



Board Meeting

Thursday, March 16, 2017

10:00 a.m.



**AGENDA
REGULAR SESSION**

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

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

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

II. **SPECIAL PRESENTATION** – NJSEA/Rutgers-Newark University Partnership
Meadowlands Environmental Research Institute (MERI)

III. **PUBLIC PARTICIPATION ON RESOLUTIONS**

IV. **APPROVALS** – (Action)

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

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

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

Resolution 2017-09 Consideration of a Resolution issuing a decision on the variance application submitted as part of File No. 16-485, GMA/Capelli – additional soccer fields (use change) & variance – Block 128, Lot 34 in Carlstadt.

V. **PUBLIC COMMENTS**

VI. **EXECUTIVE SESSION**

Resolution 2017-10 Consideration of a Resolution authorizing the New Jersey Sports and Exposition Authority to conduct a meeting, to which the general public shall not be admitted for the purposes of discussing legal matters, personnel matters and contract negotiations.

VII. **MOTION TO ADJOURN**

MINUTES



REGULAR SESSION BOARD MEETING

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

Absent:

LeRoy Jones, Member
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
Lisa LeBoeuf, Governor's Authorities Unit
Christine Ferrante, Executive Assistant/Paralegal

President Hasenbalg called the meeting to order.

President Hasenbalg stated that the New Jersey Sports and Exposition Authority gave notice of the time, place, and date of this meeting by providing such notice to the Secretary of State for the State of New Jersey, The Star-Ledger, The Record, and other newspapers and by posting the notice at the offices of the Authority.

I. APPROVAL OF MINUTES

President Hasenbalg presented the minutes of the Regular Session Board Meeting held on January 19, 2017.

Upon motion made by Commissioner Scardino and seconded by Commissioner Plofker, the minutes of the Regular Session Board Meeting held on January 19, 2017 were unanimously approved by a vote of 11-0.

II. PUBLIC PARTICIPATING ON RESOLUTIONS

- Capt. Bill Sheehan, Riverkeeper – spoke on Resolution 2017-05. Capt. Sheehan expressed his concern regarding the building on uplands up to the edge of a wetland area and how it would compromise the wetlands. Capt. Sheehan urged the Authority to move cautiously on these types of applications.

III. APPROVALS

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

President Hasenbalg presented the report of cash disbursements over \$100,000 and Professional Invoices for the month of January 2017.

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

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

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 Carlstadt.

Ms. Sundell explained that the site is located within the HMD Light Industrial B zone. The applicant, PSE&G, variance request is for the construction of a retaining wall and security screening wall, relocation of an existing gate and installation of a security fence on their existing substation site on Washington Ave. in Carlstadt. The variance request is sought to facilitate the widening of Washington Avenue and the installation of a sidewalk along the frontage of PSE&G’s property by the County of Bergen.

President Hasenbalg presented Resolution 2017-04. Upon motion by Commissioner Ballantyne and seconded by Commissioner Yudin, proposed resolution 2017-04 was unanimously approved by 11-0.

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, Lot 19.01 and 20.01 in the Township of North Bergen.

Ms. Sundell explained that the applicant, Hanover Holdings, LLC, requests that the 18.06 acre property be rezoned from Environmental Conservation zone to Highway Commercial Zone. Ms. Sundell explained that the property is 3.6 acres of uplands and 14.5 acres of wetlands. Ms. Sundell went on to explain that only the upland portion is proposed for development. She stated that staff prepared a preliminary analysis, which discusses how the upland portion of the site could potentially provide an opportunity for commercial development without compromising existing environmentally-sensitive wetlands. Ms. Sundell stated that this resolution would authorize the initial steps in the rezoning process.

Commissioner Yudin wanted to make clear that this is just the initial step to the process.

President Hasenbalg presented Resolution 2017-05. Upon motion by Commissioner Scardino and seconded by Commissioner Ballantyne, proposed resolution 2017-05 was approved by 11-0 vote.

