



Board Meeting

Thursday, November 16, 2017

10:00 a.m.



**AGENDA
REGULAR SESSION**

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

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

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

II. **PUBLIC PARTICIPATION ON RESOLUTIONS**

III. **APPROVALS** – (Action)

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

Resolution 2017-31 Consideration of a Resolution Adopting the 2017 NJSEA Budget.

Resolution 2017-32 Consideration of a Resolution approving the NJSEA Annual Schedule of Meetings for the Year 2018.

Resolution 2017-33 Consideration of a Resolution to Deem the Property located at 1631 Paterson Plank Road, Block 191, Lots 15, 15.01, 15.02, & 15.03, in the Town of Secaucus, as an Area in Need of Redevelopment, File No. SP-747

Resolution 2017-34 Consideration of a Resolution Issuing a Decision on the Variance Application Submitted as Part of File No. 16-577, 420 St. Paul's Ave JC LLC/Ace Limo – C.O., Block 6201, Lot 13, in the City of Jersey City

IV. **EXECUTIVE SESSION**

Resolution 2017-35 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.

V. **MOTION TO ADJOURN**

MINUTES



REGULAR SESSION BOARD MEETING

DATE: October 19, 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
George Kolber, Member (via phone)
Shannon McManus, NJ State Treasurer's Representative
Steven Plofker, Member
Andrew Scala, Member
Anthony Scardino, Member
Robert Yudin, Member

Absent:

Michael Gonnelli, Member
LeRoy Jones, Member

Also Attending:

Christine Sanz, Sr. Vice President/Chief Operating Officer
Adam Levy, Vice President of Legal & Regulatory Affairs
John Yarenis, Director of Finance/CFO
Sara Sundell, Director of Land Use Management and Chief Engineer
Nicholas Kant, Assistant Counsel, 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 September 21, 2017.

Upon motion made by Commissioner Plofker and seconded by Commissioner Scardino, the minutes of the Regular Session Board Meeting held on September 21, 2017 were approved by a vote of 11-0 with Commissioner Yudin abstaining.

II. PUBLIC PARTICIPATING ON RESOLUTIONS - None

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 September 2017.

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

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

Resolution 2017-29 Resolution Issuing a Decision on the Suitability Recommendation as required by the *NJSEA Interim Policies Governing Affordable Housing Development in the Meadowlands District*. – File No. 17-326, Galaxy Holding/Lyndhurst Storage, LLC – Addition 7 Variances, Block 226, Lot 2 in Lyndhurst.

Ms. Sundell explained that Lyndhurst Storage, LLC submitted an application for the construction of a 107,540-square-foot building addition at the intersection of Terminal Road and Rutherford Avenue in Lyndhurst. Ms. Sundell stated that the first step in the application process is to conduct a site suitability review in accordance with the *Interim Policies Governing Affordable Housing Development in the Meadowlands District*. The NJSEA review team conducted a site visit. Ms. Sundell went on to say that the subject 1.06-acre property is located in the District's Commercial Park zone and currently contains a one-story, 27,260-square-foot industrial building. Neighboring properties consist of industrial, hotels and office uses and that there is no residential uses in the area. She also explained that Rutherford Avenue, a continuation of Route 17, is a heavily-utilized corridor for passenger vehicles, buses, trucks, and tractor-trailers. The surrounding development pattern is not compatible for the development of residential uses, due to the significant amount of truck traffic, noise and pollution on the adjacent roadways. Ms. Sundell stated that staff prepared a suitability review indicating that the subject property at One Terminal Road is recommended to be deemed unsuitable for housing.

President Hasenbalg presented Resolution 2017-29. Upon motion by Commissioner Plofker and seconded by Commissioner Yudin, proposed resolution 2017-29 was unanimously approved by 12-0 vote.

V. PUBLIC COMMENTS

- Marvin Donadic, Cliffside Park resident – spoke of his disappointment with the direction that the NJSEA is going.

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 2017-30 Resolution authorizing the NJSEA to enter into a meeting to which the general public shall not be admitted to discuss legal matters, personnel matters and contract negotiations.

Upon motion made by Commissioner Scala and seconded by Commissioner Fontoura Resolution 2017-30 was approved by a vote of 12-0.

Motion was made and seconded to enter into open session.

VII. MOTION TO ADJOURN

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

Meeting adjourned at 10:20 a.m.

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


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

October 19, 2017

Commissioner	Roll Call	2017-29	2017-30
Ferguson	P (via phone)	Y	Y
Buckelew	P (via phone)	Y	Y
Hasenbalg	P	Y	Y
Ballantyne	P	Y	Y
Fontoura	P	Y	Y
Gluck	P	Y	Y
Gonnelli	--	--	--
Jones	--	--	--
Kolber	P (via phone)	Y	Y
Plofker	P	Y	Y
Scala	P	Y	Y
Scardino	P	Y	Y
Yudin	P	Y	Y
Treasury Rep McManus	P	Y	Y

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

APPROVALS



CASH DISBURSEMENTS
\$100,000 OR MORE
OCTOBER 2017

SPORTS COMPLEX

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
NRG BUSINESS SOLUTIONS	817,925.53	J/L	ELECTRICITY CHARGES: AUG 2017 & SEP 2017
PUBLIC SERVICE ELECTRIC & GAS	126,976.69	J/L	ELECTRIC TRANSMISSION: SEP 2017
SPORTS ARENA EMPLOYEES RETIREMENT FUND LOCAL 137	234,185.01	A	PENSION WITHDRAWAL LIABILITY PAYMENT: AUG 2017 - OCT 2017
STATE OF NEW JERSEY TREASURY DEPARTMENT	274,076.21	A	WORKERS' COMPENSATION COVERAGE: JUL 2017 - SEP 2017
SPORTS COMPLEX TOTAL	<u>1,453,163.44</u>		

SPORTS COMPLEX PAYMENT IN LIEU OF TAXES

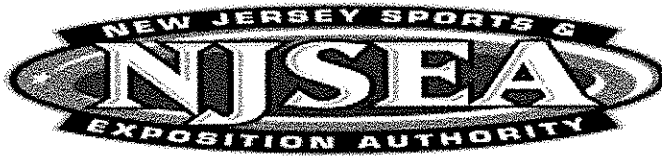
<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF EAST RUTHERFORD	2,142,496.02	I	PAYMENT IN LIEU OF TAXES: 4TH QUARTER 2017
SC PILOT TOTAL	<u>2,142,496.02</u>		

MONMOUTH PARK RACETRACK REAL ESTATE TAXES

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF OCEANPORT	482,268.61	I	REAL ESTATE TAXES: 4TH QTR 2017
MP REAL ESTATE TAXES TOTAL	<u>482,268.61</u>		

OTHER

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
JACOBS ENGINEERING GROUP, INC.	215,392.65	A/L	MASSTR PHASE 5 CONSTRUCTION PROJECT - PARTIAL REIMBURSEMENT FROM FHWA
TIFFANY ELECTRIC, INC.	201,141.34	A/L	MASSTR PHASE 5 CONSTRUCTION PROJECT - PARTIAL REIMBURSEMENT FROM FHWA
TRANSCORE ITS, LLC	156,626.73	A/L	MASSTR PHASE 5 CONSTRUCTION PROJECT - PARTIAL REIMBURSEMENT FROM FHWA
WASTE MANAGEMENT OF NEW JERSEY	234,897.92	A	OPERATIONS CONTRACT - KEEGAN LANDFILL: SEP 2017
OTHER TOTAL	<u>808,058.64</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 2017-31

**RESOLUTION ADOPTING THE
2017 NEW JERSEY SPORTS AND EXPOSITION AUTHORITY BUDGET**

BE IT RESOLVED by the New Jersey Sports and Exposition Authority that the attached Operations budget is hereby approved and adopted as the 2017 New Jersey Sports and Exposition Authority Budget.

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 November 16, 2017.



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



NJSEA
Budgetary Summary - Calendar Year 2017

	Proposed Budget 2017
Revenue Budget	
Operating Revenue	\$21,641,000
Solid Waste Revenue	12,187,000
Total Revenues	<u>\$ 33,828,000</u>
Expense Budget	
Operations & Maintenance:	
Operating Expenses	29,290,000
Solid Waste Expenses	11,940,000
PILOT / Property Tax / CAFO	12,662,000
Total Expenses	<u>\$ 53,892,000</u>
Operating Gain (Loss)	(20,064,000)
Non - Operating Income and (Expenses)	
Feld Settlement	(1,900,000)
Reserve Fund Utilization	1,914,000
Expense Reimbursement	5,050,000
State Appropriations	<u>15,000,000</u>
Total Non - Operating Income and (Expenses)	<u>20,064,000</u>
Change In Net Position	<u>\$ -</u>



NJSEA
Comparative Budgetary Statement
Calendar Year 2017
Support Schedule - Consolidating Budget Information

	<u>2016</u>	<u>2017</u>	<u>Change vs. 2016</u>
Revenue Budget			
Operating Revenue	\$ 20,402,903	\$ 21,641,000	\$ 1,238,097
Solid Waste Revenue	16,600,000	12,187,000	(4,413,000)
Total Revenues	<u>\$ 37,002,903</u>	<u>\$ 33,828,000</u>	<u>\$ (3,174,903)</u>
Expense Budget			
Operating Expenses	\$ 28,457,461	\$ 29,290,000	\$ (832,539)
Solid Waste Expenses	13,857,743	11,940,000	1,917,743
PILOT / Property Tax / CAFO	12,220,000	12,662,000	(442,000)
Total Expenses	<u>\$ 54,535,204</u>	<u>\$ 53,892,000</u>	<u>\$ 643,204</u>
Operating Gain (Loss)	\$ (17,532,301)	\$ (20,064,000)	\$ (2,531,699)
Non - Operating Income and (Expenses)			
Feld Settlement	-	(1,900,000)	(1,900,000)
Reserve Fund Utilization	-	1,914,000	1,914,000
Expense Reimbursement	2,532,301	5,050,000	2,517,699
State Appropriations	15,000,000	15,000,000	-
Total Non - Operating Income and (Expenses)	<u>\$ 17,532,301</u>	<u>\$ 20,064,000</u>	<u>\$ 2,531,699</u>
Change In Net Position	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>



