

Board Meeting

Thursday, February 11, 2016



We Bring the World to New Jersey

AGENDA
REGULAR SESSION

Thursday, February 11, 2016 - 10:00 a.m.
Two DeKorte Park Plaza, Lyndhurst, NJ

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

- Approval of Regular Session Meeting Minutes of January 14, 2016

II. **PUBLIC PARTICIPATION ON RESOLUTIONS**

III. **APPROVALS** – (Action)

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

Resolution 2016-01 Consideration of a Resolution issuing a decision on the Variance Application submitted as part of File No. 14-323 – Kearny/Digital Billboard & Variance in the Town of Kearny.

Resolution 2016-02 Consideration of a Resolution issuing a decision on the Special Exception and Variance Application submitted as part of File No. 15-572 – Hartz/MLB-Antennas-Spec. Exception & Variance in the Town of Secaucus.

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

V. **PUBLIC COMMENTS**

VI. **EXECUTIVE SESSION**

Resolution 2016-03 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**



**REGULAR SESSION BOARD MEETING
January 14, 2016**

DATE: January 14, 2016
TIME: 10:00 a.m.
PLACE: 2 DeKorte Park Plaza - Lyndhurst, NJ
RE: **REGULAR SESSION MEETING MINUTES**

Members in Attendance:

Wayne Hasenbalg, Esq., President and Chief Executive Officer
Armando Fontoura, Member
Michael H. Gluck, Esq., Member
LeRoy Jones, Member
George Kolber, Member (via phone)
Steven Plofker, Member
Andrew Scala, Member
Anthony Scardino, Member (via phone)
Robert Yudin, Member
Steve Petrecca, NJ State Treasurer's Representative (via phone)

Absent:

Michael Ferguson, Chairman
Joseph Buckelew, Vice Chairman
John Ballantyne, Member

Also Attending:

Ralph J. Marra, Jr., Esq. Sr. Vice President, Chief of Legal and Regulatory Affairs
Christine Sanz, Sr. Vice President/Chief Operating Officer
Adam Levy, Vice President of Legal and Regulatory Affairs
John Duffy, Senior Vice President of Sports Complex Operations & Facilities
Helen Strus, Director of Marketing & Communications/External Affairs
Sara J. Sundell, Director of Land Use Management
Dan Povia, Director of Finance/CFO
Thomas Marturano, Director of Solid Waste and Natural Resources
Christopher Howard, Assistant Counsel, Governor's Authorities Unit (via phone)
Christine Ferrante, Executive Assistant/Paralegal
Fred Dressel, HMMC

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 December 17, 2015.

Upon motion made by Commissioner Gluck and seconded by Commissioner Fontoura, the minutes of the Regular Session Board Meeting held on December 17, 2015, were unanimously approved by a vote of 11-0.

II. PUBLIC PARTICIPATING ON RESOLUTIONS

- David Drumeler – Secaucus Town Administrator spoke in favor of Resolution 2016-72
- Allen Magrini, Counsel for Hartz Mountain spoke in favor of Resolution 2016-72
- Fred Dressel, Executive Director of HMMC spoke in favor of Resolution 2016-72

III. APPROVALS

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

Vice Chairman presented the report of cash disbursements over \$100,000 and Professional Invoices for the months of December 2015.

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

Member	Recused as to
Commissioner Jones	PSE&G

Resolution 2016-70 Resolution certifying the Meadowlands Adjustment Payments for CY2016.

Mr. Povia explained Resolution 2015-70 to the commissioners.

President Hasenbalg presented Resolution 2015-70. Upon motion by Commissioner Yudin and seconded by Commissioner Gluck, proposed resolution 2015-70 was approved by a vote of 11-0.

Resolution 2016-71 Resolution issuing a decision on the Variance application submitted as part of File No. 15-067, Moonachie Land/Ideal Driving School., Inc., C.O. ALT.-Variance, 106 Moonachie Avenue, Block 62, Lots 4, 4.04, 5.02, 5.03, 5.04, 6.01 and 6.03 in Moonachie.

Ms. Sundell explained Resolution 2015-71 to the commissioners.

Commissioner Yudin expressed concern with regards to residential being close to the applicant's property. Ms. Sundell answered all Commissioners' questions on the resolution.

President Hasenbalg presented Resolution 2015-71. Upon motion by Commissioner Fontoura and seconded by Commissioner Gluck, proposed resolution 2015-71 was approved by a vote of 10-0 with Commissioner Yudin abstaining.

Resolution 2016-72 Resolution to deem 100 Park Plaza Drive (Block 227, Lots 4.03 and 4.04) in the Town of Secaucus as an Area In Need of Redevelopment

Ms. Sundell explained Resolution 2015-72 to the commissioners.

President Hasenbalg presented Resolution 2015-72. Upon motion by Commissioner Fontoura and seconded by Commissioner Scala, proposed resolution 2015-72 was approved by a vote of 11-0.

IV. AWARDS/CONTRACTS - None

V. CEO REPORT - None

VI. PUBLIC COMMENTS - None

VII. EXECUTIVE SESSION

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

Resolution 2016-73 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 Chairman Gluck and seconded by Commissioner Scala, Resolution 2016-73 was approved by a vote of 11-0.

President Hasenbalg requested a motion to conclude the open meeting. Upon motion made by Commissioner Fontoura and seconded by Commissioner Yudin, the public meeting was adjourned by a vote of 11-0.

Motion and second to enter into open session was made and carried with all in favor.

Mr. Marra explained Resolution 2016-74 to Commissioners.

Resolution 2016-74 Resolution qualifying outside counsel.

President Hasenbalg presented Resolution 2015-74. Upon motion made by Chairman Gluck and seconded by Commissioner Scala, Resolution 2016-74 was approved by a vote of 10-0 with Commissioner Jones abstaining.

I certify that this is a true and accurate transcript of the Regular Session Minutes of the New Jersey Sports and Exposition Authority Board meeting of January 14, 2016.

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

January 14, 2016

Commissioner	Roll Call	16-70	16-71	16-72	16-73	16-74
Ferguson	--	--	--	--	--	--
Buckelew	--	--	--	--	--	--
Hasenbalg	P	Y	Y	Y	Y	Y
Ballantyne	--	--	--	--	--	--
Fontoura	P	Y	Y	Y	Y	Y
Gluck	P	Y	Y	Y	Y	Y
Jones	P	Y	Y	Y	Y	A
Kolber	P via phone	Y	Y	Y	Y	Y
Plofker	P	Y	Y	Y	Y	Y
Scala	P	Y	Y	Y	Y	Y
Scardino	P via phone	Y	Y	Y	Y	Y
Yudin	P	Y	A	Y	Y	Y
Treasury Rep Petrecca	P via phone	Y	Y	Y	Y	Y

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



CASH DISBURSEMENTS
\$100,000 OR MORE
JANUARY 2016

SPORTS COMPLEX

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
NRG BUSINESS SOLUTIONS	410,587.99	A	ELECTRICITY CHARGES: DEC 2015
SPORTS ARENA EMPLOYEES RETIREMENT FUND LOCAL 137	234,185.01	A	PENSION WITHDRAWAL LIABILITY PAYMENT: 1ST QTR 2016
STATE OF NEW JERSEY TREASURY DEPARTMENT	304,500.34	A	WORKERS' COMPENSATION COVERAGE: 2nd QTR 2016
SPORTS COMPLEX TOTAL	<u>949,273.34</u>		

