



Board Meeting

Thursday, May 12, 2016



We Bring the World to New Jersey

**AGENDA
REGULAR SESSION**

Thursday, May 12, 2016 - 10:00 a.m.
Two DeKorte Park Plaza, Lyndhurst, NJ

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

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

II. **PUBLIC PARTICIPATION ON RESOLUTIONS**

III. **APPROVALS** – (Action)

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

Resolution 2016-15 Consideration of a Resolution Issuing a Decision on the Variance application submitted as part of File No. 14-196 – Carter/Faith Inc. – New Building/variances – Block 120, Lot 4 in Carlstadt.

Resolution 2016-16 Consideration of a Resolution authorizing the publication of a Notice of Adoption for the Rezoning of Block 451, Lot 21 in North Bergen (File SP-719).

Resolution 2016-17 Consideration of a Resolution to Adopt the Hartz Carpet Center Redevelopment Plan for 100 Park Plaza Drive - Block 227, Lot 4.03 and 4.04 in Secaucus.

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

V. **PUBLIC COMMENTS**

VI. **EXECUTIVE SESSION**

Resolution 2016-18 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
April 14, 2016**

DATE: April 14, 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
Wayne Hasenbalg, Esq., President and Chief Executive Officer
Armando Fontoura, Member
Michael H. Gluck, Esq., Member (via phone)
George Kolber, Member (via phone)
Anthony Scardino, Member
Robert Yudin, Member
Peter Simon, NJ State Treasurer's Representative

Absent:

John Ballantyne, Member
Michael Gonnelli, Member
LeRoy Jones, Member
Steven Plofker, Member
Andrew Scala, Member

Also Attending:

Ralph J. Marra, Jr., Esq. Sr. Vice President, Chief of Legal and Regulatory Affairs
Adam Levy, Vice President of Legal and Regulatory Affairs
Mia Petrou, Senior Planner
Dan Povia, Director of Finance/CFO
John Duffy, Sr. Vice President of Sports Complex operations and facilities
Lisa LeBoeuf, Governor's Authorities Unit
Christine Ferrante, Executive Assistant/Paralegal
Fred Dressel, HMMC

Vice Chairman Buckelew called the meeting to order.

Vice Chairman Buckelew 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

Vice Chairman Buckelew presented the minutes of the Regular Session Board Meeting held on March 17, 2016 with a correction - Resolution 2016-05 - should read "approved by a vote of 12-1."

Upon motion made by Commissioner Scardino and seconded by Commissioner Yudin, the minutes of the Regular Session Board Meeting held on March 17, 2016, were unanimously approved by a vote of 9-0

II. PUBLIC PARTICIPATING ON RESOLUTIONS - None

III. APPROVALS

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

Chairman Ferguson presented the report of cash disbursements over \$100,000 and Professional Invoices for the months of March 2016.

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

<u>Member</u>	<u>Recused as to</u>
Commissioner Buckelew	Borough of Oceanport

Resolution 2016-11 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. SP-728, Secaucus Transit Village Redevelopment Plan Amendment, Block 10, Lot 12 and Block 12, Lot 1 in Secaucus.

Ms. Petrou explained Resolution 2016-11 to the Commissioners

Vice Chairman Buckelew asked for a general overview of the Interim Policies Governing Affordable Housing. Ms. Petrou explained the process. Commissioner Yudin asked for clarification of "not suitable for affordable housing". Ms. Petrou explained.

Vice Chairman Buckelew presented Resolution 2016-11. Upon motion by Commissioner Scardino and seconded by Commissioner Simon, proposed resolution 2016-11 was approved by a vote of 9-0.

Resolution 2016-12 Consideration of a Resolution Readopting the NJSEA Regulations at N.J.A.C. 19:3, 19:4 and 19:5.

Ms. Petrou explained Resolution 2016-12 to the Commissioners.

Vice Chairman Buckelew presented Resolution 2016-12. Upon motion by Commissioner Scardino and seconded by Commissioner Yudin, proposed resolution 2016-12 was approved by a vote of 9-0.

IV. AWARDS/CONTRACTS - None

V. CEO REPORT - None

VI. PUBLIC COMMENTS

- Paulette Ramsey, Franklin Lakes Councilwoman – spoke about her husband Richard DeKorte and the wonderful programs taking place at the complex that is named after him.
President Hasenbalg added that he considers Dick a friend and recalls reading about Richard DeKorte as a young man and appreciates all he had done.
Commissioner Yudin also added that he knew Richard DeKorte and hopes that as long as the facility is in existence it will have his name on it.
Vice Chairman Buckelew – thanked Mrs. Ramsey for giving the history of Richard DeKorte and for coming.
- Captain Bill Sheehan spoke about Edison Park East and Malanka Landfill project.

VII. EXECUTIVE SESSION

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

Resolution 2016-13 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 Yudin and seconded by Commissioner Fontoura, Resolution 2016-13 was approved by a vote of 09-0.

Vice Chairman Buckelew stated that action may be taken after Executive Session.

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

Resolution 2016-14 Resolution authorizing the President and CEO to enter into a Settlement Agreement with Ogden Realty II to resolve OAL Docket No. HMD 11530-2006N.

Mr. Levy explained Resolution 2016-14 to the Commissioners.

Commissioner Yudin commented that Ogden Realty did not follow original approvals and they knowingly parked trailers at the site in excess of the number allowed. Commissioner Yudin stated he is uncomfortable that Ogden alluded to the fact that if the agency did not make some sort of arrangement, thousands of trailers from the property would end up on the streets of North Bergen. Chairman Yudin stated that he will vote yes on the resolution in order to keep the citizens of North Bergen safe.


Vice Chairman Buckelew expressed Chairman Ferguson's comment that going forward it will be made clear that this type of attitude from a property owner will not be accepted.

Vice Chairman Buckelew stated that this a way of resolving this issue in the best interest of the municipality. Vice Chairman thanked the staff for putting this resolution together.

Vice Chairman Buckelew presented Resolution 2016-14. Upon motion by Commissioner Fontoura and seconded by Commissioner Buckelew, proposed resolution 2016-14 was approved by a vote of 9-0.

Vice Chairman Buckelew requested a motion to conclude the open meeting. Upon motion made by Commissioner Scardino and seconded by Commissioner Simon, the public meeting was adjourned.

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 April 14, 2016.



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

April 14, 2016

Commissioner	Roll Call	2016-11	2016-12	2016-13	2016-14
Ferguson	P via phone	Y	Y	Y	Y
Buckelew	P	Y	Y	Y	Y
Hasenbalg	P	Y	Y	Y	Y
Ballantyne	--	--	--	--	--
Fontoura	P	Y	Y	Y	Y
Gluck	P via phone	Y	Y	Y	Y
Gonnelli	--	--	--	--	--
Jones	--	--	--	--	--
Kolber	P via phone	Y	Y	Y	Y
Plofker	--	--	--	--	--
Scala	--	--	--	--	--
Scardino	P	Y	Y	Y	Y
Yudin	P	Y	Y	Y	Y
Treasury Rep Simon	P	Y	Y	Y	Y

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



CASH DISBURSEMENTS
\$100,000 OR MORE
APRIL 2016

SPORTS COMPLEX

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
NEW JERSEY STATE POLICE	254,526.94	A	OVERTIME CHARGES: JAN 2016 - FEB 2016
NRG BUSINESS SOLUTIONS	298,409.57	A	ELECTRICITY CHARGES: MAR 2016
SPORTS ARENA EMPLOYEES RETIREMENT FUND LOCAL 137	234,185.01	A	PENSION WITHDRAWAL LIABILITY PAYMENT: FEB 2016 - APR 2016
STATE OF NEW JERSEY TREASURY DEPARTMENT	632,733.89	A	WORKERS' COMPENSATION COVERAGE: 1st QTR 2016
SPORTS COMPLEX TOTAL	<u>1,419,855.41</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: 2ND QUARTER 2016
SC PILOT 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	468,021.93	A	REAL ESTATE TAXES: 2ND QTR 2016
MP REAL ESTATE TAXES TOTAL	<u>468,021.93</u>		

OTHER

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
JACOBS ENGINEERING GROUP, INC.	121,652.85	A	ENGINEERING SUPPORT, MAINTENANCE, AND OPERATIONS OF MASSTR. TRAFFIC SYSTEM: NOV 2015 - JAN 2016
KEARNY, TOWN OF	268,570.94	A	HOST COMMUNITY BENEFIT - KEEGAN LANDFILL: 1st QTR 2016
NEW JERSEY HEALTH BENEFITS FUND	178,554.83	A	HEALTH BENEFITS - ACTIVE EMPLOYEES: APR 2016
WASTE MANAGEMENT OF NEW JERSEY	480,484.90	A	OPERATIONS CONTRACT - KEEGAN LANDFILL: MAR 2016
OTHER TOTAL	<u>1,049,263.52</u>		



CASH DISBURSEMENTS
\$100,000 OR MORE

REFERENCE LETTER

TYPE

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 2016-15

**RESOLUTION ISSUING A
DECISION ON THE VARIANCE APPLICATION
SUBMITTED AS PART OF FILE NO. 14-196
CARTER/FAITH INC.-NEW BUILDING/VARIANCES
BLOCK 120, LOT 4, IN THE BOROUGH OF CARLSTADT**

WHEREAS, an application for three bulk variances has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Thomas J. O'Connor, Esq., of the firm, Waters, McPherson, McNeill, on behalf of Lillian Carter, for the premises identified as 333-337 Paterson Plank Road, Block 120, Lot 4, in the Borough of Carlstadt, New Jersey; and

WHEREAS, the subject premises is located within the Hackensack Meadowlands District in the Commercial Gateway Center of the Paterson Plank Road Redevelopment Area; and

WHEREAS, the bulk variances are sought in connection with the applicant's proposal to construct a 4,592 square-foot warehouse/office building with related site improvements on the subject premises; and

WHEREAS, the applicant requested relief from Section IV.C of the Paterson Plank Road Redevelopment Plan, which requires a minimum front yard setback of 25 feet plus one foot per foot of height of principal structure within the Commercial Gateway Center, for a total required setback of 33 feet, whereas a front yard setback of 19.58 feet is proposed along Paterson Plank Road; and

WHEREAS, the applicant requested relief from Section IV.C of the Paterson Plank Road Redevelopment Plan, which requires a minimum side yard setback of 15 feet within the Commercial Gateway Center, whereas a side yard setback of 3.3 feet is proposed from the building to the northerly side lot line; and

WHEREAS, the applicant requested relief from N.J.A.C. 19:4-8.4(a)79, which requires two loading spaces at 12 feet by 60 feet, whereas one loading space at 12 feet by 30 feet is proposed; 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, February 23, 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; Mark Skerbetz, P.P., AICP, Senior Planner and Mia Petrou, P.P., AICP, Senior Planner; and

WHEREAS, no comments were received regarding this matter; and

WHEREAS, a comprehensive report dated May 3, 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 May 4, 2016; and

WHEREAS, the report recommends the approval of the requested bulk variance from Section IV.C of the Paterson Plank Road Redevelopment Plan, to permit a front yard setback of 19.58 feet along Paterson Plank Road; and

WHEREAS, the report recommends the approval of the requested bulk variance from Section IV.C of the Paterson Plank Road Redevelopment Plan, to permit a side yard setback of 3.3 feet from the northerly side lot line; and

WHEREAS, the report recommends the approval of the requested bulk variance from N.J.A.C. 19:4-8.4(a)79, to permit one loading space at 12 feet by 30 feet; 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 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 front yard setback of 19.58 feet along Paterson Plank Road 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 side yard setback of 3.3 feet from the northerly side 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 one loading space at 12 feet by 30 feet 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 Carter/Faith Inc.-New Building/Variances application for one bulk variance to permit a front yard setback of 19.58 feet along Paterson Plank Road, is hereby **APPROVED** for the reasons set forth in the recommendation dated May 3, 2016.

BE IT FURTHER RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the Carter/Faith Inc.-New Building/Variances application for one bulk variance to permit a side yard setback of 3.3 feet from the westerly side lot line on the subject property, is hereby **APPROVED** for the reasons set forth in the recommendation dated May 3, 2016.

BE IT FURTHER RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the Carter/Faith Inc.-New Building/Variances application for one bulk variance to permit one loading space at 12 feet by 30 feet on the subject property, is hereby **APPROVED** for the reasons set forth in the recommendation dated May 3, 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 May 12, 2016.



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



MEMORANDUM

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

From: Sara J. Sundell

Date: May 12, 2016

Subject: Variance Recommendation: Carter/Faith Inc. New Build./Variances (File No. 14-196)

An application for three bulk variances has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Thomas J. O'Connor, Esq., of the firm, Waters, McPherson, McNeill, on behalf of Lillian Carter, for the premises identified as 333-337 Paterson Plank Road, Block 120, Lot 4, in the Borough of Carlstadt, New Jersey. The subject premises are located in the Commercial Gateway Center of the Paterson Plank Road Redevelopment Area within the Hackensack Meadowlands District. The variances are sought in connection with the applicant's proposal to construct a 4,592-square-foot warehouse/office building and related site improvements on the subject property.

The applicant requested variance relief from the following:

1. Section IV.C of the Paterson Plank Road Redevelopment Plan, which requires a minimum front yard setback of 25 feet plus one foot per foot of height of principal structure within the Commercial Gateway Center, for a total required setback of 33 feet. A front yard setback of 19.58 feet is proposed along Paterson Plank Road.
2. Section IV.C of the Paterson Plank Road Redevelopment Plan, which requires a minimum side yard setback of 15 feet within the Commercial Gateway Center zone. A side yard setback of 3.3 feet is proposed from the building to the northerly side lot line.
3. N.J.A.C. 19:4-8.4(a)79, two loading spaces at 12 feet x 60 feet are required. One loading space at 12 feet by 30 feet is proposed.

A public hearing was held in the Office of the NJSEA on Tuesday, February 23, 2016.

In a comprehensive report dated May 3, 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. A copy of the comprehensive report and variance recommendation was provided to the applicant on May 4, 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

Carter/Faith Inc.-New Building/Variances

File #14-196

I. INTRODUCTION

An application for three (3) bulk variances has been filed with the NJSEA by Thomas J. O'Connor, Esq., of the firm, Waters, McPherson, McNeill, on behalf of Lillian Carter, for the premises identified as 333-337 Paterson Plank Road, Block 120, Lot 4, in the Borough of Carlstadt, New Jersey. Said premises are located in the Commercial Gateway Center of the Paterson Plank Road Redevelopment Area within the Hackensack Meadowlands District. The variances are sought in connection with the applicant's proposal to construct a new 4,592 square-foot warehouse/office building and related site improvements on the subject property.

Specifically, the applicant is requesting relief from the following:

1. Section IVC of the Paterson Plank Road Redevelopment Plan, which requires a minimum front yard setback of 25 feet plus one foot per foot of height of principal structure within the Commercial Gateway Center, for a total required setback of 33 feet. A front yard setback of 19.58 feet is proposed.
2. Section IVC of the Paterson Plank Road Redevelopment Plan, which requires a minimum side yard setback of 15 feet within the Commercial Gateway Center. A side yard setback of 3.3 feet is proposed from the building to the northerly side lot line.
3. N.J.A.C. 19:4-8.4(a)79, two loading spaces at 12 feet x 60 feet are required. One loading space at 12 feet by 30 feet is proposed.

A public hearing was held at the Office of the NJSEA on Tuesday, February 23, 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. 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 rectangular 10,304-square-foot parcel fronting along the northbound lanes of Paterson Plank Road (Route 120 NB), south of the intersection with Murray Hill Parkway. The property is located in the Commercial Gateway Center of the Paterson Plank Road Redevelopment Area within the Hackensack Meadowlands District. The site currently contains a vacant, single-story, 900-square-foot warehouse that has been deemed an unsafe structure by the Borough of Carlstadt.

Adjacent land uses include a Borough of Carlstadt-owned vacant lot immediately to the north, an auto body shop to the south, and a hotel to the west across Paterson Plank Road. A ditch containing a State of New Jersey riparian claim, and another ditch that flows into Berry's Creek to the south, abuts the easterly property line, between the site and a vacant parcel to the east. Other land uses in the general vicinity of the site include a number of hotels, several warehouses, a gas station inclusive of a small convenience store, a pre-existing non-conforming nightclub, and a truck repair facility. There are no residential properties situated within the general vicinity of the subject premises.

The applicant is proposing to remove the existing structure and erect a two-story 4,592-square-foot warehouse/office building. The first floor will consist of warehouse space while the second floor will consist of office space. Site

improvements will include a reconfigured vehicular use area, and on-site drainage and lighting upgrades. The applicant will operate a warehouse with administrative offices for an asbestos removal business from the premises. The applicant stated that all asbestos removal work associated with her business will be conducted off-site.

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 (February 23, 2016)

A public hearing was held on Tuesday, February 23, 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; Mark Skerbetz, P.P., AICP, Senior Planner; and Mia Petrou, P.P., AICP, Senior Planner.

A. Exhibits

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

<u>Number</u>	<u>Description</u>
A-1	Aerial photograph of subject site and surrounding area.
A-2	"Site Plan," Sheet No. 1 of 1, prepared by George D. Cascino, P.E., P.P., dated April 27, 2011, revised through November 13, 2015.

B. Testimony

Thomas J. O'Connor, Esq., of the firm, Waters, McPherson, McNeill, represented the applicant, Lillian Carter, at the hearing. The following witnesses testified in support of the application:

1. George D. Cascino, P.E., P.P., Professional Engineer and Planner; and
2. Lillian Carter, Applicant/Property Owner.

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 Section IV.C of the Paterson Plank Road Redevelopment Plan,
which requires a minimum front yard setback of 25 feet plus one foot per height of principal structure within the Commercial Gateway Center, for a total required setback of 33 feet.

