

Board Meeting

Thursday, February 16, 2017

10:00 a.m.



**AGENDA
REGULAR SESSION**

Thursday, February 16, 2017 - 10:00 a.m.
Two DeKorte Park Plaza, Lyndhurst, NJ

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

- Approval of Regular Session Meeting Minutes of January 19, 2017.

II. **PUBLIC PARTICIPATION ON RESOLUTIONS**

III. **APPROVALS** – (Action)

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

Resolution 2017-04 Consideration of a Resolution issuing a decision on the variance application submitted as part of File No. 16-395, PSE&G/Carlstadt Substation – Security Wall & Variance – Block 124, Lot 27 in Carlstadt.

Resolution 2017-05 Consideration of a Resolution authorizing the publication of a Notice of Proposal and the holding of a public hearing regarding a petition for rezoning of block 451, Lots 19.01 and 20.01 in North Bergen.

IV. **PUBLIC COMMENTS**

V. **EXECUTIVE SESSION**

Resolution 2017-06 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. **MOTION TO ADJOURN**

MINUTES



REGULAR SESSION BOARD MEETING

DATE: January 19, 2017
TIME: 10:00 a.m.
PLACE: 2 DeKorte Park Plaza - Lyndhurst, NJ
RE: **REGULAR SESSION MEETING MINUTES**

Members in Attendance:

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

Absent:

Michael Ferguson, Chairman
Andrew Scala, Member
Michael Gonnelli, 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
Thomas Marturano, Director of Solid Waste and Natural Resources
John Duffy, Vice President Engineering, Construction and Regulatory Affairs
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 December 15, 2016.

Upon motion made by Commissioner Ballantyne and seconded by Commissioner Scardino, the minutes of the Regular Session Board Meeting held on December 15, 2016, were unanimously approved by a vote of 11-0.

II. PUBLIC PARTICIPATING ON RESOLUTIONS - None

III. APPROVALS

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

Vice Chairman Buckelew presented the report of cash disbursements over \$100,000 and Professional Invoices for the month of November 2016.

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

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

Resolution 2017-01 Resolution certifying the Meadowlands Adjustment Payments for CY2017.

Mr. Yarenis explained that pursuant to state law, the NJSEA is required to certify the calculations of the tax sharing payments for 2017 by February 1. He went on to explain that the tax sharing calculations have been reviewed and verified by an outside accounting firm. Mr. Yarenis stated that after approval of the resolution, the calculations will be forwarded to towns for notification.

Vice Chairman Buckelew presented Resolution 2017-01. Upon motion by Commissioner Plofker and seconded by Commissioner Fontoura, proposed resolution 2017-01 was unanimously approved by 11-0.

Commissioner Jones joined the meeting. Commissioner Jones noted for the record that he has been briefed on the earlier matters and votes in favor of the actions taken.

Resolution 2017-02 Resolution regarding the Greater Wildwood Tourism Improvement and Development Authority's Convention Center Hotel Project.

Mr. Marra explained that one of the tasks of the Authority was to construct and finance the Wildwood Convention Center. Mr. Marra went on to explain that the NJSEA owns the property, but it is run by the Greater Wildwood Tourism District. The Greater Wildwood Tourism District proposes to issue an RFP to construct a hotel adjacent to the convention center on part of the land that is owned by the NJSEA. Mr. Marra stated that, in conjunction with the Governor's office, the Authority is cooperating to facilitate

the building of the hotel. Mr. Marra stated that this resolution authorizes the President and staff to engage in the execution of a lease of the property. Mr. Marra noted that it is planned for part of NJSEA's expenses connected to the Wildwood Convention Center would be transferred to the developer and that there will be no cost or liability to the Authority.

Vice Chairman Buckelew presented Resolution 2017-02. Upon motion by Commissioner Ballantyne and seconded by Commissioner Scardino, proposed resolution 2017-02 was approved by 11-0 vote.

V. PUBLIC COMMENTS

- James Harris – Essex Coalition for Success – spoke about affirmative action and equal opportunity with regards to the NJSEA and American Dream project. Vice Chairman Buckelew suggested that he contact President Hasenbalg to discuss the laws that the Authority follows. Commissioner Ballantyne, as a representative of the unions, offered to also meet with Mr. Harris. Commissioner Jones stated that he and Mr. Harris go way back. Commissioner Jones went on to say that he believes that it is the sentiment of this board to ensure that we are ahead of the curve on issues that are important to the African American community and other minority groups and will continue to take steps in the right direction. Commissioner Fontoura explained how excited he was when the project first began and what a great opportunity it would be for gainful employment for surrounding counties and particularly minority groups. Commissioner Fontoura stated that he will be vigilant in making sure that all get their fair share that is hopefully forthcoming.
- Don Evanson, Secaucus resident spoke about American Dream bonds. Mr. Evanson asked about the status of the bonds. Vice Chairman Buckelew recommended that he contact Triple 5 directly.

