



Board Meeting

Thursday, February 21, 2019

10:00 a.m.



AGENDA
REGULAR SESSION

Thursday, February 21, 2019 - 10:00 a.m.
Two DeKorte Park Plaza, Lyndhurst, NJ

I. **PLEDGE OF ALLEGIANCE**

II. **OPENING STATEMENT**

III. **ROLL CALL**

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

- Approval of Regular Session Meeting Minutes of January 17, 2019.

V. **PUBLIC PARTICIPATION ON RESOLUTIONS**

VI. **APPROVALS** – (Action)

Cash Disbursements Approval and/or Ratification of Cash Disbursements over \$100,000 for January 2019.

Resolution 2019-05 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. 18-442, 1099 Wall Street Venture, LLC/New Building (Hotel) & Variances – Block 228, Lots 1.01 & 1.02 in Lyndhurst.

Resolution 2019-06 Consideration of a Resolution Designating the Development of the Mori Tract – Block 227, Lot 9 in Secaucus as a Vital project Within the Hackensack Meadowlands District – File No. SP-733.

VII. **PUBLIC PARTICIPATION**

VIII. **EXECUTIVE SESSION**

Resolution 2019-07 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.

IX. **PUBLIC COMMENT ON RESOLUTION 2019-08**

X. **APPROVAL**

Resolution 2019-08 Consideration of a Resolution Authorizing the Execution of a Settlement Agreement by and Between North Arlington-Lyndhurst Joint Sewer Meeting and NJSEA

XI. **MOTION TO ADJOURN**

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

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



REGULAR SESSION BOARD MEETING

DATE: January 17, 2019
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 (via phone)
Vincent Prieto, President and CEO
Robert J. Dowd, Member
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
Andrew Scala, Member
Anthony Scardino, Member
Robert Yudin, Member

Absent:

Michael Gonnelli, 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
Lisa LeBoeuf, Senior Legal Specialist
Lauren LaRusso, Assistant Counsel, Governor's Authorities Unit
Christine Ferrante, Executive Assistant/Paralegal

Chairman Ballantyne called the meeting to order.

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

IV. APPROVAL OF MINUTES

Chairman Ballantyne presented the minutes of the Regular Session Board Meeting held on December 13, 2018.

Upon motion made by Commissioner Plofker and seconded by Commissioner Fontoura, the minutes of the Regular Session Board Meeting held on December 13, 2018 were unanimously approved.

V. PUBLIC PARTICIPATING ON RESOLUTIONS - None

VI. 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 December 2018.

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

Resolution 2019-01 Resolution Adopting the 2019 New Jersey Sports and Exposition Authority Budget.

Mr. Yarenis explained that before the board is a resolution to approve the NJSEA 2019 calendar year budget. He reported that with this budget, the agency is able to continue current operations, address necessary capital spending and remain within the \$15 million appropriation from the State of New Jersey. Mr. Yarenis noted that the budget package was reviewed by members of the Executive Committee earlier this week.

Chairman Ballantyne presented Resolution 2019-01. Upon motion made by Commissioner Kolber and seconded by Commissioner Scardino Resolution 2019-01 was unanimously approved by a vote of 12-0.

Resolution 2019-02 Resolution Certifying the Meadowlands Adjustment Payments for 2019

Mr. Yarenis explained that before the board is a resolution to certify the 2019 Meadowlands Adjustment Payment Calculation for the 2019 calendar year. He reported that the schedule has been prepared in accordance with NJ statute. Mr. Yarenis noted that the statute requires the calculations be certified by the board by February 1. Mr. Yarenis stated that the Tax Sharing package was reviewed by the accounting firm of Mercadien, LLC and certified accurate. He also stated that the package was reviewed with members of the Executive Committee. Mr. Yarenis stated that passage of this resolution will certify the calculations and that notices will be sent to the impacted towns with the calculations.

Chairman Ballantyne presented Resolution 2019-02. Upon motion made by Commissioner Gluck and seconded by Commissioner Scala Resolution 2019-02 was unanimously approved by a vote of 12-0.

