

Board Meeting

Thursday, September 20, 2018

10:00 a.m.



**AGENDA
REGULAR SESSION**

Thursday, September 20, 2018 - 10:00 a.m.
Two DeKorte Park Plaza, Lyndhurst, NJ

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

- Approval of Regular Session Meeting Minutes of July 19, 2018.

II. **SPECIAL PRESENTATION** - Mobile Food Lab, Dr. Angela Cristini, Director of the Meadowlands Environment Center

III. **PUBLIC PARTICIPATION ON RESOLUTIONS**

IV. **APPROVALS** – (Action)

Cash Disbursements Approval and/or Ratification of Cash Disbursements over \$100,000 for July and August 2018.

Resolution 2018-30 Consideration of a Resolution Electing the Secretary and Appointing an Assistant Secretary of the NJSEA.

Resolution 2018-31 Consideration of a Resolution Authorizing the Extension of the Current Memorandum of Understanding with Ramapo College to Run Through December 31, 2021.

Resolution 2018-32 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. 18-332, SOF/Hartz/Hampton Inn & Suites – New Building – Block 227, Lot 7.29 in Secaucus.

Resolution 2018-33 Consideration of a Resolution Issuing a Decision on the Special Exception Application Submitted as part of File No. 18-108 Secaucus Housing Authority/Verizon – Antenna (Special Exception) Block 98, Lot 11.02, in Secaucus.

Resolution 2018-34 Consideration of a Resolution Issuing a Decision on the Variance Application Submitted as Part of File No. 18-139 PSE&G/49th Street Pothead Rack – New Bldg., Fence & Variance (Phase 2) – Block 442, Lot 5 in North Bergen.

V. **PUBLIC PARTICIPATION**

VI. **EXECUTIVE SESSION**

Resolution 2018-35 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.

VII. **MOTION TO ADJOURN**

***TO VIEW THE FULL BOARD BOOK, PLEASE VISIT OUR WEBSITE AT:
<http://www.njsea.com/njmc/about/commission-meetings.html>***

PLEASE CONTACT THE NJSEA OFFICE (201-460-1700) PRIOR TO MEETING IF
SPECIAL REQUIREMENTS ARE NEEDED UNDER ADA

MINUTES



REGULAR SESSION BOARD MEETING

DATE: July 19, 2018
TIME: 10:00 a.m.
PLACE: 2 DeKorte Park Plaza - Lyndhurst, NJ
RE: **REGULAR SESSION MEETING MINUTES**

Members in Attendance:

John Ballantyne, Chairman
Joseph Buckelew, Vice Chairman
Vincent Prieto, President and CEO
Robert J. Dowd, Member (via phone)
Armando Fontoura, Member
Michael H. Gluck, Esq., Member
Steven Plofker, Member
Andrew Scala, Member
Anthony Scardino, Member
Robert Yudin, Member

Absent:

Michael Gonnelli, Member
Michael Ferguson, Member
Michael Griffin, NJ State Treasurer's Representative
George Kolber, Member

Also Attending:

Ralph J. Marra, Jr., Sr. Vice President/ Chief of Legal and Regulatory Affairs
Christine Sanz, Vice President/COO
Adam Levy, Vice President of Legal & Regulatory Affairs
John Duffy, Sr. Vice President of Sports Complex operations and facilities
John Yarenis, Director of Finance/CFO
Sara Sundell, Director of Land Use Management and Chief Engineer
Steven Cattuna, Chief of Staff
Wayne Hasenbalg
Lauren Nathan-LaRusso, Assistant Counsel, Governor's Authorities Unit (via phone)
Christine Ferrante, Executive Assistant/Paralegal

Chairman Ballantyne called the meeting to order.

Chairman Ballantyne 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.

Chairman Ballantyne noted Commissioner Dowd and Lauren LaRusso, GAU representative are participating via phone.

Chairman Ballantyne explained that action may be taken after the Executive Session and that there would be an opportunity for public comment on those matters when the board returns to open session.

I. APPROVAL OF MINUTES

Chairman Ballantyne presented the minutes of the Regular Session Board Meeting held on June 21, 2018.

Upon motion made by Commissioner Gluck and seconded by Commissioner Fontoura, the minutes of the Regular Session Board Meeting held on June 21, 2018 were unanimously approved.

II. PUBLIC PARTICIPATING ON RESOLUTIONS -

- Captain Bill Sheehan, Riverkeeper spoke on the procedural Resolution 2018-25. Captain Sheehan hopes that the agency's recommendation to Tidelands Council would include the recommendation that the State be retroactively compensated for the use of the tidelands since the 1980s. President Prieto responded that that the NJSEA will make the Tidelands Council aware.

IV. APPROVALS

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

Chairman Ballantyne presented the report of cash disbursements over \$100,000 and Professional Invoices for the month of June 2018.

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

Resolution 2018-24 Resolution Regarding a Decision on the Variance Application Submitted as Part of File No. 18-116 – Palmer Terrace Realty/SoFive-HVAC Units-Variance, Block 124, Lot 51 in Carlstadt.

Ms. Sundell explained Palmer Terrace Realty Associates, LLC, c/o Marcus Associates, owns the property located at 2 Palmer Terrace, which is located within the District's Light Industrial B zone. She also explained that the building located on the property houses an existing commercial recreation facility that contains eight indoor soccer fields. Ms. Sundell stated that as part of a zoning certificate application to install two ground-mounted HVAC units to cool the facility, they have requested one bulk variance to install one HVAC unit with a rear yard setback of 14.67 feet, whereas the minimum required rear yard setback is 30 feet. She also stated that one of the proposed HVAC units will be located in a conforming location outside of the required front yard on the western side of the building. Ms. Sundell indicated that due to limitations associated with the layout of the existing building and parking on the site, and the narrow side and rear yards, the second HVAC unit is proposed in the only available space where it will dimensionally fit on the site, which is within the easterly rear yard setback. Ms. Sundell stated that for these reasons and those stated in the recommendation; staff is recommending the approval of this bulk variance.

Commissioner Yudin asked about what surrounds the property. Ms. Sundell explained that there is open space on the side of the building and that the property is located in an industrial area with no residential.

Upon motion made by Vice Chairman Buckelew and seconded by Commissioner Yudin Resolution 2018-24 was unanimously approved by a vote of 10-0.

Resolution 2018-25 Resolution Regarding Tidelands Application for 5903 Westside Avenue LLC/Bergen Logistics – New Warehouse Building – File No. 16-326, Block 453.02, Lot 3.0761 in North Bergen.

Ms. Sundell explained Bergen Logistics submitted an application to construct a new 113,646-square-foot warehouse within an existing paved area adjacent to their existing warehouse on Westside Avenue in North Bergen, in order to accommodate the expansion of their thriving business. She also explained that a portion of subject lot that will contain the new warehouse is subject to the State's riparian interest. Ms. Sundell stated that the applicant has applied to the NJDEP Bureau of Tidelands Management for a Tidelands License to legitimize the filling of 0.342-acres of tidelands that occurred in the 1980's. She also stated that Pursuant to N.J.S.A. 13:1B-13.8, the NJDEP is required to provide the NJSEA with an opportunity to submit its recommendation regarding applications for tidelands conveyances within the District to the Tidelands Bureau. Ms. Sundell indicated that staff reviewed the proposed tidelands license filing and recommends its approval, as the applicant's proposed improvements will occur within a previously developed area and will comply with the applicable District zoning regulations. She also indicated that Staff recommends that the Board forward a resolution to the Tidelands Bureau in support of the subject tidelands license application.

Upon motion made by Vice Chairman Buckelew and seconded by Commissioner Scala Resolution 2018-25 was unanimously approved by a vote of 10-0.

Resolution 2018-26 Resolution to Adopt the Schmitt Realty Redevelopment Plan for the Schmitt Realty Redevelopment Area Located at 1631 Paterson Plank Road, Block 191, Lots 15, 15.01, 15.02 & 15.03 in Secaucus – File No. SP-752.