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 2017-03 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.

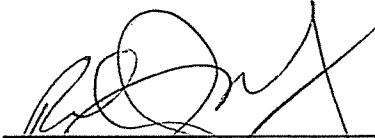
Upon motion made by President Hasenbalg and seconded by Commissioner Scardino, Resolution 2017-03 was approved by a vote of 11-0.

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

VII. MOTION TO ADJOURN

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

I certify that on information and belief this is a true and accurate transcript of the Minutes of the Regular Session of the New Jersey Sports and Exposition Authority Board Meeting held on January 19, 2017.



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

January 19, 2017

Commissioner	Roll Call	2017-01	2017-02	2017-03
Ferguson	--	--	--	--
Buckelew	P	Y	Y	Y
Hasenbalg	P	Y	Y	Y
Ballantyne	P	Y	Y	Y
Fontoura	P	Y	Y	Y
Gluck	P (via phone)	Y	Y	Y
Gonnelli	--	--	--	--
Jones	P	Y	Y	Y
Kolber	P (via phone)	Y	Y	Y
Plofker	P	Y	Y	Y
Scala	--	--	--	--
Scardino	P	Y	Y	Y
Yudin	P (via phone)	Y	Y	Y
Treasury Rep Wooster	P (via phone)	Y	Y	Y

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

APPROVALS



CASH DISBURSEMENTS
\$100,000 OR MORE
JANUARY 2017

SPORTS COMPLEX

	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
MOTOROLA SOLUTIONS, INC.	177,684.46	A	RADIO EQUIPMENT SYSTEM & SERVICES
NEW JERSEY STATE POLICE	309,407.75	A/L	OVERTIME CHARGES: NOV 2016
NRG BUSINESS SOLUTIONS	749,623.82	J	ELECTRICITY CHARGES: NOV 2016 - DEC 2016
SPORTS ARENA EMPLOYEES RETIREMENT FUND LOCAL 137	156,123.34	A	PENSION WITHDRAWAL LIABILITY PAYMENT: NOV 2016 - DEC 2016
STATE OF NEW JERSEY TREASURY DEPARTMENT	293,477.18	A	WORKERS' COMPENSATION COVERAGE: PERIOD ENDING DEC 2016
SPORTS COMPLEX TOTAL	<u>1,686,316.55</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	1,932,562.06	I	PAYMENT IN LIEU OF TAXES: 1ST QUARTER 2017
SC TAXES TOTAL	<u>1,932,562.06</u>		

MONMOUTH PARK RACETRACK REAL ESTATE TAXES

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF OCEANPORT	465,402.86	I	REAL ESTATE TAXES: 1ST QTR 2017
MP REAL ESTATE TAXES TOTAL	<u>465,402.86</u>		

OTHER

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
RAMAPO COLLEGE FOUNDATION	250,000.00	A	2017 FUNDING PER MOU - 1ST PAYMENT
WASTE MANAGEMENT OF NEW JERSEY	199,734.00	A	OPERATIONS CONTRACT - KEEGAN LANDFILL: DEC 2016
WILLIS OF PENNSYLVANIA, INC.	447,000.00	A	PROPERTY INSURANCE POLICY: JAN 2017 - DEC 2017
OTHER TOTAL	<u>896,734.00</u>		

OUTSTANDING PROFESSIONAL SERVICES
JANUARY 2017

SPORTS COMPLEX

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>DESCRIPTION</u>
GIBBONS P.C.	125,907.00	LEGAL SERVICES - AUTHORITY TRANSACTIONS COUNSEL: JAN 2017
SPORTS COMPLEX TOTAL	<u>125,907.00</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	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 2017-04

**RESOLUTION ISSUING A
DECISION ON THE VARIANCE APPLICATION
SUBMITTED AS PART OF FILE NO. 16-395
PSE&G/CARLSTADT SUBSTATION - SECURITY WALL & VARIANCE
BLOCK 124, LOT 27, IN THE BOROUGH OF CARLSTADT**

WHEREAS, an application for two bulk variances has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by Public Service Electric and Gas Company (PSE&G), for the premises located at 360 Washington Avenue, identified as Block 124, Lot 27, in the Borough of Carlstadt, New Jersey; and