SPORTS COMPLEX PAYMENT IN LIEU OF TAXES

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF EAST RUTHERFORD	1,909,248.79	A	PAYMENT IN LIEU OF TAXES: 1ST QUARTER 2016
SC TAXES TOTAL	<u>1,909,248.79</u>		

MONMOUTH PARK RACETRACK REAL ESTATE TAXES

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF OCEANPORT	468,021.99	A	REAL ESTATE TAXES: 1ST QUARTER 2016
MPR TAXES TOTAL	<u>468,021.99</u>		

OTHER

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
KEARNY, TOWN OF	340,173.54	A	HOST COMMUNITY - KEEGAN LANDFILL: DEC 2015
NEW JERSEY HEALTH BENEFITS FUND	182,351.83	A	HEALTH BENEFITS - ACTIVE EMPLOYEES: JAN 2016
RAMAPO COLLEGE FOUNDATION	250,000.00	A	MOU TASK 4 YEAR 4: 2016 1st PAYMENT
WASTE MANAGEMENT OF NEW JERSEY	416,014.72	A	OPERATIONS CONTRACT - KEEGAN LANDFILL: DEC 2015
OTHER TOTAL	<u>1,188,540.09</u>		



CASH DISBURSEMENTS
\$100,000 OR MORE

<u>REFERENCE LETTER</u>	<u>TYPE</u>
A	CONTRACT ON FILE
B	PURCHASE AWARDS - APPROVED AT MONTHLY BOARD MEETING
C	STATE REQUIREMENT FOR RACING
D	STATE VENDOR
E	SOLE SOURCE
F	APPOINTED BY RACING COMMISSION
G	ADVERTISED BID
H	EXECUTIVE DIRECTOR APPROVAL
I	STATUTORY PAYMENT
K	LOWEST PROPOSAL
L	REIMBURSABLE
M	OUTSTANDING PROFESSIONAL INVOICES APPROVED AT MONTHLY BOARD MEETING
N	PURCHASES ON BASIS OF EXIGENCY
*	PURCHASES DIRECT FROM SOURCE
	EXPENDITURE TO BE CHARGED TO MAINTENANCE RESERVE FUND

RESOLUTION 2016-01

**RESOLUTION ISSUING A
DECISION ON THE VARIANCE APPLICATION
SUBMITTED AS PART OF FILE NO. 14-323
KEARNY/DIGITAL BILLBOARD & VARIANCE
BLOCK 285, LOT 11, IN THE TOWN OF KEARNY**

WHEREAS, an application for two bulk variances has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Chris Wiss of Allvision for the premises located along the New Jersey Turnpike Eastern Spur, and identified as Block 285, Lot 11, in the Town of Kearny, New Jersey; and

WHEREAS, the premises is located in the Hackensack Meadowlands District's Intermodal A zone; and

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

WHEREAS, the applicant requested bulk variance relief from N.J.A.C. 19:4-8.14(h)7ii(1), which requires that billboards be installed within a right-of-way (ROW) having a posted speed limit of 55 mph or higher, or within 50 feet thereof, and shall be oriented towards such ROW, whereas the billboard is proposed to be located 80 feet from the New Jersey Turnpike Eastern Spur ROW; and

WHEREAS, the applicant requested bulk variance relief from N.J.A.C. 19:4-8.14(h)7v, which requires that the maximum permitted height of a billboard shall be 30 feet above the grade level of the adjacent roadway surface, whereas the applicant is proposing to install the billboard with a height of 52 feet above the adjacent New Jersey Turnpike Eastern Spur roadway surface; and

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

WHEREAS, a public hearing was held in the Office of the NJSEA on Wednesday, December 16, 2015, 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; Mark Skerbetz, P.P., AICP, Senior Planner and Mia Petrou, P.P., AICP, Senior Planner; and

WHEREAS, a comprehensive report dated February 2, 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 February 2, 2016; and

WHEREAS, the report recommends the approval of the requested bulk variance from N.J.A.C. 19:4-8.14(h)7ii(1), to construct the billboard 80 feet from the New Jersey Turnpike Eastern Spur ROW; and

WHEREAS, the report recommends the approval of the requested bulk variance from N.J.A.C. 19:4-8.14(h)7v, to construct the billboard with a height of 52 feet above the adjacent New Jersey Turnpike Eastern Spur roadway surface; and

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

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

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

WHEREAS, the Board of Commissioners of the NJSEA hereby determines that the requested variance application to construct the billboard 80 feet from the New Jersey Turnpike Eastern Spur ROW, conforms with the standards for approving applications of variances as set forth in N.J.A.C. 19:4-4.14(e); and

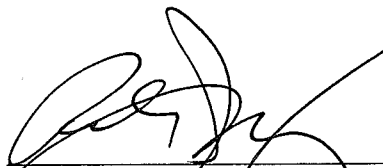
WHEREAS, the Board of Commissioners of the NJSEA hereby determines that the requested variance application to construct the billboard at a height of 52 feet above the adjacent New Jersey Turnpike Eastern Spur roadway surface conforms with the standards for approving applications of variances as set forth in N.J.A.C. 19:4-4.14(e).

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the Kearny/Digital Billboard & Variance application for one bulk variance to permit the billboard to be constructed 80 feet from the New Jersey Turnpike Eastern Spur ROW is

hereby **APPROVED** for the reasons set forth in the recommendation dated February 2, 2016.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the Kearny/Digital Billboard & Variance application for one bulk variance to permit the billboard to be erected at a height of 52 feet above the adjacent New Jersey Turnpike Eastern Spur roadway surface, is hereby **APPROVED** for the reasons set forth in the recommendation dated February 2, 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 February 11, 2016.



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



MEMORANDUM

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

From: Sara J. Sundell

Date: February 11, 2016

Subject: Variance Recommendation - Kearny/Digital Billboard & Variance (File No. 14-323)

An application for two bulk variances has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Chris Wiss of Allvision for the premises located along the New Jersey Turnpike Eastern Spur, and identified as Block 285, Lot 11, in the Town of Kearny, New Jersey. Said premises are located in the Commission's Intermodal A zone.

The bulk variances are sought in connection with the applicant's proposal to erect one free-standing billboard on the subject property.

The applicant requested variance relief from the following:

1. N.J.A.C. 19:4-8.14(h)7ii(1), which requires that billboards be installed within a right-of-way (ROW) having a posted speed limit of 55 mph or higher, or within 50 feet thereof, and shall be oriented towards such ROW, whereas the billboard is proposed to be located 80 feet from the New Jersey Turnpike Eastern Spur ROW.
2. N.J.A.C. 19:4-8.14(h)7v, which requires that the maximum permitted height of a billboard shall be 30 feet above the grade level of the adjacent roadway surface, whereas the applicant is proposing to install the billboard with a height of 52 feet above the adjacent New Jersey Turnpike Eastern Spur roadway surface.