Ms. Sundell explained that Pirhl, the contract purchaser of the 3.14-acre property owned by Schmitt Realty Co. Inc., located at 1631 Paterson Plank Road in Secaucus, previously petitioned the NJSEA to investigate the property's redevelopment potential. She also explained that the subject property, which is surrounded by residential neighborhoods, was utilized for over a century as a concrete plant, which has been closed for over a decade. Ms. Sundell stated that in November 2017, the NJSEA Board deemed the industrial property to be in need of redevelopment and authorized Staff to prepare a redevelopment plan. She also stated that staff prepared a draft redevelopment plan, which provides planning goals and zoning standards related to the proposed uses including multi-family residential, and held a public hearing to receive comments on the draft plan. Ms. Sundell indicated that at the public hearing, two Town of Secaucus residents provided comments on the proposed redevelopment plan. Their comments included concerns regarding flooding and drainage, parking and traffic, site remediation, sanitary sewer capacity, emergency vehicle access, building height, and playground safety. Ms. Sundell also indicated that staff believes that these subjects will be addressed during the zoning review utilizing the standards and requirements enumerated in this redevelopment plan, the District zoning regulations, and the requirements of outside agencies with jurisdiction, such as the Secaucus MUA and the NJDEP. Ms. Sundell stated that the plan was forwarded to the Hackensack Meadowlands Municipal Committee and they voted to approve the plan at their July 16,

2018 meeting. Ms. Sundell stated that staff requests that the Board adopt the Schmitt Realty Redevelopment Plan and authorize staff to prepare a public notice for publication in the NJ Register.

Vice Chairman Buckelew asked if at the public hearing the Secaucus residents were satisfied with staff's response. Ms. Sundell indicated that they were satisfied that the issues will be addressed during the next step of the process.

Upon motion made by Vice Chairman Buckelew and seconded by Commissioner Scala Resolution 2018-26 was unanimously approved by a vote of 10-0.

V. PUBLIC COMMENTS - None

VI. EXECUTIVE SESSION

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

Chairman Ballantyne indicated that a matter may be considered following the executive session.

Resolution 2018-27 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.

Upon motion made by Commissioner Plofker and seconded by Vice Chairman Buckelew Resolution 2018-27 was approved by a vote of 10-0.

Returned to open session at 10:25 a.m.

Chairman Ballantyne stated that the resolutions being considered are available to the public.

VII. PUBLIC PARTICIPATION ON PROPOSED RESOLUTIONS - None

VIII. APPROVAL

Resolution 2018-28 Resolution Authorizing the President and Chief Executive Officer to Negotiate and Enter Into Successor Collective Negotiations Agreements with Local Unions at the Meadowlands Sports Complex.

Mr. Marra explained that the resolution gives the President and executive staff the authority to negotiate and execute collective bargaining agreements with various trade unions. Mr. Marra further explained that NJSEA has been coordinating with Trenton and the Unions.

Upon motion made by Commissioner Fontoura and seconded by Commissioner Gluck Resolution 2018-28 was unanimously approved by a vote of 10-0.

President Prieto explained that at the June meeting a request for a 45-day extension, which was agreed to by all parties, was approved for the Attorney General to review the settlement. President Prieto stated that since the extension runs out on August 31 and the Board does not meet until September, all parties have agreed to a second 45-day extension.

Upon motion made by Commissioner Plofker and seconded by Commissioner Scardino Resolution 2018-29 was unanimously approved by a vote of 10-0.

IX. MOTION TO ADJOURN

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

Meeting adjourned at 10:30 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 July 19, 2018.



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

July 19 2018

Commissioner	Roll Call	2018-24	2018-25	2018-25	2018-26	2018-27	2018-28	2018-29
Ballantyne, Chairman	P	Y	Y	Y	Y	Y	Y	Y
Buckelew, Vice Chairman	P	Y	Y	Y	Y	Y	Y	Y
Prieto	P	Y	Y	Y	Y	Y	Y	Y
Dowd	P (via phone)	Y	Y	Y	Y	Y	Y	Y
Ferguson	--	--	--	--	--	--	--	--
Fontoura	P	Y	Y	Y	Y	Y	Y	Y
Gluck	P	Y	Y	Y	Y	Y	Y	Y
Gonnelli	--	--	--	--	--	--	--	--
Kolber	--	--	--	--	--	--	--	--
Plofker	P	Y	Y	Y	Y	Y	Y	Y
Scala	P	Y	Y	Y	Y	Y	Y	Y
Scardino	P	Y	Y	Y	Y	Y	Y	Y
Yudin	P	Y	Y	Y	Y	Y	Y	Y
Treasury Rep Griffin	--	--	--	--	--	--	--	--

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

APPROVALS



CASH DISBURSEMENTS
 \$100,000 OR MORE
 JULY 2018

EAST RUTHERFORD - SPORTS COMPLEX

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF EAST RUTHERFORD	2,037,529.04	I	PAYMENT IN LIEU OF TAXES: 3RD QUARTER 2018
NEW JERSEY RACING COMMISSION	120,000.00	A	RACING PERMIT: FY 2018
NEW JERSEY STATE POLICE	141,248.71	A/L	OVERTIME CHARGES: MAY 2018 - JUN 2018
NEW JERSEY STATE POLICE	315,390.10	A	REIMBURSEMENT FOR POLICE ASSIGNED TO MEADOWLANDS STATION: FY 2018
PUBLIC SERVICE ELECTRIC & GAS	115,184.99	A/L	ELECTRIC TRANSMISSION: JUN 2018
SPORTS ARENA EMPLOYEES RETIREMENT FUND LOCAL 137	306,598.02	A	PENSION WITHDRAWAL LIABILITY PAYMENT: FEB 2018 - APR 2018
STATE OF NEW JERSEY TREASURY DEPARTMENT	300,982.32	A	WORKERS' COMPENSATION COVERAGE: APR 2018 - JUN 2018
EAST RUTHERFORD SC TOTAL	<u>3,336,933.18</u>		

LYNDHURST

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
RAMAPO COLLEGE FOUNDATION	250,000.00	A	2018 FUNDING PER MOU - 2ND PAYMENT
WASTE MANAGEMENT OF NEW JERSEY	468,947.57	A	OPERATIONS CONTRACT - KEEGAN LANDFILL: JUN 2018
LYNDHURST TOTAL	<u>718,947.57</u>		

MONMOUTH PARK RACETRACK REAL ESTATE TAXES

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF OCEANPORT	499,656.66	I	REAL ESTATE TAXES: 3RD QTR 2018
MP REAL ESTATE TAXES TOTAL	<u>499,656.66</u>		



CASH DISBURSEMENTS
\$100,000 OR MORE
AUGUST 2018

EAST RUTHERFORD - SPORTS COMPLEX

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
NEW JERSEY STATE POLICE	201,402.63	A/L	OVERTIME CHARGES: JUN 2018 - JUL 2018
NRG BUSINESS SOLUTIONS	1,100,013.35	A/L	ELECTRICITY CHARGES: APR 2018, JUN 2018 & JUL 2018
PUBLIC SERVICE ELECTRIC & GAS	135,965.42	A/L	ELECTRIC TRANSMISSION: JUL 2018
EAST RUTHERFORD - SC TOTAL	<u>1,437,381.40</u>		

LYNDHURST

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
JACOBS ENGINEERING GROUP, INC.	384,478.96	A/L	MASSTR ON-CALL TRAFFIC SUPPORT SERVICES: APR 2018
JERSEY CITY, CITY OF	175,975.18	I	TAX SHARING: CY 2018
KEARNY MUNICIPAL UTILITIES AUTHORITY	500,356.92	A	KEEGAN LANDFILL - SEWER USER FEES: 2ND QTR 2018
KEARNY, TOWN OF	561,503.68	I	TAX SHARING: CY 2018
NORTH ARLINGTON, BOROUGH OF	134,970.78	I	TAX SHARING: CY 2018
RIDGEFIELD, BOROUGH OF	175,216.67	I	TAX SHARING: CY 2018
WASTE MANAGEMENT OF NEW JERSEY	424,285.34	A	OPERATIONS CONTRACT - KEEGAN LANDFILL: JUL 2018
LYNDHURST TOTAL	<u>2,356,787.53</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 2018-30

**ELECTING THE SECRETARY AND
APPOINTING AN ASSISTANT SECRETARY
OF THE NEW JERSEY SPORTS AND EXPOSITION AUTHORITY**

WHEREAS, pursuant to the New Jersey Sports and Exposition Authority's By-Laws Article IV, Section 4, the Authority shall elect a Secretary; and

WHEREAS pursuant to the New Jersey Sports and Exposition Authority's By-Laws Article IV, Section 5, the Authority may appoint an Assistant Secretary.