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

WHEREAS, the bulk variances are sought in connection with the applicant's proposal to construct a retaining wall and security screening wall, relocate an existing gate, and install a security fence on the subject property to facilitate the widening of Washington Avenue and the installation of sidewalk by the County of Bergen; and

WHEREAS, the applicant requested relief from N.J.A.C. 19:4-8.10(a)1, which prohibits fences or screening walls in excess of 24 inches in required front yards, whereas a security screening wall and a security fence are proposed within the required front yard facing Washington Avenue; and

WHEREAS, the applicant has also requested relief from N.J.A.C. 19:4-8.10(a)1, which prohibits fences or screening walls in excess of 24 inches in required front yards, whereas a 13-foot-high security screening wall and a 10-foot-high security fence are proposed within the required front yard facing Washington Avenue, exceeding the maximum permitted height; 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, December 6, 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; Mia Petrou, P.P., AICP, Senior Planner; and Ronald Seelogy, P.E., P.P., Senior Engineer; and

WHEREAS, a comprehensive report dated February 2, 2017, has been prepared indicating the recommendations of the Director of Land Use Management and the Senior Vice President of Legal & Regulatory Affairs in this matter; and

WHEREAS, a copy of the recommendation and comprehensive report was provided to the applicant on February 2, 2017; and

WHEREAS, the report recommends the approval of the requested bulk variance from N.J.A.C. 19:4-8.10(a)1, to construct a security screening wall and a security fence within the required front yard facing Washington Avenue; and

WHEREAS, the report also recommends the approval of the requested bulk variance from N.J.A.C. 19:4-8.10(a)1, to construct a 13-foot-high security screening wall and a 10-foot-high security fence within the required front yard facing Washington Avenue, exceeding the maximum permitted height; 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 construct a security screening wall and a security fence within the required front yard facing Washington Avenue 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 bulk variance application to construct a 13-foot-high security screening wall and a 10-foot-high security fence within the required front yard facing Washington Avenue, exceeding the maximum permitted height, also conforms with the standards for approving applications for variances as set forth in N.J.A.C. 19:4-4.14(e).

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the PSE&G/Carlstadt Substation - Security Wall & Variance application to permit a security screening wall and a security fence within the required front yard facing Washington

Avenue, is hereby **APPROVED** for the reasons set forth in the recommendation dated February 2, 2017.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the PSE&G/Carlstadt Substation - Security Wall & Variance application to permit a security screening wall with a maximum height of 13 feet and a security fence with a maximum height of 10 feet within the required front yard facing Washington Avenue, whereas fences or screening walls in excess of 24 inches are prohibited in required front yards, is hereby **APPROVED** for the reasons set forth in the recommendation dated February 2, 2017.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of February 16, 2017.



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



MEMORANDUM

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

From: Sara J. Sundell

Date: February 16, 2017

Subject: Variance Recommendation: PSE&G/Carlstadt Substation - Security Wall & Variance
(File No. 16-395)

An application for two bulk variances has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by Public Service Electric and Gas Company (PSE&G), for the premises located at 360 Washington Avenue, identified as Block 124, Lot 27, in the Borough of Carlstadt, New Jersey. The subject premises is located within the Hackensack Meadowlands District's (District) Light Industrial B (LI-B) zone. The variances are sought in connection with the applicant's proposal to construct a retaining wall and security screening wall, relocate an existing gate, and install a security fence on the subject property to facilitate the widening of Washington Avenue and the installation of sidewalk by the County of Bergen.

The applicant requested variance relief from the following:

1. N.J.A.C. 19:4-8.10(a)1, which prohibits fences or screening walls in excess of 24 inches in required front yards. A security screening wall and a security fence are proposed within the required front yard facing Washington Avenue.
2. N.J.A.C. 19:4-8.10(a)1, which prohibits fences or screening walls in excess of 24 inches in required front yards. A 13-foot-high security screening wall and a 10-foot-high security fence are proposed within the required front yard facing Washington Avenue, exceeding the maximum permitted height.

A public hearing was held in the Office of the NJSEA on Tuesday, December 6, 2016.

In a comprehensive report dated February 2, 2017, 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 February 2, 2017.

