



Board Meeting

Thursday, December 15, 2016

10:00 a.m.



**AGENDA
REGULAR SESSION**

Thursday, December 15, 2016 - 10:00 a.m.
Two DeKorte Park Plaza, Lyndhurst, NJ

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

- Approval of Regular Session Meeting Minutes of November 17, 2016.

II. **PUBLIC PARTICIPATION ON RESOLUTIONS**

III. **APPROVALS** – (Action)

Cash Disbursements Approval and/or Ratification of Cash Disbursements over \$100,000 for November 2016.

Resolution 2016-57 Consideration of a Resolution authorizing the placement of property, liability, automobile, inland marine, excess liability, crime, directors & officers and site pollution insurance.

Resolution 2016-58 Consideration of a Resolution authorizing the establishment of alternate landfill closure financial accounts.

Resolution 2016-59 Consideration of Resolution issuing a Decision on the Suitability Recommendation as required by the NJSEA Interim Policies Governing Affordable Housing in the Meadowlands District – File No. 16-539, SOF/PMP 500 Plaza/ Quest Diagnostics Inc. - Addition & Variance - Block 227, Lot 6.03 in the Town of Secaucus

Resolution 2016-60 Consideration of Resolution issuing a Decision on a Variance Application submitted as part of File No. 16-035, Pramukh Realty, LLC/Shreeji Printing CO – Addition & Variance – Block 126, Lot 16, in the Borough of Carlstadt

IV. **AWARDS/CONTRACTS** – (Action)

Resolution 2016-61 Consideration of a Resolution authorizing the President and CEO to enter into an Interlocal Agreement with the Hudson County Improvement Authority for Disposal Services.

Resolution 2016-62 Consideration of a Resolution authorizing the President and CEO to execute an amendment to NJSEA's operations, management and maintenance services contract for the Keegan Landfill.

V. **PUBLIC COMMENTS**

VI. **EXECUTIVE SESSION**

Resolution 2016-63 Consideration of a 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.

VII. **MOTION TO ADJOURN**

MINUTES



REGULAR SESSION BOARD MEETING

DATE: November 17, 2016
TIME: 10:00 a.m.
PLACE: 2 DeKorte Park Plaza - Lyndhurst, NJ
RE: **REGULAR SESSION MEETING MINUTES**

Members in Attendance:

Michael Ferguson, Chairman (via phone)
Joseph Buckelew, Vice Chairman (via phone)
Wayne Hasenbalg, Esq., President and Chief Executive Officer
John Ballantyne, Member
Armando Fontoura, Member
Michael H. Gluck, Esq., Member
George Kolber, Member (via phone)
Steven Plofker, Member
Robert Yudin, Member
James Wooster, NJ State Treasurer's Representative (via phone)

Absent:

Michael Gonnelli, Member
LeRoy Jones, Member
Andrew Scala, Member
Anthony Scardino, Member

Also Attending:

Christine Sanz, Sr. Vice President/Chief Operating Officer
Ralph J. Marra, Jr., Sr. Vice President of Legal and Regulatory Affairs
Adam Levy, Vice President of Legal and Regulatory Affairs
John Yarenis, Director of Finance/CFO
Sara J. Sundell, Director of Land Use Management
Lisa LeBoeuf, Governor's Authorities Unit
Christine Ferrante, Executive Assistant/Paralegal

President Hasenbalg called the meeting to order.

President Hasenbalg 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

President Hasenbalg presented the minutes of the Regular Session Board Meeting held on October 13, 2016 with one correction. Commissioner Ballantyne was present and voted yes on each resolution presented.

Upon motion made by Commissioner Fontoura and seconded by Commissioner Yudin, the minutes of the Regular Session Board Meeting held on October 13, 2016, were unanimously approved by a vote of 10-0.

II. PUBLIC PARTICIPATING ON RESOLUTIONS

- Mayor Dressel, Executive Director of HMMC spoke on Resolution 2016—55. Mayor Dressel stated that at their November 14 meeting, HMMC approved the NJSEA’s recommendation that the site is unsuitable for residential.

IV 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 October 2016.

Upon motion by Commissioner Plofker and seconded by Commissioner Ballantyne, the cash disbursements over \$100,000 for the month of October 2016 were approved subject to the following recusals:

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

Resolution 2016-52 Resolution adopting the NJSEA 2016 Budget.

President Hasenbalg introduced NJSEA’s new CFO, John Yarenis. Mr. Yarenis reported on the budget, which represents the first full year impact of the merger between the former New Jersey Meadowlands Commission and NJSEA. Mr. Yarenis explained that there is an \$11 million reduction of state appropriations from last year. He went on to explain that the reduction is due to the closure of the Izod Center and the merging of expenses and identifying overlapping costs.

President Hasenbalg stated that reducing the state subsidy by 42 percent is a significant accomplishment. He went on to say that the merger was done as seamless as possible and thanked staff for maintaining the NJSEA’s mission while accomplishing cost savings during this past year .

Commissioner Buckelew recognized President Hasenbalg for his hard work in making the transition work.

President Hasenbalg presented Resolution 2016-52. Upon motion by Commissioner Buckelew and seconded by Commissioner Gluck, proposed resolution 2016-52 was unanimously approved by 10-0 vote.

Resolution 2016-53 Resolution approving the NJSEA Annual Schedule of Meetings for the Year 2017.

President Hasenbalg presented Resolution 2016-53. Upon motion by Commissioner Plofker and seconded by Commissioner Yudin, proposed resolution 2016-53 was approved by 10-0 vote.

Resolution 2016-54 Resolution authorizing changes to official signatories for bank accounts.

Mr. Yarenis explained that with recent changes of personnel within the Authority, certain signatories are to be assigned to bank accounts. He stated that Wayne Hasenbalg, John Yarenis, Christine Sanz and Edward Bulmer are to be assigned to the bank accounts as directed by and in discretion of President Hasenbalg.

President Hasenbalg presented Resolution 2016-54. Upon motion by Commissioner Ballantyne and seconded by Commissioner Yudin, proposed resolution 2016-54 was approved by 10-0 vote.

Resolution 2016-55 Resolution issuing a decision the Suitability Recommendation as required by the NJSEA Interim Policies Governing Affordable Housing Development in the Meadowlands District File No. SP-724, NCP East Rutherford Holdings, LLC/Paterson Plank Road Redevelopment Plan Amendment – Block 105.02, Lot 2 in East Rutherford.

Ms. Sundell explained Resolution to Commissioners. Ms. Sundell stated that Catalyst Development Partners, LLC submitted a site suitability application in connection with a proposal to construct a 397-unit, multi-family housing development on property located at 932 Paterson Plank Road in East Rutherford. The property is located within the Commercial Gateway Center of the Paterson Plank Road Redevelopment Area, which does not permit residential uses. In accordance with the *Interim Policies Governing Affordable Housing Development in the Meadowlands District*, the applicant requested a determination of whether the property is suitable for residential use. After the public hearing and close of the public record, staff prepared a Suitability Review, which recommends that the property be deemed not suitable for residential use.

Commissioner Yudin asked if the applicant received a copy of the report and if they would have the opportunity to address the objections listed. Ms. Sundell replied that the report was shared with the applicant. It was stated that with the public hearing process, once the record is closed no additional testimony is permitted. It was also noted that the applicant had the opportunity to present their case at both the HMMC meeting and today's meeting, but did not appear. It was also noted that, if they so choose, they may appeal to the appellate division.

President Hasenbalg presented Resolution 2016-55. Upon motion by Commissioner Ballantyne and seconded by Commissioner Gluck, proposed resolution 2016-55 was approved by 10-0 vote.

VII. PUBLIC COMMENTS - None

VIII. EXECUTIVE SESSION

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

Resolution 2016-56

Resolution authorizing the NJSEA to enter into a meeting to which the general public shall not be admitted to discuss legal matters, personnel matters and contract negotiations.

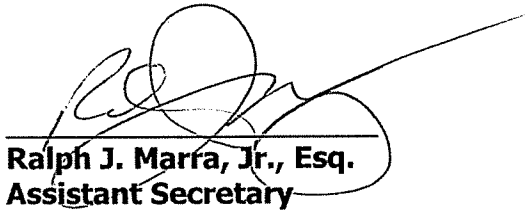
Upon motion made by Commissioner Ballantyne and seconded by Commissioner Fontoura, Resolution 2016-56 was approved by a vote of 10-0.

Motion to enter into open session was made by Commissioner Ballantyne and second by Commissioner Yudin with all in favor.

MOTION TO ADJOURN

Motion to adjourn the meeting was made by Commissioner Gluck and second by Commissioner Fontoura with all in favor.

I certify that on information and belief this is a true and accurate transcript of the Minutes of the Regular Session of the New Jersey Sports and Exposition Authority Board Meeting held on November 17, 2016.


