

**Amendments to the Land Use Plan Element
Borough of Fair Lawn
Business & Industrial Districts
September 20, 2019**

General Objectives

- *Improve the effectiveness of the Business Zones within the Borough of Fair Lawn by keeping them relevant and reflective of modern uses and changes in the shopping habits of the general public;*
- *Clarify the conditions and preferences related to the characteristics and placement of service stations within the Borough of Fair Lawn; and*
- *Insure that industrial districts adjacent to commercial corridors can incorporate basic wholesale and retail services of their product.*
- *Support and encourage walkability within the community to advance community vitality, livability, and the public health of its residents.*

1. Expansion of the B-3 Zone to Include Block 4708, Lot 18 and Block 4711, Lots 5-6

One of the recommendations of this amendment to the Borough of Fair Lawn's Master Plan Land Use Element is to rezone three specific properties located along Route 208. The properties are currently located within the R-1-3 single-family residential zone. Block 4711, Lot 6 is a 0.6-acre property that contains a commercial office use, which is non-conforming under its current R-1-3 zoning. Its access is from Route 208 and lacks any frontage on other local roads. Block 4711, Lot 5 consists of 1.07 acres and contains a vacant residential structure. It also has a driveway along Route 208 and lacks access from local roads. Block 4708, Lot 18 is a 0.23-acre triangular shaped property with approximately 375 feet of frontage along Route 208. It is a residential property that was foreclosed upon in recent years. The shape of the lot dictates that the majority of the property is essentially unusable land.

The subject properties are not conducive to residential use under their current R-1-3 zoning due to their lack of access from local/residential streets (in the case of the Block 4711 lots) and substantial exposure to highway-commercial environment of Route 208. The existing adjacent residential neighborhood and commercial area along Route 208 would be better served by expanding the B-3 business commercial boundary to include Block 4708, Lot 18 and Block 4711, Lot 5, as illustrated in **Figure 1**. The rezoning would allow the properties to be developed for retail, office, and other permitted commercial uses that would be more in keeping with the character of the Route 208 corridor. It would also make the existing office on Block 4711, Lot 6 a conforming use.

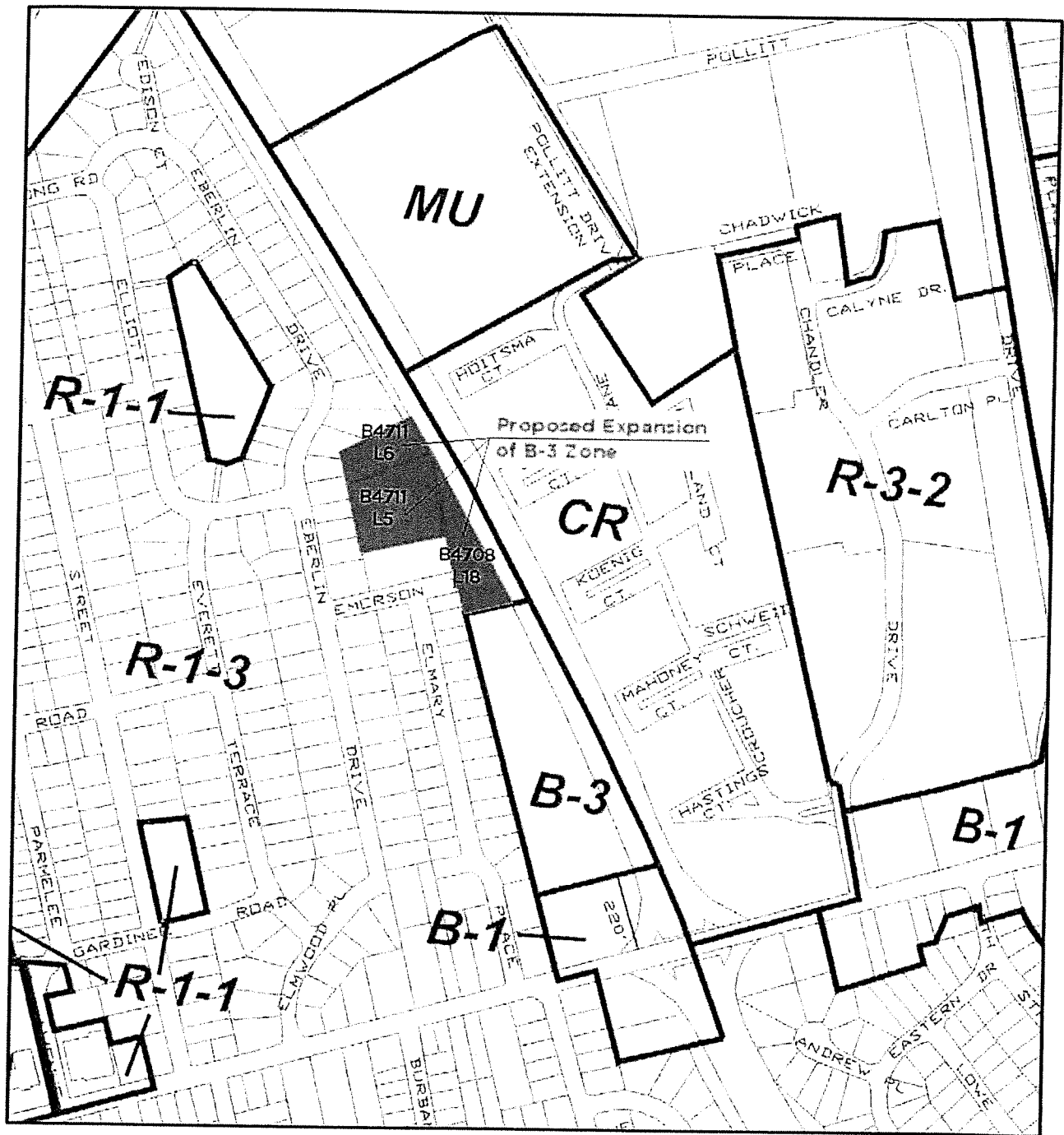


Figure 1: Proposed Expansion of the B-3 Zone

2. Add Self-Storage warehousing as a permitted Conditional Use in the B-3 District

It is recommended that self-storage warehousing should be permitted as a conditional use in the B-3 zone. Currently, self-storage warehousing is conditionally permitted in the B-2 District and its characteristics are appropriate for the B-3 District as well. It is evident that self-storage warehousing would be a particularly appropriate land use given the general similarities between the B-2 and B-3 areas. Modern enclosed self-storage warehousing is somewhat unique among commercial land uses in terms of its impacts. It generates minimal traffic, requires very few parking spaces and operates without noise or light impacts, especially as compared to retail, restaurant, office, and similar commercial uses. It also provides an alternative to office use which is oversupplied in the market area. Finally, a well-designed modern self-storage building can function as a transitional buffer between residential uses and a highway-commercial corridor like Route 208. As such, it would be beneficial to allow such use within the B-3 zone, subject to specific conditional use requirements.

The following conditional use standards are recommended to minimize impacts to adjacent residential areas through the provision of sufficient visual screening and bulk controls.