The District Zoning Regulations at N.J.A.C. 19-44.14(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 Commercial Gateway Center of the Paterson Plank Road Redevelopment Area. It is a rectangular 10,304-square-foot parcel, fronting the northbound lanes of Paterson Plank Road (Route 120 NB), south of the intersection with Murray Hill Parkway. There is direct access to the property from Paterson Plank Road. The lot currently contains a vacant, single-story, 900-square-foot warehouse that has been deemed an unsafe structure by the Borough of Carlstadt. Occupancy and utilization of the premises under current conditions is not possible as the building is uninhabitable and must be demolished. The existing structure has a front yard setback of 9.61 feet from Paterson Plank Road.

The subject property's lot area is significantly smaller than the required minimum lot size of two acres for properties in the Commercial Gateway Center. Additionally, the existing lot width of approximately 110 feet and depth of approximately 90 feet are substantially less than what could be expected of a lot of two acres in area. Also, potential development on the site is affected by a proposed 15-foot-wide buffer strip adjacent to the existing ditch at the rear of the site. These conditions necessitate the placement of a portion of the building within the required front yard setback. Nevertheless, the proposed front yard setback of 19.58 feet is approximately twice the existing building's front yard setback. These particular property conditions were not created by the action of the current property owner and will not impede future utilization of the site as proposed.

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

The granting of the variance to permit a front yard setback of 19.58 feet for the new building, where a minimum front yard setback of 33 feet is required, will not adversely affect the rights of neighboring property owners. Adjacent and nearby land uses include warehouses, hotels, and various commercial enterprises. These establishments have been operating unimpeded, despite the existing conditions of the subject property, including the existing building having a non-conforming front yard setback of 9.61 feet.

The proposed warehouse/office building will be occupied by an asbestos removal business, as was the existing building. The new building will be set back approximately twice as far from Paterson Plank Road as the current structure. The proposed building location will allow on-site parking and loading areas to be configured to provide a safe and efficient circulation pattern. In addition, on-site stormwater drainage improvements will be provided, as well as lighting and landscaped open space, including the restoration of landscaped areas in the front yard along Paterson Plank Road. The requested variance enables the construction of a new building on a degraded site 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 the minimum front yard setback requirement will result in exceptional practical difficulties and undue hardship upon the property owner. The subject property is 10,304 square feet in area, which is substantially smaller than the required minimum two-acre lot size in the Commercial Gateway Center. The existing lot width of approximately 110 feet and lot depth of approximately 90 feet are substantially less than what could be expected on a two-acre lot. Development towards the rear of the site is further constrained by a required 15-foot-wide buffer strip along the existing ditch.

The required front yard setback in the zone is 25 feet plus an additional one foot of setback for every foot of building height. If the site were to be improved in accordance with the regulations, the proposed building would be set back 33 feet from Paterson Plank Road. A conforming front yard setback would cause a portion of the building to be placed within the required 15-foot buffer strip in the rear yard, resulting in the elimination of the sole loading space on the property. Alternatively, a lower single-story building, instead of the proposed two-story building, would result in a building with a larger footprint, encroaching further into the required front yard setback and rear buffer strip.

As noted above, the existing warehouse has been deemed an unsafe structure by the Borough of Carlstadt, requiring it to be demolished. In its present condition, the property does not have

any viable utility. The proposed front yard setback of 19.58 feet will be more in compliance with the Commercial Gateway Center front yard setback requirement than currently exists on the premises.

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

The granting of the requested variance 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 be enhanced as the placement of the proposed building further back from Paterson Plank Road than the existing building will still allow for a more efficient parking and loading layout and reduce potential vehicular conflicts on the site. Adequate light, air, and open space, including the restoration of landscaped areas in the front yard along Paterson Plank Road, will be provided. In addition, NJSEA performance standards will not be violated by the proposed building setback and related site improvements.

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 and all associated site improvements will occur on existing impervious surfaces, and a significant increase in open space area is proposed. A 15-foot-wide buffer strip will be provided in the rear yard, minimizing development impacts to the existing ditch, and

landscaped open space is proposed in the front yard along Paterson Plank Road. 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 property's unique characteristics, including its relatively small lot area and dimensions in comparison to the minimum requirements of the Commercial Gateway Center zone, limit potential development of the site. The ability to provide a conforming front yard setback of 33 feet is constrained by the lot depth of approximately 90 feet, and by a 15-foot-wide buffer to the adjacent ditch in the rear yard. In addition, a required 12 foot wide loading area will be positioned between the rear of the building and the buffer strip. These conditions limit the ability of the applicant to provide a conforming front yard setback on the property. However, the site is not proposed to be over-developed. Lot coverage of 22.3 percent is proposed, where up to 60 percent of the lot is permitted to be covered by structures. Additionally, a proposed floor area ratio (FAR) of 0.45 is proposed, which represents less than half of the permitted FAR of 1.0. Therefore, the requested variance to provide a front yard setback of 19.58 feet 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 front yard setback of 19.58 feet for the new building, whereas a minimum front yard setback of 33 feet is required, will not substantially impair the intent and purpose of the regulations. The site is located within the Commercial Gateway Center of the Paterson Plank Road Redevelopment Area. The purpose of the Paterson Plank Road Redevelopment Plan is to promote the provision of productive industrial and commercial ratables for the Boroughs of Carlstadt and East Rutherford, while encouraging sustainable design and green technology, and promoting high standards of creative layout, design, and construction in the development and use of the land. In this particular instance, the 10,304-square-foot lot is approximately eight times smaller than the required minimum lot size of two acres in the Commercial Gateway Center zone, which impacts the ability of development on the property to conform to the bulk requirements of the zone. Additionally, the existing lot width of approximately 110 feet and depth of approximately 90 feet are substantially less than what could be expected of a lot of two acres in area.

The proposed warehouse/office building is a permitted use, and will provide a productive commercial ratable for the Borough of Carlstadt. In addition, the aesthetic appearance of the surrounding area will not be compromised by the proposed setback, but rather, will be enhanced by the new development. 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 Section IV.C of the Paterson Plank Road Redevelopment Plan, which requires a minimum side yard setback of 15 feet within the Commercial Gateway Center.

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 Commercial Gateway Center of the Paterson Plank Road Redevelopment Area, and is a rectangular 10,304-square-foot parcel fronting the northbound lanes of Paterson Plank Road (Route 120 NB). There is direct access to the property from Paterson Plank Road. The lot currently contains a vacant, single-story, 900-square-foot warehouse that has been deemed an unsafe structure by the Borough of Carlstadt. Occupancy and utilization of the premises under current conditions is not possible, as the building is uninhabitable and must be demolished.

The lot area is substantially smaller than the required minimum lot size of two acres in the Commercial Gateway Center. Additionally, the existing lot width of approximately 110 feet and lot depth of approximately 90 feet are substantially less than what could be

expected of a two-acre lot. These conditions uniquely impact the ability of the property owner to construct a reasonably-sized building meeting all of the zoning requirements applicable to site development. The lot size and dimensions are property conditions that were not created by the action of the current 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 a side yard setback of 3.3 feet for a proposed warehouse/office building, where a minimum side yard setback of 15 feet is required, will not adversely affect the rights of neighboring property owners. The site is located along Paterson Plank Road, within the Commercial Gateway Center of the Paterson Plank Road Redevelopment Area. Adjacent and nearby land uses include warehouses, hotels, and various commercial enterprises. These establishments have been operating unimpeded, despite the existing conditions of the subject property. In particular, the adjoining property to the west consists of a small vacant parcel of land, owned by the Borough of Carlstadt, measuring 0.15 acres, which has minimal development potential.

The new warehouse building will be occupied by an asbestos removal business, in the same manner as the existing building had previously been utilized. In its current state, vehicles are parked along the northerly property line with no setback to that property line. The proposed 3.3-foot side yard setback will be landscaped and will improve conditions in this portion of the site, while also allowing for efficient overall utilization of the site.

In addition to storm water drainage improvements, new lighting and landscaping will be provided. The proposed building and site improvements amount to a private redevelopment action on the property, which will result in a well-organized and modern site configuration, having a positive aesthetic impact to the area. As such, 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 unaffected by the proposed building setback.

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 a minimum building side yard setback of 15 feet will result in exceptional practical difficulties and undue hardship upon the property owner, based on the existing conditions and particular characteristics of the property in question. The subject property's lot area of 10,304 square feet is substantially smaller than the required minimum lot size of two acres in the Commercial Gateway Center. The existing lot frontage of approximately 110 feet and lot depth of approximately 90 feet are considerably less than the dimensions that would be expected of a lot having an area of two acres. These conditions result in significant practical difficulties when attempting to design a conforming building and site on a property that is approximately eight times smaller than the minimum size permitted by the zoning regulations.

If the site were to be developed in accordance with the requirements of the Commercial Gateway Center, the proposed warehouse/office building would have to be set back a minimum of 15 feet from the northerly side property line. This would result in the building shifting to the south, thus reducing the width of the proposed drive aisle serving the on-site parking and loading areas, from a conforming 24 feet to only 18 feet, a nonconforming and impracticable configuration that would affect site circulation and public safety. As noted previously, the existing warehouse has been deemed an unsafe structure by the Borough of Carlstadt, and is to be demolished. In its present condition, the property is devoid of any significant utility. As such, a denial of the requested variance to permit a side yard setback of 3.3 feet on the subject property will result in exceptional practical difficulties and undue hardship upon the applicant and property owner.

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

The granting of the requested variance to permit a side yard setback of 3.3 feet for a new two-story, 4,592-square-foot warehouse/office building, where a minimum side yard setback of 15 feet is required, 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 be promoted, as the proposed placement of the building within the required side yard setback will permit the development of the site with sufficient parking and loading areas and allow for adequate site circulation. In addition, NJSEA performance

standards will not be violated by the proposed building setback and related site improvements.

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 and all associated site improvements will occur on existing impervious surfaces. Development will not take place in any existing or proposed open space areas. A 15-foot-wide buffer strip will be provided in the rear yard, minimizing any negative development impacts to the adjacent ditch. 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 3.3 feet, whereas a minimum side yard setback of 15 feet is required, represents the minimum deviation from the regulations that will afford relief. The property's unique characteristics, including its relatively small lot area and dimensions in comparison to the requirements of the Commercial Gateway Center zone, limit potential development of the site. The ability to provide a conforming side yard setback is constrained by a small lot width of approximately 110 feet. In addition, the width of the required on-site drive aisle and parking spaces to be located between the building and the southerly

property line, further limits the ability of the applicant to provide a greater northerly side yard setback than that which is proposed. 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 will not substantially impair the intent and purpose of the regulations. The site is located within the Commercial Gateway Center of the Paterson Plank Road Redevelopment Area. The purpose of the Paterson Plank Road Redevelopment Plan is to promote the provision of productive industrial and commercial ratables for the Boroughs of Carlstadt and East Rutherford, while encouraging sustainable design and green technology, and promoting high standards of creative layout, design, and construction in the development and use of the land. In this particular instance, the 10,304-square-foot lot is substantially smaller than the required minimum lot size of two acres in the Commercial Gateway Center. Additionally, the existing lot width of approximately 110 feet and lot depth of approximately 90 feet are substantially less than the dimensions that would be expected of a lot having an area of two acres.

The proposed warehouse/office building could meet the required side yard setback of 15 feet if the lot were the minimum required two-acre size. The warehouse/office building is a permitted use, and will provide a productive commercial ratable for the Borough of Carlstadt. In addition, the appearance of the surrounding area

will not be compromised by the proposed setback, but area aesthetics will be enhanced by the new development. 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. 19:4-8.4(a)79, which requires two loading spaces at 12 feet x 60 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 applicant is proposing one 12-foot by 30-foot loading space, whereas two loading spaces with a minimum dimension of 12 feet by 60 feet are required. The site is located within the Commercial Gateway Center - of the Paterson Plank Road Redevelopment Area. It is a rectangular 10,304-square-foot parcel, fronting the westbound lanes of Paterson Plank Road (Route 120NB). There is direct access to the property from Paterson Plank Road. The lot contains a vacant, single-story, 900-square-foot warehouse that has been deemed an unsafe structure by the Borough of Carlstadt. Occupancy and utilization of the premises under current conditions is not possible as the building is uninhabitable and must be demolished.

The subject property's lot area is substantially smaller than the required minimum lot size of two acres for the Commercial Gateway Center. Additionally, the existing lot width of approximately 110 feet and depth of approximately 90 feet are substantially less than the dimensions that would be expected of a lot having an area of two acres. Also, potential development towards the rear of the site is encumbered by a proposed 15-foot wide buffer strip along the existing ditch. One 12-foot by 30-foot loading space is proposed to be provided between the rear of the building and the buffer. Due to the property's small lot depth and width, there are no other locations on the property to provide a second loading area of any functional size. The proposed warehouse/office building will be two stories, whereas the footprint of an equivalent single-story structure would further reduce the area to provide any loading space. The particular conditions of the site as described above were not created by the action of the current property owner and will not impede future utilization of the site as proposed.

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

The granting of the variance to provide one 12-foot by 30-foot loading space, where two loading spaces with a minimum dimension of 12 feet by 60 feet are required, will not adversely affect the rights of neighboring property owners. Adjacent and nearby land uses include existing warehouses, hotels, and various commercial enterprises.

The proposed warehouse/office building will be occupied by an asbestos removal business, as was the existing building. The applicant proposes one 12-foot by 30-foot loading space, which is adequate to serve the proposed smaller-scale use of the site. An additional 12-foot-wide drive-in loading door is available for use on the site. The proposed loading will be sufficient to serve a facility of this size. The loading area will be screened by its proposed placement to the rear of the building, also allowing for the remainder of the site to be configured to provide for a conforming access aisle and required on-site parking. In addition, on-site stormwater drainage improvements will be provided, as well as lighting and landscaped open space. The site will be utilized in a more efficient manner than currently exists and area aesthetics will be improved. The neighboring properties will be able to continue to operate unimpeded.

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 two loading spaces at 12 feet by 60 feet will result in exceptional practical difficulties and undue hardship upon the property. There are no available locations on the site to provide two conforming 12-foot by 60-foot loading areas due to the property's particular characteristics. The subject property's area of 10,304-square-feet is substantially smaller than the required minimum 2-acre lot size in the Commercial Gateway Center. The existing lot frontage of approximately 110 feet and depth of approximately 90 feet are considerably less than the dimensions that would be expected of a

lot having an area of two acres. A 60-foot long loading space would, therefore, occupy more than half of the available lot width or depth, leaving insufficient area for a tractor-trailer to safely and efficiently circulate on a lot of this size.

The proposed building, already having a footprint approximately two-thirds smaller in area compared to the maximum permitted footprint on the site based upon allowable lot coverage and required setbacks, would have to be further reduced in size in order to create space for the required loading areas. A smaller building would have no practical utility for its intended use. As noted previously, the existing warehouse has been deemed an unsafe structure by the Borough of Carlstadt, and is to be demolished. In its existing condition, the property is essentially unusable. As such, a denial of the requested variance will result in exceptional practical difficulties and undue hardship upon the applicant and property owner.

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

The granting of the requested variance 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 loading area will be placed between the rear building wall and a proposed 15-foot-wide buffer strip from an existing ditch. Public safety will be promoted by the requested variance, as on-site circulation will be designed to minimize the potential for vehicular conflicts between trucks and passenger

vehicles. Drainage improvements will be installed and open space will be increased over existing conditions. In addition, NJSEA performance standards will not be violated by the proposed building setback and related site improvements.

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 and all associated site improvements will occur on existing impervious surfaces. Development will not take place in any existing or proposed open space areas. The loading area will be placed between the rear building wall and a proposed 15-foot-wide buffer strip along an adjacent ditch. The buffer will minimize any negative development impacts to the adjacent ditch. 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 to provide one 12-foot by 30-foot loading space, where two loading spaces at 12 feet by 60 feet are required, represents the minimum deviation from the regulations that will afford relief. The property's unique characteristics, including its relatively small size and dimensions for a property within the Commercial Gateway Center, constrain potential development, restricting the number of loading areas that can be accommodated

on the premises. Two conforming loading areas cannot be provided on the site without greatly reducing the size of the building. Additionally, it is doubtful that tractor trailers could safely maneuver on a site of this size without significant public safety concerns. Required parking spaces and their associated two-way drive aisle would be compromised should two conforming loading areas be provided. The applicant demonstrated that one 12-foot by 30-foot loading area will adequately serve the new warehouse/office building. 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 will not substantially impair the intent and purpose of the regulations. The site is located within the Commercial Gateway Center of the Paterson Plank Road Redevelopment Area within the Hackensack Meadows District, fronting the northbound lanes of Paterson Plank Road.

The purpose of the Paterson Plank Road Redevelopment Plan is to promote the provision of productive industrial and commercial ratables for the Boroughs of Carlstadt and East Rutherford, while encouraging sustainable design and green technology, and promoting high standards of creative layout, design, and construction in the development and use of the land. The warehouse/office building is a permitted use, and will provide a productive commercial ratable for the Borough of Carlstadt.

The intent and purpose of NJSEA loading regulations include the provision of adequate, safe and efficient means of deliveries to and from a site. It is anticipated that tractor trailer deliveries, which could be accommodated within a 60-foot-long loading area, will not be utilized at this property due to the small size of the site and the building to be placed on it. The applicant proposes one 12-foot by 30-foot loading space, which is adequate to serve the proposed smaller-scale use of the site. An additional 12-foot-wide drive-in loading door is available for use on the site.

In addition, the appearance of the surrounding area will not be compromised by one 12-foot by 30-foot loading area, which is screened by its location behind the proposed building. Area aesthetics will be enhanced by the proposed improvements. As such, 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 Section IV.C. of the Paterson Plank Road Redevelopment Plan, which requires a minimum front yard setback of 25 feet plus one foot per height of principal structure within the Commercial Gateway Center, for a total required setback of 33 feet.

Based on the record in this matter, the bulk variance application to permit a front yard setback of 19.58 feet on the subject property is hereby recommended for APPROVAL.