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

November 17, 2016

Commissioner	Roll Call	2016-52	2016-53	2016-54	2016-55	2016-56
Ferguson	P (via phone)	Y	Y	Y	Y	Y
Buckelew	P (via phone)	Y	Y	Y	Y	Y
Hasenbalg	P	Y	Y	Y	Y	Y
Ballantyne	P	Y	Y	Y	Y	Y
Fontoura	P	Y	Y	Y	Y	Y
Gluck	P	Y	Y	Y	Y	Y
Gonnelli	--	--	--	--	--	--
Jones	--	--	--	--	--	--
Kolber	P (via phone)	Y	Y	Y	Y	Y
Plofker	P	Y	Y	Y	Y	Y
Scala	--	--	--	--	--	--
Scardino	--	--	--	--	--	--
Yudin	P	Y	Y	Y	Y	Y
Treasury Rep Wooster	P (via phone)	Y	Y	Y	Y	Y

P - Present A - Abstain
-- Absent R = Recuse
Y = Affirmative N = Negative

APPROVALS



**CASH DISBURSEMENTS
\$100,000 OR MORE
NOVEMBER 2016**

SPORTS COMPLEX

<u>Nov</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
NEW JERSEY STATE POLICE	1,360,046.57	A/L	OVERTIME CHARGES: AUG 2016 - SEP 2016
NRG BUSINESS SOLUTIONS	311,703.47	J	ELECTRICITY CHARGES: OCT 2016
SPORTS COMPLEX TOTAL	<u>1,671,750.04</u>		

OTHER

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
CHRIS ANDERSEN ROOFING & ERECTING CO., INC.	124,218.00	A	PARTIAL RE-ROOFING & HVAC REPLACEMENT - ADMIN & EC BUILDINGS
JERSEY CITY, CITY OF	186,975.00	I	TAX SHARING: CALENDAR YEAR 2016
KEARNY, TOWN OF	569,374.00	I	TAX SHARING: CALENDAR YEAR 2016
NEW JERSEY HEALTH BENEFITS FUND	176,415.37	I	HEALTH BENEFITS - ACTIVE EMPLOYEES: NOVEMBER 2016
NORTH ARLINGTON, BOROUGH OF	147,103.00	I	TAX SHARING: CALENDAR YEAR 2016
NORTH BERGEN, TOWNSHIP OF	101,560.11	I	SEMI-ANNUAL SUPPLEMENTAL PAYMENT - PER REAL ESTATE SEP 2006 AGREEMENT
RIDGEFIELD, BOROUGH OF	162,980.00	I	TAX SHARING: CALENDAR YEAR 2016
TIFFANY ELECTRIC, INC.	149,052.07	A/L	MASSTR PHASE 5 CONSTRUCTION PROJECT - PARTIAL REIMBURSEMENT FROM FHWA
RUTHERFORD, BOROUGH OF	125,000.00	I	PAYMENT IN LIEU OF TAXES: 2016
WASTE MANAGEMENT OF NEW JERSEY	203,538.50	A	OPERATIONS CONTRACT - KEEGAN LANDFILL: OCT 2016
OTHER TOTAL	<u>1,946,216.05</u>		

**OUTSTANDING PROFESSIONAL SERVICES
NOVEMBER 2016**

SPORTS COMPLEX

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>DESCRIPTION</u>
GIBBONS P.C.	118,315.19	LEGAL SERVICES - AUTHORITY TRANSACTIONS COUNSEL: NOV 2016
SPORTS COMPLEX TOTAL	<u>118,315.19</u>	

RESOLUTION 2016-57

**RESOLUTION AUTHORIZING THE PLACEMENT OF PROPERTY, LIABILITY,
AUTOMOBILE, INLAND MARINE, EXCESS LIABILITY, CRIME,
DIRECTORS & OFFICERS AND SITE POLLUTION INSURANCE**

WHEREAS, the New Jersey Sports and Exposition Authority (“Authority”) utilized the services of its Insurance Broker, Willis Towers Watson of Pennsylvania (“Willis”) to obtain insurance coverages for Property, Liability, Automobile, Inland Marine, Excess Liability, Crime, Directors & Officers and Site Pollution, and

WHEREAS, Willis solicited quotes from multiple insurers for the above referenced policies, and

WHEREAS, as a result of its solicitation, Willis is recommending that the NJSEA bind the following policies:

Coverage	Carrier	Quote
Property	American Home/Lexington Insurance	\$465,000
Gen Liability	Philadelphia Indemnity	424,644
Excess Liability	Philadelphia Indemnity	107,915
Crime	Berkley Regional	4,275
Dirs & Offs	Chubb	3,333
Site Pollution	Chubb	27,315
Total		<u>\$1,032,482</u>

WHEREAS, the Authority staff has evaluated the insurance premium quotation options submitted by Willis and concurs with its recommendation.

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the New Jersey Sports and Exposition Authority hereby authorizes Willis to bind the policies that will be effective January 1, 2017 through January 1, 2018 at a total cost of \$1,032,482.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of December 15, 2016.



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

RESOLUTION 2016-58

**RESOLUTION AUTHORIZING THE ESTABLISHMENT OF
ALTERNATE LANDFILL CLOSURE FINANCIAL ACCOUNTS**

BE IT RESOLVED that the below named individuals shall have full authority to sign for or act on behalf of the Authority as directed by and in discretion of the President/CEO, Wayne Hasenbalg and take any action necessary to establish and maintain the required alternate landfill closure financial accounts with TD Private Client Wealth.:

Wayne Hasenbalg
John Yarenis
Christine A. Sanz
Edward H. Bulmer

BE IT FURTHER RESOLVED that the authority conferred upon the above named signatories shall remain in full force and effect until written notice of the revocation.

I hereby certify the foregoing to be a true copy of the resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of December 15, 2016.



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

RESOLUTION 2016-59

**RESOLUTION ISSUING A DECISION ON THE
SUITABILITY RECOMMENDATION AS REQUIRED BY THE
NJSEA INTERIM POLICIES GOVERNING AFFORDABLE HOUSING
DEVELOPMENT IN THE MEADOWLANDS DISTRICT
FILE NO. 16-539 SOF/PMP 500 Plaza/ Quest Diagnostics Inc. - Addition & Variance
BLOCK 227, LOT 6.03
IN THE TOWN OF SECAUCUS**

WHEREAS, in a decision dated May 21, 2007 (A-4174-03T3; A-3107-04T1), the Appellate Division of the New Jersey Superior Court determined, among other things, that the New Jersey Meadowlands Commission (NJMC) should consider whether new development in the Meadowlands District should be avoided until the Commission implements new rules concerning affordable housing; and

WHEREAS, on July 25, 2007, the Commission adopted Resolution No. 07-68, which approved the "Policy Statement Regarding the NJMC's Expanded Responsibilities to Plan and Zone for Affordable Housing;" and

WHEREAS, on May 6, 2008, COAH adopted new rules, which became effective upon publication in the New Jersey Register on June 2, 2008, and, in addition, adopted new rules on September 22, 2008, which became effective on October 20, 2008; and

WHEREAS, on July 17, 2008, P.L. 2008, Chapter 46 became law, revising various parts of the statutory law concerning affordable housing; and

WHEREAS, on July 23, 2008, the Commission adopted Resolution No. 08-80, which approved the "*Interim Policies Governing Affordable Housing Development in the Meadowlands District*," in order to govern the review of and restraints upon applications for further development in the Meadowlands District in a manner consistent with these regulatory and statutory changes, prior to the implementation of new regulations regarding same; and

WHEREAS, 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; and

WHEREAS, the Interim Policies, last revised by Resolution No. 11-29 on July 27, 2011, govern all zoning certificate applications, petitions to amend the Official Zoning Map, new redevelopment plans, and proposed amendments to a redevelopment plan pertaining to new proposed uses or changes to existing uses, received on or after July 24, 2008, and remain in effect until the NJSEA promulgates new regulations concerning affordable housing, or the Policies are

withdrawn or rescinded by Commission action or court order, whichever occurs first; and

WHEREAS, the Interim Policies set forth the criteria for a Review Team, comprised of three NJSEA staff members including one New Jersey-licensed professional engineer and one New Jersey-licensed professional planner, and also a professional planner representing the municipality in which the proposed development is located, to review each applicable application to determine the suitability of the subject site for residential use; and

WHEREAS, a zoning certificate application was submitted to the NJSEA on November 10, 2016, by Thomas J. O'Connor, Esq., of Waters, McPherson, McNeill, for the premises identified as 500 Plaza Drive, Block 227, Lot 6.03, in the Town of Secaucus, New Jersey, and which is located in the Regional Commercial zone; and

WHEREAS, the subject application proposes the construction of a 2,600-square-foot addition to the 10th floor of an existing 11-story office building and, as such, is not exempt from the Interim Policies; and