NJSEA

CALENDAR YEAR 2017 BUSINESS PLAN COMBINED DETAIL

	2016	2017	Change vs. 2016
REVENUES			
<u>Operating Revenue</u>			
NMSCO Ground Lease	\$ 6,300,000	\$ 6,300,000	\$ -
NMR Shared Services	5,169,636	5,861,000	691,364
MP Reimbursable	2,348,342	2,291,000	(57,342)
Non Event Parking	1,879,259	2,000,000	120,741
Lease Revenue	1,433,000	1,330,000	(103,000)
Land Use Fee Income	750,000	857,000	107,000
Prudential Revenue	-	500,000	500,000
Market Place	450,000	450,000	-
Wireless	388,000	390,000	2,000
Wildwood Management Fees	315,000	315,000	-
Arena Revenue	307,744	400,000	92,256
Misc. Other	1,061,922	947,000	(114,922)
Total Operating Revenue	\$ 20,402,903	\$ 21,641,000	\$ 1,238,097
Solid Waste Revenue	16,600,000	12,187,000	(4,413,000)
TOTAL REVENUES	\$ 37,002,903	\$ 33,828,000	\$ (3,174,903)
EXPENSES			
<u>Operating Expenses</u>			
Salaries/Fringe	\$ 13,162,223	\$ 13,508,000	\$ (345,777)
New Jersey Racing Commission	1,966,630	2,580,000	(613,370)
Professional Services	2,330,000	1,896,000	434,000
Utilities	1,483,000	1,664,000	(181,000)
Workers Compensation	1,600,000	1,600,000	-
Pension Withdrawal	1,500,000	1,500,000	-
State Police	915,656	1,284,000	(368,344)
Insurance	709,532	1,195,000	(485,468)
Capital/Maintenance	1,270,270	747,000	523,270
Repairs/Maintenance	750,000	728,000	22,000
Ramapo Operations	500,000	507,000	(7,000)
Misc. Services	368,000	490,000	(122,000)
Two Rivers	200,000	200,000	-
Supplies	47,500	108,000	(60,500)
Misc. Other	1,654,650	1,283,000	371,650
Total Operating Expenses	\$ 28,457,461	\$ 29,290,000	\$ (832,539)
Solid Waste	\$ 13,857,743	\$ 11,940,000	\$ 1,917,743
PILOT / Property Tax / CAFO	\$ 12,220,000	\$ 12,662,000	\$ (442,000)
TOTAL EXPENSES	\$ 54,535,204	\$ 53,892,000	\$ 643,204
Operating Gain/(Loss)	\$ (17,532,301)	\$ (20,064,000)	\$ (2,531,699)
Non - Operating Income and (Expenses)			
Feld Settlement	-	(1,900,000)	(1,900,000)
Reserve Fund Utilization	-	1,914,000	1,914,000
Expense Reimbursement	\$ 2,532,301	\$ 5,050,000	2,517,699
State Appropriations	15,000,000	15,000,000	-
Total Non - Operating Income and (Expenses)	\$ 17,532,301	\$ 20,064,000	\$ 2,531,699
Change in Net Position	\$ -	\$ -	\$ -

RESOLUTION 2017-32

**RESOLUTION TO ADOPT ANNUAL SCHEDULE
OF MEETINGS**

BE IT RESOLVED by the New Jersey Sports and Exposition Authority that, pursuant to N.J.S.A. 10:4-6 et seq., the New Jersey Open Public Meetings Law, the New Jersey Sports and Exposition Authority will hold its regular meetings during the year 2018 on the following dates and that said meetings shall be conducted at the Offices of the Authority, 2 DeKorte Park Plaza, Lyndhurst, New Jersey at 10:00 a.m.

Public Board Meetings

January 18, 2018

February 15, 2018

March 15, 2018

April 19, 2018

May 17, 2018

June 21, 2018

July 19, 2018

August - No Meeting

September 20, 2018

October 18, 2018

November 15, 2018

December 13, 2018

BE IT FURTHER RESOLVED that a copy of the schedule be forwarded to all persons entitled to Notice under the attached Schedule of Meetings and posted on the NJSEA bulletin board and website.

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 November 16, 2017.



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

ANNUAL SCHEDULE OF MEETINGS

The Board meetings are scheduled to be held by the New Jersey Sports and Exposition Authority from January 18, 2018 through December 13, 2018.

ANNUAL MEETING: To be held on the third Thursday in the month of November at the Office of the Authority, Two DeKorte Park Plaza, Lyndhurst, New Jersey, beginning at 10:00 a.m.

REGULAR MEETINGS: Ordinarily to be held on the third Thursday of each month, or such earlier or later date as the Authority may determine, at the Office of the Authority beginning at 10:00 a.m.

SPECIAL MEETINGS: May be called by the Chairman or upon the written request of two members of the Board, to be held at the Office of the Authority, Two DeKorte Park Plaza, Lyndhurst, New Jersey, at such time as shall be designated.

A copy of this schedule and the Notice of Meetings called by the Authority requiring 48-hour notice shall be:

1. Prominently posted on the bulletin board maintained in the Office of the Authority.
2. Posted on the Authority's website.
3. Transmitted to the Bergen Record, Star Ledger, and the Jersey Journal.
4. Filed with the Secretary of State.
5. Mailed to any person requesting same who has paid the fee established by the Commission to cover the cost of providing said Notice.
6. Forwarded to the Clerk of each Meadowlands constituent municipality.

RESOLUTION 2017-33

**RESOLUTION TO DEEM THE
PROPERTY LOCATED AT
1631 PATERSON PLANK ROAD
BLOCK 191, LOTS 15, 15.01, 15.02, & 15.03,
IN THE TOWN OF SECAUCUS
AS AN AREA IN NEED OF REDEVELOPMENT
FILE NO. SP-747**

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

WHEREAS, N.J.S.A. 5:10A-23 authorizes the NJSEA to declare the Hackensack Meadowlands District, or any portion thereof, to be an area in need of redevelopment; and

WHEREAS, N.J.A.C. 19:3-5.1 *et seq.* provides the procedures for designating an area within the Hackensack Meadowlands District as an area in need of redevelopment; and

WHEREAS, a petition dated July 3, 2017, was received from Katharine A. Coffey of Day Pitney, LLP, requesting that the redevelopment potential of the property identified as 1631 Paterson Plank Road, Block 191, Lots 15, 15.01, 15.02, and 15.03, in the Town of Secaucus, be investigated; and

WHEREAS, on July 20, 2017, the Board of Commissioners adopted Resolution No. 2017-21, which authorized the staff to conduct an investigation of the property identified as 1631 Paterson Plank Road, Block 191, Lots 15, 15.01, 15.02, and 15.03, in the Town of Secaucus, New Jersey to determine if it meets the conditions to be designated an area in need of redevelopment; and

WHEREAS, the results of the staff's investigation were compiled in the "Draft In Need of Redevelopment Investigation - Schmitt Realty Site" Report, dated September 2017; and

WHEREAS, a public hearing was held on October 12, 2017, to obtain comment on the draft redevelopment investigation report; and

WHEREAS, two written comments were received by the NJSEA in response to the public notice, and two comments in support of the petition were received at the public hearing; and

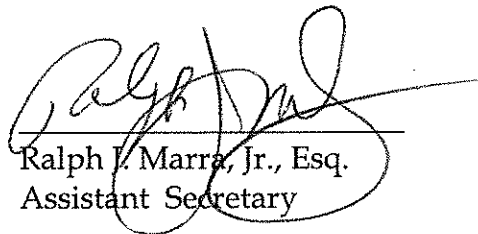
WHEREAS, the NJSEA staff has concluded the redevelopment investigation and has prepared the final "In Need of Redevelopment Investigation - Schmitt Realty Site" Report, dated October 2017, which provides findings that the specific conditions outlined in N.J.A.C. 19:3-5.7(a)1, 2, 4, 5 and 8, supporting a redevelopment designation, exist for the subject property; and

WHEREAS, pursuant to N.J.S.A. 5:10A-9, a copy of the final report was forwarded on October 13, 2017, to the Hackensack Meadowlands Municipal Committee (HMMC) for approval, and was unanimously approved at their meeting on November 6, 2017.

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey Sports and Exposition Authority, that the property identified as 1631 Paterson Plank Road, Block 191, Lots 15, 15.01, 15.02, and 15.03, in the Town of Secaucus, New Jersey is hereby deemed to be an area in need of redevelopment, pursuant to N.J.A.C. 19:3-5.6.

BE IT FURTHER RESOLVED, that the NJSEA staff is hereby authorized to prepare a redevelopment plan pursuant to N.J.A.C. 19:3-5.8 through 5.10, and to hold a public hearing to obtain public comment on the redevelopment plan.

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 November 16, 2017.


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



MEMORANDUM

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

From: Sara J. Sundell

Date: November 16, 2017

Subject: Secaucus/Schmitt Realty Redevelopment Investigation (File SP-747)

On July 20, 2017, the Board of Commissioners adopted Resolution No. 2017-21, which authorized the staff to conduct an investigation of the property identified as 1631 Paterson Plank Road, Block 191, Lots 15, 15.01, 15.02, and 15.03, in the Town of Secaucus, New Jersey, to determine if it meets the conditions to be designated an area in need of redevelopment. The redevelopment investigation was requested by Katharine A. Coffey of Day Pitney, LLP, on behalf of the contract purchaser of the property, Pirhl, in a petition dated July 3, 2017.

The results of this investigation were compiled in the "Draft In Need of Redevelopment Investigation - Schmitt Realty Site" (Report), dated September 2017. A public hearing was held on October 12, 2017, to obtain comment on the "in need of redevelopment" investigation. Two written comments were received by the NJSEA in response to the public notice, sent by the petitioner and the property owner supporting the designation of the property as in need of redevelopment.

