

Board Meeting

Thursday, October 19, 2017

10:00 a.m.



**AGENDA  
REGULAR SESSION**

Thursday, October 19, 2017 - 10:00 a.m.  
Two DeKorte Park Plaza, Lyndhurst, NJ

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

- Approval of Regular Session Meeting Minutes of September 21, 2017.

II. **PUBLIC PARTICIPATION ON RESOLUTIONS**

III. **APPROVALS** – (Action)

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

Resolution 2017-29 Consideration of a 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 Holdings/Lyndhurst Storage LLC – Addition & Variances, Block 226, Lot 2 in Lyndhurst.

IV. **PUBLIC COMMENT**

V. **EXECUTIVE SESSION**

Resolution 2017-30 Consideration of a Resolution authorizing the New Jersey Sports and Exposition Authority to conduct a meeting, to which the general public shall not be admitted for the purposes of discussing legal matters, personnel matters and contract negotiations.

VI. **MOTION TO ADJOURN**

# **MINUTES**



## REGULAR SESSION BOARD MEETING

DATE: September 21, 2017  
TIME: 10:00 a.m.  
PLACE: 2 DeKorte Park Plaza - Lyndhurst, NJ  
RE: **REGULAR SESSION MEETING MINUTES**

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### **Members in Attendance:**

Joseph Buckelew, Vice Chairman  
Wayne Hasenbalg, Esq., President and Chief Executive Officer  
John Ballantyne, Member  
Armando Fontoura, Member  
LeRoy Jones, Member  
George Kolber, Member (via phone)  
Steven Plofker, Member  
Andrew Scala, Member  
Anthony Scardino, Member  
Shannon McManus, NJ State Treasurer's Representative (via phone)

### **Absent:**

Michael Gonnelli, Member  
Michael Ferguson, Chairman  
Michael H. Gluck, Esq., Member  
Robert Yudin, Member

### **Also Attending:**

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

Vice Chairman Buckelew called the meeting to order.

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

## **I. APPROVAL OF MINUTES**

Vice Chairman Buckelew presented the minutes of the Regular Session Board Meeting held on July 20, 2017.

Upon motion made by Commissioner Ballantyne and seconded by Commissioner Scala, the minutes of the Regular Session Board Meeting held on July 20, 2017 were unanimously approved by a vote of 10-0.

## **II. PUBLIC PARTICIPATING ON RESOLUTIONS**

- George Cascino, representing Eugene Mori, spoke against Resolution 2017-26. Mr. Cascino handed Vice Chairman Buckelew a letter that was emailed to President Hasenbalg yesterday. Mr. Cascino stated that Mr. Mori objects to the resolution that would authorize staff to do a study that could lead to the property being placed into a redevelopment zone. Mr. Cascino addressed two issues raised by the NJSEA in its recommendation: 1) no development activity on the property for the last 10 years. Mr. Cascino state that Mr. Mori has been in active negotiations and close to an agreement for the development of the property. 2) past illegal fill activities on the property. Mr. Cascino explained that there were two illegal fill operations by a third party four years ago that included a one acre and four acre parcel of the 135 acre site. The remaining 130 acres were not touched.

Mr. Levy explained that the proposed resolution is an administrative step that would only authorize staff to conduct a study and that no designation is being made at this time. The next step in the process would be the evaluation of merits and that Mr. Casino's comments and letter will be incorporated.

Eugene Mori, owner of the property spoke against resolution 2017-26. Mr. Mori stated that he was not notified by the NJSEA or Secaucus regarding the matter before the board. He also spoke about the potential development and possible resolution with DEP on riparian and illegal fill matters.

There was discussion regarding proper notification to the property owner. Mr. Levy explained that there is no requirement for notification for this stage of the process and that this resolution does not impact the property. Mr. Levy stated that the next steps going forward would require notifications.

Robert Ceberio, representing Secaucus, spoke in favor of resolution 2017-26. Mr. Ceberio stated that the study would help Mr. Mori market the property better. He also stated that this may allow for remediation of the violations or settlement with DEP. He also stated that Secaucus has no interest in condemning the property. Mr. Ceberio noted that Secaucus has attempted unsuccessfully to reach Mr. Mori.