A public hearing was held in the Office of the NJSEA on Wednesday, December 16, 2015. The public notice was published in The Jersey Journal newspaper. Notice was given to the public and all interested parties as required by law. No written objections were submitted to the Division of Land Use Management.

In a comprehensive report, dated February 2, 2016, the Director of Land Use Management and the Senior Vice President of Legal & Regulatory Affairs recommended the approval of the bulk variances requested above.

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

RECOMMENDATION ON THE VARIANCE APPLICATION OF

Kearny/Digital Billboard & Variance

File #14-323

I. INTRODUCTION

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

An application for two (2) bulk variances has been filed with the NJSEA by Christopher Wiss of Allvision for the premises located along the New Jersey Turnpike Eastern Spur, identified as Block 285, Lot 11, in the Town of Kearny, New Jersey. Said premises are owned by the Town of Kearny and located in the Intermodal A zone of the Hackensack Meadowlands District (District). The bulk variances are sought in connection with the applicant's proposal to erect one free-standing double-faced billboard on the subject property.

Specifically, the applicant is requesting relief from the following:

1. N.J.A.C. 19-4-8.14(h)(7)(i), which requires that billboards be installed within a ROW having a posted speed limit of 55 mph or higher, or within 50 feet thereof, and shall be oriented towards such ROW, whereas the billboard is proposed to be located 80 feet from the New Jersey Turnpike Eastern Spur ROW.
2. N.J.A.C. 19-4-8.14(h)(7)(v), which requires that the maximum permitted height of a billboard shall be 30 feet above the grade level of the adjacent roadway surface, whereas the applicant is proposing to install the billboard with a height of 52 feet above the adjacent New Jersey Turnpike Eastern Spur roadway surface.

A public hearing was held at the Office of the NJSEA on Wednesday, December 16, 2015. Notice was given to the public and all interested parties as required by law. The public notice of this hearing was published in The Jersey Journal newspaper. No written comments were received. All information submitted to the Division of Land Use Management relative to this application is made part of the record of this recommendation.

II. GENERAL INFORMATION

A. Existing and Proposed Use

The subject premises is an irregularly-shaped, vacant 29.6-acre parcel fronting Harrison Avenue to the north and the New Jersey Turnpike (Turnpike) Eastern Spur to the west. The site is located in the District's Intermodal A zone. The Northeast Corridor rail line abuts the property to the south, while a utility ROW abuts the site to the east. The adjacent properties are predominantly vacant with light industrial and warehouse uses nearby.

The applicant is proposing to erect one 115-foot-high above grade, freestanding, 14-foot by 48-foot, double-faced billboard on the subject property. The top of the billboard will be 52 feet above the adjacent New Jersey Turnpike roadway surface. A digital display will be located on the southerly sign face, directed towards northbound traffic on the Turnpike, while a static display will be located on the northerly sign face, oriented towards southbound traffic on the Turnpike.

B. Response to the Public Notice

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

III. PUBLIC HEARING (December 16, 2015)

A public hearing was held on Wednesday, December 16, 2015. NJSEA staff in attendance were Sara J. Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon Mascaró, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer; Mark Skerbetz, P.P., AICP, Senior Planner; and Mia Petrou, P.P., AICP, Senior Planner.

A. Exhibits

The following is a list of the exhibits submitted by the applicant at the public hearing and marked for identification as follows:

<u>Number</u>	<u>Description</u>
A-1	Copy of NJDOT Outdoor Advertising Permit and Notice of Approval for the subject billboard, dated July 10, 2013.
A-2	"Site Plan," Sheets No. 1 of 2 and 2 of 2, prepared by Anthony Marucci, P.E. & L.S., P.P., of Marucci Engineering Associates, LLC, dated March 14, 2014, revised through September 10, 2015.
A-3	"Outdoor Advertising Report," prepared by S. Maurice Rached, P.E., PTOE, of Maser Consulting, P.A., dated August 10, 2015.

B. Testimony

David Roskos, Esq., of the firm Eckert Seamans represented Allvisior at the hearing. The following witnesses testified in support of the application:

1. Christopher Wiss, Allvisior.
2. Anthony Marucci, P.E. & L.S., P.P., Marucci Engineering Associates, LLC.
3. Nicholas Aiello, P.E., Maser Consulting, PA.

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

C. Public Comment

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

IV. RECOMMENDATION

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

The District Zoning Regulations at N.J.A.C. 19:4-4.14(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 subject property is approximately 29.6 acres in size, substantially larger than the minimum one acre lot size required for the zone. The site is located within the District's Intermodal A zone, fronting along two roadways, Harrison Avenue to the north and the New Jersey Turnpike Eastern Spur to the west. The property in question contains extensive frontage on these rights-of-way (ROWs), having a northerly lot line of over 1,000 linear feet along Harrison Avenue, and a westerly frontage of over 1,600 linear feet along the New Jersey Turnpike Eastern Spur. The Turnpike's road surface is approximately 63 feet above the grade level of the subject property. There is direct access to the premises from Harrison Avenue and no access from the Turnpike. However,

the proposed billboard is oriented to motorists traveling on the Turnpike, and not toward drivers on Harrison Avenue.

The applicant proposes to install the billboard at a location that is set back 80 feet from the New Jersey Turnpike Eastern Spur ROW. The proposed location will allow for adequate visibility of the billboard by motorists traveling along the Turnpike. Because of the uniqueness of the site, having a significantly greater area than the minimum required in the zone, as well as having a substantial frontage along a major roadway with a posted speed limit of 55 mph or greater, the proposed location of the billboard effectively meets the intention of the regulations, which require that billboards be erected adjacent to high-speed, high-capacity regional arterial roadways.

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

The subject property is located within the District's Intermodal A zone and contains frontage along both the New Jersey Turnpike Eastern Spur and Harrison Avenue. There is direct access to the site from Harrison Avenue. Adjacent properties are essentially vacant. There are no residential properties situated within 2,500 feet in any direction from the proposed billboard location.

The billboard will be oriented towards motorists traveling on the New Jersey Turnpike Eastern Spur, and not towards any adjacent properties or motorists along Harrison Avenue. The proposed billboard is similar to other billboard installations found along the Turnpike. As such, the granting of the requested variance to

permit the billboard to be located 80 feet from the New Jersey Turnpike Eastern Spur ROW on the subject premises will not interfere with surrounding properties, nor prevent them from being utilized as intended.

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

The strict application of the regulations requiring the placement of a billboard 50 feet from the New Jersey Turnpike Eastern Spur ROW would result in exceptional practical difficulties and hardship as applied to the particular characteristics of the subject property. The site is located within the District's Intermodal A zone, fronting along both the New Jersey Turnpike Eastern Spur and Harrison Avenue.

The applicant proposes to install the billboard so that it is oriented toward drivers on the New Jersey Turnpike Eastern Spur. The proposed location is required to comply with NJ Department of Transportation (NJDOT) spacing regulations that require the proposed billboard to be located 665 feet from the New Jersey Turnpike Western Spur.

