

COMMUNITY PLANNING  
LAND DEVELOPMENT AND DESIGN  
LANDSCAPE ARCHITECTURE

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**B U R G I S**  
A S S O C I A T E S , I N C .

## MEMORANDUM

To: River Edge Land Use Board  
From: Thomas Behrens, Jr., P.P., AICP  
Subject: Pacific Outdoor Advertising, LLC – Proposed Billboard  
Preliminary/Final Site Plan Approval w/ 'd'(1) Use, 'd'(6) Height & 'c' Variance Requests  
Block 1402 Lot 4  
14 Route 4 West  
Date: March 6, 2026  
BA#: 4401.02

### INTRODUCTION

The applicant, Pacific Outdoor Advertising, LLC is requesting preliminary and final site plan approval as well as 'd'(1) use, 'd'(6) height and 'c' variance relief to install a freestanding two-sided static billboard at the above-referenced site developed with a 1 ½-story frame building with associated improvements intended to remain. The property is located in the C-1 Commercial Neighborhood Business Zone wherein billboards are not listed as a permitted principal use. The nature of proposed improvements and extent of required variance relief are detailed herein.

### SUBMISSION

Our office is in receipt of the following items for review:

1. Application forms and documents.
2. Property survey prepared by Lakeland Surveying dated September 2, 2025.
3. Rider to Application – Planner's Variance Justification.
4. NJDOT Permit No. 78009 dated August 7, 2025.

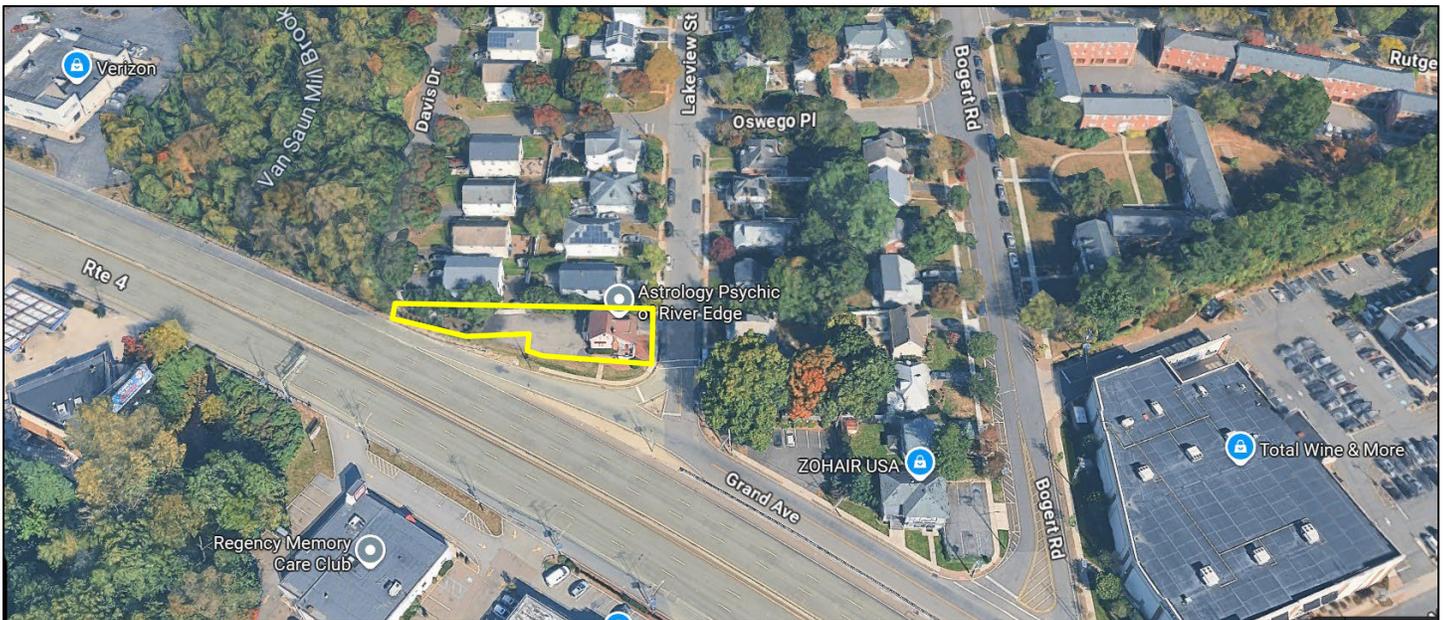
### PLANNING REVIEW

#### Property Description

The site, identified as Block 1402 Lot 4 in Borough tax records, is a 7,032 square foot corner lot with frontages on Lake View Street and Johnson Street/Route 4 marginal road developed with a 1-1/2 story frame structure and paved driveway on Lake View Street leading to the paved surface parking area that extends in the front, side and rear yard areas of the property. Development surrounding the site consists of detached single-family dwellings to the north and east and

commercial uses to the south and west. The aerial image below provides a general overview of the existing site conditions and surrounding development pattern.

