RECOMMENDATION ON THE VARIANCE APPLICATION OF
Hanover Holdings LLC/2400 Penhorn Ave. - New Building (Variances)
File #22-497

I. INTRODUCTION

Applications for one (1) use variance and four (4) bulk variances have been filed with the New Jersey Sports and Exposition Authority (NJSEA) by TFJ North Bergen LLC for the premises located at 2400 Penhorn Avenue, identified as Block 451, Lot 18.01, in the Township of North Bergen, New Jersey. The subject property is located within the Hackensack Meadowlands District's Highway Commercial (HC) zone. The variances are sought in connection with the applicant's proposal to construct a four-story, 199,124-square-foot self-storage facility with major site improvements on the subject property.

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

1. N.J.A.C. 19:4-5.59, which does not list a self-storage facility as a permitted use in the Highway Commercial (HC) zone.
2. N.J.A.C. 19:4-8.7(a), which requires a minimum 50-foot-wide landscaped buffer measured from the mean high water line or top of bank where any development borders the Hackensack River, tributaries, or streams located in the District, and does not permit fill, structures, or impervious pavement within the waterway buffer; whereas, the proposed building is located within the required landscaped buffer.
3. N.J.A.C. 19:4-8.7(a), which requires a minimum 50-foot-wide landscaped buffer measured from the mean high water line or top of bank where any development borders the Hackensack River, tributaries, or streams located in the District, and does not permit fill, structures, or impervious pavement within the waterway buffer; whereas, site improvements, including fill,

concrete retaining wall, water storage tank, and vehicular use areas, are located within the required landscaped buffer.

4. N.J.A.C. 19:4-8.4(a)64, which states that self-storage facilities shall provide seven (7) loading spaces for a 199,124-square-foot building, whereas four (4) loading spaces are proposed.
5. N.J.A.C. 19:4-8.4(a)64, which states that self-storage facilities shall provide 12-foot-wide by 60-foot-long loading spaces, whereas 12-foot-wide by 30-foot-long loading spaces are proposed.

Notice was given to the public and all interested parties as required by law. The public notice of this hearing was published in the digital edition of the Star Ledger newspaper on July 16, 2026. The public notice was also posted to nj.com under Legal Notices, the New Jersey Press Association's website, njpublicnotices.com, and on the NJSEA's website. A public hearing was held on Tuesday, July 28, 2026. All information submitted to the Division of Land Use Management relative to this application is made part of the record of this recommendation.

II. GENERAL INFORMATION

A. Existing and Proposed Use

The property in question is identified as Lot 18.01 in Block 451 in the Township of North Bergen, also known as 2400 Penhorn Avenue. The subject property is an unimproved lot with frontage along New Jersey State Highway Route 3 Ramp A ("Ramp A") to New Jersey State Highway New Jersey State Highway Route 495 ("Route 495"). The property is bounded to the north by an unimproved property identified as Block 451, Lot 21, in the Township of North Bergen, and Ramp A; PSE&G and railroad right-of-way ("ROW") to the east; and, a vacant 83-acre property identified as Block 451, Lot 18.02 in North Bergen, which

is primarily comprised of wetlands, to the west and south. The common boundary line between the subject property and Lot 18.02 also serves as the boundary line between the Highway Commercial zone on Lot 18.01 and the Environmental Conservation zone on Lot 18.02.

Lot 18.01, the subject property, was created by a subdivision of an approximately 89-acre parcel known as the Guarini tract, approved by the NJSEA in July 2023 (NJSEA File #22-083, Hanover Holdings LLC/GreenVest Holdings LLC - Subdivision). Lot 18.01 consists of 6.096 acres of land, of which 3.266 acres are within a delineated wetlands area and 2.83 acres are uplands where the proposed improvements will be sited. The other property created by the subdivision, Lot 18.02, is located just south of Lot 18.01 and is to be utilized as a wetlands mitigation bank.

The commercial and industrial corridor of Routes 1 & 9/Tonnelle Avenue, including a self-storage facility and gas station development, is located east of the subject property, just beyond the District boundary line formed by the NYS&W rail line ROW. The North Bergen Park and Ride commuter parking lot, the NJ Transit Meadowlands bus maintenance facility, and another self-storage facility are located to the north, opposite Route 3 from the subject property.

The applicant proposes to construct a four-story self-storage facility above ground-level parking. An office is also proposed on the ground floor. The facility is proposed to have a gross floor area of 199,124 square feet, which will be divided into up to 1,867 storage units[1] , to be constructed in two phases. The entire development footprint is proposed to be located on upland areas, outside of the

[1] A discrepancy exists in the proposed total number of storage units, with testimony referencing 1,867 storage units (T-16) and 1,500 storage units (T-37, T-38), and plans referencing 1,500 storage units on Exhibit A-2, and both 1,867 and 800 storage units on Exhibit A-3. This recommendation report shall consider 1,867 storage units as the maximum number of storage units proposed on the site. It is noted that the area of the building footprint is consistent throughout the record of this matter, and that the required number of parking spaces would be provided for the maximum number of storage units proposed.

wetland boundaries. Nineteen (19) parking spaces are required, however, a total of 128 parking spaces and four (4) 12′ x 30′ loading spaces are proposed, of which 100 parking spaces and all loading spaces are proposed under the building. The excess parking spaces under the building are proposed to be utilized for vehicle storage. The uncovered surface parking spaces are proposed on the north side of the building, and vehicular circulation for these spaces will be integrated within the covered parking area. Access to the site is proposed from Ramp A via a right-angle driveway entrance with a curbed concrete island. The proposed two-lane, two-way site driveway with a minimum width of 24 feet leads to the parking area beneath the building.

B. Response to the Public Notice

There were no written comments in response to the public notice.

III. PUBLIC HEARING (July 28, 2026)

A public hearing was held at the Office of the NJSEA on Tuesday, July 28, 2026. 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; Mia A. Petrou, P.P., AICP, CFM, Supervising Planner; and John Speer, P.E., Senior Engineer.