V. PUBLIC COMMENTS

- Don Evanson, Secaucus resident – spoke about American Dream and his concern with who would be responsible for taking down the construction if the project should fail. President Hasenbalg offered to speak with Mr. Evanson separately regarding his concerns.
- James E. Harris, Essex County Coalition for Success spoke about affirmative action – equal opportunity. Mr. Harris thanked the Commissioners for their positive response after last month’s meeting. He went on to thank Commissioner Ballantyne for meeting with him regarding job training within the Carpenters Union.
- Jeffrey Dye, NAACP - also thanked the Commissioners and hopes to rekindle the relationship with the Authority in bring underprivileged youth to events at the complex.

VI. EXECUTIVE SESSION

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

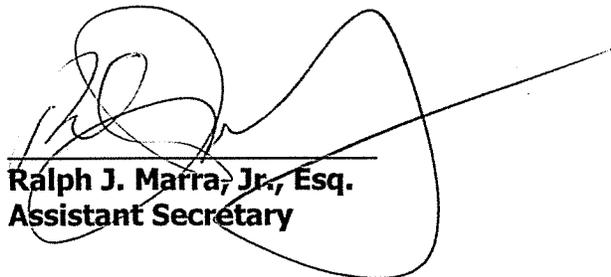
Resolution 2017-06 Resolution authorizing the NJSEA to enter into a meeting to which the general public shall not be admitted to discuss legal matters, personnel matters and contract negotiations.

Upon motion made by Commissioner Plofker and seconded by Commissioner Scardino, Resolution 2017-06 was approved by a vote of 11-0.

VII. MOTION TO ADJOURN

With no further business, motion to adjourn the meeting was made by Commissioner Scardino and second by Commissioner Yudin 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 February 16, 2017.



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

February 16, 2017

Commissioner	Roll Call	2017-04	2017-05	2017-06
Ferguson	P (via phone)	Y	Y	Y
Buckelew	P (via phone)	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	--	--	--	--
Kolber	P (via phone)	Y	Y	Y
Plofker	P	Y	Y	Y
Scala	--	--	--	--
Scardino	P	Y	Y	Y
Yudin	P	Y	Y	Y
Treasury Rep Simon	P (via phone)	Y	Y	Y

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

APPROVALS



CASH DISBURSEMENTS
\$100,000 OR MORE
FEBRUARY 2017

SPORTS COMPLEX

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
NEW JERSEY STATE POLICE	400,189.91	A/L	OVERTIME CHARGES: - NOV 2016 -DEC 2016
NRG BUSINESS SOLUTIONS	362,690.70	I	ELECTRICITY CHARGES: JAN 2017
SPORTS COMPLEX TOTAL	<u>762,880.61</u>		

OTHER

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
JACOBS ENGINEERING GROUP, INC.	275,515.25	A/L	MASSTR ON-CALL TRAFFIC ENGINEERING SUPPORT SERVICES: JUL 2016 - NOV 2016
LYNDHURST, TOWN OF	175,000.00	I	PAYMENT IN LIEU OF TAXES: 2017
PHILADELPHIA INSURANCE COMPANIES	399,213.75	A	GENERAL LIABILITY & AUTO POLICY INSURANCE RENEWAL PREMIUM: JAN 2017 - DEC 2017
WASTE MANAGEMENT OF NEW JERSEY	209,778.50	A	OPERATIONS CONTRACT - KEEGAN LANDFILL: JAN 2017
OTHER TOTAL	<u>1,059,507.50</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 2017-07

**RESOLUTION ADOPTING THE
BERGEN COUNTY MULTIJURISDICTIONAL ALL HAZARDS
MITIGATION PLAN 2015 UPDATE**

WHEREAS, the Federal Emergency Management Administration (FEMA) requires the preparation and adoption of a local hazard mitigation plan in order for jurisdictions to become eligible for FEMA's mitigation grant programs, including the Hazard Mitigation Grant Program, Flood Mitigation Assistance, Pre-Disaster Mitigation, and Severe Repetitive Loss programs; and