Resolution 2019-03 Resolution Authorizing the Forgiveness of \$100,000 Advanced by the NJSEA to Fund the Former New Jersey Hall of Fame.

Mr. Leanza explained that the New Jersey Hall of Fame was part of the NJSEA until 2017 when it was dissolved and made an independent entity. Mr. Leanza further explained that the NJSEA previously advanced the New Jersey Hall of Fame \$100,000 so that it could commence its statutory functions. Mr. Leanza stated that this was on the books as a loan. He noted that NJSEA never anticipated this to be repaid nor was there any interest accrued. Mr. Leanza stated that this resolution would clear up the books for both the Hall of Fame and NJSEA.

Chairman Ballantyne presented Resolution 2019-03. Upon motion made by Commissioner Scala and seconded by Commissioner Scardino Resolution 2019-03 was approved by a vote of 10-0 with Commissioner Plofker and Vice Chairman Buckelew recused.

Roll Call – Resolution 2019-03

John Ballantyne - Yes
Joseph Buckelew - Recuse
Vincent Prieto – Yes
Robert J. Dowd - Yes
Armando Fontoura - Yes
Michael H. Gluck - Yes
Michael Griffin - Yes
George Kolber - Yes
Steven Plofker - Recuse
Andrew Scala - Yes
Anthony Scardino - Yes
Robert Yudin - Yes

VII. PUBLIC PARTICIPATION

- Don Evanson, Secaucus resident. – spoke about the tax sharing certification. Mr. Evanson asked about the shift from towns paying to payment coming from the hotel occupancy fee. President Prieto explained the calculation has not changed and that NJSEA is still the vehicle that distributes the funds. He also explained that towns are no longer payers and that funds do come from the hotel occupancy fee to Treasury. He also explained that the formula needs to be certified every year based on the formula as it is a moving amount. President Prieto noted that in August the original legislation was corrected to comprise all the hotels in each municipality in the District.

Chairman Ballantyne spoke of upcoming events at the NJSEA:

- NJSEA-Bergen Audubon Society Superbird Sunday Nature Walk – to be held on February 3 from 10:00 a.m. to noon at DeKorte Park.
- NJSEA Total Lunar Eclipse Viewing Event at the McDowell Observatory. The event is open to the public for free viewing on Sunday, January 20 beginning at 10:15 p.m. and ending at 1:00 a.m. The Chairman noted that in the event of inclement weather, a notice will be posted on the website and blog.

IX. EXECUTIVE SESSION

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

Resolution 2019-04 Resolution Authorizing the NJSEA to Conduct a Meeting to which the General Public Shall Not Be Admitted.

Chairman Ballantyne presented Resolution 2019-04. Upon motion made by Commissioner Scardino and seconded by Commissioner Fontoura Resolution 2019-04 was approved by a vote of 12-0.

Returned to open session at 10:20 a.m.

IX. MOTION TO ADJOURN

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

Meeting adjourned at 10:25 a.m.

I certify that on information and belief this is a true and accurate transcript of the Minutes of the Regular Session of the New Jersey Sports and Exposition Authority Board Meeting held on January 17, 2019.



Christine Sanz
Assistant Secretary

January 17, 2019

Commissioner	Roll Call	2019-01	2019-02	2019-03	2019-04
Ballantyne, Chairman	P	Y	Y	R	Y
Buckelew, Vice Chairman	P (via phone)	Y	Y	Y	Y
Prieto	P	Y	Y	Y	Y
Dowd	P	Y	Y	Y	Y
Fontoura	P	Y	Y	Y	Y
Gluck	P	Y	Y	Y	Y
Gonnelli	--	--	--	--	--
Kolber	P (via phone)	Y	Y	Y	Y
Plofker	P	Y	Y	R	Y
Scala	P	Y	Y	Y	Y
Scardino	P	Y	Y	Y	Y
Yudin	P	Y	Y	Y	Y
Treasury Rep Griffin	P (via phone)	Y	Y	Y	Y