Image 1 - Site Aerial Photo



Source: Google Maps. Accessed March 6, 2026. Note: lot lines are approximate.

## Proposed Development

The Applicant is proposing a LED illuminated, 60-foot high, two-sided, v-shaped static billboard in the southern front yard area of the site. The existing 1 ½-story frame building and associated improvement will remain. The following is offered for the Board's consideration with regard to specific elements of the development application:

1. Uses. The applicant shall confirm all existing and proposed uses of the property. It is noted that the application materials indicate the property owner is residing in the existing building where residential use is not permitted. It is noted that the subject lot previously located in the R-1 Residential One-Family Zone was rezoned in 2006 via Ordinance No. 1555 to facilitate the conversion of the existing single-family dwelling to entirely commercial/office use after which time the residential use of the property was vacated and does not appear to have subsequently received 'd'(1) use variance relief to reconstitute residential use of the property. As such, it would seem 'd'(1) use variance relief is required for this residential use.
2. Parking and circulation. The existing driveway on Lake View Street providing access to the paved parking area will remain. The applicant shall discuss compliance of the existing/proposed parking area based on the existing/proposed uses, site configuration and location of the proposed billboard. The applicant shall confirm how the billboard will be accessed for maintenance. The applicant shall confirm the road classifications along the site's frontages given conflicting information.
3. Billboard. The proposed LED illuminated, v-shaped, static billboard will have 2 10.5 ft by 36 ft signs. Each sign will be illuminated with 3 5,000K (bright white/daylight) LED fixtures.

4. Lighting. The applicant shall confirm all existing and proposed site lighting. While there is a light trespass study shown on sheet 2 of the engineering plans it does not include any lot lines. Therefore, the impact of the property lighting cannot be properly assessed.
  - Section 350-28.B. requires *"in connection with every site plan, the applicant shall submit plans for all proposed exterior lighting. These plans shall include the location, type of light, radius of light and intensity in footcandles."*
  - Section 350-28.C. requires *"outdoor lighting, such as building and sidewalk illumination, driveways with no adjacent parking, the lighting of signs and ornamental lighting shall be shown on the lighting plan in sufficient detail to allow a determination of the effects upon adjacent properties, roads and traffic safety from glare, reflection and overhead skyglow."*
  - Section 350-38.G. requires *"all exterior and outdoor lighting shall be evaluated by the Planning Board with respect to impact on surrounding land uses and properties."*

The applicant shall demonstrate the proposed lighting will not generate off-site glare to the adjacent residential neighborhood given the orientations of the two signs. It is noted that no photographic renderings have been submitted demonstrating the impact to surrounding residential development including those within 0 feet of the site.

5. Signage. The applicant shall confirm compliance of the existing freestanding and A frame sign associated with the astrology use.
6. Landscaping. No landscaping is proposed. The applicant shall address all relevant buffer requirements in Sections 416-59 and 350-32 of the Borough Code.
7. Compliance with Prior Site Approvals. The Applicant shall address compliance with conditions of prior site approvals.

**Master Plan.** The Borough's Master Plan contains the following relevant goals and objectives:

- Maintain the character and viability of all established residential neighborhoods.
- Prevent the development of incompatible land uses in all residential neighborhoods through zoning and land use controls.
- Maintain and upgrade existing commercial areas to provide a complete range of office, retail and ancillary development.
- Improve, where necessary, the aesthetic character of the existing commercial development by employing zoning controls and encouraging building maintenance.
- Assess all proposals for commercial development in reference to market conditions, traffic impacts and general impacts on community affairs.
- Maintain adequate traffic circulation, improve safety and minimize impacts of traffic on community.

New Jersey's adopted 2025 State Development and Redevelopment Plan provides as a goal to "reduce or eliminate signs of visual clutter including inappropriate billboards, signs, overhead power lines and over-scaled and poorly directed lighting."

