

Board Meeting

Thursday, April 20, 2017

10:00 a.m.



**AGENDA
REGULAR SESSION**

Thursday, April 20, 2017 - 10:00 a.m.
Two DeKorte Park Plaza, Lyndhurst, NJ

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

- Approval of Regular Session Meeting Minutes of March 16, 2017.

II. **PUBLIC PARTICIPATION ON RESOLUTIONS**

III. **APPROVALS** – (Action)

Cash Disbursements Approval and/or Ratification of Cash Disbursements over \$100,000 for March 2017.

Resolution 2017-11 Consideration of a Resolution issuing Decision on the Suitability Recommendation as required by the NJSEA Interim Policies Governing Affordable Housing in the Meadowlands District – File No. SP-742, Hanover Holdings LLC/Petition for Rezoning – Block 451, Lots 19.01 and 20.01, in the Township of North Bergen.

Resolution 2017-12 Consideration of a Resolution regarding acceptance of the NJSEA 2015 Audit.

IV. **PUBLIC COMMENTS**

V. **EXECUTIVE SESSION**

Resolution 2017-13 Consideration of a Resolution authorizing the New Jersey Sports and Exposition Authority to conduct a meeting, to which the general public shall not be admitted for the purposes of discussing legal matters, personnel matters and contract negotiations.

VI. **PUBLIC PARTICIPATION ON RESOLUTION**

VII. **APPROVAL** – (Action)

Resolution 2017-14 Consideration of a Resolution authorizing settlement with Feld Companies.

VIII. **MOTION TO ADJOURN**

MINUTES



REGULAR SESSION BOARD MEETING

DATE: March 16, 2017
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
John Ballantyne, Member
Armando Fontoura, Member
LeRoy Jones, Member
Michael H. Gluck, Esq., Member
George Kolber, Member (via phone)
Steven Plofker, Member
Andrew Scala, Member
Robert Yudin, Member
James Wooster, NJ State Treasurer's Representative (via phone)

Absent:

Michael Gonnelli, Member
Anthony Scardino, Member

Also Attending:

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

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 February 16, 2017.

Upon motion made by Commissioner Fontoura and seconded by Commissioner Plofker, the minutes of the Regular Session Board Meeting held on February 16, 2017 were unanimously approved by a vote of 12-0.

II. SPECIAL PRESENTATION

NJSEA/Rutgers-Newark University Partnership
Meadowlands Environmental Research Institute (MERI)

President Hasenbalg was pleased to announce the merger and transition of the Meadowlands Environmental Research Institute (MERI) into the Rutgers University-Newark Earth and Environmental Sciences. President Hasenbalg introduced Dr. Jerome Williams, Executive Vice-Chancellor and Provost of Rutgers University-Newark, who spoke about MERI and the merger with Rutgers University-Newark. Provost Williams introduced Dr. Artigas Francisco, Director of MERI, who gave a presentation about the partnership and MERI projects.

Commissioner Fontoura asked if there is any collaboration between the Riverkeeper and MERI. Dr. Artigas explained that they have a lot of interaction with exchanging of information and the collaboration of grants. Capt. Sheehan expressed his gratefulness for the NJSEA in keeping MERI alive. Vice Chairman Buckelew stated, on behalf of the commissioners, that they are happy to be entering into the partnership to continue the protection of the environment and water quality in the district. President Hasenbalg announced that at the conclusion of the meeting all were welcome to take a tour of the MERI facilities and laboratory.

III. PUBLIC PARTICIPATING ON RESOLUTIONS - None

IV. APPROVALS

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

Vice Chairman Buckelew presented the report of cash disbursements over \$100,000 and Professional Invoices for the month of February 2017.

Upon motion by Commissioner Ballantyne and seconded by Commissioner Fontoura, the cash disbursements over \$100,000 for the month of February 2017 were approved subject to the following recusals:

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

Resolution 2017-07 Resolution adopting the Bergen County Multijurisdictional All Hazards Mitigation Plan 2015 Update.

Ms. Sundell explained that with the adoption of the Plan, Bergen County and each of its 70 municipalities are eligible for several FEMA mitigation grant programs. She went on to say that the NJSEA is undergoing its 5-year review by FEMA's National Flood Insurance Program (NFIP) Community Rating System (CRS), to ensure that the NJSEA continues to perform certain activities in order to meet eligibility criteria for the flood insurance discount that the Meadowlands District property owners now enjoy. As a result, the in-District portions of the towns currently receive a 15 percent discount on flood insurance under the CRS program. By adopting the Plan, the NJSEA should receive additional CRS credits.