- Minimum Lot Area: 1 acre
- Maximum Building Height: 3 stories/40 feet
- Minimum Setback Front Yard for Buildings: 20 feet
- Minimum Side Yard Setback for Buildings, Parking, and Loading: 10 feet, except any side yard that abuts a residential zone property shall provide a setback of 15 feet.
- Minimum Rear Yard Setback for Buildings, Parking, and Loading: 15 feet
- Buffer: Along all property lines that abut a residential zone, the site shall be fenced with non-chain-link decorative screen fencing and generously landscaped with evergreen plantings sufficient in height and depth to adequately screen the site from neighboring uses and to prevent light spillage.
- Parking: As the use is passive in nature, a reduced parking ratio of five (5) permanent parking spaces for every 100,000 square feet of rentable self-storage space is recommended.
- Loading: Loading areas shall not be located in the front yard and be located totally within the building or along the side of the building fully screened from neighboring properties.

3. Identifying potential accessory wholesale and retail sales and services within Industrial Districts

One of the challenges of land use administration is keeping up with the constantly changing nature of uses. As the modern economy grows and develops so does the range of business within it. Many factors such as innovation, technology, globalization and cultural change all converge to create new preferences and new uses. It is not the intent of this document to stifle the natural evolution of business as it grows and evolves to serve the needs of the community. It is to support the healthy evolution of that change and unite them with current objectives

In the last several decades, it has been revealed that certain light industrial and warehouse uses contain accessory wholesale facilities within their buildings. The operations are a secondary part of the business and occupy a relatively small portion of the building. These sales and services should be embraced as a sign of a healthy business community. Their sales and services do not necessarily need to be limited to wholesale sales and services only and can include retail sales and services as appropriate. These accessory use accommodations can be added to the industrial districts located along Broadway, State Highway Route 208, and River Road. Accommodating this accessory use will not only support the business community but it will support the vitality of these commercial corridors and support the creation of a more public and welcoming development along street frontage. When these accessory uses are incorporated into an industrial facility they should occupy the street frontage area of the building so they are both visible and easily accessible by the public. Figures 2, 3 and 4 identify their location within the Borough of FairLawn.

