



Board Meeting

Thursday, October 17, 2019

10:00 a.m.



**AGENDA  
REGULAR SESSION**

Thursday, October 17, 2019 - 10:00 a.m.  
Two DeKorte Park Plaza, Lyndhurst, NJ

I. **PLEDGE OF ALLEGIANCE**

II. **OPENING STATEMENT**

III. **ROLL CALL**

IV. **PRESENTATION**

SCS Engineers will give a technical presentation regarding the Keegan Landfill.

V. **APPROVAL OF MINUTES AND CASH DISBURSEMENTS** (Action)

- Approval of Regular Session Meeting Minutes of July 18, 2019.
- Approval and/or Ratification of Cash Disbursements over \$100,000 for July, August and September 2019.

VI. **PUBLIC PARTICIPATION ON RESOLUTIONS**

VII. **APPROVALS** (Action)

Resolution 2019-28 Consideration of a Resolution Authorizing Easement for Storm Water Pump Station on NJSEA Wildwood Parking Lot.

Resolution 2019-29 Consideration of a Resolution Authorizing Reimbursement to New Meadowlands Stadium Company, LLC for its Fulfillment of the NJSEA's Infrastructure Maintenance Obligations.

Resolution 2019-30 Consideration of a Resolution Authorizing Payment to Joseph M. Sanzari, Inc. for Emergency Repair of 10-inch Water Pipe.

Resolution 2019-31 Consideration of a Resolution to Adopt an Amendment to the Highland Cross Redevelopment Plan (File No. SP-750).

Resolution 2019-32 Consideration of a Resolution to deem the property located at Van Keuren Avenue - Block 101, LOTS 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 36, 37, 42, 43 & 44 and Block 7402, LOTS 21, 22, 23, 24, 33, 34 & 35 in Jersey City as an Area In Need of Redevelopment – File No SP-765)

VIII. **PUBLIC PARTICIPATION**

IX. **EXECUTIVE SESSION**

Resolution 2019-33 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.

X. **MOTION TO ADJOURN**

**MINUTES**



## REGULAR SESSION BOARD MEETING

DATE: July 18, 2019  
TIME: 10:00 a.m.  
PLACE: 2 DeKorte Park Plaza - Lyndhurst, NJ  
RE: **REGULAR SESSION MEETING MINUTES**

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### Members in Attendance:

John Ballantyne, Chairman  
Joseph Buckelew, Vice Chairman  
Vincent Prieto, President and CEO  
Armando Fontoura, Member (excused at 11:39 a.m.)  
Michael H. Gluck, Esq., Member  
Michael Griffin, NJ State Treasurer's Representative (via phone)  
Woody Knopf, Member  
Steven Plofker, Member  
Anthony Scardino, Member  
Louis J. Stellato, Member  
Robert Yudin, Member

### Absent:

Michael Gonnelli, Member  
Robert J. Dowd, Member  
Andrew Scala, Member

### Also Attending:

Christine Sanz, Senior Vice President/Chief Operating Officer  
Frank Leanza, Senior Vice President/Chief of Legal & Regulatory Affairs  
Adam Levy, Vice President of Legal & Regulatory Affairs  
John Yarenis, Director of Finance/Accounting  
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.

Chairman Ballantyne welcomed the new Commissioners:

- Chairman Ballantyne introduced Commissioner Knopf. The Chairman stated that Commissioner Knopf is the former Chairman of Knopf Automotive Parts and is a former member of the United States Army Reserve. He went on to say that Commissioner Knopf completed his advanced infantry training at Fort Bragg, North Carolina and attended Quartermaster School at Fort Lee, Virginia, where he achieved distinguished graduate status. Commissioner Knopf proudly served in the Army Reserve for six years and attained the rank of staff sergeant. Chairman Ballantyne indicated that Commissioner Knopf has a degree in economics from Brooklyn College and earned an MBA in Finance from Fordham University and upon graduation, he joined M&M Knopf Automotive Parts in Brooklyn. He went on to say that with his father Max and brothers, Michael and Marshall, he helped grow the business to be the largest core supplier in the world. The Chairman stated that from 2012 to 2017, Knopf served on the board of directors of MERA - The Association for Sustainable Manufacturing and in April 2018, he received the prestigious Michael Cardone Leadership Award, recognizing him for his vision, passion, innovation, and excellence in the automotive aftermarket. Commissioner Knopf served on Georgetown University's McDonough School of Business Parent Council, as well as Georgetown College's Parent Council. He also started and chaired the Parents Leadership Council at Fairfield University. The Chairman stated that since 2015, Knopf has been a member of the Monmouth Medical Center Board of Trustees, where he actively serves on the nominating and development committees. His keen insight and perspective in the areas of commerce and green initiatives make him a fantastic addition to the NJSEA and Meadowlands residents. Commissioner Knopf resides in Rumson
- Chairman Ballantyne introduced Commissioner Stellato. The Chairman stated that Commissioner Stellato was born, raised and resides in Lyndhurst, and that Commissioner Stellato is a true public servant of the Meadowlands. Chairman Ballantyne also stated that the Commissioner served on the Board of Commissioners of the Township of Lyndhurst from 1982-1997 and as Mayor from 1989-1997. Commissioner Stellato was a Trustee on the Lyndhurst Board of Education from 1973-1980, including three years as President. Prior to serving his community Commissioner Stellato proudly served his country as a member of the United States Air Force. The Chairman indicated that the Commissioner has served on and founded many charitable organizations and that he has been a member of the Lyndhurst Chapter of Unico National for 42 years and is a Past President. The Chairman indicated that Commissioner Stellato is a member of the Lyndhurst B.P.O. Elks Lodge, the Lyndhurst Knights of Columbus, the American Legion, AMVETS and the Rotary Club. He founded Lyndhurst's Municipal Substance Abuse Committee, Free Food Farm and Crisis Intervention Committee, among other groups. The Chairman stated that the Commissioner is President of Stellato Funeral Homes and manager of the Lyndhurst location. He is a 1970 graduate of the University of Minnesota with a B.S.M.S. in Medical Science and a Major in Mortuary Science. Commissioner Stellato received his PhD in Funeral Service Education from the National Academy of Funeral Service. The Chairman also stated that he is a member of the National Funeral Directors Association, New Jersey State Funeral Directors Association, Preferred Funeral Directors and Bergen County Funeral Directors, where he served as president and as a member of the Board of Directors. Chairman Ballantyne commented that his dedication to and knowledge of the Meadowlands District is a great asset to this Board.

### III. Roll Call

#### IV. SPECIAL PRESENTATION

Chairman Ballantyne announced that in keeping with the agency's commitment to inform the public about the ongoing progress at the Keegan Landfill, there will be a special technical presentation by SCS Engineers on the progress of the Gas Collection System. He stated that Ms. Wilkinson will be speaking about the ongoing construction of the Gas Collection System which began on June 24 and is now in its 4<sup>th</sup> week. The Chairman noted that weekly construction updates along with the presentation will be posted on the website. The Chairman introduced Lisa Wilkinson.

Ms. Wilkinson presented and explained the following regarding the gas collection system:

##### Summary of Work Update:

June 18 - resolution for Construction Contractor; June 24 - Contractor begin mobilization to the site; June 27 - Solid Waste Disruption Permit issued; June 28- Survey layout; July 1 - Begin excavation of horizontal collectors; July 16 Begin excavation of header trench.

##### Gas Collection System Construction Schedule:

Mobilization - June 24 (5 days); Horizontals (5 installed) - July 1 (13 days); Piping installation - July 16 (46 days); Vertical Well Drilling - tentative July 29 (10 days); Flare Skid Installation - tentative September (3 days); System Startup - tentative September 16 (2 days).

##### Gas Collection and Control System:

Vertical gas extraction wells - drilled; horizontal collectors; HDPE laterals and headers; blower to extract gas from the wells; flare to combust collected gas and Goal: maximize LFG collection to reduce odors.

##### Horizontal Collectors:

Approximately 2300 linear feet installed; production of 200 lf/day and solid and perforated pipe.

##### Photos:

Trenching for horizontal collector; placement of solid pipe; perforated pipe placement; geotextile over stone; backfill with waste and soil; waste not placed back in trench to fill area and covered with soil; plastic tarp covers end of trench at end of work day; odor neutralizer regularly applied to trench and waste and 4 gas meter used for worker safety.

##### Odor Control Plan:

##### Odor Management During Construction:

Hourly checks or monitoring station data; neighborhood monitoring rout - before, midday and end of construction day; No exceedances of 30ppb for 30 minutes at any station; No neighborhood odors detected; NJDEP reported increased inspectors presence - no odors detected.

##### Public Available Updates:

Information on [www.njsea.com](http://www.njsea.com) - Keegan Landfill Info & Updates

Keegan Daily Air Monitoring Reports; Keegan Landfill Gas Collection system Construction Updates; Weekly Construction Activities; Daily Air Monitoring Reports.

##### Upcoming Activities:

##### Gas Collection System Construction:

Header trenching on landfill side slopes; low point and condensate drain installation; well drilling - tentative July 29; continue hourly checks of

monitoring station; continue neighborhood odor checks and continue odor neutralizer application.

Commissioner Fontoura asked about the odor neutralizer application. Ms. Wilkinson responded that it is applied and sprayed during construction hours - for example when there is odor coming from a trench or hole. She explained that it is used at least 3-4 times during the day and then again at the end of the day. Commissioner Fontoura also asked what if there is odor detected in the neighborhood. Ms. Wilkinson replied that if odor is detected in neighborhood they would evaluate the site area and if a trench is open and actively admitting gas they would stop operation and cover the area. Chairman Ballantyne asked if the odor control masks the odor or is it a neutralizer. Ms. Wilkinson explained that it is a neutralizer and how it works.

## V. APPROVAL OF MINUTES AND CASH DISBURSEMENTS

- Chairman Ballantyne presented the minutes of the Regular Session Board Meeting held on June 20, 2019.

Upon motion made by Commissioner Plofker and seconded by Commissioner Scardino, the minutes of the Regular Session Board Meeting held on May 16, 2019 were unanimously approved.

- Chairman Ballantyne presented an amendment to the April 11, 2019 regular session board meeting minutes to reflect comments made by John Pinho as reflected in the April 11, 2019 transcript beginning on page 137 line 8 through page 151 line 2.

Upon motion made by Commissioner Scardino and seconded by Commissioner Gluck, the amended minutes of the Board Meeting held on April 11, 2019 were unanimously approved.

- Chairman Ballantyne presented the report of cash disbursements over \$100,000 and Professional Invoices for the month of June 2019.

Upon motion by Commissioner Plofker and seconded by Commissioner Fontoura, the cash disbursements over \$100,000 for the month of June 2019 were unanimously approved.

## VI. PUBLIC PARTICIPATING ON RESOLUTIONS

- Captain Bill Sheehan, Riverkeeper spoke on Resolution 2019-25. Captain Sheehan stated that compliance with FEMA is important and should also coincide with the Master Plan revisions. He indicated that he spoke with Ms. Sundell and that she explained that the two plans will work together. The Captain also welcomed the two new Commissioners.

## VII. APPROVALS

Resolution 2019-25 Resolution authorizing the Publication of a Notice of Adoption for New Rules and Amendments to the NJSEA Floodplain Management Regulations and the Adoption of FEMA's Revised

Ms. Sundell stated that since the NJSEA is a participating community in the FEMA's National Flood Insurance Program (NFIP), the agency is required to amend its Flood Plain Management regulations at N.J.A.C. 19:4-9 for consistency with NJDEP's model Flood Damage Prevention Ordinance and to adopt FEMA's newly revised FIRM panels and Flood Insurance Study report, prior to FEMA's deadline of August 28, 2019. She also stated that at its March meeting, the Board passed Resolution 2019-09, which authorized Staff to file a Notice of Proposal and hold a public hearing on amendments to the Flood Plain Management Regulations and the adoption of new FEMA Flood Insurance Rate Maps (FIRMs). Ms. Sundell explained that staff held a public hearing on June 11<sup>th</sup> and also accepted comments on the matter during the public comment period, which closed on July 5<sup>th</sup>. She noted that three comments were received from members of the public. She stated that a Notice of Adoption for this rulemaking matter, which includes a response to the comments, has been prepared by Staff. She also stated as required by statute, the Notice of Adoption has been forwarded to the HMMC for their decision. Ms. Sundell stated that staff is requesting Board authorization to file a Notice of Adoption in accordance with the requirements of the NJ Office of Administrative Law for publication in the New Jersey Register.

Chairman Ballantyne presented Resolution 2019-25. Upon motion made by Vice Chairman Buckelew and seconded by Commissioner Fontoura. Resolution 2019-25 was unanimously approved by a vote of 11-0.

Resolution 2019-26 Resolution issuing a decision on the Variance Application submitted as part of File No. 14-641 Union Meadows/ENER-G Rudox - Renovation & Addition - Block 106.02, Lot 3 in East Rutherford.

Ms. Sundell stated that ENER-G Rudox submitted a zoning certificate application proposing the construction of a 4,500 square foot building addition to its existing facility at 180 East Union Avenue in East Rutherford. She further stated that based on the FEMA FIRM mapping, the required minimum floor elevation for new substantial improvements at this location is elevation 9.0 (NAVD 88). Ms. Sundell explained that the applicant submitted an Appraisal Report, which valued the proposed construction at less than fifty percent of the assessed value of the existing structure, thereby meeting the criteria under FEMA's National Flood Insurance Program's regulations for the project to be deemed a non-substantial improvement. Therefore, the NJSEA approved the applicant's renovation project with an addition having a finished floor elevation of 7.8 (NAVD 88). She further explained that after the addition was constructed, the applicant was required to submit a post-construction report and actual invoices to the NJSEA. The Revised Appraisal Report indicated that the proposed construction was not a non-substantial improvement, but was a substantial improvement in accordance with FEMA's regulations. Ms. Sundell explained that thereafter, the applicant submitted a request for a variance to allow the proposed addition to be constructed with a finished floor elevation of 7.8 feet (NAVD88). She stated that for the reasons stated in the recommendation, Staff is recommending the conditional approval of this variance, wherein the applicant will be required to dry floodproof both the existing building and the new addition to the required lowest floor elevation of 9.0 (NAVD 88) and provide a Flood Emergency Plan to address the operations, maintenance and inspection of the

floodproofing measures. Ms. Sundell stated that the applicant will also be required to file a deed restriction to ensure that future property owners will be responsible for floodproofing the facility in accordance with the Flood Emergency Plan, and additionally, any future lessees will also be required to comply with the Flood Emergency Plan.

Commissioner Yudin asked about flood levels. Ms. Sundell responded that the agency is requiring them to flood proof the building above elevation 9.0 by installing flood panels to all openings and raising doorway thresholds.

Chairman Ballantyne presented Resolution 2019-26. Upon motion made by Commissioner Scardino and seconded by Commissioner Yudin. Resolution 2019-26 was unanimously approved by a vote of 11-0.

### VIII. PUBLIC PARTICIPATION

Chairman Ballantyne stated that many people are here today to speak on the Keegan Landfill and as always the Board is here to listen and take questions and concerns seriously. The Chairman also stated that due to ongoing litigation the Board members will not be responding to any comments or questions related to the Keegan Landfill. He did, however indicate that as part of the NJSEA's commitment to keeping the public informed, previously asked questions which the board is able to respond have been posted on the website. The Chairman stated that the agency will continue to keep the public informed about the progress of the construction of Gas Collection System both on the website and through Ms. Wilkinson's presentations.

- Cristina Montague, Kearny resident demanded that the Keegan Landfill be permanently shut down with an impermeable cap. She stated that a gas collection system is not sufficient to address the elimination of hydrogen sulfide emissions. She expressed her concern that the agency has been negligent in the operation of the landfill and that sheet rock continued to be accepted. Ms. Montague stated that within 69 days there were 62 violations with H<sub>2</sub>S readings exceeding the 30 minute/30ppb, which levels were set by the DEP because of health impacts. Ms. Montague went on to list the dates and readings. Ms. Montague stated that the agency is poisoning the community and only cares about profits.
- Alberto Santos, Mayor of Kearny spoke about the DEP June Notice of Violation to NJSEA and the Order to immediately cease emitting hydrogen sulfide in concentrations exceeding 30ppb average over any 30 minute period at or beyond the property line. Mayor Santos went on the talk about each exceedance and SCS Engineers' creative responses to DEP. The Mayor wants accountability and closure and capping of the landfill. Mayor Santos spoke about dangers and risks of hydrogen sulfide migration. He also spoke about risk of fire like last night's lightning strike at MSL 1D and the danger of that happening at Keegan during an H<sub>2</sub>S spike. He indicated that hydrogen sulfide is flammable and toxic if ignited. The Mayor asked that the NJSEA agree with the town to shut down landfill properly, install synthetic cover and look elsewhere for revenue. The Mayor indicated that he would work with appropriate legislators and the Governor's office to fund the agency and the good things that it does do. He wants the agency to stop exposing residents to toxic chemicals on a daily basis and to close landfill so that residence can feel safe again.

- Ken Pincus, Health Officer and Director of Kearny Health Department spoke about how visitors enjoying DeKorte Park have no worries about the air they are breathing without knowing that the agency is collecting tipping fees while poisoning Kearny residents. He also spoke about the Kearny parks and nature trails in environmentally protected areas and how Kearny residents need to be concerned about the toxic H<sub>2</sub>S emissions. Mr. Pincus stated that he recently had to close Harvey Field due to elevated H<sub>2</sub>S emissions from the Keegan landfill. He commented that since the beginning 2019, when complaints starting coming in, the NJSEA refused to take corrective action. He also commented that Kearny had collected evidence that Keegan Landfill was the source. He spoke about those residents who may not have been aware of the emissions and are potentially more susceptible to the harmful hydrogen sulfide due to weaker or developing immune system. Mr. Pincus stated that we need to stop the chronic H<sub>2</sub>S emissions for good and that he will not allow the town to be the next Flint Michigan and will see the NJSEA in court on July 25.
- Santos Murillo, Kearny resident commented that he was pleased that the agency responded to the DEP and initiated corrective action. Mr. Murillo asked if contracts will continue to 2024. He also asked about the height of the landfill. Mr. Murillo asked how is it determined whether a truck has no more than 20% drywall and if it does, what is done. Mr. Murillo asked about answers to questions being posted on the website. It was indicated that answers to questions have been posted on the NJSEA website. Mr. Murillo also asked if the 28 pipes being put in are being placed retrospective or prospective and if what is being done now will still make sense for when the landfill is at 100 feet. Mr. Murillo asked what inspection methods are in place if contractors grind up the sheet rock to bring into the landfill? He stated that safeguards need to be put in place now. Mayor Santos commented that there were never any controls on the landfill. Mr. Murillo indicated that if you continue to dump the problem will continue until 2029.
- Gerald Ficeto, Kearny Councilman stated that the Board is not being respectful of the Town of Kearny or its residents. He spoke about the answers to questions on website and that the residents are looking for raw data and the truth not sanitized answers. He also spoke about the monitoring during work hours and that the monitors are going off regularly with readings over 30ppb that the engineers are not recognizing. He asked if the agency would supply the 4 gas safety meters that the workers wear to all Kearny residents. Mr. Ficeto commented that if the agency thinks the health of the community is important, they should close the landfill with a impermeable cap and complete the gas collection system now. Councilman Ficeto invited the board to have their September meeting at the landfill.
- Melanie Ryan, Kearny resident stated that readings from the monitoring systems that are on the website are delayed 24-72 hours and that it is not helpful when determining if it is safe to let kids out to play. Ms. Ryan also spoke about the tarp that is being put down on the landfill during construction being similar to the one that was struck by lightning and caught fire at the 1D landfill. Ms. Ryan asked the following questions:
  - What fire safety equipment is at the Keegan Landfill versus the Town of Kearny's vehicles and emergency response people having to get there quickly and how much is released before they get there?
  - Is the safety material used at the 1D landfill the same material being used on Keegan?
  - Is there a record being kept on the website of how many calls have been made to the DEP and how they have been responded to?

- o Is there a reason why we are getting readings three times during the day (morning, lunch and end of work day) when the majority of complaints are being reported to the DEP in the evening?
- o If 30ppb is dangerous for adults what is dangerous for children?

Ms. Ryan commented that answers on the website are partial and not complete. She also indicated that having questions answered on the website does not allow for follow-up questions until next board meeting. Ms. Ryan also commented that there should be a Commissioner on the Board to represent the west end of Hudson County.

- Lauren Britt, Kearny resident holding her daughter spoke of her concern regarding the effects the toxic waste will have on the health of her child. She begged the Board to shut the landfill down.
- John Downey, Kearny resident stated the Town has had enough and asked that a vote be put on the agenda to close the landfill.
- Mayor Santos spoke about the risks of the chemical Neutrolene that is being used for odor control during construction of the gas collection system.
- Michael Fernandez, Kearny resident stated that Kearny residents have been coming to meetings for several months with their health concerns. He commented that the board has not addressed these concerns and would like assurance that the health of his family and Kearny residents are not at risk. Mr. Fernandez indicated that he has been feeling better and that he has not smelled the odors as much since the landfill has been closed. Mr. Fernandez also asked if board members read the 2016 Oxford Study that addresses health issues of seniors and children. Chairman Ballantyne noted that staff has pulled the Study. Mr. Fernandez commented about the April 27 gypsum board falling off the truck and that there is no record of that truck or it being fined. He also commented about the agency not overseeing the landfill properly. Mr. Fernandez asked the agency to pull out at the July 25 court date and close and cap the landfill and stop putting his family and Kearny residents at risk.
- Tom Bruinooge, local attorney representing the Meadowlands Regional Chamber welcomed Commissioner Stellato and Commissioner Knopf Mr. Bruinooge commented that the Chamber is committed to working with the Authority and that it is actively engaged with staff with respect to the new Master Plan.