Vice Chairman Buckelew presented Resolution 2017-06. Upon motion by Commissioner Gluck and seconded by Commissioner Scala, proposed resolution 2017-07 was unanimously approved by 12-0.

Resolution 2017-08 Resolution adopting the Hudson County Hazard Mitigation Plan 2015 Update.

Ms. Sundell explained that this resolution is similar to the Multijurisdictional all Hazards Mitigation Plan 2015 Update resolution. Ms. Sundell stated that Hudson County in-district towns currently receive a 15 percent discount on flood insurance under the CRS program. By adopting the Plan, the NJSEA should receive additional CRS credits.

Vice Chairman Buckelew presented Resolution 2017-08. Upon motion by Commissioner Scala and seconded by Commissioner Yudin, proposed resolution 2017-08 was approved by 12-0 vote.

Resolution 2017-09 Resolution issuing a Decision on the variance application submitted as part of File No. 16-485, GMA/Capelli – Additional Soccer fields (use change) and variance – Block 128, Lot 34 in Carlstadt.

Ms. Sundell explained that the GMA Group submitted an application to convert 18,000 square feet of warehouse use to commercial recreation, indoor use, and 4,918 square feet of office use to warehouse use within their existing 159,000 square foot mixed-use building. She went on to explain that the change in use is proposed to accommodate four new futsal courts to their existing indoor recreation facility, which contains three indoor soccer fields. The applicant requested one bulk variance to provide 222 parking spaces, where 247 are required. There were no objections at the public hearing. The applicant's traffic engineer testified that the peak use of the facility would be weekday evenings and weekends with a parking demand of 165 spaces, which is less than the 222 parking spaces currently provided on site.

Vice Chairman Buckelew presented Resolution 2017-09. Upon motion by President Hasenbalg and seconded by Commissioner Scala, proposed resolution 2017-09 was approved by 12-0 vote.

V. PUBLIC COMMENTS

- James Harris, Essex County Coalition for Success – Mr. Harris spoke about the positive conversation with Commissioner Ballantyne’s Northeast Carpenters organization and that they are moving forward to increase diversity and participation in several of the construction projects. Mr. Harris also spoke about the MERI partnership and of the monitoring that would be helpful in urban areas. Mr. Harris asked that the board consider developing a policy that all decisions being made have an affirmative action/equal employment impact statement. Mr. Harris also stated that he would like to develop the same relationship with other unions as they have with the Northeast Regional Carpenters. Commissioner Ballantyne appreciated their input and will continue to help guide and find opportunities. President Hasenbalg stated they met with Triple 5 and discussed Mr. Harris’ interest and that Triple 5 has agreed to meet with Mr. Harris. Commission Jones stated that he would like to participate in that meeting. Commissioner Fontoura commended Commissioner Ballantyne for his input. Commissioner Scala also offered to meet with Mr. Harris on behalf of the Painters Union.
- Don Evanson, Secaucus resident asked about the Triple 5 bonds. Vice Chairman Buckelew asked Mr. Marra to comment. Mr. Marra stated that bonds have not been issued and that they are still working on the financing.
- Dr. Roosevelt Weaver, Montclair resident and former East Orange principal, stated that he is impressed with the educational programs and asked if there is a process in place to include more urban schools. Vice Chairman Buckelew asked Ms. Sanz to comment. Ms. Sanz stated that the educational programs are operated through a partnership with Ramapo College and that she will be happy to schedule a meeting for Mr. Harris with Dr. Angela Cristini from Ramapo.

VI. EXECUTIVE SESSION

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

Resolution 2017-10 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 Scala and seconded by Commissioner Plofker, Resolution 2017-10 was approved by a vote of 12-0.

VII. MOTION TO ADJOURN

With no further business, motion to adjourn the meeting was made by Commissioner Scala and second by Commissioner Plofker with all in favor.

Meeting adjourned at 10:50 a.m.

I certify that on information and belief this is a true and accurate transcript of the Minutes of the Regular Session of the New Jersey Sports and Exposition Authority Board Meeting held on March 16, 2017.