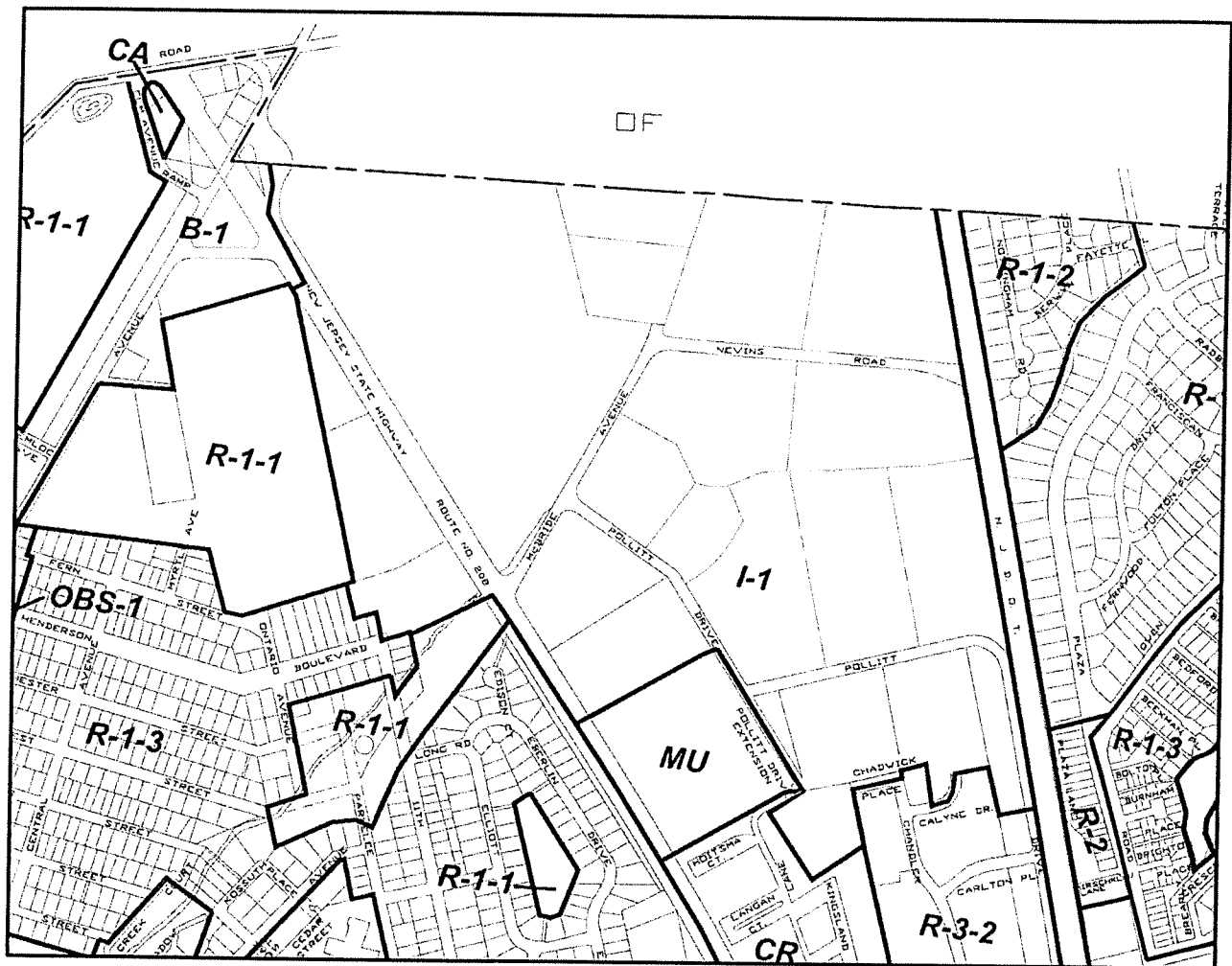


Figure 2: Industrial District Route 208 Frontage

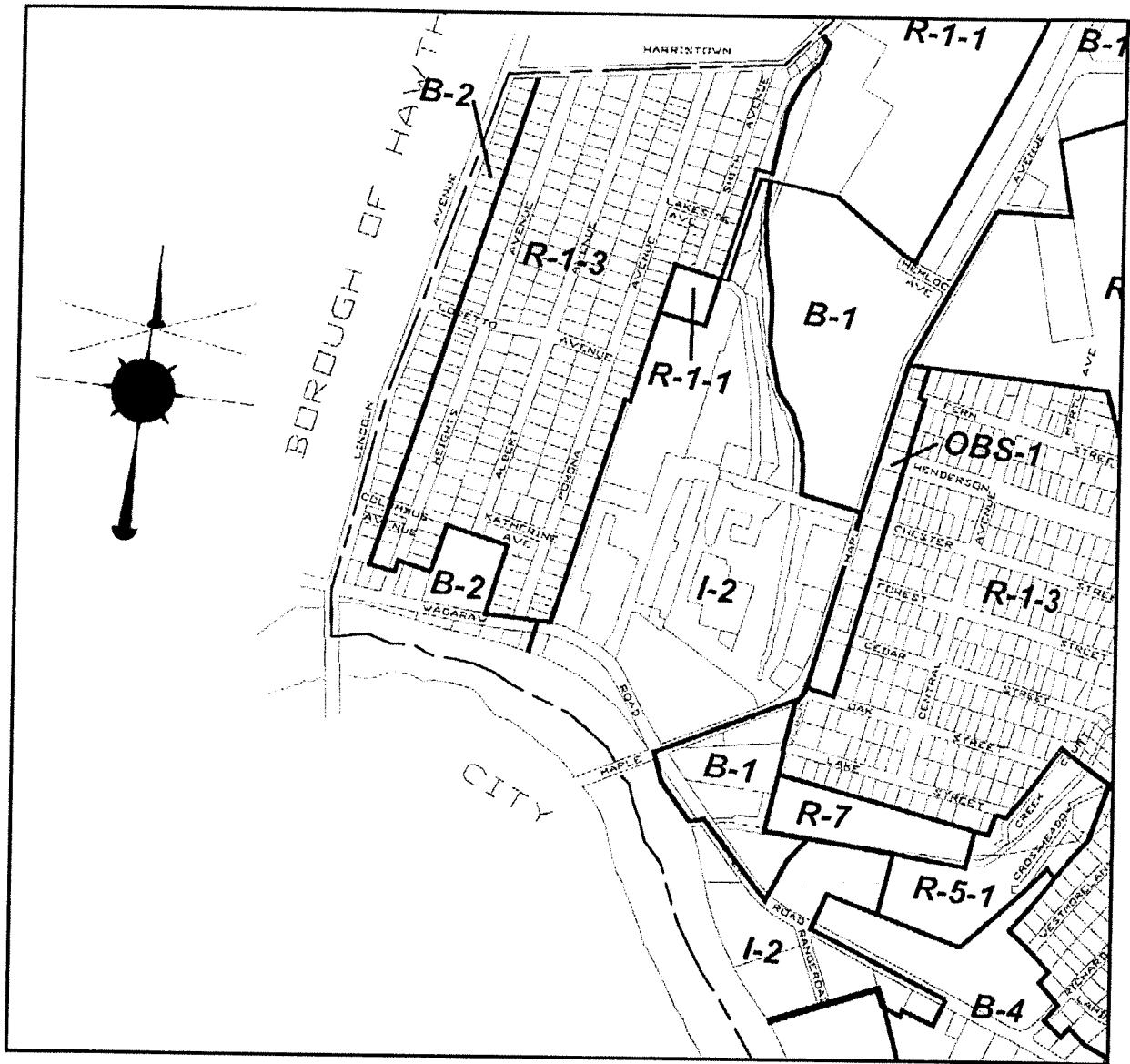


Figure 3: Industrial Zone Rover Road Frontage

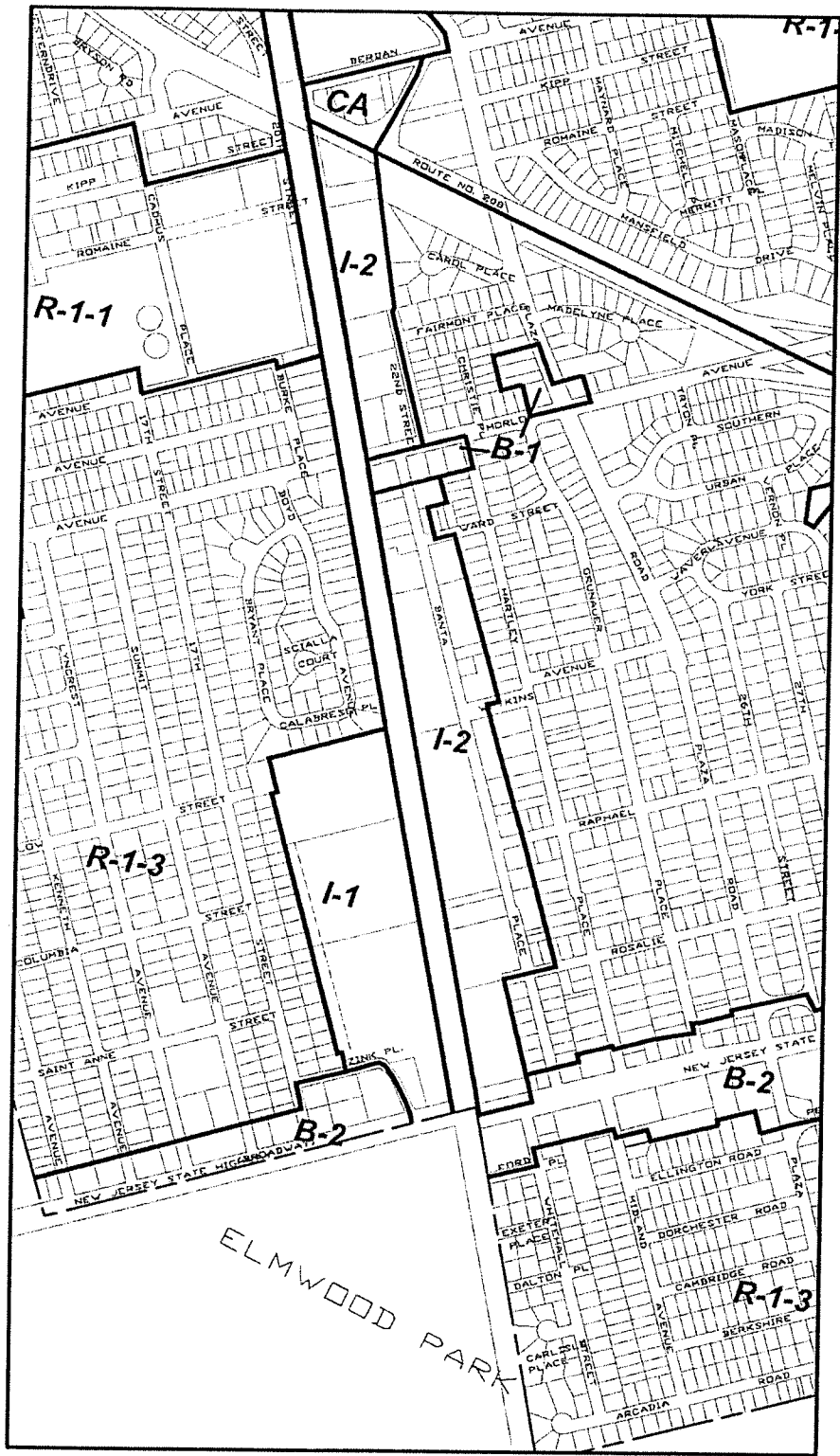


Figure 4: Industrial District Broadway and Route 208 Frontage

4. Clarifying Gasoline Service Station Uses and Conditions within Business Districts

A. Gasoline service stations are defined in the Land Development Ordinance of Fair Lawn as,

“ GASOLINE SERVICE STATION – Any building, structure, lot or land used for the sale of motor vehicle fuels, dispensed directly into motor vehicles and which may include facilities used for polishing, greasing, washing, mechanical repairs and adjustment or otherwise cleaning or servicing such motor vehicles, but specifically excluding all body and fender repairs or rental of parking space.”

It would be beneficial to adjust the definition to clarify that Gasoline Service Stations may contain accessory retail convenience sales and services as this is the modern trend for these facilities.

B. The B-4 and B-5 River Road Business Zones do not list Gasoline Service Stations as a permitted use nor do they list Gasoline Service Stations as a conditional use. These two Business Zones contain the majority of the River Road Special Improvement District and they permit a smaller front yard setback and greater building coverage than the other B Zones. They also contain portions of the Affordable Housing Overlay Zones.