**Zoning.** The site is located in the C-1 Commercial Neighborhood Business Zone which does not permit the proposed billboard or residential uses. The applicant shall confirm all existing and proposed uses. The following table illustrates the requirements of the C-1 Zone as compared to the existing and proposed conditions.

C-1 Zone Requirements

Requirement	C-1 Zone	Existing	Proposed
Min. Lot Area	15,000 sf	7,032.3 sf (E)	<b>No Change (V)</b>
Min. Lot Width	150 ft	166.37 ft (E)	<b>No Change (V)</b>
Min. Lot Depth	100 ft	6.23 ft (E)	<b>No Change (V)</b>
Min. Front Yard	30 ft	Building: 12.7 ft (E), 11.4 ft (E) Billboard: N/A	Building: No Change <b>Billboard: 5 ft (V)</b>
Min. Side Yard (one/both)	15 ft/35 ft	Building: >15 ft/>35 ft Billboard: N/A	Building: No Change Billboard: >15 ft/>35 ft
Min. Rear Yard	20 ft	Building: 12.6 ft (E) Billboard: N/A	Building: No Change <b>Billboard: 9.37 ft (V)</b>
Max. Building Coverage	40%	15.53%	TBD
Max. Lot Coverage	80%	68.07%	68.35%
Max. Building Height	35 ft	Building: 26.8 ft/ 1.5 sty Billboard: N/A	Building: No Change <b>Billboard: 60 ft (V)</b>

(E): Existing nonconforming condition; (V): Variance relief required.

Relevant purposes of the Borough's Zoning Ordinance as stipulated in Chapter 416-3 are as follows:

- Promote orderly development to protect and enhance the character of the Borough of River Edge through the regulation of the uses of land and lots within all zoning districts specified herein.
- Regulate incompatible land uses and land use development and prohibit uses, buildings or structures which are not compatible with the character of the surrounding development or those uses permitted within the specified zoning districts.
- Provide adequate light, air, open space and privacy and convenience of access to property.
- Prevent the overcrowding of land and buildings and avoid undue concentrations of population.
- To promote a desirable visual environment through creative development techniques and good civic design and arrangements.

## Required Variance Relief.

The application requires the following variance relief:

1. 'd'(1) Use. The applicant shall confirm all existing and proposed uses on the property to confirm the extent of required 'd'(1) use variance relief. The proposed billboard constitutes a second principal use and principal structure on the property and is not listed as a permitted principal use in the C-1 Zone wherein the site is located and where billboards are prohibited in accordance with Section 416-44.

The applicant shall discuss impacts to the several residential uses immediately adjacent to the subject property and the neighborhood in general. We note in the Rider to the Application – Planner's Variance Justifications that item 2.a. indicates "the property is well-suited for the proposed billboard by virtue of its context," but then implies that among the Borough's other 20 properties with proximity to Route 4, they are not suitable because they are adjacent to residential zoning.

2. 'd'(6) Height. The C-1 Zone permits a maximum height of 35 feet where the application materials indicate the proposed billboard height is 60 feet.
3. 'c' Maximum Front Yard Setback. The C-1 Zone requires a minimum front yard setback of 30 feet where the proposed billboard will have a nonconforming front yard setback of 5 feet from the southern front lot line. The existing building to remain has a nonconforming front yard setback of 12.7 feet and 11.4 feet.
4. 'c' Minimum Rear Yard Setback. The C-1 Zone requires a minimum rear yard setback of 20 feet where the proposed billboard will have a nonconforming rear yard setback of 9.37 feet. The existing building to remain has a nonconforming rear yard setback of 12.6 feet.
5. 'c' Min. Lot Area. The C-1 Zone requires a minimum lot area of 15,000 square feet where the site has an existing nonconforming lot area of 7,032.3 square feet, less than half the lot area required.
6. 'c' Min. Lot Depth. The C-1 Zone requires a minimum lot depth of 100 feet where the lot has an existing nonconforming depth of 6.23 feet.
7. 'c' Min. Landscape Buffer. A minimum landscape buffer of 5 feet is required where the existing and proposed buffer are 0 feet.
8. 'c' Signs Projecting in Required Yard. In accordance with Section 416-45.B. signs projecting into a required yard are prohibited where the proposed sign will be located in the southern front yard area with a nonconforming front yard setback of 5 feet from the front lot line.
9. 'c' Signs Extending Above Roof. Section 416-45.C. prohibits signs "*placed, inscribed or supported upon the roof or upon any structure which extends above the roof of any building, except such directional devices as may be required by federal or state aeronautical authorities*" where the proposed billboard is more than twice the height of the existing building on the site.