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



CASH DISBURSEMENTS
\$100,000 OR MORE
JANUARY 2019

EAST RUTHERFORD - SPORTS COMPLEX

	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF EAST RUTHERFORD	1,964,656.73	I	PAYMENT IN LIEU OF TAXES: 1ST QUARTER 2019
NEW JERSEY STATE POLICE	776,366.15	A/L	OVERTIME & MISCELLANEOUS CHARGES: OCT 2018 - DEC 2018
GIBBONS	102,937.50	A	LEGAL SERVICES - AUTHORITY TRANSACTIONS COUNSEL: NOV 2018
NRG BUSINESS SOLUTIONS	433,506.72	J/L	ELECTRICITY CHARGES: DEC 2018
PUBLIC SERVICE ELECTRIC & GAS COMPANY	131,179.37	J/L	ELECTRIC TRANSMISSION: DEC 2018
SPORTS ARENA EMPLOYEES RETIREMENT FUND LOCAL 137	306,598.02	A	PENSION WITHDRAWAL LIABILITY PAYMENT: AUG 2018 - OCT 2018
STATE OF NEW JERSEY TREASURY DEPARTMENT	375,554.44	A	WORKERS' COMPENSATION CLAIMS: 2018 2ND QTR
EAST RUTHERFORD - SC TOTAL	4,090,798.93		

LYNDHURST

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
KEARNY, TOWN OF	303,819.94	I	KEEGAN LANDFILL HOST COMMUNITY: DEC 2018 AND 2017 TAX SHARING
PHILADELPHIA INSURANCE COMPANIES	271,082.00	A	ENTERTAINMENT INSURANCE PACKAGE - GL, AUTO, INLAND, AND MARINE POLICIES: JAN 2019 - DEC 2019
WASTE MANAGEMENT OF NEW JERSEY	459,903.95	A	OPERATIONS CONTRACT - KEEGAN LANDFILL: DEC 2018
WILLIS OF PENNSYLVANIA, INC.	743,023.12	A	COMMERCIAL PROPERTIES INSURANCE, TERRORISM POLICY, BROKERAGE FEES, CRIME & FIDUCIARY POLICIES: JAN 2019 - DEC 2019
LYNDHURST TOTAL	1,777,829.01		

MONMOUTH PARK RACETRACK

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF OCEANPORT	486,746.25	I	REAL ESTATE TAXES: 1ST QTR 2019
MONMOUTH PARK RACETRACK TOTAL	486,746.25		



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 2019-05

**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. 18-442, 1099 Wall Street Venture, LLC/New Building (Hotel)
& Variances
BLOCK 228, LOTS 1.01 & 1.02
IN THE TOWNSHIP OF LYNDHURST**

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

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

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

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

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

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

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

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

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

WHEREAS, a zoning certificate application was submitted to the NJSEA on November 13, 2018, by Richard Bhojani, of BDG Hotels at Lyndhurst, LLC, on behalf of 1099 Wall Street Venture, LLC, for the premises identified as 1099 Wall Street West, Block 228, Lot 1.01, and on behalf of Denholtz 1201, LLC, for the premises identified as 1201 Wall Street West, Block 228, Lot 1.02, in Lyndhurst, New Jersey, which are located in the District's Commercial Park zone; and

WHEREAS, the subject application proposes the construction of a 128-room hotel, of approximately 69,300 square feet, and, as such, is not exempt from the *Interim Policies*; and

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

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

WHEREAS, a suitability review, dated February 11, 2019, 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 at 1099 and 1201 Wall Street West, Block 228, Lots 1.01 and 1.02, in the Township of Lyndhurst, New Jersey, is deemed to be unsuitable for residential use.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of February 21, 2019.

Vincent Prieto
Secretary



MEMORANDUM

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

From: Sara J. Sundell *Date:* February 21, 2019

Subject: Site Suitability Recommendation for Block 228, Lots 1.01 and 1.02, in the Township of Lyndhurst (File No. 18-442)

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 128-room hotel, of approximately 69,300 square feet, on the premises identified as 1099 and 1201 Wall Street West, Block 228, Lots 1.01 and 1.02, in Lyndhurst, New Jersey. The subject property is located within the District's Commercial Park zone and currently contains an existing office building, which is proposed to remain, a large parking lot, which is the location of the proposed hotel, and a small bank building which is proposed to be demolished.