NOW, THEREFORE, BE IT RESOLVED by the New Jersey Sports and Exposition Authority that Vincent Prieto, President and Chief Executive Officer is hereby elected Secretary of the Authority.

BE IT FURTHER RESOLVED by the New Jersey Sports and Exposition Authority that Christine Sanz, Senior Vice President/Chief Operating Officer is hereby appointed Assistant Secretary of the Authority.

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 September 20, 2018.



Vincent Prieto
Secretary

RESOLUTION 2018-31

RESOLUTION AUTHORIZING THE EXTENSION OF THE CURRENT MEMORANDUM OF UNDERSTANDING WITH RAMAPO COLLEGE TO RUN THROUGH DECEMBER 31, 2021

WHEREAS, the former New Jersey Meadowlands Commission entered into a Memorandum of Understanding ("MOU") with Ramapo College in 2003 to operate the Commission's Meadowlands Environment Center (MEC) to develop a comprehensive environmental education program for schools and the general public through hands on and inquiry learning and cross-curricular activities focused on the Meadowlands' unique urban eco-system; and

WHEREAS, the partnership created by the MOU has fostered a renowned and leading environmental education program that meets Next Generation Science Standards (NGSS) and NJ Core Curriculum standards that incorporate STEM education (Science, Technology Engineering and Math), which standards have been championed by Governor Murphy as a driver for the State to become a leader in the national and international economy in these fields; and

WHEREAS, MEC programs and curriculum include modules that promote STEM learning in the field and the laboratory that enable students' progression from wondering about to understanding a phenomena or problem; these programs include classes and field trips for students in Grades K-12 that inspire an interest and enthusiasm in environmental science, technology and engineering; Gifted and Talented Convocations; the national model MarshAccess program for people of all ages living with disabilities; family science nights and after school programs offered in partner school districts; scouting merit badge programs for Brownies, Cub, Boy and Girl Scouts; educational summer camps; professional development workshops for teachers; and the MEC has been awarded more than \$2 million in grant funding from the National Science Foundation, the State Department of Education and the REED Foundation for Autism since the program's creation; and

WHEREAS, the National Academies of Sciences has invited MEC Director Dr. Angela Cristini to serve on one of its prestigious panels on STEM learning and has highlighted programs at the MEC in its publication, "Surrounded by Science - Learning Science in Informal Environments"; and

WHEREAS, MEC staff continually updates and modifies its programming to keep pace with curriculum developments at the State and Federal levels; and staff research and experience has found that New Jersey and Federal standards would move toward an emphasis on Science and Engineering Practices; and as a forward-thinking learning facility the MEC has for a decade offered curriculum modules that engage

students in hands on activities on green building design and the design of alternative energy production; and

WHEREAS, the number of students that participate in MEC education classes has increased exponentially; more than 200 students per day and more than 20,000 students per year from 81 school districts engaged in Ramapo programs in 2017, including 15 urban/special needs districts; and 32 schools participated in the MarshAccess program; and

WHEREAS, critical to the MEC's continued success as an Informal Science Center is expansion into new areas that affect the environment in New Jersey's communities and allow greater outreach; and to that point the MEC was recently awarded funding from the REED Foundation for Autism to develop a curriculum for a Vertical Farm and Mobile Food Lab; and REED funded the Vertical Farm now operating in the MEC and for the Mobile Food Lab that will be delivered in September 2018; and that this and other new programs will afford a unique opportunity for MEC expansion to a larger audience; and the NJSEA logo will be displayed on the Mobile Food Lab as it travels to schools and events throughout the State; and

WHEREAS, the MEC desires to increase and expand these model programs to provide increasing benefits to students and the general public; and encourage young people to participate in STEM learning and be stewards of natural resources and wildlife; and

WHEREAS, the MEC has a national reputation for being proactive in developing and offering STEM programming to students and adults, including those with physical and learning disabilities; and

WHEREAS, the MEC's three full-time educators implement and coordinate education programs for students attending programs at the MEC; for visiting groups from the community; as well as coordinating and conducting programs for teachers and other special programs; and developing curriculum and enhancing lesson plans correlated to State and National Content Standards; and supervise the work of part-time and/or student workers; and

WHEREAS, developing and delivering proactive, high quality informal STEM programming requires the retention of a well-educated and experienced cadre of educators and staff; and educators and staff have not received pay increases due to budgetary restrictions since 2015; and two additional full-time staff members will be needed to run the Vertical Farm and Mobile Food Lab programming at the MEC and in school districts statewide; and

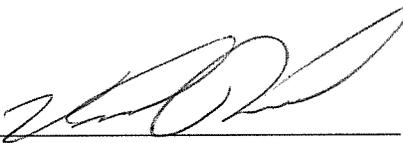
WHEREAS, increased funding is necessary for the MEC to pursue the latest STEM technologies to continue to meet and exceed new and expanded curriculums at the State and Federal levels; and

WHEREAS, increased funding to the MEC allow the MEC to continue to deliver STEM programming critical to the development of the next generation of New Jersey scientists and engineers;

NOW, THEREFORE, BE IT RESOLVED by the New Jersey Sports and Exposition Authority that the President and CEO is authorized to execute a renewal of the current MOU with Ramapo College for the operation of the Environment Center for the period through December 31, 2021; and to include funding increases from \$500,000 to \$550,000 in CY 2019; and from \$550,000 to \$600,000 in CY 2020;

BE IT FURTHER RESOLVED That all other terms and conditions of the current MOU shall remain the same.

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 on September 20, 2018.



Vincent Prieto
Secretary

RESOLUTION 2018-32

**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. 18-332, SOF/Hartz/Hampton Inn & Suites -New Building
BLOCK 227, LOT 7.29
IN THE TOWN OF SECAUCUS**

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 9, 2018, by Kristine Kalfas, P.E., P.P, of Hartz Mountain Industries, for the premises located within Harmon Meadow along Plaza Road, Block 227, Lot 7.29, in Secaucus, New Jersey, which is located in the District's Regional Commercial zone; and

WHEREAS, the subject application proposes the construction of a 168-room hotel 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 the construction of a hotel; and

WHEREAS, a suitability review, dated September 10, 2018, 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

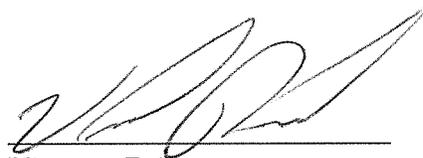
WHEREAS, the Board of Commissioners of the NJSEA has reviewed the suitability review and recommendation prepared by the Review Team, regarding the subject property; and

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 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 property located within Harmon Meadow along Plaza Road at Block 227, Lot 7.29, in the Town of Secaucus, 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 September 20, 2018.

A handwritten signature in black ink, appearing to read 'Vincent Prieto', written over a horizontal line.

