



We Bring the World to New Jersey

NEW JERSEY SPORTS AND EXPOSITION AUTHORITY

**AGENDA SPECIAL MEETING**

Wednesday, August 5, 2015 -10:00 a.m.

Two DeKorte Park Plaza, Lyndhurst, NJ

I. **APPROVAL OF MINUTES** - (Action)

- Approval of Regular Session Meeting Minutes of July 16, 2015.

II. **PUBLIC PARTICIPATION ON RESOLUTIONS**

III. **APPROVALS** (Action)

Resolution 2015-45 Consideration of a Resolution regarding the Special Exception Application of Prologis / Teterboro Landing Phase 3 – Special Exception (File # 14-675)

Resolution 2015-46 Consideration of a Resolution regarding the Special Exception Application of MEPT Lincoln Crossing/2701 Route 3-Billboards Variances (File #14-646)

Resolution 2015-47 Consideration of a Resolution regarding Project of the Greater Wildwoods Tourism Improvement and Development Authority.

IV. **CHIEF EXECUTIVE OFFICER'S REPORT**

V. **PUBLIC COMMENTS**

VI. **EXECUTIVE SESSION**

Resolution 2015-48 Resolution authorizing the New Jersey Sports and Exposition Authority to conduct a meeting, to which the general public shall not be admitted for the purposes of discussing legal matters, personnel matters and contract negotiations.



**REGULAR SESSION BOARD MEETING**  
**Thursday, July 16, 2015**

DATE: July 16, 2015  
TIME: 10:00 a.m.  
PLACE: 2 DeKorte Park Plaza - Lyndhurst, NJ  
RE: REGULAR SESSION MEETING MINUTES

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**Members in Attendance:**

Michael Ferguson, Chairman  
Joseph Buckelew, Vice Chairman  
Wayne Hasenbalg, Esq., President and Chief Executive Officer  
Robert Romano, NJ State Treasurer's Representative  
Armando Fontoura, Member  
Michael H. Gluck, Esq., Member  
Anthony Scardino, Member  
Robert Yudin, Member  
John Ballantyne, Member  
Steven Plofker, Member  
Andrew Scala, Member  
George Kolber, Member

**Absent:**

LeRoy Jones, Member

**Also Attending:**

Amy Herbold, Assistant Counsel, Governor's Authorities Unit  
Ralph J. Marra, Jr., Esq. Sr. Vice President Legal and Governmental Affairs  
Christine Sanz, Chief Operating Officer  
Giuseppina Copa, Vice President IT  
Adam Levy, Director of Legal Affairs  
John Duffy, Vice President Engineering, Construction and Regulatory Affairs  
Helen Strus, Sr. Vice President Sales and Marketing  
Thomas Marturano, Director  
Sara Sundell, Director, Land Use Management  
Francisco Artigas, Director of MERI  
Dan Povia, Chief Financial Officer  
Christine Ferrante, Executive Assistant/Paralegal  
Fred Dressel, HMMC

Chairman Ferguson called the meeting to order.

Chairman Ferguson stated that the New Jersey Sports and Exposition Authority gave notice of the time, place, and date of this meeting by providing such notice to the Secretary of State for the State of New Jersey, The Star-Ledger, The Record, and other newspapers and by posting the notice at the offices of the Authority.

**I. APPROVAL OF MINUTES**

Chairman Ferguson presented the minutes of the Board Meeting held on June 18, 2015.

Upon motion made by Commissioner Scardino and seconded by Commissioner Ballantyne, the minutes of the Board Meeting held on June 18, 2015, were unanimously approved by a vote of 11-0.

**II. PUBLIC PARTICIPATING ON RESOLUTIONS – None**

**III. APPROVALS**

- Approval of Cash Disbursements Over \$100,000 and Professional Invoices

Chairman Ferguson presented the report of cash disbursements over \$100,000 and Professional Invoices for the month of June 2015

Upon motion by Commissioner Buckelew and seconded by Commissioner Fontoura, the cash disbursements over \$100,000 for the month of June 2015, were approved subject to the following recusals:

<u>Member</u>	<u>Recused as to</u>
Chairman Ferguson	PSE&G
Commissioner Buckelew	Borough of Oceanport

Resolution 2015-38 Resolution issuing a decision a decision on the Bulk Variance application submitted as part of the File No. 15-114 PSE&G/Homestead Substation upgrade and variance – Block 442, Lot 1.01 in North Bergen.

Ms. Sundell explained Resolution 2015-38 to the commissioners.

Chairman Ferguson presented Resolution 2015-38. Upon motion by Commissioner Buckelew and seconded by Commissioner Gluck, proposed resolution 2015-38 was approved by a vote of 10-0.

Resolution 2015-39 Resolution issuing a decision on the Variance application submitted as part of File No.15-085 PSE&G/Penhorn Substation upgrades and variances (Phase II) Block 101, Lots 2 and 5 in Jersey City.

Ms. Sundell explained Resolution 2015-39 to the commissioners. Commissioner Yudin asked about the setback. Ms. Sundell explained that the rear yard backs up against the transmission corridor. There is no impact on adjacent property.

Chairman Ferguson presented Resolution 2015-39. Upon motion by Commissioner Scala and seconded by Commissioner Scardino, proposed resolution 2015-39 was approved by a vote of 11-0.

Resolution 2015-40 Resolution regarding a Tidelands application for Campbell Foundry/Site Improvement File No. 15-070 – Block 284, Lot 7 in Kearny.

Ms. Sundell explained Resolution 2015-40 to the commissioners.

Chairman Ferguson presented Resolution 2015-40. Upon motion by Commissioner Romano and seconded by Commissioner Yudin, proposed resolution 2015-40 was approved by a vote of 11-0.

#### **IV. Awards and Contracts**

Resolution 2015-41 Resolution authorizing the award of a contract for Audit Services to O'Connor Davies, LLP for a three year contract at a cost not to exceed \$555,930.

Mr. Povia explained Resolution 2015-41 to the commissioners.

Commissioner Buckelew thanked the evaluation committee for the hard work that went into the evaluation of the proposals that were presented to the audit committee.

Chairman Ferguson presented Resolution 2015-41. Upon motion by Commissioner Buckelew and seconded by Commissioner Gluck, proposed resolution 2015-41 was approved by a vote of 11-0.

Commissioner Kolber joined the meeting.

Resolution 2015-42 Resolution authorizing the President and CEO of the New Jersey Sports and Exposition Authority to enter into a Memorandum of Understanding with Bergen Community College regarding the operation of the William D. McDowell Observatory.

Ms. Struss explained the resolution to the Commission. Ms. Struss then introduced Dr. Sloan, from Bergen Community College, who did a presentation on the Observatory.

Chairman Ferguson presented Resolution 2015-42. Upon motion by Commissioner Scardino and seconded by Commissioner Scala, proposed resolution 2015-42 was approved by a vote of 12-0.

Linda Emr, Dean and PJ Ricatto, Ph.D., Dean of Mathematics, Science & Technology PI STEM GPS, and others from Bergen Community College joined Chairman Ferguson and President Hasenbalg for the signing of the MOU.

Resolution 2015-43 Resolution authorizing a partnership between Rutgers University-Newark and New Jersey Sports and Exposition Authority regarding the operation of the Meadowlands Environmental Research Institute (MERI).

Ms. Sanz explained Resolution 2015-43 to the Commission. Ms. Sanz then introduced Dr. Francisco Artigas of MERI who did a presentation on MERI. Dr. Alec Gates, Professor, Department of Earth and Environmental Sciences, Rutgers-Newark did a presentation on the benefits of the new partnership.

Chairman Ferguson presented Resolution 2015-43. Upon motion by Commissioner Yudin and seconded by Commissioner Fontoura, proposed resolution 2015-43 was approved by a vote of 12-0.

## **V. CEO REPORT**

President Hasenbalg reported on the progress of the merger. President Hasenbalg announced that staff is now housed under one roof. President Hasenbalg stated that all land use and other matters were dealt with in a timely matter during the transition. President Hasenbalg also stated that NJSEA had waited to give out opt-out guidance so that information did not conflict or be different from the recently signed merger bill.

Since the bill has been signed, President Hasenbalg announced that Christine Sanz attended the HMMC meeting and informed mayors that distribution of the tax sharing funds collected were being sent out to the receiving towns.

President Hasenbalg also stated that for the towns choosing to opt-out under the new law, guidelines are being prepared by staff.

President Hasenbalg thanked the staff for their professionalism during the transition. President Hasenbalg stated that the Board and agency are prepared to live up to the commitment made not to compromise the history associated with the Meadowlands.

President Hasenbalg thanked those from Bergen County Community College and Rutgers-Newark for being here. President Hasenbalg expressed his enthusiasm in working with everyone to offer more programming and opportunities as result of the partnerships.

President Hasenbalg invited board members to a tour of the laboratory and pontoon boat tour of the district.

Chairman Ferguson thanked President Hasenbalg for his leadership and the commitment of staff during the merger.

Commissioner Kolber recognized the support and commitment of the NJSEA Commissioners to the State of New Jersey.

## **VI. PUBLIC COMMENTS**

- Mayor Dressel, HMMC
- Lenny Nix, resident of Hackensack

## **VII. EXECUTIVE SESSION**

**VII. EXECUTIVE SESSION**

Chairman Ferguson stated a need for the Board to enter into Executive Session to discuss contractual matters and litigation matters.

Resolution 2015-44 Resolution authorizing the NJSEA to enter into a meeting to which the general public shall not be admitted.

Upon motion made by Commissioner Pfloker, and seconded by Commissioner Gluck, Resolution 2015-44 was approved by a vote of 12-0.

Executive Session commenced at 11:10 a.m.  
Public Session resumed at 11:20 a.m.

Chairman Ferguson requested a motion to conclude the meeting. Upon motion made by Commissioner Scardino and seconded by Commissioner Scala, the public meeting was adjourned by a vote of 12-0.

**I certify that this is a true and accurate transcript of the Regular Session Minutes of the New Jersey Sports and Exposition Authority Board meeting of July 16, 2015.**



**Ralph J. Marra, Jr., Esq.  
Assistant Secretary**

**RESOLUTION 2015-45**

**RESOLUTION ISSUING A  
DECISION ON THE SPECIAL EXCEPTION APPLICATION  
SUBMITTED AS PART OF FILE NO. 14-675  
PROLOGIS/ TETERBORO LANDING PHASE 3 SPECIAL EXCEPTION  
BLOCK 202, LOT 4.08, IN THE BOROUGH OF TETERBORO**

**WHEREAS**, an application for one (1) special exception has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Charles B. Liebling, Esq., of the firm Windels Marx Lane & Mittendorf, LLP, on behalf of Catellus Teterboro Development Urban Renewal II, LLC, for the premises identified as Block 202, Lot 4.08, in the Borough of Little Ferry, New Jersey; and

**WHEREAS**, the special exception is sought in connection with the applicant's proposal to construct eight fast food restaurants, including two fast food restaurants with drive-through facilities, and associated site improvements on the subject property; and

**WHEREAS**, the applicant requested special exception approval from Section IV B.2c of the Teterboro/Industrial Avenue Redevelopment Plan, which lists fast food restaurants as a special exception use in the redevelopment area; and

**WHEREAS**, notice of the requested special exception was given to the public and all interested parties as required by law and was published in The Record newspaper; and

**WHEREAS**, a public hearing was held in the Office of the NJSEA on Tuesday, June 2, 2015, before Sara Sundell, Director of Land Use Management and Chief Engineer; Sharon Mascaró, Deputy Director of Land Use Management and Deputy Chief Engineer; and Fawzia Shapiro, Senior Engineer; and

**WHEREAS**, a comprehensive report dated July 30, 2015, has been prepared indicating the recommendations of the Director of Land Use Management and the Senior Vice President of Legal & Regulatory Affairs in this matter; and

**WHEREAS**, a copy of the recommendation and comprehensive report was provided to the applicant on July 22, 2015; and

**WHEREAS**, the report recommends the conditional approval of the special exception use, requested in accordance with Section IV B.2c of the Teterboro/Industrial Avenue Redevelopment Plan, to construct eight fast food restaurants, including two fast

food restaurants with drive-through facilities, on the subject premises, conditioned upon the applicant submitting a waste management and wildlife hazard mitigation plan for review and approval by the NJSEA and the PANYNJ; and

**WHEREAS**, effective February 5, 2015, the New Jersey Meadowlands Commission has become part of the NJSEA; and

**WHEREAS**, the Board of Commissioners of the NJSEA has reviewed the full record, including the transcripts of the public hearings, recommendations on the application by the Director of Land Use Management and by the Senior Vice President of Legal & Regulatory Affairs, and the submissions of the applicant; and

**WHEREAS**, the Board of Commissioners of the NJSEA concurs with the recommendations of the Director of Land Use Management and the Senior Vice President of Legal & Regulatory Affairs; and

**WHEREAS**, the Board of Commissioners of the NJSEA hereby determines that the special exception use, requested in accordance Section IV B.2c of the Teterboro/Industrial Avenue Redevelopment Plan, to construct eight fast food restaurants, including two fast food restaurants with drive-through facilities, on the subject premises, conditionally conforms with the standards for approving applications for special exceptions as set forth in N.J.A.C. 19:4-4.13(e).

