applicant attested that proposed Lot 32.011 is planned to be

conveyed to SM Kearny Associates, LLC for intended future consolidation with adjoining property at existing Lots 48 through 52. (T-32, 33) This intended consolidation would benefit the adjoining property owner by allowing for the consolidation of lands currently split by the proposed lot.

- 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 requires a minimum lot width of 100 feet, whereas the applicant proposes to create proposed Lot 32.011 with a lot width of 30 feet. Proposed Lot 32.011 contains the vestiges of a 30-foot-wide former rail spur that served the former industrial use of the property. Proposed Lot 32.011 encompasses a 605-foot-long portion of this spur, protruding from the westerly boundary line of the larger project site. This spur currently splits property to the north and south of the proposed lot owned by SM Kearny Associates, LLC, an entity affiliated with the applicant. The creation of proposed Lot 32.011 would allow for its future conveyance to SM Kearny Associates, LLC and consolidation with existing Lots 48 through 52. This consolidation would provide access to currently landlocked parcels (Lots 49 and 52) on the adjoining property, and would also provide for a more regular subdivision configuration on the subject property by eliminating the narrow, landlocked protrusion from the larger project site. Therefore, the strict application of the regulations will result in peculiar and exceptional practical difficulties to, or 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 granting of the requested variance to permit a lot width of 30 feet, whereas a minimum lot width of 100 feet is 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. Rather, the subject property's redevelopment will be promoted by the proposed subdivision, which will result in a more orderly, comprehensive layout by eliminating the narrow, landlocked protrusion from the larger project site that no longer serves any purpose to the subject property.

*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 to permit a lot width of 30 feet, whereas a minimum lot width of 100 feet is required. There is no development proposed nor approved on the proposed lot that would have a negative impact on the provision of light, air, or open space. The requested variance will effectuate a subdivision that will promote the redevelopment of a property with a long history of contamination, including areas within the National Priorities List. 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 requested variance to permit the creation of proposed Lot 32.011 with a lot width of 30 feet, whereas a minimum lot width of 100 feet is required, represents the minimum deviation from the regulations that will afford relief. The configuration of the approximately 30-foot-wide by 605-foot-long landlocked spur is the result of the configuration of existing Lot 32.01, which contained the vestiges of a rail spur serving the former industrial use of the property. This portion of the lot is vacant and is not needed to effectuate the redevelopment of the subject property. The applicant intends to convey this parcel to the owner of adjoining property at Lots 48 through 52, SM Kearny Associates, LLC, for future consolidation with these properties.

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

The granting of the requested variance to permit a lot width of 30 feet, whereas a minimum lot width of 100 feet is required, will not substantially impair the intent and purpose of these regulations or the Koppers Coke Peninsula Redevelopment Plan. The requested variance will promote the purposes of the District Zoning Regulations to promote the orderly and comprehensive development of the District, and to promote development 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 requested variance will also further

the objectives of the Koppers Coke Peninsula Redevelopment Plan, including to utilize zoning to promote the remediation of properties in the redevelopment area and provide the basis for development opportunities that will return these properties to productive reuse.

**D. Standards for the Granting of a Bulk Variance from the Provisions of Section V.D.1(c) of the Koppers Coke Peninsula Redevelopment Plan, which requires a minimum lot depth of 150 feet; whereas, proposed Lot 62.02 (water lot) has a minimum lot depth of 126.4 feet.**

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 property, consisting of 147.571 acres, is one of the largest vacant parcels zoned for development in the Hackensack Meadowlands District and contains many unique characteristics. The subject property is currently comprised of 15 individual lots, and is proposed to be resubdivided into eight lots that would subsequently be joined within an updated zoning lot of record pursuant to N.J.A.C. 19:4-3.22. Three of these proposed lots are intended to accommodate portions of the site comprised of water, which are delineated by an existing steel sheet pile wall and/or the mean high water line along the Hackensack River.

The project site is irregularly-shaped, with its northerly and easterly boundaries formed by the Hackensack River, and its southerly boundary formed by the NJ Transit Morris and Essex Rail Line ROW and Route 7. The subject property is significantly longer than it is wide, with approximately 5,600 linear feet at its northerly boundary along the Hackensack River and approximately 1,700 linear feet at its easterly boundary along the river, although the property narrows to under 1,000 feet in depth in its central portion. Despite containing frontage along public ROWs, the site currently contains limited access to an improved public or private street.

An approximately 30-foot-wide by 605-foot-long landlocked spur in existing Lot 32.01, sandwiched between existing Lots 48 through 52 owned by an affiliate of the applicant (SM Kearny Associates, LLC), protrudes from the site's westerly boundary. Furthermore, the project site's upland area is split by a parcel owned by NJ Transit created via condemnation, which separates the western portion of the project site's uplands from the eastern portion.

The requested variance arises from the above characteristics that are unique to the property in question.

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

The granting of the requested variance to permit the creation of Lot 62.02 with a lot depth of 126.4 feet, whereas a minimum lot depth of 150 feet is required, will not adversely affect the rights of neighboring property owners or residents. No residents are located

in the vicinity of the subject property. Proposed Lot 62.02 is a water lot comprised of areas located below mean high water and/or beyond a sheet pile wall, which distinguishes the environmentally-sensitive areas on this portion of the site from upland lots proposed to be developed. No development is proposed on the subject property.