A. Exhibits

The following is a list of the exhibits submitted by the applicant at the public hearing and marked for identification as follows:

Number	Description
A-1	"Aerial Imagery", drawing number AI-01, prepared by L2A Land Design, dated December 9, 2022, latest revision date June 2, 2026

A-2 Color rendering of "Site Plan", drawing number C-03, prepared by L2A Land Design, dated December 9, 2022, latest revision date June 2, 2026

A-3 "Proposed Ground Floor Plan", drawing number D-1, prepared by SNS Architects & Engineers P.C., dated September 23, 2022, latest revision date July 23, 2026

A-4 "Proposed Exterior Elevations", drawing number D-4, prepared by SNS Architects & Engineers P.C., dated September 23, 2022, latest revision date July 23, 2026

A-5 "Proposed Self Storage Facility - View from Northwest, Route 3 Ramp to Route 495, North Bergen, NJ", architectural rendering, prepared by SNS Architects & Engineers P.C., undated

A-6 "Proposed Exterior Elevations", drawing number D-5, prepared by SNS Architects & Engineers P.C., dated September 23, 2022, latest revision date July 23, 2026

A-7 "Grading, Drainage, & Utility Plan", drawing number C-04, prepared by L2A Land Design, dated December 9, 2022, latest revision date June 2, 2026

B. Testimony

Adam Faiella, Esq., of the firm Sills Cummis & Gross, PC represented TFJ North Bergen, LLC at the hearing. The following witnesses testified in support of the application:

1. Trevor Curtis, P.E., L2A Land Design, LLC;
2. Robert Nocella, AIA, SNS Architects & Engineers, P.C.; and
3. Paul Grygiel, AICP, PP, Phillips Preiss Grygiel Leheny Keller, LLC.

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

C. Public Comment

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

IV. RECOMMENDATION

A. Standards for the Granting of a Use Variance from the Provisions of N.J.A.C. 19:4-5.59, where a self-storage facility is not listed as a permitted use in the Highway Commercial 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:*

1. *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 property is a long and narrow lot with an irregular shape due to the curvature of its northeasterly lot line formed along the adjacent Ramp A ROW. Although the property is located along a state highway ROW, the location of the site is remote from other developed properties, separated by roadway, utility, and railroad ROWs, as well as environmentally-sensitive wetlands. The uplands portion of the subject site was rezoned from the Environmental Conservation (EC) zone to the Highway Commercial (HC) zone in 2018, to allow for some degree of development on the uplands portion of the site along the state highway ROW. The site was originally intended to be developed with a hotel use, but the lack of utilities on the site results in exceptional practical difficulties in the provision of water and sewer services needed to support the operations of a hotel use. This combination of remoteness and lack of utility services results in practical difficulties and hardship in being able to accommodate other permitted uses, such as retail and restaurant uses, on the site. The construction of a self-storage facility at the subject property results in a lower-intensity, but operationally feasible use that is appropriate to the specific characteristics of the site.

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 proposed self-storage facility can be characterized as a benign land use due to its infrequent usage by tenants, resulting in low traffic generation compared to other permitted commercial uses in the HC zone. The proposed use also requires minimal municipal

services when compared to office, retail and other higher-occupancy permitted commercial uses. The proposed self-storage use will advance the general welfare by satisfying a growing demand among residents and businesses in the surrounding market area for secure, climate-controlled, and clean modern storage space (T-50). However, due to the lack of utilities to the site, the applicant proposes to install a well to provide water service to the building. Although the water is anticipated to be potable, the applicant intends to provide bottled water and cooler service for drinking water (T-42). To ensure the public health and safety, it is a recommended condition of this report that the self-storage facility shall provide bottled water and cooler service for drinking water for employees and the public. Therefore, the proposed self-storage facility will not result in any substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

iii. *Adequate infrastructure, including storm and sanitary sewers, utilities, and 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 applicant provided testimony that municipal water and municipal sanitary sewer services were not available at the project site. Self-storage facilities are generally recognized as a low demand user of infrastructure with respect to traffic generation, water usage, wastewater generation, and other utilities. Access to the site is proposed via a new curb cut from Ramp A, that has been designed

in accordance with NJDOT requirements to accommodate safe and adequate site access. The facility's water and wastewater needs are proposed to be addressed with water production via a well on site (T-41), and with wastewater directed to a holding tank on site (T-72). In order to ensure the performance of the site's wastewater holding tank, it is a recommended condition of this report that the tank shall be operated and maintained in accordance with both the District's performance standards at N.J.A.C. 19:4-7.9 and the requirements of all other entities with jurisdiction. It is further recommended that an operations and maintenance manual for the wastewater holding tank, subject to the approval of the Chief Engineer, shall be recorded in the Hudson County Deed Register. A third condition with respect to the proposed wastewater tank is recommended, that the property shall connect to public water and sanitary sewer facilities should they become available in the proximity of the site in the future. With the recommended conditions, the improvements associated with the proposed use will minimize negative impacts to the existing infrastructure and will not decrease the ability of said infrastructure to perform in a safe and efficient manner.

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

As previously stated herein, the proposed self-storage use is a low-intensity use that generates less traffic and less demand on utility services than commercial uses permitted in the HC zone. The proposed use will comply with all District environmental performance standards with respect to noise, vibrations, airborne emissions, hazardous materials, and wastewater. Landscaping is proposed at the site's northerly side yard along Ramp A to shield

headlight glare from motorists traveling on Ramp A, as well as for area aesthetics. Louvers are proposed at the parking level atop a low masonry wall at the building's easterly and westerly elevations to provide screening of parked and/or stored vehicles beneath the building and adequate ventilation. However, the site's southerly parking level, which faces adjacent natural areas, does not contain louvers. Therefore, it is a recommended condition of this report, that louvers shall be installed at the building's southerly elevation, in addition to those proposed at the building's easterly and westerly elevations, to screen parking-level activities from adjacent natural areas. The combination of a physical building screen with a minimum 50-foot-wide landscaped buffer providing distance between proposed development and natural areas will ensure that no substantial adverse environmental impact will result from granting the requested use variance.

The subject property is located within a 100-year floodplain designated by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs). District Flood Plain Management regulations require that all new structures in the District shall be constructed with a finished floor elevated a minimum of one foot above the established FEMA base flood elevation. A portion of the property is located within Zone AE, elevation 4 feet, per the Effective FEMA FIRM Panel 268H dated August 28, 2019, and in Zone AE, elevations 7 to 8 feet, per the Preliminary FEMA FIRM Panel 268J dated August 29, 2014. The building is proposed to be constructed on the portion of the site within elevation 8 feet (NAVD88), with a minimum proposed first floor elevation of 15.50 feet (NAVD88), and with the parking level

under the building at a minimum elevation of 13.25 feet (NAVD88), in compliance with the District Flood Plain Management regulations. The site will also be required to meet all stormwater management requirements of the District zoning regulations.