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the Prologis/ Teterboro Landing Phase 3 Special Exception application for a special exception use, in accordance with Section IV B.2c of the Teterboro/Industrial Avenue Redevelopment Plan, to construct eight fast food restaurants, including two fast food restaurants with drive-through facilities, on the subject premises, is hereby **APPROVED WITH THE FOLLOWING CONDITION**, for the reasons set forth in the recommendation dated July 22, 2015:

1. The applicant shall submit a waste management and wildlife hazard mitigation plan for review and approval by the NJSEA and the PANYNJ. The management plan shall be reviewed and approved prior to the issuance of zoning certificate approval for the subject phase of development.

**ADOPTED: August 5, 2015**





*MEMORANDUM*

*To:* NJSEA Commissioners and President Wayne Hasenbalg

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*From:* Sara J. Sundell

*Date:* August 5, 2015

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*Subject:* Special Exception Recommendation - Prologis /Teterboro Landing  
Phase 3 - Special Exception (File No. 14-675)

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An application for one special exception has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Charles B. Liebling, Esq., of the firm Windels Marx Lane & Mittendorf, LLP, on behalf of Catellus Teterboro Development Urban Renewal II, LLC, for the premises identified as Block 202, Lot 4.08, in the Borough of Teterboro, New Jersey. The subject premises is located in the District's Teterboro/Industrial Avenue Redevelopment Area.

The special exception is sought in connection with the applicant's proposal to construct eight fast food restaurants, including two fast food restaurants with drive-through facilities, and associated site improvements on the subject property.

The applicant requested special exception approval from Section IV B.2c of the Teterboro/Industrial Avenue Redevelopment Plan, which lists fast food restaurants as a special exception use in the redevelopment area.

A public hearing was held in the Office of the Commission on Tuesday, June 2, 2015. The public notice was published in The Record newspaper. Notice was given to the public and all interested parties as required by law. The Port Authority of New York and New Jersey (PANYNJ) submitted written comments regarding the application at the public hearing.

In a comprehensive report dated July 30, 2015, the Director of Land Use Management and the Senior Vice President of Legal & Regulatory Affairs recommended the conditional approval of the special exception requested above.

At this time, the Board of Commissioners is required to issue a decision on the special exception application described above. A resolution requesting the same is attached for your consideration.

RECOMMENDATION ON THE SPECIAL EXCEPTION APPLICATION OF  
Prologis/Teterboro Landing Phase 3 - Special Exception

FILE # 14-675

I. INTRODUCTION

Pursuant to Public Law 2015, Chapter 19, The New Jersey Meadowlands Commission (NJMC) has become part of the New Jersey Sports and Exposition Authority (NJSEA), effective February 5, 2015.

An application for one (1) special exception use has been filed with the NJSEA by Charles B. Liebling, Esq., of the firm Windels Marx Lane & Mittendorf, LLP, on behalf of Catellus Teterboro Development Urban Renewal II, LLC, for the property identified as Block 202, Lot 4.08, in the Borough of Teterboro, New Jersey. Said premises is located in the Hackensack Meadowlands District's Teterboro/Industrial Avenue Redevelopment Area. The special exception is sought in connection with the applicant's proposal to construct eight fast food restaurants, including two fast food restaurants with drive-through facilities, and related site improvements on the subject premises.

The applicant is requesting special exception approval from Section IV B.2c of the Teterboro/Industrial Avenue Redevelopment Plan, which lists fast food restaurants as a special exception use in the redevelopment area.

A public hearing was held at the Office of the NJSEA on Tuesday, June 2, 2015. Notice was given to the public and all interested parties as required by law. The public notice of this hearing was published in The Record newspaper. No written objections were submitted to the Division of Land Use Management prior to the hearing.

II. GENERAL INFORMATION

A. Existing and Proposed Use

The subject premises, Block 202, Lot 4.08, is a 9.66-acre parcel to be developed as the third and final phase of Teterboro Landing, a multi-structure, mixed-use development that spans over eight lots and includes retail, restaurant, office and industrial uses. The 54.77-acre Teterboro Landing site is identified as Block 202, Lots 4.04, 4.05.1, 4.07, 4.08, 4.09, 4.10, 4.11, and 4.12. The project is being developed on the former Honeywell property, which was used for the manufacturing of equipment for aircraft instrumentation and military systems. Environmental remediation, resulting from the prior use of the site, has been completed onsite in accordance with NJDEP approved Remedial Action Workplans. The first phase of development for a 159,311-square-foot Wal-Mart retail store and related site improvements, situated at the northwest end of the development, has been completed and the retail business is operational. The second phase of development is comprised of a 156,166-square-foot Costco retail store with a fuel service station, located directly west of the subject site, and a 156,256-square-foot light industrial building, located immediately south of the Costco lot. The construction of the Costco building, fuel service area, light industrial building, and related improvements is presently ongoing. Subject Lot 4.08 is located in the Commission's Teterboro/Industrial Avenue Redevelopment Area. Industrial Avenue is located to the east and three driveways along Industrial Avenue provide direct access to the subject lot. A fourth driveway extends from Green Street and runs parallel with the development's western property limit. The subject lot is bordered to the north and west by properties that are part of the Teterboro Landing development. The property to the south is a United States Postal Service mail sorting and distribution center, and the Port Authority of NY & NJ's (PANNJ) Teterboro Airport facility is located directly east across Industrial Avenue. Route 46 is to the north of the mixed-use development, with industrial and commercial properties located across Route 46. NJ Transit's Pascack Valley rail

line borders the development to the west. New Jersey State Highway Route 17 is located further west of the train tracks. There are no residences in the vicinity of the mixed-use development.

The applicant is proposing to construct seven restaurant and retail buildings and related site improvements as part of the third and final phase of the Teterboro Landing development. Proposed building A includes over 13,000 square feet of retail and fast food restaurant space, while building B includes over 16,000 square feet of retail and fast food restaurant space. Building C is a 4,216-square-foot fast food restaurant with a drive-through facility and building D is a 12,504-square-foot retail building. Building E is a proposed 4,842-square-foot fast food restaurant with two drive-through lanes. Buildings F and G are sit-down restaurants that are 7,441 square feet and 7,677 square feet, respectively. The retail and sit-down restaurant uses are permitted in the redevelopment area, while the eight fast food restaurants are a special exception use.

#### **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 (June 2, 2015)**

A public hearing was held on Tuesday, June 2, 2015. NJSEA 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; 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	"Overall Site Layout Plan," sheet 5 of 33, prepared by Lapatka Associates, Inc., dated March 3, 2013, and revised through March 11, 2015.
A-2	"Third Phase Site Layout Plan Detail," sheet 6 of 33, prepared by Lapatka Associates, Inc., dated March 13, 2013, and revised through March 11, 2015.
A-3	Perspective color rendering of the development, prepared by Melillo & Bauer Associates.
A-4	Perspective color rendering showing Building A, prepared by Melillo & Bauer Associates.
A-5	Perspective color rendering showing open space plaza at the intersection of Route 46 and Industrial Avenue, prepared by Melillo & Bauer Associates.
A-6	Elevation view of Buildings A and B, prepared by Melillo & Bauer Associates.
A-7	"Planning Report," prepared by Burgis Associates, Inc., dated May 2015.
0-1	Letter from Renee D. Spann, Manager of the Teterboro Airport, on behalf of the Port Authority of NY & NJ, dated June 2, 2015.

#### **B. Testimony**

Charles B. Liebling, Esq., of the firm Windels Marx Lane & Mittendorf, LLP, represented Catellus Teterboro Development Urban Renewal II, LLC, at the hearing. The following witnesses testified in support of the application:

1. Skot G. Koenig, LA, Lapatka Associates, Inc.;
2. Steven M. Lydon, P.P., Burgis Associates, Inc.; and
3. Jay S. Troutman, Jr., P.E., McDonough & Rea Associates, Inc.

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

### C. Public Comment

Renee D. Spann, manager of Teterboro Airport, provided a letter regarding the application, on behalf of the PANNNJ, dated June 2, 2015. While the PANNNJ had no objections to the application, the letter itemized the Port Authority's concerns regarding potential wildlife problems due to the fast food restaurants, as well as traffic concerns. This letter was introduced as exhibit O-1.

### IV. RECOMMENDATION

A. Standards for the Granting of a Special Exception from Section IV B.2c of the Teterboro/Industrial Avenue Redevelopment Plan, which lists fast food restaurants as a special exception use in the redevelopment area.

The District Zoning Regulations at N.J.A.C. 19:4-4.13(e) state in part that, *a special exception use shall not be granted unless specific written findings of fact are made based upon the evidence presented that supports the following conclusions:*

1. *The proposed special exception use at the specified location will contribute to and promote the welfare or convenience of the public;*

The subject site is one of eight lots that are part of the Teterboro Landing multi-structure, mixed-use development on a 54.77 acre tract. The Teterboro Landing development is comprised of retail, restaurant, office and industrial uses, including a Wal-Mart store that is currently operational. A Costco membership club retail building with a fuel service station and a light industrial building with a 20,100-square-foot office component are currently under construction on adjacent lots within Teterboro Landing. The final phase of development proposes the construction of seven retail and restaurant buildings on Lot 4.08, which is located at the southeast corner of the Teterboro Landing development, adjacent to Industrial Avenue. Buildings A and B are multi-tenanted

structures with retail and fast food restaurant tenant spaces. These structures are located at the rear of the subject lot and are linked by common pedestrian walkways and outdoor patio areas. Buildings C and E are stand-alone fast food restaurants with drive-through facilities. Building D is a retail building, while buildings F and G are proposed sit-down restaurants. The area surrounding the development includes industrial and commercial businesses, offices, and Teterboro Airport.

While the redevelopment plan permits sit-down restaurants, the proposed fast food restaurants are a special exception use. The applicant testified that the proposed fast food restaurants will offer a variety of menu and dining options that would serve the general public, including employees at local businesses in the area and patrons of the adjacent retail stores. The convenience of having both sit-down and fast food dining options within the same development is a benefit to the general public, as there will be a variety of food and pricing options for patrons. Additionally, customers will benefit from the option of utilizing drive-through facilities at two of the fast food restaurants. The applicant's project planning report indicates that drive-through service amenities are an added convenience for customers with limited mobility, for patrons with small children, and for the general public during inclement weather conditions. Therefore, the proposed fast food restaurants and drive-through lanes will contribute to and promote the welfare and convenience of the public.

2. *The proposed special exception use will not cause substantial injury to the value of other property in the neighborhood;*

The principal function of the fast food restaurants will be the preparation and sale of food and beverages. While there are three

driveways from Industrial Avenue that can be used to access the restaurant and retail buildings, the fast food drive-through lanes are only accessible from drive aisles within the site. The applicant testified that there is adequate vehicle stacking length at the drive-through lanes, and since the proposed drive-through lanes are separated from Industrial Avenue, the queuing of vehicles at the drive-through windows will not impact operations on adjoining properties or on local roadways. While the applicant is proposing to land bank 105 parking spaces to create an open space plaza near the corner of Industrial Avenue and Route 46, the open space area may be converted to parking in the future if it is determined that additional parking is required. Sufficient shared parking is available for the restaurant and retail uses in the development. Off-site traffic improvements have also been proposed to mitigate the impact of site generated traffic for the development as a whole. To that end, Industrial Avenue has been widened to provide thru- and turning-lanes, the intersection of Industrial Avenue and Route 46 has been improved, and the related traffic signal has been modified. Driveway #2, which traverses the interior of the development, has been signalized at its intersection with Industrial Avenue. The reconstruction of the Green Street intersection with the Route 46 eastbound access ramp, the extension of Green Street into the property (near Driveway #3), and the reconstruction of the Green Street intersection with the Route 46 westbound access ramp were also undertaken by the applicant. The signalization of both the Route 46 eastbound and westbound access ramps at Green Street are under construction. The purpose of these transportation improvements is to mitigate the traffic impacts of the proposed development.