WHEREAS, the Bergen County Office of Emergency Management, in cooperation with the former New Jersey Meadowlands Commission (now the New Jersey Sports and Exposition Authority), has prepared the Bergen County Multijurisdictional All Hazards Mitigation Plan 2015 Update; and

WHEREAS, the Bergen County Multijurisdictional All Hazards Mitigation Plan 2015 Update (Plan) has been prepared in accordance with the Disaster Mitigation Act of 2000 (44 CFR Parts 201 & 206); and

WHEREAS, every municipality within Bergen County, including those that are located within the Hackensack Meadowlands District, have adopted this Plan as its local hazard mitigation plan, and have resolved to execute the actions in the Plan; and

WHEREAS, the in-District Bergen County municipalities of Carlstadt, East Rutherford, Little Ferry, Lyndhurst, Moonachie, North Arlington, Ridgefield, Rutherford, South Hackensack and Teterboro have reviewed the Plan and affirm that the Plan will be updated no less than every five years;

WHEREAS, the NJSEA coordinates with its in-District Bergen County municipalities on flooding issues and mitigation actions on an ongoing basis; and

WHEREAS, the NJSEA is currently undergoing its 5-year review under FEMA's National Flood Insurance Program 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 District property owners now enjoy; and

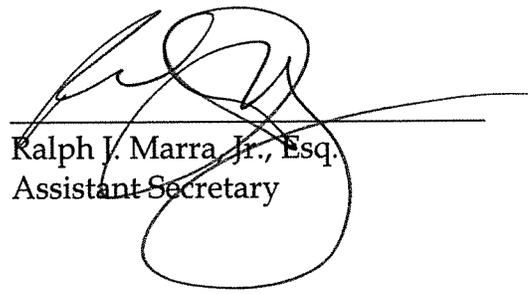
WHEREAS, as a result of NJSEA activities performed under the CRS program, portions of Carlstadt, East Rutherford, Little Ferry, Lyndhurst, Moonachie, North Arlington, Ridgefield, Rutherford, South Hackensack and

Teterboro within the Hackensack Meadowlands District are currently eligible to receive a 15 percent discount on flood insurance; and

WHEREAS, under the eligibility criteria of the CRS program, the NJSEA may be credited for certain floodplain management activities by adopting the Bergen County Multijurisdictional All Hazards Mitigation Plan 2015 Update.

NOW THEREFORE, BE IT RESOLVED that the New Jersey Sports and Exposition Authority hereby adopts the Bergen County Multijurisdictional All Hazards Mitigation Plan 2015 Update on behalf of its constituent municipalities in Bergen County.

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 March 16, 2017.



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



MEMORANDUM

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

From: Sara Sundell

Date: March 16, 2017

Subject: Adoption of the Bergen County Multijurisdictional All Hazards Mitigation Plan 2015 Update

The former NJMC (now NJSEA) staff, in cooperation with the Bergen County Office of Emergency Management (BCOEM), prepared the Bergen County Multijurisdictional All Hazards Mitigation Plan 2015 Update. The Plan has been prepared in accordance with the Disaster Mitigation Act of 2000 (44 CFR Parts 201 & 206).

With the adoption of this Plan, Bergen County and each of its 70 municipalities are eligible for the following FEMA mitigation grant programs:

- Hazard Mitigation Grant Program (HMGP);
- Flood Mitigation Assistance (FMA);
- Pre-Disaster Mitigation (PDM); and
- Severe Repetitive Loss (SRL).

The NJSEA will continue to coordinate with its Bergen County municipalities on flooding issues and mitigation actions.

The NJSEA is currently 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. The in-District portions of Carlstadt, East Rutherford, Little Ferry, Lyndhurst, Moonachie, North Arlington, Ridgefield, Rutherford, South Hackensack and Teterboro currently receive a 15 percent discount on flood insurance under the CRS program.