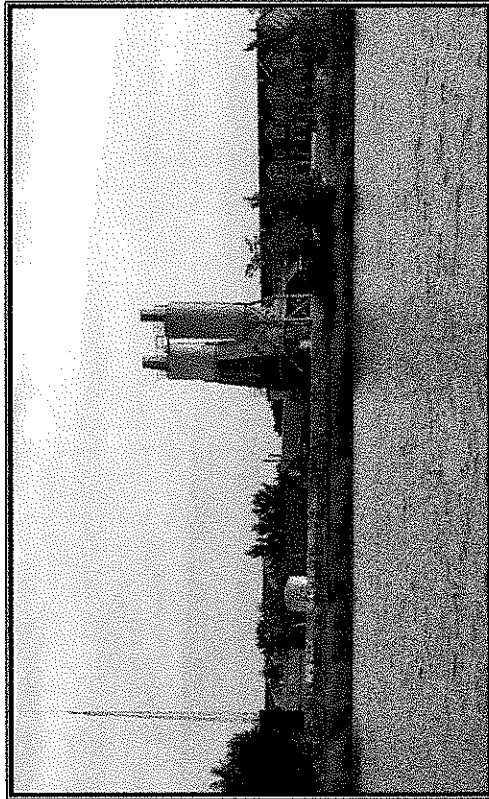
The NJSEA staff has concluded the redevelopment investigation and has prepared a final "In Need of Redevelopment Investigation - Schmitt Realty Site" Report, dated October 2017, which provides findings that the specific conditions outlined in N.J.A.C. 19:3-5.7(a)1, 2, 4, 5 and 8, supporting a redevelopment designation, exists for the subject property.

Staff recommends that the Board of Commissioners of the NJSEA make a determination that the subject study area be deemed an area in need of redevelopment, and, furthermore, authorize NJSEA staff to proceed with the preparation of a redevelopment plan and to hold a public hearing on the proposed redevelopment plan.

IN NEED OF REDEVELOPMENT INVESTIGATION REPORT

SCHMITT REALTY SITE

**1631 Paterson Plank Road
Block 191 - Lots 15, 15.01, 15.02, And 15.03
Town of Secaucus**



New Jersey Sports & Exposition Authority

October 2017

Authorized by Resolution No. 2017-21 on July 20, 2017



NEW JERSEY SPORTS & EXPOSITION AUTHORITY

**IN NEED OF REDEVELOPMENT INVESTIGATION REPORT
SCHMITT REALTY SITE**

**1631 PATERSON PLANK ROAD
BLOCK 191 - LOTS 15, 15.01, 15.02, AND 15.03
TOWN OF SECAUCUS**

OCTOBER 2017

Chairman
Michael Ferguson

Vice Chairman
Joseph Buckelew

President/CEO
Wayne Hasenbaig

Board Members
John Ballantyne
Armando Fontoura
Michael H. Gluck
LeRoy Jones
George Kolber
Steven Plofker, Esq.
Andrew Scala
Anthony Scardino
Robert Yudin
Shannon McManus*

**NJ State Treasurer's Representative*

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APPENDICES

A. NJSEA Resolution No. 2017-21 dated July 20, 2017.

I. INTRODUCTION

The New Jersey Sports & Exposition Authority (NJSEA) has been petitioned by Pirhl, LLC to investigate the redevelopment potential of the property identified as 1631 Paterson Plank Road, Block 191, Lots 15, 15.01, 15.02, and 15.03, in the Town of Secaucus, New Jersey. Pirhl is the contract purchaser of the property, currently owned by Schmitt Realty Company, Inc. The property is located in the Low Density Residential zone of the Hackensack Meadowlands District. The subject property may alternately be referred to herein as the "study area."

In response to the receipt of a petition regarding this matter dated July 3, 2017, the NJSEA Board of Commissioners adopted Resolution No. 2017-21 on July 20, 2017, which authorized the staff to conduct an investigation of the subject property to determine if it meets the conditions to be designated an area in need of redevelopment.

The subject property consists of 3.14 acres, according to NJSEA GIS mapping, and was formerly utilized by the Schmitz/Eastern Concrete facility, a concrete plant that has been located on the property for over a century. This use is classified as a preexisting nonconforming heavy industrial use in the Low Density Residential zone. According to the petition, the concrete plant has ceased operations for over a decade.

The subject property fronts on Paterson Plank Road to the north, and is bounded by the Hackensack River to the west. The property also adjoins Trolley Park, a municipal park along the Hackensack River at the terminus of Paterson Plank Road. Residential uses, primarily multifamily uses in the form of townhomes and garden apartments, adjoin the subject property to the east and west.

The site contains five separate buildings that had been used in association with the concrete plant's operations. Numerous 2 feet by 4 feet concrete blocks are present on the property, stacked up to 8 feet high, and line portions of the site's boundary lines. Along the site's westerly boundary, these stacked blocks form a retaining wall along adjoining property. The site itself is covered with concrete one to two feet in depth.

The study area is delineated by a red boundary line on the aerial map in Figure 1. The subject properties and those within the surrounding area are located in the District's Low Density Residential zone, as shown on the existing zoning map for the redevelopment study area in Figure 2.



Figure 2 - Existing Zoning Map
 In Need of Redevelopment Study Area - Schmitt Realty Site
 1631 Paterson Plank Road (Block 191, Lots 15, 15.01, 15.02, and 15.03) - Secaucus, New Jersey



Figure 1 - Location Map
 In Need of Redevelopment Study Area - Schmitt Realty Site
 1631 Paterson Plank Road (Block 191, Lots 15, 15.01, 15.02, and 15.03) - Secaucus, New Jersey

The petitioner has submitted a planning report, prepared by Bowman Consulting Group, Ltd., dated August 9, 2017, which states that the study area should be declared an area in need of redevelopment in accordance with the following criteria of the NJSEA regulations:

- Criterion No. 1, N.J.A.C. 19:3-5.7(a)1, which states *"The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions;"*
- Criterion No. 2, N.J.A.C. 19:3-5.7(a)2, which involves *"The discontinuance of the use of buildings previously utilized for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable."*
- Criterion No. 4, N.J.A.C. 19:3-5.7(a)4, which refers to *"areas with buildings or improvements that, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community."*

The subject In Need of Redevelopment Investigation Report ("Report") represents the results of the investigation of the study area to support the NJSEA Board of Commissioners' determination regarding whether the study area should be declared in need of redevelopment.

II. REDEVELOPMENT POWERS AND PROCEDURES

1. Redevelopment Legislation - The NJSEA is authorized by statute, at N.J.S.A. 5:10A, to declare the entire Meadowlands District, or any portion therein, an area in need of redevelopment.

The procedure for taking such action is provided in the NJSEA statute at N.J.S.A. 5:10A-23, and codified in the District's redevelopment regulations at N.J.A.C. 19:3-5.1 *et seq.*

2. Redevelopment Investigation - N.J.A.C. 19:3-5.4 sets forth the provisions for the requirements of a redevelopment investigation. Upon adoption of a resolution by the Authority authorizing an investigation, the NJSEA staff shall conduct the investigation and prepare an "In Need of Redevelopment Report" (Report), which shall contain the following:

- a) A description of the methods and resources used to assess the area;
- b) A detailed description of the area, including, but not limited to, acreage, existing zoning, description of existing utility infrastructure, and other relevant characteristics;
- c) A site analysis for each lot within the area, listing, at a minimum, ownership, size, and characteristics which support the designation of the area as in need of redevelopment; and
- d) Findings comparing the listed characteristics of the area to each criterion of N.J.A.C. 19:3-5.7. NJSEA staff shall determine whether the existing conditions of the area in question meet the any of the following criteria:

1. *The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions;*
2. *The discontinuance of the use of buildings previously utilized for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable;*
3. *Land that is owned by the NJMC (NJSEA), or other public entities, or unimproved vacant land that has remained so for a period of 10 years prior to adoption of the resolution; or land that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital;*
4. *Areas with buildings or improvements that, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community;*
5. *Lack of proper utilization of areas, caused by the condition of the title, diverse ownership of the real property therein, or other conditions resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare;*

6. Areas in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated;
7. Areas designated as an enterprise zone pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-6b et seq, where the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to N.J.S.A. 40A:12A-5 and 40A:12A-6 for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of N.J.S.A. 40A:20-1 et seq.; or
8. Areas, with or without improvements, where there is historic evidence of illegal dumping activities; areas with evidence of soil, groundwater, or surface water contamination; areas that, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), are listed on the CERCLA database; Federal, State, county, or municipally designated brownfield areas; and/or areas on the New Jersey Known Contaminated Sites List per N.J.S.A. 58:10-23.16 and 23.17.

Upon completion of the draft Report, a public hearing shall be held in accordance with N.J.A.C. 19:4-4.17 to afford opportunity for public comment on the Report and its findings. The Report shall be available for public inspection upon the issuance of the public notice in accordance with N.J.A.C. 19:3-5.5.

3. Resources – The evaluation of existing buildings and land uses within this study area and the immediately surrounding properties included the review of the following resources:
 - Existing physical and natural conditions in and surrounding the study area;
 - NJSEA aerial photographs and topographic maps;
 - NJSEA Geographic Information Systems (GIS) data;
 - Hackensack Meadowlands District Master Plan, 2004;
 - Hackensack Meadowlands District Regulations: N.J.A.C. 19:3-5.1 et seq. (Redevelopment Areas) and N.J.A.C. 19:4-1.1 et seq. (District Zoning Regulations);
 - Town of Secaucus Tax Maps;
 - Municipal Property Tax information (NJ MOD-IV data);
 - Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) dated September 30, 2005, and Preliminary FIRM as of August 29, 2014;
 - NJSEA development application records/engineering files;
 - Review of NJDEP Known Contaminated Sites List;
 - NJDEP maps showing Conveyances and Leases of State-owned Tidelands;
 - USDA Natural Resources Conservation Service Soils Survey; and
 - "In Need of Redevelopment Report, Schmitt Realty Property" prepared on behalf of Pirhl, LLC by Sean A. Delany, P.P., of Bowman Consulting Group, Ltd., dated August 9, 2017.

III. GENERAL CONDITIONS OF STUDY AREA

Specific data regarding existing site conditions, characteristics and constraints are as follows:

1. Property Area - The study area is comprised of four lots, consolidated into one tax lot, within Block 191, in the Town of Secaucus, totaling approximately 3.14 acres, as detailed in the table in Figure 3 below. According to the Bowman report, the site's area is 3.34 acres.

Figure 3. Properties Within In Need of Redevelopment Study Area

Block	Lot	Address	Acres (GIS)	Acres (Tax)	Existing Land Use	Existing Zoning
191	15	1631 PATERSON PLANK ROAD	1.283	3.226	Industrial	Low Density Residential
191	15.01	1631 PATERSON PLANK ROAD	0.644	0.000	Industrial	Low Density Residential
191	15.02	1631 PATERSON PLANK ROAD	1.092	0.000	Industrial	Low Density Residential
191	15.03	1631 PATERSON PLANK ROAD	0.124	0.000	Industrial	Low Density Residential
			3.143	3.226		

Source: NJSEA Geographic Information Systems (GIS), July 2017

The study area is located on Paterson Plank Road, a county road that terminates at a cul-de-sac at Trolley Park. There are three existing curb cuts along the westerly side of Paterson Plank Road for site access. One access point into the portion of the site used for the concrete plant is gated and fenced.