The fast food restaurant in building C is set back approximately 375 feet from Industrial Avenue and its drive-through lane is accessed from the back of the building. While the drive-through area for fast food building E is located approximately 30 feet from Industrial Avenue, evergreen shrubs are proposed along the property frontage for screening purposes. Loading areas have been positioned behind buildings and in locations where truck traffic will not interfere with vehicular or pedestrian circulation. Additionally, most refuse and recycling areas are located behind buildings. The refuse and recycling area for the fast food restaurant in building E is accommodated within a screened and gated dumpster area. In summary, the drive-through lanes, loading areas and refuse and recycling areas associated with the fast food restaurants have been either screened or designed to have minimal impacts on the property values of the surrounding area.

The applicant testified to reviewing various operational procedures to manage food waste on the premises in order to avoid attracting wildlife, and particularly birds, which could pose hazards for the PANYNJ's Teterboro Airport. It is recommended that approval of the special exception request be conditioned upon the applicant submitting a waste management and wildlife hazard mitigation plan for review and approval by the NJSEA and the PANYNJ.

3. *The special exception use will not dominate the immediate neighborhood in a manner that could prevent development and use of neighboring properties in accordance with the applicable regulations, in consideration of the following:*

i. *The location and size of the special exception use;*

The location and size of the proposed fast food restaurants will not dominate the immediate area or neighborhood in a manner

that would prevent development and use of neighboring properties in accordance with District zoning regulations. Eight fast food restaurants, with 22,556 square feet of total floor area, are proposed for the development. Six of the eight restaurants are located within multi-tenanted structures A and B. Fast food restaurants in buildings C and E are stand-alone restaurants with drive-through amenities. All restaurants within the development are located within the subject phase of development and are clustered on a 9.66-acre parcel that fronts on Industrial Avenue. The proposed fast food restaurant buildings contain significantly less floor area and are smaller in height when compared to the 159,311-square-foot Walmart that occupies the site, and the 156,166-square-foot Costco structure and 156,256-square-foot light industrial building that are under construction at the rear of the development. Specifically, the special exception use accounts for less than five percent of the total building floor area proposed for the Teterboro Landing development. Also, the restaurants are oriented internal to the site, rather than towards Industrial Avenue. Access to drive-through windows is provided from internal access aisles, so there will be no interference with traffic on Industrial Avenue. The location and size of the special exception use will have minimal impact on properties in the immediate area, which include the 900-acre Teterboro Airport with related hangar buildings and the expansive USPS mail sorting and distribution center. Properties in the surrounding area will be able to continue to function as intended.

ii. *The nature and intensity of the operation of the special exception use;*

The proposed fast food restaurants and related drive-through amenities complement the retail and light industrial uses in the development and the commercial/industrial uses in the surrounding area. The fast food restaurants provide a variety of dining and pricing options that can serve the general public and businesses in the area. There are three driveways from Industrial Avenue that provide direct access to the restaurant and retail portion of the development. The restaurant drive-through lanes are accessed from internal drive aisles and not from Industrial Avenue. Therefore, vehicles queuing for the drive-through windows will not impact operations on neighboring properties or on Industrial Avenue. The applicant testified that there is adequate stacking length for the vehicles utilizing the drive-through lanes and sufficient shared parking is available on the premises. Loading areas have been situated behind individual building or in locations that will not impede traffic or pedestrian circulation on the premises or on local roads. The fast food restaurant uses and related intensity will not negatively impact area traffic conditions. Various off-site roadway improvements, including a signalized driveway constructed at Industrial Avenue, and a second traffic signal at Green Street and Route 46 that is under construction, will provide safe and controlled access to the development. The nature and intensity of eight fast food restaurants that account for less than five percent of the overall development's total floor area will not dominate the immediate neighborhood and will have no detrimental effects on surrounding properties. Neighboring properties will not be impeded in their ability to continue their current function.

With regards to refuse and recycling operations for the fast food restaurants, the applicant is reviewing various alternatives for the management of trash on the premises. It is recommended that approval of the special exception request be conditioned upon the applicant submitting a waste management and wildlife hazard mitigation plan for review and approval by the NJSEA and the PANYNJ.

iii. *The location of the site with respect to access and circulation;*

The subject phase of development for the Teterboro Landing project includes a mix of retail and restaurant buildings near Industrial Avenue that are linked by patio areas, sidewalks and crosswalks to create a pedestrian-oriented retail center. The dining options are comprised of fast food and sit-down restaurants, including two stand-alone fast food restaurants with drive-through amenities, and six fast food restaurants located in two multi-tenanted structures. Two sit-down restaurants are also proposed, but are not the subject of the special exception application. The applicant testified that the fast food drive-through lanes, which are located interior to the site, provide adequate queuing length for vehicles. Appropriate vehicle and pedestrian circulation is provided onsite. Furthermore, loading zones have been located in areas that do not interfere with vehicle or pedestrian traffic, and adequate truck circulation is provided to access the refuse, recycling and loading areas.

The applicant proposed off-site roadway improvements to mitigate the impact of site generated traffic. Access to the subject restaurant/retail portion of the project is provided by three driveways from Industrial Avenue. Driveway #2, which traverses the interior of the development, is signalized at its intersection with Industrial Avenue. The widening of Industrial Avenue, to provide thru-and left turn-lanes along the site frontage, and the reconstruction of the intersection of Route 46 and Industrial Avenue were completed as part of the overall development. The reconstruction of the Green Street intersection with the Route 46 eastbound access ramp, the extension of Green Street into the property (Driveway #3), and the reconstruction of Green Street and the Route 46 westbound access ramp were also undertaken for the project. The signalization of both the Route 46 eastbound and westbound ramps at Green Street is under construction. These off-site transportation improvements have been designed to prevent traffic hazards and minimize traffic congestion, thereby mitigating the traffic impact of the proposed development. Therefore, the proposed special exception use will not burden or create a dominating effect on the surrounding roadway access or circulation.

iv. *The location, nature, and height of structures, walls and fences on the site; and*

The proposed restaurant buildings range in height from approximately 17 feet to 24 feet and will not visually dominate the area when compared to the PANYNJ's Teterboro Airport hangar buildings or the USPS mail sorting and distribution complex

adjacent to the site. All of the structures in the subject phase of development meet setback requirements. Fast food restaurant E is located nearest to Industrial Avenue with a setback of 51 feet, while a minimum setback of 25 feet is required. The other fast food buildings are located more than 370 feet from Industrial Avenue. Proposed landscaping will screen and buffer views of the site from Industrial Avenue. The applicant is also proposing to install fencing and walls to screen refuse and recycling areas. A concrete block retaining wall that is less than four-feet in height is proposed adjacent to restaurant building E. The proposed structures, walls and fences will not dominate or negatively impact the Industrial Avenue view shed.

v. *The nature and extent of landscaping and screening on the site.*

A comprehensive landscape plan is proposed for the last phase of development. Densely planted evergreen shrubs are proposed in lawn areas adjacent to Industrial Avenue to function as substantial year-round screening of the site, and particularly to screen the drive-through lanes for restaurant E. The drive-through lane for restaurant C is shielded from view because it is located between the restaurant and retail building D. The applicant testified that due to the development's proximity to the airport, the number of plants, planting heights, and plant material have been carefully selected to conform to the Federal Aviation Administration's (FAA) requirements. The proposed landscaping will provide effective screening in accordance with both the NJSEA and FAA requirements.

4. *Adequate utilities, drainage and other necessary facilities have been or will be provided;*

The requested special exception on the subject premises will not negatively impact existing utility infrastructure on the premises. The property was previously developed as an industrial complex, and therefore contains all required utilities for the operation of the proposed fast food restaurants. With regards to stormwater management, site drainage patterns have been maintained and subsurface detention basins have been designed to control post-development peak runoff rates. Water quality requirements have also been met for the development utilizing both structural and non-structural design elements. Underground detention basins were designed in compliance with FAA guidelines to discourage standing water that could attract birds and other wildlife to the area. Due to the development's proximity to the airport, proposed light pole heights and locations were also selected based on FAA requirements.

5. *Adequate access roads and drive aisles have been or will be provided and shall be designed to prevent traffic hazards and minimize traffic congestion;*

The site layout for the subject phase has been arranged to provide satisfactory vehicular and pedestrian circulation. Loading and refuse/recycling zones have been appropriately located to minimize interference with vehicle and pedestrian circulation; and adequate truck circulation is provided to access the loading, refuse, and recycling areas. The drive-through lanes for the fast food restaurants are located interior to the site. The applicant testified that there is satisfactory queuing lengths for the drive-through facilities, with no



negative impact to circulation on the premises, or off-site on Industrial Avenue.

Off-site roadway improvements for the development have been proposed by the applicant. Constructed improvements include the widening of Industrial Avenue to provide thru- and left turning-lanes along the site frontage, the signalization of driveway #2 from Industrial Avenue, the reconstruction of the Route 46 and Industrial Avenue intersection, and modification to the related traffic signal. The reconstruction of the Route 46 and Green Street intersection has been completed, while the construction of the traffic signal at the intersection of the Route 46 westbound access ramp and Green Street, and the construction of the traffic signal at the intersection of the Route 46 eastbound access ramp and Green Street are underway. These transportation improvements serve to mitigate traffic impacts due to the Teterboro Landing development by minimizing traffic hazards and traffic congestion.

6. *The special exception use will not have a substantial adverse environmental impact.*

The proposed special exception use will not cause any adverse environmental impacts. The redevelopment plan requires compliance with the District's Category A performance standards. The applicant testified that performance standards will be met for noise, vibration, glare, airborne emissions, hazardous or radioactive materials, and wastewater. The Teterboro Landing project is being developed on the former Honeywell property, and has been the subject of an environmental cleanup in accordance with NJDEP approved Remedial Action Workplans. There are no wetland impacts associated with the

development of the proposed fast food restaurants. Therefore, the approval of the special exception will not result in any substantial adverse environmental impacts.


V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Special Exception from Section IV B-2a of the Teterboro/Industrial Avenue Redevelopment Plan, which lists fast food restaurants as a special exception use in the redevelopment area.

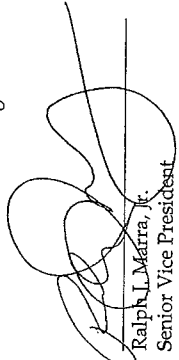
Based on the record in this matter, the application for a special exception to construct eight fast food restaurants, including two fast food restaurants with drive-through facilities, and related site improvements on the subject premises is hereby recommended for APPROVAL WITH THE FOLLOWING CONDITION:

1. The applicant shall submit a waste management and wildlife hazard mitigation plan to the NJSEA and Port Authority of NY & NJ for review and approval prior to the issuance of zoning certificate approval for the subject phase of development.