### VIII. 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 2019-27 Resolution Authorizing the NJSEA to Conduct a Meeting to which the General Public Shall Not Be Admitted.

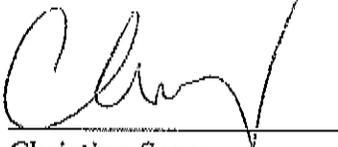
Chairman Ballantyne presented Resolution 2019-27. Upon motion made by Commissioner Scardino and seconded by Commissioner Vice Chairman Buckelew Resolution 2019-27 was carried by a vote of 11-0.

Entered Executive Session 11:22 a.m.  
Returned to open session 12:27 p.m.

### XI. ADJOURNMENT

With no further business, Chairman Ballantyne adjourned the meeting.  
Meeting adjourned at 12:28 p.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 18, 2019.



Christine Sanz  
Assistant Secretary

July 18, 2019

Commissioner	Roll Call	2019-25	2019-26	2019-27
Ballantyne, Chairman	P	Y	Y	Y
Buckelew, Vice Chairman	P	Y	Y	Y
Prieto	P	Y	Y	Y
Dowd	--	--	--	--
Fontoura	P	Y	Y	Y
Gluck	P	Y	Y	Y
Gonnelli	--	--	--	--
Knopf	P	Y	Y	Y
Plofker	P	Y	Y	Y
Scala	--	--	--	--
Scardino	P	Y	Y	Y
Stellato	P	Y	Y	Y
Yudin	P	Y	Y	Y
Treasury Rep Griffin	P (via phone)	Y	Y	Y

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

# APPROVALS



CASH DISBURSEMENTS  
 \$100,000 OR MORE  
 JULY 2019

EAST RUTHERFORD - SPORTS COMPLEX

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF EAST RUTHERFORD	1,954,628.51	I	PAYMENT IN LIEU OF TAXES: 3RD QUARTER 2019
NEW JERSEY RACING COMMISSION	120,000.00	A	FUNDS FOR COMPULSIVE GAMBLING PROGRAMS: 2019
NEW JERSEY STATE POLICE	788,590.92	A/L	METLIFE STATION POLICE SALARIES, MAINTENANCE, FRINGE & OVERTIME CHARGES WITH CREDITS APPLIED PER AGREEMENT FOR 4TH QTR 2019 AND OVERTIME & MISCELLANEOUS CHARGES FOR MAY 2019 - JUN 2019
PUBLIC SERVICE ELECTRIC & GAS COMPANY	135,048.93	J/L	ELECTRIC TRANSMISSION: JUN 2019
SPORTS ARENA EMPLOYEES RETIREMENT FUND LOCAL 137	306,598.02	A	PENSION WITHDRAWAL LIABILITY PAYMENT: MAY 2019 - JUL 2019
STATE OF NEW JERSEY TREASURY DEPARTMENT	392,479.47	A	WORKERS' COMPENSATION COVERAGE: 4TH QTR 2019
<b>EAST RUTHERFORD SC TOTAL</b>	<u>3,697,345.85</u>		

LYNDHURST

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
RAMAPO COLLEGE FOUNDATION	275,000.00	A	2019 FUNDING PER MOU
WASTE MANAGEMENT OF NEW JERSEY	209,440.48	A	KEEGAN LANDFILL OPERATIONS & WASTE REMOVAL CHARGE: JUN 2019
<b>LYNDHURST TOTAL</b>	<u>484,440.48</u>		



CASH DISBURSEMENTS  
\$100,000 OR MORE  
AUGUST 2019

**EAST RUTHERFORD - SPORTS COMPLEX**

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
LANGAN ENGINEERING AND ENVIRONMENTAL SERVICES, INC.	100,293.68	A	PROFESSIONAL SERVICES - BERRY'S CREEK, MAINTENANCE GARAGE, AND MONMOUTH PARK RACETRACK: OCT 2018 - JAN 2019 & APR 2019 - JUN 2019
NRG BUSINESS SOLUTIONS	1,040,040.34	A/L	ELECTRICITY CHARGES: MAY 2019 - JUL 2019
PUBLIC SERVICE ELECTRIC & GAS	175,850.18	A/L	ELECTRIC TRANSMISSION: JUL, 2019
<b>EAST RUTHERFORD - SC TOTAL</b>			
	<u>1,316,184.20</u>		

**LYNDHURST**

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
JERSEY CITY, CITY OF	361,084.00	I	TAX SHARING: CY 2019
KEARNY MUNICIPAL UTILITIES AUTHORITY	453,564.49	A	KEEGAN LANDFILL - SEWER USER FEES: 2ND QTR 2019
KEARNY, TOWN OF	1,769,827.00	I	TAX SHARING: CY 2019
LOWENSTEIN SANDLER PC	287,525.25	A	LEGAL SERVICES - AUTHORITY TRANSACTIONS COUNSEL: MAY 2019 - JUN 2019
NORTH ARLINGTON, BOROUGH OF	364,934.00	I	TAX SHARING: CY 2019
RIDGEFIELD, BOROUGH OF	273,732.00	I	TAX SHARING: CY 2019
SCS ENGINEERS	602,220.96	A	KEEGAN LANDFILL 2019 LFG SYSTEM PROJECT
WASTE MANAGEMENT OF NEW JERSEY	165,548.54	A	OPERATIONS CONTRACT - KEEGAN LANDFILL: JUL 2019
<b>LYNDHURST TOTAL</b>			
	<u>4,278,436.24</u>		

**MONMOUTH PARK RACETRACK**

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF OCEANPORT	502,972.66	I	REAL ESTATE TAXES: 3RD QTR 2019
TWO RIVERS WATER RECLAMATION AUTHORITY	200,000.00	A	2019 STABLE WASTE WATER SERVICE AGREEMENT
<b>MONMOUTH PARK RACETRACK TOTAL</b>			
	<u>702,972.66</u>		



CASH DISBURSEMENTS  
\$100,000 OR MORE  
SEPTEMBER 2019

**EAST RUTHERFORD - SPORTS COMPLEX**

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
NRG BUSINESS SOLUTIONS	310,207.00	A/L	ELECTRICITY CHARGES: AUG 2019
PUBLIC SERVICE ELECTRIC & GAS	230,245.81	J/L	AUG 2019 ELECTRIC TRANSMISSION & SERVICE TO KEEGAN LANDFILL GAS FLARE
<b>EAST RUTHERFORD - SC TOTAL</b>	<b><u>540,452.81</u></b>		

**LYNDHURST**

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
SCS ENGINEERS	911,637.94	A	KEEGAN LANDFILL 2019 LPG SYSTEM
<b>LYNDHURST TOTAL</b>	<b><u>911,637.94</u></b>		

**MONMOUTH PARK RACETRACK**

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF OCEANPORT	211,495.17	A	CAFO SPECIAL ASSESSMENT AGREEMENT: 4TH QUARTER 2019
<b>MP RACETRACK TOTAL</b>	<b><u>211,495.17</u></b>		



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 -28**

**RESOLUTION AUTHORIZING EASEMENT FOR  
STORMWATER PUMP STATION ON  
NJSEA WILDWOOD PARKING LOT**

**WHEREAS**, in connection with its ownership of the Wildwood Convention Center, the NJSEA has a long-term lease for seven (7) blocks of beach front parking lots; and

**WHEREAS**, the City of Wildwood applied for and received grant funding from the New Jersey Department of Environmental Protection for the Flood Hazard Risk Reduction and Resiliency Grant Program for the Pacific Avenue Flood Remediation Project, Block 26, Lot 1 and Leaming Avenue Right of Way (hereinafter, "Project"). The Project intent is for a flood risk reduction project which will address flooding within the City's business district along Pacific Avenue. The Project area is bounded by Ocean Avenue, New Jersey Avenue, Schellenger Avenue and Cresse Avenue. The Project consists of the elimination of five (5) beach storm drain outfalls and redirecting the stormwater runoff to a stormwater pumping station which will discharge to the ocean through a 42 inch outfall pipe at Learning Avenue; and

**WHEREAS**, attached hereto as Exhibit 1 are: Scope of Work Narrative, Project Benefits, Critical Infrastructure Protected, Environmental Impacts and Local Commitment which outline the Project, its benefits, its positive impact upon the environment and community involvement; and

**WHEREAS**, by resolution of its Board of Directors, the Greater Wildwood Tourism Improvement and Development Authority ("GWTIDA"), the operator of the NJSEA's Wildwood Convention Center, approved the NJSEA's granting of an easement to construct, operate and maintain the proposed stormwater pump station and appurtenant piping; and

**WHEREAS**, attached hereto as Exhibit 2 is a map showing the location of the Project which is on the southernmost lot leased by the NJSEA, furthest from the Convention Center; and

**WHEREAS**, attached hereto as Exhibit 3 is a Parking Lot Plan prepared by Remington & Vernick Engineers showing the Project location on the lot and the resultant loss of twenty-one (21) parking spaces; and

**WHEREAS**, the GWTIDA is confident that with the restriping of other lots the loss of twenty-one (21) parking spaces can be in large part, if not completely mitigated; and

**WHEREAS**, the NJSEA legal staff has determined that pursuant to the terms of the long-term lease agreement with the City of Wildwood, the NJSEA could not receive compensation for the easement for the Project.

**NOW, THEREFORE, BE IT RESOLVED**, by the Commissioners of the New Jersey Sports and Exposition Authority that its President and Chief Executive Officer and its Senior Vice President and Chief Operating Officer be authorized to execute an Easement Agreement of the form attached hereto as Exhibit 4, subject only to changes as approved by the NJSEA legal staff.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of October 17, 2019.

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

Vincent Prieto  
Secretary

# **EXHIBIT 1**

## Scope of Work - Narrative

The City of Wildwood is a barrier island with numerous low lying areas throughout the City which are prone to street flooding. Multiple sections of the City now regularly experience street flooding from a combination of tidal inundation and stormwater runoff. One of the primary areas of concern of the City that regularly experiences street flooding is the business district along Pacific Avenue. This area of the City floods in tidal events, rain events, and combinations of the two.

Pacific Avenue from Cresse Avenue (the Wildwood Crest border) to Schellenger Avenue is the lowest street between New Jersey Avenue and Ocean Avenue. The lowest elevation on Pacific Avenue is approximately 2' lower than the lowest elevation on any of the surrounding streets. This topography creates a low lying area that is prone to flooding from multiple sources. During higher than normal tides, the street regularly floods from the elevated tide level. During rainfall events, the tidal tailwater condition allows for only minimal head pressure to be generated to drain the area. There are approximately 189 acres that contribute to the stormwater management system for the area. Much of the contributing area is impervious so a significant amount of stormwater runoff is generated, even from relatively small storms.

While the topography of this area has created frequent flooding in the current configuration, it also creates an opportunity to eliminate the majority of tidal and stormwater runoff flooding occurrences. The existing elevated barrier provided by the surrounding streets referenced above allow for the opportunity to prevent the majority of tidal flooding by simply eliminating the connection to the adjacent tidal waters. This can be accomplished by eliminating five (5) of the existing stormwater outfall pipes that discharge directly to the ocean and installing tide control valves on three (3) of the remaining outfalls. Eliminating the existing outfall pipes will prevent the vast majority of tidal flooding events on Pacific Avenue.

Eliminating outfall pipes, however, will create a significant issue for the management of stormwater runoff in the area. As mentioned above, 189 acres of land contribute runoff to the existing stormwater management system. The existing system relies on the existing ocean outfall pipes to drain this portion of the City. To address stormwater management once the outfall pipes have been eliminated, the City proposes to construct a stormwater pumping station at the beach end of Learning Avenue. Our office has performed stormwater management calculations to appropriately size the pump system.

The proposed system would include approximately 4.25 acre-feet of underground storage connected to a pump structure containing three pumps. The pumps would each have a maximum pumping capacity of 55 CFS and would collectively discharge to the ocean through a single 42" diameter ductile iron outfall pipe. To ensure that the system will continue to operate in the event of a power failure, a generator with fuel tank and a control building will be constructed above the 500-year flood elevation. This configuration, along with the replacement of many of the conveyance pipes throughout the area, will prevent the vast majority of flooding that currently occurs.

The City has dealt with flooding issues along and around Pacific Avenue for many years. Numerous newspaper articles have been published and meetings have been held to discuss the solution to the existing flooding problems. The City has met with NJDEP personnel numerous times in the past few years searching for a solution to their flooding problem. Superstorm Sandy was another in a long line of Storms, but the severity of Sandy increased the intensity of the desire to implement a solution. During Sandy, the downtown business district was severely flooded and, because of the existing outfall situation, flooding remained in the streets long after the tide waters had receded. The maximum tidal flood elevation during Superstorm Sandy was 5.9 and 6.73 at the Cape May and Stone Harbor tide gages

respectively. The combination of the perimeter elevation and the proposed pumps would have completely protected Pacific Avenue from the effects of Superstorm Sandy.

The 10-year flood elevation from the Flood Insurance Study is elevation 6.1. The proposed project will address the 10-year storm including the effects of sea level rise up to the intermediate-low sea level rise of 0.7'. The scope of the project does not impact the elevation level of protection, which is preset by the existing topography. The proposed project is relying on existing topographic elevations around the perimeter of the study area for protection up to elevation 6.8. The proposed protected elevation cannot be adjusted because of the nature of the project.

The City has strong interest in completing the proposed project but does not have the resources to complete the project independently. The City has invested in the Study and design of a solution to the flooding issue but is unable to fund the construction of the project. The cost of the project is equal to approximately ½ of the entire annual municipal budget of the City. The proposed pumps and tide valves will provide protection from all tidal events up to elevation 6.8 and prevent flooding from stormwater runoff flooding from all but the largest rainfall events.

The proposed project will also reduce flooding impacts in the largest stormwater runoff and tidal events. The proposed pump station will allow for the Pacific Avenue area to be drained of all water within a few hours after tidal elevations have receded below the 6.8 elevation. The existing outfalls quickly become clogged in large storm events and prevent the area from draining until Public Works staff is able to access the outfalls and reestablish trenches that connect to the ocean. Accessing the beach and reestablishing the outfalls can take days after the most severe events. During this time, significant additional damage occurs while the water remains and continues to flood the area. The installation of the pump system would allow this area to be drained by forcing the water out into the ocean immediately after the tide water receded in large storm events.

Since the proposed project discharges into the ocean, this project will have no significant impact to other communities and there will be no observable effects of water displacement.

## Project Benefits

The Pacific Avenue business district regularly experiences street flooding. This area floods in tidal events, rain events and combinations of the two. During flooding events, the streets and sidewalks outside the businesses are impassable and businesses are inundated with flood waters. The City surveyed the businesses in this area and of the 33 businesses that responded, it was reported that there were 1,212 total days that these businesses were closed due to flooding between 2012 and 2016. This averages to just under 37 days per business during this time period.

One business indicated that the area floods in two or more inches of rain. Another business owner indicated that she lived adjacent to her store and when there is a thunderstorm in the middle of the night, she comes down to block the front door and if necessary, pick merchandise up off the floor so that it does not get ruined. It was also indicated that access to Wildwood High School becomes an issue during rain and tidal events.

The proposed project will provide significant benefits to the City, its residents, and local businesses. The City will receive the direct benefit of flood risk reduction in its Pacific Avenue business district. This reduced risk of flooding will prevent businesses from having to close during these events. It will also prevent loss of revenue to the businesses. The City's nearby residents will benefit by having access to businesses and residences during flooding events.

Traffic will not have to be diverted during flood events thereby providing access to businesses and residences. In addition, the reduced risk of flooding will provide improved access for emergency vehicles during weather events. The project will prevent road closures and the associated cost of the City's Public Works Department putting up barriers during the events and from having Police Traffic Officers direct traffic around the flooded area.

The project will also protect area utilities and roadways which will decrease service loss of all utility systems in the area. Decreased service loss benefits all affected businesses and residents. The flood mitigation measures will prevent inflow of stormwater into utility systems including the sanitary sewer system. Reduced inflow into the system will prevent unnecessary treatment of stormwater at the sewage treatment plant.

In addition, the project will have a positive impact on tourism. Tourists will be able to access local businesses during rain and tidal events and will be able to navigate the City without the need to be detoured around a flooded area.

## Critical Infrastructure Protected

There is critical infrastructure within the project area including Wildwood High School, Wildwood Middle School, a water tower, and existing utilities.

During flooding events, access to the High School becomes an issue. The project will assist in maintaining access to the High School during flooding events. In addition, the project will protect existing potable water infrastructure at the water tank including pumps.

The proposed project will also protect existing water main, sanitary sewer main, storm sewer pipes, natural gas lines and, most significantly, the City's business district along Pacific Avenue.

Due to the elevation of the finish floor of the structures fronting along Pacific Avenue, the structures are flooded on a routine basis.

This area was significantly inundated during Hurricane Sandy and the winter storm that occurred in January of 2016 commonly referred to as Winter Storm Jonas.

## Environmental Impacts

The project will have an overall beneficial environmental impact since it will reduce the amount of time standing water remains on the roadway surfaces which in turn will limit the possibility from surface sourced contamination. This is achieved by allowing the storm water to return to the ocean in less time than it currently does as well as go through a proposed treatment device which will reduce contaminants.

The project is specifically designed to limit, to the greatest extent possible, impacts to the existing environment. The proposed storm sewer main will be installed within existing developed roadways, therefore minimizing impacts to natural undisturbed ecosystems. All work will be performed in such a way as to minimize permanent negative impacts to the surrounding environment. Construction, staging and stockpile locations will all be located on existing roadways. Post construction problems will be avoided by use of proper backfill material and proper compaction techniques.

Excavated materials will be deposited in trucks and hauled from the site immediately. All imported construction materials will be stored on the site on an as-needed basis to minimize the possibility of accidental spills and reduce exposure to possible runoff conditions.

The width of all trenches for the installation of the storm sewer main shall be limited to the greatest extent possible. Upon installation, trenches will be backfilled to the proposed ground elevation and the pavement and/or grass will be restored.

Impacts to environmentally critical areas, endangered or threatened species/habitats, farmlands, steep slopes, forested areas and wetlands are not expected. All trenches in grassed areas will be backfilled to the proposed ground elevation and shall be planted with native species vegetation when encountered. This will provide suitable habitat for the existing wildlife species, therefore no adverse impacts are anticipated.

The proposed construction will not adversely impact the existing water quality of the Atlantic Ocean. The project is located in existing roadways and will not require any construction directly in a water body. With the proposed storm sewer treatment device, it will actually be an improvement to receiving bodies of water.

There are also positive environmental benefits associated with the project. The five (5) existing stormwater outfalls to be eliminated discharge approximately 600 feet from the Mean High Water Line dated February 12, 2015. At the discharge point of these outfalls onto the beach, there are pools of stagnant water that collect. The proposed storm drain outfall will discharge directly into the ocean thereby eliminating this stagnant water.

The project will require minor disturbances throughout Wildwood. There are no wetlands in the project area. Any land disturbed will be restored to pre-construction conditions. The proposed project will not have an adverse impact on the local hydrology.

Improvements are not expected to expose the underlying geology of the site, as the construction will require only shallow excavation. Surficial soils will be temporarily disturbed during construction of the project, but impacts to surficial soils will be as minimal as possible. The majority of the projects subsurface soil is USPSBR, Urban land-Psamments, wet substratum complex, 0 to 8 percent slopes, rarely flooded

Based on the nature and scale of the project, only minimal and temporary impacts to air quality are anticipated, and will only arise from construction equipment during construction. Dust impacts will be minimized during the construction process by periodic wetting when necessary. This impact will be temporary and will cease when construction is complete.

Since the majority of the proposed work is to be constructed within the existing roadway, there will be no significant impacts to the wildlife communities. The areas to be disturbed are not considered to be critical habitat.

Noise impacts will be minimized by limiting construction activity time limits. Time limits are Monday through Friday between the hours of 7:00 am and 6:00 pm unless variances to these times are granted in the case of an emergency. The number of machines in operation at a given time will be limited to a minimum. All engine generators or pumps must have mufflers and be enclosed within a temporary structure. Noise impacts will be a temporary impact and will cease when construction is complete.

Traffic will be minimized by limiting construction activity time limits mentioned above, so that it does not interfere or restrict traffic during peak hours. Traffic protection devices will be provided as necessary for the safety of the public and protection of the work.

Drainage impacts will be minimized or avoided entirely by requiring the use of proper soil erosion control measures during construction. These measures will include control of wind and water erosion from stockpile areas, minimizing clearing and requiring prompt restoration of disturbed areas, as well as other measures required by the "Standards of Soil Erosion and Sediment Control in New Jersey."

Dust, Noise, Traffic and Drainage Impacts as mentioned above are anticipated as a result of the project during construction, but will be limited to short term. These temporary impacts will however be offset by the improvements in water quality.

In summary, the project will consist of the replacement of the existing storm sewer system which will fix the deficiencies of the storm water conveyance. As the majority of the work proposed will be performed within existing right-of-ways that have already been disturbed, there will not be any adverse environmental or cultural resources impact.

According to NJDEP GeoWeb online Resource and the NJDEP Historic Preservation Office, New Jersey and National Historic Preserves, the following historic sites are located within City of Wildwood:

- Wildwoods Shore Resort Historic District

There is a historic district consisting of beachside resort hotels within proximity of the currently proposed project. It does not appear that the nature of the project will have a negative impact on any historic site due to the distance of separation between the proposed project location and the historic sites listed on the State and National Register. The proposed work will actually be beneficial as it will alleviate flooded roadways more rapidly than is currently possible.