WHEREAS, offices are permitted uses in the Regional Commercial zone; and

WHEREAS, the application was forwarded to the Review Team for review of the application in accordance with the Interim Policies; and

WHEREAS, the Review Team evaluated the suitability of the subject property taking into consideration the specific application submitted for construction of the proposed building addition; and

WHEREAS, a suitability review, dated December 2, 2016, and attached hereto, has been prepared, indicating the recommendation of the Review Team in this matter; and

WHEREAS, the suitability review recommends that the subject property be deemed unsuitable for residential use; and

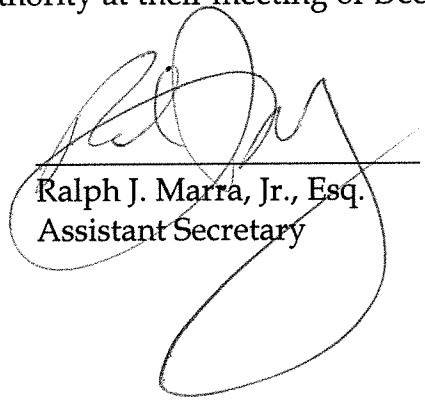
WHEREAS, the Board of Commissioners of the NJSEA have reviewed the suitability review and recommendation prepared by the Review Team, regarding the subject property; and

WHEREAS, the Board of Commissioners of the NJSEA concur with the recommendation of the Review Team; and

WHEREAS, the Board of Commissioners of the NJSEA hereby determines that the subject property is deemed unsuitable for residential use.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority that the subject property located at 500 Plaza Drive, Block 227, Lot 6.03, in the Town of Secaucus, is deemed unsuitable for residential use.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of December 15, 2016.



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



MEMORANDUM

To: NJSEA Board Member and Wayne Hasenbalg, President/CEO

From: Sara J. Sundell

Date: December 15, 2016

Subject: Site Suitability Recommendation for Block 227, Lot 6.03, Secaucus,
New Jersey (File No. 16-539)

In a decision dated May 21, 2007 (A-4174-03T3; A-3107-04T1), the Appellate Division of the New Jersey Superior Court determined, among other things, that the New Jersey Meadowlands Commission (NJMC or Commission) should consider whether new development in the Meadowlands District should be avoided until the Commission implements new rules concerning affordable housing. The Commission followed up by adopting Resolution No. 07-68, on July 25, 2007, which approved the "Policy Statement Regarding the NJMC's Expanded Responsibilities to Plan and Zone for Affordable Housing." Thereafter, on July 23, 2008, the Commission adopted Resolution No. 08-80, which approved the "*Interim Policies Governing Affordable Housing Development in the Meadowlands District*," which was last revised by Resolution No. 11-29 on July 27, 2011, in order to govern the review of and restraints upon applications for further development in the Meadowlands District in a manner consistent with regulatory and statutory changes regarding affordable housing, prior to the implementation of new regulations regarding same.

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.

The Interim Policies apply to all zoning certificate applications, petitions to amend the Official Zoning Map, new redevelopment plans, and proposed amendments to a redevelopment plan pertaining to new proposed uses or changes to existing uses, received on or after July 24, 2008, and will remain in effect until the NJSEA promulgates new regulations concerning affordable housing, or the Interim Policies are withdrawn or rescinded by Commission action or court order, whichever occurs first. The Interim Policies set forth the criteria for a Review Team, comprised of three NJSEA staff members, including one New Jersey-licensed professional engineer and one New Jersey-licensed professional planner, and also a professional planner representing the municipality in which the proposed development is located, to review each applicable application to determine the suitability of the subject site for residential use.

The NJSEA received an application for the construction of a 2,600-square-foot addition on the 10th floor of the building located at 500 Plaza Drive, Block 227, Lot 6.03, in the Town of Secaucus, New Jersey.

The matter was forwarded to the Review Team for review of the proposed site in accordance with the *Interim Policies*. A suitability review, dated December 2, 2016, has been prepared, indicating that the Review Team recommends that the subject property is not suitable for residential use.

At this time, the NJSEA staff is recommending that the members of the NJSEA concur with the site suitability recommendation prepared by the Review Team, which determines that the subject property be deemed unsuitable for residential use.

Suitability Review - Summary

File No. 16-539

SOF/PMP 500 Plaza/Quest Diagnostics Inc. - Addition & Variance

Block 227, Lot 6.03, in the Town of Secaucus

December 2, 2016

The NJSEA received a zoning certificate application for the proposed construction of a 2,600-square-foot addition on the 10th floor of the premises identified as 500 Plaza Drive, Block 227, Lot 6.03, in the Town of Secaucus, New Jersey. The subject property is located in the Commission's Regional Commercial zone and, as such, is not exempt from the site suitability review process. In keeping with the review process, the site characteristics of the property have been evaluated in accordance with the "Interim Policies Governing Affordable Housing Development in the Meadowlands District," adopted by the NJMC on July 24, 2008, and last revised on July 27, 2011.

In accordance with Section IV(c)1 of the Interim Policies, the criteria to deem a site suitable for housing are as follows:

- i. **The site is adjacent to compatible land uses and has access to appropriate streets.**
 - The subject property is not adjacent to land uses that are compatible with a residential development, as it is located in the middle of the largest regional commercial area in the Hackensack Meadowlands District. Adjacent and surrounding properties contain large-scale retail, commercial and office facilities.
 - The existing structure on the subject property is not proposed to be removed, only to be expanded by a glass-enclosed atrium on the 10th floor for use by the office tenants. The 10th floor of an existing 11-story office building would not be an appropriate location to place residential units. Residential units on the 10th floor would be isolated from the rest of the community.
 - The closest residential use is the Carpet Center Residential Redevelopment Area, which was deemed to be suitable for residential uses due to the significant mass of housing units that could be constructed and its location on the periphery of the Harmon Meadow complex. In contrast, the proposed 2,600-square-foot addition is to be located on the 10th floor, and within the footprint, of an existing 11-story building.

- Surrounding roadways are heavily-trafficked and provide access to an active retail/commercial area. These uses generate a considerable volume of automobile and truck traffic that would present circulation and safety challenges to residential uses.
 - A portion of the parking facilities available for the subject site are located in a parking deck on a property located to the south, which requires crossing a side street used by vehicles accessing other areas of Harmon Meadow Plaza, predominantly loading areas for other existing buildings. Use of this parking deck could result in safety issues with respect to future residents crossing the street with packages and/or small children in order to gain entrance to their residence.
- ii. **The site has access to water and sewer infrastructure with sufficient capacity.**
- This criterion is met by the subject property.
- iii. **The site can be developed consistent with the rules of the NJMC.**
- This criterion can be met by the subject property.
- iv. **Former and existing land uses, either on the site or in the vicinity, may not expose residents to environmental hazard. Alternatively, the site shall be remediated to NJDEP residential standards as a condition of the Board's approval.**
- The NJMC is not aware of any conditions on or in the vicinity of the subject property, either former or existing, that may expose residents to environmental hazard.
- v. **The size, shape, or layout of any existing structure that shall remain, or other physical limitation(s) not listed previously, do not preclude residential use.**
- The subject property does not have significant areas of excess contiguous open space or vacant area on which to construct a residential structure as the footprint of the existing 11-story office building encompasses the majority of the lot. There is very limited area on Lot 6.03 for any new construction. The current layout of the existing commercial building, under-building parking, open space areas, and setbacks precludes residential use.

- Above the ninth story of the building, the floor plan is smaller than the building footprint, leaving some area available for infill. This space, while available for development, is not appropriate for the inclusion of residential uses. Constructing residential uses on the 10th floor of this 11-story office building could not be done in a manner that would provide a reasonable separation distance and appropriate buffering between the different uses. There is also insufficient area available to develop a critical mass of housing.

vi. **The site is suitable for residential use pursuant to sound planning principles.**

- The site is substantially built-out, with an active 11-story office building, under-building parking and loading areas, open space and setbacks. No vacant area remains on the site of sufficient size to construct residential units that could be effectively separated from the existing office use.
- The location of the property in question with respect to the surrounding properties is not conducive to residential uses. The site is located within a dynamic and heavily-trafficked commercial/retail area that is active all day and through the very early morning hours. These commercial, retail and office uses in the vicinity generate traffic and noise both day and night, which would be detrimental to the quality of life and long-term safety of residents on the subject property.
- With the exception of the proposed residential development in the Carpet Center Residential Redevelopment Area, the site is removed from residential neighborhoods. The location of the Carpet Center development is more remote from the majority of the active commercial/retail portions of the Harmon Meadow development. The subject property, however, is located in the middle of the active commercial/retail portions of Harmon Meadow.
- The existing structure on the subject property is not proposed to be removed, only to be expanded by a glass-enclosed atrium on the 10th floor for use by the office tenants. The 10th floor of an existing 11-story office building would not be an appropriate location to place residential units. Any such units on the 10th floor would be isolated from the rest of the community.
- Parking for the subject building is provided in a limited under-building lot and in a parking deck located on a separate lot to the south. Pedestrian circulation between the parking deck and the existing office building requires crossing a side street that is utilized

for accessing other portions of Harmon Meadow Plaza, predominantly loading areas for other existing buildings, and does not lend to residential pedestrian movements, particularly with respect to small children and the elderly.