CONDITIONAL APPROVAL 7/16/15  
Recommendation on the Date  
Special Exception Request

  
Sara J. Sundell, P.E., P.F.  
Director of Land Use Management

Conditional Approval 7/22/15  
Recommendation on the Date  
Special Exception Request

  
Ralph J. Marra, Jr.  
Senior Vice President  
Legal & Regulatory Affairs

**RESOLUTION 2015-46**

**RESOLUTION ISSUING A  
DECISION ON THE VARIANCE APPLICATION  
SUBMITTED AS PART OF FILE NO. 14-646  
MEPT LINCOLN CROSSING/2701 ROUTE 3-BILLBOARDS VARIANCES  
BLOCK 451.05, LOT 14.011, IN THE TOWNSHIP OF NORTH BERGEN AND  
BLOCK 155, LOT 6, IN THE TOWN OF SECAUCUS**

**WHEREAS**, an application for six (6) bulk variances were filed with the with the New Jersey Sports and Exposition Authority (NJSEA) by Louis L. D'Arminio, Esq., of the firm Price, Meese, Shulman & D'Arminio on behalf of Interstate Outdoor Advertising, LP, for the premises identified 2701 New Jersey State Highway Route 3 Eastbound, Block 451.05, Lot 14.011, in the Township of North Bergen, and Block 155, Lot 6, in the Town of Secaucus, New Jersey; and

**WHEREAS**, the premises is located in the Commission's Regional Commercial zone; and

**WHEREAS**, the bulk variances are sought in connection with the applicant's proposal to erect two free-standing billboards on the subject premises; and

**WHEREAS**, the applicant requested relief from N.J.A.C. 19:4-8.14(h)7iii, which permits a maximum of one (1) billboard per lot, whereas two (2) billboards are proposed on the subject property; and

**WHEREAS**, the applicant requested relief from N.J.A.C. 19:4-8.14(h) Table 8-5, which requires signs be set back a minimum of 15 feet from all property lines, whereas the southerly billboard is proposed to be set back one (1) foot from the southerly property line; and

**WHEREAS**, the applicant requested relief from N.J.A.C. 19:4-8.14(h)7ii(1), which requires that billboards be installed within a ROW having a posted speed limit of 55 mph or higher, or within 50 feet thereof, and shall be oriented towards such ROW, whereas the easterly billboard is proposed to be located adjacent to New Jersey State Highway Route 3 Eastbound ramp, which has a posted speed limit of 45 mph; and

**WHEREAS**, the applicant requested relief from N.J.A.C. 19:4-8.14(h)7ii(1), which requires that billboards be installed within a ROW having a posted speed limit of 55 mph or higher, or within 50 feet thereof, and shall be oriented towards such ROW, whereas the southerly billboard is proposed to be located adjacent to

New Jersey State Highway Route 95/495 Bypass, which has a posted speed limit of 50 mph; and

**WHEREAS**, the applicant requested relief from N.J.A.C. 19:4-8.14(h)7v, which requires that the maximum permitted height of a billboard shall be 30 feet above the grade level of the adjacent roadway surface, whereas the applicant is proposing to install the easterly billboard with a maximum height of 87 feet above the adjacent New Jersey State Highway Route 3 Eastbound ramp roadway surface; and

**WHEREAS**, the applicant requested relief N.J.A.C. 19:4-8.14(h)7v, which requires that the maximum permitted height of a billboard shall be 30 feet above the grade level of the adjacent roadway surface, whereas the applicant is proposing to install the southerly billboard with a maximum height of 62 feet above the adjacent New Jersey State Highway Route 95/495 Bypass roadway surface; and

**WHEREAS**, notice of the requested bulk variance relief was given to the public and all interested parties as required by law and was published in The Jersey Journal newspaper; and

**WHEREAS**, a public hearing was held in the Office of the NJSEA on Tuesday, May 5, 2015, before Sara Sundell, Director of Land Use Management and Chief Engineer; Sharon Mascaró, Deputy Director of Land Use Management and Deputy Chief Engineer; Mark Skerbetz, P.P., AICP, Senior Planner and Mia Petrou, P.P., AICP, Senior Planner; and

**WHEREAS**, a comprehensive report dated July 30, 2015, has been prepared indicating the recommendations of the Director of Land Use Management and the Senior Vice President of Legal & Regulatory Affairs in this matter; and

**WHEREAS**, a copy of the recommendation and comprehensive report was provided to the applicant on July 30, 2015; and

**WHEREAS**, the report recommends the approval of the requested bulk variance from N.J.A.C. 19:4-8.14(h)7iii, to construct two (2) billboards on the subject property; and

**WHEREAS**, the report recommends the approval of the requested bulk variance from N.J.A.C. 19:4-8.14(h) Table 8-5, to construct the southerly billboard with a minimum setback of one (1) foot from the southerly property line; and

**WHEREAS**, the report recommends the approval of the requested bulk variance from N.J.A.C. 19:4-8.14(h)7ii(1), to construct the easterly billboard adjacent to New Jersey State Highway Route 3 Eastbound ramp, which has a posted speed limit of 45 mph; and

**WHEREAS**, the report recommends the approval of the requested bulk variance from N.J.A.C. 19:4-8.14(h)7ii(1), to construct the southerly billboard adjacent to New Jersey State Highway Route 95/495 Bypass, which has a posted speed limit of 50 mph; and

**WHEREAS**, the report recommends the approval of the requested bulk variance from N.J.A.C. 19:4-8.14(h)7v, to construct the easterly billboard with a maximum height of 87 feet above the adjacent New Jersey State Highway Route 3 Eastbound ramp roadway surface; and

**WHEREAS**, the report recommends the approval of the requested bulk variance from N.J.A.C. 19:4-8.14(h)7v, to construct the southerly billboard with a maximum height of 62 feet above the adjacent New Jersey State Highway Route 95/495 Bypass roadway surface; and

**WHEREAS**, effective February 5, 2015, the New Jersey Meadowlands Commission has become part of the NJSEA; and

**WHEREAS**, the Board of Commissioners of the NJSEA has reviewed the full record, including the transcripts of the public hearings, recommendations on the application by the Director of Land Use Management and by the Senior Vice President, Legal & Regulatory Affairs, and the submissions of the applicant; and

**WHEREAS**, the Board of Commissioners of the NJSEA concurs with the recommendations of the Director of Land Use Management and the Senior Vice President, Legal & Regulatory Affairs; and

**WHEREAS**, the Board of Commissioners of the NJSEA hereby determines that the requested variance application to permit two (2) billboards on the subject property, conforms with the standards for approving applications for variances as set forth in N.J.A.C. 19:4-4.14(e); and

**WHEREAS**, the Board of Commissioners of the NJSEA hereby determines that the requested variance application to permit the southerly billboard to be set back one (1) foot from the southerly property line, conforms with the standards for approving applications for variances as set forth in N.J.A.C. 19:4-4.14(e); and

**WHEREAS**, the Board of Commissioners of the NJSEA hereby determines that the requested variance application to install the easterly billboard adjacent to

the New Jersey State Highway Route 3 Eastbound ramp, which has a posted speed limit of 45 mph, conforms with the standards for approving applications of variances as set forth in N.J.A.C. 19:4-4.14(e); and

**WHEREAS**, the Board of Commissioners of the NJSEA hereby determines that the requested variance application to install the westerly billboard adjacent to the New Jersey State Highway Route 95/495 Bypass, which has a posted speed limit of 50 mph, conforms with the standards for approving applications of variances as set forth in N.J.A.C. 19:4-4.14(e); and

**WHEREAS**, the Board of Commissioners of the NJSEA hereby determines that the requested variance application to install the easterly billboard at a maximum height of 87 feet above the roadway surface grade level of New Jersey State Highway Route 3 Eastbound ramp conforms with the standards for approving applications of variances as set forth in N.J.A.C. 19:4-4.14(e); and

**WHEREAS**, the Board of Commissioners of the NJSEA hereby determines that the requested variance application to install the southerly billboard at a maximum height of 62 feet above the roadway surface grade level of New Jersey State Highway Route 95/495 Bypass, conforms with the standards for approving applications of variances as set forth in N.J.A.C. 19:4-4.14(e).

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the MEPT Lincoln Crossing/2701 Route 3-Billboards/Variations application for one bulk variance to permit two (2) billboards on the subject property, is hereby **APPROVED** for the reasons set forth in the recommendation dated July 30, 2015; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the MEPT Lincoln Crossing/2701 Route 3-Billboards/Variations application for one bulk variance to permit the southerly billboard to be set back one (1) foot from the southerly property line, is hereby **APPROVED** for the reasons set forth in the recommendation dated July 30, 2015; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the MEPT Lincoln Crossing/2701 Route 3-Billboards/Variations application for one bulk variance to permit the easterly billboard to be installed adjacent to New Jersey State Highway Route 3 Eastbound ramp, which has a posted speed limit of 45 mph, is hereby **APPROVED** for the reasons set forth in the recommendation dated July 30, 2015; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the MEPT Lincoln Crossing/2701 Route 3-Billboards/Variiances application for one bulk variance to permit the southerly billboard to be installed adjacent to New Jersey State Highway Route 95/495 Bypass, which has a posted speed limit of 50 mph, is hereby **APPROVED** for the reasons set forth in the recommendation dated July 30, 2015; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the MEPT Lincoln Crossing/2701 Route 3-Billboards/Variiances application for one bulk variance to permit the easterly billboard to be erected at a maximum height of 87 feet above the adjacent New Jersey State Highway Route 3 Eastbound ramp roadway surface, is hereby **APPROVED** for the reasons set forth in the recommendation dated July 30, 2015; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the MEPT Lincoln Crossing/2701 Route 3-Billboards/Variiances application for one bulk variance to permit the southerly billboard to be erected at a maximum height of 62 feet above the adjacent New Jersey State Highway Route 95/495 Bypass roadway surface, is hereby **APPROVED** for the reasons set forth in the recommendation dated July 30, 2015.

**ADOPTED: August 5, 2015**



## MEMORANDUM

To: NJSEA Commissioners and President Wayne Hasenbalg

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From: Sara J. Sundell

Date: August 5, 2015

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Subject: Variance Recommendation - MEPT Lincoln Crossing/2701 Route 3-Billboards/Variations (File No. 14-646)

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An application for six bulk variances has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Louis L. D'Arminio, Esq., of the firm Price, Meese, Shulman & D'Arminio, on behalf of Interstate Outdoor Advertising, LP, for the premises identified as 2701 New Jersey State Highway Route 3 Eastbound, Block 451.05, Lot 14.011, in the Township of North Bergen, and Block 155, Lot 6, in the Town of Secaucus, New Jersey. The subject premises are located in the Commission's Regional Commercial zone.

The bulk variances are sought in connection with the applicant's proposal to erect two (2) free-standing billboards on the subject property.

The applicant requested variance relief from the following:

1. N.J.A.C. 19:4-8.14(h)7iii, which permits a maximum of one (1) billboard per lot. Two (2) billboards are proposed on the subject property.
2. N.J.A.C. 19:4-8.14(h) Table 8-5, which requires that signs be setback a minimum of 15 feet from all property lines. The southerly billboard is proposed to be set back one (1) foot from the southerly property line.
3. N.J.A.C. 19:4-8.14(h)7ii(1), which requires that billboards be installed within a ROW having a posted speed limit of 55 mph or higher, or within 50 feet thereof, and shall be oriented towards such ROW. The easterly billboard is proposed to be located adjacent to New Jersey State Highway Route 3 Eastbound ramp, which has a posted speed limit of 45 mph.
4. N.J.A.C. 19:4-8.14(h)7ii(1), which requires that billboards be installed within a ROW having a posted speed limit of 55 mph or higher, or within 50 feet thereof, and shall be oriented towards such ROW. The southerly billboard is proposed to be located adjacent to New Jersey State Highway Route 95/495 Bypass, which has a posted speed limit of 50 mph.



5. N.J.A.C. 19:4-8.14(h)7v, which requires that the maximum permitted height of a billboard shall be 30 feet above the grade level of the adjacent roadway surface, whereas the applicant is proposing to install the easterly billboard with a maximum height of 87 feet above the adjacent New Jersey State Highway Route 3 Eastbound ramp roadway surface.
6. N.J.A.C. 19:4-8.14(h)7v, which requires that the maximum permitted height of a billboard shall be 30 feet above the grade level of the adjacent roadway surface, whereas the applicant is proposing to install the southerly billboard with a maximum height of 62 feet above the adjacent New Jersey State Highway Route 95/495 Bypass roadway surface.

A public hearing was held in the Office of the NJSEA on Tuesday, May 5, 2015. The public notice was published in The Jersey Journal newspaper. Notice was given to the public and all interested parties as required by law. No written objections were submitted to the Division of Land Use Management.

In a comprehensive report dated July 30, 2015, the Director of Land Use Management and the Senior Vice President of Legal & Regulatory Affairs recommended the approval of the bulk variances requested above.

At this time, the Board of Commissioners is required to issue a decision on the variance application described above. A resolution requesting the same is attached for your consideration.

**RECOMMENDATION ON THE VARIANCE APPLICATION OF**

**MEPT Lincoln Crossing/2701 Route 3-Billboards Variances**

**File #14-646**

**I. INTRODUCTION**

An application for six (6) bulk variances has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Louis L. D'Armino, Esq., of the firm, Price, Meese, Shulman & D'Armino, on behalf of Interstate Outdoor Advertising, LP, for the premises identified as 2701 New Jersey State Highway Route 3 Eastbound, Block 451.05, Lot 14.011, in the Township of North Bergen, and Block 155, Lot 6, in the Town of Secaucus, New Jersey. Said premises are located in the Hackensack Meadowlands District's (District) Regional Commercial zone. The bulk variances are sought in connection with the applicant's proposal to erect two free-standing billboards on the subject property.

Specifically, the applicant is requesting relief from the following:

1. N.J.A.C. 19:4-8.14(h)7iii, which permits a maximum of one (1) billboard per lot. Two (2) billboards are proposed on the subject property.
2. N.J.A.C. 19:4-8.14(h) Table 8-5, which requires that signs be set back a minimum of 15 feet from all property lines. The southerly billboard is proposed to be set back one (1) foot from the southerly property line.
3. N.J.A.C. 19:4-8.14(h)7ii(1), which requires that billboards be installed within a ROW having a posted speed limit of 55 mph or higher, or within 50 feet thereof, and shall be oriented towards such ROW. The easterly billboard is proposed to be located adjacent to New Jersey State Highway Route 3 Eastbound ramp, which has a posted speed limit of 45 mph.