These B Zones, B-4 and B-5, are designed to accommodate walkable commercial sales and service establishments and also permit mixed use buildings with ground floor commercial uses and upper story residential dwellings typical of a more traditional downtown development pattern. They are not designed to support automobile related sales and services. These two business zones are not appropriate for Gasoline Service Stations in any form and shall apply to stations with retail convenience sales as well as pure automobile related stations. Other conditional uses that are also not appropriate for the B-4 and B-5 Zones for the same reasons as Gasoline Service Stations, include; automobile parking lots, repair garages, car washing establishment, motor vehicle sales, hospitals, and self-storage warehousing. Their location is depicted in **Figure 5 B-4 and B-5 Business Zones**.

Presently, the Borough of Fair Lawn list of permitted uses for B-4 and B-5 includes a referral stating that all uses permitted within the B-1, B-2, and B-3 Zones are also permitted within B-4 and B-5, however, it is silent on the conditional uses that are to be permitted within the B-4 and B-5 Zones. The Ordinance should be revised to include a conditional use section for the B-4 and B-5 Zones so it would be clear that none of the conditional uses permitted within the B-1, B-2 or B-3 Zones are applicable or included within the B-4 and B-5 Zones. Also, condition (c) of § 125-24 B. *Conditional Uses* should be adjusted to replace the ordinance reference from Campbell Road to Range Road as scripted below.

(c) No such use shall be permitted in the business zone abutting the following streets: Broadway from the Erie Railroad to the easterly Borough line; Morlot Avenue from Saddle River Road to the Erie Railroad; Fair Lawn Avenue from Abbot Road westerly to the Passaic River; River Road from a point 200 feet south of Berdan

Avenue northerly to Range Road; and Saddle River Road from Route 4 northerly to Prospect Street; except that car washing establishments shall be permitted only in the B-2 Zone from 31st Street easterly to the Borough line.”

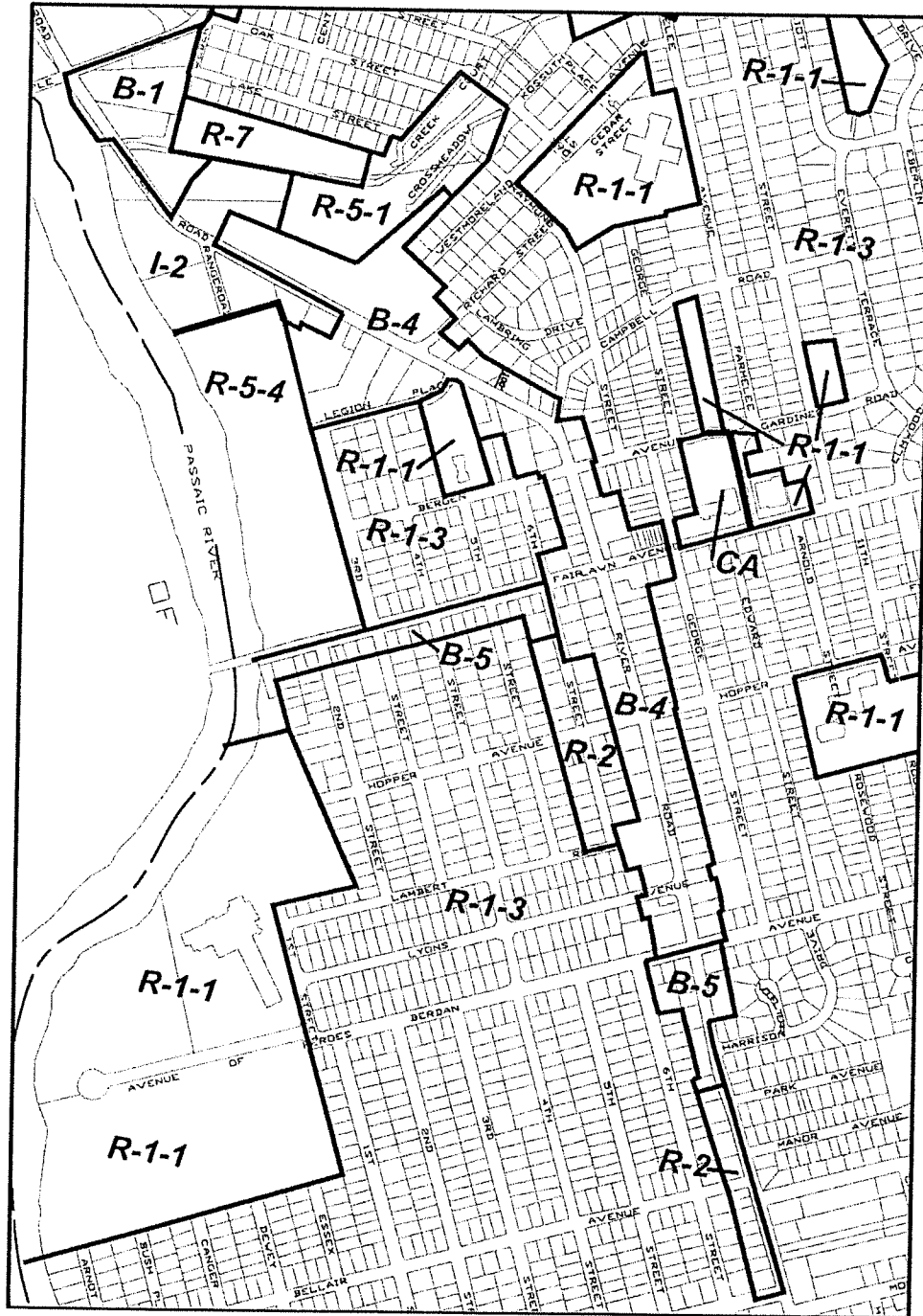


Figure 5: B-4 and B-5 Zones

C. The Land Development Ordinance of the Borough of FairLawn permits GASOLINE SERVICE STATIONS in the B-1 Restricted Business, B-2 General Business, and B-3 Business Zones as a Conditional Use. § 125-24 B. *Conditional Uses* reads as follows:

“(1) Automobile parking lots, repair garages, gasoline service stations and car washing establishments shall be permitted, subject to the following requirements:

(a) No part of any entrance or exit shall be located within 50 feet of a residential zone.

(b) No such use shall be located within a distance of 1,000 feet of a public school, hospital, church, theater, public library, public park or playground, fire station or within 1,500 feet of another such repair garage, gasoline service station or car wash. Such distance shall be measured along the curb-line of the street from the points opposite the nearest side boundary lot lines.

(c) No such use shall be permitted in the business zone abutting the following streets: Broadway from the Erie Railroad to the easterly Borough line; Morlot Avenue from Saddle River Road to the Erie Railroad; Fair Lawn Avenue from Abbot Road westerly to the Passaic River; River Road from a point 200 feet south of Berdan Avenue northerly to Campbell Road; and Saddle River Road from Route 4 northerly to Prospect Street; except that car washing establishments shall be permitted only in the B-2 Zone from 31st Street easterly to the Borough line.”

It has been discovered that the application of the above Gasoline Service Station conditions (b) and (c) have resulted in contradictory conclusions regarding their purpose, interpretation, and meaning. Clarification of these conditions is warranted to insure that the goals and objectives of the Master Plan are understood and applied as intended by the Planning Board and the governing body of the Borough.