## Local Commitment

The proposed project followed the same decision making process as other large scale infrastructure projects in the City. All projects are thoroughly evaluated before deciding on the plan. The City of Wildwood and their professionals have conducted information sessions at several City Commissioners meetings. This allowed interest groups and residents to participate in the decision making process.

Public meetings were held and will continue to be held with the City of Wildwood at their regularly scheduled meetings throughout the construction process of this project to address public concerns.

In addition, the City actively solicited participation in the planning process from residents and businesses. The Zoning Officer conducted a door-to-door survey of businesses and residences to obtain information regarding the extent of flooding experienced. An Affidavit of Loss of Revenue was distributed and completed by some of the businesses and residents. Information was provided regarding actual loss of revenue as well as the number of days businesses were closed due to flooding.

The Wildwood Business Improvement District also sent an e-mail blast to all its members discussing the project and requesting their input regarding flooding and its impact to their business.

As this project will provide flood remediation to the local community, the community took an active role in the project.

# **EXHIBIT 2**



# **EXHIBIT 3**



# **EXHIBIT 4**

**RECORD AND RETURN TO:**  
**McManimon, Scotland & Baumann, LLC**  
**75 Livingston Avenue, Suite 201**  
**Roseland, New Jersey 07068**  
**Joseph P. Baumann, Jr., Esq.**

### **EASEMENT AGREEMENT**

**THIS EASEMENT AGREEMENT** (this "Agreement") is made this \_\_\_\_ day of June, 2019, by and between the **NEW JERSEY SPORTS AND EXPOSITION AUTHORITY**, a public body corporate and politic and an instrumentality of the State of New Jersey, having its offices at One DeKorte Park Plaza, Lyndhurst, New Jersey 07071, and the **GREATER WILDWOODS TOURISM IMPROVEMENT AND DEVELOPMENT AUTHORITY**, a public body corporate and politic of the State of New Jersey pursuant to the Tourism Improvement and Development District Act, having its offices at the Wildwoods Convention Center, 4501 Boardwalk, Wildwood, New Jersey 08260 (hereinafter together referred to as "Grantor"), and the **CITY OF WILDWOOD**, a municipal corporation of the State of New Jersey in the County of Cape May, having its offices at 4400 New Jersey Avenue (hereinafter referred to as "Grantee").

### **RECITALS**

**WHEREAS**, Grantor is the lessor of that certain real property situated in the City of Wildwood, County of Cape May, State of New Jersey, designated as Block 26, Lot 1, on the official Tax Map of the City of Wildwood, and the adjacent Leaming Avenue right of way (the "Property"); and

**WHEREAS**, Grantee desires that Grantor grant to Grantee a non-exclusive easement, on the specific terms and conditions stated herein, and as and to the extent depicted and legally described on the exhibits hereto, to install a stormwater pump station and related improvements, mains, lines, wires, conduit, cable, both above and underground, and associated underground and above-ground improvements, including, without limitation, electric transmission lines and associated poles and appurtenances (collectively, the "Equipment"), within certain portions of the Property more particularly described on Exhibit A annexed hereto (the "Easement Premises") and as depicted on the plans set forth on Exhibit B annexed hereto (the "Plans"), together with other easement rights as described below; and

**WHEREAS**, Grantor is willing to grant to Grantee such easement in accordance with and subject to the terms of this Agreement.

**NOW THEREFORE**, in consideration of the foregoing premises, the promises set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Grant of Easement; Use of Easement Premises. Grantor hereby grants to Grantee and its successors and assigns: (i) a non-exclusive, irrevocable easement, for a period terminating upon the termination of Grantor's lease of the Property (the "Lease Term"), under, on and across the Easement Premises to construct, install, lay, improve, reconstruct, repair, remove, replace, inspect, maintain, use and operate the Equipment, including underground utility lines for the development and operation of the Grantee's Pacific Avenue Flood Remediation Project (the "Project"); (ii) a non-exclusive, irrevocable easement during the Lease Term for ingress and egress over and across the Property for the right of passage of personnel, vehicles and equipment over and across the Property by means of roads and lanes thereon if existing, or otherwise by such route or routes as Grantee may construct from time to time in locations to meet its need of access to and from the Easement Premises, and (iii) a temporary, non-exclusive, irrevocable easement to use such portions of the Property along and adjacent to the Easement Premises as may be reasonably necessary in connection with the exercise of Grantee's easement rights pursuant to clause (i) of this Section 1.

All of the easements granted to Grantee by this Agreement and described in this Section 1 are referred to herein collectively as the "Easement."

2. Consideration. Grantee has paid to Grantor the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt and sufficiency whereof Grantor hereby acknowledges.

3. Grantee Covenants and Rights. Grantee agrees that if it opens or disturbs the surface of the Property for the purpose(s) of construction, installation, operation, maintenance, repair, reconstruction, or replacement of any of the Equipment, it shall promptly replace, reseed, regrade or repave, as appropriate, such portions of the Property disturbed by such work, and shall promptly restore such portions of the Property to substantially the same condition as existed prior to said work except to the extent reasonably necessary for Grantee's exercise and enjoyment of the rights granted hereunder on the Easement Premises. Grantee shall have the right to (a) use contractors to perform the work permitted by this Agreement and shall require that any such contractor comply with the terms and conditions of this Agreement, and (b) remove and trim any vegetation on the Easement Premises as may be reasonably necessary for the use and enjoyment of the Easement. All work by Grantee in connection with the Easement shall be done (i) in a good and workmanlike manner, and (ii) in conformity, in all material respects, with applicable governmental approvals, permits, licenses, ordinances, laws and regulations. Grantee shall be responsible for obtaining all applicable governmental approvals and permits in connection with any work done on the Property, including any restoration work required to be performed by Grantee pursuant to this Agreement.

4. Grantor's Continued Enjoyment; Third Party Rights Restricted. (a) Grantor reserves the right to use the surface of, air space above and subsurface under the Easement Premises and the Property for any purpose that does not interfere with Grantee's use and enjoyment of the Easement established hereunder for the benefit of Grantee; provided, however, that Grantor shall not (and shall not permit others to) (i) erect any building, structure and/or fence within the Easement Premises and/or (ii) engage in, or permit, any activity on the Property which would permanently or unreasonably impair access to the Easement Premises or Grantee's ability to construct or install the Equipment in accordance with the Plans.

(b) Grantor agrees that Grantor will not grant or convey any easements, licenses, or other rights to third parties on, over or within the Easement Premises ("Third Party Rights") without the express written consent of Grantee, which consent shall not be unreasonably withheld, conditioned or delayed, provided that in no event shall any Third Party Rights interfere with Grantee's use and enjoyment of the Easement established hereby for the benefit of Grantee.

5. Assignment; Conveyance. Grantee shall have the right to assign, transfer and convey this Agreement, the Easement and the related rights and obligations hereunder without the consent of Grantor including, without limitation, an assignment to its lenders, assigns and designees for the purpose of collateral security. Upon any assignment, transfer or conveyance of Grantee's entire ownership interest in the Easement, and assumption thereof in writing by the assignee or transferee, Grantee shall have no further liability or responsibility hereunder except with respect to those obligations or liabilities that accrued prior to the effective date of such transfer.

6. Mechanic's Liens. Neither Grantor nor Grantee shall cause or suffer the imposition of any mechanic's liens or materialmen's liens upon any part of the Property as the result of any labor or materials furnished for or on behalf of either party. If Grantee does cause or suffer the imposition of any such mechanic's liens, Grantee shall discharge such mechanic's liens in full at its expense within thirty (30) days after notice of the existence of the lien has been given to Grantee or, at Grantee's option, shall provide a bond or other security reasonably acceptable to Grantor, protecting Grantor from any loss, liability, cost or expenses associated with any such lien. However, if Grantee fails to discharge any such lien or provide security as permitted herein within such thirty (30) day period, then Grantor shall have the right to do so on its behalf by deposit or bonding, and the amount so paid shall be repaid to Grantor upon demand. Grantee shall defend, indemnify and hold Grantor harmless from and against all liability, loss, damages, cost or expense (including reasonable attorneys' fees) arising out of any such liens.

7. Estoppel Certificates. Grantor and Grantee shall, upon not less than thirty (30) days' prior written notice to the other, deliver a written statement certifying (a) that this Agreement is unmodified and in full force and effect (or if there have been any modifications, that this Agreement is in full force and effect as modified, identifying the modifications) and (b) whether or not the other party is then in default under any provision of this Agreement, and if such default is known, the nature of such default.

8. Lenders' Rights. Grantee may at any time, and from time to time, grant to any of Grantee's Lenders (as defined below) (including their designated agents or trustees) mortgages, security interests, and other collateral assignments (each, an "Easement Mortgage"), encumbering Grantee's right, title, and interest in this Agreement, the Easement granted to Grantee hereby, and any of Grantee's improvements located on or within the Easement Premises at any time (including, without limitation, the Equipment now or hereafter thereon or therein). Grantor shall simultaneously send to the beneficiary of any Easement Mortgage of which Grantor has received written notice, a copy of any default notices that Grantor sends to Grantee pursuant to this Agreement. In the event of any default by Grantee hereunder, Grantor shall accept cure thereof by any of Grantee's Lenders as if such cure had been affected by Grantee. If this Agreement is terminated for any reason (including without limitation, any applicable foreclosure, bankruptcy or insolvency proceeding), then, upon the request of any of Grantee's

Lenders, Grantor shall grant and enter into a new easement agreement to and with the Grantee's Lenders that request such new easement agreement, which new agreement shall be effective as of the date of such termination, and shall contain the same terms, provisions, covenants and agreements as are contained in this Agreement. All costs and expenses, including reasonable attorneys' fees incurred by Grantor in connection with any such new agreement, shall be the paid to Grantor upon demand by the new grantee. No consent shall be required from Grantor in connection with the exercise of any rights against Grantee by any of Grantee's Lenders, including, without limitation, under any Easement Mortgage. The rights granted to Grantee's Lenders pursuant to this Section shall survive any termination of this Agreement which is contemplated by this Section. "Grantee's Lenders" shall mean any financial institution, finance company, insurance company, hedge fund, loan fund or other institutional lender that provides financing which is secured in whole or in part by the Project, or any real property (or interest therein) upon which the Project or the Equipment are located, and for the purpose of exercising remedies by any of Grantee's Lenders, such term shall include any affiliate, agent or designee of such Grantee's Lender.

9. Cooperation; Consent. The parties hereto hereby agree to cooperate in good faith with each other to facilitate the Grantee's use of the Easement Premises and otherwise effect the purposes of this Agreement. Without limiting the forgoing, Grantor shall reasonably cooperate with Grantee in connection with obtaining any necessary governmental approvals, including, but not limited to, executing application forms and consents, making its representatives and consultants available for meetings and hearings, and providing testimony in support of such governmental approvals, at Grantee's expense. Whenever consent is required by the terms of this Agreement, such consent shall not be unreasonably withheld, conditioned or delayed.

10. Indemnification. Grantee agrees to indemnify, defend and hold harmless Grantor, its employees, officers, directors, consultants, agents and/or representatives from and against any loss and damage to person or property resulting from the acts or omissions of Grantee, or Grantee's employees, agents, contractors and/or consultants, including but not limited to any of their negligent acts arising from (i) their entry onto, or use of the Grantor's Property, including but not limited to any claims from the Grantee's work performed pursuant to this Agreement, or (ii) any breach by any of them of any of the terms of this Agreement, but exclusive, nevertheless, of liability for any acts or omissions resulting from the gross negligence or willful misconduct of Grantor or Grantor's employees, agents, contractors and/or consultants. The foregoing indemnity shall survive termination of this Agreement. Grantee will obtain, at its expense, any and all licenses, permits and approvals required for the installation and use of its improvements to, on, under, over or across the Easement Premises and will use and operate such improvements in accordance with the requirements of all applicable law. Grantee shall not cause any hazardous materials to be stored, discharged, deposited, dumped, spilled, leaked or placed upon any part of the Easement Premises except as may be customary in the normal course of its business and then in compliance in all material respects with all applicable laws, codes, ordinances and regulations, including environmental laws.

11. Brokers. Grantor and Grantee warrant to each other that it has dealt with no real estate broker or agent in connection with the negotiation of this Agreement. If any claim for real estate commissions or other fees arises in connection with this Agreement or the transaction it contemplates, then the party through whom the claim arises shall indemnify the other party

against, and shall hold the other party harmless from, any loss or damage (including reasonable attorneys' fees) from such claim. This Section 12 shall survive the rescission, cancellation, termination or consummation of this Agreement.

12. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of New Jersey.

13. Amendment. Any amendment or modification of this Agreement or waiver of any provision hereof shall be binding only if evidenced in a recorded document executed by all of the parties hereto.

14. Running of Benefits and Burdens. The terms, covenants and conditions herein contained shall run with the land hereby burdened and shall be binding upon and inure to the benefit of the respective successors and assigns of the parties hereto. The Easement shall be deemed to be appurtenant to the Project Site and run with the land.

15. Notice. All notices or other communications required or permitted to be given under this Agreement shall be given in writing and delivered personally or mailed by certified or registered mail, postage prepaid, or by a national priority delivery service such as Federal Express or UPS, addressed to the addresses set forth below. Notwithstanding the provisions of Section 13, such addresses may be changed or supplemented by written notice given as above provided. Any notice, if sent by mail, shall be deemed to have been received by the addressee on the third business day after posting in the United States mail, if sent by priority delivery service, on the first business day after being deposited with such service, or if delivered personally, on the day of such delivery.

If to Grantor:           New Jersey Sports and Exposition Authority  
                                  One DeKorte Park Plaza  
                                  Lyndhurst, New Jersey 07071  
                                  Attention: President and Chief Executive Officer

With a copy to: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and

City of Wildwood  
4400 New Jersey Avenue  
Wildwood, New Jersey 08260  
Attention: City Clerk

With a copy to:       McManimon, Scotland & Baumann, LLC  
                                  75 Livingston Avenue, Suite 201  
                                  Roseland, New Jersey 07068  
                                  Attention: Joseph P. Baumann, Jr., Esq.

If to Grantee: Greater Wildwoods Tourism Improvement  
and Development Authority  
Wildwoods Convention Center  
4501 Boardwalk, Wildwood, New Jersey 08260  
Attention: Executive Director

With a copy to: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

16. No Other Agreements. This Agreement contains the entire understanding of the parties hereto with respect to the subject matter hereof.

17. Severability. If any part of this Agreement is contrary to law or otherwise invalid or unenforceable, then the remainder of this Agreement shall remain in effect.

18. Miscellaneous. The paragraph headings are for convenience and reference only and shall not limit or otherwise affect the meaning hereof. This Agreement may be simultaneously executed in several counterparts, each of which, when so executed and delivered, shall constitute an original, fully enforceable counterpart for all purposes.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement on the date first above written.

**GRANTOR:**

**NEW JERSEY SPORTS AND  
EXPOSITION AUTHORITY**

By: \_\_\_\_\_  
Name: Vincent Prieto  
Title: President and Chief Executive Officer

**GREATER WILDWOODS TOURISM  
IMPROVEMENT AND DEVELOPMENT  
AUTHORITY**

By: \_\_\_\_\_  
Name: John Siciliano  
Title: Executive Director

**GRANTEE:**

**CITY OF WILDWOOD**

By: \_\_\_\_\_  
Name: Ernest Troiano, Jr.  
Title: Mayor



**EXHIBIT A**

**LEGAL DESCRIPTION OF EASEMENT PREMISES**

**EXHIBIT B**

**PLANS**

RESOLUTION 2019 -29

**RESOLUTION AUTHORIZING REIMBURSEMENT TO  
NEW MEADOWLANDS STADIUM COMPANY, LLC  
FOR ITS FULFILLMENT OF THE NJSEA'S  
INFRASTRUCTURE MAINTENANCE OBLIGATIONS**

**WHEREAS**, the NJSEA had received notice from its tenant, New Meadowlands Stadium Company LLC ("NMSC") that light poles on the roadways accessing the stadium had structurally deteriorated to the point where one had fallen over and one in a state of immediate collapse were removed; and

**WHEREAS**, in consultation with the NJSEA, NMSC concluded that exigent public safety conditions required the immediate removal of unsafe light poles and installation of temporary lights; and

**WHEREAS**, NMSC, in consultation with the NJSEA, retained Neglia Engineering to assess the structural condition of the light poles and received a recommendation that the subject light poles, fixtures and associated appurtenances be removed and replaced immediately; and

**WHEREAS**, the Ground Lease between the NJSEA and NMSC provides that: "Tenant shall be responsible for..... repair, paving and maintenance of the surface of all parking areas, aisles and internal roadways (including striping) and parking areas, aisle and internal roadway surface, lighting fixtures located on the West Side required as a result of ordinary wear and tear."; and

**WHEREAS**, said Ground Lease provides that the NJSEA shall be responsible for its Infrastructure Maintenance Obligation, maintaining in good condition and repair of underground conduit and wiring; foundations and poles; and

**WHEREAS**, given the exigent circumstances and the impracticality of bifurcating the necessary construction work into separate Requests for Proposals and contracts with separate contractors, the NJSEA Engineering staff, consultants and legal staff determined that the most prudent course of action was to allow NMSC to procure the work with reimbursement to NMSC from the NJSEA for its portion of the work; and

**WHEREAS**, NMSSC, in consultation with the NJSEA, procured temporary lighting from United Rentals and contracted with Joseph M. Sanzari, Inc. to provide immediate temporary lighting and replace existing infrastructure in time for the football exhibition season.

**NOW, THEREFORE, BE IT RESOLVED**, by the Commissioners of the New Jersey Sports and Exposition Authority that the New Meadowlands Stadium, LLC be reimbursed \$1,690,050.00 for Joseph M. Sanzari, Inc. costs expended on the NJSEA's behalf as set forth on Schedule A attached and \$88,841.84 for temporary lighting costs as set forth on Schedule B attached; and

**BE IT FURTHER RESOLVED**, that the President and Chief Executive Officer is authorized to pay additional cost for this project, anticipated as additional field expenses and miscellaneous costs and safety expenses, not to exceed \$100,000.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of October 17, 2019.



Vincent Prieto  
Secretary

# SCHEDULE A

MetLife Stadium  
Roadway Pote Project

	MLS Paid To Date	NJSEA Owes MLS	Sanzari Yet To Bill	Notes:
<b>Sanzari Costs:</b>				
Demolition	\$ 95,000.00	\$ 47,500.00	\$ -	50% Demolition Costs Only
Mobilization	\$ 105,000.00	\$ 105,000.00	\$ -	Test Pits, Design, Shop Drawings
Maintenance/Traffic Protection	\$ 65,000.00	\$ 65,000.00	\$ -	
Civil Scope	\$ 662,000.00	\$ 662,000.00	\$ -	Removal & Replacement of Landscape Stones, Foundations, Trench Work, Restoration
Electrical Scope	\$ 652,050.00	\$ 652,050.00	\$ -	Poles, Conduit, Handholes, Electrical Connections
Fixtures	\$ 152,950.00	\$ -	\$ -	
A Plaza Power	\$ 100,000.00	\$ 100,000.00	\$ -	New Electrical Service
Spare Fiber Conduit	\$ 30,000.00	\$ -	\$ -	ML.S solely responsible for cost
(2)Spare Foundation, Pole, Fixn	\$ 16,000.00	\$ 12,680.00	\$ -	Spare Poles & Fixtures included in Electrical Scope; Originally 16K
Testing/Start-Up	\$ 20,000.00	\$ 20,000.00	\$ -	
Contingency	\$ -	\$ -	\$ -	
Tax - To Be Determined	\$ -	\$ -	\$ -	
	<b>\$ 1,898,000.00</b>	<b>\$ 1,664,230.00</b>	<b>\$ -</b>	
Change Order #1	\$ 10,000.00	\$ 5,000.00	\$ -	Key House Power/Conduit Run Split between Sanzari, NMS, NJSEA
Change Order #2	\$ 7,100.00	\$ 7,100.00	\$ -	Route 120 Exit-Existing Collapsed Conduit-NJSEA
Change Order #3	\$ 6,175.00	\$ 6,175.00	\$ -	Plaza A-Connect Service Work- NJSEA
Change Order #4	\$ 7,545.00	\$ 7,545.00	\$ -	Toll Plaza A= Existing Collapsed Conduit- NJSEA
Grand Total	<b>\$ 1,928,820.00</b>	<b>\$ 1,690,050.00</b>	<b>\$ -</b>	

**SCHEDULE B**

Temporary Lighting Costs:

Light Tower Rental

Fuel

Labor

Total Anticipated Costs

\$ 61,642.50 50% split with NJSEA

\$ 44,141.77 50% split with NJSEA; NJSEA 10% Upcharge; MLS waiting on July & August Invoices

\$ 71,899.41 50% split with NJSEA

\$ 177,683.68

\$ 88,841.84 MLS Cost

\$ 88,841.84 NJSEA Cost

RESOLUTION 2019 -30

**RESOLUTION AUTHORIZING PAYMENT  
OF \$24,129.02 TO JOSEPH M. SANZARI, INC. FOR  
EMERGENCY REPAIR OF 10-INCH WATER PIPE**

**WHEREAS**, on December 17-18, 2018 Joseph M. Sanzari, Inc. was directed to perform emergency repairs to a 10-inch water pipe servicing a portion of the Sports Complex; and

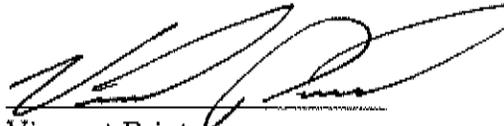
**WHEREAS**, as set forth on the attached Memorandum of Senior Vice President John Duffy, and the documentation attached thereto, all requirements of the NJSEA's Procurement Policy, including, compliance with Executive Order #37 (Corzine), have been met

**NOW, THEREFORE, BE IT RESOLVED**, by the Commissioners of the New Jersey Sports and Exposition Authority that Joseph M. Sanzari, Inc.'s invoice for \$24,129.02 for repair of 10-inch water main in New Jersey Department of Transportation Right of Way be paid; and

**BE IT FURTHER RESOLVED**, that the following officials are hereby designated to determine the existence of exigent circumstances for emergency contracting purposes: Vincent Prieto, President and Chief Executive Officer; Christine Sanz, Senior Vice President and Chief Operating Officer; John Duffy, Senior Vice President of Sports Complex Operations and Facilities; and one of the following: Adam Levy, Vice President of Legal and Regulatory Affairs; Lisa LeBoeuf, Senior Legal Specialist or Frank Leanza, Senior Vice President and Chief of Legal and Regulatory Affairs.