- 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 requiring a minimum lot depth of 150 feet, whereas a lot depth of 126.4 feet is provided for proposed Lot 62.02, will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner. The configuration of the proposed subdivision line is depicted in the proposed location to accommodate open water areas within the Hackensack River, which may be subject to separate and distinct environmental oversight due to the placement of the Lower Hackensack River on the National Priorities List by the USEPA in 2022. The depth is measured from the existing sheet pile wall along the water's edge to the existing northerly boundary. It is not possible to acquire additional open water for the purposes of providing sufficient lot depth, and it is not consistent with sound planning practices to redraw the subdivision line to include uplands areas on the site that are proposed to be developed.

- 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 to permit the creation of Lot 62.02 with a lot depth of 126.4 feet, whereas a minimum lot depth of 150 feet is 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. The subject property's redevelopment will be promoted by the proposed subdivision, which will result in a more orderly, comprehensive layout that will consolidate 15 existing lots into eight lots that will be joined in an updated zoning lot of record. Each of the proposed lots are intended for a specific purpose, and access will be provided in the future for approved development.

- 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 to permit the creation of Lot 62.02 with a lot depth of 126.4 feet, whereas a minimum lot depth of 150 feet is required. Rather, the proposed subdivision will promote the redevelopment of a property with a long history of contamination, including areas on the National Priorities List. The proposed variance allowing for the creation of open water Lot 62.02 will also avoid the disturbance of environmentally sensitive open water areas. 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 applicant proposes the creation of Lot 62.02 with a lot depth of 126.4 feet, whereas a minimum lot depth of 150 feet is required. Although the subject parcel will provide less lot depth than required, it is a parcel comprised of open water that will not contain development. Notwithstanding, the properties will be combined within an updated zoning lot of record, which eliminates interior lot lines for the purposes of zoning. In this case, the lots must first be created in order to be consolidated within a zoning lot of record. Ultimately, the subdivision is needed to facilitate the property's redevelopment by creating defined leasehold areas for the purposes of financing, which will enable the Spine Road to be constructed. (T-31) 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.*

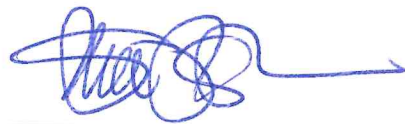
The granting of the requested variance to permit the creation of Lot 62.02 with a lot depth of 126.4 feet, whereas a minimum lot depth of 150 feet is required, will not substantially impair the intent and purpose of these regulations or the Koppers Coke Peninsula Redevelopment Plan. The requested variance will promote the purposes of the District Zoning Regulations to promote the orderly and comprehensive development of the District, and to promote development 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 requested variance will also further the objectives of the Koppers Coke Peninsula Redevelopment Plan, including to utilize zoning to promote the remediation of properties in the redevelopment area and provide the basis for development opportunities that will return these properties to productive reuse.

V. SUMMARY OF CONCLUSIONS

- A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:5-7.4(a), which requires that all lots in any subdivision shall have direct access to an improved public or private street; whereas, proposed Lots 32.011, 62.02 (water lot), 62.03 (water lot), 62.04 (water lot), 63.01, and 70.02, do not provide direct access to an improved public or private street.

Based on the record in this matter, the bulk variance application to provide a subdivision resulting in the creation of proposed Lots 32.011, 62.02 (water lot), 62.03 (water lot), 62.04 (water lot), 63.01, and 70.02 with no access to an improved street is hereby recommended for APPROVAL.

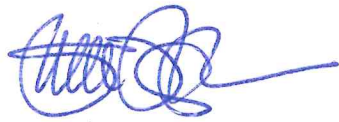
<u>APPROVAL</u>	<u>12/5/2025</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Senior Director of Land Use Management


<u>APPROVAL</u>	<u>12/5/25</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 Section V.D.1(a) of the Koppers Coke Peninsula Redevelopment Plan, which requires a minimum lot area of one acre; whereas, proposed Lot 32.011 has a minimum lot area of 0.418 acres.**

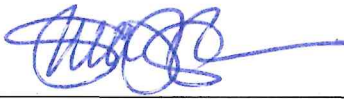
Based on the record in this matter, the bulk variance application to permit a lot area of 0.418 acres for proposed Lot 32.011, whereas a minimum lot area of one acre is required, is hereby recommended for APPROVAL.


<u>APPROVAL</u>	<u>12/5/2025</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Senior Director of Land Use Management

<u>APPROVAL</u>	<u>12/5/25</u>	
Recommendation on Variance Request	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 Section V.D.1(b) of the Koppers Coke Peninsula Redevelopment Plan, which requires a minimum lot width of 100 feet; whereas, proposed Lot 32.011 has a minimum lot width of 30 feet.

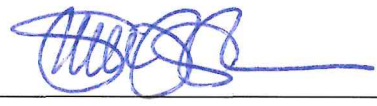
Based on the record in this matter, the bulk variance application to permit a minimum lot width of 30 feet for proposed Lot 32.011, whereas a minimum lot width of 100 feet is required, is hereby recommended for APPROVAL.


<u>APPROVAL</u>	<u>12/5/2025</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Senior Director of Land Use Management

<u>APPROVAL</u>	<u>12/5/25</u>	
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 Section V.D.1(c) of the Koppers Coke Peninsula Redevelopment Plan, which requires a minimum lot depth of 150 feet; whereas, proposed Lot 62.02 (water lot) has a minimum lot depth of 126.4 feet.**

Based on the record in this matter, the bulk variance application to permit a minimum lot depth of 126.4 feet for proposed Lot 62.02 (water lot), whereas a minimum lot depth of 150 feet is required, is hereby recommended for APPROVAL.

<u>APPROVAL</u>	<u>12/5/2025</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Senior Director of Land Use Management

<u>APPROVAL</u>	<u>12/5/25</u>	
Recommendation on Variance Request	Date	Robert Davidow, Esq. Senior Vice President Office of Legal & Regulatory Affairs