

COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

PRINCIPALS:
Joseph H. Burgis PP, AICP
Edward Snieckus Jr., PP, LLA, ASLA
David Novak PP, AICP

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: May 1, 2026
BA#: 4401.02

INTRODUCTION

The applicant, Pacific Outdoor Advertising, LLC, submitted revised plans and supplemental information in their request for 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.

Our initial review memo dated March 6, 2026 has been updated in consideration of the following submission items:

- Response letters from applicant's attorney and engineer.
- Revised property survey.
- Revised site plans.
- Title Report.

SUBMISSION

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

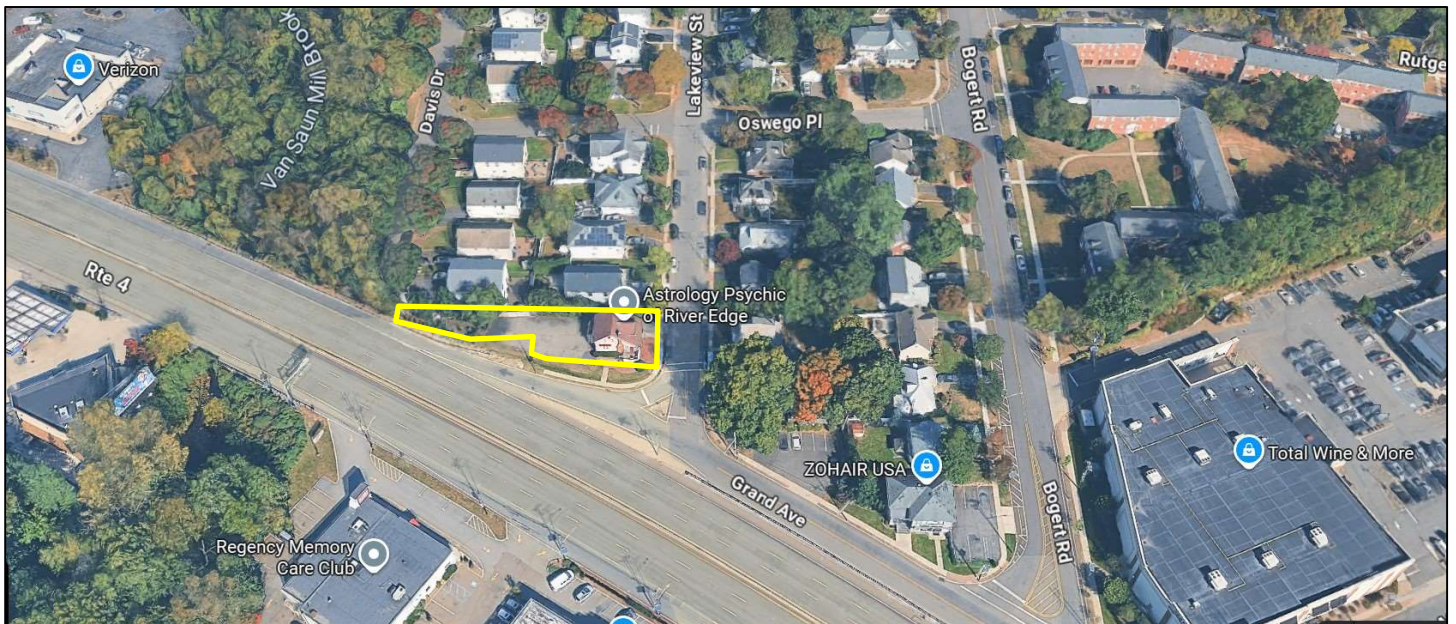
1. Application forms and documents.
2. Property survey prepared by Lakeland Surveying last revised April 9, 2026.
3. Response letter prepared by the Law Offices of Stephen P. Sinisi, Esq., LLC dated April 28, 2026.
4. Response letter prepared by L2A Land Design, LLC dated April 22, 2026.
5. Title report prepared by Surety Title Company dated March 31, 2026.
6. Site plans (3 sheets) prepared by L2A Land Design, LLC last revised April 22, 2026.
7. Rider to Application – Planner's Variance Justification.
8. 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 6,995 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 1/2-story frame building will remain with proposed parking improvements to the associated parking area. The following is offered for the Board's consideration with regard to specific elements of the development application:

1. Uses. The response letter prepared by the applicant's attorney dated April 28, 2026 indicates the existing building is being used as an astrologer's office and architect's office where the individual business owners are the only employees. 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. The property tax card submitted with the application indicates the building has 1,612 square feet of retail space.