APPROVAL Date 5/2/16

Recommendation on Variance Request



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

Approved Date 5/3/16

Recommendation on Variance Request




Ralph J. Mawardi
Senior Vice President
Legal & Regulatory Affairs

B. Standards for the Granting of a Bulk Variance from the Provisions of Section IV.C. of the Paterson Plank Road Redevelopment Plan, which requires a minimum side yard setback of 15 feet within the Commercial Gateway Center.

Based on the record in this matter, the bulk variance application to permit a side yard setback of 3.3 feet from the building to the northerly side lot line on the subject property is hereby recommended for APPROVAL.

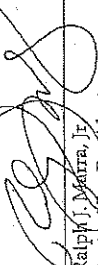
APPROVAL _____
Recommendation on
Variance Request

5/2/16
Date


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

Approved _____
Recommendation on
Variance Request

5/13/16
Date



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

C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:27-9.4(a)79, which requires two loading spaces at 12 feet x 60 feet.

Based on the record in this matter, the bulk variance application to permit one loading space at 12 feet by 30 feet on the subject property is hereby recommended for APPROVAL.

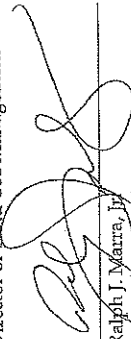
APPROVAL _____
Recommendation on
Variance Request

5/2/16
Date


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

Approved _____
Recommendation on
Variance Request

5/13/16
Date


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

RESOLUTION 2016 -16

**RESOLUTION AUTHORIZING THE PUBLICATION OF A
NOTICE OF ADOPTION FOR THE REZONING OF BLOCK 451, LOT 21
IN THE TOWNSHIP OF NORTH BERGEN (File SP-719)**

WHEREAS, the New Jersey Sports and Exposition Authority (NJSEA) is authorized by N.J.S.A. 5:10A-1 et seq., specifically N.J.S.A. 5:10A-7(b) to adopt codes and standards regarding the zoning and rezoning of lands within the Hackensack Meadowlands District (HMD); and

WHEREAS, the Official Zoning Map may be amended from time to time in accordance with N.J.A.C. 19:3-1.3 et seq. upon submittal of a petition to the NJSEA; and

WHEREAS, on January 31, 2014, the NJSEA received a petition from the property owner, North Bergen Motel Association, LLC, requesting a rezoning of Block 451, Lot 21, in the Township of North Bergen, New Jersey; and

WHEREAS, North Bergen Motel Association, LLC, the property owner, is seeking to rezone Block 451, Lot 21, from its Official Zoning Map designation of Environmental Conservation (EC) to the Highway Commercial (HC) zone; and

WHEREAS, the NJSEA Board of Commissioners authorized the NJSEA staff on April 16, 2015, by Resolution 2015-17, to initiate the rulemaking procedure for the proposed rezoning of Block 451, Lot 21; and

WHEREAS, a Notice of Proposal was filed with the Office of Administrative Law (OAL) for publication in the November 2, 2015, issue of the New Jersey Register (NJR); and

WHEREAS, a public hearing was held at the NJSEA Offices on November 24, 2015, to receive comments on the proposed rezoning; and

WHEREAS, comments and objections were received by the NJSEA from ninety-one individuals and/or organizations during the public comment period, which ended on January 1, 2016; and

WHEREAS, all comments are listed and NJSEA responses are provided in the Notice of Adoption; and

WHEREAS, no changes to the proposed rezoning resulted from the public comments and objections received; and

WHEREAS, the Hackensack Meadowlands Municipal Committee (HMMC) approved the proposed Notice of Adoption on May 2, 2016; and

WHEREAS, the NJSEA staff has determined that the proposed rezoning would allow for the commercial development of the upland portion of the subject site while preserving environmentally-sensitive wetlands areas; and

WHEREAS, based on the record in this matter, the staff recommends that the NJSEA Board of Commissioners adopt the proposed amendment to the Official Zoning Map and authorize NJSEA staff to file a Notice of Adoption with OAL; and

WHEREAS, the amendment to the Official Zoning Map will become effective upon publication of the Notice of Adoption in the NJR.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the New Jersey Sports and Exposition Authority hereby adopts the amendment to the Official Zoning Map, changing the zoning designation of Block 451, Lot 21, in the Township of North Bergen, New Jersey, from Environmental Conservation to Highway Commercial.

BE IT FURTHER RESOLVED, that the Board of Commissioners of the New Jersey Sports and Exposition Authority hereby authorizes the NJSEA staff to prepare and submit a Notice of Adoption to Office of Administrative Law for publication in the New Jersey Register.

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 May 12, 2016.



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



MEMORANDUM

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

From: Sara J. Sundell

Date: May 12, 2016

Subject: Request to Publish a Notice of Adoption with Regard to the Rezoning of Block 451, Lot 21, in the Township of North Bergen, New Jersey

The New Jersey Sports & Exposition Authority (NJSEA) is authorized to adopt codes and standards regarding the zoning and rezoning of lands within the Hackensack Meadowlands District as set forth in N.J.S.A. 5:10A-1 *et seq.*, specifically N.J.S.A. 5:10A-7(b).

On January 31, 2014, the NJSEA received a petition requesting the rezoning of a 5.767-acre property, identified as Block 451, Lot 21, located along New Jersey State Highway Route 3 Ramp H and Ramp A in the Township of North Bergen, New Jersey. The petition proposed rezoning the subject property from the Environmental Conservation (EC) zone to the Highway Commercial (HC) zone.

At the Board of Commissioner's meeting on April 16, 2015, the NJSEA staff was authorized, by Resolution No. 2015-17, to proceed with the Notice of Proposal and hold a public hearing regarding the rezoning of Block 451, Lot 21.

A Notice of Proposal was filed with the Office of Administrative Law (OAL) and published in the November 2, 2015, issue of the New Jersey Register (NJR). A public hearing to receive comments was held at the offices of the Commission on November 24, 2015. Comments and objections were received by the NJSEA from ninety-one (91) individuals and/or organizations during the public comment period, which ended on January 1, 2016. The Notice of Adoption lists all of the comments and objections and provides responses to each. The NJSEA staff proposes no changes to the proposed amendment as a result of the public comments and objections received.

On April 11, 2016, the matter was forwarded to the Hackensack Meadowlands Municipal Committee (HMMC) for its consideration. The HMMC approved the proposed amendments to the Official Zoning Map at their meeting on May 2, 2016.

Based upon the record in this matter, the staff is requesting that the NJSEA Board of Commissioners adopt the proposed amendment to the Official Zoning Map to rezone Block 451, Lot 21, from Environmental Conservation to Highway Commercial. It is further requested the NJSEA Board of Commissioners authorize staff to file a Notice of Adoption with the OAL for publication in the NJR. A resolution requesting the same is attached for your consideration.

OTHER AGENCIES
NEW JERSEY SPORTS AND EXPOSITION AUTHORITY

District Zoning Regulations

Official Zoning Map

Block 451, Lot 21, in the Township of North Bergen

Adopted Amendment: N.J.A.C. 19:4-3.3

Proposed: November 2, 2015 at 47 N.J.R. 2665(a)

Adopted: May 12, 2016 by the New Jersey Sports and Exposition Authority

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

Filed: June 10, 2016, without change

Authority: N.J.S.A. 5:10A-1 et seq., specifically 5:10A-7(b). See also N.J.A.C. 19:3-1.3 and 1.5

Effective Date: July 5, 2016

Expiration Date: July 5, 2021

The rule adoption can also be viewed or downloaded from the NJSEA's website at <http://www.njsea.com/njmc/land/public-notices.html>

Summary

On January 31, 2014, a petition for rezoning was received by the New Jersey Sports and Exposition Authority (NJSEA) from the property owner, North Bergen Motel Association, LLC, regarding the property identified as Block 451, Lot 21, located within the Hackensack Meadowlands District (HMD), in the Township of North Bergen.

The subject property is currently designated Environmental Conservation on the Hackensack Meadowlands District Official Zoning Map. The petition requests that the NJSEA rezone Block 451, Lot 21, from its existing zoning of Environmental Conservation (EC) to Highway Commercial (HC). The subject property is located along New Jersey State Highway Route 3 Ramp H and Ramp A. The subject property is an irregularly-shaped, unimproved parcel comprising approximately 5.767 acres. The northern and eastern portions of the subject property consist of approximately 3.663

acres of relatively flat uplands. Approximately 2.104 acres of wetlands are located in the southwestern corner of the site. The petitioner has provided a Jurisdictional Determination, dated October 1, 2013, from the U.S. Army Corps of Engineers that confirms the location of wetlands on a portion of the site, which was formerly thought to contain almost entirely wetlands. To the north, the subject property is bounded by the Route 3 Ramp H and Ramp A. The subject property narrows to a point at both the east and west ends of the site. Directly west and south of the subject property are two lots located in the EC Zone that are predominantly wetlands.

The EC zone, the current zone designation of Block 451, Lot 21, is intended to provide for the preservation and enhancement of the ecological values of wetlands, open water, and adjacent uplands within the District. The zone seeks to provide public access to these areas and encourage scientific and educational study with regard to wetland ecology. According to the petitioner, the proposed rezoning of the subject property to the HC zone would allow the applicant to develop the site for its best possible use. The petitioner's planning report states that the proposed rezoning would permit the development of the uplands that constitute the majority of the site in a manner that is compatible with the surrounding area, without compromising the portions of the subject property that are environmentally sensitive. The proposed rezoning is intended to provide for the continued protection of existing, on-site wetlands by concentrating development on the uplands.

The petitioner has indicated a desire to construct a hotel on the subject property, in accordance with the HC zone regulations. Hotels are allowed in the HC zone (per N.J.A.C. 19:4-5.59), but not in the EC zone. Any proposed development in the rezoned area would be subject to the affordable housing requirements set forth by law or court order at the time of zoning certificate application, including the payment of fees associated with the Statewide Non-Residential Development Fee Act (P.L. 2008, c. 46, §§ 32-38), signed into law on July 17, 2008.

On April 16, 2015, the NJSEA Board of Commissioners adopted Resolution No. 2015-17, authorizing the NJSEA staff to prepare the notice of proposal to the Office of Administrative Law for publication in the New Jersey Register and conduct a public hearing to obtain public input regarding this matter. The Notice of Proposal was

published in the New Jersey Register on November 2, 2015, at 47 N.J.R. 2665(a). A public hearing was held on November 24, 2015, at the NJSEA Offices to receive comment on the proposal. The public comment period ended on January 1, 2016.

Summary of Hearing Officer's Recommendations and Agency Responses:

A public hearing on this matter was held on November 24, 2015, at the NJSEA Offices. Sara Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer, was the public hearing officer, with Sharon A. Mascaró, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer, Cheryl Rezendes, P.P., AICP, Principal Planner, and Mia Petrou, P.P., AICP, Senior Planner, also present.

No recommendations were made by Ms. Sundell or NJSEA staff during the hearing. The hearing record is available for inspection in accordance with applicant law by contacting:

Sara J. Sundell, P.E., P.P.

Director of Land Use Management and Chief Engineer

New Jersey Sports and Exposition Authority

P.O. Box 640

One DeKorte Park Plaza,

Lyndhurst, NJ, 07071

sara.sundell@njmeadowlands.gov

Kevin Coakley, Esq., of the firm Connell Foley, appeared on behalf of the applicant to support the proposal for the rezoning and the regulatory amendments. George Cascino, P.E., P.P., provided expert testimony in support of the application in the fields of engineering and planning.

Summary of Public Comments and Agency Responses:

Comments, both written and emailed, were received by the NJSEA from ninety-one (91) persons and/or organizations during the public comment period, which ended on January 1, 2016. The comments received and the NJSEA's responses are summarized below. The number(s) in parentheses after each comment identifies the respective commenter(s) in the following list:

1. Byron A. "Gus" Allen, Jr.
2. Marianne Ardito
3. Elizabeth Barrett
4. Patricia Barrett
5. Virginia M. Barrett; Barrett Lazar LLC
6. Tom Beatini
7. Eleri Beja
8. Noreen Best
9. Cyn Bird
10. Mary Bleckman
11. Jeff Bowen
12. Michael Bowes
13. Mimi Brauch
14. Frank Cadden
15. Lauren & Mark Celeste
16. Karen Clements
17. Cynthia Cole
18. E. N. Coillier
19. Tim Cunningham
20. Chris Deczynski
21. Erica Demme
22. Jane Dextraze
23. Barry Doll; Bergenfield Environmental Committee
24. Abbe Dolobowsky
25. Caitlin Doran; Hackensack Riverkeeper
26. John Egan
27. Dennis Ferrara
28. Steven Fetics
29. Kathy Friedman
30. Amy Boyle Geisel
31. Sally Gellert
32. Thana Giridhar
33. Terry Glover, PhD; Professor Emeritus, Bloomfield College
34. Alycia Graham
35. Mike Grillo
36. Susan Grossman
37. Hackensack Riverkeeper and NY/NJ Baykeeper
38. Rik F. Hennen; Martin Ottaway
39. Patricia Hilliard
40. Fred Immediato
41. Bernadette Jusinski
42. Susan Keefe
43. Delores King
44. William J. King
45. Lynn Kloss
46. Norman Liebowitz
47. Megan K. Lutz
48. Thomas Lutz

49. Julie O'Sullivan Maillet
50. Kenneth Malkin
51. Joseph Marshall
52. Michael J. McConkey
53. Maureen McLaughlin
54. John Meyer; EMC Media Inc. and Resident Magazine
55. MiddlC88
56. Laura Michelson
57. Flo Muller
58. Peter O'Malley
59. Cynthia Ortiz
60. Bernadette E. Parodi
61. Dawn Pavlu
62. Ron Perrotta
63. John Popolizio
64. Helen (Leacy) Pryor
65. Una Ratmeyer
66. Kns Reiss
67. George D. Reskakis
68. Susan Ritchie
69. Thomas J. Roe and Deborah Bloom
70. Sabine Roehr
71. Allison J. Romano
72. Gray Russell; Township of Montclair
73. Nancy S.
74. Elizabeth and Raymond Sauter
75. Margaret Scicilo
76. Servrep5
77. Ray Slaman; Dumont Shade Tree Commission
78. Ramon A. Sosa
79. Karen Stalmsmith
80. Laurie Stricker
81. Lorraine Trippodi
82. Liberty Valance
83. Annmarie VanHemmen
84. Jay Villa
85. Denise Wadleigh
86. Paul Wagner
87. Mary Jane Walsh
88. Judith S. Weis
89. Fern Weiss
90. Charles F. and Carol A. West
91. Thomas F. Yezerksi

One (1) member of the public, Andrea Leshak, staff attorney with the Hackensack Riverkeeper and New York/New Jersey Baykeeper, spoke at the public hearing. Ms. Leshak's comments and the NJSEA's responses are summarized below:

1. COMMENT: Andrea Leshak, staff attorney with the Hackensack Riverkeeper and New York/New Jersey Baykeeper, commented at the public hearing that the purpose of the Environmental Conservation zone is to provide for the preservation and enhancement of the wetlands, open waters and adjacent uplands within the District, and the goal of the 2004 Master Plan for the HMD is a careful balancing of environmental protection and conservation, while allowing for some development. Wetlands provide significant environmental benefits, and the Riverkeeper and Baykeeper organizations are concerned that allowing one parcel to be rezoned to allow for development would lead to other development within wetlands. (37)

Ms. Leshak further commented that there is a new Federal rule called the Clean Water Rule that has been proposed and is currently being litigated in Federal court and should be taken into consideration with respect to the Army Corps Jurisdictional Determination.

RESPONSE: The intent of the rezoning is to expand the range of land uses allowed on the upland areas while protecting the existing wetlands. In the Hackensack Meadows District Zoning Regulations, N.J.A.C. 19:4-8.16(e) states that the filling of wetlands is not allowed without the required approvals of the governmental authorities with jurisdiction. The U.S. Army Corps of Engineers (USACE) maintains jurisdiction over wetlands in the HMD, and, as such, the NJSEA cannot issue approvals for work in wetlands without prior approval by the USACE. The subject petition under review by the NJSEA regards the rezoning of a single lot. Any future petitions to rezone other properties in the HMD will be reviewed based upon the specifics of the request and the record established in accordance with the regulatory requirements of the rezoning process.

The adopted rezoning does not contain any requirements or standards in excess of those imposed under current federal law. The NJSEA can only utilize current rules in their determination and cannot speculate as to the outcome of the proposed Clean Water Rule litigation.

No change to the adopted rules is proposed as a result of these comments.

Written comments received and the Authority's responses are summarized below:

interest for up to 3,000 additional hotel rooms in the District, but does not qualify additional hotel rooms as a need. The petitioner has expressed a desire to construct a hotel on the subject property; however, rezoning the subject property to the HC zone would allow the development of uses other than hotels and motels as well. The HC zone is designed to accommodate commercial uses oriented toward, and located in proximity to, highways. The permitted uses in this zone include minor automobile repair facilities, banks, car washes, essential public services, fuel service stations, hotels and motels, parks and recreation facilities, personal services, light public utility uses, restaurants, and retail. Special exception uses include automobile rental facilities, communications transmission towers, and day care facilities. The rezoning of the subject property will not necessarily result in the construction of a hotel on the site.

The Master Plan does not prohibit the rezoning of property in the District. The Master Plan presents a cohesive set of planning principles and standards to guide future development while protecting the resources of the District. The result is a policy framework to promote the careful balancing of environmental and economic development needs through the District. The policies and principles of the Master Plan are effectuated through the zoning regulations codified at N.J.A.C. 19:3-1.1 *et seq.* The regulations include a listing of zones and their permitted uses, in addition to bulk and other regulatory requirements for proposed development. The specific zones are depicted on the Hackensack Meadows District Official Zoning Map. The regulations also include procedures for rezoning of properties in the District, which are being applied herein, and provide an opportunity for deviations from the official zoning map after the circumstances are weighed and considered in light of the proposal's objective.

The proposed change of zoning on the subject property will allow for development on the adjacent uplands, but will not change the location of the wetlands line and will not allow the development of the wetlands, which remain under the jurisdiction of the USACE. There are a number of similar properties in the District that also contain regulated wetlands which are located in zones that permit development. These properties are treated the same, with development permitted only in the uplands, unless the developer obtains wetlands disturbance or fill permits from the USACE.