Furthermore, the development is proposed on an uplands portion of the property, and avoids wetlands on the site. However, the self-storage facility structure is proposed to be located within the required 50-foot-wide buffer from the mean high water on the site, which will adversely impact the surrounding environment and habitat as described herein. Therefore, it is a recommended condition of this report that all structures associated with the proposed use shall comply with the minimum 50-foot-wide buffer requirement of N.J.A.C. 19:4-8.7(a), as further detailed in Sections B and C below.

With the recommended condition, the requested use variance to permit a self-storage facility at the subject premises will not have a substantial adverse environmental impact.

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

The HC zone is intended to accommodate commercial uses oriented toward, and located in proximity to, highways. The subject property contains frontage on a state highway ramp and is accessible via major highways, including Route 3 and Route 495. However, due to the presence of roadway, rail, and utility infrastructure to the north and east, and wetlands to the south and west, the property is

relatively remote from developed areas in comparison to other properties in the HC zone. A self-storage facility will not impair the intent of the HC zone, as it will offer a service to the public, but will be lower in intensity than other uses permitted in the zone, including generating less traffic and lower water and wastewater demands. Furthermore, unlike other uses in the HC zone, a self-storage facility would not be reliant on pass-by traffic to sustain its viability. The applicant attested that the tenant leases will not permit utilization of the self-storage facility for utilization as residential or office space, manufacturing, repair of vehicles or equipment, or studio space, and will not permit the storage of flammable or hazardous materials (T-43). Therefore, the proposed use variance to permit a self-storage facility on the subject property within the HC zone will not impair the intent and purpose of the District zoning regulations.

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

The subject property is located within the Commercial Center Planning Area and the Preserve Planning Area classifications of the *Hackensack Meadowlands District Master Plan Update 2020*. The portion of the property containing the development footprint is located on uplands within the Commercial Center Planning Area, which is intended to accommodate regional commercial opportunities, generally along major transportation corridors, promoting the development of a range of commercial uses. Although self-storage facilities are not a permitted use in the HC zone, they are similar in bulk to other highway commercial development and offer a service to the general public, but are less intensive in terms of impacts. In

addition, wetland areas on the site within the Preserve Planning Area are not included within the building footprint. Therefore, the proposed use at the specified property will contribute to and promote the intent of the District Master Plan.

B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.7(a), which requires a minimum 50-foot-wide landscaped buffer measured from the mean high water line or top of bank where any development borders the Hackensack River, tributaries, or streams located in the District, and does not permit fill, structures, or impervious pavement within the waterway buffer; whereas, the proposed building is located within the required landscaped buffer.

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 is a long and narrow lot with an irregular shape due to the curvature of its northeasterly lot line formed along the adjacent Ramp A ROW. Although the property is located along a state highway ROW, the location of the site is remote from other developed properties, separated by roadway, utility, and railroad ROWs, and adjacent to a large tract of environmentally sensitive wetlands. The uplands portion of the subject site was rezoned from

the EC zone to the HC zone in 2018, to allow for development potential on the uplands portion of the site along the state highway ROW. The uplands on the property were created by fill material placed on the site by the New Jersey Department of Transportation (NJDOT) during construction of the Routes 3 and 495 interchanges more than 50 years ago. Drainage channels were created on the property as part of the highway construction that, over time, morphed into a waterway, as wetlands and waterways in the region are not static due to the District's hydrology.

The applicant has opined that a buffer requirement may not be applicable, attesting that the New Jersey Department of Environmental Protection (NJDEP) determined that the waterway adjacent to the uplands portion of the site is not an NJDEP-regulated waterway and is not subject to an NJDEP riparian zone buffer (T-11). It is noted that NJDEP permits for the proposed project were issued prematurely, as a Coastal Zone Management Consistency recommendation letter was not, and has not, been issued by the NJSEA. The District Master Plan serves as an element of the State of New Jersey's Coastal Zone Management Program (CZMP) for the Hackensack Meadowlands District, as specified in N.J.A.C. 7:7-9.43. Pursuant to these rules, the NJSEA is the lead planning and management agency within the District, and coastal activity or development in the District shall be consistent with the District's Master Plan. In addition, the property received a United States Army Corps of Engineers (USACE) preliminary jurisdictional determination that confirmed the presence of jurisdictional wetlands on the site, with an "edge of water" line delineated and wood dock depicted on the jurisdictional determination plan. The waterway

along the property's uplands border is within the Penhorn Creek watershed, with a mean high water line established at elevation 3.13 feet (NAVD88). Penhorn Creek is a tributary of the Hackensack River, where tidal inundation had formerly been controlled downstream of the subject property via two tide gates and associated pump stations that have not been functional since at least 2016. The defunct pump station at Secaucus Road is planned to be removed. Therefore, the waterbody on the site requires a minimum 50-foot-wide landscaped buffer from the mean high water line, where no fill, structures, or impervious pavement are permitted.

Furthermore, in the Notice of Adoption regarding the rezoning of an EC-zoned portion of the subject property to the HC zone in 2018, the following statement regarding required buffers was provided by the NJSEA in support of the rezoning: "The petitioner's request for a rezoning of the subject property to the HC zone does not result in any changes to the requirements of the District zoning regulations and design requirements, including rules regarding waterway buffers. The outcome of this rezoning petition does not result in any changes to the required 50-foot buffer from the Hackensack River, tributaries or streams located in the District." (50 N.J.R. 847, February 5, 2018) Therefore, based on the above, the applicability of the District's buffer requirements to the property in question is incontrovertible.

The applicant proposes to construct portions of the self-storage structure within the required 50-foot-wide buffer, at a minimum dimension of 8.3 feet from the mean high water line. Other improvements, including fill, a concrete retaining wall, a water

storage tank for fire suppression, and vehicular use areas are also proposed within the required 50-foot-wide buffer, but are evaluated separately in Section C. below.

Although a use variance for a self-storage facility is requested, a buffer requirement would apply to any proposed development on the site. Neither the property's particular characteristics in comparison to other properties in the HC zone, nor the presence of historic fill, uniquely affect the ability of the property owner to accommodate the proposed self-storage facility within areas on the site located outside of a required buffer. Therefore, the requested variance does not meet this criterion.