As part of the eligibility criteria, the CRS has informed the NJSEA that the agency could be credited for certain floodplain management activities by adopting the Bergen County Multijurisdictional All Hazards Mitigation Plan 2015 Update.

RESOLUTION 2017-08

**RESOLUTION ADOPTING THE
HUDSON COUNTY HAZARD MITIGATION PLAN 2015 UPDATE**

WHEREAS, the Federal Emergency Management Administration (FEMA) requires the preparation and adoption of a local hazard mitigation plan in order for jurisdictions to become eligible for FEMA's mitigation grant programs, including the Hazard Mitigation Grant Program, Flood Mitigation Assistance, Pre-Disaster Mitigation, and Severe Repetitive Loss programs; and

WHEREAS, the Hudson County Office of Emergency Management has prepared the Hudson County Hazard Mitigation Plan 2015 Update; and

WHEREAS, the Hudson County Hazard Mitigation Plan 2015 Update (Plan) has been prepared in accordance with the Disaster Mitigation Act of 2000 (44 CFR Parts 201 & 206); and

WHEREAS, every municipality within Hudson County, including those that are located within the Hackensack Meadowlands District, have adopted this Plan as its local hazard mitigation plan, and have resolved to execute the actions in the Plan; and

WHEREAS, the in-District Hudson County municipalities of Jersey City, Kearny, North Bergen and Secaucus have reviewed the Plan and affirm that the Plan will be updated no less than every five years;

WHEREAS, the NJSEA coordinates with its in-District Hudson County municipalities on flooding issues and mitigation actions on an ongoing basis; and

WHEREAS, the NJSEA is currently undergoing its 5-year review under FEMA's National Flood Insurance Program 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 District property owners now enjoy; and

WHEREAS, as a result of NJSEA activities performed under the CRS program, portions of Jersey City, Kearny, North Bergen and Secaucus within the Hackensack Meadowlands District are currently eligible to receive a 15 percent discount on flood insurance; and

WHEREAS, under the eligibility criteria of the CRS program, the NJSEA may be credited for certain floodplain management activities by adopting the Hudson County Hazard Mitigation Plan 2015 Update.

NOW THEREFORE, BE IT RESOLVED that the New Jersey Sports and Exposition Authority hereby adopts the Hudson County Hazard Mitigation Plan 2015 Update on behalf of its constituent municipalities in Hudson County.

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 March 16, 2017.



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



MEMORANDUM

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

From: Sara J. Sundell

Date: April 16, 2017

Subject: Adoption of the Hudson County Hazard Mitigation Plan 2015 Update

The Hudson County Office of Emergency Management prepared the Hudson County Hazard Mitigation Plan 2015 Update. The Plan has been prepared in accordance with the Disaster Mitigation Act of 2000 (44 CFR Parts 201 & 206).

With the adoption of this Plan, Hudson County and each of its 12 municipalities are eligible for the following FEMA mitigation grant programs:

- Hazard Mitigation Grant Program (HMGP);
- Flood Mitigation Assistance (FMA);
- Pre-Disaster Mitigation (PDM); and
- Severe Repetitive Loss (SRL).

The NJSEA will continue to coordinate with its Hudson County municipalities on flooding issues and mitigation actions.

The NJSEA is currently 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. The in-District portions of Jersey City, Kearny, North Bergen and Secaucus currently receive a 15 percent discount on flood insurance under the CRS program.

As part of the eligibility criteria, the CRS has informed the NJSEA that the agency could be credited for certain floodplain management activities by adopting the Hudson County Hazard Mitigation Plan 2015 Update.