2. COMMENT: The Hackensack Riverkeeper and NY/NJ Baykeeper stated their opposition to the proposal to rezone the property from EC to HC in two letters submitted to the NJSEA, one dated September 15, 2015, which was submitted at the public hearing on November 24, 2015, and the other dated December 31, 2015. The commenters state that applicant's claims that development of the uplands portion of the property would not affect the wetlands and would be its best possible use are incorrect. The proposed rezoning directly conflicts with the NJMC Master Plan, which neither discusses a shortage of hotel rooms nor envisions a boom in hotel development. The development of adjacent uplands will impact surrounding wetlands, leading to the elimination of significant environmental benefits. The rezoning proposal would compromise at least 2.104 acres of wetlands, impact existing infrastructure and set bad precedent. (37)

RESPONSE: The subject property contains approximately 3.6 acres of uplands, which are adjacent to both 2.1 acres of wetlands and the highway ramp system of New Jersey State Highway Route 3. A study of historic aerial mapping of the area suggests that the uplands area were, in part, formed by the construction of the highway ramp system. There are a number of other properties in the Hackensack Meadows District that have similar characteristics, whereby developable uplands are located adjacent to highways, service roads and ramps constructed during the heyday of highway construction in northern New Jersey. The subject property falls into this category. The uplands portion of the subject property, while adjacent to existing wetlands, has the benefit of the adjacent existing infrastructure to provide access and utilities to support a future development without infringing on wetland areas. While a portion of the subject property is not developable due to the presence of wetlands, the front portion adjacent to the right-of-way presents opportunities for development. The determination of a "best possible use" is subjective at best, it can be objectively stated that the uplands on the subject property can accommodate some of the uses that are allowed in the Highway Commercial zone.

In testimony during the public hearing, the petitioner's professional overstated the discussion on page 3-10 of the Master Plan regarding the need for and intent to construct new hotel rooms in the District. The text of the Plan states that there may be

Rezoning the subject property to the HC zone is only one of many steps that would be required in order to develop the site. Infrastructure requirements for any development would have to be addressed prior to the issuance of any development approvals. It is the responsibility of the developer to provide the required infrastructure and utilities necessary to make a project viable for construction. All of the required regulatory approvals, including federal, state, regional and local permits would have to be obtained prior to the start of construction of any project. Any issued presented by the approving regulatory agencies would have to be handled for a development to proceed. Specific issues such as traffic, drainage and wastewater would have to be resolved prior to issuance of approvals.

There is no basis for the statement that the proposed rezoning will encourage or compel other owners of similar properties to petition for a rezoning from a conservation zone to a development zone. Property owners have the right to develop their properties in accordance with the zoning regulations set forth by law. In this case, the petitioner has requested a change in the zoning designation of the subject property in accordance with the regulatory procedures also as set forth by law. The petition was determined to contain merit, as the subject property contains an upland area that could support development consistent with the requirements of the HC zone. The area of the property containing wetlands will remain under the jurisdiction of the USACE.

Therefore, no change to the rezoning is proposed upon adoption as a result of these comments.

COMMENTS 3 THROUGH 43, regarding wetlands:

3. COMMENT: The meadowlands are precious and should be preserved for the good of the state, its citizens and the environment. (4)
4. COMMENT: We need to protect our precious environment, particularly the wetlands. (5)
5. COMMENT: The NJSEA should consider the full impact rezoning would have on this area and all of its residents, including the lands and animals who cannot speak for themselves. (7)
6. COMMENT: The commenter states that the day of destroying Meadowlands wetlands is over. (8, 15, 18, 21, 28, 29, 31, 34, 39, 44, 47, 50, 55, 58, 59, 66, 72, 74, 79, 80,

81, 84, 88, 89, 90)

7. COMMENT: The Meadowlands wetlands must be preserved. (9, 11)
8. COMMENT: We must protect our natural resources. (23)
9. COMMENT: There is plenty of documentation proving both the benefits of and threats to the wetlands of the Meadowlands. There should be no further encroachment on the area. (13)
10. COMMENT: It is vital to preserve this open space for our children and future residents of northern New Jersey. (14)
11. COMMENT: We cannot afford to lose any more of the Meadowlands. (15)
12. COMMENT: The Meadowlands is valued as a natural resource and wildlife habitat. Losing even a few acres to build a motel in the Meadowlands is unthinkable, indefensible, and short sighted. (16)
13. COMMENT: The plan by the petitioner to rezone 5.8 acres of wetlands in order to build a motel undermines New Jersey's values regarding the preservation of the state's habitat. It sends a clear message that protection of endangered species and habitat can be circumvented for greed. (17)
14. COMMENT: The proposed rezoning is due to improvements to the wetlands and the surround area that make it desirable, which is a testament to the good work taken to date and risk being lost. (19)
15. COMMENT: The wetlands should not be allowed to be destroyed for the construction of a hotel. (20)
16. COMMENT: Volunteers for the Hackensack Riverkeeper give their time to clean up the estuary and see firsthand how important this habitat is to both people and wildlife alike. The commission, now NJSEA, has done a commendable job of striking a balance between fostering a healthy economy and a healthy habitat in the Meadowlands District so far, specifically through the creation of the Meadowlands Master Plan. Please don't roll back any of that good work. (25)
17. COMMENT: Rezoning this part of the meadowlands will endanger or destroy at least 2.1 acres of wetlands. (28, 58, 69, 77, 79)
18. COMMENT: The Meadowlands promotes breathing and relaxation and helps prevent road rage. Nature balances, softens and reminds all of the life resources necessary for real living and real life. (29)
19. COMMENT: Developers are making our area polluted on the ground and in the air, all for financial gain. (43)

20. COMMENT: The Meadowlands is an ever-shrinking nature treasure in the metro area. It is home and comfort to migrating and residing birds and other animals, and provides respite to humans as well. Please vote against filling in yet more land. (45)
21. COMMENT: We need to protect the habitats of the animals and plants that live in the Meadowlands. (56)
22. COMMENT: The protection of New Jersey's wetlands by the NBMA is important to the commenter's family. It is a wonder there are any wetlands left at all in New Jersey. Once wetlands transform into developed property, it won't go back. (48)
23. COMMENT: After years of hard work by a variety of volunteer groups, the environment in the meadowlands is seeing real improvements. Please stop development in the area. (51)
24. COMMENT: Unlike most metropolitan areas, thanks to the Meadowlands Master Plan, there are a variety of activities that are available to the public along the river, including walking the trails, riding canoes, and listening to nature. Preserving the Environment helps all species. (53)
25. COMMENT: The days in which we thought we could cavalierly go about destroying the wetlands in the long abused Meadowlands are over. We should no longer be thinking like this. (58)
26. COMMENT: The meadowlands have already been over-developed and in essence destroyed. Keeping the Meadowlands intact is environmentally important both for humans and wildlife, as it naturally reduces flooding and is a home to numerous birds and animals. (61)
27. COMMENT: The wildlife is coming back and the Hackensack River is also. (54)
28. COMMENT: The Meadowlands are a precious resource for New Jersey that cannot be replaced. Their value as ecological protection and habitat is practical, not just aesthetic and emotional. This is a momentary decision that will leave to permanent value or destruction for future generations. (64)
29. COMMENT: The Meadowlands is a valuable habitat for wildlife. (65)
30. COMMENT: The NJSEA should be certain to never support development in the Meadowlands. It is a critical habitat that has been abused for hundreds of years. (67)
31. COMMENT: The meadowlands are becoming attractive precisely because of successful conservation efforts and we should hold on to the progress made. (68)
32. COMMENT: As a resident of NJ, the commenter values all open and natural spaces. The Meadowlands, used to be a piece of great nature beauty and invaluable as

a habitat for various wildlife. It should be recovered instead of soiling it further. (70)

33. COMMENT: The commenter remembers the Meadowlands as a beautiful, wild place, where trapping muskrats was a favorite pastime for young boys and men. The hard fought preservation of this natural and irreplaceable part of the region needs to be protected from those who want to capitalize on a resource that belongs to us all and once gone is gone forever. (74)

34. COMMENT: The NBMA should not be allowed to build in this fragile environment where we are witnessing the return of wildlife especially the eagles and seabirds. More outdoor activities like kayak and canoes should be built and we should get tourism and outdoor enthusiasts rather than people on their way to somewhere else. (73)

35. COMMENT: The commenter states that we need the wetlands in the Meadowlands. (75)

36. COMMENT: The commenter requests that the NJSEA reject any attempt to build or allow any actions that impact negatively on the wetland surrounding the Meadowlands. (76)

37. COMMENT: The meadowlands are an asset and resource for everyone in the area and should not be compromised by businesses looking to make a dollar. (77)

38. COMMENT: We should protect and save the wetlands. (78)

39. COMMENT: The meadowlands are a very special and crucial part of NJ. (82)

40. COMMENT: Motels and businesses should be kept outside of this unique environment. Respect its importance as a natural water source. Leave this unique designated green space alone and allow it a healthy, sustainable buffer. Everyone needs green spaces. Once they are gone, they are gone. An enormous effort went into securing and cleaning-up this one. (83)

41. COMMENT: The wetlands should be left alone. The children can learn from the wetland animals. Stop killing nature with a concrete world. (85)

42. COMMENT: We cannot afford to lose any more of the meadowlands. (88)

43. COMMENT: We should not sacrifice natural benefits and special beauty for the chance at a quick buck. (91)

RESPONSE TO COMMENTS 3 THROUGH 43: The NJSEA concurs that the wetlands located in the HMD are a valuable resource that should be preserved and protected. The NJSEA also acknowledges the efforts taken by public and private organizations to improve the quality of existing wetlands areas through volunteer

cleanup programs and the promotion of ecotourism. The 2004 Master Plan recognizes the wetlands in the District as an important natural resource and notes the efforts of the NJMC (as the predecessor to the NJSEA) to protect and restore wetlands through its comprehensive wetlands enhancement program. Through this program, the NJMC acquired over 1,800 acres of wetlands for preservation, which remain protected under public stewardship.

The proposed rezoning involves a privately-owned 5.8-acre property that is comprised of 3.663 acres of uplands and 2.104 acres of wetlands. Changing the zoning designation from the Environmental Conservation zone to the Highway Commercial zone does not allow a developer to disturb the wetlands portion of the property. District zoning regulations only allow the upland portions of the property to be developed. The NJSEA does not have jurisdiction over the wetlands in the District. Jurisdiction over the development of wetlands located in the District is maintained by the U.S. Army Corps of Engineers. The proposed rezoning has no effect on the USACE's jurisdiction over wetlands disturbances and does not result in a change to the District zoning regulations.

The impact of rezoning this specific lot is the creation of an opportunity to develop the uplands portion of a property that is located adjacent to an existing roadway network. The rezoning of the subject property does not change any of the state or federal protection requirements for threatened and endangered species. The rezoning of this one parcel will not result in the destruction of the wetlands.

Therefore, no change to the rezoning is proposed upon adoption as a result of these comments.

COMMENTS 44 THROUGH 45, regarding regulations:

44. COMMENT: Current regulations should remain in place forever. (1)

45. COMMENT: The regulations that are in place should be upheld. (20)

RESPONSE TO COMMENTS 44 THROUGH 45: While the NJSEA's zoning regulations will remain unaltered by the proposed rezoning, there are, from time to time, properties that can be determined to have an alternate productive use based on the specific circumstances of the subject parcels, which may result in a request to revise the zoning designation. All such petitions for rezoning are reviewed under the process

set forth in the regulations and take the specific circumstances of the subject property into consideration.

Therefore, no change to the rezoning is proposed upon adoption as a result of these comments.

COMMENTS 46 THROUGH 59, regarding hotels and motels:

46. COMMENT: A motel should not be allowed to be built in the Meadowlands, as there has been enough wildlife destruction. Animals are being driven out from their natural habitats. (27)

47. COMMENT: No hotel should be built in North Bergen or in the Meadowlands. (29)

48. COMMENT: We do not need another motel and particularly not in the wetlands area. (5, 89)

49. COMMENT: A motel in the meadowlands is a bad/terrible idea. (8, 9, 15, 16, 17, 21, 28, 29, 39, 40, 44, 47, 50, 55, 58, 59, 65, 66, 68, 69, 74, 79, 81, 84, 88, 90)

50. COMMENT: There should be no motel or any other building in the Meadowlands. (12, 42, 64, 78)

51. COMMENT: Secaucus has plenty of hotels, including the new Marriott, right near the recently renovated Holiday Inn, near the other hotels. (29)

52. COMMENT: It would be wrong to change the zoning of any piece of the meadowlands to allow for an additional hotel. There are already plenty of hotels in or close to the Meadowlands. (36)

53. COMMENT: There are at least thirteen motels/hotels/long-stay facilities in the Meadowlands area and we do not need more. (43)

54. COMMENT: The commenter opposes adding a motel in the Meadowlands and that the wetlands needs to be preserved. (49)

55. COMMENT: There seems to already be an abundance of over-night stay hotels. (54)

56. COMMENT: The precious Meadowlands should not be allowed to be ruined and destroyed by a useless motel. (56)

57. COMMENT: A motel should not be allowed in the meadows. (57)

58. COMMENT: There should be no hotel in the meadowlands; keep them on Route 3. (86)

59. COMMENT: The last thing we need is another motel in the Meadowlands area. Route 3 is a chaotic nightmare of congestion and industry that has become part of our everyday impersonal insanity. (53)

RESPONSE TO COMMENTS 46 THROUGH 59: The proposed rezoning involves a privately-owned property that is comprised of 3.663 acres of uplands and 2.104 acres of wetlands. Rezoning the subject property from the Environmental Conservation zone to the Highway Commercial zone will not change the jurisdictional responsibility of the wetlands in the Hackensack Meadowlands District. Wetlands in the HMD are under the jurisdiction of the USACE. The rezoning allows the property owner to develop the uplands portion of their property, but does not allow the disturbance of the wetlands without prior permitting by the USACE. Conceptual plans submitted by the property owner in conjunction with the rezoning petition show the location of a proposed hotel structure and associated parking, but do not indicate any intrusion into the existing wetlands on the subject site.

In addition, while the petition indicates the property owner's interest in constructing a hotel in the uplands portion of the subject property, the Highway Commercial zone includes a total of 11 permitted uses and three (3) special exception uses that could potentially be developed. Rezoning the property will not necessarily result in the property owner developing a hotel on the property.

Regardless of the number of existing hotels and motels in the area, the zoning regulations allow for development of hotels and motels in specific zones within the District. Whether this, or any other, property owner pursues the development of a hotel in an area where a number of other similar accommodations are present is a business decision of the property owner or developer and cannot be prohibited by the NJSEA in zones where the regulations specify the use.

Therefore, no change to the rezoning is proposed upon adoption as a result of these comments.

COMMENTS 60 THROUGH 85 regarding the Master Plan:

60. COMMENT: The 2004 Master Plan prohibits the destruction of protected wetlands for commercial purposes and should be upheld. (6, 7, 8, 10, 15, 17, 18, 21, 28, 29, 31, 34, 39, 44, 47, 50, 55, 56, 58, 59, 66, 68, 69, 71, 72, 74, 79, 80, 81, 84, 88, 89, 90, 91)

61. COMMENT: The Master Plan was adopted unanimously by the NJ Meadowlands Commission and approved by the state legislature by the same margin. (6, 7, 8, 15, 17, 18, 21, 28, 29, 34, 39, 41, 44, 47, 50, 55, 56, 58, 59, 65, 66, 68, 69, 71, 72, 74, 79, 80, 81, 84, 89, 90, 91)

62. COMMENT: When the Master Plan was adopted, every voice was heard - including the 14 Meadowlands municipalities, federal and state agencies, the environmental community, the development community and landowners. (6, 7, 8, 9, 10, 15, 17, 18, 21, 28, 29, 34, 39, 44, 47, 50, 55, 56, 58, 59, 66, 68, 69, 71, 72, 74, 79, 80, 81, 84, 88, 89, 90, 91)

63. COMMENT: Defend the plan for the Meadowlands as it was written. (2)

64. COMMENT: The 2004 Master Plan does not allow for commercial development (in the meadowlands) and that prohibition should stand. (3)

65. COMMENT: The Hackensack River Meadowlands are in danger of "slip sliding away" if the Master Plan is clipped away in the interests of money and special interest groups. (11)

66. COMMENT: The proposal by the North Bergen Motel Association to build a motel in the New Jersey Meadowlands is in violation of the 2004 Master Plan for the Meadowlands. (14)

67. COMMENT: The commenter protests any changes to the Master Plan that was so carefully crafted and agreed to by all concerned parties. (4)

68. COMMENT: Any change to the Master Plan would be terrible. The towns and legislature did the right thing when the Master Plan was put in place protecting the wetlands. (5)

69. COMMENT: The Hackensack Riverkeeper's opinions about the need to maintain the 2004 Master Plan are supported. (22)

70. COMMENT: The Meadowlands Master Plan should be protected and the request to rezone the protected wetlands to allow for commercial construction of a motel or any other building rejected. (23, 30)

71. COMMENT: The Master Plan should not be changed as it is good, important and necessary. (24)

72. COMMENT: The NBMA, a land speculator, should not be allowed to misunderstand the new role of the Sports and Exposition Authority ("NJSEA") in protecting the Meadowlands from overdevelopment. The NBMA cannot take advantage of the NJSEA's new role in upholding the 2004 Meadowlands Master Plan, ensuring that any activity in region conforms exactly to that plan. (31)

73. COMMENT: The 2004 Master Plan should not be altered to allow the addition of a motel in a fragile part of the ecosystem. (33)

74. COMMENT: The 2004 Master Plan for the Meadowlands should be upheld. (36)

75. COMMENT: Valuable environmental lands should not be sacrificed for a commercial project. Such a project is prohibited by the 2004 Master Plan. Do not circumvent this Plan and the legislation that supports it. (41)

76. COMMENT: The Master Plan protecting the wetlands was agreed to by the towns and by the legislature and should not be amended or altered for the sake of any group with a self-promoting commercial idea. It should remain as it is so the Meadowlands can remain as they are for us and for future generations. (46)

77. COMMENT: The Meadowlands Master Plan was put together with input from many stakeholders and approved by the NJ Meadowlands Commission and needs to be followed. (51)

78. COMMENT: The historic 2004 Meadowlands Master Plan should be preserved. (53)

79. COMMENT: The commenter is against any deviation of the plan that calls for any more building on the Meadowlands and states that the 2004 Meadowlands Master Plan should be kept as is. (54)

80. COMMENT: The petition is an egregious gutting of Meadowlands protections. (57)

81. COMMENT: The commenter urges the NJSEA to stop any changes to the Master Plan for the meadowlands. When the Master Plan was agreed to in 2004, it prohibited the destruction of protected wetlands. (60)

82. COMMENT: The commenter does not support a change or exception to the Meadowlands Master Plan and states that even one exception, regardless of how small the apparent impact on the Master Plan, will start us on the slippery slope which will again put the Meadowlands in danger. (61)

83. COMMENT: There should be no new hotel which would encroach on the Meadowlands. We should stick with the Master Plan. (63)

84. COMMENT: The 2004 Master Plan should be left in place and followed. (75)

85. COMMENT: The NJSEA should not change the Master Plan and allow more building there. (88)

RESPONSE TO COMMENTS 60 THROUGH 85: Rezoning the subject property on the Official Zoning Map from the Environmental Conservation zone to the Highway

Commercial zone will not alter or change the Master Plan. The 2004 NJMC Master Plan ("Master Plan") is the primary planning document for the arm of the New Jersey Sports and Exposition Authority that handles the planning and zoning responsibilities of the former New Jersey Meadowlands Commission. The Master Plan presents a cohesive set of planning principles and standards to guide future development while protecting the resources of the District. The result is a policy framework to promote the careful balancing of environmental and economic development needs through the District. The policies and principles of the Master Plan are effectuated through the zoning regulations codified at N.J.A.C. 19:3-1.1 *et seq.* The regulations include a listing of zones and their permitted uses, in addition to bulk and other regulatory requirements for proposed development. The specific zones are depicted on the Hackensack Meadowlands District Official Zoning Map. The regulations also include procedures for rezoning of properties in the District, which are being applied herein, and provide an opportunity for deviations from the Official Zoning Map after the circumstances are weighed and considered in light of the proposal's objective.