The property also fronts on the Hackensack River to the north, and is situated between garden apartment and townhouse developments, with additional residential uses in the surrounding vicinity. The site is located in the Low Density Residential Zone of the Hackensack Meadowlands District. The subject property's condition is an anachronism as it is an obsolete pocket of industrial development enveloped by a thriving residential community.

The subject properties form an irregularly shaped lot with a surveyed area of 145,413 square feet (3.34 acres). The site contains five separate structures, consisting of one 2-story building (A), three 1-story buildings (B-D) and a structure associated with the shuttered concrete plant (E). The site is located on the western side of Paterson Plank Road with the Hackensack River located along the northern portion of the property. The site and buildings within the study area can be characterized as being in obsolete and dilapidated condition. This assertion is supported by the photographs in Figure 4.

The site's surface is covered with concrete one to two feet in depth throughout the majority of the property. Stacked concrete blocks form a wall along the property's northerly, westerly and southerly boundaries. Along the westerly property line adjacent to the Jacob's Landing townhome development, a wall of blocks, stacked two to three units high, are used as a retaining wall, due to the higher grade on the adjacent property. Outdoor storage and operations associated with a paving company also exist at the premises. Various construction materials, debris, material stockpiles, and areas of overgrown vegetation are present throughout the property. The site is also the subject of an active spill investigation by the NJDEP stemming from the former industrial activities on the site.

These characteristics present significant development constraints on future development efforts on the property.

Surrounding uses are primarily residential. A map of existing land uses in and around the study area can be found at Figure 5. The following residential developments are adjacent to the subject property:

- Riverview Gardens, a multifamily apartment development located to the east of the site across Paterson Plank Road;
- Jacob's Landing, a multifamily townhouse development consisting of duplex and multi-unit townhouses to the west of the site; and
- Sussex Green, a 26-unit multifamily residential development located to the south of the site.

Recreational uses, in the form of Trolley Park to the east and a waterfront walkway forming part of the Secaucus Greenway along the Hackensack River to the north, are also present adjacent to the subject property. Photographs of surrounding uses can be found at Figure 6.

Figure 4 – Photographs of Existing Conditions within In Need of Redevelopment Study Area


Building A	
	
Photo A-1 <i>View from Paterson Plank Road facing west.</i>	Photo A-2 <i>View from the site interior toward the northeast.</i>
Building A is a two-story office building in a state of disrepair and obsolescence. Building damage and dilapidation, in the form of roof damage, cracks within the brick facade, whitewashed windows, and damaged window screens.	
Building B	
	
Photo B-1 <i>View from Paterson Plank Road facing west.</i>	Photo B-2 <i>View from the site interior toward the south.</i>
Building B is a one-story warehouse building which, although currently occupied, can be characterized as obsolete and in a state of disrepair. The building's exterior is primarily covered with brick, although portions of the building, namely the northern and western façades, have been covered with corrugated metal sheeting. The building's roof flashing is damaged. The building itself is obsolete for use as a warehouse, containing low ceiling heights and one loading door, with limited site area that could accommodate safe and efficient trucking circulation on the site. The limited fenestration on the building limits the provision of light and air to building occupants.	

Figure 4 – continued





Building C	
	
<p style="text-align: center;">Photo C-1 <i>View from Paterson Plank Road facing west.</i></p> <p>Building C is a one-story brick and concrete structure with one overhead loading door at the eastern façade and an exterior concrete platform at the western façade. The building is in significant disrepair, with cracks in the façade, weathering of building materials, and an obsolete layout that could not easily be adapted to accommodate the needs of contemporary industrial uses. Building C is located between Buildings A and B; the buildings share a central parking court accessed via two curb cuts on Paterson Plank Road. The asphalt areas on the site are in degraded condition.</p>	
Building D	
	
<p style="text-align: center;">Photo D-1 <i>View of building's southerly and westerly elevations.</i></p> <p>Building D is a one-story concrete block structure in dilapidated condition. The building entrances and loading doors are boarded, and cracks in the building façade expose the block walls on portions of the building. The metal roof is rusted and deteriorated, and cracking was observed at portions of the building foundation.</p>	

Figure 4 – continued





Building E	
	
<p style="text-align: center;">Photo E-1 <i>View of northwesterly building conditions.</i></p> <p>Building E, which housed the concrete plant operations, is dilapidated and an obsolete structure which cannot be adapted to any future use. Portions of the roof are missing, the metal façade is in disrepair, and the steel structure is rusted. Remnants of the former operations on the site, including cement silos, conveyor equipment, and vats of liquid used in the plant's operations, remain at the site.</p>	
Site Conditions	
	
<p style="text-align: center;">Photo SC-1 <i>Debris and graffiti on site.</i></p> <p style="text-align: center;">Photo SC-2 <i>Open-top dumpsters and ponding on concrete surface.</i></p>	

Figure 4 – continued

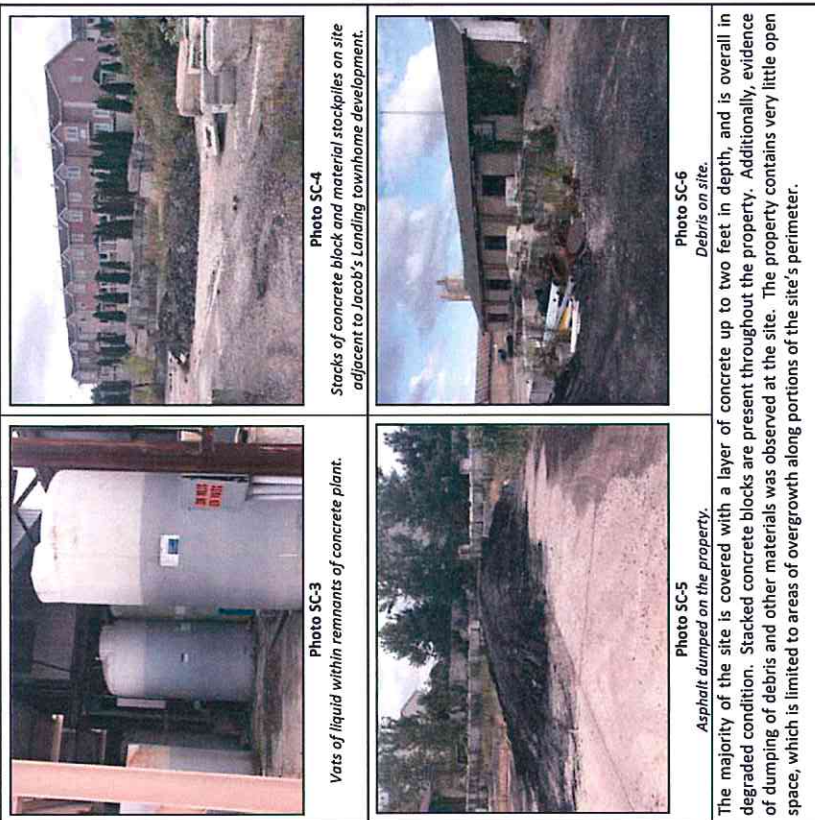


Figure 5 – Existing Land Use Map
 In Need of Redevelopment Study Area – Schmitt Realty Site
 1631 Paterson Plank Road (Block 191, Lots 15, 15.01, 15.02, and 15.03) – Secaucus, New Jersey