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) &
VARIANCE
BLOCK 128, LOT 34, IN THE BOROUGH OF CARLSTADT**

WHEREAS, an application for one bulk variance has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by GMA Group II, LLC, for the premises located at 401 Washington Avenue, identified as Block 128, Lot 34, in the Borough of Carlstadt; and

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

WHEREAS, the bulk variance request is sought in connection with the applicant's proposal 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 on the subject property; and

WHEREAS, the applicant requested relief from N.J.A.C. 19:4-8.4(a)15, 50, 61, and 79, which require 134.5 parking spaces for 44,834 square feet of commercial recreation, indoor use, 1.7 parking spaces for 660 square feet of office use, 40 parking spaces for 8,000 square feet of retail use, and 70.6 parking spaces for 105,900 square feet of warehouse use, for a total requirement of 247 parking spaces, whereas 222 parking spaces are 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, January 10, 2017, 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 March 6, 2017, has been prepared indicating the recommendation 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 March 7, 2017; and

WHEREAS, the report recommends the approval of the requested bulk variance from N.J.A.C. 19: 4-8.4(a)15, 50, 61, and 79, to permit 222 parking spaces, whereas 247 parking spaces are required; 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 222 parking spaces, whereas 247 parking spaces are required, 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 GMA/Capelli - Additional Soccer Fields (use change) & Variance application to permit 222 parking spaces, whereas 247 parking spaces are required, is hereby **APPROVED** for the reasons set forth in the recommendation dated March 6, 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 March 16, 2017.



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



MEMORANDUM

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

From: Sara J. Sundell

Date: April 16, 2017

Subject: Variance Recommendation for GMA/Capelli - Additional Soccer Fields (use change) & Variance (File No. 16-485)

An application for one bulk variance has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by GMA Group II, LLC, for the premises located at 401 Washington Avenue, and identified as Block 128, Lot 34, in the Borough of Carlstadt, New Jersey. The subject premises is located within the District's Light Industrial A zone. The variance is sought in connection with the applicant's proposal 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 on the subject property.

The applicant requested variance relief from the following:

1. N.J.A.C. 19:4-8.4(a)15, 50, 61, and 79, which require 134.5 parking spaces for 44,834 square feet of commercial recreation, indoor use, 1.7 parking spaces for 660 square feet of office use, 40 parking spaces for 8,000 square feet of retail use, and 70.6 parking spaces for 105,900 square feet of warehouse use, for a total requirement of 247 parking spaces; whereas 222 parking spaces are proposed.

A public hearing was held in the Office of the NJSEA on Tuesday, January 10, 2017.

In a comprehensive report dated March 6, 2017, the Director of Land Use Management and the Senior Vice President of Legal & Regulatory Affairs recommended the approval of the bulk variance requested above. A copy of the comprehensive report and variance recommendation was provided to the applicant on March 7, 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
GMA/Capelli - Additional Soccer Fields (use change) & Variance

FILE # 16-485

I. INTRODUCTION

An application for one bulk variance has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by GMA Group II, LLC, for the premises located at 401 Washington Avenue, identified as Block 128, Lot 34, in the Borough of Carlstadt, New Jersey. Said premises is located within the District's Light Industrial A (LI-A) zone. The variance is sought in connection with the applicant's proposal 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 on the subject property.

Specifically, the applicant is requesting relief from the following:

1. N.J.A.C. 19:4-8.4(a)15, 50, 61, and 79, which require 134.5 parking spaces for 44,834 square feet of commercial recreation, indoor use, 1.7 parking spaces for 660 square feet of office use, 40 parking spaces for 8,000 square feet of retail use, and 70.6 parking spaces for 105,900 square feet of warehouse use, for a total requirement of 247 parking spaces; whereas 222 parking spaces are proposed.

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, January 10, 2017. 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 7.2 acres. It contains frontage along Washington Avenue to the west. The property is bordered to the south and west by a hotel on Lots 35 and 36. Warehouse and distribution facilities are located on adjacent Lot 33, to the north, and Lot 37, to the south, of the subject premises. Lots 28 and 39, which are currently undeveloped, border the subject property to the east. Other properties in the vicinity are generally industrial and commercial in character.