Captain Bill Sheen, Riverkeeper, spoke on resolution 2017-26. Captain Sheehan spoke about the violations and that the project could ultimately lead to the remediation of the violations. Captain Sheehan stated that he supports Mr. Mori's right to develop the uplands, but that the wetlands portion should be protected.

- Michael Sullivan of Sills Cummis & Gross, representing Towers Associates, spoke against proposed resolution 2017-28. Mr. Sullivan explained that Towers owns property adjacent to property owned by MEPT Lincoln Crossings. Towers had objected to MEPT's variance for a warehouse distribution facility. Mr. Sullivan explained that after several hearings, MEPT voluntarily withdrew their application without prejudice. Mr. Sullivan stated that Towers found this to be

unfair, as they spent money defending the application. Mr. Sullivan stated that Towers is requesting that the withdrawal be with prejudice (that the applicant would be prohibited from resubmitting the application). Mr. Sullivan also stated that if the board approves the resolution without prejudice, Towers believes it would be appropriate for MEPT to pay their expert witness fees. Commissioner Plofker questioned Mr. Sullivan on the merits of Towers' motion.

- Tom O'Connor of Water McPherson McNeill, representing the applicant, MEPT Lincoln Crossing, spoke in favor of proposed resolution 2017-28. Mr. O'Connor stated that the record of the hearing was not complete. Mr. O'Connor clarified the reasoning for the withdrawal. He explained that MEPT recognized the impact of the loading area to the Hilton Hotel, an adjacent property owner. For that reason the application was withdrawn so that the plan could be realigned to have the trucking entrance located on the highway side. Mr. O'Connor also stated that a lot of money was expended on both sides.

### **III. APPROVALS**

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

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

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

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

Resolution 2017-26 Resolution Authorizing NJSEA Staff to Investigate the Redevelopment Potential of the Mori Tract identified as Block 227, Lot 9 in Secaucus.

Vice Chairman Buckelew presented Resolution 2017-26. Upon motion by Commissioner Scala and seconded by Commissioner Ballantyne, proposed resolution 2017-26 was unanimously approved by 10-0 vote.

### **IV. COMMITTEE REPORTS**

- American Dream Master Plan Subcommittee – Mr. Marra updated the board:
  - The Master Plan Subcommittee met on September 18 at the Triple 5 offices. Triple 5 explained to the committee that they are on schedule for a March 2019 opening and gave a brief overview of the current construction activity.
  - Triple 5 provided an update on the previously approved exterior signage. The Master Plan Committee approved the minor changes subject to evaluation by NJSEA's outside traffic expert and also subject to any permits required by NJDOT or the Turnpike Authority.

- The Committee was also briefed in detail on the Economic Development Authority's (EDA) affirmative action plan program. The Committee approved that going forward Triple 5 will be required to follow EDA's affirmative action plan.
- The Committee agreed to take the role previously performed by the NJMC of monitoring the status of the requirements recommended by the 2004 and 2012 Hearing Officers Reports.
- The Master Plan Subcommittee will begin to meet regularly.

**V. PUBLIC COMMENTS**

- Bill Sheehan, Riverkeeper, spoke regarding the upcoming Hackensack Riverkeeper's 2<sup>nd</sup> Annual Pirates of the Hackensack Fishing Derby event to be held this Saturday at Laurel Hill County Park.
- Greg Allen, Secaucus Brownfield Redevelopment, spoke regarding their application and thanked Mr. Levy and Mr. Marra for their work on the matter. Mr. Levy pointed out that the hard work was done by Sara Sundell, Sharon Mascaro and Fawzia Shapiro.
- Marvin Donadic, Cliffside Park resident, spoke on the naming of sports teams.
- President Hasenbalg and Commissioners recognized John Brennan wishing him well and thanking him for his wonderful work over the years as a reporter covering the Meadowlands.

**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 2017-27 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.

- Consideration of a Resolution on pending litigation regarding File No. 15-100 – MEPT Lincoln Crossing/2701 Rt. 3 East - New Building/Variance

Upon motion made by Commissioner Scardino and seconded by Commissioner Scala Resolution 2017-27 was approved by a vote of 10-0.