Vincent Prieto
Secretary



MEMORANDUM

To: NJSEA Board Members and Vincent Prieto, President/CEO

From: Sara J. Sundell

Date: September 20, 2018

Subject: Site Suitability Recommendation for Block 227, Lot 7.29, in the Town of Secaucus (File No. 18-332)

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 a 168-room hotel on a 0.84-acre vacant portion of a property located within Harmon Meadow along Plaza Road at Block 227, Lot 7.29, in Secaucus, New Jersey. The subject property is located within the District's Regional Commercial zone.

The matter was forwarded to the Review Team for review of the proposed site in accordance with the *Interim Policies*. A suitability review, dated September 10, 2018, has been prepared, indicating that the Review Team recommends that the subject 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 property is not suitable for residential use.

Suitability Review – Summary

File No. 18-332

SOF/Hartz/Hampton Inn & Suites – New Building

Block 227, Lot 7.29, in the Town of Secaucus

September 10, 2018

The NJSEA received a zoning certificate application for the proposed construction of a 168-room, 94,943-square-foot hotel in the location of a 0.84-acre vacant portion of Block 227, Lot 7.29, situated between two existing office buildings located at 200 Plaza Drive (Block 227, Lot 8.02) and 400 Plaza Drive (Block 227, Lot 7.02), in the Town of Secaucus, New Jersey. The subject property is currently located in the Regional Commercial 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. Any further review of this application will be performed by the Town of Secaucus under the municipality’s “Ordinance Adopting Meadowlands Regional Commission Master Plan, Zoning Regulations, Codes and Standards.”

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 not adjacent to compatible land uses. The proposed development site is centrally located within Harmon Meadow, the largest regional commercial area in the Hackensack Meadowlands District. Adjacent and surrounding properties contain large-scale retail and commercial facilities.
 - The subject property is accessed from Plaza Drive, an internal roadway within the Harmon Meadow development, by way of Park Plaza Drive. Park Plaza Drive stretches around the north and east sides of Harmon Meadow, and Harmon Meadow Boulevard runs along the west side of the development. Paterson Plank Road and Route 3 West run along the south side of Harmon Meadow.
 - The portion of the subject property proposed for development is currently vacant; however, it is situated between two office buildings, each 4 stories over parking, and two hotels, the 8-story Holiday Inn directly to the south and 9-story Hyatt Place directly across Plaza Drive. A 3-story parking structure is also located adjacent to the Hyatt Place Hotel.

- Surrounding roadways are heavily-trafficked and provide access to an active retail/commercial area. These uses generate a considerable volume of automobile and truck traffic that present circulation and safety challenges to a residential use at this particular location.
 - Many of the uses in the Harmon Meadow and Mill Creek developments have hours of operation and/or deliveries that are not conducive to a residential neighborhood. Deliveries to existing businesses, including restaurants and big box/retail stores, often occur in the late night and early morning hours.
 - A residential development on the subject site would not be compatible with the surrounding land uses.
- ii. **The site has access to water and sewer infrastructure with sufficient capacity.**
- This criterion is met by the subject property.
- iii. **The site can be developed consistent with the rules of the NJSEA.**
- 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 NJSEA is not aware of any conditions on or in the vicinity of the subject property, either former or existing, that may expose residents to environmental hazard.
 - This criterion is 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 portion of the subject property proposed for development is currently vacant. A vacant site is not hindered by the size, shape, or layout of existing structures, and no other physical limitations on the subject property would preclude residential use.
 - This criterion is met by the subject property.
- vi. **The site is suitable for residential use pursuant to sound planning principles.**
- The location of the property in question is not conducive to residential uses, as the site is located within a large-scale, dynamic, and heavily-trafficked commercial/retail development.
 - Many uses in the vicinity of the subject property, including retail and restaurants, are active all day and through the evening to the very

early morning hours, resulting in traffic noise from patrons and deliveries. There are also restaurants in the development that may maintain late hours.

- The existing Harmon Meadow development also contains many large-plate, multi-story office buildings, which generate considerable traffic within the development and are incompatible with residential uses. Two of those office buildings flank the location of the proposed development and could present challenges with respect to the safety of residents, particularly pedestrian-safety issues for small children and the elderly.
- The subject property, Lot 7.29, is irregularly-shaped and predominantly contains parking garages and access roadways and walkways. The 0.84-acre vacant portion of Lot 7.29 that is available for development is too small to provide sufficient buffers from the adjacent office and hotel properties to create a sense of place. The area is also limited with respect to the ability to provide sufficient parking for residents and guests.
- The site is remote from public schools, park and recreational facilities, other public amenities and residential neighborhoods, with the exception of the Harper residential complex in the nearby Carpet Center Residential Redevelopment Area. Pedestrian access to the rest of the community, particularly the Secaucus downtown area, is difficult and requires crossing Route 3 by way of a highway overpass and traveling along Paterson Plank Road, both with limited sidewalks and pedestrian crosswalks.

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

Conclusion

The subject property, located within Harmon Meadow along Plaza Road at Block 227, Lot 7.29, in the Town of Secaucus, 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 construction of a 168-room hotel may proceed for this site. 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.

RESOLUTION 2018-33

**RESOLUTION ISSUING A
DECISION ON THE SPECIAL EXCEPTION APPLICATION
SUBMITTED AS PART OF FILE NO. 18-108
SECAUCUS HOUSING AUTHORITY/
VERIZON - ANTENNA (SPECIAL EXCEPTION)
BLOCK 98, LOT 11.02, IN THE TOWN OF SECAUCUS**

WHEREAS, an application for one special exception was filed with the New Jersey Sports and Exposition Authority (NJSEA) by New York SMSA Limited Partnership d/b/a Verizon Wireless, for the property identified as 700 County Avenue, Block 98, Lot 11.02, in the Town of Secaucus, New Jersey; and

WHEREAS, the premises is located in the Neighborhood Commercial zone of the Hackensack Meadowlands District; and

WHEREAS, the special exception request is sought in connection with the applicant's proposal to install a rooftop-mounted wireless telecommunication facility on the subject property; and

WHEREAS, the applicant requested special exception approval pursuant to N.J.A.C. 19:4-5.40(a)8, which lists public utility uses, light as a special exception use in the Neighborhood Commercial zone; and

WHEREAS, notice of the requested special exception 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, June 12, 2018, 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 Mark Skerbetz, P.P., AICP, Senior Planner; and

WHEREAS, a comprehensive report, dated August 30, 2018, has been prepared indicating the recommendations of the Director of Land Use Management and the Senior Vice President, Legal & Governmental Affairs in this matter; and

WHEREAS, a copy of the recommendation and comprehensive report was provided to the applicant on September 4, 2018; and

WHEREAS, the report recommends approval of the requested special exception from N.J.A.C. 19:4-5.40(a)8, to install a rooftop-mounted wireless telecommunication facility on the subject premises; and

WHEREAS, the Board of Commissioners of the NJSEA has reviewed the full record, including the transcript of the public hearing, recommendations on the application by the Director of Land Use Management and the Senior Vice President, Legal & Governmental Affairs, and the submissions of the applicant; and

WHEREAS, the Board of Commissioners concurs with the recommendations of the Director of Land the Use Management and the Senior Vice President, Legal & Governmental Affairs; and

WHEREAS, the NJSEA hereby determines that the requested special exception to permit the installation of a wireless telecommunication facility on the subject premises, conforms with the standards for approving applications for special exceptions as set forth in N.J.A.C. 19:4-4.13(e).

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the Secaucus Housing Authority/Verizon-Antenna (Special Exception) application for one special exception from N.J.A.C. 19:4-5.40(a)8, to permit the installation of a rooftop-mounted wireless telecommunication facility on the subject property, is hereby **APPROVED** for the reasons set forth in the recommendation dated August 30, 2018.

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 September 20, 2018.



Vincent Prieto
Secretary



MEMORANDUM

To: NJSEA Board Members and Vincent Prieto, President/CEO

From: Sara J. Sundell *Date:* September 10, 2018

Subject: Recommendation – Secaucus Housing Authority/ Verizon-Antenna
Special Exception (File No. 18-108)

An application for one special exception has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by New York SMSA Limited Partnership d/b/a Verizon Wireless, for the premises located at 700 County Avenue, Block 984, Lot 11.02, in the Town of Secaucus, New Jersey. The property is located in the Hackensack Meadowlands District's Neighborhood Commercial zone.