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

The applicant requests a variance to construct the proposed self-storage facility at a minimum dimension of 8.3 feet from the mean high water line, whereas a 50-foot-wide buffer is required. There are no residents located proximate to the site. The property is located along a state highway ROW, in a location that is comparatively remote from other developed properties, separated by roadway, utility, and railroad ROWs, and is adjacent to a large tract of environmentally sensitive wetlands slated to become a wetlands mitigation bank. The request to construct a building within the required buffer would adversely affect natural areas and habitat in the EC zone adjacent to the site, by bringing human activity, with resultant noise, illumination, and potential trash migration impacts,

closer to adjacent habitats and waterways than permitted. Therefore, the requested variance does not meet this criterion.

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

The applicant proposes to construct portions of a self-storage facility within the required 50-foot-wide landscaped buffer, at a minimum dimension of 8.3 feet from the mean high water line. Buffer intrusions by the proposed self-storage structure occur in the southwesterly and southeasterly building corners, as well as within the easterly building footprint. Other improvements, including fill, a concrete retaining wall, a water storage tank for fire suppression, and vehicular use areas are also proposed within the required 50-foot-wide buffer, but are evaluated separately in Section C. below.

The applicant proposes to construct the building in two phases, attesting that Phase I development would consist of 860 storage units within a 28,656-square-foot building footprint, and Phase II would consist of 640 units within an added 21,125-square-foot building footprint, for a total of 1,500 storage units (T-37, T-38, Exh. A-3) within a 49,781-square-foot building footprint, although up to 1,867 units may be accommodated. The applicant has attested that Phase 2 would be constructed if and when Phase 1 would be successful (T-88). Proportionally, the majority of the proposed building's buffer intrusion is located within the Phase 1 development footprint.

As stated in subsection *i.* above, the property's particular characteristics do not uniquely affect the ability of the property owner to accommodate the proposed self-storage facility within areas on the site located outside of a required buffer. Alternatives to developing within the required buffer areas exist, including redesigning the structure to provide an additional story, as opposed to spreading out horizontally, and/or reconfiguring the building footprint to maximize development on upland areas outside of the buffer area, such as shifting the proposed self-storage facility closer to the permitted 10-foot side yard setback line along the northerly lot line (where a 21.5-foot northerly side yard setback is currently provided). The site's required parking can also be accommodated within the available uplands area outside of the required buffer, as only 19 parking spaces are required for a proposed self-storage facility having 1,867 units, whereas 128 parking spaces are proposed.

Additionally, the subject property is located within a 100-year floodplain designated by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs). A portion of the property is located within Zone AE, elevation 4 feet, per the Effective FEMA FIRM Panel 268H dated August 28, 2019, and in Zone AE, elevations 7 to 8 feet, per the Preliminary FEMA FIRM Panel 268J dated August 29, 2014. Existing elevations on the uplands portion of the building footprint outside of the required buffer area range from approximately elevation 9 feet (NAVD88) to elevation 12 feet (NAVD88). The minimum first floor elevation of the building is proposed at elevation 15.50 feet (NAVD88) and the parking under the building is proposed at a minimum elevation of 13.25 feet (NAVD88), in compliance with the District Flood Plain Management

regulations. Effectively, the site will be raised an additional 3.5 to 5.5 feet from existing grades, and the building's foundation walls will serve as retaining walls to support site development. Therefore, no grading into the required buffer areas will be necessary to support development of the site with a self-storage facility in compliance with District flood plain management regulations, which require that all new structures in the District shall be constructed with a finished floor elevated a minimum of one foot above the established FEMA base flood elevation.

Therefore, the strict application of the buffer requirement to the property's particular characteristics does not result in 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 the construction of a self-storage facility within the required 50-foot-wide buffer, at a minimum 8.3-foot setback from the mean high water line, would result in substantial detriment to the public good and would adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. Buffers are important implements that promote public health, safety, and general welfare. They serve important functions with respect to providing transitions between natural and developed areas and protection of sensitive land uses;water quality,

flood protection, and stormwater management; aesthetics; and habitat protection.

As discussed in Section *ii.* above, the subject variance request to construct a building within the required buffer would adversely affect natural areas and habitat in the EC zone adjacent to the site, by bringing human activity, with resultant noise, illumination, and the potential for trash migration impacts closer to adjacent habitats and waterways than permitted. This not only affects neighboring property owners, including areas within a future wetlands mitigation bank, but would detrimentally impact the vast Penhorn Creek ecosystem that serves vital functions benefitting the public good.

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

As discussed in Section *ii.* and *iv.* above, the subject variance request to construct a portions of a self-storage facility within the required 50-foot-wide buffer, at a minimum 8.3-foot setback from the mean high water line, would adversely affect natural areas and habitat in the EC zone adjacent to the site, by bringing human activity, with resultant noise, illumination, and potential trash migration impacts, closer to adjacent habitats and waterways than permitted. Although these concerns may appear repetitive, the evaluation of the subject variance request is intrinsically linked to the proposal's environmental impacts. The proposed development is located adjacent to a proposed wetland mitigation bank and within the environmentally sensitive Penhorn Creek ecosystem that serves vital functions benefitting the public good. The project does not propose

the filling of any wetland areas on the site, and, at its nearest point, proposes a 1.4 foot setback from the southeasterly building corner to the delineated wetlands line. The provision of the required buffer is necessary to safeguard the region's sensitive natural resources. Therefore, the granting of the requested variance would have a substantial adverse environmental impact.

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

The requested variance is sought to permit the construction of a self-storage facility within the required 50-foot-wide buffer, at a minimum 8.3-foot setback from the mean high water line. The applicant attested that the average buffer provided by the proposed development is approximately 24 feet; however, it is noted that buffer averaging is not a provision that exists within the District zoning regulations.

The applicant proposes to construct the self-storage facility in two phases. It was attested during the public hearing that Phase 2 would be constructed if Phase 1 is successful. Construction of the second phase of the project would be triggered once the Phase 1 construction "hits occupational levels that are showing that Phase 2 would make sense to build, they will construct Phase 2. There's not a hard line of exactly when, but if they believe that there's a demand to adequately fill the additional phase, they will construct the additional phase" (T-88). In making their decision, the Board of Commissioners must evaluate whether the request for a variance is based exclusively upon

the desire of the property owner or applicant to make more money from the property [see N.J.A.C. 19:4-4.14(f)1ii].

Based on the record in this matter, alternatives exist that would accommodate development within the available uplands footprint outside of required buffer areas, as detailed in Section *iii.* above. The record further establishes that a Phase 2 development is optional. Therefore, the requested variance does not represent the minimum deviation from the regulations that will afford relief.