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

March 16, 2017

Commissioner	Roll Call	2017-07	2017-08	2017-09	2017-10
Ferguson	P (via phone)	Y	Y	Y	Y
Buckelew	P	Y	Y	Y	Y
Hasenbalg	P	Y	Y	Y	Y
Ballantyne	P	Y	Y	Y	Y
Fontoura	P	Y	Y	Y	Y
Gluck	P	Y	Y	Y	Y
Gonnelli	--	--	--	--	--
Jones	P	Y	Y	Y	Y
Kolber	P (via phone)	Y	Y	Y	Y
Plofker	P	Y	Y	Y	Y
Scala	P	Y	Y	Y	Y
Scardino	--	--	--	--	--
Yudin	P	Y	Y	Y	Y
Treasury Rep Wooster	P (via phone)	Y	Y	Y	Y

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

APPROVALS



CASH DISBURSEMENTS
\$100,000 OR MORE
MARCH 2017

SPORTS COMPLEX

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF EAST RUTHERFORD	250,000.00	I	PILOT SETTLEMENT AGREEMENT - WEST SIDE IMPROVEMENT: 2017
DEVILS ARENA ENTERTAINMENT LLC	120,408.07	A	SETTLEMENT FOR 2016
NEW JERSEY STATE POLICE	471,254.84	A/L	OVERTIME CHARGES: DEC 2016 - JAN 2017
SPORTS COMPLEX TOTAL	<u>841,662.91</u>		

MONMOUTH PARK RACETRACK MAINTENANCE RESERVE/CAPITAL

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF OCEANPORT	540,807.22	A	CAFO SPECIAL ASSESSMENT AGREEMENT: 2ND QUARTER 2017
MPR MAINTNANCE TOTAL	<u>540,807.22</u>		

OTHER

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
PHILADELPHIA INSURANCE COMPANIES	133,071.25	A	GENERAL LIABILITY & AUTO POLICY INSURANCE RENEWAL - PREMIUM BALANCE: JAN 2017 - DEC 2017
WASTE MANAGEMENT OF NEW JERSEY	206,974.50	A	OPERATIONS CONTRACT - KEEGAN LANDFILL: FEB 2017
OTHER TOTAL	<u>340,045.75</u>		



CASH DISBURSEMENTS
\$100,000 OR MORE

<u>REFERENCE LETTER</u>	<u>TYPE</u>
A	CONTRACT ON FILE
B	PURCHASE AWARDS - APPROVED AT MONTHLY BOARD MEETING
C	STATE REQUIREMENT FOR RACING
D	STATE VENDOR
E	SOLE SOURCE*
F	APPOINTED BY RACING COMMISSION
G	ADVERTISED BID
H	PRESIDENT/CEO APPROVAL
I	STATUTORY PAYMENT
J	UTILITIES
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 2017-11

**RESOLUTION ISSUING A DECISION ON THE
SUITABILITY RECOMMENDATION AS REQUIRED BY THE
NJMC INTERIM POLICIES GOVERNING AFFORDABLE HOUSING
DEVELOPMENT IN THE MEADOWLANDS DISTRICT
FILE NO. SP-742, Hanover Holdings LLC/ Petition for Rezoning
BLOCK 451, LOTS 19.01 & 20.01
IN THE TOWNSHIP OF NORTH BERGEN**

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

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

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

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

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

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

WHEREAS, the Interim Policies, last revised by Resolution No. 11-29 on July 27, 2011, govern all zoning certificate applications, petitions to amend the Official Zoning Map, new redevelopment plans, and proposed amendments to a

redevelopment plan pertaining to new proposed uses or changes to existing uses, received on or after July 24, 2008, and remain in effect until the NJSEA promulgates new regulations concerning affordable housing, or the Policies are withdrawn or rescinded by action of the Authority or court order, whichever occurs first; and

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

WHEREAS, a petition to rezone the property located on State Route No. 3 Ramp A, Block 451, Lots 19.01 and 20.01, in the Township of North Bergen was submitted to the NJSEA by Hanover Holdings LLC; and

WHEREAS, the petition requests the rezoning of the subject property from the Environmental Conservation zone to the Highway Commercial zone; and

WHEREAS, petitions for rezoning are not exempt from the Interim Policies; and

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

WHEREAS, the Review Team evaluated the suitability of the subject property taking into consideration the specific petition request for the rezoning of the subject property; and

WHEREAS, a suitability review, dated April 11, 2017, and attached hereto, has been prepared, indicating the recommendation of the Review Team in this matter; and