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
PSE&C/Carlstadt Substation - Security Wall & Variance

FILE # 16-395

I. INTRODUCTION

An application for two bulk variances has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by Public Service Electric and Gas Company (PSE&C), for the premises located at 360 Washington Avenue, identified as Block 124, Lot 27, in the Borough of Carlstadt, New Jersey. The subject premises is located within the Hackensack Meadowlands District's (District) Light Industrial B (LI-B) zone. The variances are sought in connection with the applicant's proposal to construct a retaining wall and security screening wall, relocate an existing gate, and install a security fence on the subject property to facilitate Bergen County's widening of Washington Avenue and installation of sidewalk.

Specifically, the applicant is requesting relief from the following:

1. N.J.A.C. 19:4-8.10(a)1, which prohibits fences or screening walls in excess of 24 inches in required front yards. A security screening wall and a security fence are proposed within the required front yard facing Washington Avenue.
2. N.J.A.C. 19:4-8.10(a)1, which prohibits fences or screening walls in excess of 24 inches in required front yards. A 13-foot-high security screening wall and a 10-foot-high security fence are proposed within the required front yard facing Washington Avenue, exceeding the maximum permitted height.

Notice was given to the public and all interested parties as required by law. The public notice was published in The Record newspaper. No written

objections were received. A public hearing was held in the NJSEA Offices on Tuesday, December 6, 2016. All information submitted to the Division of Land Use Management relative to this application is made part of the record of this recommendation.

II. GENERAL INFORMATION

A. Existing and Proposed Use

The property in question consists of approximately 1.15 acres. It contains frontage along Washington Avenue to the east. The property is bordered to the west and south by warehouse/distribution facilities, and to the north by two vacant buildings that are located on a lot that is currently the subject of an on-going site remediation project. Other properties in the vicinity are generally industrial and commercial in character. There are no easements on the subject property.

The site is currently improved with electrical substation equipment and a two-story, 4,172-square-foot GIS and control house building. Direct access from Washington Avenue to the subject premises is provided by an existing gravel driveway located on the northerly portion of the site.

The bulk variances are sought in connection with the applicant's proposal to construct a retaining wall and security screening wall, relocate an existing gate, and install a security fence on the subject property to facilitate Bergen County's widening of Washington Avenue and to allow Bergen County to install a sidewalk along PSE&C's property.

B. Response to the Public Notice

No written objections were received prior to the public hearing.

III. PUBLIC HEARING (December 6, 2016)

A public hearing was held on Tuesday, December 6, 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; Mia Petrou, P.P., AICP, Senior Planner; and Ronald Seelogy, P.E., P.P., Senior Engineer.

A. Exhibits

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

<u>Number</u>	<u>Description</u>
A-1	"Security Wall Site Plan," prepared by PSEG Service Corporation on May 6, 2013, last revised November 10, 2016.
A-2	"Security Wall Plan & Elevation," Drawing No. 399150, prepared by the Concord Engineering Group on August 15, 2016.
A-3	"Security Wall Sections at Transformer 1TRK & 4 TRK," Drawing No. 399049, prepared by the Concord Engineering Group on August 15, 2016.
A-4	Untitled and undated photo of existing fence line looking due south along Washington Avenue.
A-5	"Photo Documentation Log," Figures 1 and 2, dated August 19, 2016.

B. Testimony

David Richter, Esq., of Public Service Enterprise Group, represented the applicant at the hearing. The following witnesses testified in support of the application:

1. Peter Maguire, Public Service Electric and Gas Company;

2. Albert P. Popoli, P.E., Concord Engineering Group; and
3. William F. Masters, P.P.

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

C. Public Comment

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

IV. RECOMMENDATION(S)

- A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.10(a)1, which prohibits fences or screening walls in excess of 24 inches in required front yards. A security screening wall and a security fence are proposed within the required front yard facing Washington Avenue.

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

1. Concerning bulk variances:

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

The requested variance to permit a security screening wall and a security fence within the required 35-foot front yard setback facing Washington Avenue arises from conditions that are unique to the site. The subject property, which is located in the LJB zone,

consists of approximately 1.15 acres fronting Washington Avenue to the east. The site is currently improved with an existing electrical substation, including a GIS building and electrical equipment. The existing substation facility's fence along Washington Avenue is located within the required front yard at a setback of approximately nine feet from the Washington Avenue right of way. The proposed security screening wall and security fence will be located approximately 7.9 feet from the Washington Avenue right of way to facilitate Bergen County's widening of the paved travel way of Washington Avenue and to allow Bergen County to install a sidewalk along PSE&G's property.