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

The NJSEA is charged with promoting orderly development along with safeguarding the environment. This is a delicate balancing act undertaken by the NJSEA and its predecessor agencies that, since 1968, has effectively fostered economic development while supporting environmental objectives related to flood protection, cleaner water and soils, habitat protection and creation, and public enjoyment of natural areas through the utilization of land management tools such as buffers. The subject property was formerly located within the EC zone and was rezoned to the HC zone in recognition of the limited development potential available to the property owner given the presence of uplands on approximately 7 percent of the property, in a location with highway access. However, it does not follow that development may maximize the limits of fill disturbances on a site, and in the rezoning of the site it was affirmed that buffer requirements would continue to apply to future site development. Furthermore, in this instance, alternatives are

available to accommodate the development of the proposed self-storage facility within areas on the site wholly outside required buffer areas.Therefore, the granting of the requested variance to allow for development within the required 50-foot-wide buffer would substantially impair the intent and purpose of the District Zoning Regulations.

C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.7(a), which requires a minimum 50-foot-wide landscaped buffer measured from the mean high water line or top of bank where any development borders the Hackensack River, tributaries, or streams located in the District, and does not permit fill, structures, or impervious pavement within the waterway buffer; whereas, site improvements, including fill, concrete retaining wall, water storage tank, and vehicular use areas, are located within the required landscaped buffer.

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 is a long and narrow lot with an irregular shape due to the curvature of its northeasterly lot line formed along the adjacent Ramp A ROW. Although the property is located along a state highway ROW, the location of the site is remote from other developed properties, separated by roadway, utility, and railroad

ROWs, and adjacent to a large tract of environmentally sensitive wetlands. The uplands portion of the subject site was rezoned from the EC zone to the HC zone in 2018, to allow for development potential on the uplands portion of the site along the state highway ROW. The uplands on the property were created by fill material placed on the site by the New Jersey Department of Transportation (NJDOT) during construction of the Routes 3 and 495 interchanges more than 50 years ago. Drainage channels were created on the property as part of the highway construction that, over time, morphed into a waterway, as wetlands and waterways in the region are not static due to the District's hydrology.

The applicant has opined that a buffer requirement may not be applicable, attesting that the New Jersey Department of Environmental Protection (NJDEP) determined that the waterway adjacent to the uplands portion of the site is not an NJDEP-regulated waterway and is not subject to an NJDEP riparian zone buffer (T-11). It is noted that the District Master Plan serves as an element of the State of New Jersey's Coastal Zone Management Program (CZMP) for the Hackensack Meadowlands District, as specified in N.J.A.C. 7:7-9.43. Pursuant to these rules, the NJSEA is the lead planning and management agency within the District, and coastal activity or development in the District shall be consistent with the District's Master Plan. In addition, the property received a United States Army Corps of Engineers (USACE) preliminary jurisdictional determination that confirmed the presence of jurisdictional wetlands on the site, with an "edge of water" line delineated and wood dock depicted on the jurisdictional determination plan. The waterway along the property's uplands border is within the Penhorn Creek

watershed, with a mean high water line established at elevation 3.13 feet (NAVD88). Penhorn Creek is a tributary of the Hackensack River, where tidal inundation had formerly been controlled downstream of the subject property via two tide gates and associated pump stations that have not been functional since at least 2016. The defunct pump station at Secaucus Road is planned to be removed. Therefore, the waterbody on the site requires a minimum 50-foot-wide landscaped buffer from the mean high water line, where no fill, structures, or impervious pavement are permitted.

Furthermore, in the Notice of Adoption regarding the rezoning of an EC-zoned portion of the subject property to the HC zone in 2018, the following statement regarding required buffers was provided by the NJSEA in support of the rezoning: "The petitioner's request for a rezoning of the subject property to the HC zone does not result in any changes to the requirements of the District zoning regulations and design requirements, including rules regarding waterway buffers. The outcome of this rezoning petition does not result in any changes to the required 50-foot buffer from the Hackensack River, tributaries or streams located in the District." (50 N.J.R. 847, February 5, 2018) Therefore, based on the above, the applicability of the District's buffer requirements to the property in question is incontrovertible.

The applicant proposes to construct vehicular use areas (namely, the site's access road from Ramp A) within the required 50-foot-wide buffer, and within a small area at the driveway's intersection with Ramp A located beyond the mean high water line. Other improvements proposed within the required buffer area include a

concrete retaining wall along the southerly edge of the access driveway, fill for grading up to the retaining wall, and a 35,000-gallon above-ground water storage tank for fire suppression. The requested variance to permit the proposed self-storage building within the required buffer is evaluated separately in Section B. above.

With respect to the proposed water tank and the fill proposed along the building's foundation walls, neither the property's particular characteristics in comparison to other properties in the HC zone, nor the presence of historic fill, uniquely affect the ability of the property owner to accommodate the proposed fill and structures associated with the self-storage facility within areas on the site located outside of a required buffer. Therefore, the requested variance does not meet this criterion with respect to these specific items.

However, with respect to improvements associated with the access roadway, there are particular and unique property characteristics that exist. The access driveway of the site intersects with Route 3 Ramp A, a state ROW that is regulated by NJDOT. The location and configuration of the driveway access was designed in accordance with NJDOT requirements to ensure safe and efficient site access, given the curvature of Ramp A in the vicinity of the site and the need to provide for adequate sight lines and turning radii for vehicles entering and exiting the site. The required buffer from the mean high water line is located within the Ramp A ROW itself in the vicinity of the site driveway, and meanders along the majority of the site access road, placing the access road, its associated retaining wall, and fill utilized for site grading along the retaining wall, within the

required 50-foot-wide buffer. A small portion of the mean high water line itself is located in the vicinity of the site driveway's intersection with Ramp A. The property's particular conditions with respect to site access are unique to the site and were not created by the property owner.

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

The applicant proposes improvements, including a water tank, vehicular use areas, retaining walls, and fill within the site's required 50-foot-wide buffer from the mean high water line. There are no residents located proximate to the site. The property is located along a state highway ROW, in a location that is comparatively remote from other developed properties, separated by roadway, utility, and railroad ROWs, and is adjacent to a large tract of environmentally sensitive wetlands slated to become a wetlands mitigation bank. The request to construct structures accessory to the self-storage facility, including a water tank and fill within the required buffer adjacent to the proposed building structure would adversely affect natural areas and habitat in the EC zone, as detailed in Section B.*ii*. Therefore, the requested variance does not meet this criterion with respect to the water tank and fill associated with the building. However, with respect to the vehicular use areas and associated retaining walls and fill, if the proposed variance were not granted, no site access would be available to either the subject property or neighboring Lot 18.02, which will have shared access via an access easement from Lot 18.01, which would adversely affect neighboring property rights.