There are no alternative practicable locations available on the subject property for the billboard to be placed in a conforming location that would not impact the visibility of the sign towards motorists on the New Jersey Turnpike Eastern Spur. The proposed location is the optimal location to safely view the billboard as the

sign is approached by northbound and southbound drivers on the New Jersey Turnpike Eastern Spur.

io. 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 placement of the billboard 80 feet from the New Jersey Turnpike Eastern Spur ROW. Rather, the proposed location will place the billboard within the appropriate, peripheral cone of vision where it may be safely viewed by motorists.

The billboard will not negatively impact the subject site or surrounding properties, and is similar to other billboard installations found along the New Jersey Turnpike. Scenic viewsheds will not be negatively impacted by the proposed billboard location.

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

levels, and a minimum time lapse of eight seconds between message changes.

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

The granting of the requested variance to permit the billboard to be located 80 feet from the New Jersey Turnpike Eastern Spur ROW will not result in any substantial adverse environmental impacts. The billboard is proposed to be erected on a site consisting of upland areas. No environmentally sensitive areas and minimal open space will be disturbed by the placement of the billboard at the proposed location. The illumination of the billboard will meet all requirements, and performance standards will not be exceeded for noise, vibration, airborne emissions, glare, hazardous and radioactive materials and wastewater.

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

The requested variance to permit the billboard to be located 80 feet from the New Jersey Turnpike Eastern Spur ROW represents the minimum deviation from the regulations that will afford relief. The New Jersey Turnpike Eastern Spur is a high-volume interstate highway, not a local road, allowing for adequate billboard visibility for traveling motorists. The proposed location is required to comply with NJDOT spacing requirements from the Western Spur of the Turnpike. The particular and unique site conditions detailed above make the subject property an appropriate site to accommodate a billboard at the specified location, in a zone where billboards are permitted. The proposed billboard is compatible with other billboards located along the Turnpike. As such, the requested variance represents the minimum deviation from the regulations that will afford relief.

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

The District zoning regulations require that a billboard be installed within a right-of-way having a posted speed limit of 55 mph or higher, or within 50 feet thereof. The intent of this regulation is to ensure that billboards are directed towards highways and situated in appropriate locations and in appropriate zones. The subject billboard is proposed to be located 80 feet from the New Jersey Turnpike Eastern Spur ROW. The subject site is located in the Intermodal A zone, where billboards are a permitted use. This right-of-way is a high-volume interstate highway, not a local road,

and will allow for adequate billboard visibility for traveling motorists. Therefore, the proposed billboard at this particular location will not substantially impair the intent and purposes of the regulations.

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

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

1. *Concerning bulk variances:*

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

The requested variance to permit the installation of the billboard at a height of 52 feet above the grade level of the adjacent roadway surface of the New Jersey Turnpike Eastern Spur, where a maximum height of 30 feet above the grade level of the adjacent roadway is permitted, arises from conditions that are unique to the property in question.

The subject property is approximately 29.6 acres in area, substantially larger than the minimum one acre lot size required for the zone. The site is located within the District's Intermodal A zone, fronting along two roadways, Harrison Avenue to the north and the New Jersey Turnpike Eastern Spur to the west. The property in question contains extensive frontage on these rights-of-

way (ROWs), having a northerly lot line of over 1,000 linear feet along Harrison Avenue, and a westerly frontage of over 1,600 linear feet along the New Jersey Turnpike Eastern Spur. The Turnpike's road surface is approximately 63 feet above the grade level of the subject property. There is direct access to the premises from Harrison Avenue and no access from the Turnpike. However, the proposed billboard is oriented to motorists traveling on the Turnpike, and not towards drivers on Harrison Avenue.

The proposed billboard height of 115 feet, or 52 feet above the grade level of the adjacent roadway surface of the New Jersey Turnpike Eastern Spur, is proposed in order for the billboard to provide adequate visibility to Turnpike motorists. These are conditions that were not created by the property owner.

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

The granting of the requested variance to permit the installation of a billboard having a height of 52 feet above the grade level of the adjacent roadway surface of the New Jersey Turnpike Eastern Spur, whereas a maximum height of 30 feet above the grade level of the roadway is permitted, will not adversely affect the rights of neighboring property owners or residents.

The subject property is located within the District's Intermodal A zone and contains frontage on both the New Jersey Turnpike Eastern Spur and Harrison Avenue. There is direct access to the site from Harrison Avenue. Adjacent properties are essentially vacant. There are no residential properties situated within 2,500 feet in any direction from the proposed billboard location.

The billboard will be oriented towards motorists traveling on the New Jersey Turnpike Eastern Spur, and not towards any adjacent properties or motorists along Harrison Avenue. The proposed billboard is similar to other billboard installations found along the New Jersey Turnpike. As such, the granting of the requested variance to permit the installation of the billboard at a height of 52 feet above the roadway surface of the New Jersey Turnpike Eastern Spur on the subject premises will not interfere with the site or surrounding properties, nor prevent them from being utilized as intended.

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 billboard to be erected at a height not exceeding 30 feet above the adjacent roadway surface of the New Jersey Turnpike Eastern Spur will result in practical difficulties and undue hardship to the property owner. The particular characteristics of the property present practical difficulties in the installation of the proposed billboard on the site, resulting in a proposed billboard height that exceeds the maximum permitted height.

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

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

The granting of the requested variance to permit the billboard to be greater than 30 feet above the adjacent the New Jersey Turnpike Eastern Spur roadway surface on the subject premises will not result in any substantial adverse environmental impacts. The billboard is proposed to be erected on a site consisting of upland areas. No environmentally sensitive areas and minimal open space will be disturbed by the placement of the billboard at the proposed location. The illumination of the billboard will meet all requirements, and performance standards will not be exceeded for noise, vibration, airborne emissions, glare, hazardous and radioactive materials and wastewater.

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

The requested variance to permit the installation of the easterly billboard at a height of 52 feet above the grade level of the adjacent New Jersey Turnpike Eastern Spur roadway surface, whereas a maximum height of 30 feet above the grade level of the roadway is

In order to accommodate a billboard on the subject property, which is a permitted use in the Intermodal A zone, the billboard must be visible to its intended audience of northbound and southbound motorists on the adjacent New Jersey Turnpike Eastern Spur. The applicant's traffic engineer testified that the further the billboard was installed from the Turnpike right-of-way, the higher it must be erected above the roadway surface to establish the appropriate visibility to the intended audience. If the requested variance were not granted, the billboard would not be optimally visible to the motorists along this roadway. The proposed height is required to allow the billboard to be safely viewed by motorists traveling along the New Jersey Turnpike Eastern Spur.

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

The granting of the requested variance to permit the billboard to exceed the maximum permitted height will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. The proposed billboard will not interfere with surrounding properties, and is similar to other billboard installations found along the New Jersey Turnpike. No scenic viewsheds will be negatively impacted by a billboard at the proposed height.

