



Virtual Board Meeting
Thursday, November 19, 2020

10:00 a.m.



**AGENDA
REGULAR SESSION**

Remote Access Meeting via Zoom

Thursday, November 19, 2020 - 10:00 a.m.

Zoom Link <https://us02web.zoom.us/j/82346274908>

Zoom via phone: 929-205-6099 / Meeting ID: 823 4627 4908

I. **PLEDGE OF ALLEGIANCE**

II. **OPENING STATEMENT**

III. **ROLL CALL**

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

- Approval of Regular Session Remote Meeting Minutes of October 15, 2020.
- Approval and/or Ratification of Cash Disbursements over \$100,000 for the month of October 2020.

V. **PUBLIC PARTICIPATION ON RESOLUTIONS**

VI. **APPROVALS**

- | | |
|---------------------------|---|
| <u>Resolution 2020-25</u> | Consideration of a Resolution Adopting the 2021 NJSEA Annual Schedule of Meetings. |
| <u>Resolution 2020-26</u> | Consideration of a Resolution Adopting the 2020 New Jersey Sports and Exposition Authority Budget. |
| <u>Resolution 2020-27</u> | Consideration of a Resolution Authorizing the Placement of Crime, Fiduciary, Public Officials, Excess Public Officials, General Liability and Property Insurance. |
| <u>Resolution 2020-28</u> | Consideration of a Resolution Regarding Tidelands Application for HRP Hudson, LLC/Tidelands Grant Application – File No. 20-132 – Block 3101, Lots 21 to 26, 29 to 34, 36, 37, & 42 to 44 and Block 7402, Lots 21 to 24, & 33 to 35 in Jersey City. |
| <u>Resolution 2020-29</u> | Consideration of a Resolution Issuing a Decision on the Bulk Variance Application Submitted as Part of File No 20-152 PSE&G/Bergen Switching Station - Expansion – Variance Block 4014, Lot 4 in Ridgefield. |

VII. **CONTRACTS/AWARDS**

Resolution 2020-30 Consideration of a Resolution Authorizing the Lease to Purchase of a 2020 Caterpillar 926M Small Wheel Loader.

VIII. **PUBLIC PARTICIPATION**

IX. **EXECUTIVE SESSION**

Resolution 2020-31 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**



**REGULAR SESSION BOARD MEETING
MINUTES
REMOTE VIA ZOOM**

DATE: October 15, 2020
TIME: 10:00 a.m.
PLACE: Remote via Zoom
RE: **REGULAR SESSION MEETING MINUTES**

Members in Attendance:

John Ballantyne, Chairman
Joseph Buckelew, Vice Chairman
Vincent Prieto, President and CEO
Robert J. Dowd, Member
Armando Fontoura, Member
Michael H. Gluck, Esq., Member
Michael Griffin, NJ State Treasurer's Representative
Woody Knopf, Member
Steven Plofker, Member
Andrew Scala, Member
Anthony Scardino, Member
Louis J. Stellato, Member
Robert Yudin, Member

Absent:

Michael Gonnelli, 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
Sara Sundell, Director of Land Use Management and Chief Engineer
John Yarenis, Director of Finance/Accounting
Steven Cattuna, Chief of Staff
John Duffy, Senior Vice President of Sports Complex Operations & Facilities
Lisa LeBoeuf, Senior Legal Specialist
Brian Aberback, Public Information Officer
Terry Doss, Assistant Director of Natural Resources
Francisco Artigas, Meadowlands Environmental Research Institute
Lauren LaRusso, Governor's Authorities Unit
Christine Ferrante, Executive Assistant/Paralegal

Chairman Ballantyne called the meeting to order.

- I. Opening Statement – Chairman Ballantyne read the Notice of Meeting required under the Sunshine Law.

II. Roll Call

III. APPROVAL OF MINUTES AND CASH DISBURSEMENTS

Chairman Ballantyne presented the minutes of the Regular Session Remote Board Meeting held on September 17, 2020.

Upon motion made by Commissioner Dowd and seconded by Commissioner Scardino, the minutes of the Regular Session Remote Board Meeting held on September 17, 2020 were unanimously approved.

Chairman Ballantyne presented the report of cash disbursements over \$100,000 and Professional Invoices for the month of September 2020.

Upon motion by Commissioner Dowd and seconded by Commissioner Scala, the cash disbursements over \$100,000 for the month of September 2020 were unanimously approved.

IV. PRESENTATION - Special Presentation by the Meadowlands Environment Research Institute (MERI) and Natural Resources Departments.

Chairman Ballantyne was pleased to announce the collaborative presentation today by the NJSEA's Natural Resources Management Department and Meadowlands Environmental Research Institute (MERI). The Chairman stated that through their joint environmental research and monitoring efforts, Natural Resources and MERI working together have played an integral role in the remarkable comeback of the Meadowlands' unique urban eco-system. Their efforts have been especially important to the rebounding health of the Hackensack River, its environmentally sensitive wetlands and the return of hundreds of species of birds, fish and other wildlife over the decades that now call the Meadowlands home. The Chairman stated that it is wonderful to see this collaboration between two such talented and important departments to protect our natural resources and wildlife and improve the environment. MERI's and Natural Resources partnership are a testament to the NJSEA staff's dedication to working together for the common good of the District's environment.

Chairman Ballantyne welcomed Terry Doss, Assistant Director of Natural Resources Management, and Dr. Francisco Artigas, Director of the Meadowlands Environmental Research Institute who would be giving the presentation.