The applicant is requesting special exception approval pursuant to the following:

1. N.J.A.C. 19:4-5.40(a)8, which lists public utility uses, light as a special exception use in the Neighborhood Commercial zone.

The applicant is requesting a special exception in connection with its proposal to install a rooftop-mounted wireless telecommunication facility on the subject property.

A public hearing was held in the Office of the NJSEA on Tuesday, June 12, 2018.

In a comprehensive report dated August 30, 2018, the Director of Land Use Management and the Senior Vice President of Legal & Governmental Affairs recommended the approval of the special exception requested above. A copy of the comprehensive report and special exception recommendation was provided to the applicant on September 4, 2018.

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

RECOMMENDATION ON THE SPECIAL EXCEPTION APPLICATION OF
Secaucus Housing Authority/Verizon-Antenna (Special Exception)

File #18-108

I. INTRODUCTION

An application for one special exception has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Frank Ferraro, Esq., of the firm, Ferraro & Stamos, LLP, on behalf of New York SMSA Limited Partnership d/b/a Verizon Wireless, for the premises identified as 700 County Avenue, Block 98, Lot 11.02, in the Town of Secaucus, New Jersey. The subject premises is located in the Neighborhood Commercial zone of the Hackensack Meadowlands District. The special exception is sought in connection with the applicant's proposal to install a rooftop-mounted wireless telecommunication facility, which is defined as a light public utility use, on the subject property.

The applicant is requesting relief from:

1. NJAC 19:4-5.40(a)8, which lists public utility uses, light as a Special Exception Use in the Neighborhood Commercial zone.

A public hearing commenced at the Office of the NJSEA on Tuesday, June 12, 2018. Notice was given to the public and all interested parties as required by law. The public notice of this hearing was published in The Jersey Journal newspaper. 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 totals approximately 1.73 acres and contains a five-story, multi-family residential building owned by the Secaucus Housing Authority. Vehicular access to and from the property, which is located on the southeasterly corner of County Avenue and Dorigo Lane, is limited to Dorigo Lane. The surrounding area is primarily developed with a mix of residential, commercial, and institutional uses. There is a mix of residential uses to the north and south, an institutional use to the west, and commercial and industrial facilities to the east of the subject premises. The applicant is proposing to install a rooftop-mounted wireless telecommunication facility on the Secaucus Housing Authority's five-story, multi-family residential building located on the subject premises.

B. Response to the Public Notice

There were no written comments in response to the public notice.

III. PUBLIC HEARING (June 5, 2018)

A public hearing was held at the Office of the NJSEA on Tuesday, June 12, 2018. NJSEA staff in attendance were Sara J. Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon Mascaro, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer; Mia Petrou, P.P., AICP, Principal Planner, and Mark Skerbetz, P.P., AICP, Senior Planner.

A. Exhibits

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

<u>Number</u>	<u>Description</u>	
A-1	"Secaucus 13 Detail Site/Sector Map Verizon Wireless," prepared by F. Boshulte, dated May 24, 2018.	A-12 "Existing Conditions," photograph (2a) and "Photo Simulation..." (2b) prepared by TK Design Associates.
A-2	"Secaucus 13 Existing Verizon Wireless..." prepared by F. Boshulte, dated May 24, 2018.	A-13 "Existing Conditions," photograph (3a) and "Photo Simulation..." (3b) prepared by TK Design Associates.
A-3	"Secaucus 13 Existing and Proposed Verizon Wireless..." prepared by F. Boshulte, dated May 24, 2018.	A-14 "Existing Conditions," photograph (4a) and "Photo Simulation..." (4b) prepared by TK Design Associates.
A-4	"LTE 700, 2100, 1900 Capacity Chart for Secaucus..." prepared by F. Boshulte, dated May 30, 2018.	A-15 Visual analysis report containing exhibits A-11 through A-14, prepared by TK Design Associates, dated February 26, 2018, revised June 8, 2018.
A-5	"LTE 700, 2100, 1900 Capacity Chart for North Bergen Ill..." prepared by F. Boshulte, dated May 30, 2018.	A-16 Existing conditions photographs and photo simulations (eight sheets) prepared by TK Design Associates.
A-6	"LTE 700, 2100, 1900 Capacity Chart for Secaucus 5..." prepared by F. Boshulte, dated May 30, 2018.	B. Testimony Frank Ferraro, Esq., of the firm, Ferraro & Stamos, LLP, represented New York SMSA Limited Partnership d/b/a Verizon Wireless at the hearing. The following witnesses testified in support of the application: 1. Frances Boshulte, Radio frequency engineering expert. 2. Paul Dugan, P.E., Radio frequency engineering expert. 3. Ronald Igneri, P.E., Civil Engineer. 4. Timothy Kronk, P.P., AICP, Professional Planner.
A-7	RF Safety FCC Compliance Report, prepared by Millennium Engineering, P.C., dated February 16, 2018.	Staff findings and recommendations are based on the entire record. A transcript of the public hearing was prepared and transcribed by Mary Baumann, Certified Court Reporter.
A-8	Site Plan consisting of seven sheets (Drawing Nos. T01, Z01, Z02, Z02A, Z03, Z04, and Z05), prepared by Stantec, dated February 7, 2018, revised through April 27, 2018.	C. Public Comment No members of the public commented on the application
A-9	"Equipment Layout," Drawing No. Z02A, prepared by Stantec, dated February 7, 2018, revised through April 27, 2018.	
A-10	"Aerial Photograph," prepared by TK Design Associates, dated August 28, 2016.	
A-11	"Existing Conditions," photograph (1a) and "Photo Simulation..." (1b) prepared by TK Design Associates.	

IV. RECOMMENDATION

A. Standards for the Granting of a Special Exception from the Provisions of N.J.A.C. 19:4-5.81(a)10, which lists public utility uses, light as a Special Exception Use in the Neighborhood Commercial Zone.

The NJMC Zoning Regulations at N.J.A.C. 19:4-4.13(e) states in part that, a special exception use shall not be granted unless specific written findings of fact are made based upon the evidence presented that supports the following conclusions:

1. *The proposed special exception use at the specified location will contribute to and promote the welfare or convenience of the public;*

The granting of the requested special exception to permit the installation of a rooftop-mounted wireless telecommunication facility on top of the Secaucus Housing Authority's five-story, multi-family residential building located on the subject premises will contribute to and promote the welfare and convenience of the public. The purpose of wireless telecommunication facilities is to receive and transmit information wirelessly to the public. Currently, Verizon Wireless provides cellular service in the Hackensack Meadowlands District through a network of wireless telecommunication facility sites. Verizon Wireless has three existing sites within the operating vicinity of the subject location. However, these sites are presently experiencing capacity exhaustion and customers are experiencing significant delays making calls and often cannot access the cellular network. The applicant's experts testified that the existing deficiency in cellular service coverage in the area will be alleviated by the installation of the proposed wireless telecommunication facility at this location, consisting of 12 panel antennas, with four antennas mounted on each of three

proposed rooftop supported ballasts. In addition, emergency 911 cellular service will also be enhanced by the additional capacity created by the new equipment. Associated equipment cabinets and wiring will also be rooftop-mounted. The applicant's professionals testified that all District performance standards for noise, vibration, glare, air emissions, and hazardous and radioactive materials, as enumerated in N.J.A.C. 19:4-7 et seq., will be met. As such, the installation of the proposed wireless telecommunication facility will contribute to and promote the welfare and convenience of the public by enhancing the existing cellular network within the vicinity of the project site.