The site is currently developed with a 159,394-square-foot mixed use warehouse, indoor commercial recreation, retail, and office building with associated parking. The applicant had previously received zoning approval from the NJSEA for a change in use from warehouse to commercial recreation, indoor, which resulted in the installation of three (3) indoor soccer fields, which have been in operation since 2011. Direct access from Washington Avenue to the subject premises is provided by two existing driveways located on the northerly portion of the site. The easterly and southerly portions of the subject premises contain a five-foot-wide sanitary sewer trunk line easement.

The applicant is proposing to convert 18,000 square feet of existing warehouse space to commercial recreation, indoor use, and 4,918 square feet of existing office space to warehouse use on the subject property. After the proposed conversion, 660 square feet of office, 8,000 square feet of retail, and 105,900 square feet of warehouse will remain. Four (4) futsal courts will be installed that will each support up to seven-on-seven player games. No site improvements are proposed. A total of 222 parking spaces are currently provided on site.

B. Response to the Public Notice

No written objections were received prior to the public hearing.

III. PUBLIC HEARING (January 10, 2017)

A public hearing was held on Tuesday, January 10, 2017. 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	"Site/Parking Plan," Sheet No. A-1, prepared by Greg Radford, RA, LEED AP, NCARB, on September 16, 2016, revised through December 5, 2016.
A-2	"Planner's Report," prepared by Maser Consulting, P.A., on November 2, 2016.
A-3	"Parking Accumulation Study," prepared by Maser Consulting, P.A., on May 18, 2016, last revised November 3, 2016.

B. Testimony

Kenneth A. Porro, Esq., of the firm Chasan, Lamparello, Mallon & Cappuzzo, P.C., represented the applicant at the hearing. The following witnesses testified in support of the application:

1. Deborah A. Lawlor, FAICP, P.P., Maser Consulting, P.A.;

2. Nicholas D. Aiello, P.E., PTOE, PTP, Maser Consulting, P.A.; and
3. Paul Golden, GMA Group II, LLC.

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. 19:4-8.4(a)15, 50, 6L, and 79, which require 134.5 parking spaces for 44,834 square feet of commercial recreation, indoor use, 1.7 parking spaces for 660 square feet of office use, 40 parking spaces for 8,000 square feet of retail use, and 70.6 parking spaces for 105,900 square feet of warehouse use, for a total requirement of 247 parking spaces; whereas 222 parking spaces are proposed.**

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

1. Concerning bulk variances:

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

The subject property is currently developed with a 159,394-square-foot mixed use building that occupies over half of the site. The

applicant proposes to convert 18,000 square feet of existing obsolete warehouse space into four (4) futsal courts to accommodate their expanding commercial recreation operations at the site, which they own, and 4,918 square feet of antiquated office space into equipment and uniform storage for the existing indoor soccer fields and proposed indoor futsal courts. In conjunction with the proposed change in use, the applicant is requesting a variance to provide only 222 parking spaces, whereas 247 parking spaces are required.

The subject property is a large irregularly-shaped parcel of approximately 7.2 acres, with a gradually increasing lot depth from north to south, due to the angle of the easterly rear lot line. The lot also contains a small panhandle configuration in the southerly portion of the site. The existing building on the site encroaches into both the required front yard to the west and the required rear yard to the east. The building is set back 32.58 feet from the southerly side property line, where the minimum required side yard is no less than 30 feet on any one side. Existing parking is provided in the northerly portion of the site and along the easterly rear lot line. Approximately 20 existing non-conforming parking spaces are located within the required front yard along Washington Avenue. A five-foot-wide sanitary sewer trunk line easement is also present along the easterly and southerly property lines. The particular configuration of the subject property and improvements impact the ability of the property owner to provide additional conforming parking spaces on the site. These conditions are not ordinarily found in the LI-A 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 bulk variance to provide 222 parking spaces, whereas 247 parking spaces are required, will not adversely affect the rights of neighboring property owners or residents. The area is developed with industrial and commercial uses, and no residences are located in the vicinity of the subject property. The peak period of use of the proposed futsal courts, as well as the existing indoor soccer fields, will occur during weekday evenings and on weekends, which constitutes off-peak usage in relation to the hours of operation of uses in the remainder of the building and the surrounding commercial and industrial neighborhood. Peak demand for use of the indoor soccer fields and futsal courts occurs at midday on Saturdays, when it is anticipated that 46 vehicles will be entering the site and 46 vehicles will be leaving, for a total of 92 peak hour trips. Standards in both the New Jersey State Highway Access Code and Section 1.3 of the Manual on Transportation Engineering Studies state that a study area location that generates less than 100 peak hour trips would not be considered significant.