While many of the commenters stated that the Master Plan protects the wetlands from destruction for commercial purposes, the document essentially sets a policy to protect the wetlands while permitting development on uplands. The policy of environmental protection remains as an integral part of the mandates of the agency. However, while the Master Plan sets the policy of the agency, there is a procedure for revising the regulations and the zoning map.

The Wetlands & Waterways Plan, which is an attachment to the Master Plan, indicates that only a portion of the subject property could be considered wetlands. While the Wetlands & Waterways Plan was prepared using publically available information from the NJDEP and not lot-specific wetlands delineations, the wetlands on the subject site as indicated on this attachment are corroborated by the Jurisdictional Determination issued by the USACE on October 1, 2013, which shows the dividing line between the regulated wetlands and the uplands on the subject property. The proposed change of zoning on the subject property will allow for development on the adjacent uplands, but will not change the location of the wetlands line and will not allow the development of the wetlands, which remain under the jurisdiction of the USACE. There are a number of similar properties in the District that also contain regulated

wetlands which are located in zones that permit development. These properties are treated the same, with development permitted only in the uplands, unless the developer obtains wetlands disturbance or fill permits from the USACE.

Historic aerial maps, dated 1930 and 1958, of the area surrounding and including the subject property, indicate that the subject property was part of a large undeveloped open area that was disturbed by the construction of ramps connecting Route 3 to Route 495. Post-construction photos taken in 1969 indicate disturbed areas located adjacent to the highway which appear to define the uplands that are the subject of the current rezoning petition. Throughout the District, this is not an uncommon occurrence, whereby the spoils from highway construction through the lowlands of the Hackensack Meadows formed linear uplands along the newly-constructed roadways. These narrow swaths of uplands are conducive to vertical development and have proven to be successful development pads in cases where access to transportation corridors and public utilities are readily available. The subject property fits into this category of properties and is particularly conducive to development as it is located along a service road that has a lower speed limit than the actual highway.

The Master Plan was adopted without dissent in 2004 after significant public participation and discussion with many types of stakeholders. The Master Plan sets forth a broad array of principles that guide the planning of land in the HMD. The zoning regulations implement the vision of the plan and reflect the broad brushstrokes on the canvas of categories of uses permitted within general areas. These broad brushstrokes do not always account for the specific circumstances that may exist on a particular parcel of property. Therefore, the zoning regulations allow for procedures to vary from the zoning in place, and a rezoning of land is one of these procedures. The applicant submitted a petition supported by evidence showing the majority of the site consists of upland areas, and that the location of these upland areas have the potential to form a cohesive development pad adjacent to public roadways with access to utility infrastructure. The concept plan submitted by the applicant demonstrates development could occur on the site without impact to existing wetland areas. The development of upland areas continues to promote the planning vision for the Meadowslands through the "thoughtful balancing of planned redevelopment and new development on upland sites."

Many commenters indicated that the Master Plan was approved by the state legislature. While the statute that grants authority to the NJSEA to prepare and adopt a Master Plan for the District is voted on by the legislature prior to the governor's signature, approval of the Master Plan by the legislature is not a requirement for the adoption of the planning document. No such approval was ever issued regarding the 2004 Master Plan.

Therefore, no change to the rezoning is proposed upon adoption as a result of these comments.

COMMENTS 86 THROUGH 109 regarding development in the Meadowslands:

86. COMMENT: The Meadowslands should not be invaded by organizations wishing to build anything in them. Once invaded, developers will eventually take them entirely over. (1)

87. COMMENT: The Meadowslands should be protected from commercial development. (2, 53)

88. COMMENT: Allowing just one property owner to circumvent the 2004 Master Plan would invite others to try to do the same. (6, 8, 9, 10, 15, 17, 18, 21, 23, 28, 29, 34, 39, 44, 47, 50, 55, 56, 58, 59, 65, 66, 68, 69, 71, 72, 74, 79, 80, 81, 84, 89, 90)

89. COMMENT: Do not allow the North Bergen Motel Association's petition to rezone any part of the meadowslands to go any further. Stopping their plan at this stage will help preserve a special part of New Jersey. (3)

90. COMMENT: The rezoning sets a horrible precedent and leaves up to 500 additional protected wetlands acres at risk/in the crosshairs. (10, 28, 58, 69, 77, 79)

91. COMMENT: The commenter opposes any approval of any entity to build in the Wetland Preserves. (10)

92. COMMENT: Allowing a variance to the North Bergen Motel Association to build a motel in the meadowslands sets a bad precedent. The commenter would like to see as little development in the meadowslands as possible to keep some open space in the area and stated that allowing one variance will lead to more requests, which will defeat the restoration of the meadowslands. (26)

93. COMMENT: Any wetlands destruction or rezoning is unacceptable and must be rejected to prevent not only this project, but to discourage anyone who might see an opportunity to profit at the expense of our common resources. (31)

94. COMMENT: The commenter urges the veto of any future building in the Meadowlands and to protect this valuable region for us and future generations. The meadowlands is a unique setting that must be kept for the health of the region. (32)
95. COMMENT: So much progress has been made to incorporate wildlife that so many species have come back, including great blue herons, snowy egrets, osprey and hawks. Do not allow commercial construction in the meadowlands in the form of a hotel. (35)
96. COMMENT: If this rezoning is allowed to occur, it will open up the flood gates to additional rezoning whenever someone or some corporation feels it's in their personal interest to do so. Then there will be no Meadowlands left to protect. (36)
97. COMMENT: The meadowlands wetlands should be kept wet and new construction not allowed in the zone. (38)
98. COMMENT: Additional development in the Meadowlands is an unnecessary and destructive proposal. A couple of acres for a hotel turns into hundreds for the infrastructure needed to access it. Allowing a project of this nature set a terrible precedent. (41)
99. COMMENT: Once someone figures out they can build on wetlands, the other requests will come pouring in. Do not allow anyone to circumvent the 2004 Master Plan. (46)
100. COMMENT: The commenter cannot fathom anyone justifying destroying the Meadowlands Wetlands for personal commercial construction. Do not allow selfish interests ruin it for the rest of us. (53)
101. COMMENT: The commenter requested that NBMA not be allowed to build in the Meadowlands protected area or cut away at the protected acreage in the name of progress. The commenter appreciates what the area has become through the combined efforts of very caring government agencies and the Hackensack Riverkeeper and states that what little protected area there is left should remain that way. (62)
102. COMMENT: The developers have enormous amounts of money to lobby, whereas the advocates for the Meadowlands and the 2004 Master Plan do not. Consider the arguments of advocates of the Meadowlands carefully in rendering a decision and do not be swayed by the dollars that the developers possess. (64)
103. COMMENT: The commenter opposes the plans of the NBMA and any attempt to circumvent the 2004 Master Plan. (69, 80)
104. COMMENT: The commenter opposes any further commercial or private development in New Jersey's Meadowlands. (70)

105. COMMENT: The commenter opposes the building of the hotel. Building the proposed hotel will have a detrimental impact on the wetlands. (71)

106. COMMENT: The petition appears to be just a foot in the door for others to hurt the area that serves to help balance water levels and help the environment. (76)

107. COMMENT: Hudson County does not need to be developed any more than it already is. There are too many vacant properties in the state of New Jersey as well as the burden of maintaining the access to them the protection of them, i.e. roads, fire and policing. (79)

108. COMMENT: We should stop the greed of developers from ruining our state. There are already too many people and we need to have nature in all of our lives. (82)

109. COMMENT: It would be a terrible miscarriage of justice and of faith in our environmental trustees if the NBMA were permitted to rezone even the tiniest bit of the Meadowlands to construct a motel. So many people have worked hard over the years to clean the waters of the Meadowlands and all of the work should not go to waste. (87)

RESPONSE TO COMMENTS 86 THROUGH 109: By submitting a petition to rezone the subject property from the Environmental Conservation zone to the Highway

Commercial zone, the petitioner is not circumventing the Master Plan, but availing themselves of the procedure to revise an element of the Official Zoning Map. Any petition that is submitted to the NJSEA for the rezoning of a parcel, or parcels, in the District is reviewed and evaluated based on the circumstances associated with the individual property. In this specific petition, more than half of the subject property is comprised of developable uplands that are adjacent to a viable roadway system. Access to the site is provided by the service road of a major highway; thus, no new roadway infrastructure will be needed. The wetlands portions of the property, which cannot be developed without the approval of the USACE, are located along the sides and rear of the subject site. Future construction would not be permitted to cross into the wetlands without USACE approval. The petitioner's conceptual plans for development indicate that a viable development could be constructed within the uplands portion of the subject property without utilizing the wetlands portion. The rezoning would not permit a developer to construct a building in the wetlands.

The statement that 500 additional acres of wetlands are at risk is unfounded. The subject property is privately owned, including 3.7 acres of uplands and 2.1 acres of wetlands. Only the zoning of the subject property is under consideration in this rezoning request.

There is no basis for the statement that the proposed rezoning will invite, encourage or compel other owners of property that includes both uplands and wetlands to petition for a rezoning of their property. Property owners have the right to develop their properties in accordance with the zoning regulations set forth by law. In this case, the petitioner has requested a change in the zoning designation of the subject property in accordance with the regulatory procedures also as set forth by law. A comprehensive opposition to all private development is an unrealistic and unreasonable approach to planning and zoning in the District. A property owner's request to utilize the uplands of a privately-owned parcel is not necessarily born out of greed, nor is it an opportunity to damage or destroy existing wetlands, which are regulated by Federal law. A rezoning of the subject property to commercial usage also results in public benefits in the form of promoting the economy and the creation of jobs in the HMD, which can be accomplished on the subject property without the destruction of wetlands. And while there may be other vacant properties in the state that could be developed or redeveloped, this agency is required to react to the specific petition by a property owner regarding the particular circumstances related to any prospective rezoning request involving their individual property.

Therefore, no change to the rezoning is proposed upon adoption as a result of these comments.

COMMENT 110 regarding the sale of property:

110. COMMENT: The precedent of the sale of 2.2 acres of the Meadow Lands for any corporate need is a very slippery slope. The request for purchase should be rejected and the Master Plan for the meadow lands protected. (52)

RESPONSE: The subject of the rezoning request is a parcel of property that is privately owned by the North Bergen Motel Associates. The petition to rezone the property from the Environmental Conservation zone to the Highway Commercial zone does not involve the sale of the property.

Therefore, no change to the rezoning is proposed upon adoption as a result of these comments.

COMMENTS 111 THROUGH 113 regarding other locations to develop:

111. COMMENT: There are plenty of other locations for developers to use without destroying the meadowlands. (24)
112. COMMENT: Builders should build in an already developed area, tear down some blight or repurpose already existing properties. (26)
113. COMMENT: There is plenty of horribly underutilized land that is not critical habitat. (67)

RESPONSE TO COMMENTS 111 THROUGH 113: Codified procedures in the District Zoning Regulations permit the property owner to submit a petition for a change in zoning from the Environmental Conservation zone to the Highway Commercial zone. Whether there are other developable lots in other locations in or outside of the District is not in question at this time. The definition of a critical habitat is not provided by the commenter, however, the subject property is comprised of both uplands and wetlands. Upon rezoning, the uplands portion of the site will be permitted to be developed, while any disturbance in the wetlands requires the approval of the USACE.

COMMENTS 114 THROUGH 128 regarding storm protection:

114. COMMENT: Building a hotel and other structures would result in removing a protective barrier needed in times of storms. The commenter questions whether there is already plenty of documentation proving both the benefits of and threats to the wetlands of the meadowlands. (13)

115. COMMENT: The lands protect us from storms like Superstorm Sandy. (2)

116. COMMENT: The meadowlands serve as a barrier to Super Storms like Sandy and Irene. (3)

117. COMMENT: We cannot afford to lose any more of the Meadowlands, which protects our community from disasters like Super Storm Sandy. (6, 7, 8, 9, 17, 18, 21, 28, 29, 34, 39, 44, 47, 50, 55, 56, 58, 59, 65, 66, 68, 69, 71, 72, 74, 80, 81, 84, 89, 90)

118. COMMENT: Hurricane Sandy has taught us that marshes are a formidable protection against erosion and property damage. (16)

119. COMMENT: Approving the NBMA's petition would be the first step down a slippery slope and endanger not only the Meadowlands but also the community that depends on these wetlands for protection against disasters like Hurricane Sandy. (7)
120. COMMENT: The rezoning has no net gains for the community and will further deplete the protective barrier relied upon in times of disaster like Superstorm Sandy. (28, 58, 69)
121. COMMENT: Rezoning any part of the wetlands damages the already-depleted protective barrier (our "sponge") on which we rely to limit storm damage. Superstorm Sandy showed us how critical that protection is. (31)
122. COMMENT: The Meadowlands are also a natural sponge, insulating existing residents from Sandy-type and other flooding. With climate change, there will be more such storms. We need the buffer the Meadowlands provide. (45)
123. COMMENT: The wetlands are a precious resource and they act as protection for us should another superstorm like Sandy happen. (46)
124. COMMENT: By preserving the protective barriers of the wetlands, we can prevent disasters like Super Storm Sandy. (53)
125. COMMENT: With global warming and the likelihood of future storms, we need the Meadowlands to protect us. (56)
126. COMMENT: By building a hotel and other structures, a protective barrier is removed that is needed in times of storms. (60)
127. COMMENT: The cost of environmental degradation and increased damage from storms and flooding will be borne by all taxpayers, especially those in New Jersey, and will affect the quality of life for future generations. (69)
128. COMMENT: Further development of the wetlands will increase the possibility of another flooding disaster like what happened to Moonachie during Superstorm Sandy and decrease the unique value of the environment in which we live and work. (91)
- RESPONSE TO COMMENTS 114 THROUGH 128: Development on the uplands portion of the subject property would not decrease the protective barriers along the Hackensack River. In some locations, wetlands do provide a buffer from storm surge; however, the wetlands located on the subject property are significantly distant from the Hackensack River, which would be the source of any potential storm surge.

The subject property is adjacent to a large tract of undeveloped wetlands that is drained by the Penhorn Creek, which joins with the Hackensack River approximately three (3) miles away. Computer modeling of sea surge in North Bergen, prepared by the Meadowlands Environmental Research Institute (MERI) and available on the MERI website at <http://meri.meadowlands.gov/alerts/water-level/>, indicates that the wetlands adjacent to the subject site are flooded when the storm surge reaches an elevation of 5 feet (NAVD 88). These maps also show that the physical limit of the sea surge flooding does not increase when the surge elevation increases to 8 feet (NAVD 88). The physical limit of the sea surge matches the wetlands line indicated on the land survey submitted by the petitioner. As such, the uplands portion of the site, which is located beyond the sea surge limits indicated on the mapping, typically would not be affected by a storm with similar intensity to Super Storm Sandy.

In addition, development on the uplands portion of the subject site would not affect the protective qualities of the adjacent wetlands. Any proposed development would be required to meet all NJSEA and NJDEP requirements regarding the discharge of stormwater from the developed site and the implementation of a 50 foot wide landscaped waterway buffer along the existing creek. In addition, there are no residential properties located along the Penhorn Creek between the subject property and the Hackensack River, thus the development of the uplands on the subject property would not impact any residential properties.

Therefore, no change to the rezoning is proposed upon adoption as a result of these comments.

Federal Standards Statement

N.J.S.A. 52:14B-4 requires State agencies that adopt, readopt or amend State regulations that exceed any Federal standards or requirements to include in the rulemaking document a comparison with Federal law. The adopted rezoning has not been formulated in accordance with the authority of or in order to implement, comply with or participate in any program established under Federal law.