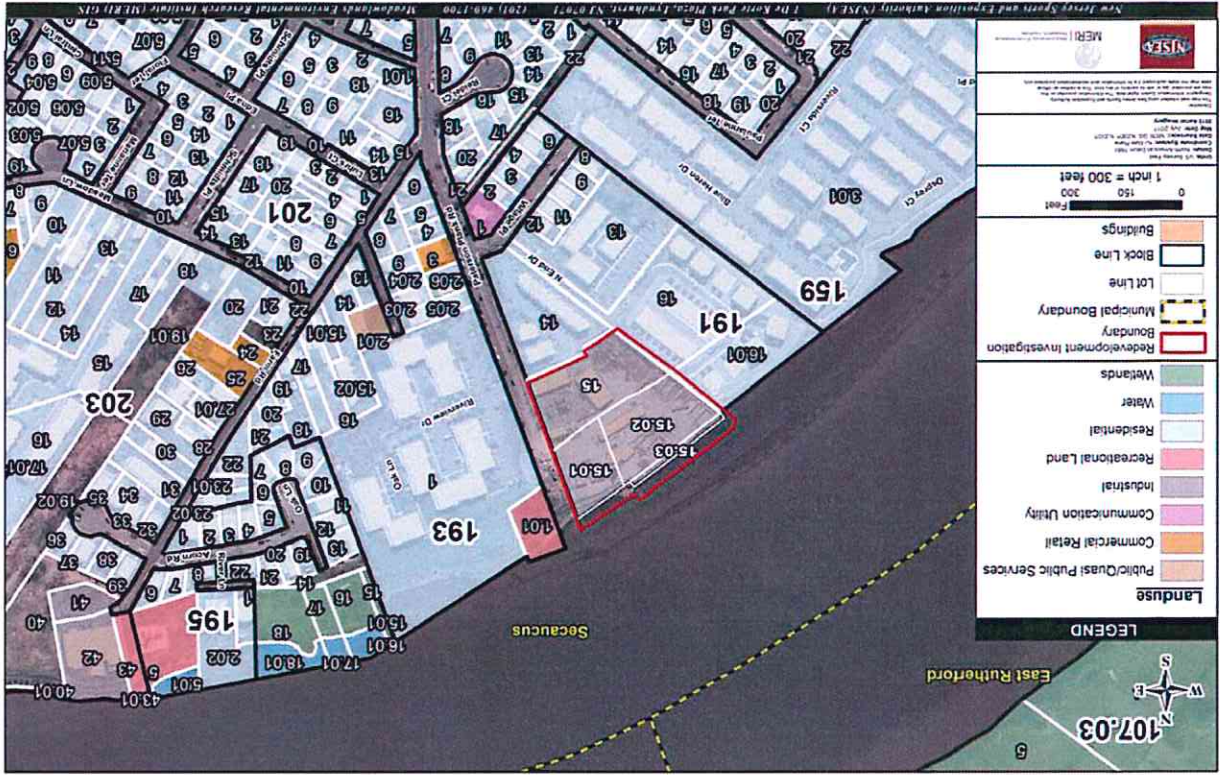
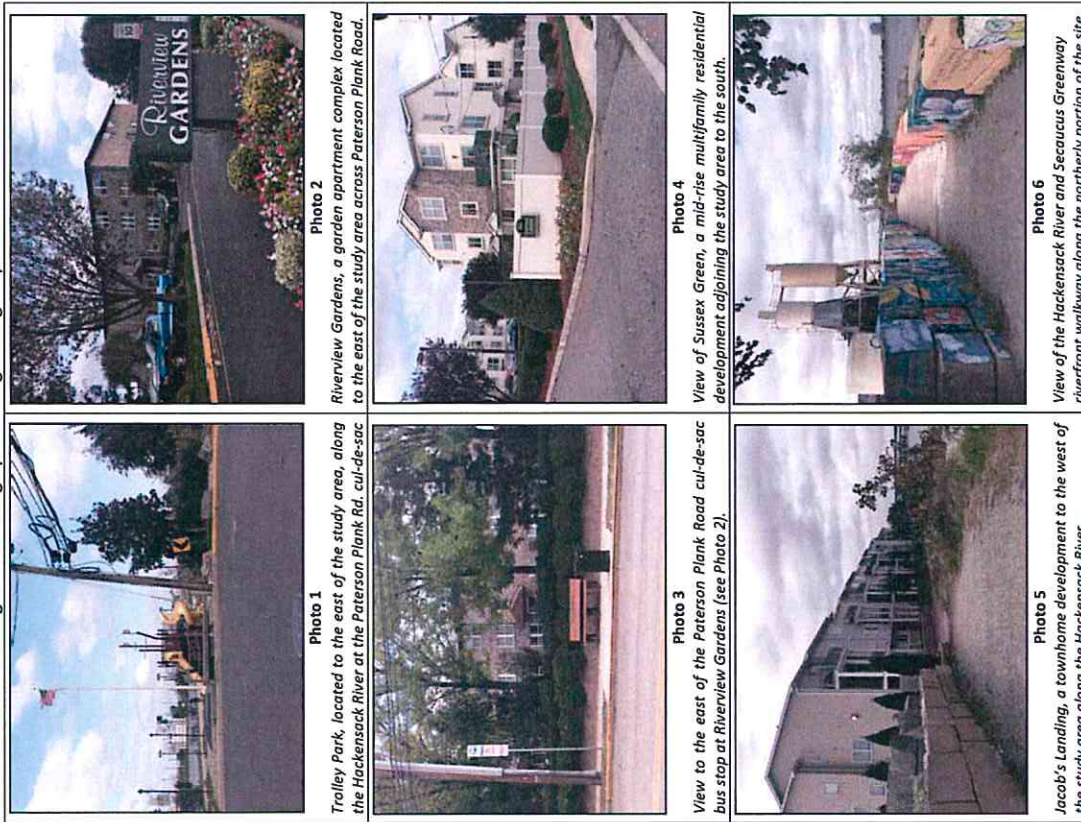


Figure 6 – Photographs of Neighboring Properties



2. Zoning - The subject property is located entirely within the Low Density Residential (LDR) zone. The former concrete facility and current industrial usage of the property is not a permitted use in the LDR zone. (See Figure 2.)

The purpose of the Low Density Residential zone is to provide for the development and preservation of low-density residential uses and neighborhoods, and to provide for the development of community and institutional uses that are compatible with the character of a residential district.

The use and bulk regulations for the LDR zone are provided below.

- A. The permitted uses in the LDR zone (N.J.A.C. 19:4-5.26) are:**
1. Community residences and shelters with five or less residents;
 2. Day care facilities;
 3. Essential public services;
 4. Parks or recreation facilities;
 5. Primary and secondary schools;
 6. Single-family and two-family dwellings; and
 7. Townhome dwellings.
- B. The special exception uses in the LDR zone (N.J.A.C. 19:4-5.27) are:**
1. Community residences and shelters with six or more residents;
 2. Health care centers;
 3. Houses of worship;
 4. Institutional uses;
 5. Manufactured home parks, not exceeding the density permitted for other single-family dwellings and conforming with all other regulations applicable to development within the Low density residential zone;
 6. Public utility uses, light; and
 7. Social services.
- C. The lot size requirements in the LDR zone (N.J.A.C. 19:4-5.28) are:**
1. Single-family and two-family dwellings:
 - i. Minimum lot area: 7,500 square feet;
 - ii. Minimum lot width: 75 feet; and
 - iii. Minimum lot depth: 100 feet;
 2. Townhome dwellings:
 - i. Minimum lot area: 10,000 square feet;
 - ii. Minimum lot width: 100 feet; and
 - iii. Minimum lot depth: 100 feet; and
 3. Other permitted uses and special exceptions:
 - i. Minimum lot area: 10,000 square feet;
 - ii. Minimum lot width: 100 feet; and
 - iii. Minimum lot depth: 100 feet.

4. **Soils** – The soils map of the US Department of Agriculture Natural Resources Conservation Service Soil Survey indicates the following soil classification is present within the study area:
1. URWETB (Urban land, wet substratum, 0 to 8 percent slopes), composed primarily of “asphalt over human-transported material.”

Site-specific soils studies would be required at the time of any potential construction permit application to ensure that the appropriate construction methodologies will be utilized for the sound structural support of any future building at the site.

5. **Contamination** - The Known Contaminated Sites List (KCSL) in New Jersey is a report maintained by the NJDEP pursuant to N.J.S.A. 58:10-23.16 and 23.17 that provides a record of sites with confirmed soil or water contamination at levels greater than the applicable cleanup criteria or standards. The study area is listed as an active site in the NJDEP KCSL identified as the Schmitt Concrete Equip. Co. site, Public Interest (PI) #003949.

The subject property is also located adjacent to another property on the KCSL, identified as the Tilcon New Jersey, Inc. site, PI #022829. The Tilcon site has been developed as the Jacob's Landing townhome development. A sign providing notice of an Environmental Investigation/Clean-up is posted on this property.

See Figure 7 for a map of sites on the NJDEP Known Contaminated Sites List.

6. **Vehicular Access** - The subject property contains frontage and access on the westerly side of Paterson Plank Road and can be accessed via three existing curb cuts. Paterson Plank Road becomes a dead end street at the subject property, terminating at a cul-de-sac at the municipal Trolley Park along the Hackensack River.

The subject property is located across the street from the Paterson Plank Road Cul-de-Sac bus stop, serviced by New Jersey Transit Bus Route 122. This route provides weekday service to the Port Authority Bus Terminal in New York City. There is currently no weekend bus service along this route. A connection to New Jersey Transit Bus Route 190, which provides service to the Port Authority Bus Terminal, Rutherford, Passaic, Clifton, and Paterson, is available at the Town's municipal building at 1203 Paterson Plank Road. Access to passenger rail service via municipal shuttle bus service to and from the Frank R. Lautenberg Station at Secaucus Junction is available on weekdays from this bus stop as well.

7. **Floodplain** - Properties in the study area appear on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM), Map Number 34003C0266G, dated September 30, 2005. The entire study area is located within a special flood hazard area (SFHA) designated by FEMA as Zone AE, a 100-year floodplain where base flood elevations (BFE) have been determined. The properties in the study area have a BFE of 9 feet (NGVD25 datum). (See Figure 8.)

FEMA has published new Preliminary FIRMs as of August 29, 2014, which, pending public comment, are expected to become the new effective FIRMs in early 2019. The FEMA Preliminary FIRM for the study area, Map Number 34003C0266G, shows changes to the SFHA designation at the property in question. Specifically, the properties remain in Zone AE, but with a BFE of 8 feet (NAVD88 datum). (Note: FEMA's Preliminary FIRMs utilize the NAVD88 datum to establish base

- D. **The bulk regulations in the LDR zone (N.J.A.C. 19:4-5.29) are:**
1. **Single-family and two-family dwellings:**
 - i. **Maximum lot coverage:** 30 percent;
 - ii. **Minimum open space:** 40 percent; and
 - iii. **Yards:**
 - (1) **Minimum front yard:** 25 feet; or in the case where the Chief Engineer determines that the average prevailing setbacks of existing adjacent dwellings are less than 25 feet, the minimum front yard may be reduced accordingly to not less than 20 feet;
 - (2) **Minimum side yard:** 10 feet; and
 - (3) **Minimum rear yard:** 20 feet;

2. **Townhome dwellings:**

- i. **Maximum lot coverage:** 30 percent;
- ii. **Minimum open space:** 35 percent;
- iii. **Maximum density:** 10 dwelling units per acre; and
- iv. **Yards:**
 - (1) **Minimum front yard:** 25 feet, except where the front yard setback of a building facade is staggered, the setback may be reduced to not less than 20 feet with an average setback for the building of 25 feet;
 - (2) **Minimum side yard:** 20 feet; and
 - (3) **Minimum rear yard:** 25 feet;

3. **Other permitted uses and special exceptions:**
- i. **Maximum lot coverage:** 30 percent;
 - ii. **Minimum open space:** 35 percent; and
 - iii. **Yards:**
 - (1) **Minimum front yard:** 25 feet;
 - (2) **Minimum side yard:** 20 feet;
 - (3) **Minimum rear yard:** 30 feet; and

4. **Maximum building height:** 35 feet.

E. **The performance standards in the LDR zone (N.J.A.C. 19:4-5.31) are:**

- All Category A performance standards of N.J.A.C. 19:4-7 shall apply to all uses in the Low Density Residential zone.

3. **Wetlands** – No wetland areas are indicated within the study area by NJSEA GIS mapping. Where the property adjoins the Hackensack River, there appears to be a bulkhead along the northerly portion of the site that delineates the shoreline.

The actual presence or absence of wetlands on a particular site is subject to further review and confirmation in accordance with due diligence procedures customarily followed by applicants for development, which may include a detailed wetlands study and a jurisdictional determination by the U.S. Army Corps of Engineers.

