

MINUTES



REGULAR SESSION BOARD MEETING

DATE: December 13, 2018
TIME: 10:00 a.m.
PLACE: 2 DeKorte Park Plaza - Lyndhurst, NJ
RE: **REGULAR SESSION MEETING MINUTES**

Members in Attendance:

Joseph Buckelew, Vice Chairman (via phone)
Vincent Prieto, President and CEO
Michael Ferguson, Member (via phone)
Armando Fontoura, Member
Michael H. Gluck, Esq., Member
Michael Griffin, NJ State Treasurer's Representative (via phone)
George Kolber, Member (via phone)
Steven Plofker, Member
Anthony Scardino, Member
Robert Yudin, Member

Absent:

Michael Gonnelli, Member
John Ballantyne, Chairman
Robert J. Dowd, Member
Andrew Scala, Member

Also Attending:

Frank Leanza, Senior Vice President/ Chief of Legal and Regulatory Affairs
Christine Sanz, Senior Vice President/COO
Adam Levy, Vice President of Legal & Regulatory Affairs
John Yarenis, Director of Finance/CFO
Sara Sundell, Director of Land Use Management and Chief Engineer
Steven Cattuna, Chief of Staff
Lauren LaRusso, Assistant Counsel, Governor's Authorities Unit
Christine Ferrante, Executive Assistant/Paralegal

President Prieto called the meeting to order.

- I.** Pledge of Allegiance
- II.** Opening Statement – President Prieto read the Notice of Meeting required under the Sunshine Law.
- III.** Roll Call

President Prieto gave the floor to Commissioner Ferguson. Commissioner Ferguson announced that he is stepping down from the NJSEA Board of Commissioner. Commissioner Ferguson spoke of the great honor it has been to serve on the board. He expressed his gratefulness to Governor Christie for appointing him and naming him Chairman for seven of the seven and half years. Commissioner Ferguson was also appreciative of Governor Murphy for keeping him on the board during the transition period. Commissioner Ferguson also recognized and thanked Wayne Hasenbalg, board members and senior staff for their dedication to the Sports Authority. Commissioner Ferguson similarly wished Chairman Ballantyne and President Prieto the very best.

President Prieto, Vice Chairman Buckelew and Board Members each thanked Commissioner Ferguson for his service.

IV. APPROVAL OF MINUTES

President Prieto presented the minutes of the Regular Session Board Meeting held on November 15, 2018.

Upon motion made by Commissioner Scardino and seconded by Commissioner Yudin, the minutes of the Regular Session Board Meeting held on November 15, 2018 were unanimously approved.

V. PUBLIC PARTICIPATING ON RESOLUTIONS - None

VI. APPROVALS

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

President Prieto presented the report of cash disbursements over \$100,000 and Professional Invoices for the month of November 2018.

Upon motion by Commissioner Gluck and seconded by Commissioner Fontoura, the cash disbursements over \$100,000 for the month of November 2018 were unanimously approved.

Resolution 2018-53 Resolution Authorizing the Placement of Property and Excess Liability Insurance.

Mr. Yarenis explained that the resolution is to approve the binding for the Property and Excess Liability insurance policies for the period January 1, 2019 to January 1, 2020. He further explained that the service of Willis Towers Watson of Pennsylvania was utilized to obtain premium quotes for these policies. Mr. Yarenis stated that through their diligent efforts, the agency was able to maintain its level of coverage while facing increasing challenges due to the changing market. Mr. Yarenis indicated that the Executive Committee reviewed and discussed the policies and quotes earlier this week. Mr. Yarenis stated that with the board's approval, we will proceed with binding the policies and complete the renewal process.

Vice Chairman Buckelew thanked Mr. Yarenis, his team and agency counsel for the great job in getting the best deal.

President Prieto presented Resolution 2018-53. Upon motion made by Vice Chairman Buckelew and seconded by Commissioner Scardino Resolution 2018-53 was unanimously approved by a vote of 10-0.

Resolution 2018-54 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. 18-430, SOF/EPC 630 LLC/Edison Park Fast-Surface Parking Lot, Block 10, Lots 10 & 13 in Secaucus.