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

The applicant proposes improvements, including a water tank, vehicular use areas, retaining walls, and fill within the site's required 50-foot-wide buffer from the mean high water line. As stated in subsection *i.* above, the property's particular characteristics do not uniquely affect the ability of the property owner to accommodate the proposed fill and water tank accessory to the self-storage facility within areas on the site located outside of a required buffer, as alternatives to developing within the required buffer areas exist on upland areas of the site outside of required buffer areas.

However, with respect to the site's vehicular use areas, including the site's access driveway and associated retaining wall and fill, the strict application of the regulations would result in extraordinary practical difficulties and undue hardship to the property owner. The site access per NJDOT is located in the northeasterly portion of the site, where the northerly meandering of the adjacent waterway leaves a strip of uplands that is more narrow than the uplands in the westerly portion of the site where the self-storage building is proposed. This places the majority of the proposed access driveway within the required 50-foot-wide buffer. There are no alternative locations on the subject property where access to and from Ramp A, a state ROW, or any other roadway, can be provided. If the proposed variance were not granted, no site access would be available to the subject property, and would prevent site development. Therefore, the strict application of the buffer requirement for vehicular use areas within

the site access driveway, associated retaining walls, and fill results in 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 applicant proposes improvements, including a water tank, vehicular use areas, retaining walls, and fill within the site's required 50-foot-wide buffer from the mean high water line. Buffers are important implements that promote public health, safety, and general welfare. They serve important functions with respect to providing transitions between natural and developed areas and protection of sensitive land uses; water quality, flood protection, and stormwater management; aesthetics; and habitat protection.

As discussed in Section *ii.* above, the subject variance request to construct structures, including a water tank, and fill adjacent to the building's foundation walls, within the required buffer would adversely affect natural areas and habitat in the EC zone. This not only affects neighboring property owners, including areas within a future wetlands mitigation bank, but would detrimentally impact the vast Penhorn Creek ecosystem that serves vital functions benefitting the public good.

However, the ability to access site development on the subject property requires the construction of a vehicular access road, associated retaining walls, and fill, in areas within the required

buffer. The construction of an access road would not result in substantial detriment to the public good and would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, but would enable the development of uplands that are zoned for development in a manner that balances economic development with environmental protection.

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

The applicant proposes improvements, including a water tank, vehicular use areas, retaining walls, and fill within the site's required 50-foot-wide buffer from the mean high water line. As discussed in Section *ii.* and *iv.* above, the subject variance request to construct structures, including a water tank, and fill adjacent to the building's foundation walls within the required buffer, would adversely affect natural areas and habitat in the EC zone.

However, with respect to the proposed vehicular access road, associated retaining walls, and fill, the unavoidable impacts are limited in scope and would not be characterized as having a substantial adverse environmental impact. However, to ensure that environmental impacts are minimized, it is a recommended condition of this report that fill and grading associated with the vehicular use area construction be minimized to the extent practicable, in consultation with the NJSEA Chief Engineer. It is a further recommended condition of this report that screening, such as landscaping or a solid fence atop the retaining wall, shall be installed to screen headlight glare and site activity from adjacent habitats, and

that light shields shall be install to minimize glare to adjacent properties and ROWs.

Therefore, with the recommended conditions, the granting of the requested variance would not have a substantial adverse environmental impact with respect to the vehicular access road, and associated retaining walls and fill.

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

The applicant proposes improvements, including a water tank, vehicular use areas, retaining walls, and fill within the site's required 50-foot-wide buffer from the mean high water line.

With respect to the proposed water storage tank and fill and grading along the self-storage facility's foundation walls, based on the record in this matter, alternatives exist that would accommodate development within the available uplands footprint outside of required buffer areas, as detailed in Section B.*iii.* above. Therefore, the requested variance does not represent the minimum deviation from the regulations that will afford relief.

However, with respect to the proposed vehicular access road, associated retaining walls, and fill, the granting of the requested buffer variance does represent the minimum deviation from the regulations that will afford relief. The access driveway and associated retaining walls and fill are necessary to provide access to the developable portion of the property. The proposed driveway width is

not excessive, having a width of 24 feet, which is the minimum dimension required by the District zoning regulations. The applicant has demonstrated that no alternate locations are available on the site to provide access, and that the access point was determined by NJDOT requirements.

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

The applicant proposes improvements, including a water tank, vehicular use areas, retaining walls, and fill within the site's required 50-foot-wide buffer from the mean high water line.

The NJSEA is charged with promoting orderly development along with safeguarding the environment. This is a delicate balancing act undertaken by the NJSEA and its predecessor agencies that, since 1968, has effectively fostered economic development while supporting environmental objectives related to flood protection, cleaner water and soils, habitat protection and creation, and public enjoyment of natural areas through the utilization of land management tools such as buffers.

With respect to the proposed water tank and fill along the proposed self-storage facility's foundation walls, as further detailed in Section B. above, alternatives are available to accommodate the development of the proposed self-storage facility within areas on the site wholly outside of required buffer areas, and the requested variance to allow structures and improvements associated with the self-storage facility would substantially impair the intent and purpose of the District zoning regulations.

However, with respect to the proposed vehicular access road, associated retaining walls and fill, the granting of the requested buffer variance would strike the appropriate balance between the ability to develop an uplands portion of a site that is zoned for development with environmental protection objectives, given the limited scope and specific purpose of the proposed buffer intrusion. Therefore, the granting of the requested variance that would permit the construction of a site access driveway with associated retaining walls and fill within the required 50-foot-wide buffer would not substantially impair the intent and purpose of the District Zoning Regulations.

D. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 8.4(a)64, which states that self-storage facilities shall provide seven (7) loading spaces for a 199,124-square-foot building, whereas four (4) loading spaces are proposed.

