



City of Newark Environmental Commission

MEMORANDUM

TO: Members of Zoning Board of Adjustment
FROM: Newark Environmental Commission Site Plan Review Committee
DATE: March 13, 2018
RE: Comments and Recommended Conditions on

PROJECT: 422-440 Frelinghuysen Ave (ZBA – 17-62/Amended)
LOCATION: Block 3516, Lot 20.02
APPLICANT: Terreno Realty Corporation – San Francisco, CA

The following comments and recommendations are prepared by the Environmental Commission Site Plan Review Committee in accordance with the Environmental Justice and Cumulative Impacts Ordinance (6PSF -e), adopted on 7/7/16 and effective since 7/27/16. A covered application for environmental commission review is any major site seeking approval from the Central Planning Board or the Zoning Board of Adjustment for commercial, light manufacturing or industrial use project which also requires one or more approvals or permits from the Environmental Protection Agency or the New Jersey Department of Environmental Protection, or requires inclusion in the Essex County Solid Waste Management Plan, upon advice from the Essex County Solid Waste Advisory Council.

Introduction:

Terreno Realty Corporation, the “Applicant,” is proposing an off-airport parking lot with 567 parking spaces, of which only 2% are ADA compliant,¹ for travelers out of Newark International Liberty Airport on Block 3516, lot 20.02 located at 442-440 Frelinghuysen Avenue in the South Ward of Newark, New Jersey. While the amended application is clearer about the proposed use and more palatable in its landscape design than the original, it does raise some environmental and by extension, public good concerns outlined below. Additionally, we provide responses to some of the points discussed in the memorandum for the Zoning Board of Adjustment by Gerald M. Haizel, PP, AICP of Nishuane Group, LLC.

The application triggers an Environmental Commission review, because it requires a 5G3 – Construction Activity Stormwater permit from NJDEP.

Issues:

1. Proposed use is not permitted in zone

¹ 12 ADA Compliant parking spaces is 2%

The Applicant is requesting six different variances for a proposed use that is not even permitted in the EWR-S Zone, as per the existing Newark Zoning and Land Use Regulations, Section 40:5-3. According to Newark's recently adopted Master Plan of 2012, the City's approach to accommodate Newark Liberty Airport travelers is to expand public and alternative transit access points to the airport, such as NJT, and Path stations in Newark.

Granting Applicant **A D (1)-Variance** is a substantial impairment to the zoning plan because it facilitates the dependency on single-passenger vehicles, which creates traffic for local residents that commute along Frelinghuysen Avenue, a major thoroughway in the South Ward, and goes against the goals and strategies to promote non-auto access to the airport in the current Newark Master Plan.

2. Impervious surface parking lots exacerbate flooding

The Applicant is requesting a variance to allow the site to have 20% more impervious surface in the rear yard than permitted as per the Newark Zoning & Land Use Regulations, Section 40:5-3. Impervious surfaces do not capture rainwater, cause flooding, and stormwater runoff. Since the proposed use is a surface parking lot and not a building, the "rear yard" encompasses the main use for the site, ensuring pervious surface requirements are met and exceeded to proactively capture rainwater is the most sustainable approach to allow this unpermitted use. This is especially important given that portions of Block 3516, Lot 20.02 that are at or below Flood Hazard Area Elevation 11 (NAVD88) are within Zone AE according to the Flood Insurance Rate Map. The Applicant claims that the proposed project will have a "positive impact on the environmental, reduced pollution and greatly improves the water quality." Requesting a greater impervious surface percentage is harmful to water and harms the environmental quality of the local area.

Granting the Applicant **A C-Variance** can result in a substantial detriment to the public good, because additional impervious surfaces in Newark's heavily industrial areas, such as EWR and EWR-S Zone will lead to flooding and will exacerbate the negative impacts of stormwater runoff.

3. Water and fuel uses misrepresented on EJ Form

In their EJ form, the Applicant does not provide an adequate description of their stormwater detention to comply with the that complies with City's stormwater management requirements. The Applicant does not include water use estimates for landscaping, which will need water throughout the growing season.

The Applicant claims that the fuel, natural gas, etc. question is not applicable because they are operating a parking lot. However, the off-airport parking lot function is not complete without at least one shuttle to transport customers to and from the airport and their cars. The Applicant does not provide any information on the fuel for the shuttle(s). We recommend that the shuttles should use the cleanest fuel available (electric, natural gas) to mitigate any air pollution impacts caused by the proposed use.

4. Full-time employment commitment needed

The applicant projects a maximum of 15 employees daily, but does not provide adequate information on the quality of jobs. The employees of the proposed off-airport parking lot should be full-time employees, so they can receive benefits and a living wage. They should coordinate with the Newark 2020 South Ward Hub to ensure local and targeted outreach results in jobs for local residents.

Does not sufficiently demonstrate how the requested relief will not result in any substantial detriment to the public good, nor substantial impairment or the zoning ordinance and Master Plan (2012)