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

permitted, represents the minimum deviation from the regulations that will afford relief. In order to accommodate a billboard on the subject property, which is a permitted use in the Intermodal A zone, the billboard must be visible to its intended audience of motorists on the New Jersey Turnpike Eastern Spur. If the requested variance were not granted, a billboard erected at a conforming height of 30 feet would be placed in a potentially unsafe location. The proposed height is the minimum required height to allow the billboard to be safely visible to motorists. As such, the requested variance represents the minimum deviation from the regulations that will afford relief.

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

The requested variance to permit the installation of the proposed billboard at a height of 52 feet above the grade level of the adjacent roadway surface of the New Jersey Turnpike Eastern Spur, whereas a maximum height of 30 feet above the grade level of the roadway is permitted, will not substantially impair the intent and purpose of the regulations. Although the billboard is proposed to be higher than the maximum permitted height of 30 feet above the roadway surface, the proposed height of 52 feet will not result in a significant negative visual impact for the surrounding area. The proposed height of 52 feet is required in order for the billboard to provide adequate visibility to motorists in a safe manner. The billboard will be oriented towards motorists traveling along the New Jersey Turnpike Eastern Spur, a high-speed interstate roadway, and not towards adjacent properties or motorists along Harrison Avenue. As such, the granting of the requested variance

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

V. SUMMARY OF CONCLUSIONS

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

Based on the record in this matter, the bulk variance application to permit a billboard to be located within a maximum distance of 80 feet from the New Jersey Turnpike Eastern Spur ROW is hereby recommended for APPROVAL.

APPROVAL

Recommendation on
Variance Request

2/2/16

Date

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

Approved
Recommendation on
Variance Request

2/2/16

Date

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

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

Based on the record in this matter, the bulk variance application to permit a billboard with a maximum height of 52 feet above the grade level of the adjacent New Jersey Turnpike Eastern Spur ROW roadway surface is hereby recommended for APPROVAL.

APPROVAL

Recommendation on
Variance Request

2/2/16

Date

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

Approved
Recommendation on
Variance Request

2/2/16

Date

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

RESOLUTION 2016 -02

RESOLUTION ISSUING A DECISION ON THE
SPECIAL EXCEPTION & BULK VARIANCE APPLICATIONS
SUBMITTED AS PART OF FILE NO. 15-572
HARTZ/MLB - ANTENNAS - SPEC. EXCEPTION & VARIANCES
BLOCK 54, LOT 2.02, IN THE TOWN OF SECAUCUS

WHEREAS, an application for one special exception and two bulk variances was filed with the New Jersey Sports & Exposition Authority (NJSEA) by the MLB Network, LLC, for the premises located at 40 Hartz Way, and identified as Block 54, Lot 2.02, in the Town of Secaucus, New Jersey; and

WHEREAS, the premises is located within the Hackensack Meadowlands District's Light Industrial A zone; and

WHEREAS, the special exception is sought in connection with the applicant's proposal to install a ground-mounted satellite antenna on the subject premises; and

WHEREAS, the applicant is requesting special exception approval pursuant to N.J.A.C. 19:4-8.15(d)2vi(3), which states that where a sender/receiver antenna or dish is proposed with a diameter or any dimension larger than 12 feet, it shall be considered a special exception use; and

WHEREAS, the variances are sought in connection with the applicant's proposal to install a ground-mounted satellite antenna on the subject premises; and

WHEREAS, the applicant requested bulk variance relief from N.J.A.C. 19:4-8.15(d)2v, which requires that an antenna mounted on the ground shall not exceed 15 feet in height above the ground level, whereas the applicant is proposing a ground-mounted satellite antenna with a height of 39.33 feet; and

WHEREAS, the applicant has also requested bulk variance relief from N.J.A.C. 19:4-8.15(d)2vi(2), which requires that the diameter or maximum dimension of the antenna shall be a maximum of 12 feet, whereas the applicant is proposing a ground-mounted satellite antenna with a maximum dimension of 37.67 feet; and

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

WHEREAS, a public hearing was held in the Office of the NJSEA on January 5, 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 Ronald Seelogy, P.E., P.P., Senior Engineer; and

WHEREAS, a comprehensive report dated February 2, 2016, has been prepared indicating the recommendations of the Director of Land Use Management and the Senior Vice President, Legal & Regulatory Affairs, in this matter; and

WHEREAS, a copy of the recommendation and comprehensive report was provided to the applicant on February 2, 2016; and

WHEREAS, the report recommends the approval of the requested special exception application to install a ground-mounted satellite antenna on the subject premises with a maximum dimension of 37.67 feet; and

WHEREAS, the report recommends the approval of the requested bulk variance from N.J.A.C. 19:4-8.15(d)2v, to install a ground-mounted satellite antenna on the subject premises with a height of 39.33 feet; and

WHEREAS, the report also recommends the approval of the requested bulk variance from N.J.A.C. 19:4-8.15(d)2vi(2), to install a ground-mounted satellite antenna on the subject premises with a maximum dimension of 37.67 feet; and

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

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

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

WHEREAS, the Board of Commissioners hereby determines that the requested special exception application to install a ground-mounted satellite antenna on the subject premises with a maximum dimension of 37.67 feet does conform with the standards for approving applications of special exceptions as set forth in N.J.A.C. 19:4-4.13(e); and

WHEREAS, the Board of Commissioners hereby determines that the requested bulk variance to install a ground-mounted satellite antenna on the subject premises with a height of 39.33 feet does conform with the standards for approving applications of variances as set forth in N.J.A.C. 19:4-4.14(e); and

WHEREAS, the Board of Commissioners also hereby determines that the requested bulk variance to install a ground-mounted satellite antenna on the subject premises with a maximum dimension of 37.67 feet does conform with the standards for approving applications of variances as set forth in N.J.A.C. 19:4-4.14(e).

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the Hartz/MLB - Antennas - Spec. Exception & Variances application for one special exception to install a ground-mounted satellite antenna on the subject premises with a maximum dimension of 37.67 feet, is hereby **APPROVED** for the reasons set forth in the recommendation dated February 2, 2016.

BE IT FURTHER RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the Hartz/MLB - Antennas - Spec. Exception & Variances application for one bulk variance to install a ground-mounted satellite antenna on the subject premises with a height of 39.33 feet, is hereby **APPROVED** for the reasons set forth in the recommendation dated February 2, 2016.

BE IT FURTHER RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the Hartz/MLB - Antennas - Spec. Exception & Variances application for one bulk variance to install a ground-mounted satellite antenna on the subject premises with a maximum dimension of 37.67 feet, is hereby **APPROVED** for the reasons set forth in the recommendation dated February 2, 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 February 11, 2016.



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



MEMORANDUM

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

From: Sara J. Sundell

Date: February 11, 2016

Subject: Special Exception & Variance Recommendation: Hartz/MLB - Antennas - Spec. Exception & Variances (File No. 15-572)

An application for one special exception and two bulk variances was filed with the New Jersey Sports & Exposition Authority (NJSEA) by the MLB Network, LLC, for the premises located at 40 Hartz Way, and identified as Block 54, Lot 2.02, in the Town of Secaucus, New Jersey. The subject premises is located within the District's Light Industrial A zone. The special exception and two bulk variances are sought in connection with the applicant's proposal to install a ground-mounted satellite antenna on the subject premises.