The Hackensack Meadows District is located within the Federally designated Coastal Zone Management Area for New Jersey (designated in accordance with 15 C.F.R. 923.53(a)(1)). The NJSEA acts as the lead coastal planning and management agency for the Meadows District under the guidance of the New Jersey Department of Environmental Protection (NJDEP).

The NJSEA's District Zoning Regulations serve as a regulatory tool for meeting the goals and rules established by the New Jersey Coastal Management Program. The adopted rezoning does not contain any requirements or standards in excess of those imposed under Federal law.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks *thus*, deletions from proposal indicated in brackets with asterisks *[thus]*):

19-4-3.3 Official Zoning Map

Change the zoning designation of Block 451, Lot 21, in the Township of North Bergen from Environmental Conservation to Highway Commercial.

OFFICE OF ADMINISTRATIVE LAW NOTE: The Official Zoning Map is not reproduced herein, but may be reviewed at the following locations:

New Jersey Sports and Exposition Authority

One DeKorte Park Plaza

Lyndhurst, New Jersey 07071

Office of Administrative Law

Quakerbridge Plaza, Building 9

Quakerbridge Road

Trenton, New Jersey 08625

RESOLUTION 2016-17

**RESOLUTION TO ADOPT THE
HARTZ CARPET CENTER REDEVELOPMENT PLAN
FOR 100 PARK PLAZA DRIVE (BLOCK 227, LOTS 4.03 AND 4.04)
IN THE TOWN OF SECAUCUS**

WHEREAS, N.J.S.A. 5:10A-7(j) authorizes the New Jersey Sports and Exposition Authority (NJSEA) to determine the existence of areas in need of redevelopment or rehabilitation and to approve or undertake redevelopment projects therein; and

WHEREAS, N.J.S.A. 5:10A-24 states that the NJSEA shall prepare and adopt a redevelopment plan for each area in the district determined by the commission to be an area in need of redevelopment; and

WHEREAS, N.J.A.C. 19:3-5.1 *et seq.* provides the regulations governing redevelopment within the Hackensack Meadowlands District, including the process and criteria for establishing redevelopment areas and the preparation and adoption of redevelopment plans; and

WHEREAS, a petition dated August 6, 2013, was received from Hartz Mountain Industries, Inc./100 Park Plaza Drive LLC (Hartz), requesting that the redevelopment potential of the Hartz-owned property identified as 100 Park Plaza Drive, Block 227, Lots 4.03 and 4.04, in the Town of Secaucus, New Jersey, be investigated; and

WHEREAS, on November 25, 2013, the Board of Commissioners adopted Resolution No. 13-45, which authorized the staff to conduct an investigation of the property identified as 100 Park Plaza Drive, Block 227, Lots 4.03 and 4.04, in the Town of Secaucus, New Jersey, to determine if it meets the conditions to be designated an area in need of redevelopment; and

WHEREAS, Hartz subsequently rescinded their original petition and submitted a revised petition on September 18, 2015; and

WHEREAS, NJSEA staff investigated the redevelopment potential of the subject properties and prepared the "In Need of Redevelopment Investigation - Hartz Carpet Center Site" Report, dated December 2015, containing their findings; and

WHEREAS, on January 14, 2016, the NJSEA Board of Commissioners adopted Resolution 2016-72, deeming the subject properties in need of

redevelopment, and authorizing staff to prepare a redevelopment plan for the area; and

WHEREAS, the NJSEA staff prepared the Draft Hartz Carpet Center Redevelopment Plan, dated March 2016; and

WHEREAS, a public hearing was held on April 5, 2016, to obtain comment on the draft redevelopment plan; and

WHEREAS, three commenters spoke in support of the proposed redevelopment plan at the public hearing; and

WHEREAS, the NJSEA accepted written comments through April 5, 2016, at which time the public comment period was closed; and

WHEREAS, no written comments were received by the NJSEA; and

WHEREAS, the NJSEA staff considered all comments received, which resulted in no modifications to the draft redevelopment plan, and prepared the final Hartz Carpet Center Redevelopment Plan, dated April 2016; and

WHEREAS, pursuant to N.J.S.A. 13:17-8, a copy of the Hartz Carpet Center Redevelopment Plan, dated April 2016, was forwarded to the Hackensack Meadowlands Municipal Committee (HMMC) on April 7, 2016 and was unanimously approved at their meeting of May 2, 2016; and

WHEREAS, at this time, the NJSEA staff recommends that the NJSEA Board of Commissioners adopt the Hartz Carpet Center Redevelopment Plan, dated April 2016; and

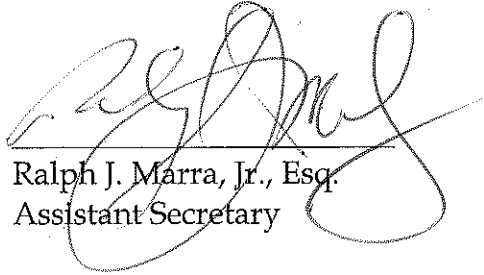
WHEREAS, the members of the NJSEA Board of Commissioners have reviewed the record in this matter and concur with the recommendations of the NJSEA staff.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the Hartz Carpet Center Redevelopment Plan, dated April 2016, is hereby adopted, and shall apply to the properties identified as 100 Park Plaza Drive, Block 227, Lots 4.03 and 4.04, in the Town of Secaucus, New Jersey.

BE IT FURTHER RESOLVED, that the Hartz Carpet Center Redevelopment Plan shall supersede all prior zoning for the properties within the redevelopment area.

BE IT FURTHER RESOLVED, as set forth in N.J.A.C. 19:3-5.10, the Board of Commissioners of the New Jersey Sports and Exposition Authority hereby authorizes staff to prepare a public notice to be forwarded to the Office of Administrative Law to be published in the New Jersey Register describing the Hartz Carpet Center Redevelopment Plan, as adopted.

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 May 12, 2016.



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



MEMORANDUM

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

From: Sara J. Sundell

Date: May 12, 2016

Subject: Hartz Carpet Center Redevelopment Plan (File SP-731)

On January 14, 2016, the NJSEA Board of Commissioners adopted Resolution 2016-72, which deemed the property identified as 100 Park Plaza Drive, Block 227, Lots 4.03 and 4.04, in the Town of Secaucus, to be an area in need of redevelopment, pursuant to a report by the NJSEA staff entitled, "In Need of Redevelopment Investigation - Hartz Carpet Center Site," dated December 2015. The redevelopment investigation resulted from a petition by the property owner, Hartz Mountain Industries, Inc./100 Park Plaza Drive LLC, dated August 6, 2013. Hartz had rescinded their original petition and submitted a revised petition on September 18, 2015.

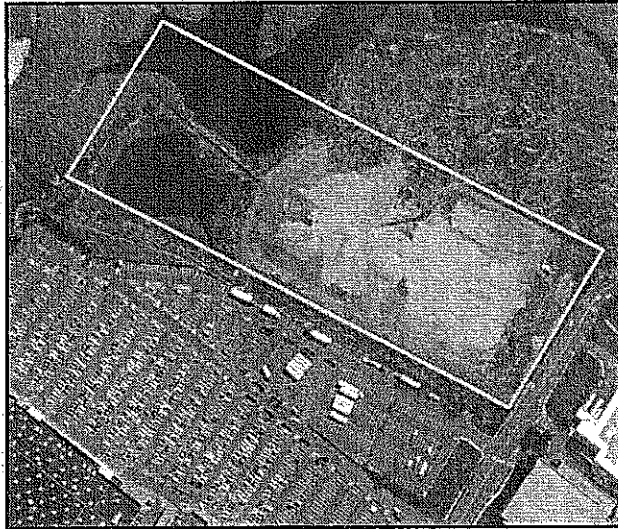
The NJSEA staff prepared the Draft Hartz Carpet Center Redevelopment Plan, dated March 2016, which provides planning goals and zoning standards for the future development of the site. On April 5, 2016, a public hearing was held to obtain public comment on the proposed draft redevelopment plan for the property. At the public hearing, no written comments were received and three commenters voiced support for the plan. No objections to the redevelopment plan were received and the public comment period closed at the conclusion of the public hearing. No modifications to the plan were made in response to public comment, and the NJSEA staff prepared the final Hartz Carpet Center Redevelopment Plan, dated April 2016.

The matter was forwarded to the Hackensack Meadowlands Municipal Committee (HMMC) on April 7, 2016, and was approved at their meeting of May 2, 2016.

At this time, staff recommends that the Board of Commissioners adopt the Hartz Carpet Center Redevelopment Plan, dated April 2016.

HARTZ CARPET CENTER REDEVELOPMENT PLAN

**100 Park Plaza Drive
Block 227 - Lots 4.03 & 4.04
Town of Secaucus**



April 2016

**New Jersey Sports and Exposition Authority
One DeKorte Park Plaza • PO Box 640 • Lyndhurst, New Jersey 07071
WWW.NISEA.COM**



NEW JERSEY SPORTS & EXPOSITION AUTHORITY

**HARTZ CARPET CENTER
REDEVELOPMENT PLAN**

**100 PARK PLAZA DRIVE
(BLOCK 227, LOTS 4.03 & 4.04)
TOWN OF SECAUCUS**

APRIL 2016

Chairman

Michael Ferguson

Vice Chairman

Joseph Bucklew

President/CEO

Wayne Hasenbaig

Board Members

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Michael H. Gluck

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Steven Ploffer

Andrew Scala

Anthony Scardino

Robert B. Yudin

Ford M. Scudder

*Redevelopment Plan Adopted by NISEA Resolution No. 2016-XX on May 12, 2016
In Need of Redevelopment Investigation Adopted by NISEA Resolution No. 2016-72 on January 14, 2016
In Need of Redevelopment Investigation Authorized by NJAC Resolution No. 13-45 on November 25, 2013*

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Hartz Carpet Center Redevelopment Area: Location Map

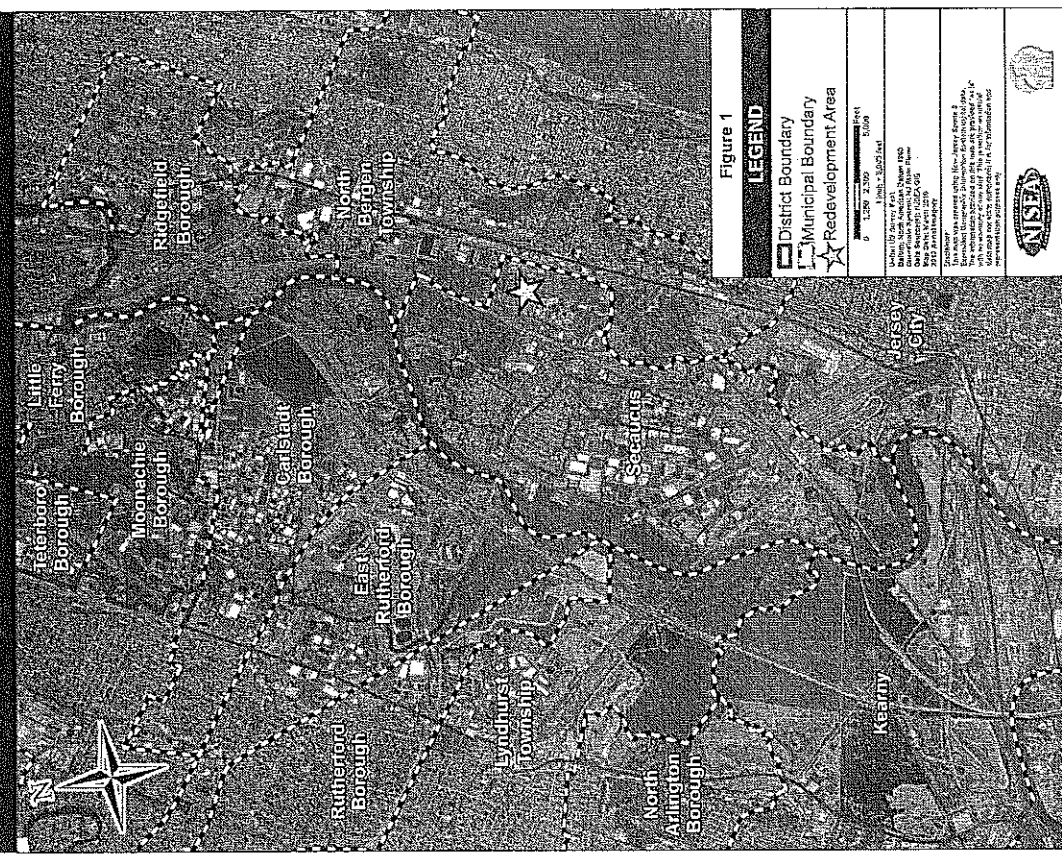


Figure 1

LEGEND

- District Boundary
- Municipal Boundary
- Redevelopment Area

Scale: 0 1.250 2.500 5.000 Feet

Units: US Feet
 1 inch = 200 feet
 0 1.250 2.500 5.000 Feet

Prepared by:
 N.J. Statewide Planning
 and Development
 Division
 2014



I. REDEVELOPMENT PLAN STATUTORY CRITERIA

A. REQUISITE PLAN INFORMATION

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 New Jersey Sports and Exposition Authority's (NJSEA) enabling legislation authorizes the NJSEA to prepare and adopt redevelopment plans within the Hackensack Meadowlands District (District), pursuant to N.J.S.A. 5:10A-24. The redevelopment criteria are set forth in N.J.A.C. 19:3-5. This subchapter of the NJSEA regulations states the framework for the identification of areas in need of redevelopment and provides the procedure to carry out and effectuate the redevelopment of an area.

- As set forth in N.J.A.C. 19:3-5.8(a), redevelopment plans shall include the following information:
- a. An outline for the development, rehabilitation or redevelopment of the subject area, accounting for area-specific planning objectives relating to land uses; population density; traffic and public transportation improvements; public utilities, recreational and community facilities; and other public improvements;
 - b. Proposed land uses and building requirements in the redevelopment area; and
 - c. The relationship of the redevelopment plan to the Master Plan for the Hackensack Meadowlands District.

B. SPECIFIC PLAN REQUIREMENTS

1. Introduction

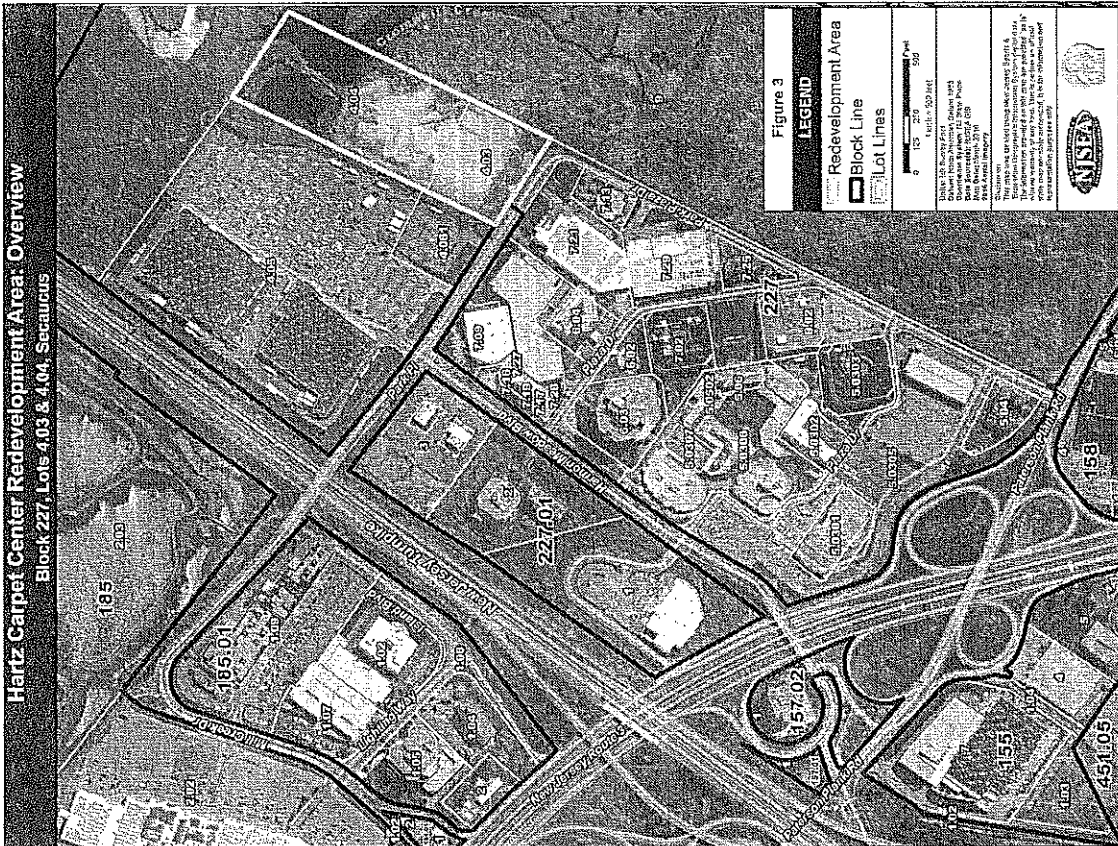
This plan is intended to provide for the redevelopment of the property identified as 100 Park Plaza Drive, Block 227, Lots 4.03 and 4.04, in the Town of Secaucus, New Jersey. The subject property is owned by Hartz Mountain Industries, Inc./100 Park Plaza Drive LLC (Hartz). The property is located in the Harmon Meadow commercial center and is commonly known as the Hartz Carpet Center Site, due to the carpet wholesalers who formerly occupied the site. The subject property may alternately be referred to herein as the "redevelopment area." The redevelopment area location within the District may be found on the Location Map in Figure 1.

In response to a petition regarding this matter dated August 6, 2013, the NJMC Board of Commissioners adopted Resolution No. 13-45 on November 25, 2013, which authorized the staff to conduct an investigation of the subject property to determine if it meets the conditions to be designated an area in need of redevelopment. Hartz Mountain Industries subsequently rescinded their original petition and submitted a revised petition on September 18, 2015.