10. 'c' Sign Lighting Glare. Section 416-48.A. stipulates *"permitted lighting for illuminated signs shall be limited to that concentrated upon the face of the sign. If any such sign is situated within 20 feet of a street, the direct source of light shall not be visible from the street or any neighboring lots or uses."* The applicant shall demonstrate compliance with this requirement or request relief from same.
11. 'c' Sign Lighting Hours. Section 416-48.B. requires all spotlights and floodlights used to illuminate any sign shall be extinguished by 11:00 p.m. where it is anticipated that the proposed billboard will be illuminated from dusk to dawn.
12. 'c' Max. Lighting at Property Line. 350-28.F. prohibits lighting in excess of 1.0 fc at property lines. Extent of deviation to be confirmed with illuminance plan showing property lines.

## STATUTORY CRITERIA

### 'd'(1) Use Variance Relief

The Municipal Land Use Law (MLUL) sets forth the statutory positive and negative criteria for variance relief. It permits a Zoning Board of Adjustment to grant a 'd' variance "in particular cases and for special reasons." The courts have determined that special reasons include a showing by the applicant that the granting of the variance will effectuate the intents and purposes of the MLUL and advance the goals and objectives of the local master plan. This is the "positive criteria" of the statute.

An applicant for a 'd'(1) use variance is obligated to address the planning issues raised in *Medici v. BPR, Co.*, 107 NJ 1 (1987). In accordance with the guidelines set forth in *Medici*, an applicant for a use variance must demonstrate that special reasons are satisfied by either showing that the proposed use is one which "inherently serves the public good" or that the proposed use promotes the general welfare because the proposed site is particularly suitable for that use. The *Medici* decision provides that in conjunction with the demonstration of the negative criteria, an enhanced quality of proof must be demonstrated to indicate that the granting of the requested use variance is not inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance.

### 'd'(6) Height Variance

The application requires variance relief pursuant to NJSA 40:55D-70(d)(6) for the height of a principal building or structure which exceeds the zone's maximum height permitted by ten (10) feet or ten percent (10%). As noted above, an applicant requesting a 'd' variance must demonstrate that special reasons exist for the granting of the variance, and that the granting of such variance will further the purposes of the MLUL (positive criteria). In addition, the applicant must prove that there will be no substantial detriment to the public good and no substantial impairment to the intent of the Master Plan and Zoning Ordinance (negative criteria).

In *Grasso v. Spring Lakes Heights*, 375 N.J. Super. 41 (App. Div. 2004), the court explored reasons for adopting height controls in residential zones and some of the special reasons and negative criteria arguments that might be advanced in seeking a variance from such controls, likening the test established for 'd'(4) FAR variance relief applications. As such, the applicant is not obligated to show that the site is particularly suited for the proposed height. Rather, an applicant requesting 'd'(6) variance relief must show that the site can accommodate the problems associated with a height which

is greater than that permitted by the ordinance. The applicant may also discuss the topography of the site, and whether there are any unusual aspects of the topography which would warrant variance relief.

### 'c'(1)'/c'(2) Variances

The statute provides two approaches to 'c' variance relief, commonly referred to as the 'physical features' test and the 'public benefits' test. These are identified as follows:

1. Physical Features Test: An applicant may be granted 'c'(1) variance relief when it is demonstrated that the noncompliant condition is caused by 1) an exceptional narrowness, shallowness, or shape of the property, 2) exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or 3) by reason of extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.
2. Public Benefits Test: An applicant may be granted 'c'(2) variance relief where it can prove the following: 1) that the granting of the variance will advance the intents and purposes of the Municipal Land Use Law; 2) that the benefits of granting the variance substantially outweigh any potential detriments. The benefits are required to be public benefits rather than a benefit that simply accrues to the property owner.

In addition to the above, an applicant must address the Negative Criteria of the statute. To meet the negative criteria, an applicant must demonstrate the variance can be granted without substantial detriment to the public good and it will not substantially impair the intent and the purpose of the master plan and zoning ordinance.