President Prieto spoke about Ms. Doss and Dr. Artigas' credentials.

President Prieto stated that Terry Doss is a Certified Ecological Restoration Practitioner. Over the past 30 years, she has served as a local leader in restoring the natural areas located within the urban wildlands of New Jersey and New York, with a primary expertise in managing coastal and wetland restoration projects. He also stated that Terry has nurtured projects from baseline assessment, through design and permitting, to the final construction and monitoring of these natural areas.

President Prieto explained that working closely with the Natural Resources Management Department Staff; she developed a Strategic Plan for the Natural Resources group, and the NJSEA's first Wildlife Action Plan, among other accomplishments. He also explained that Terry received a BS in Agricultural Sciences and later a Master of Marine Policy, both from the University of Delaware. She also studied Earth Sciences as part of a PhD program at Lehigh University where her focus was on the peatlands of Alberta, Canada.

President Prieto stated that the Director of MERI, Dr. Francisco Artigas, PhD, manages, promotes and coordinates the Institute's problem solving environmental research in the Meadowlands District and the services MERI provides to District municipalities and other stakeholders. He is responsible for MERI's cutting-edge chemical laboratory in which staff performs pollutant and contaminant analysis. He also oversees the Institute's Geographical information Systems group and its Drone Program that provide critical data to District first responders, planners and researchers through an array of digital mapping tools.

President Prieto stated that Dr. Artigas guides the Institute's efforts in obtaining State and federal grants that fund vital research of the Meadowlands' unique environment. Under Dr. Artigas' direction, MERI has been awarded more than \$1 million in competitive grants over the past five years.

President Prieto further stated that Dr. Artigas received his Ph.D. in Environmental Science and MS in Environmental Biology from The Ohio State University. He was a Research Associate Professor at Rutgers University where he coordinated the activities of the Rutgers NASA Regional Application Center. Dr. Artigas also worked as an environmental scientist, advisor and consultant for projects in El Salvador, Bolivia, Arctic Alaska, Tanzania, Chile and Brazil.

Dr. Artigas gave a presentation on MERI and spoke about the following:

- Mission of MERI
- How MERI became the scientific arm of the NJSEA.
- Working together with the Natural Resources Group to understand the complex environment. The Natural Resource Group looking at the wildlife habitat and MERI looking at physical and chemical aspects of the environment.
- MERI Environmental Monitoring Network – water quality, tide gate monitor, air quality and weather.
- Data that is shared and used by Natural Resources, the Riverkeeper and District Municipalities. It is also continuously archived in NJDEP and EPA data depositories.
- Jointly applying with Natural Resources for grants and funding to support research.
- MERI and Natural Resources staff working together on various projects.
- Surveying and mapping capabilities using drones to assist Natural Resources and District Municipalities.
- Field Data Collection – data is sent wirelessly to central servers to be organized and saved.
- Drone program – services provided to Natural Resources and District Municipalities.

- Emergency Management Data for District Municipalities and the Sports Complex.
- Summer Intern Program

Chairman Ballantyne complimented Dr. Artigas and his staff for all the work they have done. The Chairman asked Dr. Artigas to elaborate on the sea level rise in the Meadowlands and how the data is utilized. Dr. Artigas explained the sea level rise and that it takes many years to collect meaningful data. Dr. Artigas explained that MERI's data goes back approximately 16 years. He also explained that with the data collected predications can be made using mapping to see what areas will be inundated and what kinds of habitat will be lost. He also explained that it will allow the opportunity for Natural Resources to develop strategies to mitigate the effects of sea level rise.

Ms. Doss gave a presentation on the Natural Resources Department and spoke about the following:

- Collaboration with MERI and integration of services.
- The NJSEA's Mandate to Protect the Delicate Balance of Nature
- Vision, Mission and Goals
 - Preserving existing wetlands and other natural open space habitat
 - Monitoring and assessing the habitats
 - Restoring degraded habitats
 - Coordinating with other land owners within District to assist with preserving, restoring and protecting their natural resources.
- Importance of open space and species not normally seen in the District.
- List of the Natural Resource Initiatives. Focusing on:
 - Initiative to Monitor and assess habitat communities using drone technology and field observations. Giving an example of Harrier Meadow and working with MERI utilizing drone technology.
 - Ensuring that a State Conservation Officer dedicated to the District.
- Restoration Sites
- Partnerships with not only MERI but also NJ Audubon Society and Hackensack Riverkeeper and other partners outside the District.
- Think like a weed.. be adaptive, seize opportunities, and spread knowledge.

Chairman Ballantyne commented on how amazing it is to have so many returning and visiting species to the District. He stated that the Meadowlands is truly a jewel of the State of New Jersey. The Chairman remarked on what a wonderful opportunity for young people to come down and learn about the environment and take an active role. He commented that with important NJSEA issues happening like the closing of the Keegan landfill, other great work that is being done by the NJSEA is sometimes overshadowed. Chairman Ballantyne asked Ms. Doss if there were any unexpected species seen in the Meadowlands. Ms. Doss stated that two winters ago they came across a coyote that was beautiful. Chairman Ballantyne thanked Ms. Doss and Dr. Artigas for their presentations and the work that they are doing and looks forward to future updates.