Specifically, the applicant is requesting special exception approval pursuant to the following:

1. N.J.A.C. 19:4-8.15(d)2vi(3), which states that where a sender/receiver antenna or dish is proposed with a diameter or any dimension larger than 12 feet, it shall be considered a special exception use.

The applicant is also requesting variance relief from the following:

2. N.J.A.C. 19:4-8.15(d)2v, which requires that an antenna mounted on the ground shall not exceed 15 feet in height above the ground level, whereas the applicant is proposing a ground-mounted satellite antenna with a height of 39.33 feet.
3. N.J.A.C. 19:4-8.15(d)2vi(2), which requires that the diameter or maximum dimension of the antenna shall be a maximum of 12 feet, whereas the applicant is proposing a ground-mounted satellite antenna with a maximum dimension of 37.67 feet.

A public hearing on this matter was held in the Office of the NJSEA on January 5, 2016.

In a comprehensive report dated February 2, 2016, the Director of Land Use Management and the Senior Vice President, Legal & Regulatory Affairs, recommended the approval of the special exception requested in Item 1 above and the approval of the bulk variances requested in Items 2 and 3 above. A copy of the comprehensive report and variance recommendation was provided to the applicant on February 2, 2016.

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

**RECOMMENDATION ON THE
SPECIAL EXCEPTION & VARIANCE APPLICATION OF
Hartz/MLB - Antennas - Spec. Exception & Variances
FILE #15-572**

I. INTRODUCTION

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

Applications for one special exception use and two bulk variances have been filed with the NJSEA by the MLB Network, LLC, for the premises located at 40 Hartz Way, identified as Block 54, Lot 2.02, in the Town of Secaucus, New Jersey. Said premises is located within the Hackensack Meadowlands District's (District) Light Industrial A zone. The special exception use and variances are sought in connection with the applicant's proposal to install a ground-mounted satellite antenna on the subject premises.

Specifically, the applicant is requesting special exception approval pursuant to:

1. N.J.A.C. 19:4-8.15(d)2vi(3), which states that, where a sender/receiver antenna or dish is proposed with a diameter or any dimension larger than 12 feet, it shall be considered a special exception use.

In addition, the applicant is requesting bulk variance relief from the following:

1. N.J.A.C. 19:4-8.15(d)2v, which requires that an antenna mounted on the ground shall not exceed 15 feet in height above the ground level. The applicant is proposing a ground-mounted satellite antenna with a height of 39.33 feet.

2. N.J.A.C. 19:4-8.15(d)2vi(2), which requires that the diameter or maximum dimension of the antenna shall be a maximum of 12 feet. The applicant is proposing a ground-mounted satellite antenna with a maximum dimension of 37.67 feet.

Notice was given to the public and all interested parties as required by law. The public notice was published in The Jersey Journal newspaper. No written objections were received. A public hearing was held in the NJSEA Offices on Tuesday, January 5, 2016. 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 property in question is identified as Block 54, Lots 1 and 2.02, and is located in the vicinity of Hartz Way and American Way in the District's Light Industrial A zone. Block 54, Lot 1 contains a mixed-use building of approximately 40,000 square feet with space allocated for broadcasting studios, office, and warehouse uses. Lot 2.02 contains a building of approximately 204,000 square feet, which is occupied by the MLB Network studio facilities. The subject lots are united as a zoning lot of record pursuant to N.J.A.C. 19:4-3.22, which allows both properties to be utilized as a single unit for zoning purposes. The total zoning lot of record area is approximately 11.8 acres.

The surrounding properties consist primarily of light industrial uses, warehouse and distribution facilities, offices, and retail uses.

In addition to broadcasting baseball-related news and events, the MLB Network facility on the subject site will soon be responsible for receiving and transmitting NHL Network programming. To accommodate this, the applicant is

proposing to install a ground-mounted satellite receiving antenna with a height of 39.33 feet and a maximum dimension of 37.67 feet on Lot 2.02 in the side yard between the two buildings. The proposed state-of-the-art ground-mounted satellite antenna will be utilized to receive transmitted signals and will be in line with eight existing ground-mounted satellite antennas, which face south in an east-west orientation. Once the new satellite antenna is operational, three existing antennas will be removed. The applicant is also proposing to install an eight-foot-high board-on-board fence to screen the base of the proposed ground-mounted antenna from adjacent properties and the American Way right-of-way (ROW). Installation of the new satellite antenna will require the removal of four (4) parking spaces. However, a parking surplus will remain upon completion of construction.

B. Response to the Public Notice

A written letter of support, dated December 29, 2015, was submitted to this Office prior to the public hearing by David B. Drumeter, Esq., Secaucus Town Administrator.

III. PUBLIC HEARING (January 5, 2016)

A public hearing was held on Tuesday, January 5, 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 Ronald Seelogy, P.E., P.P., Senior Engineer.

A. Exhibits

The following is a list of the exhibits submitted by the applicant at the public hearing and marked for identification as follows:

<u>Number</u>	<u>Description</u>
---------------	--------------------

- | | |
|-----|---|
| A-1 | "Overall Site Plan 40 & 44 Hartz Way," Drawing Number C-100, prepared by McLaren Engineering Group, dated December 2, 2015. |
| A-2 | "Site Plan," Drawing Number C-101, prepared by McLaren Engineering Group, dated December 2, 2015. |
| A-3 | Aerial photograph exhibit of 40 and 44 Hartz Way and photograph exhibit of driveway between 40 and 44 Hartz Way looking east, prepared by McLaren Engineering Group, dated December 2, 2015. |
| A-4 | Photograph exhibit of parking lot at 44 Hartz Way looking north towards 40 Hartz Way and photograph exhibit of parking lot at 44 Hartz Way looking northwest towards 40 Hartz Way, prepared by McLaren Engineering Group, dated December 2, 2015. |

B. Testimony

Louis Rainone, Esq., of the firm, DeCotis, Fitzpatrick, & Cole, LLP, represented the MLB Network at the hearing. The following witnesses testified in support of the application:

1. Gary T. Fippinger, Director, Facilities Mgmt., MLB Network; and
2. John M. Speer, P.E., P.P., McLaren Engineering Group.

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

C. Public Comment

No members of the public were present at the public hearing.

IV. RECOMMENDATION(S)

A. Standards for the Granting of a Special Exception to permit a sender/receiver antenna or dish with a diameter or any dimension larger than 12 feet as per N.J.A.C. 19:4-8.15(d)2vi(3).

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

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

The granting of the requested special exception to permit the installation of a ground-mounted satellite antenna will contribute to and promote the welfare and convenience of the public. The purpose of the antenna is to receive and disseminate information to the public. The proposed improvements will be consistent with the character of the existing development, which already contains several existing ground-mounted satellite antennas. Furthermore, the proposed antenna is intended to replace three existing satellite antennas. All relevant District performance standards as enumerated in N.J.A.C. 19:4-7 will be met.