**BE IT FURTHER RESOLVED**, that the NJSEA explore the public bidding at a multi-year emergency services contract(s) for future emergency situations.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of October 17, 2019.

  
Vincent Prieto  
Secretary



## MEMORANDUM

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

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*From:* John Duffy, P.E., Sr VP of Operation & Facilities    *Date:* October 17, 2019

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*Subject:* Emergency Repair 10-inch Water Line, Route 120 Southbound

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During the overnight of December 17, 2018 the Engineering/Firehouse and the Maintenance Buildings had no water pressure and a check of the area led the firemen to find a flooded area along the NJDOT right of way located by the curve of Route 120. Suez was notified and arrived at the site on the morning of December 18, 2018 to assist in determining if the actual break was located before or after the water meter.

The area of the break was found to be under trees and bushes making it very difficult to locate the valve box and the break. A conversation with Suez led to a decision to call J.M. Sanzari, a Suez approved water main repair contractor which the NJSEA also uses. Sanzari was initially called to facilitate the location of the meter and the water main break. Significant digging was necessary to uncover the valve box due to its depth and the amount of brush growth. Once the meter was dug out and operated the water flow stopped proving that the break was after the water valve and therefore the responsibility of the NJSEA, even though it located in the NJDOT right of way.

Since the backstretch facilities had no water for day to day use, operations or for fire protection this office, after concurrence from Mr. Prieto, proceeded to engage J.M. Sanzari to make the repairs. The repair was facilitated by the evening of the 18<sup>th</sup> by using both hand and machine digging to uncover the break as it was located at a depth of about four and a half feet below the brush and in the fence line area.

J.M. Sanzari agreed to NJDOT standard emergency pricing for the repair which includes overhead and profit of 10% each. The resulting cost of the water main repair is \$24,129.02

Given the location of the suspected leak, Route 120 Southbound, the potential complexity of the problem, a ten-inch pipe and the impact upon NJSEA

operations, track, maintenance and fire house shut downs, a quick responding and experienced contractor was needed as quickly as possible. Joseph M. Sanzari, Inc. is the pre-eminent contractor in this field with men, equipment and material on hand to provide immediate resumption of water service. The company also possesses the in house experience and engineering capabilities to effectuate a prompt, safe and efficient repair or other solution to an underground problem.

Executive Order No. 37 (Corzine) of Section 16(b) provides that:

"In case of unforeseen life, safety, or health emergencies where the public exigency requires that services or products be purchased immediately, as demonstrated by the memorialized concurrence of three authority officials who has been pre-designated to make such determinations. The exception is a limited one; the State authorities shall make efforts to contract in advance to deal with types of emergencies that typically arise. In addition, the emergency contract must be limited to purchasing those services or products necessary to mitigate the emergency situation."

As indicated by the signatures below, the following three NJSEA officials concur that lack of water to affected NJSEA facilities had created exigent circumstances risking life, safety and health: Vincent Prieto, President and CEO; John Duffy, Senior Vice President Operations and Facilities; and Frank Leanza, Senior Vice President and Chief of Legal and Regulatory Affairs.



Vincent Prieto



John Duffy



Frank Leanza

**RESOLUTION 2019-31**

**RESOLUTION TO ADOPT AN AMENDMENT TO THE  
HIGHLAND CROSS REDEVELOPMENT PLAN  
(FILE NO. SP-750)**

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

**WHEREAS**, N.J.S.A. 5:10A-24 states that the NJSEA shall prepare and adopt a redevelopment plan for each area in the District determined by the commission to be an area in need of redevelopment; and

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

**WHEREAS**, the New Jersey Meadowlands Commission originally adopted the Highland Cross Redevelopment Plan on November 25, 1998, and adopted subsequent amendments to the plan on March 28, 2001, and September 24, 2014; and

**WHEREAS**, the Highland Cross Redevelopment Area is located within the Borough of Rutherford; and

**WHEREAS**, the NJSEA received a petition, dated November 3, 2017, from Chiesa Shahinian & Giantomasi PC, on behalf of Linque-H.C. Partners, LLC, to consider amendments to the Highland Cross Redevelopment Plan, pursuant to N.J.A.C. 19:3-5.15; and

**WHEREAS**, Linque-H.C. Partners, LLC is the designated redeveloper of the properties located within the redevelopment area; and

**WHEREAS**, Linque-H.C. Partners, LLC proposed that "Warehouse and distribution facilities" be added as a Permitted Use in the redevelopment plan, and that "Commercial recreation, indoor" be reclassified from Special Exception Use to a Permitted Use; and

**WHEREAS**, additional revisions to the redevelopment plan include the addition of "Commercial recreation, outdoor" as a Special Exception Use, and the removal of residential uses in Required Uses, Permitted Uses, and Design Criteria; and

**WHEREAS**, the NJSEA staff prepared the draft amendment to the Highland Cross Redevelopment Plan, dated July 2019; and

**WHEREAS**, a public hearing was held on July 23, 2019, to obtain public comment on the draft amendment to the redevelopment plan; and

**WHEREAS**, one person offered comments at the public hearing; and

**WHEREAS**, the NJSEA staff considered all comments received, and prepared the final amendment to the Highland Cross Redevelopment Plan; and

**WHEREAS**, pursuant to N.J.S.A. 5-10A-9, a copy of the plan amendment was forwarded on August 12, 2019, to the Hackensack Meadowlands Municipal Committee (HMMC), and was approved at their meeting of September 9, 2019; and

**WHEREAS**, at this time, the NJSEA staff recommends that the NJSEA Board of Commissioners adopt the amendment to the Highland Cross Redevelopment Plan, dated September 18, 2019; and

**WHEREAS**, the members of the NJSEA Board of Commissioners have reviewed the record in this matter and concur with the recommendations of the NJSEA staff.

**NOW, THEREFORE, BE IT RESOLVED**, by the New Jersey Sports and Exposition Authority, that the amended Highland Cross Redevelopment Plan, dated September 18, 2019, is hereby adopted.

**BE IT FURTHER RESOLVED**, that the amended Highland Cross Redevelopment Plan shall supersede all prior redevelopment plans for the Highland Cross Redevelopment Area, which is located in the Borough of Rutherford within the jurisdictional boundary of the Hackensack Meadowlands District.

**BE IT FURTHER RESOLVED**, as set forth in N.J.A.C. 19:3-5.10, the members of the NJSEA authorize staff to prepare a public notice to be forwarded to the Office of Administrative Law to be published in the New Jersey Register describing the amended Highland Cross Redevelopment Plan, as adopted.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of October 17, 2019.



Vincent Prieto  
Secretary



## MEMORANDUM

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

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*From:* Sara J. Sundell

*Date:* October 17, 2019

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*Subject:* Amendment to the Highland Cross Redevelopment Plan (File SP-750)

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The Highland Cross Redevelopment Plan was originally adopted by the NJMC on November 25, 1998, and amended on March 28, 2001, and September 24, 2014. The Highland Cross Redevelopment Area, located in the Borough of Rutherford, comprises approximately 28 acres within the Hackensack Meadowlands District and is defined as the following: Block 219.04, Lot 1 (portion), Lot 2.01 (portion); Lot 2.02, Lot 3, and Lot 61 (portion); and Block 219.02, Lot 65.05, Lot 65.06, and Lot 65.07.

A petition to amend the Highland Cross Redevelopment Plan was submitted by Linque-H.C. Partners, LLC. The petition was submitted pursuant to N.J.A.C. 19:3-5.15, regarding amendments to a redevelopment plan.

The proposed amendments to the redevelopment plan include the following:

1. Addition of "Warehouse and distribution facilities" as a Permitted Use.
2. Reclassification of "Commercial recreation, indoor" from Special Exception Use to a Permitted Use.
3. Addition of "Commercial recreation, outdoor" as a Special Exception Use.
4. Removal of residential uses in Required Uses, Permitted Uses, and Design Criteria.

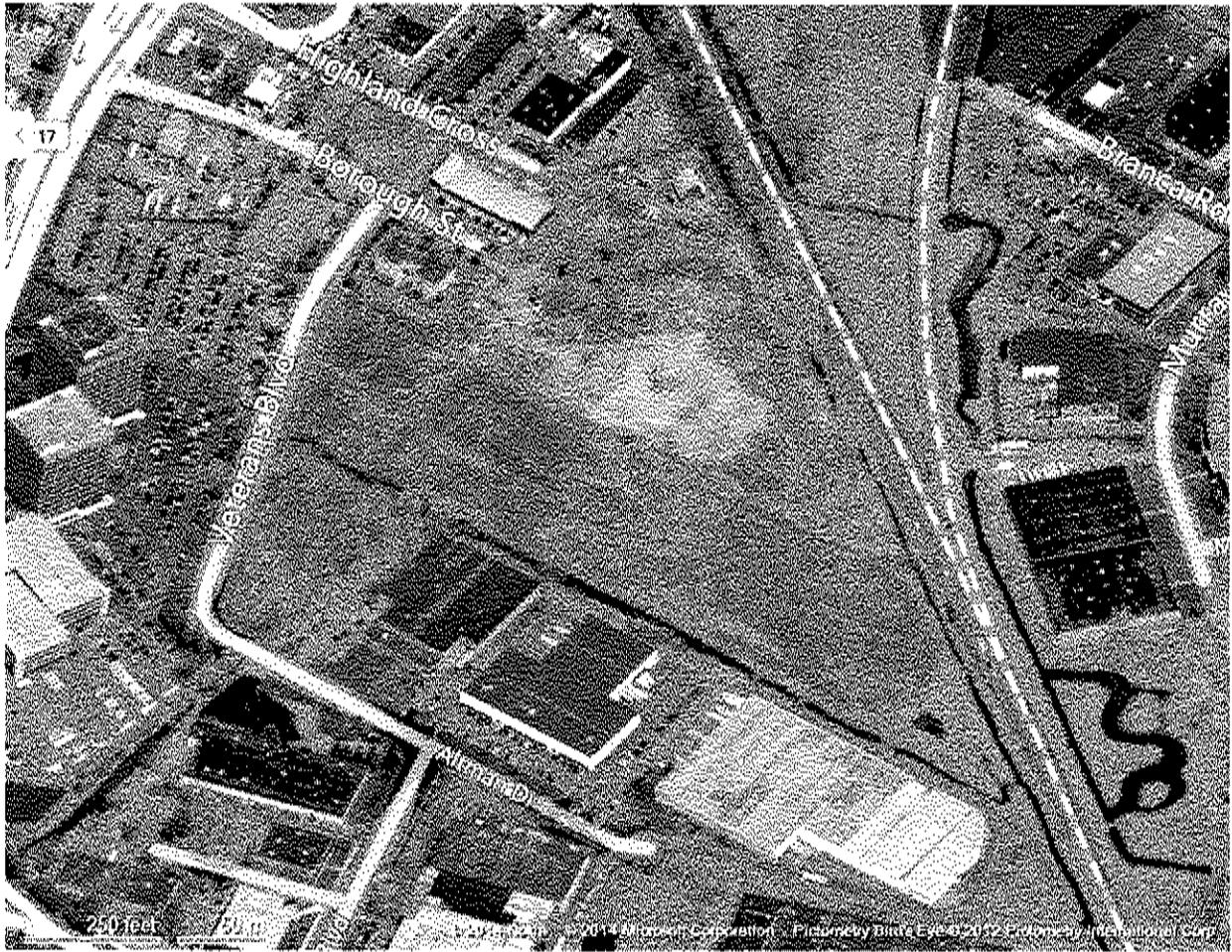
On July 23, 2019, the NJSEA conducted a public hearing to obtain comments on the proposed amendment to the Highland Cross Redevelopment Plan. No written comments were received. At the public hearing, one commenter, Rutherford Councilman Frank Nunziato, representing the Borough of Rutherford Mayor and Council, voiced support for the redevelopment plan amendment. The public comment period closed at the conclusion of the public hearing.

The matter was subsequently forwarded to the Hackensack Meadowlands Municipal Committee on August 12, 2019, and it was approved at their meeting on September 9, 2019.

At this time, the staff recommends that the Board of Commissioners of the NJSEA approve this amendment to the Highland Cross Redevelopment Plan.

# HIGHLAND CROSS REDEVELOPMENT PLAN

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**As Adopted by NJMC Resolution No. 98-67 on November 25, 1998**  
**Amended by NJMC Resolution No. 01-17 on March 28, 2001**  
**Amended by NJMC Resolution No. 14-38 on September 24, 2014**  
**Amended by NJSEA Resolution No. 2019-XX on October 17, 2019**

**Prepared by the  
New Jersey Sports and Exposition Authority**



**NEW JERSEY SPORTS & EXPOSITION AUTHORITY**

**HIGHLAND CROSS  
REDEVELOPMENT PLAN**

**OCTOBER 2019**

***Chairman***

John Ballantyne

***Vice Chairman***

Joseph Buckelew

***President/CEO***

Vincent Prieto

***Board Members***

Robert J. Dowd

Armando B. Fontoura

Michael H. Gluck

Woody Knopf

Elizabeth Maher Muoio\*

Steven Plofker

Andrew Scala

Anthony Scardino

Louis J. Stellato

Robert B. Yudin

\*NJ State Treasurer

It is certified that all copies of this document are in conformance with the one that was signed and sealed by Sara J. Sundell, New Jersey Professional Planner License No. 5527.

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Sara J. Sundell, P.E., P.P.  
Professional Planner #5527

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## **I. Redevelopment Plan Statutory Criteria**

### **A. REQUISITE PLAN INFORMATION**

*\*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 New Jersey Sports and Exposition Authority's (NJSEA) enabling legislation authorizes the NJSEA to prepare and adopt redevelopment plans within the Hackensack Meadowlands District (District), pursuant to N.J.S.A. 5:10A-24. The redevelopment area criteria are set forth in N.J.A.C. 19:3-5. This subchapter of the District Zoning Regulations states the framework for the identification of areas in need of redevelopment and provides the procedure to carry out and effectuate the redevelopment of an area.

As set forth in N.J.A.C. 19:3-5.8, redevelopment plans shall include the following information:

1. An outline for the development, rehabilitation or redevelopment of the subject area, accounting for area-specific planning objectives relating to land uses, population density, traffic and public transportation improvements, public utilities, recreational and community facilities, and other public improvements;
2. The proposed land uses and building requirements in the redevelopment area; and
3. The relationship of the redevelopment plan to the Master Plan for the Hackensack Meadowlands District.

### **B. SPECIFIC PLAN REQUIREMENTS**

#### **1. Site Description and History**

In 1998, the NJMC and the Borough of Rutherford conducted a study of properties fronting on Highland Cross and those generally fronting on Borough Street to determine their potential as being areas in-need of redevelopment. The *Investigation of the Proposed Highland Cross Redevelopment Area* resulted in an in-need of redevelopment designation of an approximately 30-acre area, primarily located within the Hackensack Meadowlands District (HMD). The Highland Cross Redevelopment Plan was initially adopted by the NJMC in November 1998 and later amended in March 2001 and September 2014.

The Highland Cross Redevelopment Area is located in the eastern section of the Borough of Rutherford and is surrounded by a mix of office, commercial, and warehouse uses. It is generally bounded by Veterans Boulevard to the north, light industrial uses to the northeast, NJ Transit's Bergen and Pascack Valley railroad lines to the east, and office and warehouse uses to the south. The Meadows Office Complex, located between Route 17 northbound and Veterans Boulevard and just outside of the HMD, is one of the more visible office buildings in the area. State Highways Route 17 and Route 3 are located to the west and south of the site and provide access to and from the area.

In 2001, a major subdivision was undertaken within a portion of the redevelopment area that divided it into several large development parcels. New block and lot designations were assigned when the subdivision was approved. The Highland Cross Redevelopment Area includes the following parcels located in the Borough of Rutherford within the HMD:

Block/Lot designation	Total Area (acres)	Rutherford Lot Area* (acres)	HMD Lot Area (acres)
219.04/ 1	22.72	0.59	22.13
219.04/ 2.01	1.56	0.87	0.69
219.04/ 2.02	0.93	0	0.93
219.04/ 3	2.31	0	2.31
219.04/ 61	0.94	0.60	0.34
219.02/ 65.05	0.69	0	0.69
219.02/ 65.06	0.39	0	0.39
219.02/ 65.07	0.50	0	0.50
<b>Total</b>	<b>30.04</b>	<b>2.06</b>	<b>27.98</b>

Source: MERI GIS

\* These portions of the properties that are located outside of the HMD are not included in redevelopment plan.

Linque-H.C. Partners, LLC (Linque) is the designated developer for the Highland Cross Redevelopment Area and is responsible for the environmental remediation of the subject properties prior to construction. Linque received NJMC conditional zoning certificate approval for the development of the area in phases, including approvals for the municipal DPW garage and salt barn in October 2001 and a 216-room hotel in May 2002. In May 2003, Linque also received zoning certificate approval for two 461,488 square foot office buildings, for a total of approximately 923,000 square feet, and two parking garages, one with 1,204 spaces and the other with 1,493 spaces. Due to market conditions in the region, the approved development was not constructed with the exception of a municipal DPW garage and salt barn and the foundation of the 216-room hotel.

Linque submitted a petition for a new proposed redevelopment plan for the subject property in May 2008. In addition, Linque also requested a determination that the subject property be deemed suitable for residential use. In March 2009, the NJMC Board of Commissioners passed Resolution No. 09-32 stating that the redevelopment area is suitable for housing, as determined by the criteria in the "Interim Policies Governing Affordable Housing Development in the Meadowlands District" (Interim Policies), which became effective on July 24, 2008, subject to several conditions.

Upon the conclusion of the site suitability process, public hearings were held on March 31 and April 1, 2009, regarding proposed amendments to the redevelopment plan. The proposed amended plan was forwarded to the Hackensack Meadowlands Municipal Committee (HMMC) on May 26, 2009. At their June 30, 2009, meeting, the HMMC conditionally rejected the proposed amendment to the redevelopment plan.

The NJMC Board of Commissioners passed Resolution 10-92 on December 16, 2010, which rejected the proposed amendments to the plan as proposed. The resolution directed NJMC staff to revisit the redevelopment plan amendment in order to establish development densities within the redevelopment plan whose impacts could be reasonably mitigated so as not to have a detrimental impact on the community and the surrounding roadway network. NJMC staff was further directed

to consult with both the developer and the municipality in the establishment of the development densities for the redevelopment area, which resulted in the 2014 redevelopment plan amendment, approved on September 24, 2014 via the passage of Resolution No. 14-38.

Subsequent to the 2009 site suitability determination and resulting 2014 redevelopment plan amendment, the developer was unable to implement its proposal pursuant to the suitability review conditions. Of note, the previous determination required that the developer “provide for safe pedestrian circulation and access to the portion of the Rutherford community located west of Route 17, including provisions for accessibility, for the diverse residents and users of the Redevelopment Area.” This condition posed difficulties that were not attainable due to several factors, including the roadway configuration. The intersection of Highland Cross and Route 17 has historically proven to be very dangerous for pedestrians, and the developer was unable to provide a workable solution.

The 2009 site suitability determination expired in 2014, and the site was re-evaluated by the NJSEA in 2017 in light of the aforementioned difficulties and deemed unsuitable via the passage of Resolution 2018-03. The amendment, requested on November 3, 2017, proposes commercial and industrial uses and does not include residential uses.

## **2. Land Use**

The following general land use assumptions were contemplated in the selection of the development options for the area:

- a. Within the limits outlined in this plan, development shall be permitted only to the extent that existing utility, transportation, and municipal infrastructure can support it or to the extent that the developer is willing to provide improvements that will support it.
- b. For a development proposal that requires an improvement to mitigate an impact identified in a Project Impact Assessment, the developer shall enter into an agreement with the NJSEA prior to the issuance of a zoning certificate for the project.
- c. Appropriate buffers shall be provided adjacent to wetlands and/or environmentally sensitive areas.
- d. It is the sole responsibility of the developer to perform due diligence in determining if there is any contamination remaining from a former use of any site or from any other activity that may have occurred on a site. The developer shall perform any environmental clean-up deemed necessary for the proposed uses, pursuant to the approved methodology of the New Jersey Department of Environmental Protection.

## **3. Transportation Infrastructure**

The redevelopment area is located within a highly-developed regional transportation network. Route 17, a major north-south highway in the area, is located to the west of the tract and provides connections to Route 3, Route 46, and Route 80, which connect to the New Jersey Turnpike and Hudson River crossings to New York City. The eastern portion of the tract abuts NJ Transit’s Bergen line.