V. PUBLIC PARTICIPATION ON RESOLUTION 2020-24

- Hugh Carola, Program Director at the Hackensack Riverkeeper. Commented on the following:
 - Thanked Dr. Artigas and Ms. Doss for their presentation and for their work they do.
 - Commented that the Riverkeeper is ready willing and able to help support and assist the Natural Resources Department and MERI in their work.
 - Commented that hopefully in the future there could be a Meadowlands Science Fair or Science Expo.
 - Commented that in addition to Bald Eagles there were 16 osprey pairs nesting in the District and nearby area. He noted that of the 16 bald eagle 13 had eggs and raised young.
- Don Torino, President of NJ Audubon Society, commented on the following:
 - Thanked Ms. Doss for the great work she has done and looks forward to working together in the future.
 - Commented that hopefully in the future programs like the birding festival and butterfly day can resume.
 - Commented that he calls the Meadowlands his home and is an incredible place and sees great things in the future.
- Captain Bill Sheehan, Riverkeeper, commented on the following:
 - Thanked the NJSEA for all the great work being done.
 - Commented that not too many years ago people preferred to look the other way when it came to studying the effects the Meadowlands has on the communities and effects the communities have on the natural resources of the Meadowlands. He also commented that now with MERI and the Natural Resources team the science is being applied.
 - Commented that hopefully in the near future the Hackensack Riverkeeper will be standing by to help in any way they can and to also disseminate information being brought in by MERI.
 - Captain Sheehan endorsed Resolution 2020-24.
- John Pinho, Harrison resident, commented on the following:
 - Asked if Dr. Artigas or Ms. Doss had done any work at Keegan Landfill and if they have any recommendations for future use and things that can be done to protect the birds that have been injured by the flares.

Chairman Ballantyne replied that the injured birds have been brought to Raptor Trust and are recovering.

Ms. Doss replied that staff is constantly monitoring raptors and other birds around the site. Ms. Doss spoke about the preventative deterrents that were installed. She indicated that the two temporary unenclosed flares are off line and that an enclosed permanent flare is working and they do not anticipate the same issues, but will continue to monitor the site.

Ms. Doss also replied that for later down the road, after the Keegan Landfill has been capped, they have many ideas and look forward to working with everyone on the project going forward.

VI. APPROVALS

Resolution 2020-24

Resolution Establishing the NJSEA Committee on Science and the Environment.

Ms. Sanz stated that this resolution authorizes the establishment of a new NJSEA Committee on Science and the Environment. Ms. Sanz also stated that Hackensack Meadowlands are a unique and important ecosystem and that the NJSEA is required by statute to protect these critical resources. She indicated that the presentation today highlighted the exceptional work being done by the authority to protect the delicate balance of the environment. Ms. Sanz thanked the board for their ongoing recognition of the importance of the work and the boards desire to participate in the work more directly through the formation of the committee. Ms. Sanz indicated that she is pleased to support the resolution to form the committee and to answer any questions the board may have.

Chairman Ballantyne remarked that Commissioner Scardino has been mentioning during committee meetings the importance of getting back to ensuring the protection of the environment in the Meadowlands District. The Chairman expressed his appreciation for Commissioner Scardino's leadership.

Commissioner Scardino congratulated Dr. Artigas and Ms. Doss for an excellent presentation and looks forward to the committee and what it will accomplish in the near and distant future. Commissioner Scardino commented on the board getting back to the importance of the agency's mandate, which is to protect the delicate balance of nature.

Chairman Ballantyne presented Resolution 2020-24. Upon motion made by Commissioner Scardino and seconded by Commissioner Dowd. Resolution 2020-24 was unanimously approved by a vote of 13-0.

VII. PUBLIC PARTICIPATION -

Chairman Ballantyne gave an update on the Keegan Landfill. The Chairman stated that on September 21, the enclosed flare at the Keegan Landfill began operating. He stated earlier in September the NJSEA received temporary approval from the NJDEP in advance of permit issuance for the operation of the enclosed flare. The Chairman explained that the flare stack is 35.5 feet tall and 7 feet in diameter with an outer steel shell and interior insulation. Combustion occurs within the stack with no exposed flames. The Chairman commented that this news underscores the NJSEA's dedication and commitment to helping protect birds and other wildlife in the Meadowlands.

John Pinho, Harrison resident, commented on the following:

- Thanked Mr. Levy for his email in reply to his question regarding real-time monitoring being available on the website. Mr. Pinho commented that Mr. Levy's email explained where the real-time monitoring can be located on the website.
- Commented that live readings will be helpful to the community.
- Commented that there has been an increase of complaints of odors reported on social media.

- Asked if there is one enclosed flare now to replace the two open flares. Ms. Sanz replied that there is one enclosed flare.
- Commented on today's presentation and that the focus of the environment is important. He also commented that the residents dealing with hydrogen sulfide gas from the landfill is of greater importance than what is happening elsewhere.

Chairman Ballantyne clarified that his comment was not to downplay the importance of Keegan and that Commissioners have and continue to be supportive. He stated that with regards to the ACO plan, the board moved quickly and ahead of schedule. The Chairman also clarified that his comment was to inform the public of the importance of the work and research that is going on in the District to protect the environment on a continuous and daily basis.

President Prieto commented that Mr. Pinho's comments and concern for Kearny and Harrison are appreciated. President Prieto stated that as soon as the agency identified the issue at Keegan they worked in the most expedient manner to take care of the matter. President Prieto remarked that Kearny is part of the District and is just as important as everything else. President Prieto went on to explain that the agency has moved in a timely fashion and has been open and transparent with the Town of Kearny. President Prieto remarked that the District is the jewel of New Jersey and that we are all the jewelers to ensure that this watch runs perfectly.