The applicant's traffic engineer testified that a study was conducted at the site on Friday, April 29, 2016, and Saturday, April 30, 2016, in order to determine peak parking demand associated with the existing indoor soccer fields. Friday's peak parking demand occurred at 6:17 P.M., with only 17 of 222 parking spaces occupied, or eight percent of capacity. Saturday's peak parking demand occurred at 1:45 P.M., with 73 of 222 parking spaces occupied, or 33

percent of capacity. The study estimates that an additional 92 parking spaces would be occupied on a typical Saturday after the proposed change in use to add the four futsal courts, resulting in a total demand for 165 parking spaces. The estimated parking demand is significantly less than the 222 parking spaces currently provided on site.

Due to the specific nature of the proposed indoor recreation use, a team sport such as futsal may be more likely to result in carpooling among participants. The applicant's traffic engineer testified that 25 percent of the participants would likely use a carpooling option, resulting in a further reduction of the anticipated parking demand.

Approval of the requested variance will not result in overflow parking on neighboring properties and, therefore, will not adversely impact neighboring properties. The existing 222 parking spaces on site will be sufficient to accommodate the proposed use.

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.

This application proposes to provide 222 parking spaces, whereas 247 parking spaces are required. The proposed futsal court use is classified as an indoor commercial recreation use, and there is no specific parking regulation that applies to the particular characteristics of this proposed use. District parking regulations for indoor commercial recreation uses provide standards for basketball courts and tennis courts, and also require three parking spaces per

1,000 square feet of floor area, which, for example, is intended to account for areas used for fitness equipment typically associated with gyms/fitness facilities. The outdoor commercial recreation use parking regulations also apply the three parking spaces per 1,000 square feet of floor area parking standard to field areas. However, the proposed futsal court use will accommodate fewer players than a full soccer field, and the number of spectators expected for each game will be minimal. Therefore, there are practical difficulties in applying District parking requirements to the proposed use on the property in question.

Nonetheless, the applicant is able to definitively quantify the anticipated occupancy of the proposed indoor recreation floor space. Based on the applicant's testimony, the warehouse facility currently operates one shift between the hours of 9:00 A.M. to 5:00 P.M., Monday through Friday. The retail store on the site operates one shift between the hours of 10:00 A.M. to 7:00 P.M. on Thursdays and Fridays, and 10:00 A.M. to 5:00 P.M. on Saturdays. A total of 17 parking spaces are required to accommodate vehicles for existing office, retail, and warehouse staff, as well as retail store customers, during normal business hours. It is anticipated that no new employees will be required for the proposed change in use. Furthermore, existing office space will be eliminated, which would further reduce parking demand at the subject premises.

The applicant's traffic engineer estimated that each futsal court would be used by a maximum of 23 persons per game, consisting of up to 20 players, two coaches and one referee, resulting in a total occupancy of 92 persons for four proposed futsal courts. Taking

into consideration the demand for 73 parking spaces for the three existing indoor soccer fields, the applicant's traffic engineer estimated that the anticipated parking demand at the site will be 165 parking spaces. Accounting for the off-peak hours of operation and the estimated proportion of carpool participants, the 222 parking spaces provided on site are sufficient to serve the proposed indoor recreation futsal court use.