Several roadway construction projects in the area have been implemented, including additional Route 17 northbound and southbound travel lanes in the immediate vicinity of traffic signals that

were completed in 2011. The widening of Route 3 in the area of the Passaic River Bridge was completed in 2013.

The redevelopment area is accessible from Route 17 via both Highland Cross and the Route 3 Service Road North. Veterans Boulevard, which runs parallel to Route 17, provides access to the redevelopment area from Highland Cross, Borough Street, and the Route 3 Service Road North. Veterans Boulevard's wide roadway width was designed to accommodate tractor trailers. The roadway has no sidewalks and only contains on-street parking south of Altman Drive.

Despite the tract's proximity to these highways, access and circulation issues on adjoining ramps and roadways are a significant concern. Route 17 and Route 3 both experience significant congestion during peak periods of travel. Additionally, all redevelopment area traffic must travel through the intersections of Route 17 and Highland Cross, Route 17 and Borough Street, Route 17 South Ramp and Service Road or Route 3 Service Road North and Veterans Boulevard in order to access the site. The current configurations of these intersections have limited capacity and rights-of-way. Specific roadway design characteristics and limitations will further hinder potential mitigation measures. A comprehensive traffic and circulation study of the area and all associated mitigation shall also be required of the developer of the redevelopment area at the time of zoning certificate application, to address the specific development.

#### **4. Public Utilities**

Within the Borough of Rutherford, SUEZ provides potable water and Public Service Electric and Gas Company provides both gas and electricity. The Bergen County Utilities Authority provides sanitary sewerage treatment to the area.

#### **5. Recreation Facilities**

According to the Borough's Master Plan, adopted December 20, 2007, municipal parkland and open space areas account for approximately 47 acres in the Borough. The largest park in Rutherford, Memorial Park, comprises over 39 acres and affords baseball, softball, basketball, tennis, a football stadium, and an all-weather track to its residents. A smaller municipal park, Wall Field, is located on the northwest corner of the intersection of Highland Cross/Route 17/Meadow Road.

#### **6. Community Services**

The Rutherford Police Department, located at 184 Park Avenue, employs approximately 35 uniformed officers. The Rutherford Volunteer Fire Department maintains fire houses and equipment at three locations within the Borough, 348 Union Avenue, 40 Ames Avenue, and 400 Mortimer Avenue. The Borough's volunteer squad includes 75 firefighters and the department is a member of the South Bergen Zone 1 Mutual Aid Association. At the time of development, the demand for police, fire, and emergency medical services shall be identified in the Project Impact Assessment (PIA). The required elements of the PIA are set forth in N.J.A.C. 19:4-10.1 *et seq.*

#### **7. Identification of Property to be Acquired**

NJSEA does not intend to acquire any of the properties within the redevelopment area at this time.

## **8. Significant Relationships to Hackensack Meadowlands District Master Plan and Regulations**

The 1972 Hackensack Meadowlands Comprehensive Land Use Plan (original master plan) and the District's first Official Zoning Map designated the subject area as Light Industrial and Distribution B. The purpose of this zone was to accommodate a wide range of industrial, distribution and commercial uses that generated a minimum of detrimental environmental effects.

The first major revision to the original Hackensack Meadowlands Comprehensive Land Use Plan was adopted as the NJMC Master Plan, in January 2004. The 2004 Master Plan provided an updated vision for the Meadowlands District, reflecting smart growth principles and sustainable development objectives, and recommended that the Highland Cross Redevelopment Area be designated as an Employment Center, including a mix of land uses such as office, warehouse-distribution, and industrial facilities.

## **9. Smart Growth and Sustainability**

The NJSEA recognizes the State of New Jersey's use of smart growth principles to guide land use decisions and develop strategies to address conservation challenges. In the Hackensack Meadowlands District, smart growth principles such as economic growth and redevelopment are promoted in the planning and zoning activities of the NJSEA.

The District's Zoning Regulations also promote smart growth through sustainability initiatives, including the adoption of regulations encouraging sustainable green building practices. N.J.A.C. 19:4-6.6 provides incentives for applicants to the NJSEA to utilize green building practices or install alternative green building components, such as those recognized in green building certification programs, including the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) certification.

## **ii. Potential Implementation Strategies**

### **A. POWERS OF THE REDEVELOPMENT AGENCY**

Pursuant to N.J.S.A. 5:10A-23, The NJSEA has the exclusive power to declare a portion of the Hackensack Meadowlands District in need of redevelopment.

- In accordance with N.J.S.A. 5:10A-24, The NJSEA shall prepare and adopt a redevelopment plan for each area in the district determined by the NJSEA to be an area in need.
- In undertaking projects pursuant to any redevelopment plan, the NJSEA may:
  - a. Acquire, by condemnation or otherwise, real or personal property, or any interest therein, including such property as it may deem necessary or proper, although temporarily not required for such purposes, in an area in need and in any area within the district designated by the NJSEA as necessary for relocation of residents, industry, or commerce displaced from a redevelopment area;
  - b. Clear or reclaim any area so acquired and install, construct, or reconstruct projects therein necessary to prepare such area for development;
  - c. Relocate or arrange or contract with public or private agencies for the relocation of residents, industry, or commerce displaced from the area in need;
  - d. Dispose of real property so acquired by sale, lease, or exchange for the uses and purposes specified in the redevelopment plan, to any person or public agency;
  - e. Study the recommendations of the constituent municipality's planning board impacted by the redevelopment plan for redevelopment of any area within that municipality and make its own investigations as to current trends in the area in need, as established by the NJSEA;
  - f. By contract or contracts with public agencies or redevelopers or by its own employees' or consultants' plan, plan, construct, reconstruct, operate, maintain, and repair any redevelopment or other project or any part thereof; and
  - g. Make and adopt plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements, and for the enforcement of codes and laws relating to the use of land, the use and occupancy of buildings and improvements, and the control over the pollution of water and air and the disposal of solid waste.

### **III. Selected Land Use Option**

#### **A. SELECTION OF RECOMMENDED LAND USE**

This redevelopment plan recommends the establishment of a commercial and industrial development in the redevelopment area. The comprehensive planning of the redevelopment tract will result in a cohesive development in the Hackensack Meadowlands District.

#### **B. REDEVELOPMENT STANDARDS**

##### **1. Definitions**

All words not described in this redevelopment plan shall have the definitions as listed in the adopted District Zoning Regulations, or in the absence of such, in the dictionary.

##### **2. Other Standards Not Discussed Herein**

The standards contained within this redevelopment plan shall supersede the applicable zoning regulations at N.J.A.C. 19:4-1 *et seq.* District Zoning Regulations shall apply with respect to any requirements or standards not specifically set forth herein.

## **IV. Land Use and Bulk Standards**

### **A. PURPOSE**

The purpose of the Highland Cross Redevelopment Plan is to accommodate industrial and commercial land uses complimentary to existing businesses in the immediate area. The proximity of this redevelopment area to the New York market and the multi-modal infrastructure network creates a unique advantage for economic growth. The implementation of this redevelopment plan will enhance the diversification of the regional economy while providing jobs for a range of skill levels and expanding the ratable base for the community,

### **B. LAND USES**

#### **1. Permitted Uses**

- a. Banks;
- b. Commercial recreation, indoor;
- c. Day care facilities;
- d. Essential public services;
- e. Health centers;
- f. Hotels;
- g. Institutional uses;
- h. Offices;
- i. Parks or recreation facilities;
- j. Personal services;
- k. Public utility uses, light;
- l. Restaurants;
- m. Retail;
- n. Self-storage facility; and
- o. Warehouse and distribution facilities.

#### **2. Special Exception Uses**

- a. Commercial recreation, outdoor.

### **C. DESIGN CRITERIA**

#### **1. Site Layout**

- a. The site layout shall promote efficient site circulation and vehicular movement.
- b. Minimum lot area: 1 acre

#### **2. Bulk Regulations**

- a. Setbacks
  - i. The minimum front yard setback shall be 50 feet, 25 feet for appropriately screened surface parking

- ii. The minimum side and rear yard setbacks shall be 25 feet, except minimum side yard setback shall be 15 feet where adjacent to municipally-owned property.
  - iii. NJ Transit's Bergen Line right-of-way shall not be considered a front yard for the purposes of this redevelopment plan.
- b. Maximum lot coverage: 60 percent;
  - c. Minimum open space: 20 percent;
  - d. Minimum lowest floor elevations for structures within designated 100-year flood zones shall be established one foot above the applicable 100-year base flood elevations determined from the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM).

### **3. Height Limitations**

The maximum building height shall be 210 feet, provided that in no event shall any building be higher than the adjacent Meadows Office Complex. The maximum height of parking decks shall be limited to five stories.

### **4. Design Standards**

Developers are encouraged to incorporate sustainable design principles in the Highland Cross Redevelopment Area. Employing green building methods from the onset of a project provides environmental, economic, and social benefits. Benefits of building with sustainable methods include reductions in energy costs and waste.

### **5. Façade Treatment**

- a. Façade treatments at grade and along street frontages for commercial uses shall utilize elements such as windows, doors, columns, awnings and canopies.
- b. Façade elevations of parking decks shall receive architectural treatment that complements the adjacent buildings façades. For example, window cut-outs, framing, and other architectural detailing should be used to reinforce the complementary appearance of the parking deck, integrating its design into the overall project.

### **6. Landscape/Open Space**

- a. Comprehensive Landscape Plan

A landscaping plan shall be submitted with applications for development within the Redevelopment Area.

- b. Landscape Features

- i. Passenger vehicle parking areas that contain parking rows longer than 30 parking spaces should have a six foot wide landscaped island to break up the expanse of the pavement. This requirement does not apply to parking spaces in parking garages or truck maneuvering

areas adjacent to warehouse and distribution facilities.

- ii. All loading, utility connections, auto parking and truck/trailer parking areas shall be screened from public rights-of-way in accordance with the requirements contained in the Hackensack Meadowlands District Zoning Regulations.

c. **General Landscaping**

- i. Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking and loading areas, mitigate adverse visual impacts and provide windbreaks for winter winds and summer cooling for buildings.
- ii. The use of indigenous/native plant material is to be encouraged to establish sustainable landscapes that blend with the natural environment.
- iii. Street trees shall be required along the roadway frontage. Such street trees shall be installed within the right-of-way between the sidewalk and curb along a uniform distance from and parallel to the street right-of-way line. The spacing of street trees shall be no farther than 60 feet on center.

**7. Pedestrian Circulation**

a. Sidewalks shall be provided in accordance with the following minimum requirements:

- i. Minimum width of sidewalks on Veterans Boulevard: 4 feet
- ii. Minimum width for sidewalks located along the frontage of retail structures: 6 feet
- iii. Minimum width of all other sidewalks: 4 feet

b. In order to provide for pedestrian and vehicular movement, appropriate traffic calming measures shall be implemented. Such measures may include, but are not necessarily limited to, the following:

- i. Crosswalks shall be provided at all intersections and shall be constructed of a different paving material than the rest of the street.
- ii. At locations where pedestrian circulation intersects with site driveways, traffic calming techniques such as speed bumps, speed tables and bump outs may be utilized to slow traffic, as needed.

c. Developers are encouraged to provide a shuttle service between the subject site and other key locations (e.g., Rutherford train station, Rutherford downtown, etc.) to advance alternate means of transportation and pedestrian circulation in the region.

**8. Parking and Loading Requirements.**

Parking and loading requirements shall be in conformance with Hackensack Meadowlands District Zoning Regulations, N.J.A.C. 19:4-8.4, Table 8-1, Parking and Loading Requirements.

**9. Drainage**

All stormwater runoff shall be directed to stormwater drainage facilities for eventual subsurface or

stream disposal. All drainage ways shall be properly maintained and planted. All drainage plans approved shall be prepared in accordance with NJSEA and Borough zoning regulations, as applicable.

#### **10. Utilities**

- a. The developer is responsible for obtaining all applicable permits and coordinating the provision of utility service to the redevelopment area.
- b. All utilities shall be underground to the extent practicable.

#### **11. Signs**

Signage within the redevelopment area shall be designed in accordance with the requirements of N.J.A.C. 19:4-8.14.

#### **12. Environmental Performance Standards**

All uses shall comply with the Category B environmental performance standards at N.J.A.C. 19:4-7. All water quality standards contained in N.J.A.C. 19:4-7.9 *et seq.* shall apply as applicable.

#### **13. Site Remediation**

- a. The developer shall provide the NJSEA with all relevant correspondence and information regarding remediation of the subject property, including all plans, reports, and correspondence to and from the NJDEP and the developer's professionals, including their Licensed Site Remediation Professional (LSRP). The NJSEA acknowledges receipt of a Conditional No Further Action Letter with Requirements for Biennial Certification Remedial Action Type: Restricted Use for the Area of Concern issued April 10, 2012 by the New Jersey Department of Environmental Protection.
- b. The developer shall submit to the NJSEA a copy of any required deed notice(s) regarding engineering and/or institutional controls with respect to site remediation on the subject property(s), prior to issuance by the NJSEA of any temporary or final Certificate of Completion and/or Occupancy Certification within the Redevelopment Area.
- c. After the developer has completed remediation of the property in accordance with the approved engineering and institutional controls, the NJSEA, and/or its qualified consultant, may evaluate the remediation, including on-site independent sampling and testing in order to confirm the adequacy of the remediation effort.
  - i. The cost of the independent evaluation, sampling and testing shall be borne by the developer.
  - ii. The developer shall be responsible to resolve any issues regarding areas of the site that are determined by the independent testing to fail to meet the approval criteria, including institutional and engineering controls, prior to the issuance of any temporary or final Certificate of Completion and/or Occupancy Certification for development on the site or additional zoning certificates.

## **14. Prior Agreements**

All prior agreements between the Borough of Rutherford and the designated developer for the Highland Cross Redevelopment Area shall remain in full force and in effect. Any amendments to such agreements that may be necessary shall be subject to the approval of the NJSEA, pursuant to the agreement dated May 13, 1999, between the Borough of Rutherford and Linque-H.C. Partners, LLC.

### **D. Additional Development Requirements**

#### **1. Project Impact Assessment**

All projects shall prepare a Project Impact Assessment (PIA) in accordance with N.J.A.C. 19:4-10.1 *et seq.* The PIA shall provide information to allow the NJSEA to assess the probable effects of a proposed project.

For a development proposal that requires an improvement to mitigate an impact identified in a PIA, the developer shall enter into an agreement with the NJSEA prior to the issuance of a zoning certificate for the project.

#### **2. Traffic Impact Assessment**

All projects shall prepare a Traffic Impact Assessment (TIA) in accordance with N.J.A.C. 19:4-7.10 *et seq.* The TIA shall assess the traffic and circulation impacts of a proposed development and identify required improvements and mitigation, which shall be the responsibility of the applicant. In addition, all projects shall be required to meet the requirements of N.J.A.C. 19:7, "District Transportation Plan Rules."

The developer shall undertake a traffic impact analysis and circulation study in order to analyze both pedestrian and vehicular movement and the impacts any proposed development will have upon traffic and circulation in the area. In particular, at the time of application for a zoning certificate, the applicant shall conduct a detailed traffic and circulation analysis for the proposed development, including, the Route 17/Meadow Road/Highland Cross, Meadow Road/Route 17 Southbound Off-Ramp, Route 17/Union Avenue, Veterans Boulevard/Route 3 Service Road, and Veterans Boulevard/Site Driveway Intersections as approved by the NJSEA.

#### **3. Riparian Rights**

Riparian grants shall be secured for any land subject to the State's riparian interest pursuant to the Hackensack Meadowlands District Zoning Regulations.

#### **4. Affordable Housing Considerations**

With regard to affordable housing, the developer shall comply with the applicable requirements of the NJSEA; the New Jersey Council on Affordable Housing (COAH) or any future entity assuming the legal responsibilities of the Fair Housing Act; and P.L. 2008, Chapter 46, an act concerning affordable housing, revising and supplementing various parts of the statutory law, effective July 17, 2008, and

any applicable laws of other agencies having jurisdiction. Non-residential development shall comply with State of New Jersey statutes and regulations governing payment of non-residential development fees.

## 5. Redeveloper Requirements

- a. If the NJSEA elects to contract with a prospective redeveloper, pursuant to its authority under N.J.S.A. 13:17-6(j), 20(g), and or 21(b)6, prior to entering such contract, the redeveloper shall provide a financial report to the NJSEA assessing the financial viability of the redeveloper and/or redevelopment project. Such report shall contain, at a minimum, the following information:
  - i. Identification of each financial and/or equity partner having any financial contribution to, ownership of, or like interest in, the project.
  - ii. Identification of each member of the redevelopment team and major consultants, including, but not limited to, attorneys, engineers, architects, planners, project and construction managers, financial consultants, lobbyists, and public relations consultants. Resumes and/or curricula vitae and a statement clearly identifying the roles of each member shall be provided.
  - iii. The composition of the redeveloper's current real estate portfolio, including details regarding the type of project and number of square feet or units developed, owned and/or managed.
  - iv. Details regarding the redeveloper's history of securing financing for real estate development projects within the past 10 years, at a minimum, detailing the type of project; financing method(s), source(s) and amounts committed; and proposed and actual completion dates of projects.
  - v. A description of all pending real estate development projects by the redeveloper, under development pursuant to enforceable contracts, including project type, status, development schedule, and the financial commitment required by the redeveloper, including a description of the financing method(s), source(s) and amounts committed.
  - vi. Audited financial statements, including balance sheets and operating statements, prepared by a Certified Public Accountant (CPA) in accordance with Generally Accepted Accounting Principles (GAAP), established by the Financial Accounting Standards Board (FASB), 401 Merritt 7, PO Box 5116, Norwalk, CT 06856-5116, <http://www.fasb.org>, for the five most recent fiscal years, for the redeveloper and any financial and/or equity partner(s). Such statements shall evidence the ability to financially perform, including the value of assets each participant would contribute to the project and verification that such assets are available.
  - vii. A statement describing the methods and anticipated and committed sources for financing the project, including its construction, and identifying the expected equity requirements and anticipated sources of working capital.
  - viii. For the redeveloper, including both the corporate or business entity and the principals of the corporate or business entity and each member of the development team, a statement and complete listing regarding any debarments, suspensions, bankruptcy or loan defaults, legal proceedings, and/or adverse judgments, regarding any real estate development project and/or government contract regardless of the date of such occurrence.
  - ix. A fiscal impact analysis for the proposed redevelopment project pursuant to the requirements of N.J.A.C. 19:4-10.4(a)14.
  - x. Such other information as may be deemed necessary by the NJSEA staff.

- b. The redeveloper shall provide the following to the NJSEA, which shall be updated, at a minimum, every three months, beginning from the contract date, including any amendments:
  - i. The project pro-forma statement, prepared by a CPA in accordance with GAAP, which shall include, at a minimum, an income statement, balance sheet, and statement of cash flows.
  - ii. The projected development timeline.
  - iii. Any change in the financial report required in 5a above.
- c. Any redeveloper applying to any federal, state, county, or municipal government entity for financial assistance, including, but not limited to, loans, grants, or bonds, shall notify the NJSEA of such application in writing and shall provide copies to the NJSEA of all applications, formal correspondence and government actions regarding the requested financial assistance. The NJSEA staff shall provide any of the aforementioned entities with information about the project upon request. The NJSEA may make a request to the applicable government entity to participate in the process for the evaluation of financial assistance to facilitate communication among public entities involved in the project. Such participation may include, but is not limited to, attendance at meetings with the redeveloper and the government entity from whom financial assistance is requested.
- d. Any redeveloper of a project within a redevelopment area for which municipal payment-in-lieu-of-taxes (PILOT) bonds are sought shall notify the NJSEA contemporaneously with the commencement of discussions with municipal officials regarding PILOT bonds and shall provide copies to the NJSEA of all correspondence and information regarding the PILOT bonds. The NJSEA staff shall provide the municipality with information about the project upon request. The NJSEA may make a request to the applicable government entity to participate in the process for the evaluation of PILOT bonds to facilitate communication among public entities involved in the project. Such participation may include, but is not limited to, attendance at meetings with the redeveloper and municipality. The fiscal impact analysis required above shall evaluate the impact of PILOT bond financing on municipal tax rates and the Intermunicipal Tax Sharing Formula.

## **6. Approvals of Other Governmental Entities**

- a. Prior to the redevelopment of any property within the redevelopment area, the redeveloper shall procure any and all necessary permits and approvals from any federal, state, county, local, or municipal agency having jurisdiction.
- b. Any redeveloper filing an application with any other State entity for any permit related to the redevelopment project shall provide a copy of such permit application to the NJSEA contemporaneously with its filing and shall provide copies to the NJSEA of all correspondence and information regarding the permit application. The NJSEA staff shall provide the regulatory entity with information about the project upon request. The NJSEA may make a request to the regulatory entity to participate in the permitting process to facilitate communication among public entities involved in the project. Such participation may include, but is not limited to, attendance at meetings with the redeveloper and the regulatory entity.

- c. The applicant shall provide, to the NJSEA, proof of compliance with any requirements and/or restrictions from other regulatory agencies associated with the intended use(s) of the site. Additionally, copies of any future requirements and/or restrictions shall be submitted to the NJSEA by the designated developer immediately upon receipt.