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

The proposed ground-mounted satellite antenna will be compatible with the surrounding land uses and will not cause substantial injury to the value of other properties in the neighborhood. Lot 2.02 is part of a

zoning lot of record, which also includes Lot 1 to the south (44 Hartz Way). A board-on-board fence will screen the base of the new ground-mounted satellite antenna from the property to the east identified as Block 56, Lot 1 (25 Enterprise Avenue North). The area in which the subject property is located consists primarily of a mix of warehouse and distribution facilities, light industrial uses, retail, and office uses. There are no residences within the immediate vicinity of the proposed ground-mounted satellite antenna.

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

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

The location and size of the proposed ground-mounted satellite antenna will not dominate the immediate area or neighborhood as to prevent development in accordance with District zoning regulations. The proposed ground-mounted satellite antenna is similar in nature and arrangement to the existing ground-mounted satellite antennas on the subject property. The proposed ground-mounted satellite antenna is to be installed in a location along the common side lot line of the subject properties, and will provide sufficient distance from the American Way ROW and adjacent properties. The proposed location will not be visually intrusive to employees or visitors at other facilities in the neighborhood. Additionally, the installation of the proposed antenna will result in the removal of three existing antennas on the site.

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

While the proposed ground-mounted satellite antenna represents an increase in capacity of broadcast transmission capability, the new satellite antenna will be unmanned, requiring only occasional visits by outside personnel for maintenance. This low intensity use will have no detrimental effects on the surrounding properties, and is consistent with the existing use of the site as a broadcast facility.

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

The location of the proposed ground-mounted satellite antenna on the subject premises is accessible from both American Way to the south and the vacated portion of Hartz Way to the west. Installation of the proposed ground-mounted satellite antenna will not impact access and circulation on either American Way or the vacated portion of Hartz Way. There is adequate area available for parking for maintenance personnel. Routine maintenance is performed on a semi-annual basis by non-MLB personnel who arrive in one vehicle. Existing site access points and on-site circulation routes will remain as is and are adequate to serve the proposed ground-mounted satellite antenna. Therefore, the proposed special exception use will not dominate the neighborhood or impact the use of surrounding properties.

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

The location, nature, and height of the proposed ground-mounted satellite antenna will not dominate the surrounding area. The new ground-mounted satellite antenna has been designed to the required height to accommodate television broadcast operations. A proposed board-on-board fence will be installed as a continuation of the existing fence line and will be of the same height and material as the existing security fence.

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

The site is presently well-maintained and landscaped in an appropriate manner. The applicant is proposing to install board-on-board fencing at the base of the new ground-mounted satellite antenna for screening and security purposes. Existing pavement in the vicinity of the proposed antenna will be converted to open space, which will provide additional opportunities for ground-level screening.

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

The requested special exception on the subject premises will not detrimentally impact the existing utility infrastructure. The subject property is currently developed with a broadcast studio facility and contains all required utilities. The site will continue to function as it exists, since the MLB Network currently operates a television

broadcast facility at this location. The proposed ground-mounted satellite antenna will not affect the ability of the existing on-site drainage system to perform in a safe and efficient manner. Additionally, the existing utility infrastructure, including electric, water, sanitary sewer and gas, is adequate to meet the requirements of the uses on site.

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

The neighborhood's existing roadway network can satisfactorily support the proposed ground-mounted satellite antenna. Access to the television studio facility will be maintained from both the American Way ROW and vacated Hartz Way. The location of the proposed ground-mounted satellite antenna will not impact site circulation, nor will it cause any additional congestion in the area.

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

The granting of the requested special exception to permit the installation of the proposed ground-mounted satellite antenna will not result in any substantial environmental impacts. Installation of a landscaped area within former paved parking space stalls immediately adjacent to the proposed ground-mounted satellite antenna will result in an increase in the amount of open space provided on site by approximately 0.2 percent. District environmental performance standards will be met for noise, vibration, glare, air emissions and hazardous and radioactive materials. It is anticipated that microwave radiation generated by the proposed

ground-mounted receiver satellite antenna will be less than levels created by an antenna that sends transmission signals. The proposed ground-mounted satellite antenna cannot move; therefore, no motor noise will be created.

B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.15(d)2v, which requires that an antenna mounted on the ground shall not exceed 15 feet in height above the ground level. The applicant is proposing a ground-mounted satellite antenna with a height of 39.33 feet.

The Hackensack Meadows 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 property in question is the site of the MLB Network facility, which is a national cable sports television broadcasting studio. In addition to broadcasting baseball-related news and events, the MLB Network facility will soon be responsible for receiving and transmitting NHL Network programming. In doing so, there has arisen a set of circumstances unique to the subject property that requires the installation of a satellite antenna with sufficient capabilities to support the satellite feed for both television networks.

Typically, an overlap of baseball and hockey seasons occurs from March to June each year. The proposed ground-mounted satellite antenna's height above grade level is dictated by the requirements for a specific antenna with the capacity to simultaneously receive satellite transmissions for two sports networks in order to provide adequate broadcast coverage of each sport.

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

The granting of the proposed variance will not adversely affect the rights of adjacent property owners or residents. There are no residences located proximate to the site, and the adjacent properties are primarily industrial and commercial in nature. The proposed ground-mounted satellite antenna has been placed in a location that minimizes its visibility, proximate to other existing antennas at the subject property.

There are eight existing ground-mounted satellite antennas and three smaller satellite dishes at the subject property. The proposed ground-mounted satellite antenna will replace three existing satellite antennas and will be approximately 2.5 feet lower in height than the tallest antenna on site. Therefore, it is anticipated that the height of the proposed ground-mounted satellite antenna will not affect the development on adjacent properties.

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

The applicant has testified that the height of the proposed ground-mounted satellite antenna is the minimum required for the proposed state-of-the-art antenna to receive satellite transmissions for both the MLB and NHL Networks. If the satellite antenna were not approved at the proposed height above ground level, the MLB Network facility would not be able to receive broadcast transmissions when both television networks are active between the months of March and June each year, which would substantially impact the ability of the networks to provide their services to the public. Therefore, a denial of the variance request will result in peculiar and exceptional practical difficulties, and exceptional and undue hardship to the applicant.

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 proposed variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. The applicant testified that no public health concerns have been raised resulting from the existing satellite antennas at the site, one of which is installed at a greater height above ground level than the proposed ground-mounted satellite antenna. The proposed ground-mounted satellite antenna will receive transmission signals

only and will not transmit, thereby avoiding adverse impacts to public health and safety.

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

There will be no glare, noise, air quality concerns, or other adverse environmental impact resulting from the height of the proposed ground-mounted satellite antenna. The height of the proposed satellite antenna is approximately 2.5 feet lower than the tallest existing satellite antenna on the site. Aesthetic impacts due to the size of the proposed ground-mounted satellite antenna are minimized by its location adjacent to existing satellite antennas. The proposed location of the antenna along the common lot line of the two properties within the zoning lot of record also minimizes its visibility from public ROWs and neighboring properties to the extent possible by its centralized location on the site. The removal of a portion of the paved vehicular use area in the vicinity of the proposed antenna and its replacement with landscaping will increase the amount of open space provided on-site and provide additional opportunities for ground-level screening of the antenna.