Criterion (b) is designed to insure that places where people gather and frequent such as parks, theaters, libraries, churches, and places where children are more apt to gather and frequent such as schools and playgrounds, are not within 1,000 feet of a Gasoline Service Station or other automotive related use. It is the nature of people living within a healthy community to travel by foot in addition to by automobile. It is a goal of this plan to encourage development that is more walkable where appropriate. This plan recognizes the benefits of a walkable community on public health and overall livability. Walkability and community success go hand-in-hand and there is a need to insure that automobile related uses and uses that dispense gasoline are separated from these places. The establishment of a 1,000 foot distance from property line to property line measures as a 1,000 foot radius from the proposed automotive facility is the most succinct way to address needed separation. It is to ensure that gasoline service stations and other automobile related uses that are restricted by this condition are located at a minimum reasonable measurable distance from public gathering places, and to minimize the likelihood that they would be encountered while on a walk to or from these public facilities and community amenities.

Criterion (c) introduces what appears to be very specific locational limitations regarding street frontage, however, it needs further clarification. These simple rules can be applied

equally across the Borough to eliminate uncertainty on the part of both the public, the administrators, and the Board volunteers interpreting the Master Plan and Ordinance language.

- If a portion of a lot extends into an area where Condition (c) is not met, then the entire lot shall be found to not meet the criterion.
- Measurements identified using street locations shall be made from the center line of all streets involved.

D. Many of the conditional use recommendations made within this Land Use Plan Amendment are being recommended based on facts and public preferences revealed during two highly controversial Gasoline Service Station conditional use applications within the Borough. Both cases concluded that a Gasoline Service Station was not appropriate of the proposed location. To insure that this conclusion is reflected in this Land Use document, and further carried into the ordinance of the Borough, it is recommended that automobile parking lots, repair garages, gasoline service stations, and car washing establishments are removed as a conditional use within the B-3 Zone.

Figure 6 Business Zone Analysis Map, identifies the current Business Zone locations where the Conditions of Criterion (c) can be met.

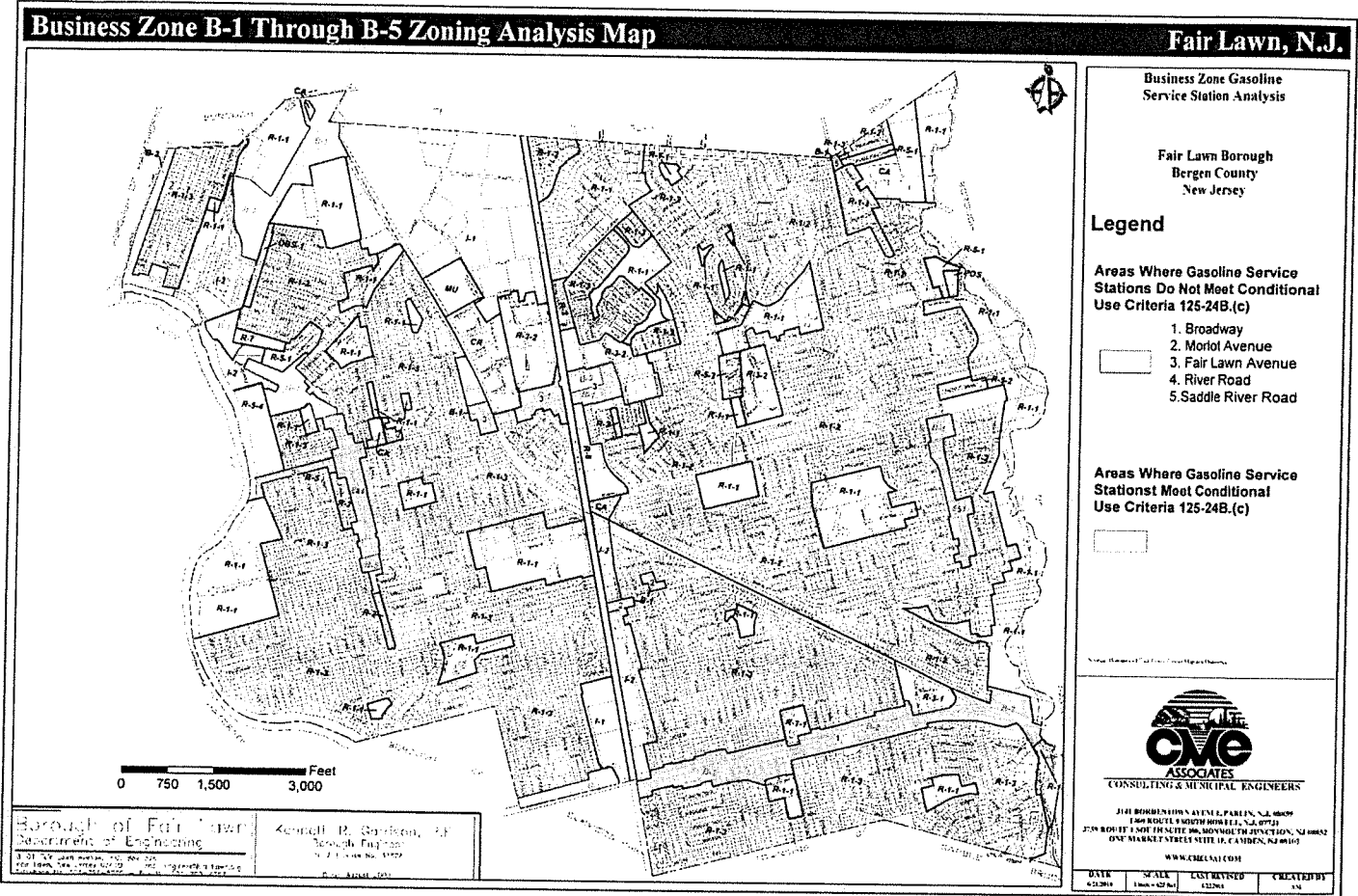


Figure 6: Business Zone Analysis Map
 [Editor's Note – if the Planning Board agrees with these recommendations, this map can be revised to identify the B-3, B-4 and B-5 locations to remove the conditional uses as referenced above.]