## **V. Selected Redevelopment Plan**

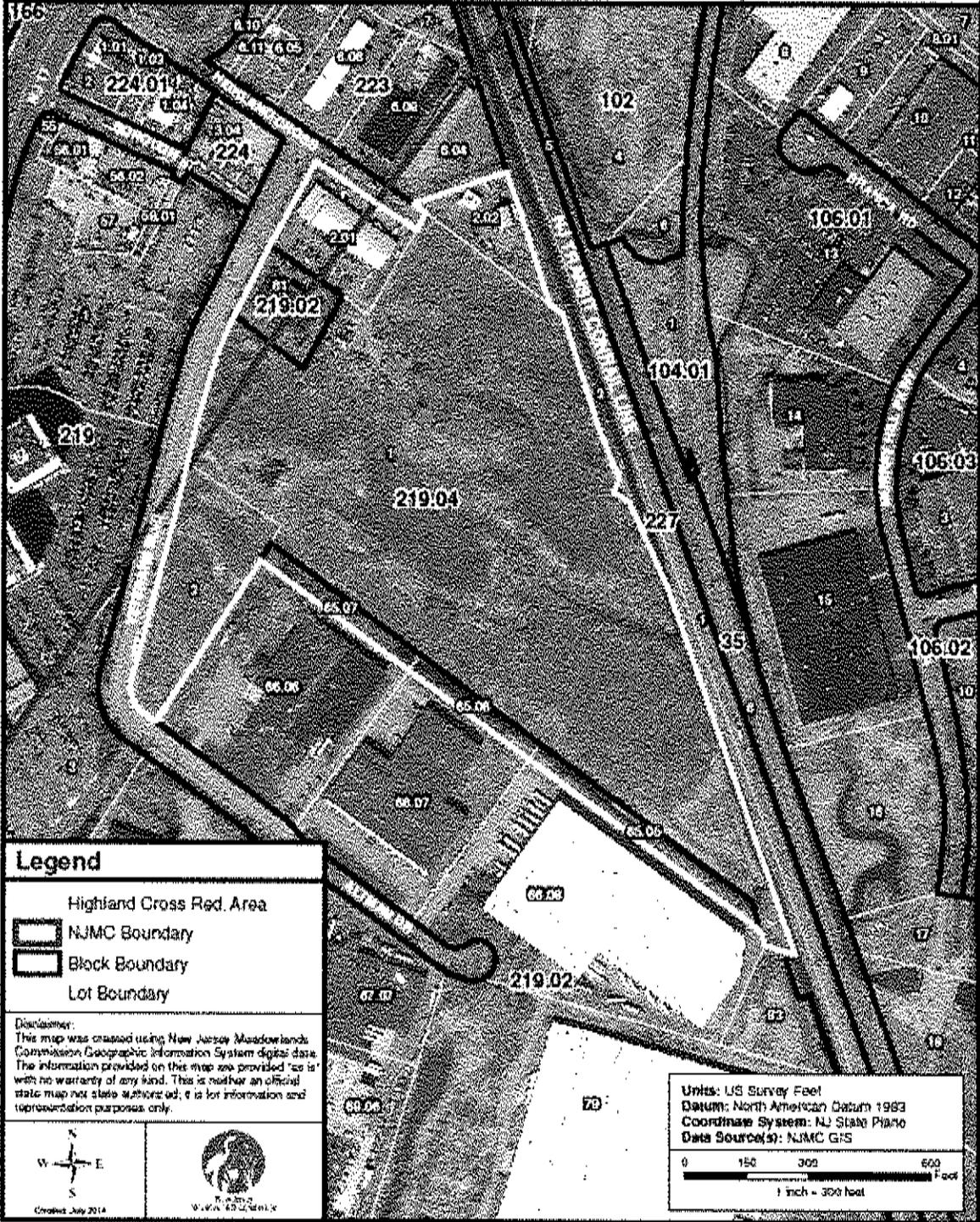
### **A. IMPLEMENTATION STRATEGY**

This redevelopment plan shall be the regulatory instrument for the Highland Cross Redevelopment Area, along with the District Zoning Regulations, where applicable, and shall supersede all redevelopment plans and prior zoning for parcels of land contained within the portion of the redevelopment area under the jurisdiction of the NJSEA.

No actions, other than the adoption of this plan and review of applications submitted by the private sector to implement this plan, are proposed or contemplated by the NJSEA at this time.

# HIGHLAND CROSS REDEVELOPMENT AREA

## Rutherford, Bergen County, New Jersey



**RESOLUTION 2019-32**

**RESOLUTION TO DEEM THE PROPERTY LOCATED AT  
VAN KEUREN AVENUE  
BLOCK 3101, LOTS 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 36, 37, 42, 43 & 44, and  
BLOCK 7402, LOTS 21, 22, 23, 24, 33, 34 & 35  
IN THE CITY OF JERSEY CITY  
AS AN AREA IN NEED OF REDEVELOPMENT  
FILE NO. SP-764**

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

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

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

**WHEREAS**, a petition dated March 11, 2019, was received from Thomas J. O'Connor of Waters, McPherson, McNeill, P.C., requesting that the redevelopment potential of the property along Van Keuren Avenue, identified as Block 3101, Lots 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 36, 37, 42, 43 & 44; and Block 7402, Lots 21, 22, 23, 24, 33, 34 & 35, in the City of Jersey City, be investigated; and

**WHEREAS**, on April 11, 2019, the Board of Commissioners adopted Resolution No. 2019-13, which authorized the staff to conduct an investigation of the subject property to determine whether it meets the conditions to be designated an area in need of redevelopment; and

**WHEREAS**, the results of the staff's investigation were compiled in the report entitled, "Draft In Need of Redevelopment Investigation - Hilco Site", dated August 2019; and

**WHEREAS**, a public hearing was held on August 27, 2019, to obtain comment on the draft redevelopment investigation report; and

**WHEREAS**, no written comments were received by the NJSEA in response to the public notice; and

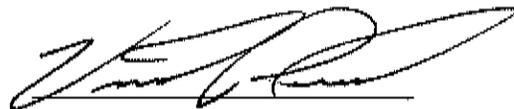
**WHEREAS**, the NJSEA staff has concluded the redevelopment investigation and has prepared the final report entitled, "In Need of Redevelopment Investigation - Hilco Site", dated September 2019, which provides findings that the specific conditions outlined in N.J.A.C. 19:3-5.7(a) 1, 2, 3, 4, 5, 7, and 8, supporting a redevelopment designation, exist for the subject property; and

**WHEREAS**, pursuant to N.J.S.A. 5:10A-9, a copy of the final report was forwarded on August 5, 2019, to the Hackensack Meadowlands Municipal Committee (HMMC) for approval, and was unanimously approved at their meeting on September 9, 2019.

**NOW, THEREFORE, BE IT RESOLVED**, by the New Jersey Sports and Exposition Authority, that the property identified as Van Keuren Avenue, Block 3101, Lots 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 36, 37, 42, 43 & 44; and Block 7402, Lots 21, 22, 23, 24, 33, 34 & 35, in the City of Jersey City, is hereby deemed to be an area in need of redevelopment, pursuant to N.J.A.C. 19:3-5.6.

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of October 17, 2019.



Vincent Prieto  
Secretary



*MEMORANDUM*

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

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*From:* Sara J. Sundell

*Date:* October 17, 2019

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*Subject:* Hilco Site - In Need of Redevelopment Designation (File No. SP-764)

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On April 11, 2019, the Board of Commissioners adopted Resolution No. 2019-13, which authorized the staff to conduct an investigation of the property along Van Keuren Avenue, identified as, Block 3101, Lots 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 36, 37, 42, 43 and 44; and Block 7402, Lots 21, 22, 23, 24, 33, 34 and 35, in the City of Jersey, New Jersey, to determine if it meets the conditions to be designated an area in need of redevelopment. The redevelopment investigation was requested by Thomas J. O'Connor, on behalf of HRP Hudson, LLC, in a petition dated March 11, 2019.

The results of this investigation were compiled in the report entitled, "Draft In Need of Redevelopment Investigation – Hilco Site," dated August 2019. A public hearing was held on August 27, 2019, to obtain comment on the in need of redevelopment investigation report. No written comments were received by the NJSEA in response to the public notice.

The NJSEA staff has concluded the redevelopment investigation and has prepared a final report entitled, "In Need of Redevelopment Investigation – Hilco Site," dated September 2019, which provides findings that the specific conditions outlined in N.J.A.C. 19:3-5.7(a)1, 2, 3, 4, 5, 7, and 8, supporting a redevelopment designation, exist for the subject property.

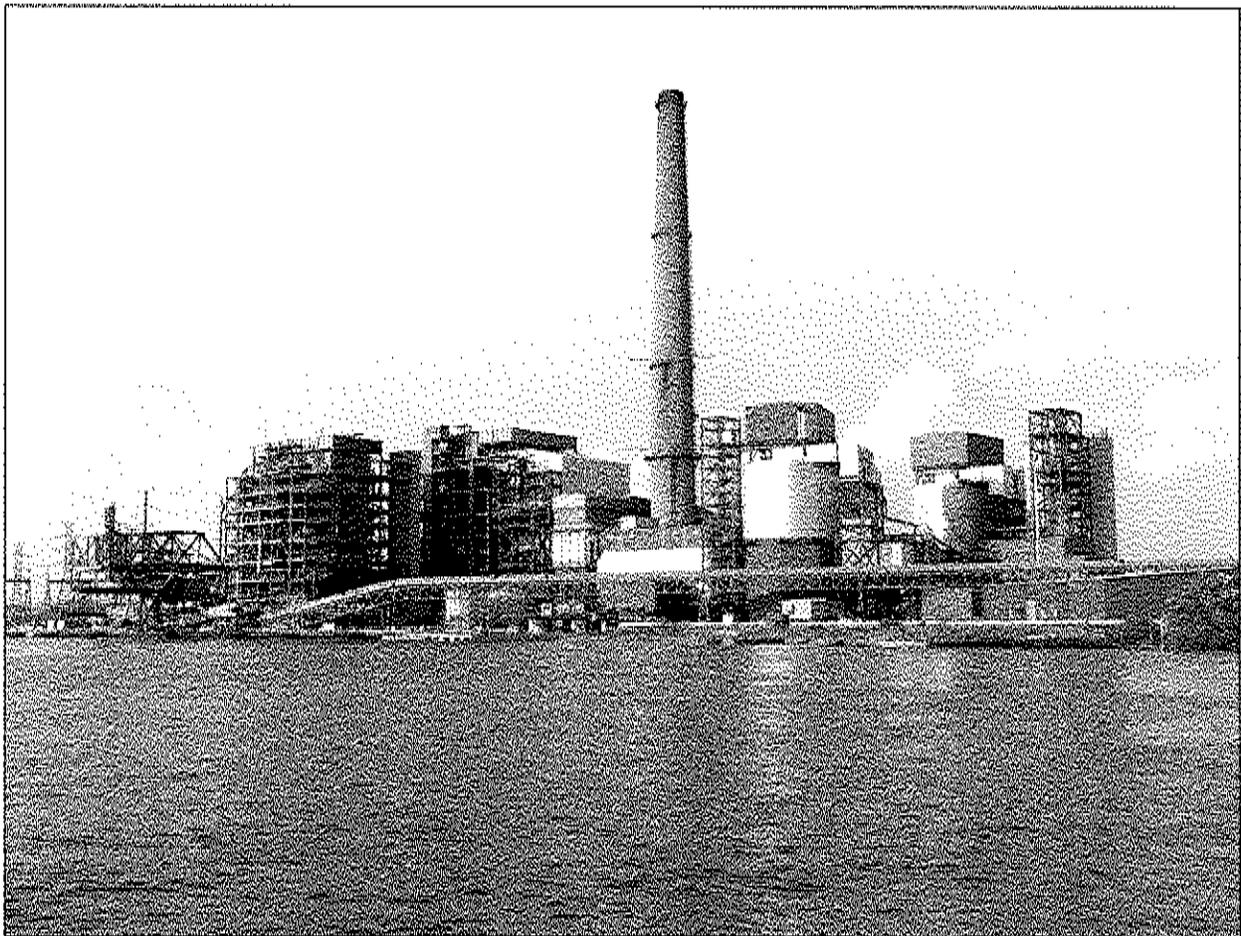
Staff recommends that the Board of Commissioners of the NJSEA make a determination that the subject study area be deemed an area in need of redevelopment and, furthermore, authorize NJSEA staff to proceed with the preparation of a redevelopment plan and to hold a public hearing on the proposed redevelopment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

# IN NEED OF REDEVELOPMENT INVESTIGATION REPORT

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## HILCO SITE

**Van Keuren Avenue  
Block 3101 – Lots 21-26, 29-32, 36, 37, 42-44 and  
Block 7402 – Lots 21-24, 33-35  
City of Jersey City**



**New Jersey Sports & Exposition Authority**

**October 2019**

*Study adopted by NJSEA Resolution No. 2019-xx on October 17, 2019*



**NEW JERSEY SPORTS & EXPOSITION AUTHORITY**

**IN NEED OF REDEVELOPMENT INVESTIGATION REPORT  
HILCO SITE**

**VAN KEUREN AVENUE  
BLOCK 3101 – LOTS 21-26, 29-32, 36, 37 & 42-44 and  
BLOCK 7402 – LOTS 21-24 and 33-35  
CITY OF JERSEY CITY**

**October 2019**

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John Ballantyne

***Vice Chairman***

Joseph Buckelew

***President/CEO***

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Robert B. Yudin

*\*NJ State Treasurer*

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**APPENDICES**

A. NJSEA Resolution No. 2019-13 dated April 11, 2019.

## I. INTRODUCTION

The New Jersey Sports & Exposition Authority (NJSEA) is in receipt of a petition dated March 11, 2019, from Thomas J. O'Connor, Esq., of Waters, McPherson, McNeill, P.C., on behalf of HRP Hudson, LLC, to investigate the redevelopment potential of certain property located along Van Keuren Avenue, identified as Block 3101, Lots 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, 36, 37, 42, 43 and 44; and Block 7402, Lots 21, 22, 23, 24, 33, 34 and 35, in the City of Jersey City, New Jersey. HRP Hudson, LLC has acquired the majority of the property from PSEG Fossil LLC, a subsidiary of Public Service Enterprise Group (PSEG). The subject property may be referred to herein as the "Hilco Site" or "Study Area."

In response to the petition regarding this matter, the NJSEA Board of Commissioners adopted Resolution No. 2019-13 on April 11, 2019, which authorized the staff to conduct an investigation of the subject property to determine whether it meets the conditions to be designated an area in need of redevelopment.

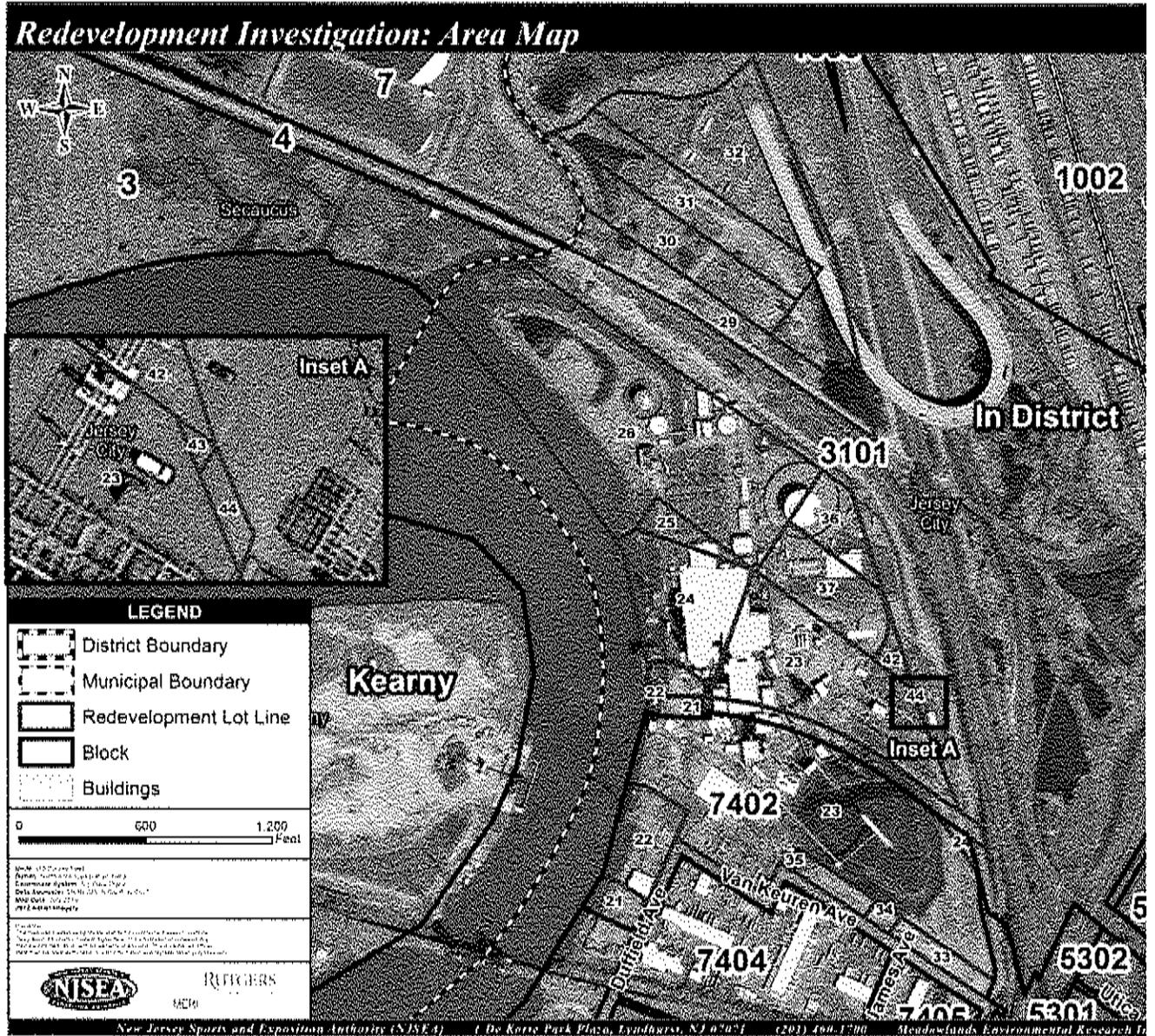
The subject property consists of 117 acres, according to NJSEA GIS mapping, the majority of which was formerly utilized by PSEG as a coal burning electrical generating plant that had been located on the property for approximately 102 years. This use is classified as a conforming heavy industrial use. According to the petition, the generating plant ceased operations in 2018. A portion of the site also contains the Jersey City Police Pistol Range.

The Study Area is located along the eastern bank of the Hackensack River within the Hackensack Meadowlands District. Situated on the west side of Jersey City in Hudson County, the subject property is located north of Duffield and Van Keuren Avenues, west of West Side Avenue and NJ Transit's Main Line, and south of a wetlands area containing Penhorn Creek. The site is bisected by the inactive NJ Transit Boonton Rail Line.

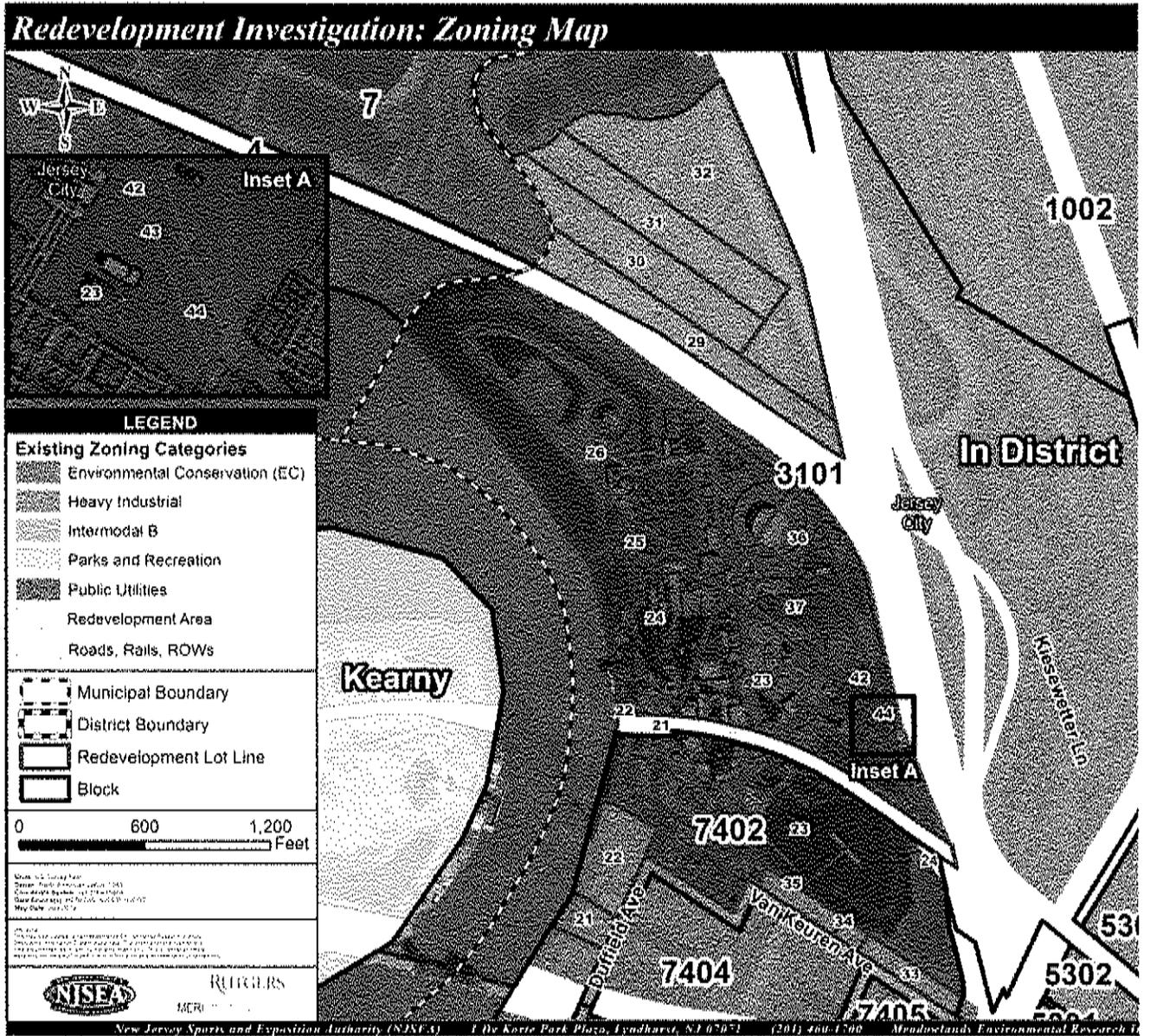
The site contains multiple buildings, power plant structures, electrical switching equipment, a large coal pile, and parking areas that have been used in association with the power plant's operations. In addition, much of the site is covered with concrete one to two feet in depth.