2. Parking and circulation. The site's only access driveway on Lake View Street providing ingress and egress to the paved parking area will remain. The site plans have been revised to depict 6 striped parking spaces, including 1 handicap space and 1 9 ft by 16 foot compact parking stall, where the existing 1,612 square feet of office space requires a minimum of 7 spaces thereby requiring variance relief. The applicant shall discuss the functionality of the proposed parking configuration regarding vehicle movements exiting the parking stalls while the stalls are occupied.

The base of the billboard has been relocated slightly to where it no longer encroaches into the parking area. The applicant shall confirm how that billboard will be accessed for maintenance. It is noted that Section 350-25.H.(1) stipulates that all off-street parking areas shall be used solely for the parking of passenger automobiles, and no commercial repair work or service of any kind shall be conducted in such parking areas except for emergency purposes. Bollard details are provided on sheet 3 of the site plans, the proposed locations of which are unclear.

3. Billboard. The proposed LED illuminated, v-shaped, static billboard will have 2 10.5 ft by 36 ft (378 sf each) signs. Each sign will be illuminated with 3 5,000K (bright white/daylight) LED fixtures.
4. Lighting. Proposed site lighting appears to be limited to the 3 5,000K LED fixtures for each sign. The site plans have been updated to provide lighting illumination levels at 4 locations on the property line which do not include the typical radiating photometric lines around the lighting sources. The lighting levels appear to exceed the Borough maximum permitted illuminance at lot lines of 1.0 fc that would require a design exception. The applicant shall confirm the impacts of the proposed billboard lighting and detail how the lighting analysis was conducted to demonstrate its applicability.

The Borough Code requires the following with respect to proposed lighting improvements:

- 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, 350-25.H(3) and 350-32 of the Borough Code. In accordance with Section 350-25.H(3) Off-street parking areas shall have planting buffer strips at least five feet in width around the perimeter of the parking area. The Planning Board shall require that the design of the parking areas and the buffer strips to be placed upon these parking areas shall be adequate to screen the parking area from the view of the street or any adjoining lots insofar as necessary or practical to achieve the maximum amount of green space consistent with the parking requirement.
7. Garbage and Recycling. The applicant shall confirm the proposed location and handling of garbage and recycling.
8. 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.

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. The applicant shall confirm all existing and proposed uses through testimony. 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	6,995.00 sf (E)	No Change (V)
Min. Lot Width	150 ft	166.18 ft (E)	No Change (V)
Min. Lot Depth	100 ft	5.92 ft (E)	No Change (V)
Min. Front Yard	30 ft	Building: 12.7 ft (E), 11.4 ft (E) Billboard: N/A	Building: No Change Billboard: 2.28 ft (V)
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 Billboard: 9.37 ft (V)
Max. Building Coverage	40%	15.61%	TBD
Max. Lot Coverage	80%	68.43%	68.86%
Max. Building Height	35 ft	Building: 26.8 ft/ 1.5 sty Billboard: N/A	Building: No Change Billboard: 60 ft (V)

(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 and design exceptions as indicated below:

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 2.28 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 6,995 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 5.92 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.

Design Exceptions

1. Max. Lighting at Property Line. Section 350-28.F. prohibits lighting in excess of 1.0 fc at property lines. The extent of the proposed deviation to be confirmed.
2. Min. Drive Aisle Width. Section 350-25(C)(1) permits only one-way traffic to be permitted in aisles less than 24 feet in width.
3. Min. Parking Stall Dimensions. Section 350-25(D)(1) requires a minimum parking stall dimension of 9 feet by 18 feet where 1 nonconforming compact parking stall is proposed.
4. Parking Prohibited in Front Yard. Section 350-25.B(2) prohibits parking in a required front yard.
5. Min. Side and Rear Yard Parking Setback. Section 350-25.B(2) requires a minimum parking are setback of 6 feet from side and rear lot lines where the existing and proposed parking areas have a nonconforming parking setback of 0 feet from the northern lot line.
6. No Parking in Required Buffer Zone. Pursuant to Section 350-25.B(3), the existing and proposed parking areas are located in the required buffer zone extends along the northern lot line where prohibited.
7. Dead-End Parking Aisles Prohibited. The proposed dead-end parking configuration is prohibited in accordance with Section 350-25.C(3). Pursuant to Section 350-25.D(2), each parking spaces must be usable without excessive maneuvering when all other spaces are occupied by vehicles. Parking spaces that are considered not to be usable shall not count towards satisfying the parking requirements and shall not be approved.

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 N.J.S.A. 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 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.

Design Exceptions/Waivers

N.J.S.A. 40:55D-51.a. and b. permit the Board to grant design exceptions *"from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and approval of an ordinance adopted pursuant to this article, if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question."*