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

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

The subject property is a long and narrow lot with an irregular shape due to the curvature of its northeasterly lot line formed along the adjacent Ramp A ROW. Although the property is located along a

state highway ROW, the location of the site is remote from other developed properties, separated by roadway, utility, and railroad ROWs, and adjacent to a large tract of environmentally sensitive wetlands. The uplands portion of the subject site was rezoned from the EC zone to the HC zone in 2018, to allow for development potential on the uplands portion of the site along the state highway ROW. The request for a bulk variance to provide four loading spaces where seven spaces are required is based on these particular characteristics.

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

There are no residents located proximate to the site. The property is located along a state highway ROW, in a location that is comparatively remote from other developed properties, separated by roadway, utility, and railroad ROWs, and is adjacent to a large tract of environmentally sensitive wetlands slated to become a wetlands mitigation bank. The granting of the requested variance will not affect the rights of neighboring property owners. The proposed number of loading spaces is operationally sufficient to support the demands of the site, which will be occupied by a low intensity self-storage use.

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 seven loading spaces, whereas four spaces are proposed, would result in practical difficulties and hardship on the property owner. The site was rezoned from the EC zone to the HC zone to allow for the limited development potential available on the uplands portion of this irregular site, which is subject to a 50-foot-wide buffer from the mean high water line. These particular property characteristics constrain the site layout and the ability to accommodate the required number of loading spaces. The proposed loading and parking will satisfy the operational needs of the site, without constructing more loading spaces than needed.

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 allow four loading spaces where seven loading spaces are required will not adversely affect public health, safety, morals, order, convenience, prosperity, or general welfare. The proposed number of loading spaces will be sufficient to support the operations of the site given the low intensity nature of a self-storage use and remote location of the site. Sufficient on-site queuing and parking areas will ensure that no off-site impacts would result in the unlikely event that more than four loading spaces would be needed.

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

The requested variance to allow four loading spaces whereas seven loading spaces are required will not have a substantial adverse

environmental impact. The proposed loading spaces will not be constructed within wetland or required buffer areas. The provision of fewer loading spaces than permitted will serve as a limit to the number of trucks on the site, which would benefit surrounding natural areas in the EC zone. 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 construct four loading spaces whereas seven loading spaces are required represents the minimum deviation from the regulations that will afford relief. The site's irregular configuration and limited developable footprint constrains site development. The proposed self-storage facility is a low-intensity use that does not generate high traffic demands or truck traffic. The applicant has attested that the provision of four loading spaces of the size proposed is operationally sufficient for a self-storage facility of this size (T-56, 57). The provision of additional loading spaces would be unnecessary and inefficient from a site-planning and operational perspective given the site's constraints.

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

A stated purpose of the District zoning regulations is to promote the orderly and comprehensive development of the District in

accordance with good planning principles that relate the type, design, and layout of such development to both the particular site and surrounding environs. The requested variance to permit four loading spaces, whereas seven loading spaces are required, will not substantially impair the intent and purpose of the regulations. The proposed number and size of loading spaces is operationally sufficient to support the use and represents efficient use of the land by avoiding overdevelopment of a constrained site adjacent to environmentally sensitive areas in the EC zone.

E. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.4(a)64, which states that self-storage facilities shall provide 12-foot-wide by 60-foot-long loading spaces, whereas 12-foot-wide by 30-foot-long loading spaces are proposed.

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

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

The subject property is a long and narrow lot with an irregular shape due to the curvature of its northeasterly lot line formed along the adjacent Ramp A ROW. The intersection of the proposed site access driveway with Ramp A is subject to NJDOT requirements. Although the property is located along a state highway ROW, the location of the site is remote from other developed properties, separated by

roadway, utility, and railroad ROWs, and adjacent to a large tract of environmentally sensitive wetlands. The uplands portion of the subject site was rezoned from the EC zone to the HC zone in 2018, to allow for development potential on the uplands portion of the site along the state highway ROW. The request for a bulk variance to provide four loading spaces having a dimension of 12-foot-wide by 30-foot-long loading spaces, whereas loading spaces having a minimum dimension of 12-foot-wide by 60-foot-long are required, is based on these particular characteristics.

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

There are no residents located proximate to the site. The property is located along a state highway ROW, in a location that is comparatively remote from other developed properties, separated by roadway, utility, and railroad ROWs, and is adjacent to a large tract of environmentally sensitive wetlands slated to become a wetlands mitigation bank. The granting of the requested variance will not affect the rights of neighboring property owners. The proposed 30-foot depth of the loading spaces is operationally sufficient to support the demands of the site, which will be occupied by a low intensity self-storage use, without adversely affecting 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 requiring loading spaces with a minimum depth of 60 feet, whereas four loading spaces having a minimum depth of 30 feet are proposed, would result in practical difficulties and hardship on the property owner. The site was rezoned from the EC zone to the HC zone to allow for the limited development potential available on the uplands portion of this irregular site, that is subject to a 50-foot-wide buffer from the mean high water line. These particular property characteristics constrain the site layout and the ability to accommodate 12-foot-wide by 60-foot-long loading spaces.

Furthermore, the site's access to Ramp A, a state ROW, is subject to NJDOT requirements. In accordance with these requirements, the geometry of the site driveway cannot accommodate the turning radii and circulation patterns of trucks larger than 30 feet in depth (with the exception that fire trucks of 35 to 40 feet in length have sufficient turning radius to enter the site safely) (T-15).

The requested variance results from the application of these requirements to the unique conditions on the property.

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 provide four loading spaces having a dimension of 12-foot-wide by 30-foot-long loading spaces, whereas loading spaces having a minimum dimension of 12-foot-wide by 60-foot-long are required, will not adversely affect public health, safety, morals, order, convenience, prosperity, or general welfare. The

proposed 30-foot depth of the loading spaces will be sufficient to support the operations of the site given the low intensity nature of a self-storage use and remote location of the site. The proposed dimensions are appropriate given the site's geometry and constraints, and NJDOT requirements that limit the access to the site by larger trucks, as trucks having a wheelbase larger than 30 feet would encroach into oncoming travel lanes of Ramp A (with the exception that fire trucks of 35 to 40 feet in length have sufficient turning radius to enter the site safely) (T-15).