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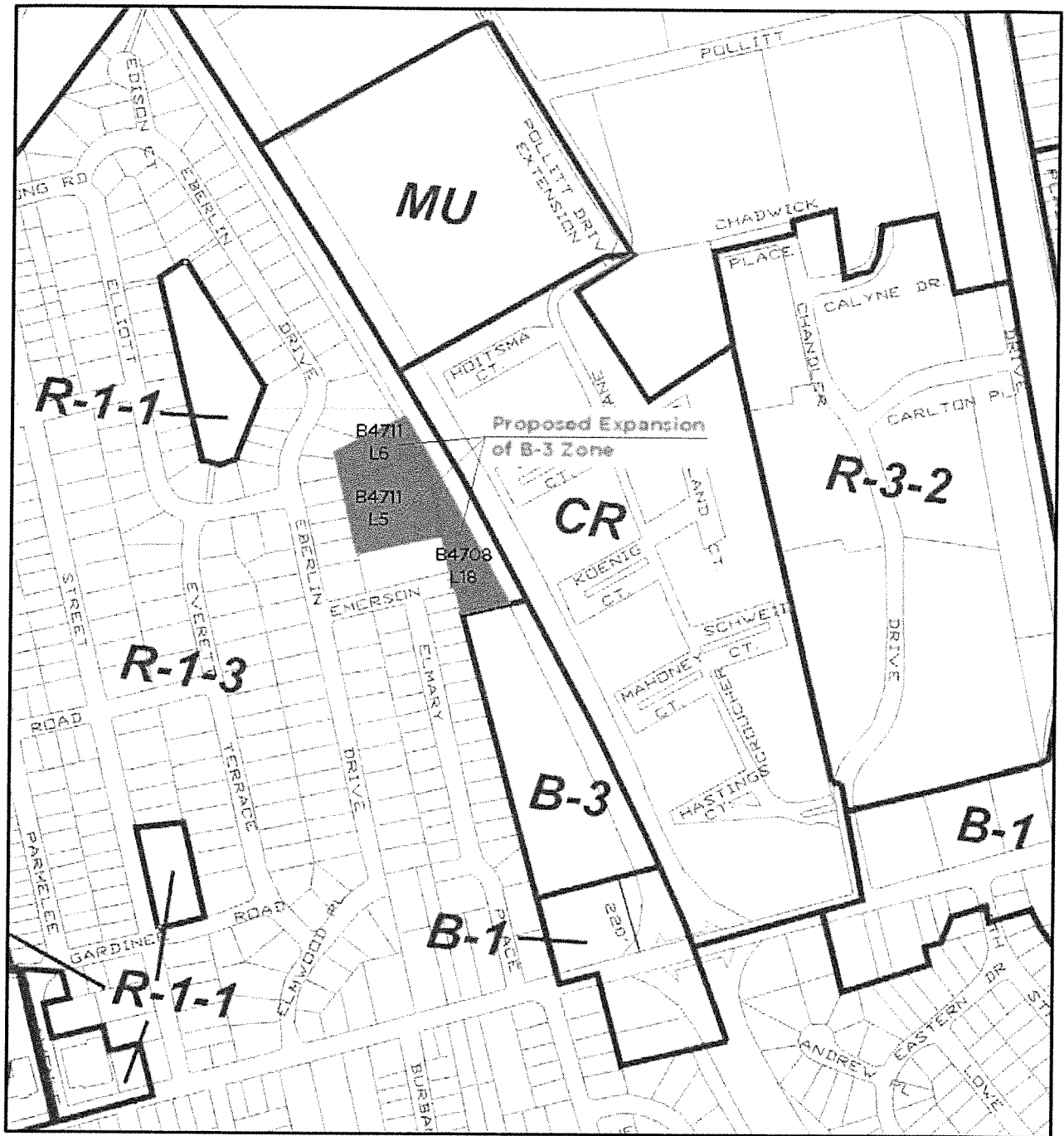


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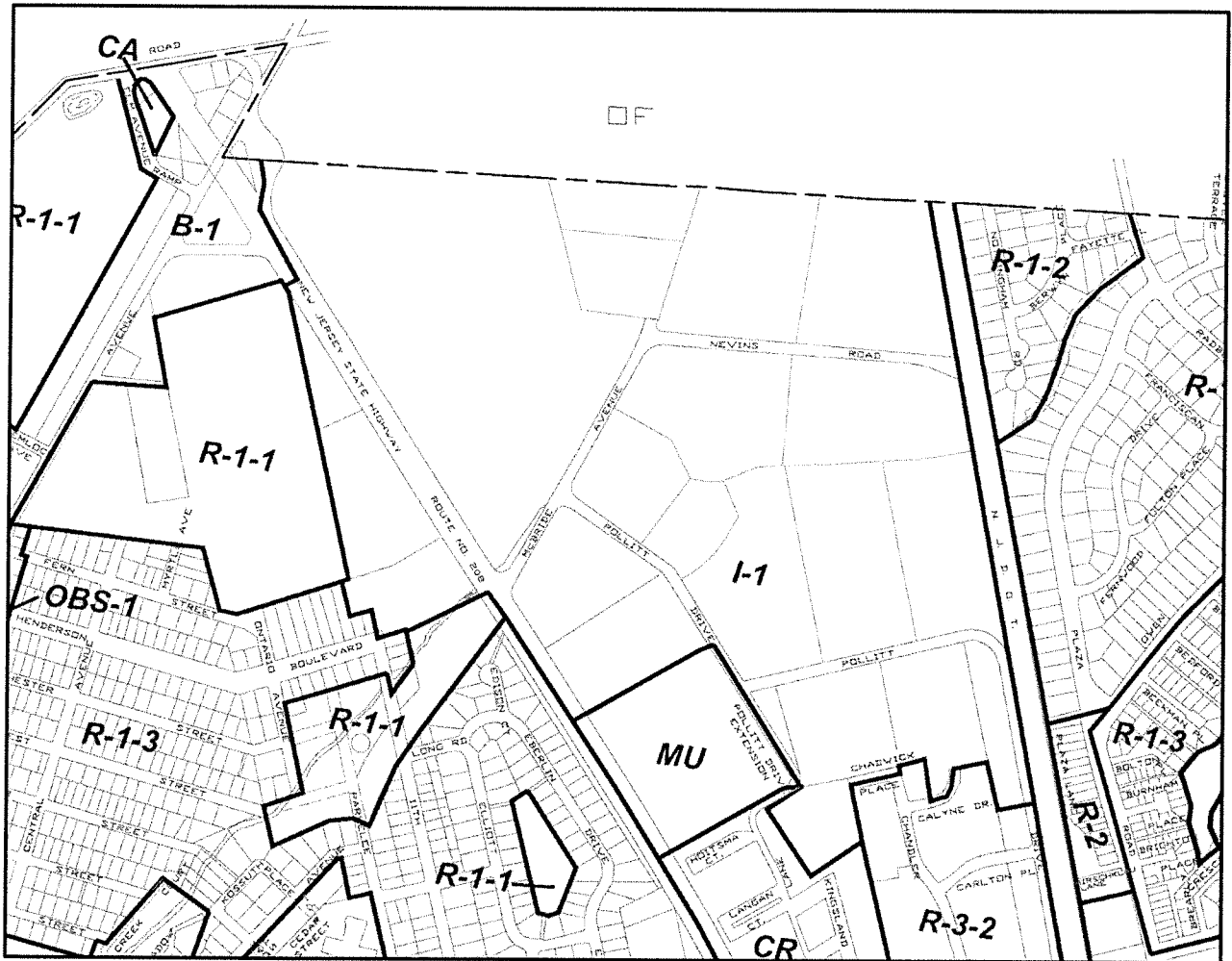