4. N.J.A.C. 19:4-8.14(h)7ü(1), which requires that billboards be installed within a ROW having a posted speed limit of 55 mph or higher, or within 50 feet thereof, and shall be oriented towards such ROW. The southerly billboard is proposed to be located adjacent to New Jersey State Highway Route 95/495 Bypass, which has a posted speed limit of 50 mph.
5. N.J.A.C. 19:4-8.14(h)7v, which requires that the maximum permitted height of a billboard shall be 30 feet above the grade level of the adjacent roadway surface, whereas the applicant is proposing to install the easterly billboard with a height of 87 feet above the adjacent New Jersey State Highway Route 3 Eastbound ramp roadway surface.
6. N.J.A.C. 19:4-8.14(h)7v, which requires that the maximum permitted height of a billboard shall be 30 feet above the grade level of the adjacent roadway surface, whereas the applicant is proposing to install the southerly billboard with a height of 62 feet above the adjacent New Jersey State Highway Route 95/495 Bypass roadway surface.

A public hearing was held at the Office of the NJSEA on Tuesday, May 5, 2015. Notice was given to the public and all interested parties as required by law. The public notice of this hearing was published in The Jersey Journal newspaper. No written comments were received. 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 premises is an irregularly-shaped, 19.9-acre parcel fronting along New Jersey State Highway Route 3 Eastbound ramp ("Route 3") to the east

and New Jersey State Highway Route 95/495 Bypass ("Route 95") to the south. The property is located in the District's Regional Commercial zone. The site contains a vacant warehouse, office, and retail facility with an area of approximately 260,000 square feet that was last occupied by the Daffy's clothing retailer.

Adjacent land uses include a Home Depot retail facility to the northwest; a retail building, a hotel with an associated parking deck and a free-standing restaurant to the north; a vacant parcel to the west; open space across Route 95 to the south; and various commercial facilities across Route 3 to the east. There are no residential properties situated less than 2,500 feet in any direction from either of the proposed billboard locations. The Home Depot and the subject premises share an access driveway identified as Daffy's Way.

The applicant is proposing to erect two free-standing 14-foot by 48-foot double-faced billboards on the subject property. An 87-foot-high digital billboard is proposed to be erected adjacent to Route 3 along the easterly property line, and a 62-foot-high, double-faced billboard, composed of one static and one digital face, is proposed to be erected adjacent to Route 95 along the southerly property line.

**B. Response to the Public Notice**

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

**III. PUBLIC HEARING (May 5, 2015)**

A public hearing was held on Tuesday, May 5, 2015. NJSEA staff in attendance were Sara J. 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 Mia Petrou, P.P., AICP, Senior Planner.

**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 photograph of subject site and surrounding area, prepared by John McDonough, LA, PP, AICP, dated May 5, 2015.
A-2	"Site Plan," Sheet No. 1 of 1, prepared by Daniel W. Caruso, P.E., of the Grybowski Group, P.C., dated November 11, 2014, revised through April 21, 2015.
A-3	Renderings (4) of billboard installations as would be seen from roadway surfaces, prepared by Interstate Outdoor Advertising, dated May 5, 2015.
A-4	Photographs (2) of existing on-site vegetation at proposed billboard locations, prepared by Interstate Outdoor Advertising, dated May 5, 2015.
A-5	Copy of NJDOT Outdoor Advertising, LP, Permit for southerly billboard, dated September 25, 2014.
A-6	Copy of NJDOT Outdoor Advertising Permit, LP, for easterly billboard, dated September 25, 2014.
A-7	Fill calculations, prepared by Daniel W. Caruso, P.E. of the Grybowski Group, P.C., dated January 15, 2015.
A-8	Curriculum Vitae of Hal Simoff, P.E., P.P., of Simoff Engineering Associates, Inc., dated May 5, 2015.
A-9	"Safety, Environmental, and Visual Impacts" report, prepared by Hal Simoff, P.E., P.P., of Simoff Engineering Associates, Inc., dated November 12, 2014, revised through April 20, 2015.

A-10

"Proposed Outdoor Advertising Sign....", Exhibit "C", prepared by Simoff Engineering Associates, Inc., dated May 5, 2015.

A-11

Memo re: "Proposed Billboards," prepared by Hal Simoff, P.E., P.P., of Simoff Engineering Associates, Inc., dated February 19, 2015.

A-12

Curriculum Vitae of John McDonough, LA, PP, AICP, of John McDonough Associates, LLC, dated May 5, 2015.

A-13

Photographs (4 sheets) of subject site, prepared John McDonough, LA, PP, AICP, of John McDonough Associates, LLC, dated May 5, 2015.

**B. Testimony**

Louis L. D'Arminio, Esq., of the firm, Price, Meese, Shulman & D'Arminio, represented Interstate Outdoor Advertising, LP, at the hearing. The following witnesses testified in support of the application:

1. Jeffrey W. Gerber, Esq., COO, Interstate Outdoor Advertising.
2. Thomas Grybowski, PP, PLS, Grybowski Group, Planner and Land Surveyor.
3. Hal Simoff, PE, PP, Simoff Engineering Associates, Engineer.
4. John McDonough, LA, PP, AICP, John McDonough Associates, Planner.

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

**C. Public Comment**

No members of the public were present to comment on the application.

**IV. RECOMMENDATION**

**A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.14(h)7iii, which permits a maximum of one (1) billboard per lot.**

The District Zoning Regulations at N.J.A.C. 19:4-4.14(e) state in part that, a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...

**1. Concerning bulk variances:**

- i. *The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.*

The site is located within the District's Regional Commercial zone, and is an irregularly-shaped, 19.9-acre parcel fronting along Route 3 to the east and Route 95 to the south. There is direct access to the site from Route 3 and from shared access points via Paterson Plank Road identified as Daffy's Way and Bigley Drive.

The subject property's 19.9-acre lot area is substantially larger than the required minimum lot size of three acres for the zone. Additionally, the property in question has an easterly lot line of approximately 650 linear feet in length fronting along Route 3, and a southerly frontage of approximately 979 linear feet along Route 95 and a portion of the Route 3 East ramp. With respect to billboards, multiple billboards would be permitted within this overall property if the lots were to be subdivided to the minimum lot size requirements of the Regional Commercial zone, requiring a

minimum lot area of three acres and a minimum lot width of 300 feet.

However, since the subject site is one developable parcel, only one billboard is permitted by right. The applicant proposes to install two billboards at a distance of approximately 650 feet from one another along two different frontages. The easterly billboard will be erected fronting on Route 3 and the southerly billboard will be erected fronting on Route 95. Based on the submitted site plan, the subject property is of sufficient size and configuration to accommodate two billboards, due to the distance between the billboards and their orientation towards separate roadways.

These particular property conditions were not created by the action of the property owner, and do not interfere with any existing or future utility of the site.

*ii. The granting of the variance will not adversely affect the rights of neighboring property owners or residents.*

The subject property is located within the District's Regional Commercial zone, fronting along Route 3 East, and Route 95. There is direct access to the site from Route 3 and from shared access points along Paterson Plank Road identified as Daffy's Way and Bigley Drive. Adjacent land uses include a Home Depot retail facility to the northwest, a retail building, and a hotel with an associated parking deck and a free-standing restaurant to the north, a vacant parcel to the west, open space across Route 95 to the south, and various commercial facilities across Route 3 to the east. There

are no residential properties situated less than 2,500 feet in any direction from either of the proposed billboard locations. The Home Depot property and the subject premises share a driveway access called Daffy's Way.

Billboards are passive structures, and the proposed billboards are similar to other billboard installations found along nearby roadways. Each billboard will be oriented towards motorists along their corresponding roadways, and not towards any adjacent properties. The property to the south is comprised of vacant land in the District's Environmental Conservation zone, and will not be impacted by the placement of the proposed billboard across the highway. The proposed angle of the billboard sign along Route 3 will be directed towards the main travel lanes, and this orientation will minimize the visibility of the sign to occupants of the hotel on the neighboring property to the north. Furthermore, this façade of the hotel contains the stair tower and limited fenestration. As such, the granting of the requested variance to permit two billboards on the subject premises will not interfere with the operations of the site and surrounding properties.

*iii. The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.*

The strict application of the regulations permitting one billboard per lot will result in exceptional practical difficulties and undue hardship upon the applicant and property owner based on the particular characteristics of the property in question.

general welfare. Public safety will not be compromised by the installation of the proposed billboards at their respective locations. Billboards are passive structures that will not interfere with the operations of the site and surrounding properties. They are similar to other billboard installations found along nearby roadways. The billboards will be oriented towards motorists along their corresponding roadways. Scenic viewsheds will not be negatively impacted as well. NJSEA performance standards will not be violated by the billboard installations and operations.

Additionally, the applicant has obtained outdoor advertising permits for each billboard from the NJDOT, which reviews public safety requirements as part of the state permitting process. Both the proposed combination static/digital billboard and the fully digital billboard comply with the maximum permitted billboard sign area required by the District zoning regulations, and will comply with the District's billboard regulations governing the safety of its digital operations, including automatic dimming technology to adapt to ambient illumination levels, and a minimum time lapse of eight seconds between message changes.

v. *The variance will not have a substantial adverse environmental impact.*

The granting of the requested variance to permit the installation of two billboards on the subject premises will not result in any substantial adverse environmental impacts. The billboards are proposed to be erected on upland portions of the site. No environmentally sensitive areas and minimal open space will be disturbed by the placement of the billboards at their respective

The applicant proposes to install two billboards at a distance of approximately 650 feet from one another along two different frontages. The easterly billboard will be erected fronting on Route 3 East and the southerly billboard will be erected fronting on Route 95.

The subject property is approximately 19.9 acres in size, which is more than six times larger than the required minimum lot size of three acres for the District's Regional Commercial zone. The property's frontage of approximately 650 linear feet along Route 3 and 979 linear feet along Route 95 and a portion of the Route 3 ramp, are two and three times larger than required, respectively.

If the property in question were subdivided into six conforming lots, with each meeting the minimum lot size of three acres for the zone, six billboards would be permitted within the same land area. A denial of the requested variance to permit two billboards on the subject property will result in exceptional practical difficulties and undue hardship upon the applicant and property owner.

iv. *The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.*

The granting of the requested variance to permit the installation of two billboards on the subject premises will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity, or

locations. The illumination levels of the billboards will meet all Hackensack Meadowlands District zoning requirements, and performance standards will not be exceeded for noise, vibration, airborne emissions, glare, hazardous and radioactive materials, and wastewater.

*vi. The variance represents the minimum deviation from the regulations that will afford relief.*

The requested variance to erect two billboards on the subject premises represents the minimum deviation from the regulations that will afford relief. The property's unique characteristics, including its large size and extensive frontage along multiple state rights-of-way, could, if subdivided into conforming lots, accommodate more than one billboard. As one billboard is permitted per lot, the installation of two billboards on the same subject property represents the minimum deviation from the regulations that will afford relief, as each billboard is intended to serve a separate and distinct viewing angle oriented to motorists on different roadways.

*vii. Granting the variance will not substantially impair the intent and purpose of these regulations.*

The requested variance to permit two billboards on the subject premises will not substantially impair the intent and purpose of the regulations. The site is located within the District's Regional Commercial zone, fronting on Route 3 Eastbound and Route 95.

The intent of this regulation is to minimize visual clutter and, thereby, ensure the safety of the traveling public. In this particular instance, the subject property contains a large lot area, over 6 times larger than the minimum lot size requirement in the Regional Commercial zone. Multiple billboards would otherwise be permitted if the overall property were subdivided into lots with the minimum required three-acre size, each allowing for one billboard. The property also contains extensive frontage along state rights-of-way. The applicant proposes to install two billboards approximately 650 feet apart from each other along two different roadway frontages, and will be oriented towards two separate vehicular viewsheds. The easterly billboard will be erected fronting on Route 3 and the southerly billboard will be erected fronting on Route 95. Due to the particular property characteristics, the distance between the billboards, and the different billboard orientations and viewsheds, the requested variance will not substantially impair the intent and purpose of the regulations.

**B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.14(h) Table 8-5, which requires that signs be set back a minimum of 15 feet from all property lines.**

The District Zoning Regulations at N.J.A.C. 19:4-4.14(c) state in part that, a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...

1. Concerning bulk variances:
  - i. The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.

The site is located within the District's Regional Commercial zone, and is an irregularly-shaped, 19.9-acre parcel fronting along state highways: Route 3 to the east, Route 95 to the south, and the New Jersey Turnpike to the west. There is direct access to the site from Route 3 and from shared access points via Paterson Plank Road identified as Daffy's Way and Bigley Drive.