The County of Bergen requires that the proposed sidewalk be constructed on flat, level ground with a minimum clearance of five feet from existing obstructions to remain such as utility poles, where the width of the proposed sidewalk would be increased to as much as eight feet. The existing grade of the Washington Avenue right of way is approximately 4.5 feet higher than the grade/ground elevation of the substation facility site, and the transition between these two grades occurs within a relatively small distance, resulting in a steep slope. In order to accommodate the construction of the proposed sidewalk, retaining walls are required to be installed to address the change in elevation.

District zoning regulations restrict the placement of fences and screening walls within required front yards. Relocating the proposed security screening wall and security fence outside of the required front yard setback would result in a conflict with existing electrical equipment and require the placement of additional fill.

Industry standards and codes dictate certain minimum clearances be maintained between the equipment and structures for safety and security purposes and to allow for routine maintenance. Placement of the proposed security screening wall and security fence within the required front yard abutting the proposed sidewalk will provide security for the substation, while not jeopardizing the safety of employees working within the substation or pedestrians walking along Washington Avenue.

This combination of conditions impacts the subject property in a unique manner. These conditions are not ordinarily found in the LI-B zone and were not created by any action of the property owner.

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

The granting of the requested variance to permit a security screening wall and security fence within the required front yard setback along the Washington Avenue right of way will not adversely affect the rights of neighboring property owners or residents. The site is located within a fully developed industrial area, and no residences are located nearby.

The proposed security screening wall and security fence will not create any negative visual impacts to the neighboring properties or impede their ability to function as intended. The security screening wall and security fence are proposed to be set back approximately 7.9 feet from the property line, and thus provide an adequate line of

sight for vehicular traffic exiting the both the subject site and the neighboring site. No vegetation will be removed, and no significant amount of new impervious surface will result from the proposal. Therefore, the granting of the requested variance will not adversely affect the rights of neighboring property owners or residents.

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 will result in peculiar and exceptional practical difficulties to, and exceptional and undue hardship upon, the property owner. The easterly portion of the site in the vicinity of Washington Avenue was recently improved by PSE&G to accommodate the installation of additional equipment within the existing substation footprint. The approved site layout, which was designed to utilize the premises in a safe and efficient manner, included the installation of equipment foundations at or near the minimum required front yard setback line.

The strict application of the required 35-foot front yard setback would result in placing the security screening wall and security fence in a location that would conflict with the location of the equipment and areas used for site operations, thus rendering the substation essentially unsecured. To ensure public safety, appropriate clearances must also be provided to the electrical equipment. Two transformers located within close proximity of the Washington Avenue right of way are surrounded on three sides by a fire wall. The proposed security wall will screen both

transformers from the public thereby deterring vandalism of the equipment. Also, the proposed security screening wall would provide additional protection to the public in case of a transformer fire. The proposed location of the security screening wall and security fence will provide a level of safety for PSE&G while allowing the site to continue to function as intended, while maintaining the aesthetics of the neighborhood.

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.

There will be no substantial detriment to the public good and no adverse effects to the public health, safety, morals, order, convenience, prosperity, or general welfare by the granting of the requested variance. No adverse impacts to public health will result from this proposal, as adequate light, air, and open space will continue to be provided. There will be no changes to the current on-site vehicle circulation pattern, as equipment will be continue to be able to be accessed from within the site and access to the subject premises from Washington Avenue will be maintained via an existing curb cut at the northerly end of the site.

The surrounding neighborhood properties principally consist of industrial uses. The applicant is proposing to construct a security screening wall and security fence within the required 35-foot front yard setback along Washington Avenue. The security screening wall and security fence are proposed to be set back approximately 7.9 feet from the front property line, along the edge of the proposed

sidewalk, minimizing any potential line of sight issues for vehicular traffic exiting the site or the neighboring property. The proposed security screening wall will be clad in decorative panels, while the type of material of the proposed security fence will match the existing security fence at the substation.

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

The granting of the requested variance to permit a security screening wall and security fence within the required front yard setback will not have any adverse environmental impacts. The location of the proposed security screening wall and security fence within the required front yard along Washington Avenue will not violate the District's performance standards regarding noise, vibrations, airborne emissions, hazardous materials, glare, or water quality. In addition, no environmentally sensitive areas will be disturbed by the placement of the security screening wall and security fence.

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

The requested variance represents the minimum deviation from the regulations that will afford relief. Potential locations to provide a security screening wall and security fence without altering the safe operation and layout of the substation are limited due to the site's existing configuration and improvements and particular topographic conditions. The security screening wall and security fence are proposed to be set back approximately 7.9 feet from the

property line, along the proposed sidewalk, providing adequate line of sight for vehicular traffic exiting the both the subject site and neighboring site.