- The site is remote from residential neighborhoods, public schools, local retail stores, park and recreational facilities, and other public amenities. Pedestrian access to the rest of the community is difficult and requires crossing Route 3 by way of a highway overpass and traveling along Paterson Plank Road toward the center of Secaucus, with limited sidewalks and pedestrian crosswalks.

In summary, only three (3) of the above criteria, as per Section IV(c)1 of the Interim Policies, apply to the subject property.

Conclusion

The subject property, located at 500 Plaza Drive, Block 227, Lot 6.03, in the Town of Secaucus, is recommended to be deemed unsuitable for housing.

Contingent upon the approval of this recommendation by the NJSEA Board of Commissioners, the review of the submitted zoning certificate application by the Town of Secaucus for the proposed construction of a 2,600-square-foot addition to the 10th floor of the existing office building may proceed for this site. As a condition of zoning certificate approval, the applicant shall be required to satisfy the project's affordable housing requirements as per Section VII(a) of the Interim Policies or as required by law.

RESOLUTION 2016-60

**RESOLUTION ISSUING A
DECISION ON THE VARIANCE APPLICATION
SUBMITTED AS PART OF
FILE NO. 16-035, PRAMUKH REALTY, LLC/SHREEJI PRINTING CO.-
ADDITION & VARIANCE
BLOCK 126, LOT 16, IN THE BOROUGH OF CARLSTADT**

WHEREAS, an application for four bulk variances has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Bennett Wasserstrum, Esq., of the firm, Wasserstrum and Fabiano, on behalf of Shreeji Printing Company, for the premises identified as 55 Veterans Boulevard Road, Block 126, Lot 16, in the Borough of Carlstadt, New Jersey; and

WHEREAS, the premises is located in the Commission's Light Industrial B zone of the Hackensack Meadowlands District; and

WHEREAS, the bulk variances are sought in connection with the applicant's proposal to construct a second story addition that will result in an additional 8,246 square feet of warehouse space on the subject premises; and

WHEREAS, the applicant requested relief from N.J.A.C. 19:4-5.84(a)1, which permits a maximum lot coverage of 50 percent; whereas the existing on-site lot coverage is 55.09 percent and a lot coverage of 55.64 percent is proposed; and

WHEREAS, the applicant requested relief from N.J.A.C. 19:4-5.84(a)3ii, which requires a minimum side yard setback of 20 feet, whereas the applicant is proposing to construct an addition that will provide a minimum side yard setback of 8.3 feet along the easterly side yard lot line; and

WHEREAS, the applicant requested relief from N.J.A.C. 19:4-5.84(a)3iii, which requires a minimum rear yard setback of 30 feet, whereas the applicant is proposing to construct an addition that will provide a minimum rear yard setback of 9.8 feet; and

WHEREAS, the applicant requested relief from N.J.A.C. 19:4-8.4(a)42, 50 and 79, which require 12.3 parking spaces for 18,446 square feet of warehouse space, 5.7 parking spaces for 8,500 square feet of light industrial space, and 4.0 spaces for 1,600 square feet of office space, for a total of 22 parking spaces, inclusive of five additional parking spaces associated with the proposed

additional 8,246 square feet of warehouse space, whereas the applicant is proposing to maintain the existing on-site parking supply of 14 spaces; 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 Record newspaper; and

WHEREAS, a public hearing was held in the Office of the NJSEA on Tuesday, October 25, 2016, before 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 Mia Petrou, P.P., AICP, Senior Planner; and

WHEREAS, one written comment from the Borough of Carlstadt, dated October 20, 2016, a copy of which was provided by the applicant, was received regarding this matter; and

WHEREAS, a comprehensive report dated December 5, 2016, 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 December 6, 2016; and

WHEREAS, the report recommends the approval of the requested bulk variance from N.J.A.C. 19:4-5.84(a)1, to permit a lot coverage of 55.64 percent; and

WHEREAS, the report recommends the approval of the requested bulk variance from N.J.A.C. 19:4-5.84(a)3ii, to permit a minimum side yard setback of 8.3 feet along the easterly side yard lot line; and

WHEREAS, the report recommends the approval of the requested bulk variance from N.J.A.C. 19:4-5.84(a)3iii, to permit a minimum rear yard setback of 9.8 feet; and

WHEREAS, the report recommends the approval of the requested bulk variance from N.J.A.C. 19:4-8.4(a)42, 50 and 79, to maintain the existing on-site parking supply of 14 spaces; 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 the Senior Vice President, Legal & Regulatory Affairs, and the submissions of the applicant; and

WHEREAS, the Board of Commissioners 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 hereby determines that the requested bulk variance application to permit a lot coverage of 55.64 percent, 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 hereby determines that the requested variance application to permit a minimum side yard setback of 8.3 feet along the easterly side yard lot 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 hereby determines that the requested variance application to permit a minimum rear yard setback of 9.8 feet 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 hereby determines that the requested variance application to maintain the existing on-site parking supply of 14 spaces conforms with the standards for approving applications for 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 Pramukh Realty LLC/Shreeji Printing Co-Addition & Variance application for one bulk variance to permit a lot coverage of 55.64 percent, is hereby **APPROVED** for the reasons set forth in the recommendation dated December 5, 2016.

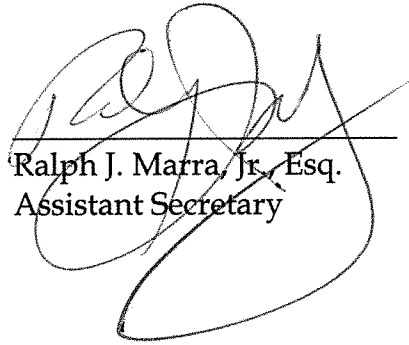
BE IT FURTHER RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the Pramukh Realty LLC/Shreeji Printing Co-Addition & Variance application for one bulk variance to permit a minimum side yard setback of 8.3 feet along the easterly side yard lot line, is hereby **APPROVED** for the reasons set forth in the recommendation dated December 5, 2016.

BE IT FURTHER RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the Pramukh Realty LLC/Shreeji Printing Co-Addition & Variance application for one bulk variance

to permit a minimum rear yard setback of 9.8 feet, is hereby **APPROVED** for the reasons set forth in the recommendation dated December 5, 2016.

BE IT FURTHER RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the Pramukh Realty LLC/Shreeji Printing Co-Addition & Variance application for one bulk variance to maintain the existing on-site parking supply of 14 spaces, is hereby **APPROVED** for the reasons set forth in the recommendation dated December 5, 2016.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of December 15, 2016.



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



MEMORANDUM

To: NJSEA Board Member and Wayne Hasenbalg, President/CEO

From: Sara J. Sundell

Date: December 15, 2016

Subject: Variance Recommendation: Pramukh Realty, LLC/Shreeji Printing Co.-
Addition & Variance (File No. 16-035)

An application for four bulk variances has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Bennett Wasserstrum, Esq., of the firm, Wasserstrum and Fabiano, on behalf of Shreeji Printing Company, for the premises located at 55 Veterans Boulevard and identified as Block 126, Lot 16, in the Borough of Carlstadt, New Jersey. Said premises are located in the Light Industrial B zone of the Hackensack Meadowlands District. The variances are sought in connection with the applicant's proposal to construct a second story addition that will result in an additional 8,246 square feet of warehouse space on the subject property.

The applicant requested variance relief from the following:

1. N.J.A.C. 19:4-5.84(a)1, which permits a maximum lot coverage of 50 percent, whereas a lot coverage of 55.64 percent is proposed.
2. N.J.A.C. 19:4-5.84(a)3ii, which requires a minimum side yard setback of 20 feet, whereas the applicant is proposing to construct an addition that will provide a minimum side yard setback of 8.3 feet along the easterly side yard.
3. N.J.A.C. 19:4-5.84(a)3iii, which requires a minimum rear yard setback of 30 feet, whereas the applicant is proposing to construct an addition that will provide a minimum rear yard setback of 9.8 feet.
4. N.J.A.C. 19:4-8.4(a)42, 50, and 79, which require 12.3 parking spaces for 18,446 square feet of warehouse space, 5.7 parking spaces for 8,500 square feet of light industrial space, and 4.0 spaces for 1,600 square feet of office space, for a total of 22 parking spaces, inclusive of five additional parking spaces associated with the proposed additional 8,246 square feet of warehouse space, whereas the applicant is proposing to maintain the existing on-site parking supply of 14 spaces.