The matter was forwarded to the Review Team for review of the proposed site in accordance with the *Interim Policies*. A suitability review, dated February 11, 2019, 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. 18-442

1099 Wall Street Venture, LLC/New Building (Hotel) & Variances

Block 228, Lot 1.01 and 1.02, in the Township of Lyndhurst

February 11, 2019

The NJSEA received a zoning certificate application for the proposed construction of a 128-room hotel, of approximately 69,300 square feet, on the premises identified as 1099 and 1201 Wall Street West, Block 228, Lots 1.01 and 1.02, in the Township of Lyndhurst, New Jersey. The hotel is proposed to be constructed on a portion of the premises currently improved with an existing parking lot and a vacant bank building. The existing office building located on Lot 1.01 is proposed to remain and the existing bank building located on Lot 1.02 is proposed to be demolished. The subject property is located in the District's Commercial Park zone and, as such, is not exempt from the site suitability review process. In keeping with the review process, the site characteristics of the property have been evaluated in accordance with the "Interim Policies Governing Affordable Housing Development in the Meadowlands District," adopted by the NJMC on July 24, 2008, and last revised on July 27, 2011.

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

- i. **The site is adjacent to compatible land uses and has access to appropriate streets.**
 - The subject property, which is comprised of two lots with a total area of 8.212 acres, is located within the Commercial Park zone.
 - An existing three-story, 128,472-square-foot office building is located on the western end of the Lot 1.01. The remainder of Lot 1.01 is improved with an approximately 380 space -car parking lot for use by employees and visitors to the office building. A vacant 2,252-square-foot bank building is located on Lot 1.02, to the east of the office building on the main lot, and is proposed to be demolished.
 - The subject property is almost completely surrounded by rights-of-way, including local streets Wall Street West and Garland Way, and an NJDOT-owned property that includes a portion of the State Route 17 highway ramp and a wooded lot. The highway ramp on the north side of the subject property is elevated, affording no vehicular access to the subject property.
 - Uses on neighboring properties include office and institutions, with warehouse and industrial uses located further into the Lyndhurst Corporate Park.

- While there are three existing residential developments in the area, all of these developments are located along the edges of the Lyndhurst Corporate Park and have some type of buffer along the majority of sides, including open space, creeks and ditches, and highway ramps, where they are not located directly adjacent to industrial and commercial uses.
 - The existing office building on the subject property along with its associated parking lot are both proposed to remain.
 - The residential facility located to the east of Lot 1.02 is separated from the subject property by a wooded property owned by the NJDOT for right-of-way improvements. There is no physical connection that would promote pedestrian movements between the properties.
 - While there are existing office buildings in the vicinity, including on the subject property, two existing vacant and underutilized office buildings are proposed for demolition and redevelopment with modern warehouse and industrial facilities, thereby increasing the industrial nature of the area.
 - The surrounding development pattern, with industrial, warehouse and distribution uses, is heavily reliant on trucking services to move products. As a result, there is a significant amount of truck traffic, including the inherent noise and pollution associated with heavy vehicle usage. The site is located adjacent to a three-way intersection of Wall Street West and Clay Avenue, which is heavily utilized by large trucks. There are no significant areas of open space surrounding the subject property that could buffer potential residents from the intensity of the uses of the surrounding land use pattern.
 - The nearby active industrial and warehouse uses in the area would present challenges with respect to circulation and safety of residents.
- 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 is met by the subject property.
- iv. **Former and existing land uses, either on the site or in the vicinity, may not expose residents to environmental hazard. Alternatively, the site shall be remediated to NJDEP residential standards as a condition of the Board's approval.**
- Based upon the NJDEP's NJ-GeoWeb database, Lot 1.02 is subject to a

deed restriction related to groundwater contamination on the site. In addition, the NJDEP's Site Remediation Program lists both lots on their "Closed Sites with Remediated Contamination" list. No further information is presently available that would suggest that the properties could be or have been remediated to NJDEP residential standards.