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

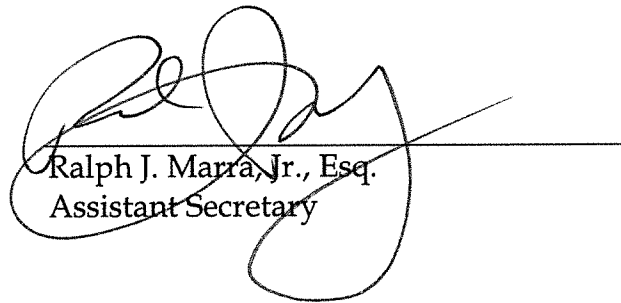
WHEREAS, the Board of Commissioners of the NJSEA has reviewed the suitability review and recommendation prepared by the Review Team, regarding the subject property; and

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the subject property located at State Route No. 3 Ramp A, Block 451, Lots 19.01 and 20.01, in the Township of North Bergen, is deemed unsuitable for residential use.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting on April 20, 2017.



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



MEMORANDUM

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

From: Sara J. Sundell

Date: April 20, 2017

Subject: Site Suitability Recommendation for Block 451, Lots 19.01 and 20.01, in North Bergen, New Jersey (File No. SP-742)

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

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

The Interim Policies apply to all zoning certificate applications, petitions to amend the Official Zoning Map, new redevelopment plans, and proposed amendments to a redevelopment plan pertaining to new proposed uses or changes to existing uses, received on or after July 24, 2008, and will remain in effect until the NJSEA promulgates new regulations concerning affordable housing, or the Interim Policies are withdrawn or rescinded by Authority action or court order, whichever occurs first. The Interim Policies set forth the criteria

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

The NJSEA received a petition to rezone the property located on State Route No. 3 Ramp A, Block 451, Lots 19.01 and 20.01, in the Township of North Bergen, New Jersey. The petition requests the rezoning of the subject property from the Environmental Conservation zone to the Highway Commercial zone.

The matter was forwarded to the Review Team for review in accordance with the Interim Policies, taking into consideration the specific petition request for the rezoning of the subject property. A suitability review, dated April 11, 2017, has been prepared, indicating that the Review Team recommends that the subject property is not suitable for residential use.

At this time, the NJSEA staff is recommending that the Board of Commissioners of the NJSEA concur with the site suitability recommendation prepared by the Review Team, which determines that the subject property is not suitable for residential use.

Suitability Review – Summary

File No. SP-742

Hanover Holdings LLC/Petition for Rezoning

Block 451, Lot 19.01 & 20.01, in the Township of North Bergen

April 11, 2017

The New Jersey Sports and Exposition Authority (NJSEA) received a petition to rezone an 18.06-acre property located along State Route No. 3 Ramp A, identified as Block 451, Lots 19.01 and 20.01, in the Township of North Bergen, New Jersey. The subject area is vacant and is currently located in the Environmental Conservation zone, which is exempt from the site suitability review process; however, the petitioner has requested that the property be rezoned to the Highway Commercial zone, which is not exempt from the site suitability review process. In keeping with the review process, the site characteristics of the property have been evaluated in accordance with the “Interim Policies Governing Affordable Housing Development in the Meadowlands District,” adopted by the NJMC on July 24, 2008, and last revised on July 27, 2011.

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

- i. The site is adjacent to compatible land uses and has access to appropriate streets.**
 - The northern side of the subject property is adjacent to Block 451, Lot 21, and a portion of the New Jersey State Highway Route 3 Ramp A. Lot 21 was deemed not suitable for residential use on 6/18/15 by NJSEA Resolution 2015-28 and was rezoned from the Environmental Conservation zone to the Highway Commercial zone on 7/5/16 by publication in the NJ Register.
 - An access location from Route 3 Ramp A to the subject property was granted to the property owner by the NJDOT in 1961 and is noted on the “General Property Parcel Map, Route 3, (1953) Section 4, Pleasant Avenue to 8th Street, showing existing right of way and parcels to be acquired, City of Union, Township of North Bergen and Town of Secaucus, County of Hudson,” Sheets 1 and 2 of 19, dated February 1961.
 - Direct connections from local roads, and thereby community uses, are limited, circuitous, and somewhat confusing to the traveling public. In order to access the site, vehicles must travel on the Eastern Spur of the New Jersey Turnpike, from either the northbound or southbound

directions, or must travel on Route 3 West and use the ramp at the NJ Transit North Bergen Park and Ride driveway. Route 3 West is accessed via Route 1 and 9, which connects to the neighboring communities in North Bergen and Union City.