On March 26, 2014, the NJMC Board of Commissioners adopted Resolution No. 14-13 determining that the site is suitable for housing in accordance with the Interim Policies Governing Affordable Housing Development in the Meadowlands District.

The NJSEA staff conducted an investigation into the redevelopment potential of the subject property, and prepared the "In Need of Redevelopment Investigation - Hartz Carpet Center Site" Report, dated December 2015, which found that the specific condition outlined in N.J.A.C. 19:3-5.7(a)5, supporting a redevelopment designation, exists for the subject property.

Hartz Carpet Center Redevelopment Area: Overview
Block 227, Lots 4.03 & 4.04, Secaucus



2. Redevelopment Area Description

This redevelopment plan shall apply to the following properties in the Town of Secaucus, which shall be identified as **Redevelopment Area 13 (RA-13) – Hartz Carpet Center Redevelopment Area**.

Figure 2. Properties within RA-13 – Hartz Carpet Center Redevelopment Area

Block	Lot	Address	Owner Name	Acres (GIS)	Acres (Tax)	Existing Land-Use	Former Zoning
227	4.03	100 PARK PLAZA DRIVE	HARTZ MOUNTAIN c/o NYURBAN/POOLE FINANCIAL	3.80	3.84	Vacant (former wholesale)	Regional Commercial
227	4.04	100 PARK PLAZA DRIVE	100 PARK PLAZA DRIVE, LLC	9.65	9.80	Vacant (former wholesale)	Regional Commercial
Total acres:				13.45	13.64		

Source: NJSEA Geographic Information Systems (GIS), March 2016

The redevelopment area is comprised of two tax lots, totaling approximately 13.6 acres in area, and was previously located within the District's Regional Commercial zone. The redevelopment area is delineated by a yellow boundary line on the aerial map in Figure 3. The subject property fronts on Park Plaza and a portion of the access easement identified as Park Plaza Drive. It is located in the northeast corner of Harmon Meadow, a regional commercial development comprised of retail establishments, restaurants, hotels, offices, a convention center, movie theater, fitness club, and multiple parking decks. A map of existing land uses in the vicinity of the redevelopment area is provided in Figure 4.

The subject property was formerly improved with two interconnected buildings, totaling approximately 331,000 square feet, which had been utilized as showroom space by carpet wholesalers. These structures were demolished, pursuant to a demolition permit issued by the Town of Secaucus in October 2013. A portion of the Cromackill Creek and associated wetlands are present in the northerly portion of the site within a designated wetland preservation area, which also includes a walking path for passive recreation.

Properties in the vicinity of the subject property are located in the District's Regional Commercial and Environmental Conservation zones, as shown on the former zoning map for the redevelopment area in Figure 5.

3. Goals and Objectives

This redevelopment plan is predicated on the following goals and objectives:

- a) To promote the redevelopment of vacant and underutilized upland areas in the Meadowlands District.
- b) To provide for a diverse mix of uses within the Harmon Meadow complex.
- c) To promote a range of housing choices.
- d) To promote the development of housing affordable to low and moderate income households.
- e) To provide for the establishment of appropriate population densities.
- f) To improve public access to recreational opportunities in the District.
- g) To encourage improved access to and between properties within Harmon Meadow for pedestrians and vehicles.
- h) To promote the use of transit within the Meadowlands District.

4. Land Use

The following general assumptions were made in the selection of the land uses for the redevelopment area:

- a) Development shall be permitted only to the extent that existing utility, transportation, and municipal infrastructure can support it, or to the extent that such improvements will be provided to support it.
- b) A redeveloper shall be required to submit a Project Impact Assessment (PIA) in accordance with N.J.A.C. 19-4-10.
- c) A detailed traffic impact study, as set forth in N.J.A.C. 19-4-7.10 *et seq.*, shall be prepared identifying mitigating measures to be performed by the developer, if required.
- d) For any proposal that requires an improvement to mitigate an impact identified in the PIA in accordance with N.J.A.C. 19-4-10.10, the developer shall enter into an agreement with the NJSEA within 60 days of issuance of a zoning certificate for the project.
- e) Appropriate buffers shall be provided on the property to provide sufficient screening and distance to buffer residents from the activities and noise associated with the operations of surrounding commercial uses.
- f) Appropriate buffers shall be provided adjacent to wetlands and/or environmentally sensitive areas.
- g) It is the sole responsibility of the developer to perform due diligence in order to determine if there is any contamination remaining from a former use of any site or from any other activity that may have occurred on a site. The developer shall perform any environmental clean-up deemed necessary, in accordance with New Jersey Department of Environmental Protection (NJDEP) requirements.

5. Population Density

According to the US Census Bureau, the Town of Secaucus' population of 16,264 persons in 2010 is estimated to have increased by 13.3 percent, to 18,416 persons, in 2014. Much of this increase can be attributed to the construction of several multi-family developments, such as the Xchange at Secaucus Junction, which result from the Town's convenient access to regional mass transit facilities via the Frank R. Lautenberg Rail Station at Secaucus Junction, as well as several bus routes.

There are 6,546 households in the Town of Secaucus, with an average of 2.57 persons per household. Of the total 5,342 parcels in the Town of Secaucus, 89.7 percent are occupied by residential uses. As of 2015, there are 4,790 residential land parcels in the Town of Secaucus, of which only 13 parcels consist of rental apartments, representing 2.7 percent of the number of residential parcels in the community.

This redevelopment plan encourages the development of multi-family housing, which could increase the variety in housing choices for residents. It is anticipated that the subject property has the capacity to accommodate higher density residential development due to its unique location within Harmon Meadow and the available access to job opportunities, transit, shopping, and services within walking distance. The *Interim Policies Governing Affordable Housing Development in the Meadowlands District* permits a density of up to 32 dwelling units per acre when a site is deemed suitable for the development of inclusionary housing. Due to the property's designation as a redevelopment area, and its location within a commercial complex, a slightly higher density of 35 dwelling units per acre would be appropriate to encourage the redevelopment of the site in a manner consistent with the scale of the existing regional commercial development pattern in the immediate vicinity of the site.

6. Known Contaminated Sites

The properties within the redevelopment area do not appear, on the NJDEP Known Contaminated Sites List (KCSL), a report maintained by the NJDEP pursuant to N.J.S.A. 58-10-23.16 and 23-17, that provides a record of sites with confirmed soil or water contamination at levels greater than the applicable cleanup criteria or standards. However, the soils and groundwater on the subject property shall be tested for potential contamination, and any environmental remediation activities shall be conducted in accordance with the requirements of the agency having jurisdiction.

7. Transportation Infrastructure

The subject property contains frontage on Park Place, a four-lane roadway serving properties in the Harmon Meadow complex. Park Place is an east-west roadway within an 80-foot-wide right-of-way (ROW) between Park Plaza Drive and Mill Creek Drive, which intersects with Harmon Meadow Boulevard. Regional access into Harmon Meadow is available via two signalized intersections along Paterson Plank Road (at Park Plaza Drive and Harmon Meadow Boulevard), the Route 3 East Service Road ramp to Harmon Meadow Boulevard, and from the Route 3 West Service Road to multiple points of entry into the complex. The property contains access from both Park Place and Park Plaza Drive, which is a private road at the southeast corner of the site.

Harmon Meadow is served by various public transportation services, including NJ Transit bus routes #78, 85, and 320, as well as the EZ Ride shuttle bus service to and from the Secaucus Junction train station. The existing transit schedules are formulated to serve existing commercial development. Access to mass transit and shuttle service between the subject site and other key locations (e.g., other Harmon Meadow properties, Frank R. Lautenberg Station at Secaucus Junction, and the Secaucus downtown) is an important component of the site's redevelopment.

The introduction of a residential use into Harmon Meadow will require a reevaluation of transit needs in order to ensure transit services are available to serve the residents' needs at the necessary times. The safety and adequacy of pedestrian circulation, both within the site and off-site

connections to transit stops and Harmon Meadow commercial development, shall be evaluated to ensure adequate sidewalks, lighting, and street crossings are available in a safe and convenient manner.

8. Wetlands

According to NJSEA GIS data, certain environmentally sensitive areas are indicated within the redevelopment area. A portion of the Cromackill Creek, classified as tidal waters, meanders through the northeasterly corner of the site. An area designated as an artificial lake is present in the northwesterly portion of the site. Areas adjacent to the Cromackill Creek are identified as phragmites-dominate coastal wetlands. (See Figure 6.) These areas occupy approximately one-third of the site and have been preserved as wetlands and open space according to filed map information in Hudson County.

The presence or absence of wetlands on a particular site is subject to further review and confirmation by a detailed wetlands study and a jurisdictional determination by the US Army Corps of Engineers. Proposed disturbances to tidal wetland areas are regulated under the US Army Corps of Engineers.

The presence of wetland areas on the site, including existing public access features, provides a unique opportunity to include passive recreation features to benefit both residents and the public. Public access to these natural features shall be maintained, and access easements should be considered to ensure public access remains unrestricted.

9. Public Utilities

Most utilities are available to the redevelopment area, including electric, gas, water, sanitary sewer, storm sewer, and telephone service. Public Service Electric and Gas Company (PSE&G) provides electric and gas service to the area, and United Water New Jersey/Suez provides water service. The Secaucus Municipal Utilities Authority provides sewerage services.

These utilities accommodate current uses but may require upgraded service to accommodate additional development. The demand for public utilities shall be identified in any Project Impact Assessment (PIA) required at the time of development application, and installation of new utilities and/or upgrades to existing utilities may be required.

10. Recreational Facilities

The primary objective regarding recreational facilities within the redevelopment area is to ensure sufficient recreational opportunities exist for future users of the site and to provide safe routes to access recreational areas within and near the subject property.

The open space areas within the redevelopment area include passive recreation opportunities within the wetland areas to north, identified on the District Master Plan Green Map as proposed sections of the Secaucus Greenway. An existing trail loops through the wetland areas in the rear of the property, and adequate public access shall be maintained to this recreational facility.

Commercial recreation and entertainment opportunities are also available within the greater Harmon Meadow complex, including a nearby fitness center, restaurants, a movie theater, and retail.

11. Community Services

The demand for municipal police, fire, and emergency medical services and the ability of the municipality to service future development within the redevelopment area shall be identified in any Project Impact Assessment (PIA) required at the time of development application. Some of the challenges of the subject location include the comparatively greater distance to community services from the subject site than the core residential areas within the Town of Secaucus.

12. Relationship to Hackensack Meadowlands District Master Plan and Regulations

The current Master Plan for the Hackensack Meadowlands District was adopted in January 2004. The Land Use Plan of the Master Plan designates 20 planning areas in the District. The Hartz Carpet Center Redevelopment Area is located in the planning area designated as Commercial Corridor. This planning area provides the opportunity for the development of a range of commercial development.

The Master Plan seeks to foster a healthy Meadowlands economy through the implementation of strategies that promote redevelopment and infill development, while minimizing the development of greenfields, or relatively untouched areas. Idle or underutilized properties, such as the property in question, are among those holding significant opportunities for redevelopment.

The District Zoning Regulations and Official Zoning Map serve as the implementation tool for the land use planning objectives of the master plan. Pursuant to NJSEA statutes at N.J.S.A. 5:10A-1 *et seq.*, the NJSEA is authorized to adopt codes and standards with regards to the zoning and rezoning of lands within the Meadowlands District, and to conduct redevelopment activities. Regulations specific to the planning and zoning of redevelopment areas are provided in N.J.A.C. 19:3-5.1 *et seq.*

13. Smart Growth and Sustainability

The NJSEA recognizes the State of New Jersey's use of smart growth principles to guide land use decisions and develop strategies to address conservation challenges. In the District, smart growth principles such as economic growth and redevelopment are promoted in the planning and zoning activities of the NJSEA.

The District's regulations also promote smart growth through sustainability initiatives, including the adoption of regulations encouraging sustainable green building practices. N.J.A.C. 19:4-6.6 provides incentives for applicants to the NJSEA to utilize green building practices or install alternative green building components, such as those recognized in green building certification programs, including the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) certification.

II. POTENTIAL IMPLEMENTATION STRATEGIES

A. POWERS OF REDEVELOPMENT AGENCY

The following provides the statutory provisions, pursuant to N.J.S.A. 5:10A-24, which can be utilized to implement this redevelopment plan:

1. The NJSEA shall prepare and adopt a redevelopment plan for each area in the district determined by the NJSEA to be an area in need.
2. A municipality which has land subject to the jurisdiction of the NJSEA and adopts the NJSEA's redevelopment plan shall have the authority to approve or reject an application for a permit. The municipality shall provide the NJSEA all documentation, plans, and information regarding all applications. All fees generated by these applications and approvals shall be retained by the municipality. Any approval of any plan review or subdivision application by a municipality pursuant to this subsection shall be limited by, and based upon, the rules, regulations, and standards in a resolution adopted by the NJSEA and the municipality. All fees generated by these applications and approvals shall be retained by the municipality.
3. For those municipalities that do not adopt the NJSEA's redevelopment plan, the NJSEA may issue the permit for the proposed construction or alteration as being in conformity with the redevelopment plan. Any variations and modifications of the redevelopment plan shall be the responsibility of the NJSEA. A permit shall not be issued without a certificate from the chief engineer or equivalent official of the NJSEA that the proposal is in conformity with the NJSEA's redevelopment plan.
4. In undertaking projects pursuant to any redevelopment plan, the NJSEA may:
 - a) Acquire, by condemnation or otherwise, real or personal property, or any interest therein, including such property as it may deem necessary or proper, although temporarily not required for such purposes, in an area in need and in any area within the district designated by the NJSEA as necessary for relocation of residents, industry, or commerce displaced from a redevelopment area;
 - b) clear or reclaim any area so acquired and install, construct, or reconstruct projects therein necessary to prepare such area for development;
 - c) relocate or arrange or contract with public or private agencies for the relocation of residents, industry, or commerce displaced from the area in need;
 - d) dispose of real property so acquired by sale, lease, or exchange for the uses and purposes specified in the redevelopment plan, to any person or public agency;
 - e) study the recommendations of the constituent municipality's planning board impacted by the redevelopment plan for redevelopment of any area within that municipality and make its own investigations as to current trends in the area in need, as established by the NJSEA;
 - f) by contract or contracts with public agencies or developers or by its own employees' or consultants' plan, plan, construct, reconstruct, operate, maintain, and repair any redevelopment or other project or any part thereof; and

g) make and adopt plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, and for the enforcement of codes and laws relating to the use of land, the use and occupancy of buildings and improvements, and the control over the pollution of water and air and the disposal of solid waste.

B. NJSEA INVOLVEMENT

The NJSEA has wide ranging powers to effectuate a redevelopment plan, ranging from the rezoning of property for private development, up to and including condemnation, ownership, and public development of the tract. The authority of the NJSEA in undertaking redevelopment projects is enumerated under N.J.S.A. 5:10A-1 *et seq.*

No condemnation by the NJSEA is anticipated to be necessary to implement this redevelopment plan. The role of the NJSEA is to provide the zoning that will enable the redevelopment of the subject properties.

III. SELECTED LAND USE OPTION

A. SELECTION OF RECOMMENDED LAND USES

The redevelopment plan proposes to provide for multi-family residential development, with an inclusionary affordable component, to support the redevelopment of the site in a manner complementary to the existing built environment within Harmon Meadow.

The provisions of this redevelopment plan shall apply to the following properties in the Town of Secaucus:

- Block 227 – Lots 4.03 and 4.04

The principal recommended land uses for the planned redevelopment of the area are limited to multi-family residential development in accordance with the site suitability determination issued pursuant to NJSEA's *Interim Policies Governing Affordable Housing Development in the Meadowlands District*, as well as park and recreation facilities to provide for access to the natural areas on the site. [See Resolution No. 14-13, approved by the NJMG Board of Commissioners on March 26, 2014]

IV. REDEVELOPMENT PLAN STANDARDS

A. REDEVELOPMENT STANDARDS

The standards contained within this redevelopment plan shall supersede existing regulations contained in N.J.A.C. 19-4. Existing NJSEA regulations at N.J.A.C. 19-3, 19-4, 19-5, 19-6, and 19-7 shall apply to any requirements or standards not specifically set forth herein.

Requests for deviations from the standards in this redevelopment plan shall be in accordance with the provisions of N.J.A.C. 19-3-5.12 and 5.14. These regulations provide that deviation from the permitted uses specified in this plan shall require a redevelopment plan amendment, and that deviation from the bulk requirements or the design standards in this plan, or the expansion of existing structures or uses rendered nonconforming by the provisions herein, shall require a variance.

B. PURPOSE

The purpose of the Hartz Carpet Center Redevelopment Plan is to promote the development of a vacant and underutilized property in a manner that promotes affordable housing supply in the District and access to recreational facilities.

A primary objective of this plan is to utilize zoning to promote the redevelopment of the subject property and provide the basis for development opportunities to return the property to productive reuse in the form of inclusionary residential development. An additional objective is to restore opportunities for passive recreation facilities within the dedicated open space areas on the site.

All standards set forth in this redevelopment plan have been developed in accordance with these purposes.

V. LAND USE AND BULK STANDARDS

A. DEFINITIONS

All words not defined in this redevelopment plan shall have definitions as listed in the Hackensack Meadows District Zoning Regulations at N.J.A.C. 19:4-2.1 et seq, or in the absence of such, in the most recent edition of Merriam-Webster's Collegiate Dictionary.

The following definitions shall apply to this redevelopment plan.

1. "Open space amenity" means an accessory structure located within an open space area, such as a gazebo or trellis, not exceeding ten feet in height and 60 square feet in area.

B. PERMITTED USES

1. The following shall be the permitted uses within the redevelopment area and shall be subject to the use limitations in Section C below.
 - a) Multi-family dwellings, inclusive of affordable residential units based on the applicable laws, policies and/or regulations in effect at the time of Zoning Certificate application; and
 - b) Parks or recreation facilities, including public access to water features such as trails, non-motorized boat launches, site furnishings, signage and structures that facilitate wildlife observation.
2. The following uses shall be permitted accessory uses to multi-family dwellings, for the convenience of residents only:
 - a) Retail;
 - b) Indoor recreation; and
 - c) Day care facilities.