- As such, it is unclear as to whether this criterion is or could be met by the subject property.
- v. **The size, shape, or layout of any existing structure that shall remain, or other physical limitation(s) not listed previously, do not preclude residential use.**
- The existing three-story office building, located on the western end of Lot 1.01, is intended to remain on the subject property along with a portion of the existing surface parking lot. The existing bank structure on Lot 1.02 is proposed to be demolished.
 - Physically, the office and parking could remain on the property along with the construction of a structure for residential units. However, it would be necessary to separate the office and residential uses, due to privacy, noise and light concerns. As such, the mass of the property available for new residential construction would be limited. The office building requires a considerable number of parking spaces in order to operate. A residential structure would require separate parking, driveways and circulation, along with buffer zones to appropriately separate the residential and office uses.
 - While this criterion could be met by the subject property, the practicalities of positioning a residential structure on the same site of as an existing office building are problematic.
- vi. **The site is suitable for residential use pursuant to sound planning principles.**
- Elements of the warehouse and distribution businesses in the vicinity of the subject site are potentially detrimental to residents. Noise generated from open loading docks, trucks travelling along Wall Street West and Clay Avenue and maneuvering on nearby sites, lack of sidewalks and safety concerns for pedestrians render this site unfavorable to residential uses.
 - The site is remote from public schools, local retail stores, and other public amenities. Pedestrian access to the rest of the community requires traveling a considerable distance through an active industrial area. Most of the municipality's public services are located outside of the immediate area and require motorized transportation to access

them.

- The existing warehouse and industrial uses in the area generate truck traffic, noise and associated pollution both day and night, which would be detrimental to the quality of life and long-term safety of residents on the subject property.
- Two other properties in the vicinity, both within the Lyndhurst Corporate Park, have been designated by the NJSEA as unsuitable for residential use. The existing underutilized office buildings on both of those properties are slated for demolition to allow for the construction of new industrial buildings. The addition of more industrial facilities in the neighborhood will only serve to increase the amount of truck traffic traveling along Wall Street West and Clay Avenue, which are major connector streets to the rest of the corporate park.

In summary, only two (2) of the above criteria, as per Section IV(c)1 of the Interim Policies, apply to the subject property.

Conclusion

The subject property, located at 1099 Wall Street West, Block 228, Lots 1.01 and 1.02, in the Township of Lyndhurst, is recommended to be deemed unsuitable for housing.

Contingent upon the approval of this recommendation by the NJSEA Board of Commissioners, the review of the submitted zoning certificate application for the proposed 128-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 2019-06

**RESOLUTION DESIGNATING THE DEVELOPMENT OF
THE MORI TRACT
BLOCK 227, LOT 9, IN THE TOWN OF SECAUCUS
AS A VITAL PROJECT WITHIN THE
HACKENSACK MEADOWLANDS DISTRICT
FILE NO. SP-733**

WHEREAS, the Hackensack Meadowlands Agency Consolidation Act (“Act”) at N.J.S.A. 5:10A-11(a), and Resolution 2015-54, adopted by the NJSEA Board of Commissioners on October 22, 2015, state that a constituent municipality within the Hackensack Meadowlands District (“District”) that adopts and maintains the District master plan, zoning regulations, codes, and standards shall review and approve or reject applications for development within the District; and

WHEREAS, the Town of Secaucus adopted such an ordinance to assume certain zoning jurisdiction within the in-District portion of the municipality; and

WHEREAS, the Act at N.J.S.A. 5:10A-11(f) also provides that the “commission may maintain sole jurisdiction over any project it deems, in its sole discretion, to be vital to the public safety, general welfare, development, or redevelopment of the District,” and Resolution 2015-59, adopted by the NJSEA Board of Commissioners on November 19, 2015, establishes guidelines by which “Vital Projects” may be designated within the District; and

WHEREAS, the Mori Tract, located at Block 227, Lot 9, within the Town of Secaucus, is one of the largest undeveloped parcels within the District; and