The property does appear on the NJDEP “Map showing Conveyances and Leases of State-owned Tidelands,” indicated that a grant was issued to Schmitt Realty Co. Inc. on March 22, 1965 for a portion of State-owned Tidelands in the northeasterly corner of the site. There are no active Tidelands claims on the subject property.

flood elevations, whereas previous FIRMs utilized NGVD29 datum. At the subject location, subtracting 1.1 feet from the elevation in the NGVD29 datum results in the corresponding elevation in the NAVD88 datum. The current BFE of 9 feet in the NGVD29 datum is equivalent to a BFE of 7.9 feet in the NAVD88 datum. Therefore, the BFE of the study area between the current Effective FIRM and the Preliminary FIRM is increased by 0.1 feet.)

The NJSEA also participates in FEMA's National Flood Insurance Program (NFIP) Community Rating System (CRS) and is certified as a Class 7 community, which qualifies flood insurance policy holders in a SFHA within the Hackensack Meadowlands District to a 15 percent discount in their flood insurance rates.

The NJSEA regulations require that all structures located in a SFHA have a finished floor elevation at a minimum of one foot above the FIRM's established base flood elevation. As the BFE on the Preliminary FIRM is slightly higher than the BFE on the Effective FIRM, the base flood elevation of the Preliminary FIRM becomes the regulatory BFE, and all new or substantially improved structures in the study area must have a finished floor elevation located at a minimum of 9.0 feet (NAVD88).

8. Utilities - Public utilities are available to the study area, including gas, water, electric and telephone service, as well as public sanitary sewer improvements. There are currently no on-site stormwater drainage improvements, and a depressed area of the site adjacent to the shuttered concrete plant contains an area of ponding water on a concrete surface.

Public Service Electric and Gas Company (PSE&G) provides electric and gas service. Suez New Jersey (formerly United Water) and the Secaucus Municipal Utilities Authority provide water and sewer services, respectively. Will-serve letters will be required to be obtained for any proposed future development of the site.

9. Other Redevelopment Areas in Close Proximity - The NJSEA has not adopted any redevelopment areas proximate to the study area.



Figure 7 - Map of NJDEP Known Contaminated Sites in Need of Redevelopment Study Area - Schmitt Realty Site
1631 Paterson Plank Road (Block 191, Lots 15, 15.01, 15.02, and 15.03) - Secaucus, New Jersey

IV. FINDINGS

The parcels within the study area were evaluated in relation to the in need of redevelopment criteria established by NJSEA statute and regulations. N.J.A.C. 19:3-5.7(a) provides that an area shall be deemed to be in need of redevelopment if it is determined that any of the following conditions exist:

1. *The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.*

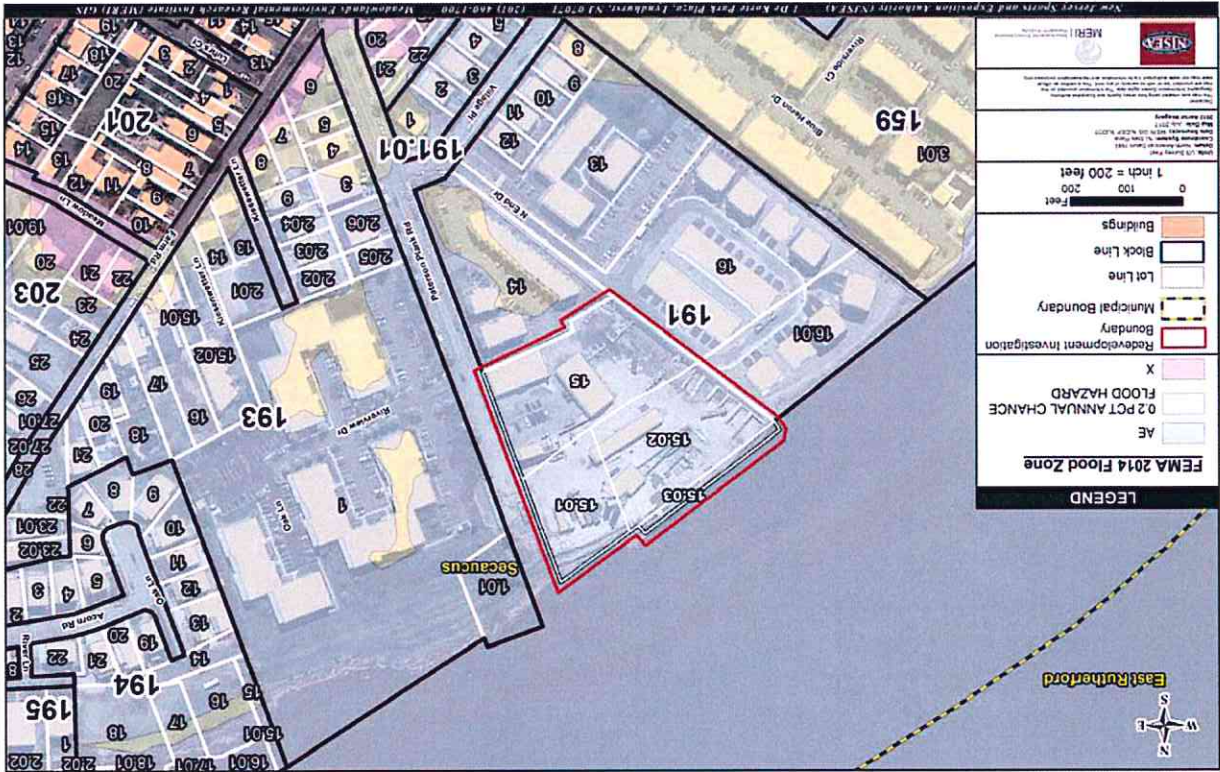
According to tax records, improvements on the site date to 1910. The site contains five separate structures, including the remnants of a concrete plant that has been closed for over 10 years. Additionally, according to NJSEA records, there have been no applications for building improvements/alterations since the Hackensack Meadowlands District was formed in 1968. The buildings on the site exhibit roof and façade damage, as well as limited fenestration that would allow for the passage of light and provide for ventilation. Evidence of outdoor storage of paving materials, construction debris, and other material stockpiles was also observed on the site. The majority of buildings on the site are vacant, and can be characterized as dilapidated, obsolete, and substandard in condition, evidenced by site inspections and the lack of permit history for this property in the past 50 years.

The most recent applications for occupancy certification were received in the early 2000's, primarily for Building C, the 2-story office building on the site. Secaucus Paving currently utilizes the subject property for outdoor parking and storage. The warehouse along the southerly property line is also utilized by a construction contractor. The outdated buildings and site conditions, lack of maintenance and improvements over the years, combined with concerns related to the site's environmental contamination investigation, create unwholesome conditions on the property.

2. *The discontinuance of the use of buildings previously utilized for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable;*

The use of the former concrete plant on the property has been discontinued for over a decade. The two buildings on Lots 15.01 and 15.02 are vacant, with broken windows and the buildings and doors boarded up. One of these structures is open to the elements, with a portion of the roof missing, and contains large vats of liquids used in the concrete manufacturing process that were not removed when the concrete plant ceased operations.

Of the three buildings on Lot 15, the southerly-most building on the site appears to be the only structure actively in use. The warehouse buildings could not easily be adapted to serve the needs of the modern industrial market due to low ceiling height and limited loading provisions. The cost to upgrade the existing buildings to comply with modern building codes would likely be cost-prohibitive. With no significant evidence of building maintenance or improvements, the buildings can be deemed to be in so great a state of disrepair such that they are untenable.



3. **Land that is owned by the NJSEA, or other public entities, or unimproved vacant land that has remained so for a period of 10 years prior to adoption of the resolution; or land that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital;**

This criterion is not applicable to the study area.

4. **Areas with buildings or improvements that, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community;**

The arrangement of buildings on Lot 15 represents an obsolete layout and faulty arrangement of buildings. The three buildings on the lot surround a central parking court of approximately 20 to 25 parking spaces. This arrangement results in little remaining area on the site to ensure adequate circulation for trucks and emergency vehicles. The condition of pavement and parking areas on the site is substandard and deteriorated. The current industrial and outdoor storage uses on the property, as well as the former use of the site as a concrete plant, are obsolete uses amidst a thriving residential neighborhood.

The site itself contains a large amount of impervious surfaces and extremely little open space and landscaping. The vegetation on the site primarily consists of overgrowth and weeds growing through cracked pavement. There are no on-site drainage facilities, resulting in ponding in certain areas of the site, representing a public health concern. Additionally, there is evidence of illicit activities occurring on the site, such as graffiti and dumping of debris. New residential development adjoins the property to the west and south, and the conditions on the subject property represent a detriment to the health, safety, morals and welfares of the community. Therefore, the subject criterion is applicable to the study area.

5. **Lack of proper utilization of areas, caused by the condition of the title, diverse ownership of the real property therein, or other conditions resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare;**

Although the properties in the study area are under common ownership by Schmitt Realty Company, other conditions on the site result in a stagnant and not fully productive condition of the land. New residential development adjoins the subject property to the west and south; yet, development of the subject property has remained stagnant. In this instance, development attempts on the site are significantly constrained by the site's condition, having a thick layer of concrete one to two feet deep resulting from the former industrial activities on the site.

The site has largely remained vacant and is an isolated, underutilized industrial property that has not contributed to the general welfare. The presence of this particular property in its current condition within a residential neighborhood can be determined to be a

detrimental impact to the public and the well-being of neighborhoods. The site's location along the Hackensack River, adjoining a public waterfront walkway to the north and municipal park to the east, make the site potentially useful and valuable for contributing to and serving the public health, safety, and welfare by providing for the redevelopment of a defunct industrial site in a manner more suitable to its surrounding land use pattern.

6. **Areas in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated;**

This criterion is not applicable to the study area.

7. **Areas designated as an enterprise zone pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et seq., where the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to N.J.S.A. 40A:12A-5 and 40A:12A-6 for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of N.J.S.A. 40A:20-1 et seq.; or**

This criterion is not applicable to the study area. The subject property is not located within a New Jersey Urban Enterprise Zone.

8. **Areas, with or without improvements, where there is historic evidence of illegal dumping activities; areas with evidence of soil, groundwater, or surface water contamination; areas that, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), are listed on the CERCLA database; Federal, State, county, or municipally designated brownfield areas; and/or areas on the New Jersey Known Contaminated Sites List per N.J.S.A. 58:10-23.16 and 23.17.**

The subject property appears on the New Jersey Known Contaminated Sites List, and NJDEP records indicate there is an open remedial investigation at the site (PI #003949). Therefore, this criterion is applicable to the study area.