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

The requested variance to provide loading spaces with a minimum depth of 60 feet, whereas four loading spaces having a minimum depth of 30 feet are proposed, will not have a substantial adverse environmental impact. The proposed loading spaces will not be constructed within wetland or required buffer areas. The provision of loading spaces with less depth than permitted will limit the amount of land area needed for truck parking and circulation, which would benefit surrounding natural areas in the EC zone. 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 provide four loading spaces having a dimension of 12-foot-wide by 30-foot-long loading spaces, whereas

loading spaces having a minimum dimension of 12-foot-wide by 60-foot-long are required, represents the minimum deviation from the regulations that will afford relief. The site's irregular configuration and limited developable footprint constrains site development. The proposed self storage facility is a low-intensity use that does not generate high traffic demands or truck traffic. The applicant has attested that the provision of four loading spaces of the size proposed is operationally sufficient for a self-storage facility of this size (T-56, 57), and that no truck larger than a 30-foot box truck would be able to enter the site (T-15).

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

A stated purpose of the District zoning regulations is to promote the orderly and comprehensive development of the District in accordance with good planning principles that relate the type, design, and layout of such development to both the particular site and surrounding environs. The requested variance to provide four loading spaces having a dimension of 12-foot-wide by 30-foot-long loading spaces, whereas loading spaces having a minimum dimension of 12-foot-wide by 60-foot-long are required, will not substantially impair the intent and purpose of the regulations. The proposed number and size of loading spaces is operationally sufficient to support the use and represents efficient use of the land by avoiding overdevelopment of a constrained site adjacent to environmentally sensitive areas in the EC zone.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Use Variance from the Provisions of N.J.A.C. 19:4-5.59, where a self-storage facility is not listed as a permitted use in the Highway Commercial zone.

Based on the record in this matter, the application for one use variance to permit a self-storage facility on the subject property is hereby recommended for APPROVAL WITH THE FOLLOWING CONDITIONS:

1. The self-storage facility shall provide bottled water and cooler service for drinking water for employees and the public.
2. With respect to the proposed wastewater holding tank:
   a) The tank shall be operated and maintained in accordance with both the Hackensack Meadowlands District's performance standards at N.J.A.C. 19:4-7.9 and the requirements of all other entities with jurisdiction.
   b) An operations and maintenance manual, subject to the approval of the Chief Engineer, shall be recorded in the Hudson County Deed Register.
3. The property shall connect to public water and sanitary sewer facilities should they become available in the proximity of the site in the future.
4. The proposed self-storage facility shall comply with the minimum 50-foot-wide buffer requirement of N.J.A.C. 19:4-8.7(a) (see also Sections B and C herein).
5. Louvers shall be installed at the building's southerly elevation, in addition to those proposed at the building's easterly and westerly

elevations, to screen parking-level activities from adjacent natural areas.

CONDITIONAL APPROVAL	10/13/2026	
Recommendation on Use Variance Request	Date	Sara J. Sundell, P.E., P.P. Senior Director of Land Use Management and Chief Engineer
CONDITIONAL APPROVAL	10/13/26	
Recommendation on Use 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. 19:4-8.7(a), which requires a minimum 50-foot-wide landscaped buffer measured from the mean high water line or top of bank where any development borders the Hackensack River, tributaries, or streams located in the District, and does not permit fill, structures, or impervious pavement within the waterway buffer; whereas, the proposed building is located within the required landscaped buffer.**

Based on the record in this matter, the application for one bulk variance to permit the proposed building to be located within the required buffer is hereby recommended for DENIAL.

DENIAL	10/13/2026	
Recommendation on Bulk Variance Request	Date	Sara J. Sundell, P.E., P.P. Senior Director of Land Use Management and Chief Engineer
DENIAL	10/13/26	
Recommendation on Bulk 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 N.J.A.C. 19:4-8.7(a), which requires a minimum 50-foot-wide landscaped buffer measured from the mean high water line or top of bank where any development borders the Hackensack River, tributaries, or streams located in the District, and does not permit fill, structures, or impervious pavement within the waterway buffer; whereas, site improvements, including fill, concrete retaining wall, water storage tank, and vehicular use areas, are located within the required landscaped buffer.**

Based on the record in this matter, the application for one bulk variance to permit site improvements including fill, concrete retaining walls, water storage tank, and vehicular use areas, to be located within the required buffer is hereby recommended for PARTIAL APPROVAL WITH CONDITIONS.

1. The proposal to construct improvements associated with the site access road, including vehicular use areas, retaining walls, and associated fill and improvements, such as lighting, fencing, and landscaping within required buffer areas is hereby APPROVED WITH THE FOLLOWING CONDITIONS:
   a) Fill and grading associated with the construction of vehicular use areas shall be minimized to the extent practicable, in consultation with the NJSEA Chief Engineer.
   b) Screening, such as landscaping or a solid fence atop the retaining wall, shall be installed to screen headlight glare and site activity from adjacent habitats, and light shields shall be installed on light poles to minimize glare to adjacent properties and rights-of-way.

2. The proposal to construct the water storage tank, place fill adjacent to the self-storage building's walls, or construct associated retaining walls, within required buffer areas is hereby DENIED.

PARTIAL APPROVAL WITH CONDITIONS — 10/13/2026

Recommendation on Bulk Variance Request — Date — Sara J. Sundell, P.E., P.P.
Senior Director of Land Use Management and Chief Engineer

PARTIAL APPROVAL WITH CONDITIONS — 10/12/26

Recommendation on Bulk 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. 8.4(a)64, which states that self-storage facilities shall provide seven (7) loading spaces for a 199,124-square-foot building, whereas four (4) loading spaces are proposed.**

Based on the record in this matter, the application for one bulk variance to permit four (4) loading spaces where seven (7) loading spaces are required for a 199,124-square-foot building, is hereby recommended for APPROVAL.

APPROVAL	10/13/2026	
Recommendation on Bulk Variance Request	Date	Sara J. Sundell, P.E., P.P. Senior Director of Land Use Management and Chief Engineer
APPROVAL	10/13/26	
Recommendation on Bulk Variance Request	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. 19:4-8.4(a)64, which states that self-storage facilities shall provide 12-foot-wide by 60-foot-long loading spaces, whereas 12-foot-wide by 30-foot-long loading spaces are proposed.**

Based on the record in this matter, the application for one bulk variance to permit 12-foot-wide by 30-foot-long loading spaces where 12-foot-wide by 60-foot-long loading spaces are required, is hereby recommended for APPROVAL.

APPROVAL	10/13/2026	
Recommendation on Bulk Variance Request	Date	Sara J. Sundell, P.E., P.P. Senior Director of Land Use Management and Chief Engineer
APPROVAL	10/13/26	
Recommendation on Bulk Variance Request	Date	Robert Davidow, Esq. Senior Vice President Office of Legal & Regulatory Affairs