Motion was made and seconded to enter into open session.

Resolution 2017-28 Resolution denying Towers Associates' Motion requesting that MEPT Lincoln Crossing's withdrawal of its variance application be considered as with prejudice.

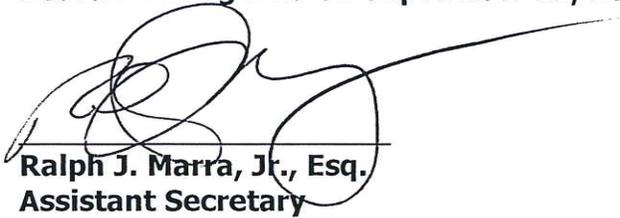
Vice Chairman Buckelew presented Resolution 2017-28. Upon motion by Commissioner Plofker and seconded by Commissioner Scala, proposed resolution 2017-28 was approved by 9-0 vote with Commissioner Ballantyne recused.

**VII. MOTION TO ADJOURN**

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

Meeting adjourned at 11:25 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 September 21, 2017.**



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

September 21, 2017

Commissioner	Roll Call	2017-26	2017-27	2017-28
Ferguson	--	--	--	--
Buckelew	P	Y	Y	Y
Hasenbalg	P	Y	Y	Y
Ballantyne	P	Y	Y	A
Fontoura	P	Y	Y	Y
Gluck	--	--	--	--
Gonnelli	--	--	--	--
Jones	P	Y	Y	Y
Kolber	P (via phone)	Y	Y	Y
Plofker	P	Y	Y	Y
Scala	P	Y	Y	Y
Scardino	P	Y	Y	Y
Yudin	--	--	--	--
Treasury Rep McManus	P (via phone)	Y	Y	Y

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

# **APPROVALS**



CASH DISBURSEMENTS  
\$100,000 OR MORE  
SEPTEMBER 2017

**SPORTS COMPLEX**

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
PUBLIC SERVICE ELECTRIC & GAS	122,221.07	J/L	ELECTRIC TRANSMISSION: AUG 2017
<b>SPORTS COMPLEX TOTAL</b>	<u>122,221.07</u>		

**MONMOUTH PARK RACETRACK MAINTENANCE RESERVE/CAPITAL**

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF OCEANPORT	218,957.67	A	CAFO SPECIAL ASSESSMENT AGREEMENT: 4TH QUARTER 2017
<b>MPR MAINTENANCE TOTAL</b>	<u>218,957.67</u>		

**OTHER**

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
KEARNY MUNICIPAL UTILITIES AUTHORITY	402,025.00	A	KEEGAN LANDFILL - SEWER USER FEES FOR 2017 PERIOD 3
WASTE MANAGEMENT OF NEW JERSEY	238,228.73	A	OPERATIONS CONTRACT - KEEGAN LANDFILL: AUG 2017
<b>OTHER TOTAL</b>	<u>640,253.73</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 2017-29**

**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 Holdings/Lyndhurst Storage LLC -  
Addition & Variances  
BLOCK 226, LOT 2  
IN THE TOWNSHIP OF LYNDHURST**

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

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

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

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

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

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

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

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

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

**WHEREAS**, a zoning certificate application was submitted to the NJSEA on August 15, 2017, by Jason R. Tuvel, Esq., of Rubin and Dombeck, LLC, on behalf of Lyndhurst Storage, LLC, for the premises identified as One Terminal Road, Block 226, Lot 2, in Lyndhurst, New Jersey, which is located in the Commercial Park zone; and

**WHEREAS**, the subject application proposes the construction of an approximately 107,540-square-foot building addition and, as such, is not exempt from the *Interim Policies*; and

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

**WHEREAS**, the Review Team evaluated the suitability of the subject property taking into consideration the specific application submitted for construction of a building addition; and

**WHEREAS**, a suitability review, dated October 5, 2017, and attached hereto, has been prepared, indicating the recommendation of the Review Team in this matter; and

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the New Jersey Sports and Exposition Authority that the existing industrial property located at One Terminal Road, Block 226, Lot 2, in Lyndhurst, New Jersey, is deemed to be unsuitable for residential use.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of October 19, 2017.