A public hearing was held in the Office of the NJSEA on Tuesday, October 25, 2016.

In a comprehensive report, dated December 5, 2016, the Director of Land Use Management and the Senior Vice President, Legal & Regulatory Affairs, recommended the approval of the bulk variances requested above. A copy of the comprehensive report and variance recommendation was provided to the applicant on December 6, 2016.

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
Pramukh Realty LLC/Shreeji Printing Co. – Addition & Variance
File No. 16-035**

I. INTRODUCTION

An application for four (4) bulk variances has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Bennett Wasserstrum, Esq., of the firm Wasserstrum and Fabiano, on behalf of Shreeji Printing Company, for the premises located at 55 Veterans Boulevard, identified as Block 126, Lot 16, in the Borough of Carlstadt, New Jersey. Said premises are located in the Light Industrial B zone of the Hackensack Meadowlands District. The variances are sought in connection with the applicant's proposal to construct a second story addition that will result in an additional 8,246 square feet of warehouse space on the subject property.

Specifically, the applicant is requesting relief from the following:

1. N.J.A.C. 19:4-5.84(a)1, which permits a maximum lot coverage of 50 percent, whereas a maximum lot coverage of 55.64 percent is proposed.
2. N.J.A.C. 19:4-5.84(a)3ii, which requires a minimum side yard setback of 20 feet, whereas the applicant is proposing to construct an addition that will provide a minimum side yard setback of 8.3 feet along the easterly side yard.
3. N.J.A.C. 19:4-5.84(a)3iii, which requires a minimum rear yard setback of 30 feet, whereas the applicant is proposing to construct an addition that will provide a minimum rear yard setback of 9.8 feet.

4. N.J.A.C. 19:4-8.4(a)42, 50 and 79, which require 12.3 parking spaces for 18,446 square feet of warehouse space, 5.7 parking spaces for 8,500 square feet of light industrial space, and 4.0 spaces for 1,600 square feet of office space, for a total of 22 parking spaces, inclusive of five additional parking spaces associated with the proposed additional 8,246 square feet of warehouse space; whereas the applicant is proposing to maintain the existing on-site parking supply of 14 spaces.

A public hearing was held at the Office of the NJSEA on Tuesday, October 25, 2016. 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 comments or objections were received. The NJSEA received a comment letter from the Borough of Carlstadt, dated October 20, 2016, a copy of which was provided to the applicant. 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 a 36,847-square-foot corner lot fronting Veterans Boulevard and Triangle Boulevard in the Borough of Carlstadt. The property is located in the Light Industrial B zone of the Hackensack Meadowlands District. The site currently contains a single-story, 20,300-square-foot printing facility.

Adjacent land uses consist primarily of warehouse facilities directly adjacent to the subject premises and across both Triangle and Veterans Boulevards. There are no residential properties situated within the general vicinity of the site. The applicant is proposing to construct a second story addition that will result in an additional 8,246 square feet of warehouse space on the subject property. The

proposed total floor area of the printing facility is 28,546 square feet, consisting of 18,446 square feet of warehousing, 8,500 square feet of light industrial space, and 1,600 square feet of office space. No additional site improvements are proposed.

B. Response to the Public Notice

The NJSEA received a comment letter regarding this application from the Borough of Carlstadt, dated October 20, 2016, a copy of which was provided to the applicant prior to the public hearing.

III. PUBLIC HEARING (October 25, 2016)

A public hearing was held on Tuesday, October 25, 2016. 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; 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	"Proposed Addition," Sheet A-1, prepared by Neal M. Tanis, R.A., AIA, Associated Architects, P.C., dated December 16, 2015, revised through August 25, 2016.
A-2	"Plan of Use Areas," Sheet A-3, prepared by Neal M. Tanis, R.A., AIA, Associated Architects, P.C., dated December 16, 2015, revised through August 25, 2016.
A-3	Aerial photograph of subject site.
A-4	Aerial photograph of subject site.

B. Testimony

Bennett Wasserstrum, Esq., of the firm, Wasserstrum and Fabiano, represented the applicant, Shreeji Printing Company, at the hearing. The following witnesses testified in support of the application:

1. Neil M. Tanis, R.A., AIA, Associated Architects, P.C., Architect; and
2. Ankit Patel, Shreeji Printing Company, Applicant.

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 commented on the application.

IV. RECOMMENDATION

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.84(a)1, which permits a maximum lot coverage of 50 percent, whereas a maximum lot coverage of 55.64 percent is proposed.

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 Light Industrial B zone of the Hackensack Meadowlands District. The lot is a somewhat irregular

square-shaped parcel measuring 36,847-square-feet in area, having a slightly angled easterly lot line. The property is a corner lot, fronting both Veterans Boulevard and Triangle Boulevard in the Borough of Carlstadt. The site's parking area is accessed from Triangle Boulevard, with the main building entrance and an existing loading area facing Veterans Boulevard. The site currently contains a single-story, 20,300-square-foot printing facility that has been in operation on the site since 2011. There are 14 on-site parking spaces provided for the facility located within the front yard of Triangle Boulevard. The existing structure has a side yard setback of 9.8 feet and a rear yard setback of 9.8 feet, with a lot coverage of 55.09 percent.

The subject property's lot area is smaller than the required one acre minimum lot size for properties in the Light Industrial B zone. Further development on the site is limited, as the existing building covers 55.09 percent of the lot, whereas the maximum permitted lot coverage for the zone is 50 percent. The applicant is proposing a second story addition of 8,246 square feet, located principally above the existing building footprint. In order to preserve the structural integrity of the existing building, the applicant proposes to support the second floor addition with exterior columns along the building's easterly façade, resulting in a proposed 18-inch building overhang within the easterly side yard. This proposal represents an increase in the existing lot coverage by approximately 0.55 percent, or 201 square feet, for an overall proposed lot coverage of 55.64 percent.

The existing building layout and structural characteristics are unique considerations from which the requested variance arises. These conditions are pre-existing nonconforming conditions that uniquely affect the ability of the property owner to comply with the zoning requirements, and have not been created by the action of the property owner or applicant.

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 a lot coverage of 55.64 percent for the proposed building addition, whereas a maximum lot coverage of 50 percent is permitted, will not adversely affect the rights of neighboring property owners. There are no residents located in the vicinity of the subject property. Adjacent and nearby land uses include warehouses and various commercial enterprises. These establishments have been operating unimpeded, despite the existing nonconforming conditions of the subject property, which include the pre-existing nonconforming lot coverage of 55.09 percent.

The proposed 18-inch depth second story overhang along the easterly side yard will increase the lot coverage by 0.55 percent, from 55.09 percent to 55.64 percent. The purpose of the proposed addition is to accommodate additional warehouse capacity within the existing printing facility. The applicant has stated that no additional employees will be required as a result of the proposed building expansion, and the site will continue to function as it currently exists. As a result, no additional parking demand will

result from the additional building area, and no stormwater drainage improvements are required as a result of the additional lot coverage. The requested variance enables the construction of an addition that will result in aesthetic improvements benefitting the neighborhood. Therefore, the granting of the requested variance will not adversely affect the rights of neighboring property owners, as the properties will be able to continue to operate in their current capacity.

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 governing maximum permitted lot coverage will result in exceptional practical difficulties and undue hardship upon the property owner. The subject property is a 36,847-square-foot parcel, which is undersized in relation to the required minimum one-acre lot size in the Light Industrial B zone. The existing 20,300-square-foot building covers 55.09 percent of the lot, exceeding the maximum permitted lot coverage of 50 percent for the zone. Further development is limited on the site, as the existing building and associated parking and loading areas cover approximately 85 percent of the lot area.

The internal layout of the facility's operations requires the addition to be located on the easterly side of the building as proposed, creating the additional lot coverage. Due to the need to preserve the structural integrity of the existing building, the second story addition must be configured with an 18-inch overhang along the easterly building wall to accommodate support columns. The

proposed 201-square-foot overhang represents 2.4 percent of the total floor area of the proposed second floor addition, and a diminutive 0.55 percent increase in the existing building coverage on the site. Denial of the requested variance would result in significant practical difficulty and hardship to the property owner, as substantial internal reconfiguration of printing equipment and associated building systems would be required to accommodate the addition wholly above the existing building footprint. The resulting disruption to the facility's operations and additional costs associated with this undertaking would render the proposed addition unfeasible.

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 additional lot coverage resulting from the proposed addition, as the applicant is primarily adding space on a second floor above existing building area. Furthermore, adequate light, air, and open space will be maintained.