The subject property is approximately 19.9 acres in size, substantially larger than the required minimum lot size of three acres for the zone. Additionally, the property in question has an easterly lot line of approximately 650 linear feet in length fronting along Route 3, and a southerly frontage of approximately 979 linear feet along Route 95 and a portion of the Route 3 ramp.

Despite the large lot area and extensive roadway frontages of the subject property, the placement of the proposed southerly billboard along Route 95 is proposed at a setback of one foot from the right-of-way. The distance between the billboard and the edge of the paved roadway surface is approximately 100 feet. As such, the one-foot setback is not apparent from a visual reference point. Based on the submitted site plan, the subject property is of sufficient size and configuration, and the Route 95 right-of-way is of sufficient width, to accommodate a setback of one foot without interfering with any existing or future use of the site or public right-of-way.

- ii. *The granting of the variance will not adversely affect the rights of neighboring property owners or residents.*

The subject property is located within the District's Regional Commercial zone, fronting along Route 3 East, Route 95, and the New Jersey Turnpike. There is direct access to the site from Route 3 and from shared access points along Paterson Plank Road identified as Daffy's Way and Bigley Drive. Adjacent land uses include a Home Depot retail facility to the northwest, a retail building and a hotel with an associated parking deck and a free-standing restaurant to the north, a vacant parcel to the west, open space across Route 95 to the south, and various commercial facilities across Route 3 to the east. There are no residential properties situated within 2,500 feet in any direction from either of the proposed billboard locations.

Billboards are passive structures, and the proposed billboards are similar to other billboard installations found along nearby roadways. The southerly billboard will be oriented towards motorists along Route 95, not towards any adjacent properties. The property across the right-of-way to the south is comprised of vacant land in the District's Environmental Conservation zone, and will not be impacted by the placement of the proposed billboard across the roadway. As such, the granting of the requested variance to permit a one foot setback from the southerly property line will not interfere with the operations of the site and surrounding properties.



iii. *The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.*

The strict application of the regulations requiring the southerly billboard to be set back 15 feet from the southerly property line would result in practical difficulties and undue hardship upon the applicant and property owner. The billboard is proposed to be set back one foot from the property line fronting Route 95.

Although the subject property is large in comparison to neighboring properties in the zone and contains extensive frontage along neighboring rights-of-way, the proposed sign is situated in a location where the horizontal distance between the billboard and roadway surface is approximately 100 feet. Moving the billboard back to the required 15 foot setback would reduce its visibility to motorists along this roadway and compromise safety.

The proposed location is determined to be suitable to accommodate the southerly billboard, as evidenced by the approval of the proposed sign by the New Jersey Department of Transportation (NJDOT).

iv. *The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.*

The granting of the requested variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. Public safety will not be compromised by the installation of the southerly billboard within one foot of the southerly property line. The billboard is a passive structure that will not interfere with the operations of the site and surrounding properties. It is similar to other billboard installations found along nearby roadways. The billboard will be oriented towards motorists along Route 95. No scenic viewsheds will be negatively impacted. NJSEA performance standards will not be violated by the billboard installation and operation.

Additionally, the applicant has obtained an outdoor advertising permit for the billboard from the NJDOT, which reviews public safety requirements as part of the state permitting process. The proposed combination static/digital billboard complies with the maximum billboard sign area permitted by the District zoning regulations, and will comply with the District's billboard regulations governing the safety of its digital operations, including automatic dimming technology to adapt to ambient illumination levels, and a minimum time lapse of eight seconds between message changes.

v. *The variance will not have a substantial adverse environmental impact.*

The granting of the requested variance to permit a one foot setback for the southerly billboard, whereas a minimum setback of 15 feet is required, will not result in any substantial adverse environmental impacts. The billboard is proposed to be erected on an upland portion of the site. No environmentally sensitive areas and minimal open space will be disturbed by the placement of the billboard at the proposed location. The illumination level of the billboard will meet all requirements for the operation of billboards pursuant to the District zoning regulations. District performance standards will not be exceeded for noise, vibration, airborne emissions, glare, hazardous and radioactive materials and wastewater by the billboard.

vi. *The variance represents the minimum deviation from the regulations that will afford relief.*

The requested variance represents the minimum deviation from the regulations that will afford relief. The southerly billboard is proposed to be located within one foot of the southerly property line. The placement of the billboard at one foot from the property line is required to establish the appropriate cone of vision for motorists traveling on Route 95 to safely read its message.

The proposed setback does not create any negative visual impacts or conflicts with improvements on the subject site or adjacent properties. As the billboard is a passive structure, it will not interfere with the operations of the site and surrounding properties.

While a conforming setback could be achieved on the site, the proposed setback does not create any negative visual impacts or conflicts with improvements on the subject site or adjacent properties. The proposed setback is approximately 105 feet from the edge of pavement, providing an adequate separation for safety purposes between the sign and the roadway. Therefore, the requested variance represents the minimum deviation from the regulations that will afford relief.

vii. *Granting the variance will not substantially impair the intent and purpose of these regulations.*

The intent and purpose of the application of setback requirements for billboards is to provide adequate separation of billboards from rights-of-way in order to minimize visual impact and promote safety. The southerly billboard is proposed to be located within one foot of the southerly property line. The placement of the billboard at one foot from the property line is required to establish the appropriate cone of vision for motorists traveling on Route 95 to safely read its message. The proposed setback will not create any negative visual impacts or conflicts with improvements on the subject property or adjacent properties. Similarly, the setback does not negatively impact the aesthetic environment along Route 95, where other billboards are present. The appearance of the surrounding area will not be compromised by the proposed setback. As such, the requested variance will not substantially impair the intent and purpose of the regulations.

C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.14(h)/ii(1), which requires that billboards be installed within a ROW having a posted speed limit of 55 mph or higher, or within 50 feet thereof, and shall be oriented towards such ROW.

The District Zoning Regulations at N.J.A.C. 19:4-4.14(c) state in part that, a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...

1. Concerning bulk variances:

- i. *The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.*

The site is located within the District's Regional Commercial zone, fronting along Route 3 East, Route 95, and the New Jersey Turnpike. There is direct access to the site from Route 3 and from shared access points via Paterson Plank Road, identified as Daffy's Way and Bigley Drive.

The subject property is approximately 19.9 acres in size, substantially larger than the minimum lot size of three acres required for the zone, and fronts on two major roadways. Additionally, the property in question contains extensive frontage along these rights-of-way, having an easterly lot line of approximately 650 linear feet in length fronting Route 3, and a southerly frontage of approximately 979 linear feet along Route 95 and a portion of the Route 3 ramp.

The applicant proposes to install the easterly billboard at a location that is adjacent to the Route 3 Eastbound ramp to Route 95 and the

New Jersey Turnpike. The posted speed limit for this portion of the roadway is 45 mph, less than the minimum required 55 mph speed limit for billboard placement. However, Route 3 is a functioning high-volume state highway, not a local road, allowing for adequate billboard visibility for traveling motorists. Because of the uniqueness of the site, in that it fronts along two major state highways and has a significantly greater area than that required in the zone, the proposed location of the billboard effectively meets the intention of the regulations, requiring billboards be erected adjacent to high-speed, high-capacity regional arterial roadways.

- ii. *The granting of the variance will not adversely affect the rights of neighboring property owners or residents.*

The subject property is located within the District's Regional Commercial zone and fronts along Route 3 East, Route 95, and the New Jersey Turnpike. There is direct access to the site from Route 3 and from shared access points along Paterson Plank Road identified as Daffy's Way and Bigley Drive. Adjacent land uses include a Home Depot retail facility to the northwest, a retail building, a hotel with an associated parking deck, and a free-standing restaurant to the north, a vacant parcel to the west, open space across Route 95 to the south, and various commercial facilities across Route 3 to the east. There are no residential properties situated within 2,500 feet in any direction from either of the proposed billboard locations.

Billboards are passive structures, and the proposed billboards are similar to other billboard installations found along nearby

roadways. The easterly billboard will be oriented towards motorists traveling along Route 3, a major state highway, and not towards any adjacent properties. As such, the granting of the requested variance to permit the easterly billboard to be located adjacent to a portion of Route 3 having a posted speed limit of less than 55 mph on the subject premises will not interfere with the operations of the site and surrounding properties.

iii. *The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.*

The strict application of the regulations requiring the placement of a billboard sign within a ROW having a posted speed limit of 55 mph or higher, or within 50 feet thereof, would result in exceptional practical difficulties and hardship as applied to the particular characteristics of the subject property. The site is located within the District's Regional Commercial zone, fronting on Route 3 and Route 95.

The applicant proposes to install the easterly billboard at a location that fronts the Route 3 East ramp to Route 95. The posted speed limit for this portion of the roadway is 45 mph, less than the minimum required 55 mph limit for billboard placement. Although the speed limit is less than 55 mph, Route 3 functions as a high volume state highway, not a local road.

The proposed easterly billboard is oriented towards motorists on the main travel lanes of Route 3 East, and the proposed location is

the optimal location to safely view the sign due to the curvature of the roadway as the sign is approached, as well as the existence of trees located within the sign's cone of vision further to the west.

There are no alternative practicable locations available on the subject property for the billboard to be placed in a conforming location that would not impact the visibility of the sign towards motorists on State Highway Route 3.

iv. *The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.*

The granting of the requested variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. Public safety will not be compromised by the installation of the easterly billboard to be located adjacent to a portion of Route 3 that has a posted speed limit of less than 55 mph, and it will not result in any substantial adverse environmental impacts. The billboard is a passive structure that will not interfere with the operations of the site and surrounding properties. It is similar to other billboard installations found along nearby roadways. The billboard will be oriented towards motorists traveling along Route 3. Scenic viewsheds will not be negatively impacted. The Hackensack Meadowlands District's performance standards will not be violated by the billboard installation and operation.

Additionally, the applicant has obtained an outdoor advertising permit for the billboard from the NJDOT, which reviews public safety requirements as part of the state permitting process. The proposed digital billboard complies with the maximum billboard sign area permitted by the District zoning regulations, and will comply with the District's billboard regulations governing the safety of its digital operations, including automatic dimming technology to adapt to ambient illumination levels, and a minimum time lapse of eight seconds between message changes.

v. *The variance will not have a substantial adverse environmental impact.*

The granting of the requested variance to permit the easterly billboard to be located adjacent to a portion of Route 3 having a posted speed limit of less than 55 mph, will not result in any substantial adverse environmental impacts. The billboard is proposed to be erected on an upland portion of the site. No environmentally sensitive areas and minimal open space will be disturbed by the placement of the billboard at the proposed location. The illumination level of the billboard will meet all requirements, and performance standards will not be exceeded for noise, vibration, airborne emissions, glare, hazardous and radioactive materials and wastewater.

vi. *The variance represents the minimum deviation from the regulations that will afford relief.*

The requested variance to permit the easterly billboard to be located adjacent to a portion of Route 3 having a posted speed limit of less than 55 mph represents the minimum deviation from the regulations that will afford relief. The posted speed limit for this portion of the roadway is 45 mph, less than the minimum required 55 mph for billboard placement. However, Route 3 functions as a high-volume state highway, not a local road, allowing for adequate billboard visibility for traveling motorists. The particular and unique site conditions detailed above make the subject property an appropriate site to accommodate a billboard at the specified location, in a zone where billboards are permitted. The proposed billboard is compatible with the improvements on the subject property and other commercial uses in the vicinity. As such, the requested variance represents the minimum deviation from the regulations that will afford relief.

vii. *Granting the variance will not substantially impair the intent and purpose of these regulations.*

The District zoning regulations require that a billboard be installed within a right-of-way having a posted speed limit of 55 mph or higher, or within 50 feet thereof. The easterly billboard is proposed to be located adjacent to the Route 3 East ramp having a posted speed limit of less than 55 mph. The intent of this regulation is to ensure that billboards are directed to highways in appropriate locations and in appropriate zones. The subject site is located in the

Regional Commercial zone, where billboards are a permitted use. This roadway is a high-volume state right-of-way, not a local road, and will allow for adequate billboard visibility for traveling motorists. Therefore, the proposed billboard at this particular location will not substantially impair the intent and purposes of the regulations.

D. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.14(h)(1), which requires that billboards be installed within a ROW having a posted speed limit of 55 mph or higher, or within 50 feet thereof, and shall be oriented towards such ROW.