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



## MEMORANDUM

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

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*From:* Sara J. Sundell *Date:* October 19, 2017

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*Subject:* Site Suitability Recommendation for Block 226, Lot 2, in Township of Lyndhurst (File No. 17-326)

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

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

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

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

The NJSEA received an application for the construction of an approximately 107,540-square-foot building addition on the premises located at One Terminal Road, Block 226, Lot 2, in Lyndhurst, New Jersey. The subject property is located within the District's Commercial Park zone and currently contains an existing industrial building. The applicant is proposing the construction of a vertical addition over the existing industrial structure on the subject property.

The matter was forwarded to the Review Team for review of the proposed site in accordance with the *Interim Policies*. A suitability review, dated October 5, 2017, has been prepared, indicating that the Review Team recommends that the subject industrial property is not suitable for residential use.

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

# Suitability Review – Summary

File No. 17-326

*Galaxy Holdings/Lyndhurst Storage LLC - Addition & Variances*

*Block 226, Lot 2, in the Township of Lyndhurst*

*October 5, 2017*

The NJSEA received a zoning certificate application for the proposed construction of an approximately 107,540-square-foot building addition located at One Terminal Road, Block 226, Lot 2, in Lyndhurst, New Jersey. The subject property is located in the Commercial Park zone and, as such, is not exempt from the site suitability review process. In keeping with the review process, the site characteristics of the property have been evaluated in accordance with the “*Interim Policies Governing Affordable Housing Development in the Meadowlands District*,” adopted by the NJMC on July 24, 2008, and last revised on July 27, 2011.

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

- i. The site is adjacent to compatible land uses and has access to appropriate streets.**
  - The subject property is presently developed with an existing one-story, 27,260-square-foot industrial facility that is proposed to remain as the footprint of a proposed five-story self-storage building.
  - The subject property is located at the intersection of Terminal Road and Rutherford Avenue/Route 17. Terminal Road is a local right-of-way that provides access to several industrial/commercial properties located behind the Marriot Courtyard Hotel and the Copper Ridge commercial office building. Rutherford Avenue/Route 17 is a heavily-used corridor for passenger vehicles, buses, trucks, and tractor-trailers traveling between the commercial corridors and highways of the region, including Route 3, the New Jersey Turnpike, and the warehouse/distribution, intermodal and light industrial zones in Bergen and Hudson Counties.
  - Terminal Road provides the only access to and from the site as there are no curb cuts located along Rutherford Avenue/Route 17. The road also acts as a driveway to the industrial/warehousing buildings located immediately to the south and west of the subject property, specifically Block 226, Lots 1 and 18, and is utilized by automobiles and trucks associated with both facilities.
  - To the north of the subject property, across Rutherford Avenue, is the existing nine-story Renaissance Meadowlands Hotel. The Courtyard by Marriott, Lyndhurst Meadowlands, is a six-story hotel located to the east across Terminal Road from the subject

property. Terminal Road also provides vehicular access to the non-public areas of the hotel, including the loading dock and mechanical equipment.

- The subject property is located within the Commercial Park zone. The neighboring uses within the Commercial Park zone are predominantly commercial, hotel, retail with some industrial, and warehouse and distribution facilities. There are no existing residential uses in this area of Commercial Park zone in the Hackensack Meadowlands District.
- The surrounding development pattern is not compatible for the development of residential uses, due to the heavy reliance by industrial, warehouse and distribution uses in the area on trucking services to move products, resulting in a significant amount of truck traffic, noise and pollution.
- The surrounding active commercial, industrial and warehouse uses in the area would present challenges with respect to circulation and safety of residents.
- A residential use would not be compatible with the warehouse, industrial and commercial uses located on the properties adjacent to the subject property.

**ii. The site has access to water and sewer infrastructure with sufficient capacity.**

- This criterion can be met by the subject property.