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

The granting of the requested variance will not result in any substantial adverse environmental impacts. The proposed second story building addition overhang will occur over existing

impervious surfaces and will not impact area drainage. Open space will not be reduced or infringed upon by the addition. No environmentally sensitive areas will be disturbed. In addition, NJSEA 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 subject property's lot area of 36,847 square feet is undersized in relation to the minimum required lot size of one acre for the Light Industrial B zone. The ability to provide a conforming lot coverage of 50 percent is not possible, as the existing building coverage already exceeds this amount, at 55.09 percent. The applicant is constructing the majority of the second-story building addition over an existing structure, which accounts for the existing lot coverage calculations. The columns that will be utilized to support the proposed addition along the easterly building wall are the minimum size that is necessary to support the proposed construction. As such, the protrusion of 18 inches into the side yard, creating an additional 0.55 percent of lot coverage, is 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 an overall lot coverage of 55.64 percent, whereas a maximum lot coverage of 50 percent is allowed,

will not substantially impair the intent and purpose of the regulations. The site is located within the District's Light Industrial B zone. The purpose of the Light Industrial B zone is to accommodate a wide range of industrial, distribution, and commercial uses that generate a minimum of detrimental environmental effects.

The intent and purpose of lot coverage requirements is to regulate the amount of land that can be covered by structures for both aesthetic purposes and for adequate site drainage. The applicant proposes a second story addition which extends only 18 inches beyond the existing building footprint in order to accommodate structural components. The increase in lot coverage resulting from the addition is de minimis, and will not generate any detrimental environmental effects. In fact, the addition's overhang will extend over existing pavement, not open space. Furthermore, the aesthetic appearance of the surrounding area will not be compromised by the small increase in lot coverage. As such, 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. 19:4-5.84(a)3ii, which requires a minimum side yard setback of 20 feet whereas the applicant is proposing a minimum side yard setback of 8.3 feet.

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 Light Industrial B zone of the Hackensack Meadowlands District. The lot is a somewhat irregular square-shaped parcel measuring 36,847 square feet in area, having a slightly angled easterly lot line. The property is a corner lot, fronting both Veterans Boulevard and Triangle Boulevard in the Borough of Carlstadt. The site's parking area is accessed from Triangle Boulevard, with the main building entrance and an existing loading area facing Veterans Boulevard. The site currently contains a single-story, 20,300-square-foot printing facility that has been in operation on the site since 2011. There are 14 on-site parking spaces provided for the facility within the front yard along Triangle Boulevard.

The applicant is proposing an 8,246-square-foot second story addition within the easterly side yard, which is required to maintain a 20-foot-wide side yard setback. The existing building on the site has a nonconforming side yard setback of 9.8 feet. In order to preserve the structural integrity of the existing building, the applicant proposes to support the second floor addition with exterior columns along the building's easterly façade, resulting in a proposed 18-inch deep building overhang within the easterly side yard. The overhang results in a decrease in the minimum existing side yard setback from 9.8 feet to 8.3 feet. The pre-existing nonconforming side yard setback was not created by the action of the current property owner. The existing building layout and

structural characteristics are unique considerations from which the requested variance arises.

Additionally, the subject property's lot area is smaller than the required one acre minimum lot size for properties in the Light Industrial B zone. Further development on the site is limited due to other pre-existing nonconforming conditions, including reduced building setbacks and excess lot coverage, as well as the property's corner lot configuration, which requires two 35-foot front yard setbacks.

These conditions uniquely affect the ability of the property owner to comply with the zoning requirements, and have not been created by the action of the property owner or applicant.

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 a side yard setback of 8.3 feet for the proposed building addition, whereas a minimum side yard setback of 20 feet is required, will not adversely affect the rights of neighboring property owners. There are no residents located in the vicinity of the subject property. Adjacent and nearby land uses consist of warehouses and various commercial enterprises. These establishments have been operating unimpeded, despite the existing nonconforming conditions of the subject property, which includes the easterly side yard setback of 9.8 feet.

The proposed 18-inch deep building addition within the easterly side yard will decrease the pre-existing nonconforming minimum side yard setback of 9.8 feet to 8.3 feet. However, due to the irregular angle of the easterly lot line, a range in setbacks from 8.3 feet at the northeasterly building corner, to 17 feet at the southeasterly building corner along Veterans Boulevard, is provided within the easterly side yard. The adjacent building to the east is located approximately 100 feet from the proposed addition, and there is substantial vegetation existing between the properties that will provide screening of the addition from its easterly neighbor.

The purpose of the proposed addition is to accommodate additional warehouse capacity within the existing printing facility. There will be no building entrances or increased activity within the easterly side yard as a result of the proposed addition. The applicant stated that no additional employees will be required as a result of the proposed building expansion, and the site will continue to function as it currently exists. Therefore, the granting of the requested variance will not adversely affect the rights of neighboring property owners, as the properties will be able to continue to operate in their current capacity.

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 governing the minimum side yard setback requirement will result in exceptional practical difficulties and undue hardship upon the property owner. The subject property is a 36,847-square-foot parcel, which is undersized in relation to the required minimum one-acre lot size in the Light Industrial B zone. The existing 20,300-square-foot building has an existing minimum setback along the easterly side yard of 9.8 feet, approximately half of the minimum required side yard setback of 20 feet for the zone. Development on the site is further constrained due to the pre-existing, nonconforming lot coverage and rear yard setback on the property.

If the site were to be improved in accordance with the regulations, the proposed second story addition would have to be positioned a minimum of 20 feet from the easterly side yard. A conforming location for the proposed addition is not feasible due to the need to preserve the structural integrity of the existing building. Additionally, substantial internal reconfiguration of printing equipment and associated building systems would be required to accommodate a building addition in a conforming location, resulting in a significant disruption to the facility's operations and additional costs, to the extent that the proposed addition would become impracticable. The existing building conditions and configuration require the addition to be located as proposed, creating the need for the requested side yard setback of 8.3 feet. The second story addition must be supported by external columns, which results in the proposed 18-inch deep overhang along the easterly building wall.

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 proposed side yard setback of 8.3 feet resulting from the proposed addition. Adequate light, air, and open space will be maintained, as the applicant is primarily adding space on a second floor above existing building area. The requested variance represents a de minimis 18-inch expansion into the existing nonconforming side yard to accommodate a growing business, which promotes overall neighborhood prosperity through investment in the neighborhood.

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

The granting of the requested variance will not result in any substantial adverse environmental impacts. The proposed building addition will occur over existing impervious surfaces and will not impact area drainage. Open space will not be reduced or infringed upon by the addition. No environmentally sensitive areas will be disturbed. In addition, NJSEA 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 side yard setback variance of 8.3 feet, whereas a minimum side yard setback of 20 feet is required, represents the minimum deviation from the regulations that will afford relief. The property's unique characteristics, including its smaller lot area in comparison to the requirements of the Light Industrial B zone, limit further potential development of the site. The ability to provide a conforming side yard setback is not possible, as the existing building has a pre-existing nonconforming side yard setback of 9.8 feet, and the existing building configuration cannot support a building addition in a conforming location. The columns to be utilized for the new construction are the minimum size necessary that can adequately support the second story addition. The overhang will encroach 18 inches into the side yard setback, reducing the setback from 9.8 feet to 8.3 feet. However, due to the irregular angle of the easterly lot line, the actual proposed side yard setback ranges from 8.3 feet at the rear building corner to 17 feet along Veterans Boulevard. Accordingly, 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 a side yard setback of 8.3 feet, whereas a minimum side yard setback of 20 feet is required, will

not substantially impair the intent and purpose of the regulations. The site is located within the District's Light Industrial B zone. The purpose of the Light Industrial B zone is to accommodate a wide range of industrial, distribution, and commercial uses that generate a minimum of detrimental environmental effects. The 18-inch decrease in the existing side yard setback resulting from the addition is a minimal encroachment and will not generate any detrimental environmental effects. In fact, the addition's second story overhang will extend over existing pavement, not open space. The intent of setback regulations is to provide for sufficient separation between uses, as well as sufficient light, air, and open space, will not be substantially impaired by the requested variance, given the particular characteristics present on the subject property and in the adjoining neighborhood. The aesthetic appearance of the surrounding area will not be compromised by the reduced side yard 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. 19:4-5.84(a)3iii, which requires a minimum rear yard setback of 30 feet, whereas the applicant is proposing a minimum rear yard setback of 9.8 feet.

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 Light Industrial B zone of the Hackensack Meadowlands District. The lot is a somewhat irregular square-shaped parcel measuring 36,847 square feet in area, having a slightly angled easterly lot line. The property is a corner lot, fronting both Veterans Boulevard and Triangle Boulevard in the Borough of Carlstadt. The site's parking area is accessed from Triangle Boulevard, with the main building entrance and an existing loading area facing Veterans Boulevard. The site currently contains a single-story, 20,300-square-foot printing facility that has been in operation on the site since 2011. There are 14 on-site parking spaces provided for the facility within the front yard along Triangle Boulevard.