The District Zoning Regulations at N.J.A.C. 19:4-14(e) state in part that, *a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...*

1. *Concerning bulk variances:*

i. *The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.*

The site is located within the District's Regional Commercial zone, fronting along Route 3 East, Route 95, and the New Jersey Turnpike. There is direct access to the site from Route 3 and from shared access points via Paterson Plank Road identified as Daffy's Way and Bigley Drive. The subject property's 19.9-acre lot area is substantially larger than the required minimum lot size of three acres for the zone, fronting on two state rights-of-way. Additionally, the property in question has an easterly lot line of approximately 650 linear feet in length fronting Route 3, and a southerly frontage of approximately 979 linear feet along Route 95

and a portion of the Route 3 ramp. However, there is limited access to these roadways, consisting of one driveway on the Route 3 East frontage.

The applicant proposes to install the southerly billboard at a location that fronts on Route 95. The posted speed limit for this portion of the roadway is 50 mph, less than the minimum required 55 mph for billboard placement. However, Route 95 is a high volume state right-of-way, not a local road, allowing for adequate billboard visibility for traveling motorists. The subject application for a commercial improvement on a commercially-zoned site along a heavily-traveled regional roadway is consistent with the intent of the District's billboard regulations to orient billboards towards highway locations.

ii. *The granting of the variance will not adversely affect the rights of neighboring property owners or residents.*

The subject property is located within the District's Regional Commercial zone, fronting along Route 3 East and Route 95. There is direct access to the site from Route 3 and from shared access points along Paterson Plank Road identified as Daffy's Way and Bigley Drive. Adjacent land uses include a Home Depot retail facility to the northwest, a retail building, a hotel with an associated parking deck, and a free-standing restaurant to the north, a vacant parcel to the west, open space across Route 95 to the south, and various commercial facilities across Route 3 to the east. There are no residential properties situated within 2,500 feet in any direction from either of the proposed billboard locations.

roadway is 50 mph, less than the minimum required 55 mph for billboard placement. Although the speed limit is less than 55 mph, Route 95 functions as a high volume state right-of-way that connects to roadways having a speed limit of 55 mph or greater, not a local road. This allows adequate billboard visibility for traveling motorists in the area.

*ii. The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.*

The granting of the requested variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. Public safety will not be compromised by the installation of the southerly billboard adjacent to Route 95. The roadway's posted 50 mph speed limit, which is less than minimum 55 mph required, will not result in any substantial adverse environmental impacts. The billboard is a passive structure that will not interfere with the operations of the site or surrounding properties. It is similar to other billboard installations found along nearby roadways. The billboard will be oriented towards motorists traveling along Route 95. Scenic viewsheds will not be negatively impacted. Hackensack Meadowlands District performance standards will not be violated by the billboard installation and operation.

Additionally, the applicant has obtained an outdoor advertising permit for the billboard from the NJDOT, which reviews public

Billboards are passive structures, and the proposed billboards are similar to other billboard installations found along nearby roadways. The southerly billboard will be oriented towards motorists along Route 95, not towards any adjacent properties. The property to the south is comprised of vacant land in the District's Environmental Conservation zone, and will not be impacted by the placement of the proposed billboard across the roadway. As such, the granting of the requested variance to permit the southerly billboard to be located adjacent to Route 95 having a posted speed limit of less than 55 mph on the subject premises will not interfere with the operations of the site and surrounding properties.

*iii. The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.*

The strict application of the regulations requiring the placement of a billboard sign within a ROW having a posted speed limit of 55 mph or higher, or within 50 feet thereof, would result in exceptional practical difficulties and hardship as applied to the particular characteristics of the subject property. The site is located within the District's Regional Commercial zone, fronting on Route 3 East, Route 95, and the New Jersey Turnpike. There is direct access to the site from Route 3 and from Paterson Plank Road via shared access points Daffy's Way and Bigley Drive.

The applicant proposes to install the southerly billboard along the Route 95 frontage. The posted speed limit for this portion of the

safety requirements as part of the state permitting process. The proposed combination static/digital billboard complies with the maximum permitted billboard sign area required by the District zoning regulations, and will comply with the District's billboard regulations governing the safety of its digital operations, including automatic dimming technology to adapt to ambient illumination levels, and a minimum time lapse of eight seconds between message changes.

v. *The variance will not have a substantial adverse environmental impact.*

The granting of the requested variance to permit the southerly billboard to be located adjacent to Route 95, which has a posted speed limit of less than 55 mph, will not result in any substantial adverse environmental impacts. The billboard is proposed to be erected on an upland portion of the site. No environmentally sensitive areas and minimal open space will be disturbed by the placement of the billboard at the proposed location. The illumination level of the billboard will meet all District zoning regulations governing its operations. The District's performance standards will not be exceeded for noise, vibration, airborne emissions, glare, hazardous and radioactive materials and wastewater by the billboard.

vi. *The variance represents the minimum deviation from the regulations that will afford relief.*

The requested variance to permit the southerly billboard to be located adjacent to Route 95, which has a posted speed limit of less than 55 mph, represents the minimum deviation from the regulations that will afford relief. The posted speed limit for this portion of the roadway is 50 mph, less than the minimum required 55 mph for billboard placement. However, Route 95 functions as a high-volume state right-of-way, not a local road, thus allowing for adequate billboard visibility for traveling motorists. The particular and unique site conditions detailed above make the subject property an appropriate site to accommodate a billboard at the specified location, in a zone where billboards are permitted. The proposed billboard is compatible with the improvements on the subject property and other commercial uses in the vicinity. As such, the requested variance represents the minimum deviation from the regulations that will afford relief.

vii. *Granting the variance will not substantially impair the intent and purpose of these regulations.*

The NJSEA regulations require that a billboard be installed within a right-of-way having a posted speed limit of 55 mph or higher, or within 50 feet thereof. The southerly billboard is proposed to be located adjacent to the Route 95, which has a posted speed limit of less than 55 mph. The intent of this regulation is to ensure that billboards are directed to highways in appropriate locations and in appropriate zones. The subject site is located in the Regional



Commercial zone, where billboards are a permitted use. This roadway functions as a high-volume state right-of-way, not a local road, thus allowing for adequate billboard visibility for traveling motorists. The subject application for a commercial improvement on a commercially-zoned site along a heavily-traveled regional roadway is consistent with the intent of the District's billboard regulations to orient billboards towards highway locations. Therefore, the proposed billboard at this particular location will not substantially impair the intent and purposes of the regulations.

E. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.14(h)7v, which requires the maximum permitted height of a billboard to be 30 feet above the grade level of the adjacent roadway surface.

The District Zoning Regulations at N.J.A.C. 19:4-4.14(e) state in part that, *a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...*

1. *Concerning bulk variances:*

i. *The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.*

The requested variance to permit the installation of the easterly billboard at a height of 87 feet above the grade level of the adjacent roadway surface of Route 3 East, whereas a maximum height of 30 feet above the grade level of the roadway is permitted, arises from conditions that are unique to the site. The site is located within the District's Regional Commercial zone and is an irregularly-shaped, 19.9-acre parcel fronting along two state highways: Route 3 East

and Route 95. There is direct access to the site from Route 3 and from shared access points via Paterson Plank Road identified as Daffy's Way and Bigley Drive.

The subject property's 19.9-acre size is substantially larger than the zone's required minimum lot size of three acres. Additionally, the property in question has an easterly lot line of approximately 650 linear feet in length fronting Route 3, and a southerly frontage of approximately 979 linear feet along Route 95 and a portion of the Route 3 ramp.

The applicant proposes to install the easterly billboard at a location that fronts on Route 3. The maximum permitted height is proposed to be exceeded in order for the billboard to provide adequate visibility to motorists, as well as to sufficiently clear obstructions within the cone of vision, including vegetation on an adjacent property, sign bridges, and overpasses. These are conditions that were not created by the property owner.

ii. *The granting of the variance will not adversely affect the rights of neighboring property owners or residents.*

The granting of the requested variance to permit the installation of a billboard having a height of 87 feet above the grade level of the adjacent roadway surface of the Route 3 East, whereas a maximum height of 30 feet above the grade level of the roadway is permitted, will not adversely affect the rights of neighboring property owners or residents. The requested height of 87 feet is necessitated by existing roadway structures and other obstructions that would

obscure the visibility of the billboard message if erected at the maximum permitted height of 30 feet above the roadway surface.

The subject property is located within the District's Regional Commercial zone, fronting on Route 3 East and Route 95. There is direct access to the site from Route 3 and from shared access points from Paterson Plank Road via Daffy's Way and Bigley Drive. Adjacent land uses include a Home Depot retail facility to the northwest, a retail building, a hotel with an associated parking deck, and a free-standing restaurant to the north, a vacant parcel to the west, open space across Route 95 to the south, and various commercial facilities across Route 3 to the east. There are no residential properties situated within 2,500 feet in any direction of either of the proposed billboard locations. In addition, the billboard is oriented in a manner to the roadway that it will not be visible from the adjacent hotel.

Billboards are passive structures, and the proposed billboards are similar to other billboard installations found along nearby roadways. The easterly billboard will be oriented towards motorists along Route 3, not towards any adjacent properties. As such, the granting of the requested variance will not interfere with the operations of the site and surrounding properties.

iii. *The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.*

The applicant proposes to install a billboard having a height of 87 feet above the grade level of the adjacent roadway surface of the Route 3, whereas a maximum height of 30 feet above the grade level of the roadway is permitted.

The particular characteristics of the property present practical difficulties in the installation of the proposed billboard on the site, resulting in a proposed billboard height that exceeds the maximum permitted height. In order to accommodate a billboard on the subject property, which is a permitted use in the Regional Commercial zone, the billboard must be visible to its intended audience of motorists on adjacent Route 3. The applicant's traffic engineer provided a cone of vision analysis that establishes the appropriate viewing angle and read time that would be required to safely view the sign. If the requested variance were not granted, the billboard would be obstructed by existing roadway structures and vegetation, thus obscuring the visibility of the billboard message. The proposed height is required to allow the billboard to be safely viewed by motorists traveling along Route 3.

iv. *The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.*

The granting of the requested variance to permit the easterly billboard to exceed the maximum permitted height will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. The billboard is a passive structure that will not interfere with the operations of the site and surrounding properties. It is similar to other billboard installations found along the nearby roadways. The billboard will be oriented towards motorists along Route 3, and no scenic viewsheds will be negatively impacted. All performance standards of the Hackensack Meadowslands District zoning regulations will be met by the billboard installation and operation.

Additionally, the applicant has obtained an outdoor advertising permit for the billboard from the NJDOT, which reviews public safety requirements as part of the state permitting process. The proposed digital billboard complies with the maximum permitted billboard sign area required by District zoning regulations, and will comply with the District's billboard regulations governing the safety of its digital operations, including automatic dimming technology to adapt to ambient illumination levels, and a minimum time lapse of eight seconds between message changes.

v. *The variance will not have a substantial adverse environmental impact.*

The granting of the requested variance to permit the easterly billboard to be greater than 30 feet above the grade of the adjacent Route 3 roadway surface on the subject premises will not result in any substantial adverse environmental impacts. The billboard is proposed to be erected on an upland portion of the site. No environmentally sensitive areas and minimal open space will be disturbed by the placement of the billboard at the proposed location. The illumination level of the billboard will meet all requirements for the operation of billboards pursuant to the District zoning regulations. District performance standards will not be exceeded for noise, vibration, airborne emissions, glare, hazardous and radioactive materials and wastewater by the billboard.

vi. *The variance represents the minimum deviation from the regulations that will afford relief.*

The requested variance to permit the installation of the easterly billboard at a height of 87 feet above the grade level of the adjacent roadway surface of Route 3 East, whereas a maximum height of 30 feet above the grade level of the roadway is permitted, represents the minimum deviation from the regulations that will afford relief. In order to accommodate a billboard on the subject property, which is a permitted use in the Regional Commercial zone, the billboard must be visible to its intended audience of motorists on Route 3. The applicant's traffic engineer provided a cone of vision analysis that establishes the appropriate viewing angle and read

time that would be required to safely view the sign. If the requested variance were not granted, a billboard erected at a conforming height of 30 feet would be obstructed by existing roadway structures and vegetation on an adjacent property, obscuring the visibility of the billboard message. The proposed height is the minimum required height to allow the billboard to be safely visible from the premises. As such, the requested variance represents the minimum deviation from the regulations that will afford relief.