2. *The proposed special exception use will not cause substantial injury to the value of other property in the neighborhood;*

The proposed rooftop-mounted wireless telecommunication facility will be compatible with surrounding land uses and will not cause substantial injury to the value of other properties in the neighborhood. The area in which the subject property is located consists of a mix of residential, institutional, commercial and industrial uses. While the antennas will only be partially visible from the public rights of way, the antennas will be neutral in color, which will assist in mitigating visual impacts on the neighboring properties. Also, County Avenue is heavily tree-lined, thereby helping to screen the antennas from the street. The antennas will not be visible from the adjacent 14-story, 100-unit residential building to the south, which is also owned by the Secaucus Housing Authority, as its exterior wall facing the subject building is windowless. Supporting equipment cabinets and wiring will also be rooftop-mounted, and will not be visible from the street. The applicant

has testified that any noise, vibration, glare, air emissions, and hazardous and radioactive materials that may be generated from the wireless facility will not exceed required District performance standards. The installation of the proposed rooftop-mounted wireless telecommunication facility will not cause substantial injury to the value of other properties in the neighborhood for the reasons stated herein.

3. *The special exception use will not dominate the immediate neighborhood in a manner that could prevent development and use of neighboring properties in accordance with the applicable regulations, in consideration of the following:*

i. *The location and size of the special exception use;*

The location and size of the proposed rooftop-mounted wireless telecommunication facility will not dominate the immediate area or neighborhood as to prevent development in accordance with District zoning regulations. The antennas are similar in nature and arrangement to existing rooftop-mounted and pole-mounted wireless telecommunications facilities located within the general vicinity of the subject property. The proposed rooftop-mounted wireless antennas will be installed in a location on the roof where they will be only partially visible from the street and will be painted a neutral color. In addition, the view of the antennas will be partially screened as a result of the trees lining a portion of the County Avenue right of way, further mitigating any negative visual impact. Additionally, it is noted that the proposed equipment will not exceed the height of the existing building chimney.

ii. *The nature and intensity of the special exception use;*

While the proposed rooftop-mounted wireless telecommunications facility represents an increase in capacity in Verizon Wireless' broadcast transmission capability, the new equipment will be unmanned, requiring only occasional visits by Verizon personnel for maintenance. The use is low intensity in nature, with minimal or no noise, vibration, glare, airborne emissions, and hazardous and radioactive materials generated, that may affect adjacent properties or roadways. The ability of neighboring properties to continue their current functions will not be impeded as a result of the installation of this low intensity use.

iii. *The location of the site with respect to access and circulation;*

The rooftop where the wireless telecommunications facility equipment will be installed on the subject premises will only be accessed via the stairs within the Secaucus Housing Authority's five-story, multi-family residential building. The proposed use will not impact access to the existing site from Dorigo Lane. On-site circulation will remain as is, with parking available for personnel performing periodic routine maintenance on the equipment. The facility will not burden or create a dominating effect with respect to site access or circulation on the surrounding roadways. Neighboring properties will not be impeded in their abilities to function as intended.

iv. The location, nature, and height of structures, walls and fences on the site; and

The location, nature, and height of the proposed rooftop-mounted wireless telecommunication facility will not dominate the surrounding area. The antenna panels, ballasts, and equipment cabinets will be mounted at a height not to exceed the existing building chimney. The antennas will be off-white in color, minimizing their visibility from the surrounding properties. The equipment cabinets will be centrally located on the roof, significantly reducing their visual impact. No associated walls or fences will be erected, either on the roof or at ground level, as the equipment will not require this type of screening.

v. The nature and extent of landscaping and screening on the site.

The proposed rooftop-mounted antennas will only be partially visible from the street. The antennas will be neutral in color, mitigating visual impacts on the neighboring properties. Also, the County Avenue right of way is heavily-lined with trees, which will help to screen the antennas from the street. No additional landscaping or screening is proposed as the intended color of the antennas combined with the existing landscaping on County Avenue are sufficient and appropriate to screen the proposed equipment at the subject location.

4. Adequate utilities, drainage and other necessary facilities have been or will be provided;

The requested special exception use on the subject premises will not detrimentally impact the existing utility infrastructure. The subject property is currently developed with the Secaucus Housing Authority's five-story, multi-family residential building and contains all required utilities. The existing functions of the multi-family, residential building on the site will continue and will be not be affected by the installation of the proposed rooftop-mounted wireless telecommunication facility. The proposed rooftop-mounted wireless telecommunication facility will not have an affect on the ability of the existing on-site drainage system or other utility infrastructure to perform in a safe and efficient manner while meeting the demands of the residents of the building.

5. Adequate access roads and drive aisles have been or will be provided and shall be designed to prevent traffic hazards and minimize traffic congestion;

The proposed rooftop-mounted wireless telecommunication facility will not have any significant impacts on the neighborhood's existing roadway network and therefore will not produce any traffic hazards. Existing ingress and egress to and from the subject premises from Dorigo Lane will be maintained. There will be no impact to site circulation resulting from periodic equipment maintenance visits nor will additional congestion in the surrounding area result from such visits.

6. The special exception use will not have a substantial adverse environmental impact.

The granting of the requested special exception to permit the installation of the proposed rooftop-mounted wireless telecommunication facility will not result in any substantial environmental impacts. The applicant's professionals testified that District environmental performance standards will be met for noise, vibration, glare, air emissions and hazardous and radioactive materials. In addition, the facility will adhere to all FCC safety standards and guidelines protecting the public's health, safety, and welfare.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Special Exception from the Provisions of N.J.A.C. 19:4-5.40(a)8, which lists public utility uses, light as a Special Exception Use in the Neighborhood Commercial zone.

Based on the record in this matter, the application for one special exception to permit the installation of a rooftop-mounted wireless telecommunication facility on the subject property is hereby recommended for APPROVAL.

APPROVAL
Recommendation on Special Exception Request
Date 8/30/18

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

Approved
Recommendation on Special Exception Request
Date 8/30/18

Ralph J. Marra, Jr.
Senior Vice President
Legal & Regulatory Affairs

RESOLUTION 2018-34

**RESOLUTION ISSUING A
DECISION ON THE VARIANCE APPLICATION
SUBMITTED AS PART OF FILE NO. 18-139
PSE&G/49TH STREET POTHEAD RACK -
NEW BLDG., FENCE & VARIANCE (PHASE 2)
BLOCK 442, LOT 5, IN THE TOWNSHIP OF NORTH BERGEN**

WHEREAS, an application for one bulk variance has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by Public Service Electric and Gas Company (PSE&G), for the premises located at 4001 Paterson Plank Road, identified as Block 442, Lot 5, in the Township of North Bergen, New Jersey; and

WHEREAS, the subject property, although located within a PSE&G right-of-way, is deemed to be within the Hackensack Meadowlands District's Light Industrial A zone pursuant to N.J.A.C. 19:4-3.6(a); and

WHEREAS, the bulk variance is sought in connection with the applicant's proposal to install electrical equipment on the subject premises associated with Phase 2 of the 49th Street Pothead Rack 230kV Project; and

WHEREAS, the applicant requested relief from N.J.A.C. 19:4-5.77(a)3iii, which requires a minimum rear yard setback of 75 feet, whereas the applicant is proposing concrete structures with a minimum setback of 19.3 feet from the westerly rear yard property line; and

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

WHEREAS, a public hearing was held in the Office of the NJSEA on Tuesday, August 14, 2018, 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 September 5, 2018, has been prepared indicating the recommendations of the Director of Land Use Management and the Senior Vice President of Legal & Governmental Affairs in this matter; and

WHEREAS, a copy of the recommendation and comprehensive report was provided to the applicant on September 5, 2018; and

WHEREAS, the report recommends the approval of the requested bulk variance from N.J.A.C. 19:4-5.77(a)3iii, to install concrete structures with a minimum setback of 19.3 feet from the westerly rear yard property line; 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 & Governmental 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 & Governmental Affairs; and

WHEREAS, the Board of Commissioners hereby determines that the requested bulk variance application to construct concrete structures with a minimum setback of 19.3 feet from the westerly rear yard property line conforms with the standards for approving applications for variances as set forth in N.J.A.C. 19:4-4.14(e).