WHEREAS, the NJSEA has acknowledged the need to evaluate whether development of the Mori Tract should be deemed to be a Vital Project in order for the NJSEA to maintain zoning jurisdiction on the property; and

WHEREAS, the NJSEA has undertaken an assessment in accordance with the guidelines to consider the impacts of the site’s development with respect to public safety, general welfare, the environment, solid waste, the regional economy, critical stormwater infrastructure, and the regional transportation network on the Mori Tract and within the surrounding region; and

WHEREAS, a Vital Project Assessment for Development of the Mori Tract, dated February 21, 2019, has been prepared in accordance with the guiding criteria included in Resolution 2015-59; and

WHEREAS, the assessment indicates that development of the Mori Tract has the potential to have a substantial impact on the regional economy, transportation network, and the environment; and

WHEREAS, the Board of Commissioners of the NJSEA has reviewed the Vital Project Assessment and has determined that the Development of the Mori Tract satisfies the criteria established in Resolution 2015-59 for designation as a "Vital Project" under the provisions of N.J.S.A. 5:10A-11(f).

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the development of the Mori Tract, located at Block 227, Lot 9, in the Town of Secaucus, New Jersey, is deemed to be a Vital Project, in accordance with N.J.S.A. 5:10A-11(f) and Resolution 2015-59.

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 February 21, 2019.



MEMORANDUM

To: NJSEA Board Members

From: Sara J. Sundell

Date: February 21, 2019

Subject: Vital Project Designation for the Development of the Mori Tract, Block 227, Lot 9, in the Town of Secaucus (File No. SP-733)

The Hackensack Meadowlands Agency Consolidation Act ("Act") at N.J.S.A. 5:10A-11(a), and Resolution 2015-54, adopted by the NJSEA Board of Commissioners on October 22, 2015, states that a constituent municipality within the Hackensack Meadowlands District ("District") that adopts and maintains the District master plan, zoning regulations, codes, and standards shall review and approve or reject applications for development within the District. Accordingly, the Town of Secaucus adopted an ordinance entitled, "Ordinance Adopting Meadowlands Regional Commission Master Plan, Zoning Regulations, Codes and Standards," as a means to assume certain zoning jurisdiction within the in-District portion of the municipality.

The Act at N.J.S.A. 5:10A-11(f) also provides that the "commission may maintain sole jurisdiction over any project it deems, in its sole discretion, to be vital to the public safety, general welfare, development, or redevelopment of the District." Additionally, Resolution 2015-59, adopted by the NJSEA Board of Commissioners on November 19, 2015, establishes guidelines by which "Vital Projects" may be designated within the District.

The NJSEA recognizes that the 138-acre Mori Tract, located in the Town of Secaucus, is one of the largest undeveloped upland parcels within the District and, as such, has acknowledged the need to evaluate whether its development should be deemed to be a "Vital Project" in order for the NJSEA to maintain zoning jurisdiction with respect to improvements on the property. Accordingly, NJSEA staff prepared a "Vital Project Assessment for Development of the Mori Tract", dated February 21, 2019, in accordance with the guiding criteria included in Resolution 2015-59. The assessment indicates that development of the Mori Tract has the potential to have a substantial impact on the regional economy, transportation network, and the environment and therefore satisfies the criteria to be deemed a "Vital Project."

VITAL PROJECT ASSESSMENT
for Development of the Mori Tract
Block 227, Lot 9, in the Town of Secaucus

February 21, 2019

The Hackensack Meadowlands Agency Consolidation Act ("Act") at N.J.S.A. 5:10A-11(a), and Resolution 2015-54, adopted by the NJSEA Board of Commissioners on October 22, 2015, states that a constituent municipality within the Hackensack Meadowlands District ("District") that adopts and maintains the District master plan, zoning regulations, codes, and standards shall review and approve or reject applications for development within the District. Accordingly, the Town of Secaucus adopted an ordinance entitled, "Ordinance Adopting Meadowlands Regional Commission Master Plan, Zoning Regulations, Codes and Standards," as a means to assume certain zoning jurisdiction within the in-District portion of the municipality.

