

**RECOMMENDATION ON THE VARIANCE APPLICATION OF
340 Orient Way LLC/ Meadow Crossing Residential Development**

FILE # 09-098

I. INTRODUCTION

An application for one (1) bulk variance has been filed with the New Jersey Meadowlands Commission (NJMC) by Edward Russo of 340 Orient Way, LLC, for the premises located at 340 Orient Way, Block 235, Lot 1, in the Township of Lyndhurst, New Jersey. Said premises is located in the Commission's Heavy Industrial zone. The variance is sought in connection with the applicant's proposal to construct a 296-unit residential development and associated improvements on the subject lot.

Specifically, the applicant is requesting relief as follows:

1. N.J.A.C. 19:4-8.4(a)26, which requires a total of 591 parking spaces, whereas 448 parking spaces are proposed; and which requires one 12-foot by 30-foot loading space for residential structures greater than four stories, whereas the development includes one five-story building and no loading spaces are proposed. Therefore, a bulk variance from this regulation is required.

A public hearing was held in the Office of the Commission on Tuesday, September 21, 2010. Notice was given to the public and all interested parties as required by law. The public notice was published in The Record and The Star Ledger. No written objections were submitted to the Division of Land Use Management. 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, Block 235, Lot 1, contains approximately 8.8 acres and is located in the Heavy Industrial zone. It is an irregularly shaped lot that is bounded to the north by Orient Way and Newark Avenue, to the south by an industrial facility, to the east by the New Jersey Transit Main Line railroad tracks, and to the west by the Conrail Railway right-of-way. The site was historically used for various industrial purposes and was previously improved as an industrial facility with paved areas for loading and outdoor storage. The property contains two existing 40-foot-wide public water supply easements with 72-inch diameter water mains owned by the City of Jersey City. There are residential and commercial uses located to the north of the subject property along Newark Avenue and Orient Way, while the area immediately south of the site includes manufacturing and industrial uses with associated storage yards and silos. Residential and commercial/retail uses are located farther to the north and west beyond the jurisdictional boundary of the Hackensack Meadowlands District.

On November 22, 2010, by Resolution 10-79, the NJMC Board of Commissioners deemed the subject property to be suitable for residential development, as per the criteria listed in the "Interim Policies Governing Affordable Housing Development in the Meadowlands District." As a result, the applicant is proposing to construct a phased, multi-story 296-unit residential development with associated amenities, including a 6,500 square foot clubhouse with swimming pool and green area. The proposed development consists of four residential buildings with a mix of one, two and three bedroom units over covered indoor parking, as well as surface parking spaces. The development also includes the construction of 60 affordable housing units.

B. Response to the Public Notice

No written comments or objections were submitted to this Office regarding this application prior to the public hearing.

III. PUBLIC HEARING (September 21, 2010)

A public hearing was held on Tuesday, September 21, 2010. NJMC staff in attendance were Sara Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon Mascaró, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer; Mark Skerbetz, P.P., AICP, Senior Planner; and Fawzia Shapiro, P.E., P.P., Senior Engineer.

A. Exhibits

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

<u>Number</u>	<u>Description</u>
A-1	"Aerial Map- Surrounding Points of Interest," prepared by Russo Development, LLC, and dated September 21, 2010.
A-2	"Conceptual Site Plan," prepared by Russo Development, LLC, and dated September 21, 1010.
A-2F	"Conceptual Site Plan (Future)," prepared by Russo Development, LLC, and dated September 21, 2010.
A-3	"Parking Level Site Plan," prepared by Russo Development, LLC, and dated September 21, 2010.
A-3F	"Parking Level Site Plan (Future)," prepared by Russo Development, LLC, and dated September 21, 2010.
A-4	"Exhibit for Water Supply Easements," prepared by Russo Development, LLC, and dated September 21, 2010.
A-5	"Meadow Crossing Aerial View," prepared by Russo Development, LLC, and dated September 21, 2010.
A-6	"Historical View from Orient Way," prepared by Russo Development, LLC, and dated September 21, 2010.
A-7	"Meadow Crossing View from Orient Way," prepared by Russo Development, LLC, and dated September 21, 2010.

- A-8 "Historical View From Lyndhurst Recreational Center," prepared by Russo Development, LLC, and dated September 21, 2010.
- A-9 "Meadow Crossing View From Lyndhurst Recreational Center," prepared by Russo Development, LLC, and dated September 21, 2010.
- A-10 Booklet entitled "Appendix A to Project Impact Assessment (Revised)," prepared by Russo Development, LLC, and dated September 21, 2010.
- A-11 "Summary of Traffic Analysis," prepared by Russo Development, LLC, and dated September 20, 2010.
- A-12 "Proposed Traffic Plan," prepared by Russo Development, LLC, and dated September 21, 2010.

B. Testimony

Richard G. Berger, Esq., Senior Vice President and General Counsel for Russo Development, LLC, represented 340 Orient Way, LLC, at the hearing. The following witnesses testified in support of the application:

1. Edward Russo, 340 Orient Way, LLC;
2. Douglas Bartels, P.E., Russo Development, LLC;
3. Mark Kataryniak, P.E., P.T.O.E., French and Parrello Associates; and
4. Michael Kauker, P.P., AICP, Kauker and Kauker, LLC.

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

C. Public Comment

Randy Pearce, Esq., representing Schaffer Steel, the property owner of adjacent Block 235, Lot 2, provided oral comments at the public hearing. Mr. Pearce also provided oral comments on behalf of the Borough of North Arlington in his capacity as the Borough Attorney. These comments may be found in the corresponding transcript of the public hearing, dated September 21, 2010.