The Study Area is delineated by a red boundary line on the aerial map in Figure 1. The subject properties and those within the surrounding area are located in the District's Public Utilities (PU), Heavy Industrial (HI) and Intermodal B (IB) zones, as shown on the existing zoning map for the in-need of redevelopment Study Area in Figure 2.

**Figure 1 – Location Map**  
**In Need of Redevelopment Study Area – Hilco Site**  
**Van Keuren Avenue (Block 3101, Lots 21-26, 29-32, 36, 37, 42-44 & Block 7402, Lots: 21-24, 33-35) -**



**Figure 2 – Existing Zoning Map  
 In Need of Redevelopment Study Area – Hilco Site  
 Van Keuren Avenue (Block 3101, Lots 21-26, 29-32, 36, 37, 42-44 & Block 7402, Lots: 21-24, 33-35) -**



The petitioner has submitted a planning report, prepared by Richard Bass of Akerman LLP, dated March 8, 2019, which asserts that the Study Area should be declared an area in need of redevelopment in accordance with the following criteria of the NJSEA regulations:

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

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

## II. REDEVELOPMENT POWERS AND PROCEDURES

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

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

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

- a) A description of the methods and resources used to assess the area;
- b) A detailed description of the area, including, but not limited to, acreage, existing zoning, description of existing utility infrastructure, and other relevant characteristics;
- c) A site analysis for each lot within the area, listing, at a minimum, ownership, size, and characteristics which support the designation of the area as in need of redevelopment; and
- d) Findings comparing the listed characteristics of the area to each criterion of N.J.A.C. 19:3-5.7. NJSEA staff shall determine whether the existing conditions of the area in question meet the any of the following criteria:
  1. *The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions;*
  2. *The discontinuance of the use of buildings previously utilized for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable;*
  3. *Land that is owned by the NJMC (NJSEA), or other public entities, or unimproved vacant land that has remained so for a period of 10 years prior to adoption of the resolution; or land that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital;*
  4. *Areas with buildings or improvements that, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community;*
  5. *Lack of proper utilization of areas, caused by the condition of the title, diverse ownership of the real property therein, or other conditions resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare;*

6. *Areas in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated;*
7. *Areas designated as an enterprise zone pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et seq., where the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to N.J.S.A. 40A:12A-5 and 40A:12A-6 for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of N.J.S.A. 40A:20-1 et seq.; or*
8. *Areas, with or without improvements, where there is historic evidence of illegal dumping activities; areas with evidence of soil, groundwater, or surface water contamination; areas that, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), are listed on the CERCLA database; Federal, State, county, or municipally designated brownfield areas; and/or areas on the New Jersey Known Contaminated Sites List per N.J.S.A. 58:10-23.16 and 23.17.*

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

**3. Resources** – The evaluation of existing buildings and land uses within this Study Area and the immediately surrounding properties included the review of the following resources:

- Existing physical and natural conditions in and surrounding the study area;
- NJSEA aerial photographs and topographic maps;
- NJSEA Geographic Information Systems (GIS) data;
- Hackensack Meadowlands District Master Plan, 2004;
- Hackensack Meadowlands District Regulations: N.J.A.C. 19:3-5.1 *et seq.* (Redevelopment Areas) and N.J.A.C. 19:4-1.1 *et seq.* (District Zoning Regulations);
- City of Jersey City Tax Maps;
- Municipal Property Tax information (NJ MOD-IV data);
- Deed dated December 21, 2018, Hudson County Register Instrument #201812280142060, Deed Book 9368, Page 922, dated December 28, 2018;
- Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) dated August 28, 2019 and Preliminary FIRM as of August 29, 2014;
- NJSEA development application records/engineering files;
- NJDEP Known Contaminated Sites List;
- NJDEP maps showing Conveyances and Leases of State-owned Tidelands;
- USDA Natural Resources Conservation Service Soils Survey; and
- “In Need of Redevelopment Report, Hudson Generating Station,” prepared on behalf of HRP Hudson, LLC by Richard Bass, AICP, P.P., of Akerman LLP, dated March 8, 2019.

### III. GENERAL CONDITIONS OF STUDY AREA

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

**1. Property Area** - The study area is comprised of twenty-two (22) tax lots, within Blocks 3101 and 7402, in the City of Jersey City, totaling approximately 117 acres, as detailed in the table in Figure 3 below. According to the Akerman report, a total of 117 acres will be developed.

**Figure 3. Properties Within In Need of Redevelopment Study Area**

Block	Lot	Address	Acres (GIS)	Acres (Tax)	Existing Land Use	Existing Zoning	Owner
3101	21	VAN KEUREN AVE	3.22	1.05	PSEG Generating Station	ROW	HRP Hudson, LLC
3101	22	VAN KEUREN AVE	0.07	0.15	PSEG Generating Station	Public Utility	HRP Hudson, LLC
3101	23	VAN KEUREN AVE	12.15	0.014	PSEG Generating Station	Public Utility	HRP Hudson, LLC
3101	24	VAN KEUREN AVE	6.56	5.01	PSEG Generating Station	Public Utility	HRP Hudson, LLC
3101	25	VAN KEUREN AVE	1.17	1.10	PSEG Switching Station	Public Utility	HRP Hudson, LLC
3101	26	VAN KEUREN AVE	26.44	26.38	PSEG Switching Station	Public Utility	HRP Hudson, LLC
3101	29	SEAVIEW EXT (15X)	5.52	4.75	Jersey City Police Shooting Range	Intermodal B	HRP Hudson, LLC
3101	30	SEAVIEW EXT (15X)	6.10	0.01	Jersey City Police Shooting Range	Intermodal B	HRP Hudson, LLC
3101	31	SEAVIEW EXT (15X)	6.03	0.01	Jersey City Police Shooting Range	Intermodal B	HRP Hudson, LLC
3101	32	SEAVIEW EXT (15X)	13.26	0.01	Jersey City Police Shooting Range	Intermodal B	HRP Hudson, LLC
3101	36	VAN KEUREN AVE	2.48	0.00	PSEG Switching Station	Public Utility	HRP Hudson, LLC
3101	37	VAN KEUREN AVE	4.29	0.00	PSEG Switching Station	Public Utility	HRP Hudson, LLC
3101	42	VAN KEUREN AVE	0.60	0.58	PSEG Generating Station	Public Utility	HRP Hudson, LLC
3101	43	HACKENSACK RIV ETC	0.00	0.70	PSEG Generating Station	Public Utility	HRP Hudson, LLC
3101	44	VAN KEUREN AVE	0.01	1.43	PSEG Generating Station	Public Utility	HRP Hudson, LLC
7402	21	135 DUFFIELD AVE	1.07	2.68	PSEG Switching Station	Heavy Industrial	HRP Hudson, LLC
7402	22	135 DUFFIELD AVE	2.93	1.24	PSEG Switching Station	Heavy Industrial	HRP Hudson, LLC
7402	23	110 VAN KEUREN AVE	22.75	22.64	PSEG Generating Station	Public Utility	HRP Hudson, LLC
7402	24	VAN KEUREN AVE	0.23	0.72	PSEG Generating Station	ROW	HRP Hudson, LLC
7402	33	50 VAN KEUREN AVE	1.20	1.25	PSEG Generating Station	Heavy Industrial	HRP Hudson, LLC
7402	34	58 VAN KEUREN AVE	0.32	0.32	PSEG Generating Station	Heavy Industrial	HRP Hudson, LLC
7402	35	80 VAN KEUREN AVE	0.99	1.16	PSEG Generating Station	Heavy Industrial	HRP Hudson, LLC
<b>TOTALS</b>			<b>117.39</b>	<b>71.2</b>			

Source: NJSEA Geographic Information Systems (GIS), July 2019

The subject property is an irregularly-shaped parcel located north of Duffield and Van Keuren Avenues and west of West Side Avenue and NJ Transit's Main Line. The property contains frontage along the eastern bank of the Hackensack River, and is bisected by the inactive NJ Transit Boonton Rail Line. Surrounding uses in the vicinity include a wetlands area along the site's northerly boundary within the Environmental Conservation zone that contains Penhorn Creek to the north, and areas developed with heavy industrial, distribution, and intermodal uses to the south. A portion of the access ramp from New Jersey Turnpike Interchange 15X is located along the northeasterly corner of the site.

As indicated in Figure 3, lots within the Study Area are located within the Public Utilities, Heavy Industrial, and Intermodal B zones and Roads, Rails, ROWs designations pursuant to the Official Zoning Map of the Hackensack Meadowlands District. The Jersey City Police Pistol Range is located north of the inactive NJ Transit Boonton Rail Line on a portion of the site zoned Intermodal B (Block 3101, Lots 29, 30, 31, & 32). The majority of the site is occupied by the structures associated with the decommissioned PSEG Hudson Generating Station, located in the Public Utilities zone. Although the plant had been in operation at the site since 1906, as of 2011, only one facility remained in operation at the entire facility, which ran primarily on coal to generate electricity. In 2018, PSEG retired the electrical generating station on the site; however, currently operational PSEG switching stations will remain on Block 3101, Lots 25, 26, 36, 37 and Block 7402, Lots 21 and 22.

The entire site is fenced and has controlled access due to the security requirements associated with the site's use as an electrical generating station. Access to the site is available from one of three controlled entrances along the property line. The first gated entrance, used by employees, is located on Duffield Avenue. The second and third entrances, used by contractors, deliveries and visitors, are located along an access road that runs adjacent to the eastern property line. There are no curb cuts or pedestrian facilities existing along the north side of Van Keuren Avenue.

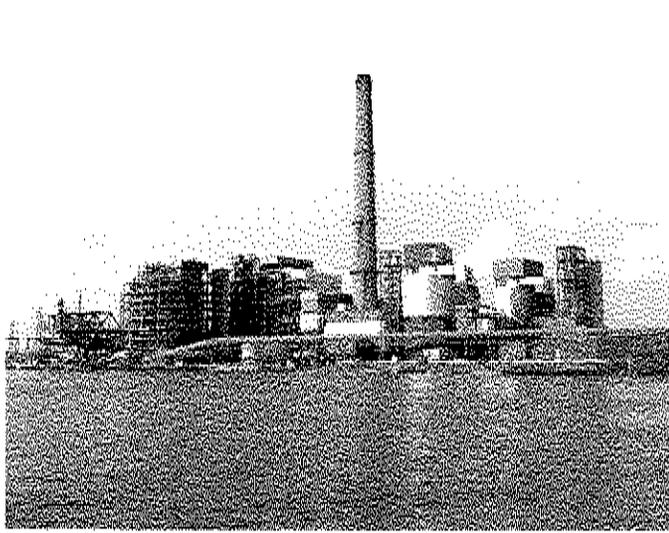
The surface area of the former Hudson Generating Station is covered with concrete one to two feet in depth throughout the majority of the property. The generating station site contains multiple buildings, power plant structures, electrical switching equipment, a large coal pile and surface parking. Various construction materials, debris, material stockpiles, and areas of overgrown vegetation are present throughout the property. The site and majority of the structures within the study area can be characterized as being in obsolete and dilapidated condition. This characterization is supported by the photographs in Figure 4. Additionally, the site is listed on the Known Contaminated Sites List by the NJDEP.

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

A map of existing land uses in and around the study area can be found at Figure 5 and photographs of surrounding uses can be found at Figure 6.

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

**Study Area Conditions**



**Photo A-1**

*View from Hackensack River facing east.*

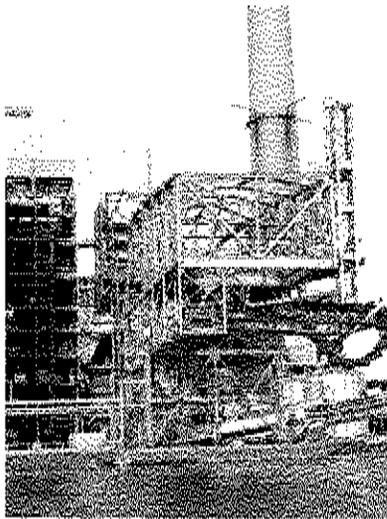


**Photo A-2**

*View from Hackensack River facing east.*

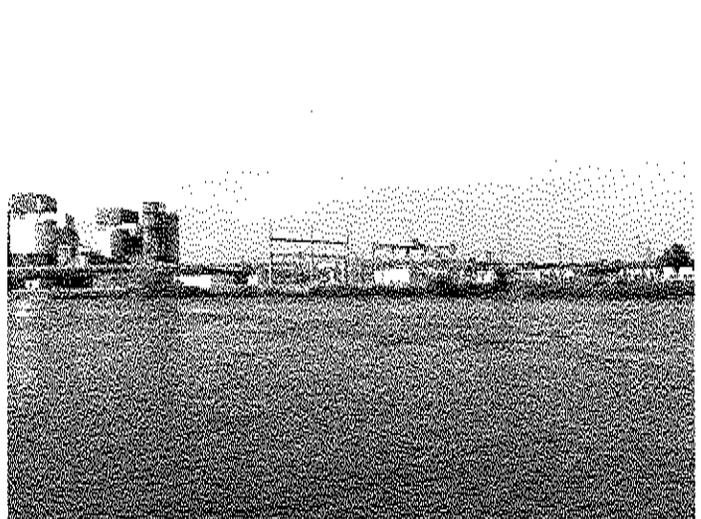
The study area consists of a defunct coal burning electrical generating plant. The site presently is inactive with overgrown bushes and vegetation throughout the site.

**Study Area Conditions**



**Photo B-1**

*View from Hackensack River facing east.*



**Photo B-2**

*View from Hackensack River facing east.*

The study area consists of a defunct coal burning electrical generating plant. The site presently is inactive with overgrown bushes and vegetation throughout the site. Rusting is present on buildings and barge. Photo B-2 shows the existing PSEG Switching Station, which will remain in operation on the site.

Figure 4 (continued)

**Study Area Conditions**



**Photo C-1**

*Study area from Duffield Ave.*



**Photo C-2**

*Study area from Duffield Ave.*

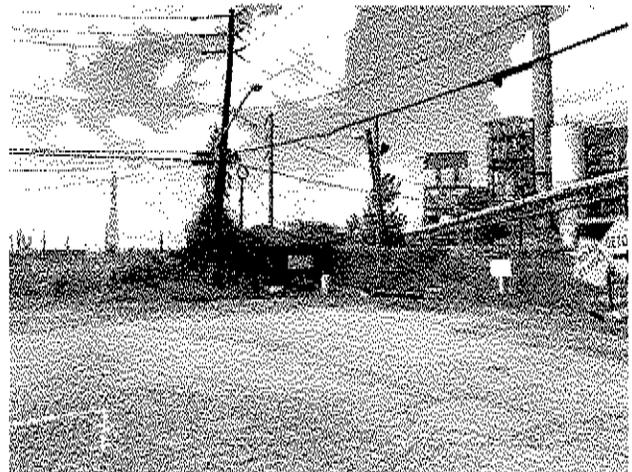
Substandard and dilapidated conditions are evident on the site. The pavement in the surface parking lot has begun cracking and vegetation has grown through the cracks. A portion of the building façade has begun rusting and garbage is accumulating along the property line.

**Study Area Conditions**



**Photo D-1**

*View from Duffield Ave.*



**Photo D-2**

*View from Duffield Ave.*

Materials are being stored directly on the pavement, which could lead to materials leaching into the soil or the Hackensack River during major storm events. Entrances have been closed off and vegetation has become overgrown. Directional signs are in disrepair and hanging in an ad hoc manner.

Figure 4 (continued)

Study Area Conditions

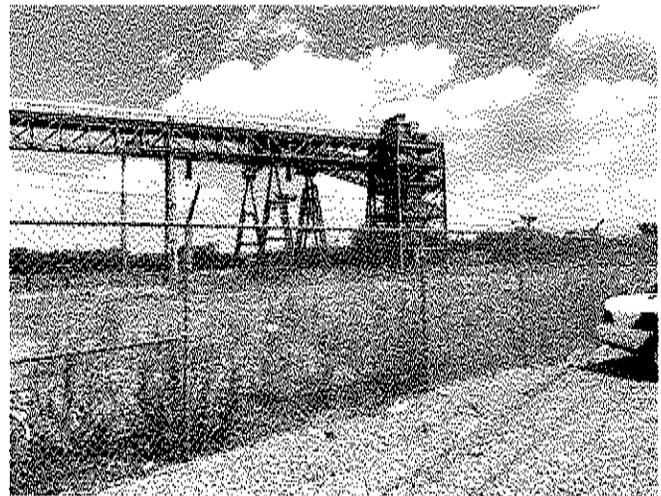


**Photo E-1**  
*Study area from Duffield Ave*

PSEG Switching Station that will remain active on the site. The stations are located on Block 3101 Lots 25, 26, 36, 37 and Block 7402, Lots 21 and 22



**Photo F-1**  
*View from Van Keuren Ave.*



**Photo F-2**  
*View from Van Keuren Ave.*

This part of the site along Van Keuren Ave. is located near an access easement that runs parallel to West Side Ave. Abandoned equipment from the coal burning operations has begun rusting. A substandard parking lot and an abandoned mobile home are also evident on the site.

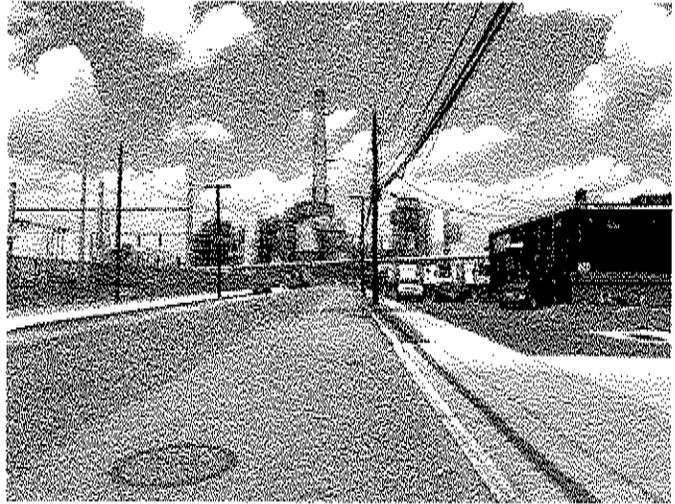
Figure 4 (continued)

Site Area Conditions



**Photo G-1**

*View looking southeast on corner of Duffield  
and Van Keuren Avenues*



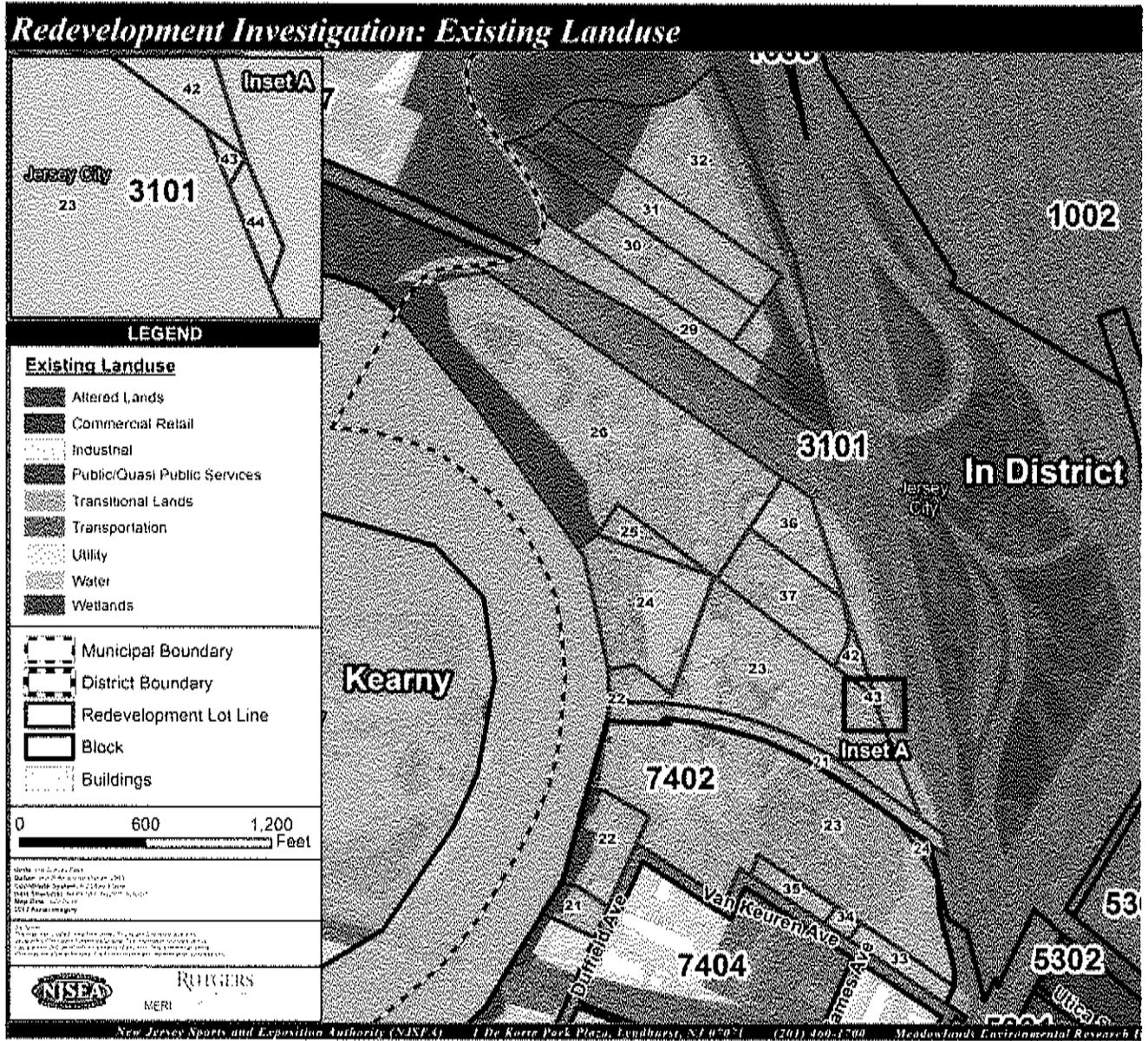
**Photo G-2**

*View from Duffield Ave. looking north to study area*

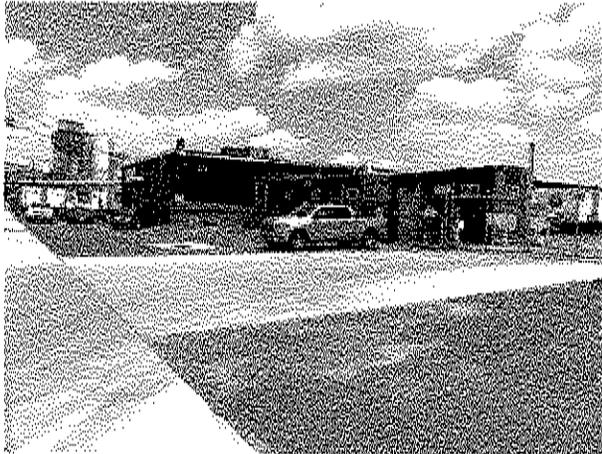
The photos portray the condition of roadways in the vicinity of the study area.