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

The requested variance to permit a security screening wall and security fence within the required front yard setback along Washington Avenue will not substantially impair the intent and purpose of the regulations. One intent of prohibiting fences and screening walls in required front yards is to minimize the visual impacts to neighboring properties. The property in question is located in the LL-B zone, which is comprised of various industrial and commercial uses. Although the proposed security screening wall and security fence will be located in the required front yard setback, the security screening wall and security fence have been designed to minimize the visual impact to the surrounding area. Further, the security screening wall and security fence at the proposed location will provide a level of safety for PSE&G while maintaining overall logistical functionality of the site.

B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.10(a), which prohibits fences or screening walls in excess of 24 inches in required front yards. A 13-foot-high security screening wall and a 10-foot-high security fence are proposed within the required front yard facing Washington Avenue, exceeding the maximum permitted height.

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

1. *Concerning bulk variances:*

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

The requested variance to permit a 13-foot-high security screening wall and a 10-foot-high security fence within the required 35-foot front yard setback facing Washington Avenue arises from conditions that are unique to the site. The subject property, which is located in the LI-B zone, consists of approximately 1.15 acres fronting Washington Avenue to the east. The site is currently improved with an existing electrical substation, including a GIS building and electrical equipment. The existing substation fence along Washington Avenue is located within the required front yard at a setback of approximately nine feet. The proposed security screening wall and security fence will be located approximately 7.9 feet from the Washington Avenue right of way to facilitate the widening of the paved travel way of Washington Avenue and allow for the installation of sidewalk by the County of Bergen.

Due to the location of the proposed security wall and fence adjacent to the proposed relocated sidewalk, there is no additional buffer available between the security wall/fence and pedestrians walking along Washington Avenue. The height of the security wall/fence is required due to the location of the existing public utility improvements on the site and the unique public safety and security concerns to which they are subject.

These conditions impact the subject property in a unique manner.

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 13-foot-high security screening wall and a 10-foot-high security fence within the required front yard setback along the Washington Avenue right of way will not adversely affect the rights of neighboring property owners or residents. The site is located within a fully developed industrial area; no residences are located nearby.

The proposed height of the security screening wall and security fence will not create any negative visual impacts to the neighboring properties or impede their ability to function as intended. The proposed heights will not result in any potential line of sight issues for vehicular traffic exiting the neighboring properties. No vegetation will be removed, and no significant amount of new impervious surface will result from the proposal. Therefore, the

granting of the requested variance will not adversely affect the rights of neighboring property owners or residents.

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 will result in peculiar and exceptional practical difficulties to, and exceptional and undue hardship upon, the property owner. The easterly portion of the site in the vicinity of Washington Avenue was recently improved by PSE&G to accommodate the installation of additional equipment within the existing substation footprint. The approved site layout, which was designed to utilize the premises in a safe and efficient manner, included the installation of equipment foundations at or near the minimum required front yard setback line. The strict application of the required eight-foot maximum permitted height applicable to fences and walls would not adequately secure the site. The additional height will prevent unauthorized access to the site by thwarting potential climbers, and will also prevent items from being thrown over the fence by pedestrians and motorists along Washington Avenue. The proposed heights of the security screening wall and security fence will allow the site to continue to function as intended, while maintaining the aesthetics of the neighborhood.

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.*

There will be no substantial detriment to the public good and no adverse effects to the public health, safety, morals, order, convenience, prosperity, or general welfare by the granting of the requested variance. No adverse impacts to public health will result from this proposal, as adequate light, air, and open space will continue to be provided.

The surrounding neighborhood properties principally consist of industrial uses. The applicant is proposing to construct a 13-foot-high security screening wall and a 10-foot-high security fence within the required 35-foot front yard setback along Washington Avenue. The security screening wall and security fence are proposed to be set back approximately 7.9 feet from the front property line, along the edge of the proposed sidewalk, and the proposed heights will not result in any potential line of sight issues for vehicular traffic exiting the site or the neighboring property. The proposed security screening wall will be clad in decorative panels, while the type of material of the proposed security fence will match the existing substation security fence.

The proposed heights and design of the security wall and fence will prevent unauthorized access to the site by thwarting potential climbers, and will prevent items from being thrown over the fence by pedestrians and motorists along Washington Avenue.

Therefore, the proposed variance will promote the public safety and welfare in the vicinity of a public utility site.