*vii. Granting the variance will not substantially impair the intent and purpose of these regulations.*

The requested variance to permit the installation of the easterly billboard at a height of 87 feet above the grade level of the adjacent roadway surface of Route 3, whereas a maximum height of 30 feet above the grade level of the roadway is permitted, will not substantially impair the intent and purpose of the regulations. Although the billboard is proposed to be higher than the maximum permitted height of 30 feet above the roadway surface, the proposed height of 87 feet does not cause any significant negative visual impact for the surrounding area. A height of 87 feet is required in order for the billboard to provide adequate visibility to motorists, as well as to sufficiently clear the visual obstruction caused by nearby vegetation, sign bridges and overpasses. The billboard will be oriented towards motorists along Route 3, not towards any adjacent properties. Billboards are passive structures that are commonly found along nearby roadways. As such, the

granting of the requested variance will not substantially impair the intent and purpose of the regulations.

**F. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.14(h)7v, which requires the maximum permitted height of a billboard to be 30 feet above the grade level of the adjacent roadway surface.**

The District Zoning Regulations at N.J.A.C. 19:4-4.14(e) state in part that, a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...

**1. Concerning bulk variances:**

*i. The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.*

The requested variance to permit the installation of the southerly billboard at a height of 62 feet above the grade level of the adjacent roadway surface of Route 95, whereas a maximum height of 30 feet above the grade level of the roadway is permitted, arises from conditions that are unique to the site. The site is located within the District's Regional Commercial zone, and is an irregularly-shaped, 19.9-acre parcel fronting on two state highways: Route 3 East and Route 95. There is direct access to the site from Route 3 and from shared access points via Paterson Plank Road identified as Daffy's Way and Bigley Drive. The subject property's 19.9-acre size is substantially larger than the required minimum lot size of three acres for the zone. Additionally, the property in question has an easterly lot line of approximately 650 linear feet in length fronting

along Route 3, and a southerly frontage of approximately 979 linear feet along Route 95 and a portion of the Route 3 ramp.

The applicant proposes to install the southerly billboard at a location that fronts on Route 95. The maximum permitted height is proposed to be exceeded in order for the billboard to provide adequate visibility to motorists, as well as to sufficiently clear obstructions within the cone of vision, including nearby sign bridges and overpasses. These are conditions that were not created by the property owner.

*ii. The granting of the variance will not adversely affect the rights of neighboring property owners or residents.*

The granting of the requested variance to permit the installation of a billboard having a height of 62 feet above the grade level of the adjacent roadway surface of Route 95, whereas a maximum height of 30 feet above the grade level of the roadway is permitted, will not adversely affect the rights of neighboring property owners or residents. The requested height of 62 feet is necessitated by existing roadway structures and other obstructions that would obscure the visibility of the billboard message if erected at the maximum permitted height of 30 feet above the roadway surface. The subject property is located within the District's Regional Commercial zone, fronting on Route 3 and Route 95. There is direct access to the site from Route 3 and from shared access points from Paterson Plank Road via Daffy's Way and Bigley Drive. Adjacent land uses include a Home Depot retail facility to the northwest, a retail building, a hotel with an associated parking

deck, and a free-standing restaurant to the north, a vacant parcel to the west, open space across Route 95 to the south, and various commercial facilities across Route 3 to the east. There are no residential properties situated within 2,500 feet in any direction from either of the proposed billboard locations.

Billboards are passive structures, and the proposed billboards are similar to other billboard installations found along the nearby roadways. The southerly billboard will be oriented towards motorists along Route 95, not towards any adjacent properties. The property across the right-of-way to the south is comprised of vacant land in the District's Environmental Conservation zone, and will not be impacted by the placement of the proposed billboard across the roadway. As such, the granting of the requested variance will not interfere with the operations of the site and surrounding properties.

*iii. The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.*

The applicant proposes to install a billboard having a height of 62 feet above the grade level of the adjacent roadway surface of Route 95, whereas a maximum height of 30 feet above the grade level of the roadway is permitted. Billboards are passive structures, and the proposed billboard is similar to other billboard installations found along nearby roadways. The southerly billboard will be oriented towards motorists along Route 95, and not towards any adjacent properties.

billboard will be oriented towards motorists along Route 95, and no scenic viewsheds will be negatively impacted. All performance standards of the Hackensack Meadowlands District zoning regulations will be met by the billboard installation and operation.

Additionally, the applicant has obtained an outdoor advertising permit for the proposed billboard from the NJDOT, which reviews public safety requirements as part of the state permitting process. The proposed combination static/digital billboard complies with the maximum permitted billboard sign area required by the District regulations, and will comply with the District's billboard regulations governing the safety of its digital operations, including automatic dimming technology to adapt to ambient illumination levels, and a minimum time lapse of eight seconds between message changes.

v. *The variance will not have a substantial adverse environmental impact.*

The granting of the requested variance to exceed the maximum permitted height will not result in any substantial adverse environmental impacts. The billboard is proposed to be erected on an upland portion of the site. No environmentally sensitive areas and minimal open space will be disturbed by the placement of the billboard at the proposed location. The illumination level of the billboard will meet all requirements for the operation of billboards pursuant to the District zoning regulations. District performance standards will not be exceeded for noise, vibration, airborne emissions, glare, hazardous and radioactive materials and wastewater by the billboard.

The particular characteristics of the property present practical difficulties in the installation of the proposed billboard on the site, resulting in a proposed billboard height that exceeds the maximum permitted height. In order to accommodate a billboard on the subject property, which is a permitted use in the Regional Commercial zone, the billboard must be visible to its intended audience of motorists on adjacent Route 95. The applicant's traffic engineer provided a cone of vision analysis that establishes the appropriate viewing angle and read time that would be required to safely view the sign. If the requested variance were not granted, the billboard would be obstructed by existing overhead roadway structures, obscuring the visibility of the billboard message. The proposed height is required to allow the billboard to be safely visible from the premises.

iv. *The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.*

The granting of the requested variance to permit the southerly billboard to exceed the permitted height will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

The billboard is a passive structure that will not interfere with the operations of the site and surrounding properties. It is similar to other billboard installations found along the nearby roadways. The

*vi. The variance represents the minimum deviation from the regulations that will afford relief.*

The requested variance to permit the installation of the southerly billboard at a height of 62 feet above the grade level of the adjacent roadway surface of Route 95, whereas a maximum height of 30 feet above the grade level of the roadway is permitted, represents the minimum deviation from the regulations that will afford relief. In order to accommodate a billboard on the subject property, which is a permitted use in the Regional Commercial zone, the billboard must be visible to its intended audience of motorists on Route 95. The applicant's traffic engineer provided a cone of vision analysis that establishes the appropriate viewing angle and read time that would be required to safely view the sign. If the requested variance were not granted, the visibility of the billboard erected at a conforming height of 30 feet would be obstructed by existing roadway structures and truck traffic. The proposed height is the minimum required height to allow the billboard to be safely visible to motorists on the adjacent road. As such, the requested variance represents the minimum deviation from the regulations that will afford relief.

*vii. Granting the variance will not substantially impair the intent and purpose of these regulations.*

The requested variance to permit the installation of the southerly billboard at a height of 62 feet above the grade level of the adjacent roadway surface of Route 95, whereas a maximum height of 30 feet

above the grade level of the roadway is permitted, will not substantially impair the intent and purpose of the regulations. Although the billboard is proposed to be higher than the maximum permitted height of 30 feet above the roadway surface, the proposed height of 62 feet does not cause any significant negative visual impact for the surrounding area. A height of 62 feet is required in order for the billboard to provide adequate visibility to motorists, as well as to sufficiently clear visual obstruction caused by nearby sign bridges and overpasses. The billboard will be oriented towards motorists along Route 95, and not towards any adjacent properties. Billboards are passive structures that are commonly found along nearby roadways. As such, the granting of the requested variance will not substantially impair the intent and purpose of the regulations.







C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.14(h)(1), which requires that billboards be installed within a ROW having a posted speed limit of 55 mph or higher, or within 50 feet thereof, and shall be oriented towards such ROW.

Based on the record in this matter, the bulk variance application to permit a billboard to be located adjacent to the New Jersey State Highway Route 3 Eastbound ramp, which has a posted speed limit of 45 mph, is hereby recommended for APPROVAL.

APPROVAL      7-20-15  
Recommendation on      Date  
Variance Request

  
Sara J. Sundell, P.E., P.P.  
Director of Land Use Management


approved      7/30/15  
Recommendation on      Date  
Variance Request

  
Ralph J. Marra, Jr.  
Senior Vice-President  
Legal & Regulatory Affairs


D. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.14(h)(1), which requires that billboards be installed within a ROW having a posted speed limit of 55 mph or higher, or within 50 feet thereof, and shall be oriented towards such ROW.

Based on the record in this matter, the bulk variance application to permit a billboard to be located adjacent to New Jersey State Highway Route 95/495 Bypass, which has a posted speed limit of 50 mph, is hereby recommended for APPROVAL.

APPROVAL      7-20-15  
Recommendation on      Date  
Variance Request

  
Sara J. Sundell, P.E., P.P.  
Director of Land Use Management

approved      7/30/15  
Recommendation on      Date  
Variance Request

  
Ralph J. Marra, Jr.  
Senior Vice-President  
Legal & Regulatory Affairs

E. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.14(h)7v, which requires the maximum permitted height of a billboard to be 30 feet above the grade level of the adjacent roadway surface.

Based on the record in this matter, the bulk variance application to permit a billboard with a maximum height of 87 feet above the grade level of the adjacent New Jersey State Highway Route 3 Eastbound ramp roadway surface is hereby recommended for APPROVAL.

APPROVAL      7-29-15      \_\_\_\_\_  
Recommendation on      Date  
Variance Request      \_\_\_\_\_  
*Approved*      \_\_\_\_\_  
Recommendation on      Date  
Variance Request      \_\_\_\_\_  
Sara J. Sundell, P.E., P.P.  
Director of Land Use Management  
Ralph J. Marra, Jr.  
Senior Vice President  
Legal & Regulatory Affairs

F. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.14(h)7v, which requires the maximum permitted height of a billboard to be 30 feet above the grade level of the adjacent roadway surface.

Based on the record in this matter, the bulk variance application to permit a billboard with a maximum height of 62 feet above the grade level of the adjacent New Jersey State Highway Route 95/495 Bypass roadway surface is hereby recommended for APPROVAL.

APPROVAL      7-29-15      \_\_\_\_\_  
Recommendation on      Date  
Variance Request      \_\_\_\_\_  
*Approved*      \_\_\_\_\_  
Recommendation on      Date  
Variance Request      \_\_\_\_\_  
Sara J. Sundell, P.E., P.P.  
Director of Land Use Management  
Ralph J. Marra, Jr.  
Senior Vice President  
Legal & Regulatory Affairs

**RESOLUTION 2015-47**

**RESOLUTION REGARDING PROJECT OF THE GREATER WILDWOODS  
TOURISM IMPROVEMENT AND DEVELOPMENT AUTHORITY**

**WHEREAS**, the New Jersey Sports and Exposition Authority ("NJSEA"), by statute, acquired, developed, constructed and continues to administer a convention center in the City of Wildwood, New Jersey; and

**WHEREAS**, the Greater Wildwoods Tourism Improvement and Development Authority ("GWTIDA") has proposed development of a hotel project on property owned by the NJSEA; and

**WHEREAS**, the New Jersey Economic Development Authority ("EDA") has offered a loan of \$50,000 for professional services to develop the project provided that the NJSEA, as property owner, guarantees repayment of the loan; and

**WHEREAS**, the NJSEA has agreed to create an escrow account containing the \$50,000 as a means of guarantee; and

**WHEREAS**, moreover, the GWTIDA has represented that the loan repayment will be made by the developer selected for the project.

**NOW, THEREFORE, BE IT RESOLVED**, that the President and Chief Executive Officer is hereby authorized to create the escrow account and execute all necessary documents to complete the guarantee for the loan transaction.

**ADOPTED:** August 5, 2015

**RESOLUTION 2015-48**

**RESOLUTION AUTHORIZING THE  
NEW JERSEY SPORTS AND EXPOSITION AUTHORITY  
TO CONDUCT A MEETING TO WHICH  
THE GENERAL PUBLIC SHALL NOT BE ADMITTED**

**BE IT RESOLVED** by the New Jersey Sports and Exposition authority (“Authority”) that it shall conduct a meeting to which the general public shall not be admitted to discuss personnel matters, the status of pending and anticipated litigation and other matters within the attorney client privilege, contract negotiations, and, if necessary, to act upon pending contracts.

**BE IT FURTHER RESOLVED** that the time when such discussions may be disclosed to the public shall be when and as such disclosure may be made without adversely affecting the Authority’s pending and/or anticipated legal, personnel, contractual matters and other matters within the exceptions provided for by the statute.

**ADOPTED: August 5, 2015**