Mr. Pinho commented that he understands the steps the agency has taken but there is still healing to be done from what the Commissioners' position was a year and a half ago to now. He commented about his concern that appropriate things be done to eliminate the hydrogen sulfide gas. He commented that readings have improved but there have been moments where readings have been around 3, 2 and 1 and going into the community. Mr. Pinho commented that he does not mean to offend anyone. Chairman Ballantyne commented that he was not offended and thanked Mr. Pinho for his comments.

Commissioner Yudin remarked that he takes issue with Mr. Pinho comments about not doing the right thing a year ago with regards to Keegan Landfill. Commissioner Yudin commented that the board members took a lot of abuse. He further commented that the board did not do anything improper and resents some of Mr. Pinho's comments. He stated that the board was always trying to solve the problem and has always been responsive.

Mr. Pinho commented, without going back through the history, he disagrees with Commissioner Yudin's statement.

Adriana, Kearny resident asked via chat room, when is the deadline for capping Keegan for good.

Ms. Sanz replied that the closure and capping has already begun. She explained that substantial amount of fill has been brought in to grade the site. She stated that the agency submitted the closure plan to DEP on time and in accordance with the ACO and are waiting for feedback from DEP. She indicated that the agency will continue to import soil to grade the site providing the necessary grading for closure and capping and will continue until the agency hears from DEP on approval of the closure plan.

VII. EXECUTIVE SESSION

Chairman Ballantyne stated that there is no need for Executive Session.

VIII. ADJOURNMENT

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

Meeting adjourned at 11:08 a.m.

I certify that on information and belief this is a true and accurate transcript of the Minutes of the Regular Session of the New Jersey Sports and Exposition Authority Remote Board Meeting held on October 15, 2020.



Christine Sanz
Assistant Secretary

October 15, 2020

| Commissioner | Roll Call | 2020-24 |
|-------------------------|-----------|---------|
| Ballantyne, Chairman | P | Y |
| Buckelew, Vice Chairman | P | Y |
| Prieto | P | Y |
| Dowd | P | Y |
| Fontoura | P | Y |
| Gluck | P | Y |
| Gonnelli | -- | -- |
| Knopf | P | Y |
| Plofker | P | Y |
| Scala | P | Y |
| Scardino | P | Y |
| Stellato | P | Y |
| Yudin | P | Y |
| Treasury Rep Griffin | P | Y |

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



CASH DISBURSEMENTS
\$100,000 OR MORE
OCTOBER 2020

SPORTS COMPLEX

| <u>PAYEE</u> | <u>\$ AMOUNT</u> | <u>REFERENCE LETTER</u> | <u>ACCOUNT DESCRIPTION</u> |
|---|---------------------|-----------------------------|--|
| BOROUGH OF EAST RUTHERFORD | 2,263,856.29 | I | PAYMENT IN LIEU OF TAXES: 4TH QTR 2020 |
| LOWENSTEIN SANDLER PC | 151,207.41 | A | LEGAL SERVICES - AUTHORITY TRANSACTIONS COUNSEL: JUL-SEP 2020 KEEGAN LANDFILL CLOSURE AND INSURANCE RECOVERY |
| NEW JERSEY STATE POLICE | 137,950.02 | A/L | OVERTIME CHARGES: SEP 2020 |
| NRG BUSINESS SOLUTIONS | 355,976.76 | J/L | ELECTRICITY CHARGES: SEP 2020 |
| PUBLIC SERVICE ELECTRIC & GAS | 136,680.61 | J/L | ELECTRIC TRANSMISSION: SEP-OCT 2020 |
| SPORTS ARENA EMPLOYEES RETIREMENT FUND LOCAL 137 | 306,598.02 | A | PENSION WITHDRAWAL LIABILITY PAYMENT: AUG-OCT 2020 |
| STATE OF NEW JERSEY TREASURY DEPARTMENT | 169,673.36 | A | WORKERS' COMPENSATION COVERAGE: 1ST QTR 2021 |
| SPORTS COMPLEX TOTAL | <u>3,521,942.47</u> | | |

MONMOUTH PARK RACETRACK REAL ESTATE TAXES

| <u>PAYEE</u> | <u>\$ AMOUNT</u> | <u>REFERENCE LETTER</u> | <u>ACCOUNT DESCRIPTION</u> |
|-----------------------------------|-------------------|-----------------------------|---------------------------------|
| BOROUGH OF OCEANPORT | 536,018.55 | I | REAL ESTATE TAXES: 4TH QTR 2020 |
| MP REAL ESTATE TAXES TOTAL | <u>536,018.55</u> | | |



CASH DISBURSEMENTS
\$100,000 OR MORE

| REFERENCE LETTER | TYPE |
|------------------|---|
| 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 2020-25

**RESOLUTION TO ADOPT
ANNUAL SCHEDULE OF MEETINGS**

BE IT RESOLVED by the New Jersey Sports and Exposition Authority that, pursuant to N.J.S.A. 10:4-6 et seq., the New Jersey Open Public Meetings Law, the New Jersey Sports and Exposition Authority will hold its regular meetings during the year 2021 on the following dates and that said meetings shall be conducted at the Offices of the Authority, 2 DeKorte Park Plaza, Lyndhurst, New Jersey at 10:00 a.m.