Ms. Sundell explained that Edison Properties submitted a zoning certificate application to construct an interim, surface commercial parking lot for approximately 1,100 cars on portions of two properties located within the Station Square zone of the Secaucus Transit Village Redevelopment Area. She further explained that the properties are identified as 614 and 630 New County Road, Block 10, Lots 10 and 13, in the Town of Secaucus, New Jersey. Ms. Sundell stated that in accordance with the *Interim Policies Governing Affordable Housing Development in the Meadowlands District*, this matter was forwarded to the Site Suitability Review Team. She further stated that the review team evaluated the site and prepared a suitability report recommending that the subject properties be deemed not suitable for residential use for a number of reasons. Ms. Sundell indicated that the existing warehouse and distribution building to remain on Lot 10 precludes the construction of a residential structure on the property as a reasonable separation distance and appropriate buffering between the different uses could not be obtained on the site. Although the existing structures on Lot 13 are proposed to be demolished, the proximity of the property with respect to the active warehouse and distribution operations occurring on adjacent properties render this site unfavorable to residential uses. She further indicated that while a limited number of residential units are permitted within the Station Square zone of the redevelopment area, they are not necessarily appropriate on every parcel within the zone. The specific circumstances of the two parcels, including the limited accessibility to community facilities, and limited sidewalks and pedestrian accommodations, render them unsuitable for residential use. Ms. Sundell stated that for these reasons and those provided in the report, staff is recommending that these properties be deemed unsuitable for housing.

President Prieto presented Resolution 2018-54. Upon motion made by Commissioner Scardino and seconded by Commissioner Plofker Resolution 2018-54 was unanimously approved by a vote of 10-0.

Resolution 2018-55 - Removed at Applicants Request.

Resolution 2018-56 Resolution Issuing a Decision on the Variance Application Submitted as Part of File No. 18-011 – 111 Kero Holdings LLC/Addition & Variances – Block 126, Lots 33 & 34 in Carlstadt.

Mr. Sundell explained that 111 Kero Holdings LLC has requested two bulk variances as part of its application to construct an 11,247-square-foot addition to its existing warehouse/light manufacturing facility located at 111 Kero Road, which is located in

the District's Light Industrial B zone. She further explained that the applicant manufactures steel doors and frames and the addition will accommodate its growing business. Ms. Sundell stated that the first variance request involves the applicant's proposal to provide a lot coverage of 55.81 percent, in excess of the maximum permitted lot coverage of 50 percent in the zone. The existing lot coverage for the site is 50.3 percent. She further stated that the second variance request is for two of the addition's loading doors to be provided in the front yard facing Kero Road, whereas front yard loading is prohibited in the District. Ms. Sundell indicated that the configuration of the existing building and site improvements on the subject property, with its preexisting nonconforming lot coverage, front yard setback, and front yard loading area, do not provide opportunities for either a conforming addition or loading docks. She further indicated that the proposed warehouse/light manufacturing building addition will accommodate the applicant's growing business operations by providing additional space for the manufacture and storage of their largest welded door frame units, which can be up to 20 feet long by 10 feet high, and the proposed front yard loading areas will minimize the distance these units must be moved to be loaded onto trucks. The addition will be set back from the road such that proposed loading operations can safely occur on-site and maneuvering to access the proposed loading area will not occur within the right of way or on neighboring properties, subject to certain limitations on truck lengths. Ms. Sundell stated that staff is recommending the conditional approval of the variance for front yard loading subject to certain limitations on truck lengths and requirements for corresponding signing and striping. The applicant's professional testified that the proposed increase in lot coverage will have no adverse effects on neighboring property owners, as the proposed increase in open space area will reduce the stormwater peak runoff rates to the existing public storm sewer system. Ms. Sundell explained that a neighboring property owner appeared as an Objector at the public hearing. His professional expressed concerns over potential negative impacts of the discharge of stormwater runoff from roof drains associated with the proposed addition. Ms. Sundell stated that accordingly, staff is recommending the conditional approval of the variance for lot coverage subject to the connection of the addition's roof drains into the on-site stormwater conveyance system for eventual discharge into the public storm sewer in Kero Road.

Commissioner Fontoura asked about the enforcement of the size of trucks using the docks. Ms. Sundell explained that signage and striping is required. She also explained that NJSEA zoning officers patrol the district and issue violations. Commissioner Yudin recommended that surveillance cameras be considered in the future to assist NJSEA zoning officers with their inspections.

President Prieto presented Resolution 2018-56. Upon motion made by Commissioner Gluck and seconded by Commissioner Scardino Resolution 2018-56 was unanimously approved by a vote of 10-0.

VII. PUBLIC PARTICIPATION

- Mayor Dressel, Executive Director HMMC. Expressed his gratitude to the NJSEA for providing the committee a facility to operate. The Mayor also spoke about how the Legislation has not funded the committee. The Mayor indicated that he has spoken with President Prieto and his concerns have been taken care regarding funding. President Prieto stated that we will do what we can to assist and thanked the Mayor for all he and his committee do for the district.