- Vehicles exiting the site are limited to either travelling east or west on Route 3 Ramp A. Exiting the site travelling east on the ramp leads a vehicle to Route 3 West using the ramp at the North Bergen NJ Transit Park and Ride driveway. Once on Route 3 West, vehicles could continue toward the community in Secaucus or take Route 495 West to access either the northbound or southbound lanes of the NJ Turnpike. Exiting the site travelling west on Route 3 Ramp A would result in a direct connection to Route 495 East, allowing drivers to access points east and the Lincoln Tunnel. A connection to Route 3 East may also be possible, although the roadway is not currently configured for right turns from Ramp A to Route 3 Ramp H.
 - The available roadway system utilized for access to and from the site, including Route 3, the New Jersey Turnpike, and possibly Route 495 and Routes 1 & 9, are heavily used by commercial truck and tractor-trailer traffic traveling to the warehouse/distribution and light industrial zones in Secaucus, North Bergen and the surrounding area.
 - The western and southern property lines of the subject site are adjacent to properties comprised almost entirely of wetlands, also within the Environmental Conservation zone. Access to the site from the south and west is not feasible due to the presence of wetlands.
 - Further north of the subject property, the land is developed with a series of highway ramps and roadway surfaces, including Route 495 and Route 3. Directly across Route 3 from the subject site is a surface parking lot in the NJ Transit North Bergen Park and Ride facility.
 - To the east of the subject property, there is a series of active NYS&W railroad lines, which are utilized predominantly for freight trains. Passenger service is not available on these lines.
 - The isolated location of the subject property from similar and compatible uses renders the site unable to meet this criterion. In addition, the complicated and convoluted network of roadways required to access and exit the site also render the site unable to meet this criterion.
- ii. **The site has access to water and sewer infrastructure with sufficient capacity.**
- No evidence has been provided of any water or sewer infrastructure along the Route 3 ramps or in the immediate vicinity of the subject property. As such, this criterion is not met by the subject property.

- iii. **The site can be developed consistent with the rules of the NJSEA.**
- The subject property is currently located in the Environmental Conservation zone, which does not permit vertical development except for work on existing public utility equipment and appurtenances. Under the current zoning, the NJSEA regulations do not permit the development of the site for residential use.
 - The site is the subject of a petition by the applicant to rezone the property from the Environmental Conservation zone to the Highway Commercial zone.
 - Should the property be rezoned to the Highway Commercial zone, then the 3.57 acres of uplands on the site could be developed in accordance with the bulk requirements of the new zone and the NJSEA design standards. Any development proposed on the remaining 14.49-acre wetland area would require the approval of the U.S. Army Corps of Engineers.
 - This criterion cannot be met by the subject property under the current zoning; however, should the rezoning be approved, then the site could be developed consistent with the rules of the NJSEA.
- iv. **Former and existing land uses, either on the site or in the vicinity, may not expose resident to environmental hazard. Alternatively, the site shall be remediated to NJDEP residential standards as a condition of the Board's approval.**
- A review of the NJDEP Data Miner revealed that the subject property is not currently subject to NJDEP violation action at this time. A review of historic aerial photography of the site, in particular a comparison of the 1930 NJDEP aerials to the 1969 NJMC aerials, indicates the construction of the Route 3 and Route 495 access ramps may have resulted in the placement of fill on the subject site, possibly resulting in the creation of uplands in an area formerly containing wetlands.
 - As such, there is a possibility that the upland areas may contain, or may have been formed by, historic fill, and this criterion cannot be definitively met. Prior to any future development, the applicant should investigate the uplands to determine if historic fill is present on the site and, thereafter, formulate a plan to handle any applicable regulatory processes.