Public Board Meetings

January 28, 2021

February 25, 2021

March 25, 2021

April 22, 2021

May 27, 2021

June 24, 2021

July 22, 2021

August – No Meeting

September 23, 2021

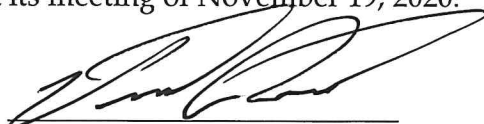
October 28, 2021

November 18, 2021

December 16, 2021

BE IT FURTHER RESOLVED that a copy of the schedule be forwarded to all persons entitled to Notice under the attached Schedule of Meetings and posted on the NJSEA bulletin board and website.

I hereby certify the foregoing to be a true copy of the resolution adopted by the New Jersey Sports and Exposition Authority at its meeting of November 19, 2020.

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

Vincent Prieto
Secretary

ANNUAL SCHEDULE OF MEETINGS

The Board meetings are scheduled to be held by the New Jersey Sports and Exposition Authority from January 28, 2021 through December 16, 2021.

- ANNUAL MEETING: To be held on the third Thursday in the month of November at the Office of the Authority, Two DeKorte Park Plaza, Lyndhurst, New Jersey, beginning at 10:00 a.m.
- REGULAR MEETINGS: Ordinarily to be held on the third Thursday of each month, or such earlier or later date as the Authority may determine, at the Office of the Authority beginning at 10:00 a.m.
- SPECIAL MEETINGS: May be called by the Chairman or upon the written request of two members of the Board, to be held at the Office of the Authority, Two DeKorte Park Plaza, Lyndhurst, New Jersey, at such time as shall be designated.

A copy of this schedule and the Notice of Meetings called by the Authority requiring 48-hour notice shall be:

1. Prominently posted on the bulletin board maintained in the Office of the Authority.
2. Posted on the Authority's website.
3. Transmitted to the Bergen Record, Star Ledger, and the Jersey Journal.
4. Filed with the Secretary of State.
5. Mailed to any person requesting same who has paid the fee established by the Authority to cover the cost of providing said Notice.
6. Forwarded to the Clerk of each Meadowlands constituent municipality.

RESOLUTION 2020-26

**RESOLUTION ADOPTING THE
2020 NEW JERSEY SPORTS AND EXPOSITION AUTHORITY BUDGET**

BE IT RESOLVED by the New Jersey Sports and Exposition Authority that the attached Operations budget is hereby approved and adopted as the 2020 New Jersey Sports and Exposition Authority Budget.

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 November 19, 2020.

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

Vincent Prieto
Secretary



NJSEA Budgetary Summary - Calendar Year 2020

| | Proposed <u>Budget 2020</u> |
|--|--|
| Revenue Budget | |
| Operating Revenue | \$ 23,021,358 |
| Solid Waste Revenue | 4,142,601 |
| Total Revenues | <u>\$ 27,163,959</u> |
| Expense Budget | |
| Operations & Maintenance: | |
| Operating Expenses | 33,942,387 |
| Solid Waste Expenses | 8,992,701 |
| PILOT / Property Tax / CAFO | 12,983,679 |
| Total Expenses | <u>\$ 55,918,767</u> |
| Operating Gain (Loss) | (28,754,808) |
| Non - Operating Income and (Expenses) | |
| Reserve Fund Utilization | 510,392 |
| Kingsland Sale proceeds | 10,834,887 |
| Triple 5 funds reserve | 5,909,529 |
| Expense Reimbursement | - |
| State Appropriations | <u>11,500,000</u> |
| Total Non - Operating Income and (Expenses) | <u>28,754,808</u> |
| Change In Net Position | <u><u>\$ -</u></u> |



NJSEA
Comparative Budgetary Statement
Calendar Year 2020
Support Schedule - Consolidating Budget Information

| | <u>Approved Budget 2019</u> | <u>Proposed Budget 2020</u> | <u>Change vs. Approved 2019</u> |
|--|---------------------------------|---------------------------------|-------------------------------------|
| Revenue Budget | | | |
| Operating Revenue | \$ 21,536,539 | \$ 23,021,358 | \$ 1,484,819 |
| Solid Waste Revenue | 16,802,125 | 4,142,601 | (12,659,524) |
| Total Revenues | <u>\$ 38,338,664</u> | <u>\$ 27,163,959</u> | <u>\$ (11,174,705)</u> |
| Expense Budget | | | |
| Operating Expenses | \$ 32,068,262 | \$ 33,942,387 | 1,874,125 |
| Solid Waste Expenses | 12,273,441 | 8,992,701 | (3,280,740) |
| PILOT / Property Tax / CAFO | 12,140,317 | 12,983,679 | 843,362 |
| Total Expenses | <u>\$ 56,482,020</u> | <u>\$ 55,918,767</u> | <u>\$ (563,253)</u> |
| Operating Gain (Loss) | \$ (18,143,356) | \$ (28,754,808) | \$ (10,611,452) |
| Non - Operating Income and (Expenses) | | | |
| Reserve Fund Utilization | 1,973,557 | 510,392 | (1,463,165) |
| Kingsland Sale proceeds | - | 10,834,887 | 10,834,887 |
| Triple 5 funds reserve | - | 5,909,529 | 5,909,529 |
| Expense Reimbursement | 1,169,799 | - | (1,169,799) |
| State Appropriations | <u>15,000,000</u> | <u>11,500,000</u> | <u>(3,500,000)</u> |
| Total Non - Operating Income and (Expenses) | <u>\$ 18,143,356</u> | <u>\$ 28,754,808</u> | <u>\$ 10,611,452</u> |
| Change In Net Position | <u>\$ -</u> | <u>\$ -</u> | <u>\$ -</u> |