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

The granting of the requested variance to permit a 13-foot-high security screening wall and a 10-foot-high security fence within the required front yard setback will not have any adverse environmental impacts. The proposed heights of the security screening wall and security fence will not violate the District's performance standards regarding noise, vibrations, airborne emissions, hazardous materials, glare, or water quality. In addition, no environmentally sensitive areas will be disturbed by the proposed security screening wall and security fence at the requested heights.

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

The requested variance represents the minimum deviation from the regulations that will afford relief. Potential locations to provide a security screening wall and security fence without altering the safe operation and layout of the substation are limited. The proposed heights of the security screening wall and security fence will provide adequate line of sight for vehicular traffic exiting the site. In addition, the proposed heights are the minimum heights necessary to secure the safety and security of the public utility use on the site.

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

The requested variance to permit a 13-foot-high security screening wall and a 10-foot-high security fence within the required front yard setback along Washington Avenue will not substantially impair the intent and purpose of the regulations. The maximum height requirement for fences and walls is intended to minimize the visual impacts to neighboring properties while providing adequate security for District properties. The property in question is located in the LL-B zone, which allows various industrial and commercial uses. The proposed fence and wall heights are required to secure a public utility use, which generally involves greater security needs than other uses in the zone. Although the proposed heights of the security screening wall and security fence exceed the maximum permitted height by five and two feet, respectively, the proposed wall and fence have been designed to minimize any negative visual impact to the surrounding area. Furthermore, the security screening wall and security fence at the proposed heights are required to maintain both the public safety and the security of the PSE&G improvements on the site.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Bulk Variance from the Provisions of N.I.A.C. 19-4-8.10(a)1, which prohibits fences or screening walls in excess of 24 inches in required front yards. A security screening wall and a security fence are proposed within the required front yard facing Washington Avenue.

Based on the record in this matter, the bulk variance application to construct a security screening wall and a security fence within the required front yard facing Washington Avenue, whereas fences or screening walls in excess of 24 inches are prohibited in required front yards, is hereby recommended for APPROVAL.

APPROVAL	2/1/17	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management
<i>approved</i>	2/2/17	
Recommendation on Variance Request	Date	Ralph J. Marra, Jr. Senior Vice President Legal & Governmental Affairs

B. Standards for the Granting of a Bulk Variance from the Provisions of N.I.A.C. 19-4-8.10(a)1, which prohibits fences or screening walls in excess of 24 inches in required front yards. A 13-foot-high security screening wall and a 10-foot-high security fence are proposed within the required front yard facing Washington Avenue, exceeding the maximum permitted height.

Based on the record in this matter, the bulk variance application to construct a security wall with a maximum height of 13 feet and a security fence with a maximum height of 10 feet within the required front yard facing Washington Avenue, whereas fences or screening walls in excess of 24 inches are prohibited in required front yards, is hereby recommended for APPROVAL.

APPROVAL	2/1/17	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management
<i>approved</i>	2/2/17	
Recommendation on Variance Request	Date	Ralph J. Marra, Jr. Senior Vice President Legal & Governmental Affairs

RESOLUTION 2017 -05

**RESOLUTION AUTHORIZING THE
PUBLICATION OF A NOTICE OF PROPOSAL AND THE
HOLDING OF A PUBLIC HEARING REGARDING A
PETITION FOR THE REZONING OF
BLOCK 451, LOTS 19.01 AND 20.01, IN THE
TOWNSHIP OF NORTH BERGEN, NEW JERSEY**

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

WHEREAS, the HMD 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, the NJSEA received a petition from Hanover Holdings, LLC, requesting a rezoning of Block 451, Lots 19.01 and 20.01, in the Township of North Bergen, New Jersey; and

WHEREAS, Hanover Holdings, LLC, the property owner, is seeking to rezone Block 451, Lots 19.01 and 20.01, an 18.06-acre lot, from the Environmental Conservation zone to the Highway Commercial zone; and

WHEREAS, the proposed rezoning of the Block 451, Lots 19.01 and 20.01, would encourage economic development by allowing development on the 3.57-acre upland portion of the site; and

WHEREAS, NJSEA staff has reviewed the petition and prepared a preliminary analysis, dated February 2, 2017, which recommends that the Board grant the petition to commence the rulemaking process for the potential rezoning of the subject property from the Environmental Conservation zone to the Highway Commercial zone.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby grants the petition to commence the rulemaking process for the potential rezoning of the subject property from the Environmental Conservation zone to the Highway Commercial zone.

BE IT FURTHER RESOLVED, that the Board hereby authorizes the NJSEA staff to prepare and submit a Notice of Proposal to the Office of Administrative Law for publication in the New Jersey Register and to hold a public hearing in order to receive input from the petitioner and the general public regarding the possible rezoning of Block 451, Lots 19.01 and 20.01, in the Township of North Bergen, New Jersey.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of February 16, 2017.