- v. **The size, shape, or layout of any existing structure that shall remain, or other physical limitation(s) not listed previously, does not preclude residential use.**
- This criterion can be met by the subject property. Aerial photography dating back to 1930 indicates that the subject property has never been developed.
- vi. **The site is suitable for residential use pursuant to sound planning principles.**
- The location of the subject property with respect to the surrounding properties is not conducive to the construction of a residential development.
 - The western and southern boundaries of the subject property are adjacent to property also located in the Environmental Conservation zone that consists predominantly of wetlands. The eastern side is adjacent to an active railroad right-of-way owned by the New York, Susquehanna & Western Railway Corp. The property to the north has been rezoned to the Highway Commercial zone in the recent past and is the only lot in the area to have development potential on uplands, although a portion of the site contains wetlands that cannot be developed. Further north of the existing Highway Commercial property is the ramp system for Route 3. The wetlands, highways and rail lines isolate the property from other development and the community.
 - The site is also not an appropriate location to construct residential units due to pedestrian access issues. There are no community facilities or amenities in the walkable vicinity of the subject property. Sidewalks are not provided along the Route 3 ramps. The closest business districts of Secaucus and Union City are more than one mile away, along and across heavily-trafficked highways.
 - The site is remote from public schools, neighborhood retail stores, recreational facilities, and other public amenities. Traffic circulation patterns on adjoining streets do not permit vehicles exiting the site to travel directly to the closest business districts, thereby further isolating future residents from the community.

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

Conclusion

The subject property located on State Route No. 3 Ramp A, Block 451, Lots 19.01 and 20.01, in the Township of North Bergen, is recommended to be deemed unsuitable for housing.

Contingent upon the approval of this recommendation by the NJSEA Board of Commissioners, the review of the submitted rezoning petition to rezone the subject property from Environmental Conservation to Highway Commercial may proceed for this site. However, as a condition of a future zoning certificate approval on this site, the applicant shall be required to satisfy the project's affordable housing requirements as per Section VII(a) of the Interim Policies or as required by law.

RESOLUTION 2017-12

**RESOLUTION ACCEPTING THE
2015 AUDIT REPORT**

BE IT RESOLVED by the New Jersey Sports and Exposition Authority that the Audit Report prepared by PKF O'Connor Davies, LLP, certified Public Accountants, for the operations of the NJSEA for the year ended December 31, 2015, are hereby accepted.

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 April 20, 2017.



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

EXECUTIVE SESSION

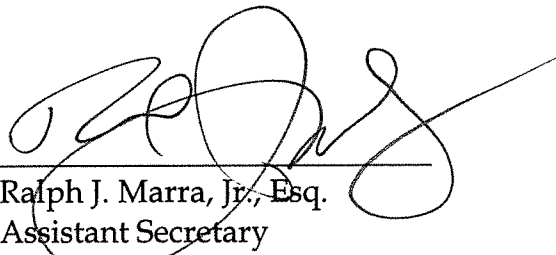
RESOLUTION 2017-13

**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 April 20, 2017.



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

RESOLUTION 2017-14

**RESOLUTION AUTHORIZING SETTLEMENT
WITH FELD COMPANIES**

WHEREAS, in 2015, in anticipation of monthly operating losses at the IZOD Center Arena ("Arena") exceeding \$700,000, the Board of Commissioners of the New Jersey Sports and Exposition Authority (the "Authority") approved the temporary closure of the Arena; and

WHEREAS, at that time, the Authority was a party to several contracts with Feld Entertainment, Inc., Ringling Bros.-Barnum & Bailey Combined Shows, Inc, and Feld Motor Sports, Inc. (collectively "Feld") licensing Feld to hold yearly series of shows at the Arena; and

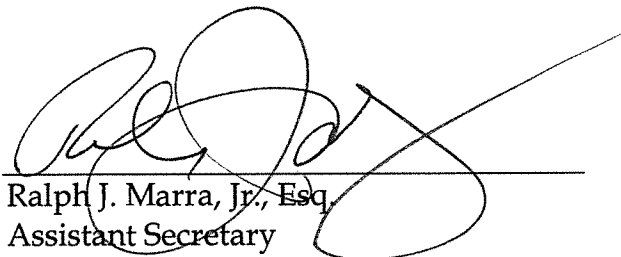
WHEREAS, Feld alleged that the Authority was responsible to Feld for damages as a result of the temporary closure of the Arena; and

WHEREAS, the Authority disputed any liability to Feld;

WHEREAS, in an effort to avoid timely and costly litigation, Feld and the Authority engaged in negotiations regarding Feld's damages claim related to the temporary closure of the Arena.

NOW, THEREFORE, BE IT RESOLVED the Authority is hereby authorized, instructed and directed to enter into a settlement agreement with Feld which would include a payment by the Authority to Feld of up to \$1.9 million and all releases and other terms required by the Authority's legal counsel.

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 on April 20, 2017.



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