VIII. PUBLIC PARTICIPATION ON RESOLUTIONS 2018-58 and 2018-59

- Kristoffer Burfitt, an attorney with the law firm of Sills, Cummis & Gross representing Towers Associates spoke on proposed Resolution 2018-58 regarding Towers Associates motion requesting a stay of prior Resolutions 2018-45 and 2018-46 previously adopted by the board. Mr. Burfitt stated that Towers is looking to preserve the status quo by ensuring no new permits be issued, no new plans be resubmitted or construction to begin on the MEPT site, stating it would cause a substantial detriment to Towers. Mr. Burfitt went on to highlight several points from their submitted brief and certification in support of the motion.
- Eric McCullough, an attorney with the law firm of Waters, McPherson, McNeill representing MEPT/Lincoln Crossing, LLC. Mr. McCullough spoke on Resolution 2018-58 stay application. Mr. McCullough stated that a stay pending appeal is an extraordinary remedy that is granted in rare circumstances. He stated that there must be clear and convincing evidence, which Towers does not show. Mr. McCullough went on to highlight points from his November 5, 2018 letter brief to the NJSEA.

IX. EXECUTIVE SESSION

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

Resolution 2018-57 Resolution Authorizing the NJSEA to Conduct a Meeting to which the General Public Shall Not Be Admitted.

President Prieto presented Resolution 2018-57. Upon motion made by Commissioner Scardino and seconded by Commissioner Fontoura Resolution 2018-57 was approved by a vote of 10-0.

Returned to open session at 11:05 a.m.

Resolution 2018-58 Resolution Consideration of Towers Associates' Motion to Stay Resolution 2018-46 regarding File No. 17-239 MEPT Lincoln Crossing, LLC/Lincoln Gateway-New Bldg./Variance.

Mr. Levy explained that based on legal opinion from counsel, we are recommending that the board deny Towers Associates' motion requesting a stay pending its appeal of Resolutions 2018-45 and 2018-46. Mr. Levy stated that as outlined in the written opinion attached to the resolution, Towers has failed to demonstrate:

- That irreparable harm would come to their client if the Board fails to stay the motion.
- The reasonable probability of success on the merits when the case goes to the Appellate division.
- The balancing of relative hardships to the parties weighs in favor of granting a stay.

President Prieto presented Resolution 2018-58. Upon motion made by Commissioner Scardino and seconded by Commissioner Fontoura Resolution 2018-58 was approved by a vote of 10-0.

Resolution 2018-58 – Roll Call

Joseph Buckelew – Yes
Vincent Prieto - Yes
Michael Ferguson - Yes
Armando Fontoura - Yes
Michael H. Gluck - Yes
Michael Griffin - Yes
George Kolber - Yes
Steven Plofker - Yes
Anthony Scardino - Yes
Robert Yudin – Yes

Resolution 2018-59 Resolution Authorizing Settlement and the Issuance of a Final Decision in the Matter of Scannell Properties #181, LLC v NJSEA, OAL Docket No. HMD 07753-2016.

Mr. Levy explained that the resolution would:

- Authorize the execution of a Stipulation of Settlement with Scannell.
- Authorize the issuance of an agency final action as outline in the final decision attached to the resolution, subject to the execution of the Stipulation of Settlement.
- Authorize the execution of an MOA with Hudson County for the design and construction of the road improvements and acquisition of the properties that is required for the construction of the road improvement.

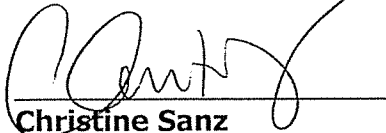
President Prieto presented Resolution 2018-59. Upon motion made by Commissioner Plofker and seconded by Commissioner Fontoura Resolution 2018-59 was approved by a vote of 10-0.

IX. MOTION TO ADJOURN

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

Meeting adjourned at 11:10 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 December 13, 2018.



Christine Sanz
Assistant Secretary

December 13, 2018

Commissioner	Roll Call	2018-53	2018-54	2018-55	2018-56	2018-57	2018-58
Ballantyne, Chairman	--	--	--	--	--	--	--
Buckelew, Vice Chairman	P (via phone)	Y	Y	Y	Y	Y	Y
Prieto	P	Y	Y	Y	Y	Y	Y
Dowd	--	--	--	--	--	--	--
Ferguson	P (via phone)	Y	Y	Y	Y	Y	Y
Fontoura	P	Y	Y	Y	Y	Y	Y
Gluck	P	Y	Y	Y	Y	Y	Y
Gonnelli	--	--	--	--	--	--	--
Kolber	P (via phone)	Y	Y	Y	Y	Y	Y
Plofker	P	Y	Y	Y	Y	Y	Y
Scala	--	--	--	--	--	--	--
Scardino	P	Y	Y	Y	Y	Y	Y
Yudin	P	Y	Y	Y	Y	Y	Y
Treasury Rep Griffin	P (via phone)	Y	Y	Y	Y	Y	Y

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