**iii. The site can be developed consistent with the rules of the NJSEA.**

- The subject property comprises 1.06 acres, which is considerably smaller than the minimum lot size of 3 acres in the Commercial Park zone. Considering the small size of the subject site, meeting the bulk requirements of the zone could be a challenge to any development of the site, whether residential or otherwise. However, while challenging, this criterion can be met by the subject property.

**iv. Former and existing land uses, either on the site or in the vicinity, may not expose resident to environmental hazard. Alternatively, the site shall be remediated to NJDEP residential standards as a condition of the Board's approval.**

- The applicant provided a Site Suitability Analysis ("Analysis"), dated August 2017, prepared by Phillips Preiss Grygiel, LLC, a planning consultant, and a Phase 1 Environmental Assessment ("Phase 1") prepared by Industrial Waste Management, dated May 19, 2017, for the subject property. Based on the information provided in the Phase 1, which includes information regarding

former and existing land uses on the subject property, the Analysis indicates that “there are no known environmental conditions on the property that would expose residents or employees to any environmental hazard.”

- This criterion can be met by the subject property.
- v. **The size, shape, or layout of any existing structure that shall remain, or other physical limitation(s) not listed previously, do not preclude residential use.**
- The proposed redevelopment of the subject property includes the construction of a 107,540-square-foot, four-story addition over the existing 27,260-square-foot, single-story industrial building. The existing building is centered on the property and results in 60 percent lot coverage on the 1.06-acre property.
  - The portion of the lot that is not covered by the building does not contain sufficient area to construct a residential structure with a reasonable separation distance and appropriate buffering from the existing industrial building that would alleviate safety concerns and provide a balanced quality of life for future residents.
- vi. **The site is suitable for residential use pursuant to sound planning principles.**
- The site is substantially built-out and contains an existing industrial building with a lot coverage that consumes approximately 60 percent of the property’s total area. Associated parking areas, access easements, required open space and setbacks comprise the balance of the 1.06-acre site. No appropriate areas remain on the site to construct residential units that could be properly separated or buffered from the existing industrial use on site.
  - The location of the subject property with respect to the adjacent heavily-trafficked roadway system and commercial properties is not conducive to the construction of a residential development.
  - Surrounding properties are predominantly built-out with active and viable commercial and industrial development, including hotel and office uses. The industrial uses in the area are associated with truck traffic that would present circulation and safety challenges to residential uses.
  - Elements of the warehouse and industrial businesses in the area are potentially hazardous to residents. Open loading docks and trucks maneuvering on site and in the streets, including within Terminal Road, are safety concerns that render this area unfavorable to residential uses.
  - The site is also not an appropriate location to construct residential units due to pedestrian access issues. The site is remote from

residential neighborhoods, public schools, local retail stores, recreational facilities, and other public amenities. Pedestrian access to the rest of the community is difficult and requires traveling a considerable distance without the benefit of sidewalks. There are no sidewalks along Rutherford Avenue from the project site to the intersection of Rutherford Avenue and Orient Way, which leads towards the downtown business districts of Lyndhurst and Rutherford. Pedestrian access to the rest of the community from the subject site is limited, requiring motor vehicle access through an active area along heavily-trafficked roads.

- A residential use would not be compatible with the surrounding commercial and industrial uses of the adjacent properties. There are no residential uses within the immediate vicinity of the subject property. The 1.06-acre site is too small to establish a critical mass necessary for a desirable and pleasant residential community in the midst of an industrial and commercial area.

In summary, only three (3) of the above criteria, as per Section IV(c)1 of the *Interim Policies*, apply to the subject property.

### **Conclusion**

The subject commercial property located at One Terminal Road, Block 226, Lot 2, in Lyndhurst, is recommended to be deemed unsuitable for housing.

Contingent upon the approval of this recommendation by the NJSEA Board of Commissioners, the review of the submitted zoning certificate application for the proposed nonresidential development may proceed for this site. However, as a condition of zoning certificate approval, the applicant shall be required to satisfy the project's affordable housing requirements as per Section VII(a) of the *Interim Policies* or as required by law.

# **EXECUTIVE SESSION**

**RESOLUTION 2017-30**

**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 October 19, 2017.

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