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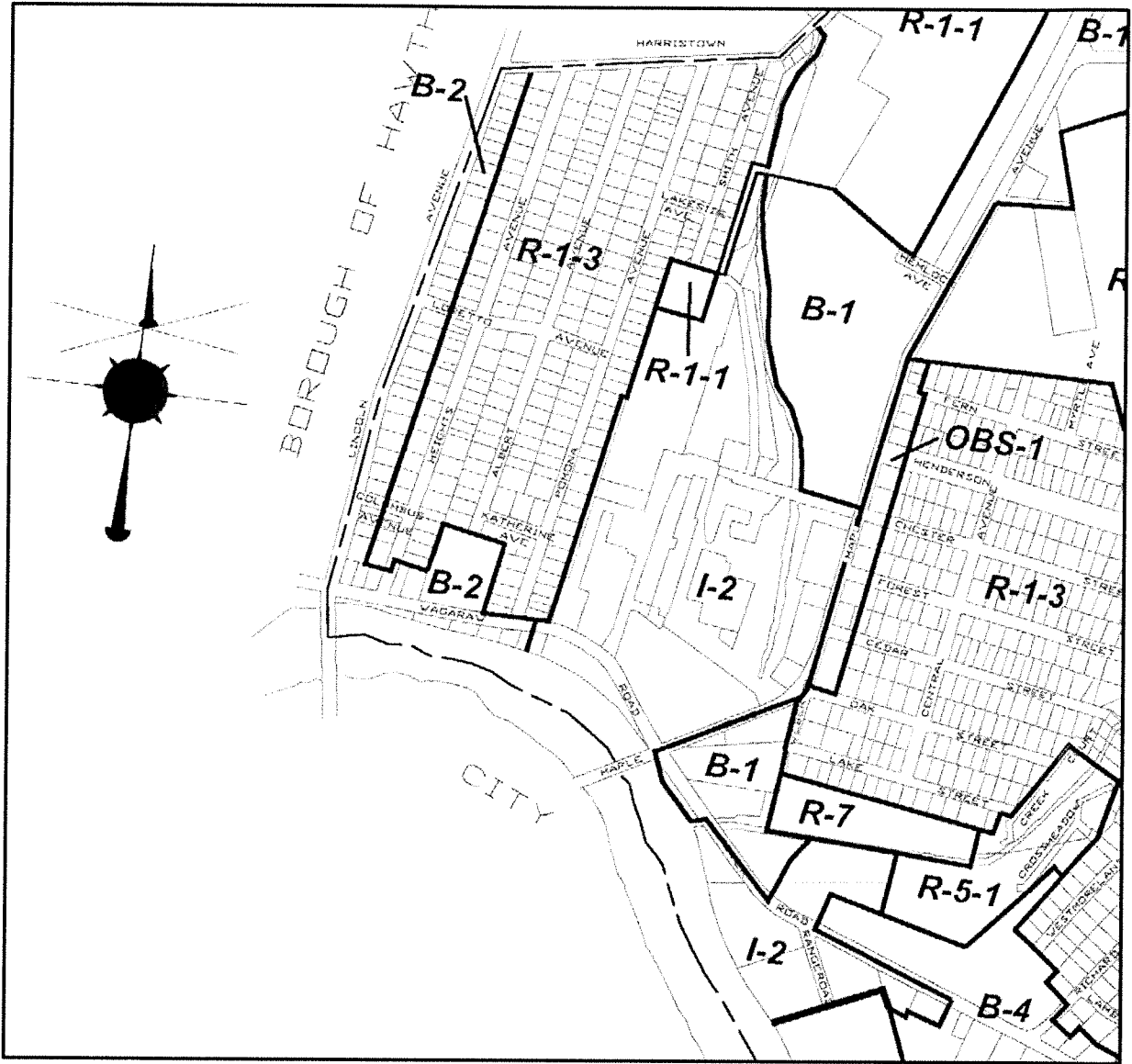


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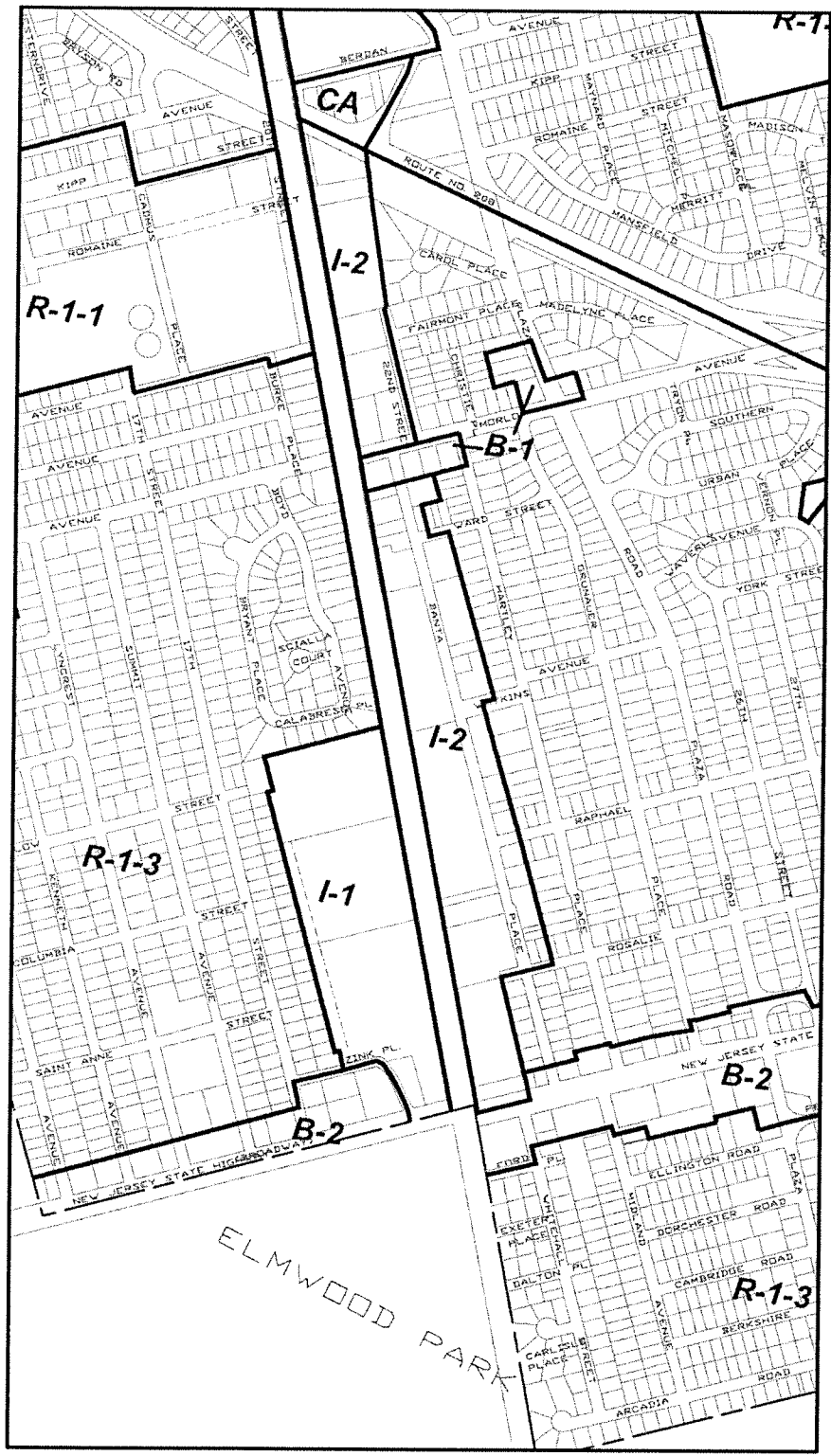