**Figure 5 - Existing Land Use Map  
In Need of Redevelopment Study Area - Hilco Site**

**Van Keuren Avenue (Block 3101, Lots 21-26, 29-32, 36, 37, 42-44 & Block 7402, Lots: 21-24, 33-35) -**



**Figure 6 – Photographs of Neighboring Properties**



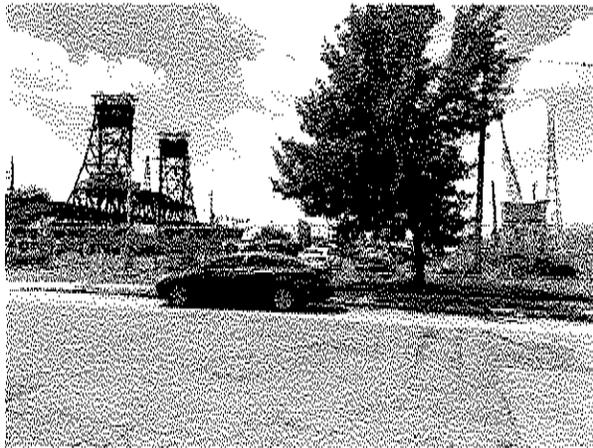
**Photo 1**

*Property located across Duffield Ave. Occupied by Old Dominion Freight Line.*



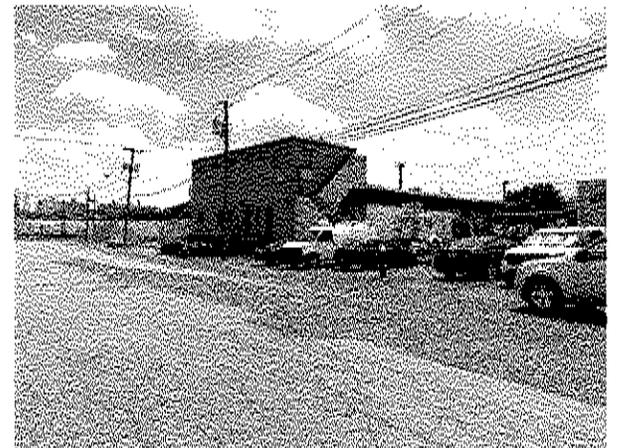
**Photo 2**

*Old Dominion Freight Line side yard and parking in front yard.*



**Photo 3**

*Surface parking south of Study Area along the Hackensack River.*



**Photo 4**

*Additional Old Dominion Freight Line building located at 101 Van Keuren Avenue, across the street from Study Area.*

**2. Zoning** - The subject property is located in multiple zones consisting of Heavy Industrial (HI), Public Utilities (PU), and Intermodal B (IB) zones, in addition to areas categorized as Roads, Rails, ROWs on the Official Zoning Map. The decommissioned PSEG coal burning electrical generating station is a permitted use in each of the three zones. (See Figure 2.)

The purpose of the Heavy Industrial zone is designed to accommodate intensive industrial, utility and commercial uses for which there are few provisions in other industrial zones. The use and bulk regulations for the HI zone are provided below:

- A. The permitted uses in the HI zone (N.J.A.C. 19:4-5.100) are:
1. Automobile repair facilities, major;
  2. Automobile repair facilities, minor;
  3. Boat sales, rental and repair;
  4. Building material yards and facilities;
  5. Bus garages;
  6. Class A recycling facilities;
  7. Class B recycling facilities;
  8. Class D recycling facilities;
  9. Construction equipment sales, rental, and repair;
  10. Contractor's yard or facilities;
  11. Heavy industry;
  12. Intermodal facilities;
  13. Manufactured home and trailer sales, rental, and repair;
  14. Materials recovery facilities;
  15. Outdoor storage;
  16. Parks or recreation facilities;
  17. Public utility uses, heavy;
  18. Public utility uses, light;
  19. Railroad terminals and yard;
  20. Resources recovery facilities;
  21. Solid waste transfer station;
  22. Truck rental facilities;
  23. Truck sales;
  24. Truck repair facilities;
  25. Truck terminals; and
  26. Truck washes.
- B. The special exception uses in the HI zone (N.J.A.C. 19:4-5.102) are:
1. Communications and transmission towers;
  2. Heliports; and
  3. Helistops.
- C. The lot size requirements in the HI zone (N.J.A.C. 19:4-5.104) are:
1. Minimum lot area: one acre;
  2. Minimum lot width: 100 feet; and
  3. Minimum lot depth: 150 feet.

- D. The bulk regulations in the HI zone (N.J.A.C. 19:4-5.105) are:
1. Maximum lot coverage: 50 percent
  2. Minimum open space: 15 percent
  3. Yards:
    - i. Minimum front yard: 35 feet;
    - ii. Minimum side yard: 20 feet; and
    - iii. Minimum rear yard: 30 feet; and
  4. FAR: 2.5.
- E. The performance standards in the HI zone (N.J.A.C. 19:4-5.106) are:  
 All Category C performance standards of N.J.A.C. 19:4-7 shall apply to all uses in the Heavy Industrial zone.

The purpose of the Public Utilities zone is designed to accommodate heavy public utility and intermodal uses. The use and bulk regulations for the PU zone are provided below:

- A. The permitted uses in the PU zone (N.J.A.C. 19:4-5.108) are:
1. Intermodal facilities;
  2. Manufacture of electric power by a public utility;
  3. Parks or recreation facilities;
  4. Public utility uses, heavy;
  5. Public utility uses, light;
  6. Railroad terminals and yards;
- B. The special exception uses in the PU zone (N.J.A.C. 19:4-5.109) are:
1. Class A recycling facilities;
  2. Class D recycling facilities;
  3. Helistops.
- C. The lot size requirements in the PU zone (N.J.A.C. 19:4-5.111) are:
1. Minimum lot area: one acre;
  2. Minimum lot width: 100 feet; and
  3. Minimum lot depth: 150 feet.
- D. The bulk regulations in the PU zone (N.J.A.C. 19:4-5.112) are:
1. Maximum lot coverage: 50 percent
  2. Minimum open space: 15 percent
  3. Yards:
    - i. Minimum front yard: 35 feet;
    - ii. Minimum side yard: 20 feet; and
    - iii. Minimum rear yard: 30 feet;
- E. The performance standards in the PU zone (N.J.A.C. 19:4-5.113) are:  
 All Category C performance standards of N.J.A.C. 19:4-7 shall apply to all uses in the Public Utility zone.

The purpose of the Intermodal B zone is designed to accommodate heavy public utility and intermodal uses. The use and bulk regulations for the IB zone are provided below:

- A. The permitted uses in the IB zone (N.J.A.C. 19:4-5.94) are:
1. Automobile repair facilities, major;
  2. Automobile repair facilities, minor;
  3. Building materials yards and facilities;
  4. Bus garages;
  5. Class A recycling facilities;
  6. Class B recycling facilities;
  7. Class D recycling facilities;
  8. Construction equipment sales, rental, and repair;
  9. Contractor's yard or facilities;
  10. Intermodal facilities;
  11. Fuel service stations;
  12. Heavy Industry;
  13. Materials recovery;
  14. Parks or recreation facilities;
  15. Public utility uses, heavy;
  16. Public utility uses, light;
  17. Railroad terminals and yards;
  18. Truck rental facilities;
  19. Truck sales;
  20. Truck stops;
  21. Truck terminals;
  22. Truck washes; and
  23. Warehouse and distribution facilities.
- B. The special exception uses in the IB zone (N.J.A.C. 19:4-5.95) are:
1. Communication transmission towers;
  2. Disaster recovery facilities;
  3. Heliport;
  4. Helistops;
  5. Solid waste transfer station; and
  6. Truck repair facilities.
- C. The lot size requirements in the IB zone (N.J.A.C. 19:4-5.97) are:
1. Minimum lot area: three acres;
  2. Minimum lot width: 200 feet; and
  3. Minimum lot depth: 200 feet.
- D. The bulk regulations in the IB zone (N.J.A.C. 19:4-5.98) are:
1. Maximum lot coverage: 40 percent
  2. Minimum open space: 15 percent
  3. Yards:
    - i. Minimum front yard: 50 feet;
    - ii. Minimum side yard: 30 feet; and
    - iii. Minimum rear yard: 75 feet; and
  4. Maximum building height: 50 feet.
- E. The performance standards in the IB zone (N.J.A.C. 19:4-5.113) are:  
All Category C performance standards of N.J.A.C. 19:4-7 shall apply to all uses in the Intermodal B zone.

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

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

**4. Soils** – The soils map of the US Department of Agriculture Natural Resources Conservation Service Soil Survey indicates the following soil classifications are present within the study area:

1. URWETB (Urban land, wet substratum, 0 to 8 percent slopes);
2. URTILB (Urban land, till substratum, 0 to 8 percent slopes);
3. WectA (Westbrook mucky peat, 0 to 2 percent slopes, very frequently flooded);
4. SecA (Secaucus artefactual fine sandy loam, 0 to 3 percent slopes).

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

**5. Contamination** - The Known Contaminated Sites List (KCSL) in New Jersey is a report maintained by the NJDEP pursuant to N.J.S.A. 58:10-23.16 and 23.17 that provides a record of sites with confirmed soil or water contamination at levels greater than the applicable cleanup criteria or standards. The study area is listed as an active site in the NJDEP KCSL identified as the PSE&G Hudson Generating Station site, Public Interest (PI) #005301.

The subject property is also located adjacent to three other properties on the KCSL, identified as the Nicholas Galvanizing Company Inc. site PI #G000001126, Premier Motor Lines site PI #000643, and Hudson County Chromate 86.

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

**6. Vehicular Access** – The subject property contains frontage and controlled access on the northern side of Duffield Avenue, which can be accessed via a gated entrance. Van Keuren Avenue turns into Duffield Avenue east of James Avenue, where it turns south as it approaches the Hackensack River. In addition, there is an easement running along the eastern property line that contains two additional gated entrances for vehicles. This easement provides access to the switching stations located on Block 3101, Lots 25, 26, 36 and 37, and the Jersey City Police Pistol Range located north of the rail line at Block 3101, Lots 29, 30, 31 and 32. The switching station located on Block 7402, Lots 21 and 22 can be accessed via Duffield Avenue.

There is currently no bus or rail service available to this site or adjacent lots. The closest bus stop is located on County Road (Stop #30973) on the NJ Transit 2 bus route between the Jersey City Journal Square Transportation Center and the Secaucus Junction Bus Plaza, where access to rail transit is available.

**7. Floodplain** - Properties in the study area appear on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM), Map Number 34003C0332] and 34003C0264], dated August 28, 2019. The study area is located within a special flood hazard area (SFHA) designated by FEMA as Zone AE and Zone X, a 100-year floodplain where base flood elevations (BFE) have been determined. The properties in the study area have an effective BFE of 8 feet (NAVD88 datum). In the months after Superstorm Sandy, FEMA released Preliminary FIRMs to reflect the most up-to-date data, wherein the subject properties are located on Map Number 34003C0332] and 34003C0264] dated August 29, 2014.(See Figure 8)

The NJSEA regulations require that all structures located in a SFHA have a finished floor elevation at a minimum of one foot above the FIRM's established BFE. As the BFE depicted on the Preliminary FIRM is slightly higher than the BFE shown on the Effective FIRM, the base flood elevation of the Preliminary FIRM becomes the regulatory BFE, and all new or substantially improved structures in the Study Area must have a finished floor elevation located at a minimum of 10.0 feet (NAVD88).

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

**8. Utilities** - Public utilities are available to the Study Area, including gas, water, electric and telephone service, as well as public sanitary sewer improvements. Public Service Electric and Gas Company (PSEG) provides electric and gas service. Jersey City Municipal Utilities Authority provides water to the site and the Passaic Valley Sewerage Commission (PVSC) provide sewer services. Will-serve letters will be required to be obtained for any proposed future development of the site.

**9. Other Redevelopment Areas in Close Proximity** - The NJSEA has not adopted any redevelopment areas proximate to the Study Area in Jersey City. However, the NJSEA's Koppers Coke Peninsula Redevelopment Area (RA-12) is located across the Hackensack River in the Town of Kearny. This redevelopment area provides for the redevelopment of 367 acres of brownfield properties, including a designated USEPA Superfund Site, into industrial reuse.





#### IV. FINDINGS

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

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

The Study Area is the site of a defunct coal burning power generating facility known as the PSEG Hudson Generating Station. The facility began production in 1906 and was later replaced by a newer plant in the 1960's, which has been dormant since 2018. Between 2011 and 2018, only one unit on the entire site was still in operation. Energy fueled by coal has become an antiquated resource in the energy market. Specifically, PSEG no longer uses this type of facility to generate energy due to more stringent environmental regulations, and as natural gas has become a cheaper alternative. The Study Area was developed primarily for the use of a coal burning energy plant, and, as this use is no longer prevalent in the energy industry, an entire site dedicated to this use is an obsolescent characteristic.

In addition, the Study Area containing the PSEG Hudson Generating Station has been identified as an "active site" on the NJDEP's Known Contaminated Site List. The Study Area has contaminated soil that exceeds applicable NJDEP standards. The Study Area's sole purpose and specific design as a coal burning energy plant represents obsolescent characteristics combined with concerns related to the site's environmental contamination, which thereby create unwholesome conditions on the property.

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

The Study Area was formerly being used to generate energy by burning coal, a finite fossil fuel. The former coal burning electrical generating station within the Study Area was retired in 2018, although PSEG had been gradually discontinuing the use of buildings on the property over the preceding decade. Since the design of the buildings and structures on the property were for one specific purpose, since deemed obsolete by its operator, these structures could not be easily adapted to serve the needs of a modern industrial use, and it is unlikely that the site would be used for the same use in the future. The cost to upgrade the existing structures to adapt to modern energy generation operations would likely be cost-prohibitive. Due to the specific nature of the utility use and equipment on the site, no other use is able to locate on this property without extensive demolition, site work, and the remediation of contaminated soil on the site. This discontinuance of the use on the site has contributed to the site's state of disrepair, such that it is untenable.

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

The northerly portion of the Study Area, containing the Jersey City Police Department Pistol Range, can be characterized as remote and isolated from developed areas due to access constraints. Although the site is located between numerous rail and road ROW's, it does not contain direct access from them. Rather, access to this portion of the Study Area, to the north of the NJ Transit Boonton Line, consists of unmapped, unimproved access roads. Access from the west or north is constrained due to the presence of wetlands associated with Penhorn Creek. The remote location and access constraints make it unlikely that this portion of the Study Area can be developed through the instrumentality of private capital.

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

Coal burning energy generation has been occurring within the Study Area since the early 1900s. PSEG began operations in the Study Area in the early 1960s, at which time coal burning was a major energy source. Presently, coal as a fuel source is obsolete and inefficient in comparison to today's electrical generating operations. The discontinuance of the burning of coal on the site results in improved air quality and will, therefore, promote the public health and welfare. The 2010 National Association for the Advancement of Colored People ("NAACP") report on the nation's most toxic coal fired power plants ranked the Hudson Generating Station as #2 on the list. This ranking was based on environmental justice concerns due to the level of poisonous emissions from coal plants, cross referenced by proximity to large populations of communities of color and low-income demographics. Additionally, the NJDEP has included the Hudson Generation Station on its list of Known Contaminated Sites.

The site itself contains a large amount of impervious surfaces and extremely little open space or landscaping. The vegetation on the site primarily consists of overgrowth and weeds growing through cracked pavement and along the fence line. On-site drainage facilities are not adequate, resulting in ponding in certain areas of the site, representing a public health concern. Therefore, the subject criterion is applicable to the Study Area.

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

The property had been utilized over the past century for a specific utility purpose that has become obsolete. The Hudson Generating Station has been decommissioned, and the site's inability to accommodate another use without extensive demolition, site work, and the

remediation of contaminated soil on the site results in a stagnant and not fully productive condition of the land.

Additionally, the northeasterly portion of the study area is currently being used as a shooting range by the Jersey City Police Department, with an associated parking area. Much of this portion of the study area is vacant and underutilized, consisting of overgrown vegetation and dirt access roads.

The large size of the Study Area, its proximity to regional roadway and rail networks, and its frontage along the Hackensack River are advantages that are not being fully utilized in the study area's current stagnant condition.

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

This criterion is not applicable to the Study Area.

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

A portion of the Study Area is located within a designated Urban Enterprise Zone. Block 7402, Lots 33, 34, and 35 are located within the UEZ.

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

The subject property appears on the New Jersey Known Contaminated Sites List, and NJDEP records indicate there is an open remedial investigation at the site (PI #005301). Therefore, this criterion is applicable to the Study Area.

## **V. RECOMMENDATIONS**

Based on the record in this matter, the NJSEA staff has determined that the conditions listed at N.J.A.C. 19:3-5.7(a)1, 2, 3, 4, 5, 7 and 8 exist at the Hilco property located on Van Keuren Avenue, and identified as Block 3101, Lots 21-26, 29-32, 36, 37, and 42-44 and Block 7402, Lots 21-24 and 33-35 in the City of Jersey City, New Jersey.

Therefore, the NJSEA staff recommends that the Board of Commissioners of the New Jersey Sports and Exposition Authority make a determination that the properties in the subject Study Area, located on Van Keuren Avenue, and identified as Block 3101, Lots 21-26, 29-32, 36, 37, and 42-44 and Block 7402, Lots 21-24 and 33-35 in the City of Jersey City, New Jersey, satisfy the regulatory criteria to be declared an area in need of redevelopment.

# **EXECUTIVE SESSION**

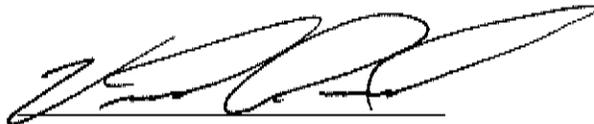
RESOLUTION 2019-33

**RESOLUTION AUTHORIZING THE  
NEW JERSEY SPORTS AND EXPOSITION AUTHORITY  
TO CONDUCT A MEETING TO WHICH  
THE GENERAL PUBLIC SHALL NOT BE ADMITTED**

**BE IT RESOLVED** by the New Jersey Sports and Exposition authority (“Authority”) that it shall conduct a meeting to which the general public shall not be admitted to discuss personnel matters, the status of pending and anticipated litigation and other matters within the attorney client privilege, contract negotiations, and, if necessary, to act upon pending contracts.

**BE IT FURTHER RESOLVED** that the time when such discussions may be disclosed to the public shall be when and as such disclosure may be made without adversely affecting the Authority’s pending and/or anticipated legal, personnel, contractual matters and other matters within the exceptions provided for by the statute.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of October 17, 2019.



Vincent Prieto  
Secretary