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the PSE&G/49th Street Pothead Rack - New Bldg., Fence & Variance (Phase 2) application to permit concrete structures with a minimum setback of 19.3 feet from the westerly rear yard property line, is hereby **APPROVED** for the reasons set forth in the recommendation dated September 5, 2018.

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 September 20, 2018.



Vincent Prieto
Secretary



MEMORANDUM

To: NJSEA Board Members and Vincent Prieto, President/CEO

From: Sara J. Sundell *Date:* September 10, 2018

Subject: Variance Recommendation - PSE&G/49th Street Pothead Rack - New Bldg., Fence & Variance (Phase 2) (File No. 18-139)

An application for one bulk variance has been filed with the NJSEA by Public Service Electric and Gas Company (PSE&G) for the premises located at 4001 Paterson Plank Road and identified as Block 442, Lot 5, in the Township of North Bergen, New Jersey. The subject property, although located within a PSE&G right-of-way, is deemed to be within the Hackensack Meadowlands District's Light Industrial A zone pursuant to N.J.A.C. 19:4-3.6(a). The bulk variance is sought in connection with the applicant's proposal to install electrical equipment on the subject premises associated with Phase 2 of the 49th Street Pothead Rack 230kV Project.

Specifically, the applicant is requesting bulk variance relief from the following:

1. N.J.A.C. 19:4-5.77(a)3iii, which requires a minimum rear yard setback of 75 feet, whereas the applicant is proposing concrete structures with a minimum setback of 19.3 feet from the westerly rear yard property line.

A public hearing was held in the Office of the NJSEA on Tuesday, August 14, 2018.

In a comprehensive report dated September 5, 2018, the Director of Land Use Management and the Senior Vice President of Legal & Governmental Affairs recommended the approval of the bulk variance requested above in Item 1. A copy of the comprehensive report and variance recommendation was provided to the applicant on September 5, 2018.

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

RECOMMENDATION ON THE VARIANCE APPLICATION OF
PSE&G's 49th Street Pothead Rack - New Bldg., Fence & Variance (Phase 2)

FILE #18-139

I. INTRODUCTION

An application for one bulk variance has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by Public Service Electric and Gas Company (PSE&G), for the premises located at 4001 Paterson Plank Road and identified as Block 442, Lot 5, in the Township of North Bergen, New Jersey. The subject property, although located within a PSE&G right-of-way, is deemed to be within the Hackensack Meadowlands District's Light Industrial A zone pursuant to N.J.A.C. 19:4-3.6(a). The variance is sought in connection with the applicant's proposal to install electrical equipment on the subject premises associated with Phase 2 of PSE&G's 49th Street Pothead Rack 230kV Project.

Specifically, the applicant is requesting relief as follows:

1. N.J.A.C. 19:4-5.77(a)3iii, which requires a minimum rear yard setback of 75 feet, whereas the applicant is proposing concrete structures with a minimum setback of 19.3 feet from the westerly rear yard property line.

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 Commission on Tuesday, August 14, 2018. 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, Block 442, Lot 5, has an area of approximately 12.32 acres. The property is designated as right-of-way (ROW) on the Official Zoning Map of the Hackensack Meadowlands District; however, pursuant to N.J.A.C. 19:4-3.6(a), the property is deemed to be within the District's Light Industrial A zone.

The site is rectangular in shape, with a depth of 150 feet and length of 3,578 feet with frontage along West Side Avenue. The long, narrow property is bordered to the south by the 43rd Street unimproved right of way, to the east by West Side Avenue and to the west by undeveloped marshland. A warehouse/distribution facility is located to the north of the subject premises. Surrounding properties are principally developed with industrial uses. West Side Avenue is a heavily travelled roadway with significant trucking movements.

The proposed project involves utility improvements that are being implemented as part of Phase 2 of PSE&G's 49th Street Pothead Rack 230kV Project. The subject property is currently developed with an electric substation having a footprint of approximately 0.6 acres, which is comprised of a control house, pumping plant and transmission wires with associated site improvements. The site is accessed by a driveway from West Side Avenue.

This application proposes to upgrade the existing substation by installing a new 17-foot by 38-foot control building, a natural gas generator, capacitor voltage transformers (CCVT) and their foundations, mechanical switches, and station lighting. The footprint of the existing substation will be expanded slightly to accommodate the installation of a proposed natural gas generator. The equipment will be constructed a minimum of one foot above the FEMA base flood elevation, as indicated on FEMA's Flood Insurance Rate Maps. The easterly existing security fence will be relocated approximately nine feet further

east towards West Side Avenue; however, it will not be within the required front yard. The substation is not manned in either its existing or proposed condition.

B. Response to the Public Notice

No written objections were received prior to the public hearing.

III. PUBLIC HEARING (August 14, 2018)

A public hearing was held on Tuesday, August 14, 2018. NJSEA staff in attendance were Sara J. Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon Mascaro, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer; Mia Petrou, P.P., AICP, Principal Planner and Ronald Seology, P.E., P.P., Principal Engineer.

A. Exhibits

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

<u>Number</u>	<u>Description</u>
A-1	"Site Plan - Phase II," prepared by PSE&G Services Corporation on March 26, 2018, last revised on June 1, 2018.
A-2	"Site Plan - Phase II," prepared by PSE&G Services Corporation on March 26, 2018, last revised on June 1, 2018.
A-3	"Site Plan - Phase II," prepared by PSE&G Services Corporation on March 26, 2018, last revised on June 1, 2018.
A-4	"Section Views," Drawing No. 253646, prepared by Worley Parsons on September 22, 1988, last revised on May 30, 2018.
A-5	"Control Building Arrangement," Drawing No. 703169, prepared by Worley Parsons on May 30, 2018.

A-6 "Pothead Rack Natural Gas Generator Enclosure Arrangement," Drawing No. 703176, prepared by Worley Parsons on May 30, 2018.

B. Testimony

Jennifer M. Carrillo-Perez, Esq., of the firm, Connell Foley LLP, represented the applicant at the hearing. The following witness testified in support of the application:

1. Tom Mullarney, PSE&G;
2. John J. Horgan, P.E., Worley Parson Resources & Energy; and
3. William F. Masters, Jr., P.P.

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

C. Public Comment

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

IV. RECOMMENDATION

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.77(a)3iii, which requires a minimum rear yard setback of 75 feet, whereas the applicant is proposing concrete structures with a minimum setback of 19.3 feet from the westerly rear yard property line.

The Hackensack Meadowlands District Zoning Regulations at N.J.A.C. 19-4-4.14(e) state in part that, *a variance shall not be granted unless specific written*

findings of fact directly based upon the particular evidence presented are made that support conclusions that...

1. Concerning bulk variances:

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

The subject premises is owned by PSE&G and deemed to be within the District's Light Industrial A zone, pursuant to N.J.A.C. 19:4-3.6(a). The subject property is uniquely configured, having a 150-foot-wide lot depth and 3,578-foot-long frontage along West Side Avenue to the east. The subject property is currently improved with an existing electric substation consisting of a control house, pumping plant and transmission wires with associated site improvements, and contains an access driveway from West Side Avenue. The location and configuration of these existing improvements on the lot include an existing, nonconforming rear yard setback of 8.7 feet, whereas a minimum rear yard setback of 75 feet is required.

The upgrade project will improve reliability of PSE&G's electric transmission by raising equipment above FEMA's 100-year base flood elevation. As part of this initiative, the applicant proposes to install concrete structures and supports to raise capacitor voltage transformers a minimum of one foot above FEMA's effective base flood elevation of 7.9 feet NAVD88. The proposed concrete structures will be located at a minimum 19.3-foot rear yard setback from the westerly property line. Constraints related to the location of the existing equipment, as well as regulatory requirements of the National Electric Safety Code (NESC), dictate the placement of the

proposed capacitor voltage transformers, as certain clearances between equipment and structures are required to be maintained. Therefore, the variance requested arises from conditions that are unique to the property in question and are not ordinarily found in the same zone.