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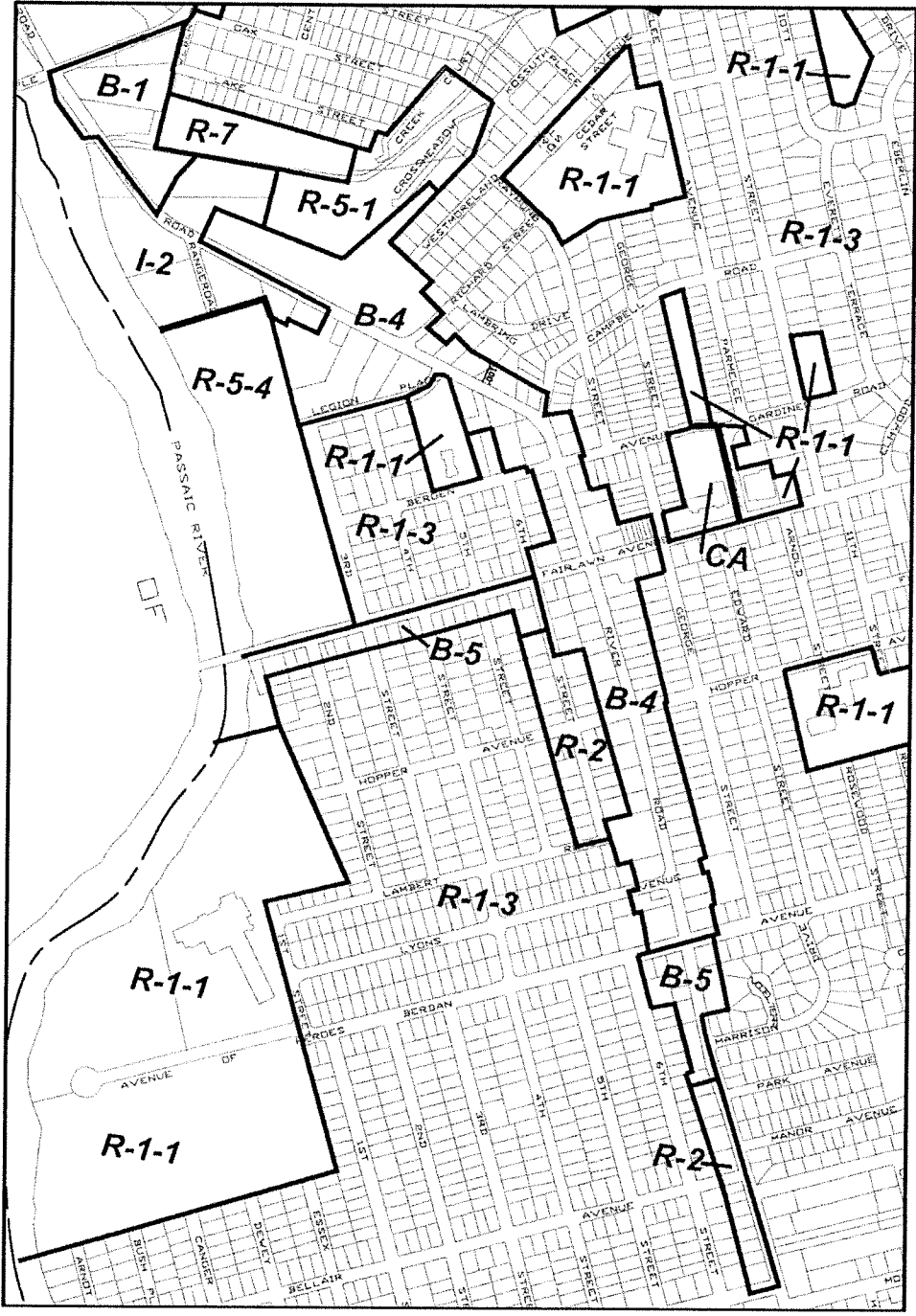


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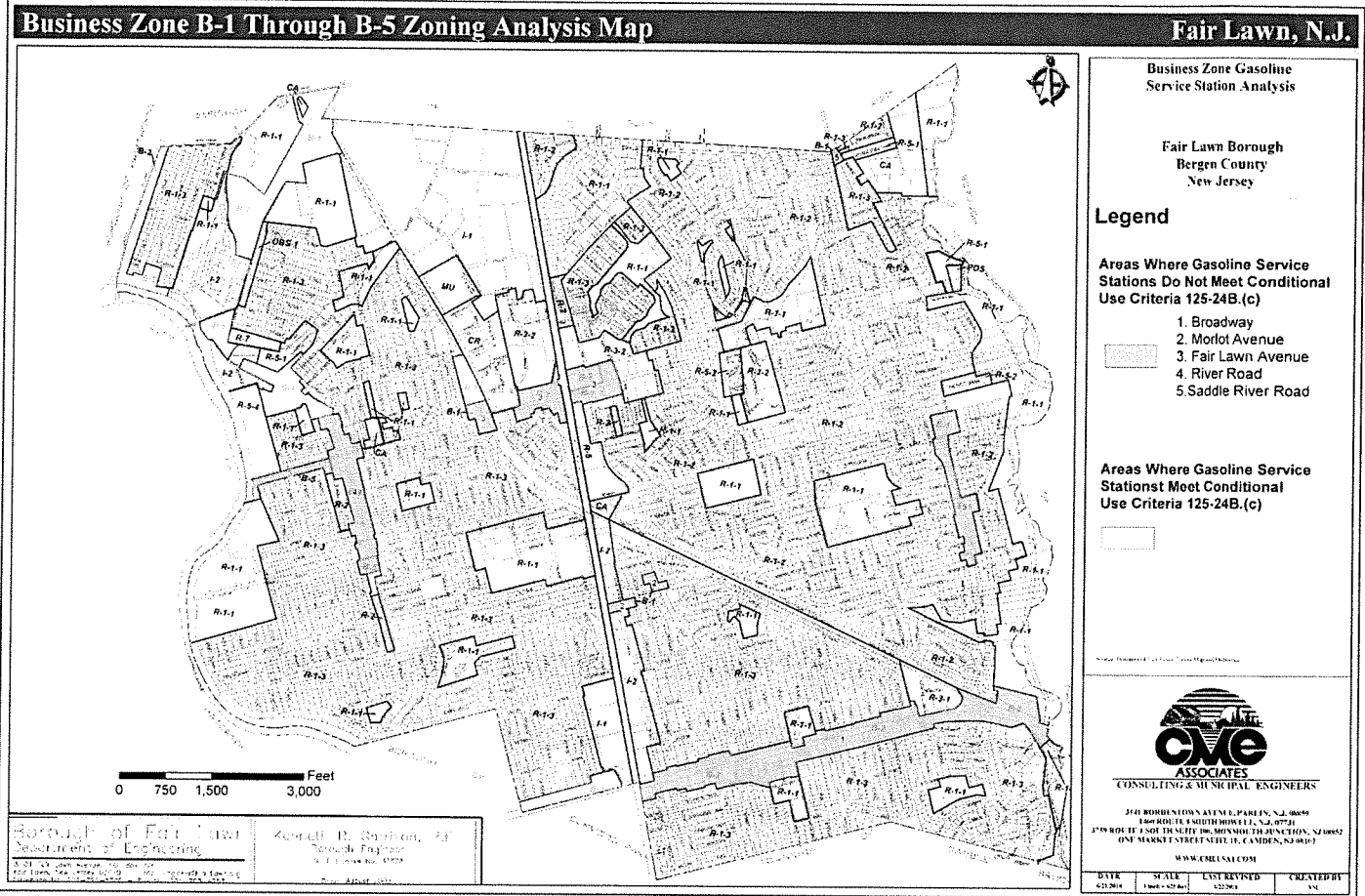


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