NJSEA
CALENDAR YEAR 2020 BUSINESS PLAN COMBINED DETAIL

| REVENUES | Approved Budget 2019 | Proposed Budget 2020 | Change vs. Approved 2019 |
|--|---------------------------------|---------------------------------|-------------------------------------|
| <u>Operating Revenue</u> | | | |
| NMSCO Ground Lease | \$ 6,300,000 | \$ 6,300,000 | \$ - |
| NMR Shared Services/Ground Lease | 6,200,000 | 6,519,355 | 319,355 |
| MP Shared Services/Interest Income | 2,800,000 | 2,714,748 | (85,252) |
| Lease Revenue | 1,221,855 | 1,147,731 | (74,124) |
| Land Use Fee Income | 700,000 | 955,923 | 255,923 |
| Prudential Revenue | 500,000 | - | (500,000) |
| Market Place | 440,000 | 302,500 | (137,500) |
| Wireless | 350,000 | 396,776 | 46,776 |
| Wildwood Management Fees | 315,000 | 315,000 | - |
| Arena Revenue | 2,259,996 | 2,351,061 | 91,065 |
| AD Shared Services | - | 1,169,318 | 1,169,318 |
| Misc. Other | 449,688 | 848,946 | 399,258 |
| Total Operating Revenue | \$ 21,536,539 | \$ 23,021,358 | \$ 1,484,819 |
| Solid Waste Revenue | 16,802,125 | 4,142,601 | (12,659,524) |
| TOTAL REVENUES | \$ 38,338,664 | \$ 27,163,959 | \$ (11,174,705) |
| <u>EXPENSES</u> | | | |
| <u>Operating Expenses</u> | | | |
| Salaries/Fringe | \$ 15,137,061 | \$ 15,867,478 | \$ 730,417 |
| New Jersey Racing Commission | 2,245,791 | 2,362,852 | 117,061 |
| Professional Services | 1,843,901 | 2,270,884 | 426,983 |
| Utilities | 3,139,226 | 3,443,139 | 303,913 |
| Workers Compensation | 1,200,000 | 1,200,000 | - |
| Pension Withdrawal | 1,400,000 | 1,554,242 | 154,242 |
| State Police | 1,431,251 | 1,714,497 | 283,246 |
| Insurance | 1,195,000 | 1,536,309 | 341,309 |
| Capital | 1,125,000 | 969,396 | (155,604) |
| Repairs/Maintenance | 848,560 | 716,098 | (132,462) |
| Ramapo Operations | 550,000 | 600,000 | 50,000 |
| Misc. Services | 640,430 | 624,912 | (15,518) |
| Two Rivers | 200,000 | 100,000 | (100,000) |
| Supplies | 67,372 | 59,572 | (7,800) |
| Misc. Other | 1,044,670 | 923,009 | (121,661) |
| Total Operating Expenses | \$ 32,068,262 | \$ 33,942,387 | \$ 1,874,125 |
| Solid Waste | \$ 12,273,441 | \$ 8,992,701 | \$ (3,280,740) |
| PILOT / Property Tax / CAFO | \$ 12,140,317 | \$ 12,983,679 | \$ 843,362 |
| TOTAL EXPENSES | \$ 56,482,020 | \$ 55,918,767 | \$ (563,253) |
| Operating Gain/(Loss) | \$ (18,143,356) | \$ (28,754,808) | \$ (10,611,452) |
| Non - Operating Income and (Expenses) | | | |
| Reserve Fund Utilization | \$ 1,973,557 | \$ 510,392 | (1,463,165) |
| Kingsland Sale proceeds | - | 10,834,887 | 10,834,887 |
| Triple 5 Funds Reserve | \$ - | 5,909,529 | 5,909,529 |
| Expense Reimbursement | 1,169,799 | - | (1,169,799) |
| State Appropriations | 15,000,000 | 11,500,000 | (3,500,000) |
| Total Non - Operating Income and (Expenses) | \$ 18,143,356 | \$ 28,754,808 | \$ 10,611,452 |
| Change in Net Position | \$ - | \$ - | \$ - |

RESOLUTION 2020-27

**RESOLUTION AUTHORIZING THE PLACEMENT OF CRIME, FIDUCIARY,
PUBLIC OFFICIALS, EXCESS PUBLIC OFFICIALS, GENERAL LIABILITY AND
PROPERTY INSURANCE**

WHEREAS, the New Jersey Sports and Exposition Authority ("Authority") utilized the services of its Insurance Broker, Willis Towers Watson of Pennsylvania ("Willis") to obtain insurance coverage for Property and

WHEREAS, Willis solicited quotes from multiple insurers for the above referenced policies, and

WHEREAS, as a result of its solicitation, Willis is recommending that the NJSEA bind the following policy:

| Coverage | Carrier | Quote |
|-------------------------|--|---------------------|
| Crime | Chubb | \$3,200 |
| Fiduciary | Chubb | \$3,334 |
| Marine Liability | Argonaut | \$17,624 |
| Public Officials | Greenwich | \$86,611 |
| Excess Public Officials | RSUI | \$52,131 |
| General Liability | Philadelphia/McKee | \$410,672 |
| Commercial Umbrella | Philadelphia/McKee | \$145,801 |
| Property | Zurich/ Allianz/ Axis/ Markel /RSUI/Liberty International | \$653,587 |
| Total | | \$ 1,372,960 |

WHEREAS, the Authority staff has evaluated the insurance premium quotation options submitted by Willis and concurs with its recommendation.