The Act at N.J.S.A. 5:10A-11(f) also provides that the "commission may maintain sole jurisdiction over any project it deems, in its sole discretion, to be vital to the public safety, general welfare, development, or redevelopment of the District." Additionally, Resolution 2015-59, adopted by the NJSEA Board of Commissioners on November 19, 2015, establishes guidelines by which the President/CEO of the NJSEA or his designee may designate "Vital Projects" within the District or, alternatively, the NJSEA Board may, at its discretion, adopt a resolution to retain jurisdiction over any project it deems to be to be vital to the public safety, general welfare, development, or redevelopment of the District.

Vital Project Consideration

The NJSEA recognizes that the Mori Tract is one of the largest undeveloped upland parcels within the District and, as such, has acknowledged the need to evaluate whether its development may be deemed to be a "Vital Project" in order for the NJSEA to maintain jurisdiction with respect to planning and permitting improvements on the property. The NJSEA has undertaken this assessment to consider the impacts of the site's development with respect to land, water, air, solid waste, aquatic and terrestrial wildlife, social and economic conditions, and aesthetics at the Mori Tract and surrounding region.

Background

The Mori Tract, a 138-acre parcel comprised of Block 227, Lot 9, in the Town of Secaucus, is located within the District. Surrounding land uses include the

Harmon Meadow mixed-use commercial development to the west, a PSE&G transmission line right of way and warehouse/industrial properties to the east, wetlands areas and warehouse/industrial properties to the north, and a self-storage facility to the south. The site is located along a heavily utilized roadway network, which includes Park Plaza Drive to the west, Paterson Plank Road to the South and West Side Avenue to the east. Paterson Plank Road is a major transportation corridor connector between Route 1 & 9/Tonnele Avenue and Route 3.

The property is owned by Mori Revocable Trust, which recently entered into a 98-year long term lease with Dredge Management Associates, LLC. The parcel is an undeveloped lot comprised of large areas of both uplands and tidal wetlands, which have resulted in a split zoning designation on the District's Official Zoning Map. The majority of the upland areas are located within the Regional Commercial zone and the majority of the wetland areas are located within the Environmental Conservation zone. Cromakill Creek, a tidal tributary to the Hackensack River, meanders through the site from its northern boundary until it reaches the upland area, where it then runs south along its eastern boundary.

The Mori Tract is the subject of two unresolved NJSEA zoning violations involving illegally-placed contaminated fill. One area of illegal fill is located on the upland portion of the site within the Regional Commercial zone. The second area of the illegal fill is located further northeast of the first and was placed within the Environmental Conservation zone in an area containing tidal wetlands. It is noted that both the NJDEP and the US Army Corps of Engineers (USACE) have issued separate violations for illegally placed fill at this site. Additionally, there is an unresolved NJDEP violation from the 1980's relating to a large volume of illegally-placed asbestos waste on the site, estimated to be in excess of 2,000 cubic yards.

The site contains unclaimed areas that are subject to the State of New Jersey's riparian interest. A license or grant must be obtained from the Tidelands Resource Council prior to the issuance of any zoning certificate approval from the NJSEA.

Proposed Development

Dredge Management Associates, LLC, the lessor, has indicated their intent to undertake a development project on the 138-acre parcel that is split-zoned within the District's Regional Commercial and Environmental Conservation zones. Dredge Management Associates, LLC has also submitted a Remedial Action

Work Plan to the NJDEP Site Remediation Program to address the historic fill on a 34-acre upland portion located at the southern end of the Mori Tract.

The development of the Mori Tract has the potential to result in substantial economic growth and job creation within the region and, additionally, has the potential to produce a beneficial environmental impact by facilitating the resolution of the unresolved violations and the placement of a cap to address the contamination related to other historic fill located on the site.