The applicant is proposing an 8,246-square-foot second story addition that would maintain the existing rear yard setback of 9.8 feet, whereas a 30-foot rear yard setback is required. Additionally, to preserve the structural integrity of the existing building, the applicant proposes to support the second floor addition with exterior columns along the building's easterly façade, resulting in a proposed 18-inch building overhang within the easterly side yard, which likewise extends the overall width of the nonconforming rear building line by 18 inches.

The existing building layout and structural characteristics are unique considerations from which the requested variance arises. The pre-existing nonconforming rear yard setback of 9.8 feet was not created by the action of the current property owner.

Additionally, the subject property's lot area is smaller than the required one acre minimum lot size for properties in the Light Industrial B zone. Further development on the site is limited due to other pre-existing nonconforming conditions on the site, including reduced building setbacks and excess lot coverage, as well as the property's corner lot configuration, which requires two 35-foot front yard setbacks.

These conditions uniquely affect the ability of the property owner to comply with the zoning requirements, and have not been created by the action of the property owner or applicant.

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 a rear yard setback of 9.8 feet for the proposed building addition, whereas a minimum rear yard setback of 30 feet is required, will not adversely affect the rights of neighboring property owners. There are no residents located in the vicinity of the subject property. The proposed addition will maintain the pre-existing nonconforming rear yard setback of 9.8 feet. There will be no further encroachment into the rear yard resulting from the addition. Adjacent and nearby land uses consist of warehouses and various commercial enterprises. These establishments have been operating unimpeded, despite the existing nonconforming conditions of the subject property, which includes the northerly rear yard setback of 9.8 feet.

The only property potentially impacted by the proposed expansion of the building within the rear yard is Lot 17, the adjacent property to the north, which is currently improved with a single-story industrial building. The portion of the site immediately adjoining the location of the proposed addition consists of paved parking area and a loading door. Notably, there are no windows present on that building's southerly façade in the vicinity of the proposed addition.

The purpose of the proposed addition is to accommodate additional warehouse capacity within the existing printing facility. The applicant has stated that no additional employees will be required as a result of the proposed building expansion and the site will continue to function as it currently exists. Therefore, the granting of the requested variance will not adversely affect the rights of neighboring property owners, as the properties will be able to continue to operate in their current capacity.

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 governing the minimum rear yard setback requirement will result in exceptional practical difficulties and undue hardship upon the property owner. The subject property is a 36,847-square-foot parcel, which is undersized in relation to the required one-acre minimum lot size in the Light Industrial B zone. The existing 20,300-square-foot building has an existing minimum rear yard setback of 9.8 feet along the northerly

property line, which is approximately two-thirds less than the minimum required rear yard setback of 30 feet for the zone. Development on the site is further constrained due to the pre-existing, nonconforming lot coverage and side yard setback on the property.

If the site were to be improved in accordance with the regulations, the proposed second story addition would have to be positioned a minimum of 30 feet from the rear yard. A conforming location for the proposed addition is not feasible due to the need to preserve the structural integrity of the existing building. Additionally, a substantial internal reconfiguration of printing equipment and associated building systems would be required to accommodate a building addition in a conforming location, resulting in a significant disruption to the facility's operations and additional costs, to the extent that the proposed addition would become impracticable. The existing building conditions and configuration require the addition to be located as proposed, creating the need for the requested rear yard setback of 9.8 feet.

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 proposed rear yard setback of 9.8 feet resulting from the proposed addition. Adequate light, air, and open space will be maintained,

as the applicant is primarily adding space on a second floor above existing building area.

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

The granting of the requested variance will not result in any substantial adverse environmental impacts. The proposed building addition will occur over existing impervious surfaces and will not impact area drainage. Open space will not be reduced or infringed upon by the addition. No environmentally sensitive areas will be disturbed. In addition, NJSEA 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 rear yard setback variance of 9.8 feet, whereas a minimum rear yard setback of 30 feet is required, represents the minimum deviation from the regulations that will afford relief. The property's unique characteristics, including its smaller lot area in comparison to the requirements of the Light Industrial B zone, limit further potential development of the site. The ability to provide a conforming rear yard setback is not possible, as the existing building has a pre-existing nonconforming rear yard setback of 9.8 feet. The second story addition will extend 18 inches beyond the easterly building façade, and will continue the existing rear building line without further encroaching further north into the existing rear yard. Accordingly, the requested variance represents the minimum deviation from the regulations that will afford relief.

parking spaces, inclusive of five additional parking spaces associated with the proposed additional 8,246 square feet of warehouse space, whereas the applicant is proposing to maintain the existing on-site parking supply of 14 spaces.

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 Light Industrial B zone of the Hackensack Meadows District. The lot is a somewhat irregular square-shaped parcel measuring 36,847-square feet in area, having a slightly angled easterly lot line. The property is a corner lot, fronting both Veterans Boulevard and Triangle Boulevard in the Borough of Carlstadt. The site's parking area is accessed from Triangle Boulevard, with the main building entrance and an existing loading area facing Veterans Boulevard. The site currently contains a single-story, 20,300-square-foot printing business that has been in operation on the site since 2011. There are 14 existing on-site parking spaces provided for the facility within the front yard along Triangle Boulevard. The existing building has pre-existing nonconforming conditions, including a side yard setback of 9.8 feet, a rear yard setback of 9.8 feet, and a lot coverage of 55.09 percent.

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

The requested variance to permit a rear yard setback of 9.8 feet, whereas a minimum rear yard setback of 30 feet is required, will not substantially impair the intent and purpose of the regulations. The site is located within the District's Light Industrial B zone. The purpose of the Light Industrial B zone is to accommodate a wide range of industrial, distribution, and commercial uses that generate a minimum of detrimental environmental effects. The existing nonconforming rear yard setback will be continued by the proposed addition, and no detrimental environmental effects will result from the addition.

The intent of setback regulations to provide for sufficient separation between uses, as well as sufficient light, air, and open space, will not be substantially impaired by the requested variance, given the particular characteristics present on the subject property and in the adjoining neighborhood. The aesthetic appearance of the surrounding area will not be compromised by the building addition within the required rear yard setback. As such, the requested variance will not substantially impair the intent and purpose of the regulations.

D. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.4(a)42, 50 and 79, which require 12.3 parking spaces for the 18,446 square of warehouse space, 5.7 parking spaces for 8,500 square feet of light industrial space, and 4.0 spaces for 1,600 square feet of office space, for a total of 22

The applicant is proposing an 8,246-square-foot second story building addition to increase warehouse space at the subject property, which requires an additional five parking spaces to support the proposed expansion, for a total of 22 parking spaces required at the premises. No additional parking spaces are proposed to be provided.

The subject property's lot area is smaller than the required minimum lot size of one acre for properties in the Light Industrial B zone. Further development on the site is limited due to pre-existing nonconforming conditions, including reduced building setbacks and excess lot coverage, as well as the property's corner lot configuration which requires two 35-foot front yard setbacks. These conditions that uniquely affect the ability of the property owner to comply with the parking requirements, and have not been created by the action of the property owner or applicant.

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 maintain the existing on-site parking supply of 14 spaces, where five additional parking spaces are required for the proposed second story addition, will not adversely affect the rights of neighboring property owners. There are no residents located in the vicinity of the subject property. There will be no other site improvements with the exception of the proposed building addition. Adjacent and nearby land uses include warehouses and various commercial enterprises. These establishments have been operating unimpeded, despite the existing nonconforming parking conditions on the subject site.

The purpose of the proposed addition is to accommodate additional warehouse capacity within the existing printing facility. The applicant has stated that no additional employees will be required as a result of the proposed building expansion and the site will continue to function as it currently exists. No additional parking demand will result from the additional building area. The existing 32 employees at the facility do not all arrive in separate vehicles, and most workers utilize public transportation or car pool to work. Overflow parking onto adjacent properties or area roadways is not anticipated. The requested variance enables the construction of an addition that will result in aesthetic improvements benefitting the neighborhood. Therefore, the granting of the requested variance will not adversely affect the rights of neighboring property owners, as the properties will be able to continue to operate in their current capacity.

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 provision of five additional parking spaces will result in exceptional practical difficulties and undue hardship upon the property owner. The subject property is a 36,847-square-foot parcel, which is undersized in relation to the required minimum one-acre lot size in the Light Industrial B zone. The existing 20,300-square-foot building and associated on-site parking covers approximately 85 percent of the total lot area. The ability to provide additional parking spaces on the site is constrained due to these existing conditions.

The site's existing parking area is located within the westerly front yard along Triangle Boulevard. The only remaining area that could accommodate parking at the site is within the southerly front yard along Veterans Boulevard. However, the site's open space and main building entrance are present in this location, and the placement of parking at the busy intersection of two industrial roadways is not an appropriate planning alternative due to safety considerations.

If the required five additional parking were required to be provided, the second story addition could not be built as there is no appropriate location available on the premises to install additional parking.