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the New Jersey Sports and Exposition Authority hereby authorizes Willis to bind the policies that will be effective January 1, 2021 through January 1, 2022 at a total cost of \$1,372,960.

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 November 19, 2020.



Vincent Prieto
Secretary

RESOLUTION 2020-28

**RESOLUTION REGARDING TIDELANDS GRANT APPLICATION FOR
HRP HUDSON, LLC - NEW BUILDING
FILE NO. 20-132
BLOCK 3101, LOTS 21 to 26, 29 to 34, 36, 37, & 42 to 44
BLOCK 7402, LOTS 21 to 24 & 33 to 35
IN THE CITY OF JERSEY CITY**

WHEREAS, pursuant to N.J.S.A. 13:1B-13.8, the New Jersey Sports & Exposition Authority (NJSEA) may provide comments to the New Jersey Department of Environmental Protection's (NJDEP's) Bureau of Tidelands Management (Tidelands Resource Council) on tidelands license applications and associated permits in the Hackensack Meadowlands District; and

WHEREAS, HRP Hudson, LLC has submitted a zoning certificate application to the NJSEA (*HRP Hudson, LLC-New Building, File No. 20-132*) for the construction of one 277,070 square-foot warehouse building, one 58,551 square-foot warehouse building, one 264,918 square-foot warehouse building, and one 145,421 square-foot warehouse building, with associated site improvements on the properties identified as Block 3101, Lots 21 to 26, 29 to 34, 36, 37, and 42 to 44, and Block 7402, Lots 21 to 24 and 33 to 35, in the City of Jersey City; and

WHEREAS, in accordance with N.J.A.C. 19:4-4.4(e)3, if a portion of a lot that is proposed for development is subject to the State's riparian interest, a duly executed riparian instrument or permit executed by the Bureau of Tidelands Management shall accompany a zoning certificate application; and

WHEREAS, on January 25, 2019, HRP Hudson, LLC submitted a riparian grant application to the Tidelands Resource Council, specifically for a riparian sweep grant that would resolve any gaps or gores in riparian title to formerly flowed tidelands within the subject properties; and

WHEREAS, the riparian grant application is pending review before the Bureau of Tidelands Management; and

WHEREAS, the NJSEA Staff has reviewed the application submitted by HRP Hudson, LLC to the Bureau of Tidelands Management and recommends approval of same.

NOW, THEREFORE, BE IT RESOLVED that based upon its review of the HRP Hudson, LLC application to the NJDEP Bureau of Tidelands Management for a riparian grant, the Board of Commissioners of the New Jersey Sports and Exposition Authority agrees with the Staff recommendation and

recommends that the application be approved by the Tidelands Resource Council.

BE IT FURTHER RESOLVED that the Board of Commissioners of the New Jersey Sports and Exposition Authority hereby authorizes NJSEA staff to forward the Board of Commissioner's recommendation to the NJDEP Bureau of Tidelands Management accordingly.

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 November 19, 2020.

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

Vincent Prieto
Secretary



MEMORANDUM

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

From: Sara J. Sundell *Date:* November 19, 2020

Subject: Tidelands Grant Application---HRP Hudson, LLC--New Building (File No. 20-132)

On January 25, 2019, Perry Florio, Esq., of the firm Waters McPherson McNeill, P.C, on behalf of HRP Hudson, LLC ("Applicant") submitted an application to the New Jersey Department of Environmental Protection's Bureau of Tidelands Management (Tidelands Resource Council) for a riparian sweep grant to purchase tidelands claimed by the State within Block 3101, Lots 21 to 26, 29 to 34, 36, 37, and 42 to 44, and Block 7402, Lots 21 to 24, and 33 to 35, in the City of Jersey City. The subject property is 111 acres in area and was formerly developed with a PSE&G coal-fired electrical generating station. The clearance of the tidelands claims on the property will facilitate the construction of four warehouse and distribution facilities with associated site improvements, which are subject to New Jersey Sports and Exposition Authority (NJSEA) approval.

Pursuant to N.J.S.A. 13:1B-13.8, the Tidelands Resource Council is responsible for transmitting a copy of the application to the NJSEA for comment. The NJSEA has 45 days to submit a recommendation to the Tidelands Resource Council. Having reviewed the tidelands grant application and associated plans, the NJSEA Staff recommends that the application be approved by the Tidelands Resource Council. Furthermore, the NJSEA staff recommends that the NJSEA adopt the attached resolution and forward same to the Tidelands Resource Council as its comment on the application.