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

The variance request represents the minimum deviation from the regulations that will afford relief. The height of the proposed state-of-the-art ground-mounted satellite antenna is dictated by the need to receive broadcast signals associated with two different television networks. The antenna will be located on the same lot as the

principal television studio use and will not be located within a front yard. The base of the proposed ground-mounted satellite antenna will be screened by a board-on-board fence. All minimum required setbacks will be satisfied.

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

The purpose of these regulations is to provide for the orderly and comprehensive development of the District, to provide for the improvement of land adequate to serve the uses to be developed on that land, and to ensure that the uses are suitably sited and, in general, relate buildings and uses to each other so that the aesthetic and use values are maximized. The use of the new ground-mounted satellite antenna at the height proposed is intrinsically related to the broadcast studio use contained within both buildings and is necessary to serve the existing use. The aesthetic and use values of the antenna at both the height and the location proposed are maximized by this application. Therefore, the approval of this variance will not substantially impair the intent and purpose of these regulations or result in a substantial detriment to the public good.

C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.15(d)2vi(2), which requires that the diameter or maximum dimension of the antenna shall be a maximum of 12 feet. The applicant is proposing a ground-mounted satellite antenna with a maximum dimension of 37.67 feet.

The Hackensack Meadowlands 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 property in question is the site of the MLB Network facility, which is a national cable sports television broadcasting studio. In addition to broadcasting baseball-related news and events, the MLB Network facility will become responsible for transmitting NHL Network programming. In doing so, there has arisen a set of circumstances unique to the subject property that requires the installation of a satellite antenna with sufficient capabilities to support the satellite feed for both television networks.

Typically, an overlap of baseball and hockey seasons occurs from March to June each year. The size of the proposed ground-mounted satellite antenna is dictated by the need to simultaneously receive satellite transmissions for two sports networks in order to provide adequate broadcast coverage of each sport.

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

The granting of the proposed variance will not adversely affect the rights of adjacent property owners or residents. There are no

residences located proximate to the site, and the adjacent properties are primarily industrial and commercial in nature. The proposed ground-mounted satellite antenna is sited in a location that minimizes its visibility, proximate to other existing antennas at the subject property.

There are eight existing ground-mounted satellite antennas and three smaller satellite dishes at the subject property. The proposed ground-mounted satellite antenna will replace three existing satellite antennas and will be approximately 2.5 feet lower in height than the tallest antenna on site. Therefore, it is anticipated that the size of the proposed ground-mounted satellite antenna will not affect the development of adjacent properties.

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

The applicant has testified that the size of the proposed ground-mounted satellite antenna is the minimum required for the proposed state-of-the-art antenna to receive satellite transmissions for both the MLB and NHL Networks. If the satellite antenna were not approved at the proposed size, the MLB Network facility would not be able to receive broadcast transmissions when both television networks are active, between the months of March and June each year, which would substantially impact the ability of the network to provide its services to the public. Therefore, a denial of the variance request will result in peculiar and exceptional practical difficulties, and exceptional and undue hardship to the applicant.

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 proposed variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. The applicant testified that no public health concerns have been raised resulting from the existing satellite antennas at the site, one of which is installed at a greater height above ground level than the proposed ground-mounted satellite antenna. The proposed ground-mounted satellite antenna will receive transmission signals only and will not transmit, thereby avoiding adverse impacts to public health and safety.

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

There will be no glare, noise, air quality concerns, or other adverse environmental impact resulting from the height of the proposed ground-mounted satellite antenna. The height of the proposed satellite antenna is approximately 2.5 feet lower than the tallest existing satellite antenna on the site. Aesthetic impacts due to the size of the proposed ground-mounted satellite antenna are minimized by its location adjacent to existing satellite antennas. The proposed location of the antenna along the common lot line of the two properties within the zoning lot of record also minimizes its visibility from public ROWs and neighboring properties to the extent possible by its centralized location on the site. The removal of a portion of the paved vehicular use area in the vicinity of the

proposed antenna and its replacement with landscaping will increase the amount of open space provided on-site and provide additional opportunities for ground-level screening of the antenna.

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

The variance request represents the minimum deviation from the regulations that will afford relief. The size of the proposed ground-mounted satellite antenna is dictated by the need to receive broadcast signals associated with two different television networks. The antenna will be located on the same lot as the principal television studio use and will not be located within a front yard. The base of the proposed ground-mounted satellite antenna will be screened by a board-on-board fence. All minimum required setbacks will be satisfied.

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

The purpose of these regulations is to provide for the orderly and comprehensive development of the District, to provide for the improvement of land adequate to serve the uses to be developed on that land, and to ensure that the uses are suitably sited and, in general, relate buildings and uses to each other so that the aesthetic and use values are maximized. The use of the new ground-mounted satellite antenna at the size proposed is intrinsically related to the broadcast studio use contained within both buildings and is necessary to serve the existing use. The aesthetic and use

values of the antenna at both the size and the location proposed are maximized by this application. Therefore, the approval of this variance will not substantially impair the intent and purpose of these regulations or result in a substantial detriment to the public good.


V. SUMMARY OF CONCLUSIONS


A. Standards for the Granting of a Special Exception to permit a sender/receiver antenna or dish with a diameter or any dimension larger than 12 feet as per N.J.A.C. 19:4-8.15(d)2vi(3).

Based on the record in this matter, the special exception application to install a sender/receiver antenna or dish with a maximum dimension of 37.67 feet is hereby recommended for APPROVAL.

APPROVAL 2/2/16 Date
Recommendation on Date
Special Exception Request


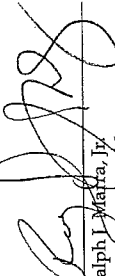

Sara J. Sundell, P.E., P.F.
Director of Land Use Management

 2/2/16 Date
Recommendation On Date
Special Exception Request


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



B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.15(d)2v, which requires that an antenna mounted on the ground shall not exceed 15 feet in height above the ground level. The applicant is proposing a ground-mounted satellite antenna with a height of 39.33 feet.

Based on the record in this matter, the bulk variance application to install a ground-mounted satellite antenna with a height of 39.33 feet, whereas a maximum height of 15 feet above the ground level is permitted, is hereby recommended for APPROVAL.

<u>APPROVAL</u>	<u>2/2/16</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management
<u>Approved</u>	<u>2/2/16</u>	
Recommendation on Variance Request	Date	Ralph J. Marra, Jr. Senior Vice President Legal & Regulatory Affairs

C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.15(d)2vi(2), which requires that the diameter or maximum dimension of the antenna shall be a maximum of 12 feet. The applicant is proposing a ground-mounted satellite antenna with a maximum dimension of 37.67 feet.

Based on the record in this matter, the bulk variance application to install a ground-mounted satellite antenna with a maximum dimension of 37.67 feet, whereas a maximum diameter or dimension of 12 feet is permitted, is hereby recommended for APPROVAL.

<u>APPROVAL</u>	<u>2/2/16</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management
<u>Approved</u>	<u>2/2/16</u>	
Recommendation on Variance Request	Date	Ralph J. Marra, Jr. Senior Vice President Legal & Regulatory Affairs

RESOLUTION 2016-03

**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 February 11, 2016.



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