V. RECOMMENDATIONS

Based on the record in this matter, the NJSEA staff has determined that the conditions listed at N.J.A.C. 19:3-5.7(a)1, 2, 4, 5 and 8 exist at the Schmitt Realty property at 1631 Paterson Plank Road, Block 191, Lots 15, 15.01, 15.02, and 15.03, in the Town of Secaucus, New Jersey.

Therefore, the NJSEA staff recommends that the Board of Commissioners of the New Jersey Sports and Exposition Authority make a determination that the properties in the subject study area, identified as 1631 Paterson Plank Road, Block 191, Lots 15, 15.01, 15.02, and 15.03, in the Town of Secaucus, New Jersey, satisfy the regulatory criteria to be declared an area in need of redevelopment.

RESOLUTION 2017-21

RESOLUTION AUTHORIZING NJSEA STAFF TO INVESTIGATE THE REDEVELOPMENT POTENTIAL OF THE SCHMITT REALTY PROPERTY IDENTIFIED AS 1631 PATERSON PLANK ROAD, BLOCK 191, LOTS 15, 15.01, 15.02, & 15.03, IN THE TOWN OF SECAUCUS, NEW JERSEY FILE NO. SP-747

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

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

WHEREAS, a petition, dated July 3, 2017, was received from Katharine A. Coffey of Day Pitney, LLP, submitted on behalf of Pihl, requesting that the NJSEA investigate the redevelopment potential of the property located at 1631 Paterson Plank Road, Block 191, Lots 15, 15.01, 15.02, and 15.03, in the Town of Secaucus, which is located within the Low Density Residential zone of the Hackensack Meadowlands District; and

WHEREAS, the NJSEA staff has compiled preliminary information regarding the subject properties in accordance with the requirements of N.J.A.C. 19:3-5.2 to support this request; and

WHEREAS, in accordance with N.J.A.C. 19:3-5.3(e) the NJSEA staff must request authorization from the NJSEA Board of Commissioners to conduct an investigation of areas that may potentially be deemed in need of redevelopment; and

WHEREAS, the NJSEA staff requests authorization to conduct an investigation of the property at 1631 Paterson Plank Road, Block 191, Lots 15, 15.01, 15.02, and 15.03, in the Town of Secaucus to examine its redevelopment potential; and

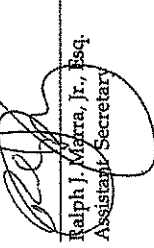
APPENDIX A

WHEREAS, the NJSEA staff also requests authorization to prepare an "In Need of Redevelopment Report" pursuant to N.J.A.C. 19:3-5.4 and to hold a public hearing to obtain public comment on the report and its findings.

NOW THEREFORE BE IT RESOLVED, that the NJSEA staff is hereby authorized to conduct an investigation of the property at 1631 Paterson Plank Road, Block 191, Lots 15, 15.01, 15.02, and 15.03, in the Town of Secaucus to examine its redevelopment potential.

BE IT FURTHER RESOLVED, that the NJSEA staff is hereby authorized to prepare an "In Need of Redevelopment Report" pursuant to N.J.A.C. 19:3-5.4 and hold a public hearing to obtain public comment on the report and its findings.

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 July 20, 2017.


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

RESOLUTION 2017-34

**RESOLUTION ISSUING A
DECISION ON THE VARIANCE APPLICATION
SUBMITTED AS PART OF FILE NO. 16-577
420 ST. PAUL'S AVE JC LLC/ACE LIMO - C.O.
BLOCK 6201, LOT 13, IN THE CITY OF JERSEY CITY**

WHEREAS, an application for one use variance has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by 420 St. Paul's Ave. JC, LLC, on behalf of Ace 1 Limo, Inc., for the premises located at 420 St. Paul's Avenue, identified as Block 6201, Lot 13, in the City of Jersey City, New Jersey; and

WHEREAS, the premises is located in the Hackensack Meadowlands District's Heavy Industrial zone; and

WHEREAS, the use variance is sought in connection with the applicant's proposal to allow Ace 1 Limo, Inc., to occupy 1,277 square feet of office space as a principal use on the subject premises; and

WHEREAS, the applicant requested relief from N.J.A.C. 19:4-5.101(a), where office is not listed as a permitted use in the Heavy Industrial zone; and

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

WHEREAS, a public hearing was held in the Office of the NJSEA on Tuesday, September 12, 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, Principal Planner and Ronald Seelogy, P.E., P.P., Principal Engineer; and

WHEREAS, a comprehensive report dated November 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 November 3, 2017; and

WHEREAS, the report recommends the approval of the requested use variance from N.J.A.C. 19:4-5.101(a) to allow Ace 1 Limo, Inc., to occupy 1,277 square feet of office space as a principal use; 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 use variance application to allow Ace 1 Limo, Inc., to occupy 1,277 square feet of office space as a principal use 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 420 St. Paul's Ave JC LLC/Ace Limo - C.O. application to allow Ace 1 Limo, Inc., to occupy 1,277 square feet of office space as a principal use, is hereby **APPROVED WITH THE FOLLOWING CONDITION** for the reasons set forth in the recommendation dated November 2, 2017:

1. The 1,277-square-foot office space shall be utilized solely as an office for administrative purposes. Ace 1 Limo, Inc. shall only use the facility as an administrative office for its business and shall not be permitted to utilize the subject property for the other functions of a taxi and limousine service, as defined under N.J.A.C. 19:4-2.1. For example, fleet vehicles and/or other vehicles-for-hire are prohibited from utilizing the subject property for parking or maintenance.

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 November 16, 2017.


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



MEMORANDUM

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

From: Sara J. Sundell

Date: November 16, 2017

Subject: *Variance Recommendation – 420 St. Paul's Ave JC LLC/Ace Limo - C.O. (File No. 16-577)*

An application for one use variance has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by 420 St. Paul's Ave. JC, LLC, on behalf of Ace 1 Limo, Inc., for the premises located at 420 St. Paul's Avenue, identified as Block 6201, Lot 13, in the City of Jersey City, New Jersey. The applicant is requesting a use variance to allow Ace 1 Limo, Inc., to occupy 1,277 square feet of office space as a principal use on the subject premises. The property is located in the Hackensack Meadowlands District's Heavy Industrial zone.

The applicant requested variance relief from the following:

1. N.J.A.C. 19:4-5.101(a), where office is not listed as a permitted use in the Heavy Industrial zone. The applicant is requesting a use variance to allow Ace 1 Limo, Inc., to occupy 1,277 square feet of office space as a principal use.

A public hearing was held in the Office of the NJSEA on Tuesday, September 12, 2017.

In a comprehensive report dated November 2, 2017, the Director of Land Use Management and the Senior Vice President of Legal & Regulatory Affairs recommended the conditional approval of the use variance requested above, with the limitation that the 1,277-square-foot office space shall be utilized by Ace 1 Limo, Inc. solely as an office for administrative purposes and shall not be permitted to utilize the facility for the other functions of a taxi and limousine service, as defined under N.J.A.C. 19:4-2.1 (for example, fleet vehicles and/or other vehicles-for-hire are prohibited from utilizing the subject property for parking or maintenance). A copy of the comprehensive report and variance recommendation was provided to the applicant on November 3, 2017.

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

RECOMMENDATION ON THE VARIANCE APPLICATION OF

420 St. Paul's Ave JC LLC/Ace Limo - C.O.

File #16-577

I. INTRODUCTION

An application for one use variance has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by 420 St. Paul's Ave JC LLC, on behalf of Ace 1 Limo, Inc., for the premises identified as 420 St. Paul's Avenue, Block 6201, Lot 13, in the City of Jersey City, Hudson County, New Jersey. The subject premises is located in the Hackensack Meadowlands District's Heavy Industrial zone. The applicant is requesting a use variance to allow Ace 1 Limo, Inc., to occupy 1,277 square feet of office space as a principal use on the subject premises. Specifically, the applicant is requesting variance relief from the following:

1. N.J.A.C. 19:4-5.101(a), where office is not listed as a permitted use in the Heavy Industrial zone. The applicant is requesting a use variance to allow Ace 1 Limo, Inc., to occupy 1,277 square feet of office as a principal use.

Notice was given to the public and all interested parties as required by law. The public notice was published in The Jersey Journal. No written objections were received. A public hearing was held in the Office of the NJSEA on Tuesday, September 12, 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 2,375 square feet, or 0.05 acres, and is rectangular in configuration. The corner property fronts along Lewis Avenue to the east and St. Paul's Avenue to the south, and is bordered by a three-story residential building to the west. A paved parking lot is located north of the site. Properties within the immediate vicinity are developed with a mix of industrial and residential uses.

The subject property is currently developed with a three-story mixed-use building with a sit-down restaurant on the first floor and, according to tax records, a total of four residential units on the second and third floors. A curb cut along Lewis Avenue provides access to a concrete driveway on the northerly portion of the subject property. No parking is provided on site.

The existing first-floor tenant space is occupied by What's Cooking, a restaurant use consisting of 1,277 square feet of seating area and 339 square feet of kitchen and food preparation space. What's Cooking currently utilizes only the kitchen in support of its food truck service and no longer uses the restaurant seating area. The existing restaurant seating area is proposed to be converted to office space, to be occupied by Ace 1 Limo, Inc. for administrative offices for their business, a taxi and limousine service. The District zoning regulations define "taxi and limousine service" as an establishment offering transport services in passenger automobiles, vans, limousines, or similar motor vehicles, including accessory office and dispatch facilities, areas for the parking of facility vehicles, and accessory maintenance and fueling facilities for facility vehicles only. It is noted that the requested change of use is not for a taxi and limousine service; the application is solely related to occupancy of the premises as office space. Mr. Gabrael, owner of Ace 1 Limo, Inc. testified that his proposed use will be limited to office space for administrative and dispatch staff only, which would include 2 or 3 employees, and

will not be utilized by fleet drivers. No fleet or other vehicles-for-hire will be parked on the subject premises. Mr. Gabrael stated that fleet vehicles will be parked off-site at another location and that he has a mechanic shop on Communipaw Avenue in Jersey City.

A fire-rated demising wall will be constructed to separate the two tenant spaces. No interior alterations to the second- and third-floor residential units are proposed. The proposed change of use in this application would result in the reduction in the number of required parking spaces from 17.9 spaces to 8.5 spaces on the site, thus reducing the degree of preexisting nonconformity with respect to parking.