Due to existing site conditions and the siting of the existing building, there is insufficient area to accommodate required site improvements, specifically additional parking, compared with typical properties in the same zone. The placement of additional parking spaces in the southerly side yard is constrained due to the presence of a sanitary sewer easement and building setback of 32.58 feet, and would result in the removal of open space and an increase in the amount of impervious coverage on the site. District zoning regulations prohibit the expansion of existing nonconforming parking located within the required front yard facing Washington Avenue. Either alternative would result in the need for additional variances from open space requirements or for the location of a vehicular use area within a required front yard. The existing parking on the site is sufficient to accommodate the proposed use of the premises. Therefore, the strict application of the parking requirements will result in peculiar and exceptional practical difficulties and undue hardship upon the 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 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 peak of the futsal courts' usage and, consequently, the peak period of parking demand, will occur during weekday evenings and on weekends when neighboring industrial development is generally not in operation. Therefore, there is no significant impact to public safety and order.

As described herein, the 222 parking spaces provided on site are sufficient to serve existing and proposed uses. Indoor recreational facilities provide a public health benefit where participants may engage in sports and recreational activities in a climate-controlled environment, allowing for year-round exercise and training.

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

The granting of the requested variance will not have any adverse environmental impacts. This application will not cause the District's environmental performance standards for noise, glare, vibrations, airborne emissions, or hazardous materials to be exceeded. Approval of the requested variance will avoid loss of open space to accommodate additional parking stalls and potential impacts to area drainage.

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

The granting of the requested variance to provide 222 parking spaces on the site, whereas 247 parking spaces are required to support the proposed indoor commercial recreation use, represents the minimum deviation from the regulations that will afford relief.

No increase in staff levels is anticipated. The applicant has maximized the amount of parking provided on site to the greatest extent possible. Alternative locations to further expand parking on the subject property are not available. Therefore, the 222 parking spaces provided will be adequate to satisfy the anticipated parking demand and will be able to accommodate patrons of the proposed futsal courts.

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

Granting the requested variance to permit fewer parking spaces than required will not substantially impair the intent and purpose of these regulations. The project provides for the orderly and comprehensive development of the subject property. The intent of the District's parking requirements is to estimate parking demand based on a particular use, in anticipation of the needs of occupants, employees, or patrons of such use. To that end, the applicant's traffic engineer has estimated that the anticipated parking demand at the site will be 165 parking spaces. Since sufficient parking is available on site to accommodate the specific parking demand for

the site's uses, the intent and purpose of the District's parking regulations is satisfied.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.4(a)15, 50, 61, and 79, which require 134.5 parking spaces for 44,834 square feet of commercial recreation, indoor use, 1.7 parking spaces for 660 square feet of office use, 40 parking spaces for 8,000 square feet of retail use, and 70.6 parking spaces for 105,900 square feet of warehouse use, for a total requirement of 247 parking spaces; whereas 222 parking spaces are proposed.

Based on the record in this matter, the bulk variance application to permit 222 parking spaces, whereas 247 parking spaces are required on the subject premises, is hereby recommended for APPROVAL.

APPROVAL _____
Recommendation on _____
Variance Request _____
Date 3/6/2017
Sara J. Sundell, P.E., P.P.
Director of Land Use Management

Approved _____
Recommendation on _____
Variance Request _____
Date 3/6/2017
Ralph J. Mayne, Jr.
Senior Vice President
Legal & Governmental Affairs

EXECUTIVE SESSION

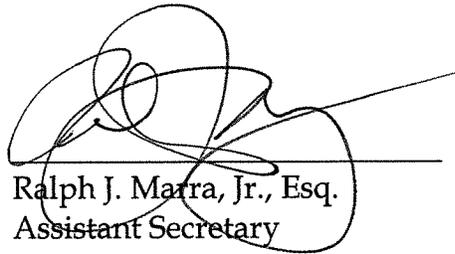
RESOLUTION 2017-10

**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 March 16, 2017.


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