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

The concrete foundations for the capacitor voltage transformers are proposed to be located a minimum of 19.3 feet from the westerly rear property line. The proposed foundations are further away from the westerly property line than four existing masonry structures, which are set back only 8.7 feet from the rear lot line and, as such, are an existing nonconformity. No adverse visual impacts are anticipated to affect the portion of the adjoining property to the west that is immediately adjacent to the substation, which consists of undeveloped marshland. Existing site and maintenance operations will be maintained at their present levels. The site contains an unmanned electric substation that requires, and will continue to require, only occasional maintenance visits by PSE&G personnel.

The proposed variance will not impact the ability of neighboring industrial and commercial properties to function as intended. Rather, the proposed improvements will promote energy reliability, which will benefit area electric customers. In addition, no residential uses are located within the vicinity of the subject property. Therefore, the granting of the requested variance will not

adversely affect the rights of neighboring property owners or residents.

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

The strict application of the minimum rear yard setback requirement of 75 feet on the subject property will result in particular and exceptional practical difficulties to, and exceptional and undue hardship upon, the property owner. The subject property is exceptionally long and narrow, and the location of new equipment on the site is constrained by the presence and location of existing equipment whose function must be maintained as the facility is upgraded.

The subject property has a depth of 150 feet. When applying both the required front yard setback of 50 feet and the required rear yard setback of 75 feet, the resulting building envelope is only 25 feet deep. The proposed capacitor voltage transformers cannot be constructed within that 25-foot-wide building envelope due to the location and configuration of the existing electric process equipment, as well as regulatory requirements to maintain certain clearances between equipment structures, which, when these constraints are combined, represent exceptional practical difficulties in the ability of the proposed improvements to comply with the rear yard setback requirement.

Four existing structures within the westerly rear yard of the site have an existing nonconforming rear yard setback of 8.7 feet. The installation of the proposed concrete structures at a minimum setback of 19.3 feet from the westerly rear property line will provide a setback that is greater than the current degree of nonconformity. Without the ability to install new equipment within the required westerly rear yard setback, PSE&G would be impeded in its efforts to provide safe, adequate and reliable energy from this site to the region it serves.

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

Approval of the requested variance to permit equipment to be installed at a minimum rear yard setback of 19.3-foot, whereas a minimum rear yard setback of 75 feet is required, 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. Rather, the proposed substitution upgrades will promote the general welfare and public good through the improvement of electric transmission capacity, energy reliability, and resiliency of the electricity network to the public customers of PSE&G who are served by this substation. The upgrade project proposes the installation of concrete structures that will support capacitor voltage transformers, at a minimum 19.3-foot rear yard setback. The layout of the concrete structures and the capacitor voltage transformers is based upon required clearances between equipment and existing structures on the site,

which are dictated by regulatory requirements of the National Electric Safety Code (NESC).

The electric substation is an unmanned facility that requires, and will continue to require, only periodic maintenance by PSE&G personnel. Therefore, it is anticipated that traffic levels will not differ from the existing operations at the site.

Due to the narrow depth of the parcel, the location of the existing equipment, and the substation design requirements and safety regulations, it is not possible to provide a 75-foot rear yard setback.

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

The granting of the variance to permit a minimum rear yard setback of 19.3 feet, whereas a minimum of 75 feet is required, will not have a substantial adverse environmental impact. The property contains structures with an existing nonconforming rear yard setback of 8.7 feet along the westerly lot line. All minimum lot coverage and open space requirements will continue to be met, and existing drainage patterns will be maintained. The proposed substation upgrade project includes the installation of concrete structures that will elevate the proposed capacitor voltage transformers at least one foot above the FEMA effective base flood elevation, which is particularly important from a resiliency perspective on a property within a floodplain. In addition, the applicant's professionals have testified that the District's environmental performance standards for noise, glare, vibrations,

airborne emissions, hazardous materials or water quality will not be exceeded.

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

The proposed project consists of an upgrade to an existing PSE&G substation and involves the raising of equipment above the FEMA 100-year base flood elevation to improve reliability. The particular characteristics of the subject property, including its shallow depth and the location of existing improvements within the rear yard setback, constrain the ability of the proposed improvements to comply with the rear yard setback requirements of the Light Industrial A zone. These conditions represent exceptional practical difficulties in the accommodation of the required upgrades to the substation. Two proposed concrete structures, which are approximately nine square feet in plan area, occupy a small portion of the property's westerly rear yard. The installation of the concrete structures at a minimum setback of 19.3 feet from the westerly rear property line will not increase the current degree of nonconformity. Adequate light, air, and open space will continue to be provided. Therefore, the requested variance represents the minimum deviation from the regulations that will afford relief.

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

The granting of the requested variance to permit a concrete foundation with a minimum rear yard setback of 19.3 feet, whereas

a minimum rear yard setback of 75 feet is required, will not substantially impair the intent and purpose of these regulations. The minimum required 75-foot rear yard setback in the Light Industrial A zone is generally intended to provide sufficient area for loading areas and truck maneuvering in the rear of industrial properties; however, this intent will not be impaired as the subject electric substation utility use on this site does not involve such loading operations.

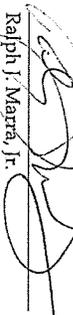
The site is constrained in its ability to meet the required rear yard setback due to the configuration of the property and the existing improvements on the site. In particular, the subject property is limited by the shallow depth of the parcel and regulatory requirements that necessitate the layout of the proposed utility upgrade equipment within the existing nonconforming setback. As the District regulations are also intended to provide for infrastructure and utility improvements and to promote the efficient use of the land, the requested variance will not substantially impair these purposes.

IV. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19-4-5.77(a)3iii, which requires a minimum rear yard setback of 75 feet, whereas the applicant is proposing concrete structures with a minimum setback of 19.3 feet from the westerly rear yard property line.

Based on the record in this matter, the bulk variance application to construct concrete structures associated with Phase 2 of PSE&G's 49th Street Pothead Rack 230kV Project within the required rear yard with a minimum setback of 19.3 feet, whereas a minimum rear yard setback of 75 feet is required, is hereby recommended for APPROVAL.

APPROVAL 9/5/18
 Recommendation on Date
 Variance Request 
 Sara J. Sundell, P.E., P.P.
 Director of Land Use Management

Approval 9/5/18
 Recommendation on Date
 Variance Request 
 Ralph J. Marra, Jr.
 Senior Vice President
 Legal & Governmental Affairs

EXECUTIVE SESSION

RESOLUTION 2018-35

**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 September 20, 2018.



Vincent Prieto
Secretary

RESOLUTION 2018-36

**RESOLUTION AUTHORIZING THE FILING OF A REQUEST FOR A 45-DAY
EXTENSION OF TIME TO ISSUE A FINAL AGENCY DECISION**

WHEREAS, the New Jersey Sports and Exposition Authority may transmit contested cases to the Office of Administrative Law (OAL); and

WHEREAS, on June 1, 2018, the OAL issued an initial decision in the matter of *Scannell Properties #181, LLC v. New Jersey Sports and Exposition Authority* and the Authority has 45-days from receipt of the initial decision to either adopt, modify, or reject it; and

WHEREAS, on August 10, 2018, the Authority requested from the Director of the Office of Administrative Law a 45-day extension in time for filing a final decision, which was granted on August 13, 2018; and

WHEREAS, the Authority requests a third 45-day extension in time for filing the final decision, with the consent of all parties, to allow the parties to continue working towards a resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Authority hereby approves, authorizes and directs the President and CEO of the Authority to request a third 45-day extension for issuing the final decision to fully review the record in this matter and to accommodate the meeting schedule of the Authority.

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 September 20, 2018.



Vincent Prieto
Secretary