B. Response to the Public Notice

No written comments or objections were received during the public comment period.

III. PUBLIC HEARING (September 12, 2017)

A public hearing was held on Tuesday, September 12, 2017. NJSEA staff in attendance were 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.

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>
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A-1	"Floor Plans & Zoning Notes," Sheet No. A-1, prepared by Min W. Kil, R.A., Hampton Hill Architecture on March 31, 2017, last revised July 7, 2017.
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B. Testimony

The applicant was represented at the hearing by Rocco F. Errico, Esq., Attorney at Law. The following witnesses testified in support of the application:

1. Mukti Bajaj, AIA, NCARB, LEED AP BD+C, Mukti Architecture; and
2. Joseph Gabrael, Ace 1 Limo, Inc.

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

Giglio Banejee, the owner of the adjoining property to the west identified as 422 St. Paul's Avenue, testified at the hearing in opposition to the application.

IV. RECOMMENDATION

A. Standards for the Granting of a Use Variance from the Provisions of N.J.A.C. 19:4-5.101(a), where office is not listed as a permitted use in the Heavy Industrial zone. The applicant is requesting a use variance to allow Ace 1 Limo, Inc., to occupy 1,277 square feet of office space as a principal use on the subject property.

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...*

2. Concerning use variances:

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

The strict application of the regulations governing permitted uses in the Heavy Industrial zone would permit a variety of industrial uses and some limited commercial uses on the site. In addition, the continuation of a restaurant use on the subject premises would be allowed as a preexisting nonconforming use. However, Ace 1 Limo, Inc. proposes to convert a 1,277-square-foot portion of the existing sit-down restaurant use to office use on the first floor of the existing building on the site, and to occupy this office space as a principal use. Office space is not a permitted principal use in the Heavy Industrial zone in which the subject property is located. Therefore, a use variance has been requested.

The subject property is undersized for the Heavy Industrial zone, with a lot area of 0.05 acres compared to the zone's minimum lot area requirement of one acre. The standard lot size is typical of many of properties along Lewis Avenue, as well as portions of St. Paul's and West Side Avenues, which contain pre-existing nonconforming residential uses interspersed with industrial development in the surrounding area. Single-family residential units are the prevalent type of residential development in the neighborhood, although duplex and multifamily dwellings also exist in the area. Industrial uses constitute the primary land use within Block 6201. The location of housing in close proximity to industrial uses, in conjunction with small lot sizes that provide little

separation between these opposing land uses, is evidence of an older and obsolescent land use pattern.

The subject site is an improved lot of adequate size and configuration that would allow Ace 1 Limo, Inc. the ability to operate its administrative offices efficiently from this property. Ace 1 Limo, Inc. will be occupying the proposed office space, which is relatively small in area at 1,277 square feet. No building additions or substantial interior alterations are proposed. Although no existing on-site parking is provided, the proposed change in use from sit-down restaurant to office space will reduce the number of required parking spaces on the site by half, from 17.9 spaces to 8.5 spaces, thus reducing the preexisting nonconformity with respect to parking. Also, testimony was provided indicating that no fleet vehicles will be parked on-site or in the neighborhood of the subject premises. The strict application of the regulations would prevent the tenancy of the prospective office tenant at the subject location. The particular characteristics of the building, including small size and adjacency to residential uses, and the lack of on-site parking do not lend themselves to be reasonably adapted to accommodate a permitted use. Thus, the strict application of the regulations would result in exceptional or undue hardship upon the applicant or property owner.

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

The granting of the requested variance to allow Ace 1 Limo, Inc. to occupy the proposed office space on the first floor of the building as a principal use on the subject premises for its administrative and dispatch staff only 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. A 1,277-square-foot office space will be compatible with the character of surrounding uses in the St. Paul's and Lewis Avenues neighborhood, which include industrial, residential and commercial uses.

There are no changes proposed to the exterior of the existing building. Access to the proposed office space is provided from an existing doorway on Lewis Avenue. The applicant has attested that no vehicles-for-hire associated with the Ace 1 Limo, Inc. taxi and limousine service will be parked on, or in the neighborhood of, the subject premises. The proposed office use will serve as an administrative and dispatch office, where administrative employees would field customer phone calls and telephonically dispatch fleet vehicles that are parked at an off-site location for passenger pick-ups. The proposed change of use results in a reduction in the existing nonconformity with respect to parking, wherein the required number of parking spaces was 17.9 spaces for the former uses and iso 8.5 spaces for the proposed uses. Therefore, neither parking nor traffic in the surrounding neighborhood will be negatively affected by the proposed office use.

iii. Adequate infrastructure, including storm and sanitary sewers, utilities, access roads, will be provided and shall be so designed to prevent and/or minimize negative impacts upon the existing infrastructure. In addition, the proposed use will not decrease the ability of said infrastructure to perform in a safe and efficient manner.

The granting of the requested variance to permit office space as a principal use on the subject premises will not impact the existing utility infrastructure. As the site is located in a developed area with residential and industrial uses, all required infrastructure, including sanitary and storm sewers, is currently in place. No additions to the existing building are proposed; therefore, no increase in the volume of sanitary sewage is anticipated. No site improvements or new impervious surfaces are proposed as part of this application; thus, existing drainage patterns will be maintained. The proposed use will not decrease the ability of the existing infrastructure to perform in a safe and efficient manner.

No significant impact to traffic in the surrounding area will result from this application. The traffic impact from the proposed principal office use is anticipated to be substantially less than its current impact as a sit-down restaurant.

The owner of the adjacent property, Mr. Banerjee, provided public comment regarding his concerns over whether there is adequate parking in the neighborhood to accommodate the proposed office use. Mr. Banerjee's concerns regarded increased on-street parking demands in the neighborhood for both fleet driver's vehicles and fleet vehicles. He stated that he would not have an objection to the

proposed use if there was not an issue with parking. Mr. Gabriel testified that the Ace 1 Limo, Inc.'s proposed administrative office would have only two to three employees. In order to ensure the proposed use does not result in a negative impact to the neighborhood, this recommendation includes a condition that the proposed office space be used solely for administrative purposes, and shall not be utilized as a taxi and limousine service. Therefore, with this condition, the proposed office use will not produce a noticeable impact on traffic or parking in the area.

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

The granting of the requested variance to permit office as a principal use on the subject premises will not result in any adverse environmental impacts. The proposed use is less intense than the existing nonconforming sit-down restaurant use, as well as most of the permitted uses in the Heavy Industrial zone. District environmental performance standards related to noise, vibration, glare, air emissions, hazardous, or radioactive materials, will not be exceeded by the proposed change in use. There will be no significant environmental impact resulting from vehicular traffic generated by the proposed office use. No environmentally sensitive areas exist on the property.

v. The variance will not substantially impair the intent and purpose of these regulations.

The stated purpose of the Heavy Industrial zone is to accommodate intensive industrial, utility, and commercial uses for which there

are few provisions in other industrial zones. Offices are not included in the list of principal uses allowed in the Heavy Industrial zone. The intent behind the exclusion of office as a principal use is based upon the scarcity of heavy industrial properties in the Hackensack Meadowlands District. The value of properties zoned Heavy Industrial is such that utilizing it principally as office space, which could be located in other zones in the District, would compromise the intent of the zone and jeopardize the ability to provide a location for the heaviest industrial uses to operate.

However, the applicant's utilization of the proposed office area within the mixed-use residential building for a stand-alone business will not unduly monopolize the character of the Heavy Industrial zone in this portion of the District, as the specific characteristics of the subject property, including its small lot size, the reuse of a portion of the existing mixed-use residential structure on the site, and the lack of on-site parking preclude its ability to accommodate a heavy industrial use. As such, the use of the proposed office space in the building as a principal use for Ace 1 Limo, Inc.'s administrative office only will not hinder or impair the operation of the existing uses in the building or in the area and, accordingly, will not impair the intent and purpose of the District regulations.

vi. *The variance at the specified location will contribute to and promote the intent of the Hickensack Meadowlands District Master Plan.*

The proposed office use on the subject premises will contribute to and promote the intent of the Hackensack Meadowlands District Master Plan. The Master Plan designates the subject premises as a part of the District's Logistics/Intermodal/Industrial planning area. Logistics and intermodal areas are traditionally associated with heavy industrial use in the District including heavy industry, public service uses, and intermodal rail and truck facilities. While the Master Plan's planning areas do not equate to permitted uses, their descriptions provide the foundation for the District Zoning Regulations.

The District Zoning Regulations reflect the spirit and intent of the Master Plan and are the mechanism by which the policies and principles of the Master Plan are implemented and enforced, in accordance with smart growth policies.

The subject premises is located within the District's Heavy Industrial zone. A total of 26 separate land uses are permitted within the zone. Although office is not permitted as a principal use in the Heavy Industrial zone, office space is permitted as a use that is accessory in nature to support an industrial use. Due to the limited size and scope of the principal office use proposed at the premises, the variance will not result in a substantial detriment to the planning goals of the District Master Plan.

V. SUMMARY OF CONCLUSIONS


A. Standards for the Granting of a Use Variance from the Provisions of N.J.A.C. 19:4-5.101(a), where office is not listed as a permitted use in the Heavy Industrial zone. The applicant is requesting a use variance to allow Ace 1 Limo, Inc., to occupy 1,277 square feet of office space as a principal use.

Based on the record in this matter, the use variance application to permit the use of 1,277 square feet of office space as a principal use, where office use is not permitted as a principal use in the Heavy Industrial zone in which the subject premises is located, is hereby recommended for APPROVAL SUBJECT TO THE FOLLOWING CONDITION:

1. The 1,277-square-foot office space shall be utilized solely as an office for administrative purposes. Ace 1 Limo, Inc. shall only use the facility as an administrative office for its business and shall not be permitted to utilize the subject property for the other functions of a taxi and limousine service, as defined under N.J.A.C. 19:4-2.1. For example, fleet vehicles and/or other vehicles-for-hire are prohibited from utilizing the subject property for parking or maintenance.


Conditional Approval
RECOMMENDATION ON
VARIANCE REQUEST

11/2/17
Date


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

Conditional Approval
RECOMMENDATION ON
VARIANCE REQUEST

11/2/17
Date


Ralph J. Matra, Jr.
Senior Vice President
Legal & Governmental Affairs

EXECUTIVE SESSION

RESOLUTION 2017-35

**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 November 16, 2017.


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