Criteria for Designation of Vital Projects within the District

In accordance with Resolution 2015-59, the Board of Commissioners established the following criteria to be applied when exercising the authority granted under N.J.S.A. 5:10A-11(f) to designate "Vital Projects" within those District municipalities that have opted to take over zoning approvals within the in-District portion of that municipality in accordance with N.J.S.A. 5:10A-11(a):

1. *The NJSEA shall maintain sole jurisdiction over certain public projects as follows:*
 - A. *Public projects proposed by federal, state, and county governmental/quasi-governmental agencies including, but not limited to, NJDOT, NJTA, NJ Transit, County authorities and agencies, NJDEP, BCUA, MCT, USACE, PANYNJ, Amtrak, and other railroad entities. (Existing exemptions from NJSEA regulations under N.J.A.C. 19:4-3.2 and N.J.S.A. 5:10A-11(c) are unaffected.)*

Both the present owner, Mori Revocable Trust, and the lessor, Dredge Management, LLC, of the subject property are private entities.

2. *The NJSEA may maintain sole jurisdiction over certain vital projects, per N.J.S.A. 5:10A-11(f), which meet one or more of the following criteria:*
 - A. *Projects that enhance public safety.*
 - B. *Projects that promote the general welfare.*
 - C. *Projects that have a substantial impact on the environment.*
 - D. *Development projects of regional economic importance.*
 - E. *Development projects with regional impacts on flood control, stormwater infrastructure and/or other critical infrastructure.*
 - F. *Development projects with significant regional traffic/transportation impacts.*
 - G. *Redevelopment projects within a District redevelopment area.*

The future development of the Mori Tract satisfies criteria A, B, C, D, E, and F for the following reasons:

A. The Mori Tract contains a significant area of tidal wetlands, open water and other environmentally sensitive areas, including a portion of Cromakill Creek, which is a tributary of the Hackensack River. The development of the Mori Tract will promote public safety by facilitating the resolution of long-standing NJSEA, NJDEP and USACE violations through the removal of illegally placed fill, and the capping/remediation of historic fill in accordance with a Remedial Action Work Plan (RAWP), which will be subject to NJDEP approval under the Site Remediation Program.

B. The development of the Mori Tract will promote the general welfare of the public by cleaning up an environmentally compromised site and promoting economic development in the region in a coordinated manner.

C. The development of the Mori Tract has the potential to have a beneficial environmental impact, as it will facilitate the resolution of long-standing NJSEA, NJDEP and USACE violations through the removal of illegally placed fill on the site, including contaminated fill placed in environmentally sensitive tidal wetland areas. In addition, areas of historic fill on the site will be addressed.

D. Development of the Mori Tract, specifically where permitted on the vacant upland portion within the Regional Commercial zone, has the potential to provide a major positive economic benefit to the region by establishing significant ratables for the Town of Secaucus, creating both permanent jobs and temporary construction jobs, and generating overall economic value for the region.

E. The development of the Mori Tract will have an impact on stormwater infrastructure in the region due to the large size of the property in question and its proximity to the Cromakill Creek. Development of the subject property will also facilitate the resolution of long-standing NJSEA, NJDEP and USACE violations through the removal of illegally-placed fill on the site, including contaminated fill placed in environmentally sensitive wetland areas, which will facilitate the restoration of the impacted wetlands area.

F. The development of the Mori Tract, one of the largest vacant upland parcels within the District, will have a significant impact on the surrounding and regional transportation network along critical corridors. Any negative impacts on the regional transportation system resulting from development of the property will be evaluated during the zoning certificate application review process and will require mitigation.

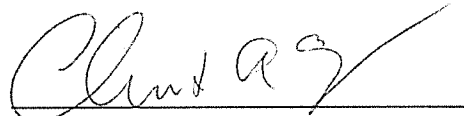
G. The Mori Tract is located within the Hackensack Meadowlands District's Regional Commercial zone and is not located within a District redevelopment area.

Conclusion

Based upon the assessment above, the development of the Mori Tract satisfies the criteria established in Resolution 2015-59 for designation as a "Vital Project" under the provisions of N.J.S.A. 5:10A-11(f), thereby allowing the NJSEA to maintain sole jurisdiction in the review of development applications submitted for this property.



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



Christine A. Sanz
Sr. Vice President/COO

RESOLUTION 2019-07

**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 February 21, 2019

Vincent Prieto
Secretary