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



MEMORANDUM

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

From: Sara J. Sundell

Date: February 16, 2017

Subject: Request to Grant a Petition for Rulemaking and Initiate a Rulemaking Procedure with Regard to the Rezoning of Block 451, Lots 19.01 and 20.01, in the Township of North Bergen, New Jersey (File No. SP-742, Hanover Holdings, LLC/Petition for Rezoning)

The New Jersey Sports and Exposition Authority (NJSEA) received a petition from Hanover Holdings, LLC, to rezone Block 451, Lots 19.01 and 20.01, in the Township of North Bergen. The 18.06-acre site contains 14.49 acres of wetlands that have been the subject of an Army Corps of Engineers' Jurisdictional Determination, thus resulting in approximately 3.57 acres of uplands on this site. On the Hackensack Meadowlands District Official Zoning Map, the subject property is currently designated as Environmental Conservation and is proposed to be rezoned to Highway Commercial. The purpose of the rezoning request is to permit a wider range of uses, including hotel development, as depicted on the petitioner's concept plan.

At this time, the NJSEA staff requests that the Board grant the petition and authorize staff to file a Notice of Proposal for the rezoning with the Office of Administrative Law for publication in the New Jersey Register and to hold a public hearing in order to receive input from the petitioner and the general public regarding the possible rezoning of Block 451, Lots 19.01 and 20.01 in the Township of North Bergen. A resolution requesting the same is attached for your consideration.

File No. SP-742 -- Hanover Holdings, LLC/Petition for Rezoning

Sharon A. Mascaró, P.E.

February 2, 2017

Preliminary Staff Analysis and Recommendation--Petition to Rezone Block 451, Lots 19.01 and 20.01, in the Township of North Bergen

Rezoning request

The NJSEA has received a petition from Hanover Holdings, LLC, regarding Block 451, Lots 19.01 and 20.01 (the "subject property"), located in North Bergen. On the Official Zoning Map of the Hackensack Meadowlands District, the subject property is located in the Environmental Conservation zone. The petitioner has requested that the subject property be rezoned to Highway Commercial.

The NJSEA staff has analyzed the petition in order to recommend an initial course of action to the Board.

Petition for rezoning

The staff recommends that the Board grant the petition to commence the rulemaking process for the potential rezoning of the subject property from the Environmental Conservation (EC) zone to the Highway Commercial (HC) zone.

Preliminary analysis

The subject property is an 18.06-acre site located along New Jersey State Highway (N.J.S.H.) Route No. 3 Ramp A. The 3.57-acre uplands portion of the subject site is adjacent to Block 451, Lot 21, which contains 3.66 acres of uplands and was previously rezoned from the EC zone to the HC zone in 2016 (North Bergen Motel Associates, LLC/Petition for Rezoning, NJSEA File SP-719). The remaining 14.49 acres of the subject property are covered by wetlands. A Jurisdictional Determination, prepared by the U.S. Army Corps of Engineers on November 8, 2015, confirmed the accuracy of the depiction of the 14.49-acre wetland area, as shown on the "Jurisdictional Determination Plan," prepared by George D. Cascino, P.E., P.P., dated 6/26/15, last revised 11/9/15.

The 3.57-acre uplands portion of the subject property could potentially provide an opportunity for development without compromising existing wetlands on the site. The petitioner's planner has indicated in his report that the purpose of the rezoning request is to permit a range of uses on the site's undeveloped uplands. The conceptual plan submitted with the petition shows a possible configuration of a hotel on the site's upland area. An access location from the highway ramp 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,

Memo to File SP-742

February 2, 2017

Page 2 of 2

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. As such, the staff recommends that the Board grant the petition to commence the rulemaking process for the proposed rezoning.

EXECUTIVE SESSION

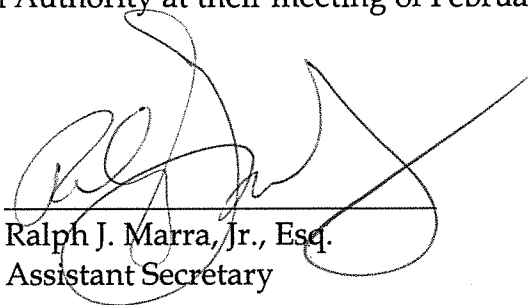
RESOLUTION 2017-06

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

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

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of February 16, 2017.


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