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. The addition is proposed to increase warehouse capacity of the printing company in order to allow the business to remain competitive. The applicant has stated that no additional equipment or machinery, and therefore, no additional employees, will be required to operate the expanded facility. Consequently, no additional parking demand is generated by the proposed addition. As a result, there will be no infringement into existing open space or the installation of parking spaces in unsuitable locations. Public safety will not be compromised by the requested variance, as the

existing on-site parking configuration will remain with existing circulation patterns in place.

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

The granting of the requested variance will not result in any substantial adverse environmental impacts. Open space will not be reduced or infringed upon as there is no expansion of impervious surfaces that would otherwise be required to accommodate additional parking. No environmentally sensitive areas will be disturbed. In addition, NJSEA 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 represents the minimum deviation from the regulations that will afford relief. The property's unique characteristics, including its smaller lot area in comparison to the requirements of the Light Industrial B zone, limit further development on the site. The existing building and parking improvements cover approximately 85 percent of the site. The ability to provide additional on-site parking is not possible as there is no available area on the premises where conforming parking could be located. The applicant attested that no additional employees and, therefore, no increased parking demand will occur at the site as result of the proposed addition, which is intended to be utilized for storage space. Accordingly, the requested variance

represents the minimum deviation from the regulations that will afford relief.

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

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

The granting of the requested variance to provide fewer parking spaces than required for the proposed second story addition will not substantially impair the intent and purpose of the regulations. The site is located within the District's Light Industrial B zone. The purpose of the Light Industrial B zone is to accommodate a wide range of industrial, distribution, and commercial uses that generate a minimum of detrimental environmental effects.


In this particular instance, the proposed second story addition will expand the storage capacity of the existing printing facility. The proposed storage area is accessory to the facility's light industrial operations, which can be distinguished from storage areas used by a typical warehouse and distribution facility. An expansion of principal warehouse space would generally require additional employees to support the distribution of the products stored in the warehouse, and therefore, require additional parking. No additional employees will be needed for passive storage space that, according to the applicant, will allow them to order supplies in bulk and store them in a controlled environment, therefore allowing the business to become more competitive. The pre-existing nonconforming 14 parking spaces at the site will be sufficient to continue to accommodate the operations of a light industrial use at the premises in the manner proposed. As such, the

V. SUMMARY OF CONCLUSIONS

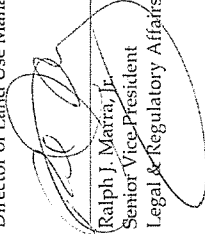
A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.84(a)1, which permits a maximum lot coverage of 50 percent, whereas a maximum lot coverage of 55.64 percent is proposed.

Based on the record in this matter, the bulk variance application to permit a lot coverage of 55.64 percent on the subject property is hereby recommended for APPROVAL.

APPROVAL _____
Recommendation on _____
Variance Request _____
Date 12/5/16


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


APPROVAL _____
Recommendation on _____
Variance Request _____
Date 12/5/16


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

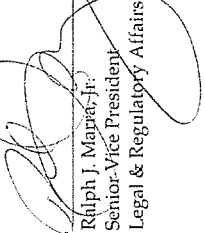
B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.84(a)3ii, which requires a minimum side yard setback of 20 feet, whereas the applicant is proposing a minimum side yard setback of 8.3 feet.

Based on the record in this matter, the bulk variance application to permit a minimum side yard setback of 8.3 feet from the building to the easterly side lot line on the subject property is hereby recommended for APPROVAL.

APPROVAL _____
Recommendation on _____
Variance Request _____
Date 12/5/16



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

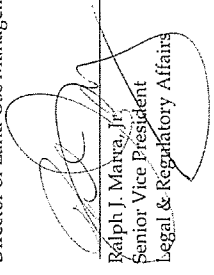
APPROVAL _____
Recommendation on _____
Variance Request _____
Date 12/5/16


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

C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.84(a)3iii, which requires a minimum rear yard setback of 30 feet, whereas the applicant is proposing a minimum rear yard setback of 9.8 feet.


Based on the record in this matter, the bulk variance application to permit a minimum rear setback of 9.8 feet on the subject property is hereby recommended for APPROVAL.

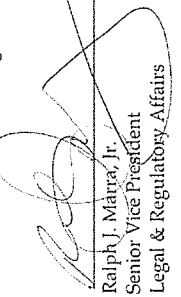
APPROVAL Recommendation on Variance Request

Sara J. Sundell, P.E., P.P.
Director of Land Use Management
Date 12/5/16

APPROVAL Recommendation on Variance Request

Ralph J. Marra, Jr.
Senior Vice President
Legal & Regulatory Affairs
Date 12/5/16

D. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.4(a)42, 50 and 79, which require 12.3 parking spaces for the 18,446 square of warehouse space, 5.7 parking spaces for 8,500 square feet of light industrial space, and 4.0 spaces for 1,600 square feet of office space, for a total of 22 parking spaces, inclusive of five additional parking spaces associated with the proposed additional 8,246 square feet of warehouse space, whereas the applicant is proposing to maintain the existing on-site parking supply of 14 spaces.

Based on the record in this matter, the bulk variance application to maintain the existing parking supply of 14 spaces on the subject property is hereby recommended for APPROVAL.

APPROVAL Recommendation on Variance Request

Sara J. Sundell, P.E., P.P.
Director of Land-Use Management
Date 12/5/16

APPROVAL Recommendation on Variance Request

Ralph J. Marra, Jr.
Senior Vice President
Legal & Regulatory Affairs
Date 12/5/16

AWARDS/ CONTRACTS

RESOLUTION 2016-61

RESOLUTION AUTHORIZING THE PRESIDENT AND CHIEF EXECUTIVE OFFICER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE HUDSON COUNTY IMPROVEMENT AUTHORITY FOR DISPOSAL SERVICES

WHEREAS, the New Jersey Sports and Exposition Authority (NJSEA) operates the Keegan Landfill in Kearny, NJ; and

WHEREAS, the Hudson County Improvement Authority (Authority) is the entity designated by the Hudson County Freeholders to manage the County's solid waste; and

WHEREAS, the Authority is authorized to enter into an Interlocal Agreement with the NJSEA pursuant to N.J.S.A. 40A:11-5(2); and

WHEREAS, the Authority routinely solicited public bids to acquire a disposal site to continue its current practice of waste flow control; and

WHEREAS, the bids received were higher than those provided by the NJSEA which would have resulted in an increase in the tipping fee for the residents and businesses in Hudson County; and

WHEREAS, the non-processible portion of the Hudson County waste stream is currently directed to the Keegan Landfill in compliance with an Interlocal Agreement between the parties; and

WHEREAS, said agreement expires on December 31, 2016; and

WHEREAS, the parties wish to extend the current agreement for a period of six (6) months because it provides the Authority with the least expensive disposal option and is at a rate that is simultaneously advantageous to the NJSEA.

NOW, THEREFORE, BE IT RESOLVED that the President and CEO is authorized to enter into this agreement with the Hudson County Improvement Authority for solid waste disposal services for the term starting January 1, 2017 and ending June 30, 2017.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at its meeting of December 15, 2016.



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

RESOLUTION 2016-62

**RESOLUTION AUTHORIZING THE PRESIDENT AND CEO TO EXECUTE
AN AMENDMENT TO NJSEA'S OPERATIONS, MANAGEMENT AND
MAINTENANCE SERVICES CONTRACT FOR THE KEEGAN LANDFILL**

WHEREAS, by resolution of the former New Jersey Meadowlands Commission, Waste Management of New Jersey, Inc. was awarded a contract for the operation, management and maintenance of the Keegan Landfill; and

WHEREAS, the term of the contract is set to expire on December 31, 2016; and

WHEREAS, on December 1, 2014, NJSEA submitted a permit application for renewal and expansion of the Keegan Landfill to the NJDEP; and


WHEREAS, on June 14, 2016, following submission of an amended application by the NJSEA, the New Jersey Department of Environmental Protection determined that the permit application was Administratively Complete, thus allowing landfill operations to continue uninterrupted under the terms of the existing permit until a new permit is issued; and

WHEREAS, NJSEA has received a Temporary Certificate of Authority to Operate (TCAO) from the NJDEP to allow the Keegan Landfill to continue operations beyond June 20, 2016; and

WHEREAS, pending full permit approval from NJDEP, the NJSEA desires to enter into an extension of the contract with Waste Management of New Jersey, Inc. The term of the Agreement shall be extended to the date on which Keegan Landfill reaches 100 feet or capacity approved by NJDEP in the new permit.

NOW, THEREFORE BE IT RESOLVED that the President and CEO is hereby authorized to execute an amendment to NJSEA's Contract with Waste Management of New Jersey, Inc. as noted above.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of December 15, 2016.



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

EXECUTIVE SESSION

RESOLUTION 2016-63

**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.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of December 15, 2016.



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