C. USE LIMITATIONS

The following shall be the use limitations within the redevelopment area:

1. In conjunction with any proposed market-rate residential units, the developer shall provide on-site affordable housing units in accordance with the requirements of the entity assuming the legal responsibilities of enforcing the Fair Housing Act, and the NJSEA. All affordable units shall be subject to the applicable affordability rules as prescribed by law and in effect at the time of the Zoning Certificate application.
2. All conditions of the NJSEA Site Suitability Determination, Resolution No. 14-13, dated March 26, 2014 shall apply, as follows:

- a) The developer shall provide the number of affordable units as required by law.
- b) To ensure a successful mixed-use community, the developer shall provide improvements, both within the subject residential development and within the rest of the Harmon Meadow complex, for safe pedestrian circulation and access from the proposed residential development to the rest of the Harmon Meadow complex, including provisions for accessibility.
- c) The developer shall repair and maintain the existing natural pathways located within the wetland preservation area on the subject property for the benefit of the residents and the general public.

D. BULK REQUIREMENTS

Bulk requirements within the redevelopment area shall be as follows:

1. Lot Size Requirements

- a) Minimum lot area: one acre;
- b) Minimum lot width: 200 feet; and
- c) Minimum lot depth: 250 feet.

2. Bulk Regulations

- a) Maximum lot coverage: 40 percent;
- b) Minimum open space: 20 percent;
- c) Yards:
 - i. Minimum front yard - Structures: 0.5 foot per foot of height of principal structure, but in no case less than 35 feet;
 - ii. Minimum front yard - Parking & Open Space Amenities: 25 feet;
 - iii. Minimum side yard: 35 feet; and
 - iv. Minimum rear yard: 30 feet;
- d) FAR: 1.5, not including the floor area of parking garages; and
- e) Maximum density: 35 dwelling units per acre, inclusive of affordable units.

E. DESIGN CRITERIA

Unless superseded in this redevelopment plan, the design of all improvements shall be in compliance with NJSEA site plan requirements, as set forth in N.J.A.C. 19:4-8.1 *et seq.*

1. Parking and Loading:

- a) Parking and loading requirements shall conform to N.J.A.C. 19:4-8.2 through 8.4, and the following:

Use	Minimum Parking Requirements	Minimum Loading Requirements
a) Multi-family dwelling	1 space per unit restricted as affordable in accordance with N.J.A.C. 5:80-26; 1.5 spaces per market rate unit, and 1 visitor space per 4 market rate units.	One 10 foot by 30 foot loading space per dwelling structure.

- b) No additional parking shall be required to be provided for accessory uses intended for use solely by residents. Such use shall be deemed accessory only when accessible from the interior of the building and where no exterior signage greater than 10 square feet shall be permitted.

- c) Up to 50 percent of required visitor parking spaces may be provided on nearby off-site locations pursuant to the following:
 - i. A site plan showing the location and number of off-site parking spaces available to visitors;
 - ii. Evidence of differential peak hours of parking demand at the off-site location;
 - iii. Safe and clearly defined pedestrian connections; and
 - iv. Appropriate directional signage both on-site and at the off-site parking location.

2. Utilities

The developer is responsible for providing and obtaining all applicable permits and easements where necessary for the installation of all required utilities. All utilities shall be located underground to the extent practicable.

3. Signage

Signage within the redevelopment area shall comply with the standards applicable to the Planned Residential zone in N.J.A.C. 19:4-8.14 (Table 8-5).

4. Drainage

Drainage plans, including maintenance provisions, shall be prepared in accordance with NJSEA regulations at N.J.A.C. 19:4-8.6. All drainage ways shall be properly maintained and planted, and designed in accordance with the NJSEA's *Guidelines for Green Development and Redevelopment, Part 1 - Low Impact Development*, where appropriate.

5. Minimum Lowest Finished Floor Elevation

Minimum lowest finished floor elevations for structures within designated 100-year flood zones shall be established one foot above the applicable 100-year base flood elevations determined from the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM).

6. Environmental Performance Standards

- a) Unless superseded herein, all uses shall comply with the following environmental performance standards in N.J.A.C. 19:4-7.1 *et seq.*
 - i. All category A performance standards shall apply; and
 - ii. All water quality standards contained in N.J.A.C. 19:4-7.9 shall apply.

7. Architectural Design Standards

- a) All facades shall be designed to be aesthetically pleasing. Variations in color, height, finish and materials are strongly encouraged.
- b) Buildings with a linear dimension of more than 300 feet shall have a facade plane whose horizontal dimension is broken into segments through the use of a physical offset or vertical element located at a minimum of every 100 linear feet.
- c) The developer is encouraged to incorporate such building elements as architecturally interesting entrances, cornices, belt courses, and other ornamental features as a means to enhance the visual environment.
- d) Exterior mounted mechanical and electrical equipment visible from adjacent streets and from public areas within the site shall be screened.
- e) Side and rear elevations shall receive architectural treatments comparable to the front facade.

8. Fences

- a) Fences and walls shall be permitted in required front yards at a minimum setback of 5 feet in accordance with the following:
 - i. The fence location shall comply with the line of sight triangle requirements of N.J.A.C. 19:4-8.5.
 - ii. Gates located proximate to an intersection shall be located at a setback sufficient to provide adequate queuing area for vehicles, as determined by the Chief Engineer, but in no case less than 20 feet.

9. Open Space

Open space areas within the property consist of both developed open space and natural areas.

- a) All open space requirements of N.J.A.C. 19:4-8.8 shall apply.
- b) Existing natural pathways on the site shall be maintained, including provisions for public access, and adequate lighting and signage at the points of access, shall be provided.

10. Landscaping

All landscaping shall be provided in accordance with N.J.A.C. 19:4-8.9 and shall follow the *NJSEA Landscape Design Guidelines* to the extent practicable.

11. Pedestrian Circulation

A comprehensive pedestrian circulation plan shall be provided, including provisions for adequate sidewalks, lighting, and traffic calming. The plan shall address the following:

- a) Sidewalks shall be provided in accordance with the following minimum requirements:
 - i. The minimum width of sidewalks along Park Place/Park Plaza Drive shall be 6 feet, and a minimum 2-foot-wide lawn strip shall be provided adjacent to these roadways.
 - ii. All sidewalks within the site shall have a minimum unobstructed width of 4 feet.
- b) Provisions for safe pedestrian circulation and access to the greater Harmon Meadow complex shall be provided, as follows:
 - i. Crosswalks shall be provided at the following locations, with the specific location of such crosswalks subject to the approval of the Chief Engineer:
 - a. within the site where vehicular circulation areas intersect with building entrances, parking lot and garage entrances, and access to site amenities;
 - b. across site driveways;
 - c. at Park Place/Park Plaza Drive to connect to areas to the south of the subject property; and
 - d. to the west of the site to the extent of the nearest signalized intersection, as needed.
 - ii. Traffic calming techniques such as variations in pavement materials and patterns, speed bumps, speed tables and bump outs may be utilized to slow traffic, as needed.
 - iii. Pedestrian crossings shall be appropriately signed and illuminated.
- c) All pedestrian features shall be designed with provisions for Barrier Free accessibility.

12. Sustainable Design

The NJSEA encourages developers to incorporate sustainable design within the redevelopment area. Employing green building methods from the onset of a project provides environmental, economic, and social benefits, including increased efficiency and reduction in energy costs. The NJSEA's green building regulations at N.J.A.C. 19:4-6.6 provide zoning and fee incentives to promote sustainable green building practices in the Meadowlands District.

F. ADDITIONAL DEVELOPMENT REQUIREMENTS

1. Project Impact Assessment

A Project Impact Assessment (PIA) shall be prepared in accordance with N.J.A.C. 19:4-10.1 et seq. The PIA shall provide information to allow the NJSEA to assess the probable effects of a proposed project.

- a) Any development proposed in phases shall assess the impacts for each individual phase and the project as a whole.
- b) For a development proposal that requires an improvement to mitigate an impact identified in a PIA, the developer shall enter into an agreement with the NJSEA prior to the issuance of a zoning certificate for the project.

2. Traffic Impact Assessment

A Traffic Impact Assessment (TIA) shall be prepared in accordance with N.J.A.C. 19:4-7.10. The TIA shall assess the traffic and circulation impacts of proposed development and identify improvements required. The scope of the TIA shall be determined in consultation with the Chief Engineer.

3. Riparian Rights

Riparian grants shall be secured for any land subject to the State's riparian interest pursuant to NJSEA zoning regulations.

4. Affordable Housing Considerations

With regard to affordable housing, the developer shall comply with the applicable requirements of the NJSEA; the New Jersey Council on Affordable Housing (COAH), or any future entity assuming the legal responsibilities of the Fair Housing Act; and P.L. 2008, Chapter 46, an act concerning affordable housing, revising and supplementing various parts of the statutory law, effective July 17, 2008, and any applicable laws of other agencies having jurisdiction.

All conditions of the NJSEA Site Suitability Determination, Resolution No. 14-13, dated March 26, 2014 shall apply, as specified in Section V-C. Use Limitations herein.

5. Redeveloper Requirements

- a) If the NJSEA elects to contract with a prospective redeveloper, pursuant to its authority under N.J.S.A. 5:10A, prior to entering such contract, the redeveloper shall provide a financial report to the NJSEA assessing the financial viability of the redeveloper and/or redevelopment project. Such report shall contain, at a minimum, the following information:

- i. Identification of each financial and/or equity partner having any financial contribution to ownership of, or like interest in, the project.
 - ii. Identification of each member of the redevelopment team and major consultants, including, but not limited to, attorneys, engineers, architects, planners, project and construction managers, financial consultants, lobbyists, and public relations consultants. Resumes and/or curricula vitae and a statement clearly identifying the roles of each member shall be provided.
 - iii. The composition of the redeveloper's current real estate portfolio, including details regarding the type of project and number of square feet or units developed, owned and/or managed.
 - iv. Details regarding the redeveloper's history of securing financing for real estate development projects within the past 10 years, at a minimum, detailing the type of project financing method(s), source(s) and amounts committed; and proposed and actual completion dates of projects.
 - v. A description of all pending real estate development projects by the redeveloper, under development pursuant to enforceable contracts, including project type, status, development schedule, and the financial commitment required by the redeveloper, including a description of the financing method(s), source(s) and amounts committed.
 - vi. Audited financial statements, including balance sheets and operating statements, prepared by a Certified Public Accountant (CPA) in accordance with Generally Accepted Accounting Principles (GAAP), established by the Financial Accounting Standards Board (FASB), 401 Merritt 7, PO Box 5116, Norwalk, CT 06856-5116, <http://www.fasb.org>, for the five most recent fiscal years, for the redeveloper and any financial and/or equity partner(s). Such statements shall evidence the ability to financially perform, including the value of assets each participant would contribute to the project and verification that such assets are available.
 - vii. A statement describing the methods and anticipated and committed sources for financing the project, including its construction, and identifying the expected equity requirements and anticipated sources of working capital.
 - viii. For the redeveloper, including both the corporate or business entity and the principals of the corporate or business entity and each member of the development team, a statement and complete listing regarding any debarments, suspensions, bankruptcy or loan defaults, legal proceedings, and/or adverse judgments, regarding any real estate development project and/or government contract regardless of the date of such occurrence.
 - ix. A fiscal impact analysis for the proposed redevelopment project pursuant to the requirements of N.J.A.C. 19-4-10.4(a)14.
 - x. Such other information as may be deemed necessary by the NJSEA staff.
- b) The redeveloper shall provide the following to the NJSEA, which shall be updated, at a minimum, every three months, beginning from the contract date, including any amendments:
- i. The project pro-forma statement, prepared by a CPA in accordance with GAAP, which shall include, at a minimum, an income statement, balance sheet, and statement of cash flows.
 - ii. The projected development timeline.
 - iii. Any change in the financial report required in 5a above.

- c) Any redeveloper applying to any federal, state, county, or municipal government entity for financial assistance, including, but not limited to, loans, grants, or bonds, shall notify the NJSEA of such application in writing and shall provide copies to the NJSEA of all applications, formal correspondence and government actions regarding the requested financial assistance. The NJSEA staff shall provide any of the aforementioned entities with information about the project upon request. The NJSEA may make a request to the applicable government entity to participate in the process for the evaluation of financial assistance to facilitate communication among public entities involved in the project. Such participation may include, but is not limited to, attendance at meetings with the redeveloper and the government entity from whom financial assistance is requested.
- d) Any redeveloper of a project within a redevelopment area for which municipal payment-in-lieu-of-taxes (PILOT) bonds are sought shall notify the NJSEA contemporaneously with the commencement of discussions with municipal officials regarding PILOT bonds and shall provide copies to the NJSEA of all correspondence and information regarding the PILOT bonds. The NJSEA staff shall provide the municipality with information about the project upon request. The NJSEA may make a request to the applicable government entity to participate in the process for the evaluation of PILOT bonds to facilitate communication among public entities involved in the project. Such participation may include, but is not limited to, attendance at meetings with the redeveloper and municipality. The fiscal impact analysis required above shall evaluate the impact of PILOT bond financing on municipal tax rates and the Intermunicipal Tax Sharing Formula.

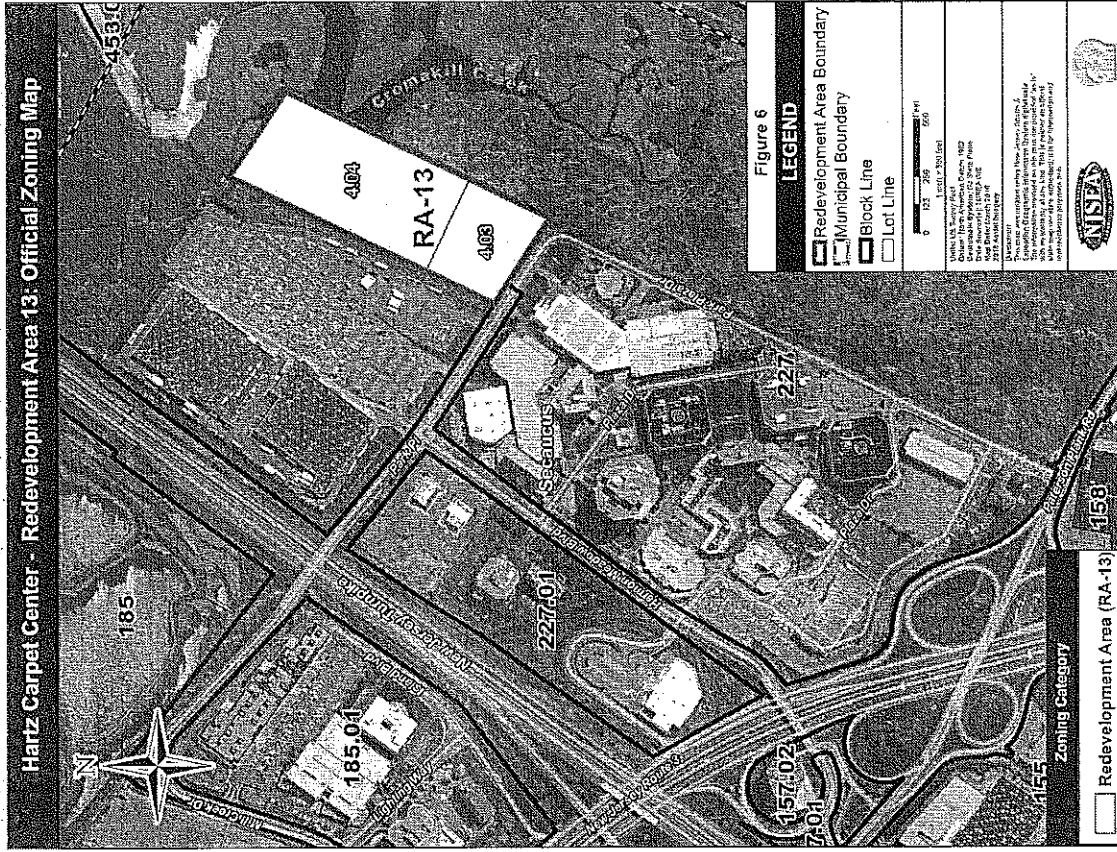
6. Approvals of Other Governmental Entities

- a) Prior to the redevelopment of any property within the redevelopment area, the redeveloper shall procure any and all necessary permits and approvals from any federal, state, county, local, or municipal agency having jurisdiction.
- b) Any redeveloper filing an application with any other State entity for any permit related to the redevelopment project shall provide a copy of such permit application to the NJSEA contemporaneously with its filing and shall provide copies to the NJSEA of all correspondence and information regarding the permit application. The NJSEA staff shall provide the regulatory entity with information about the project upon request. The NJSEA may make a request to the regulatory entity to participate in the permitting process to facilitate communication among public entities involved in the project. Such participation may include, but is not limited to, attendance at meetings with the redeveloper and the regulatory entity.
- c) The applicant shall provide to the NJSEA, proof of compliance with any requirements and/or restrictions from other regulatory agencies associated with the intended use(s) of the site. Additionally, copies of any future requirements and/or restrictions shall be submitted to the NJSEA by the designated developer immediately upon receipt.

VI. SELECTED REDEVELOPMENT PLAN IMPLEMENTATION STRATEGY

This redevelopment plan shall be the regulatory instrument for the development of the Hartz Carpet Center Redevelopment Area, along with the NJSEA Regulations at N.J.A.C. 19:3, 19:4, 19:5, 19:6 and 19:7, where applicable, and shall supersede all prior zoning for parcels of land contained within this redevelopment area.

No actions, other than the adoption of this plan and review of applications submitted by property owners or prospective developers/redevelopers to implement this plan, are proposed or contemplated by the NJSEA at time of adoption of this plan.



RESOLUTION 2016-18

**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 May 12, 2016.



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