RESOLUTION 2020-29

**RESOLUTION ISSUING A DECISION ON THE
VARIANCE APPLICATION
SUBMITTED AS PART OF FILE NO. 20-152
PSE&G/BERGEN SWITCHING STATION - EXPANSION - VARIANCE
BLOCK 4014, LOT 4
IN THE BOROUGH OF RIDGEFIELD**

WHEREAS, an application for one bulk variance has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by Public Service Electric and Gas Company (PSE&G) for the premises located along Hendricks Causeway and identified as Block 4014, Lot 4, in the Borough of Ridgefield, New Jersey; and

WHEREAS, the premises contains PSE&G's Bergen Switching Station, which includes the Ridgefield Substation, and is located within the District's Public Utilities, Environmental Conservation and Light Industrial B zones; and

WHEREAS, the applicant requested bulk variance relief from N.J.A.C. 19:4-5.112(a)3i, which requires a minimum front yard setback of 35 feet, whereas the applicant is proposing to construct a new walk-in 13kV sheltered aisle switchgear and associated equipment in the Public Utilities zone with a setback of 25.3 feet from the front property line along Hendricks Causeway; and

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

WHEREAS, a public hearing was held virtually using Zoom video conferencing on Tuesday, September 29, 2020, before Sara Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon A. Mascaró, Deputy Director of Land Use Management and Deputy Chief Engineer; Mia Petrou, P.P. AICP, Supervising Planner; and William Moran, P.E., P.P., Principal Engineer; and

WHEREAS, a comprehensive report dated November 9, 2020, has been prepared indicating the recommendations of the Director of Land Use Management and the Senior Vice President, Chief of Legal & Regulatory Affairs in this matter; and

WHEREAS, a copy of the recommendation and comprehensive report was provided to the applicant on November 10, 2020; and

WHEREAS, the report recommends the approval of the requested use variance from N.J.A.C. 19:4-5.112(a)3i, to construct a new walk-in 13kV sheltered aisle switchgear and associated equipment in the Public Utilities zone with a minimum setback of 25.3 feet from the front property line along Hendricks Causeway; and

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

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

WHEREAS, the Board of Commissioners hereby determines that the requested bulk variance application, to construct a new walk-in 13kV sheltered aisle switchgear and associated equipment in the Public Utilities zone with a minimum setback of 25.3 feet from the front property line along Hendricks Causeway.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the PSE&G/Bergen Switching Station - Switchgear - Variance application for a bulk variance from N.J.A.C. 19:4-5.112(a)3i to construct a new walk-in 13kV sheltered aisle switchgear and associated equipment in the Public Utilities zone with a minimum setback of 25.3 feet from the front property line along Hendricks Causeway is hereby **APPROVED** for the reasons set forth in the recommendation dated November 9, 2020.

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 November 19, 2020.

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

Vincent Prieto
Secretary



MEMORANDUM

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

From: Sara J. Sundell *Date:* November 19, 2020

Subject: Variance Recommendation - PSE&G/Bergen Switching Station - Switchgear - Variance (File No. 20-152)

An application for one use variance has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by Public Service Electric and Gas Company (PSE&G) for the premises located along Hendricks Causeway and identified as Block 4014, Lot 4, in the Borough of Ridgefield, New Jersey. The subject premises contains the Bergen Switching Station and is located within the District's Public Utilities, Environmental Conservation and Light Industrial B zones. The bulk variance is sought in connection with the installation of two new walk-in 13kV sheltered aisle switchgears and associated equipment in the Public Utilities-zoned portion of the subject premises.

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

1. N.J.A.C. 19:4-5.112(a)3i, which requires a minimum front yard setback of 35 feet, whereas the applicant is proposing to construct a new walk-in 13kV sheltered aisle switchgear (13kV Switchgear #1) and associated equipment in the Public Utilities zone with a setback of 25.3 feet from the front property line along Hendricks Causeway.

An electronic public hearing was held virtually using Zoom video conferencing on Tuesday, September 29, 2020.

In a comprehensive report dated November 9, 2020, the Director of Land Use Management and the Senior Vice President, Chief of Legal & Regulatory Affairs recommended the approval of the use variance requested above in Item 1. A copy of the comprehensive report and variance recommendation was provided to the applicant on November 10, 2020.

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

**RECOMMENDATION ON THE VARIANCE APPLICATION OF
PSE&G/Bergen Switching Station - Switchgear - Variance
FILE # 20-152**

I. INTRODUCTION

An application for one bulk variance has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by Public Service Electric and Gas Company (PSE&G) for the premises located along Hendricks Causeway and identified as Block 4014, Lot 4, in the Borough of Ridgefield, New Jersey. The subject premises is located within three different zones in the Hackensack Meadowlands District, i.e., the District's Public Utilities, Environmental Conservation, and Light Industrial B zones. The bulk variance is sought in connection with the installation of two new walk-in 13kV sheltered aisle switchgears and associated equipment in the Public Utilities-zoned portion of the subject premises.

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

1. N.J.A.C. 19:4-5.112(a)3i, which requires a minimum front yard setback of 35 feet, whereas the applicant is proposing to construct a new walk-in 13kV sheltered aisle switchgear (13kV Switchgear #1) and associated equipment in the Public Utilities zone with a setback of 25.3 feet from the front property line along Hendricks Causeway.

Notice was given to the public and all interested parties as required by law. The public notice was published The Record on September 15, 2020. No written objections were submitted to the Division of Land Use Management. An electronic public hearing was held virtually using Zoom video conferencing on Tuesday, September 29, 2020. All information submitted to the Division of Land Use Management relative to this application is made part of the record of this recommendation.

II. GENERAL INFORMATION

A. Existing and Proposed Use

Located in the District's Public Utilities, Environmental Conservation and Light Industrial B zones, the 78.24-acre parcel fronts on Hendricks Causeway, and is developed with the PSE&G's Bergen Switching Station, which includes its Ridgefield Substation within the eastern portion of the site. Gravel covers most of the 15.27-acre surface area within the facility. Approximately 62 acres, or 80 percent of the overall site, is located in the Environmental Conservation zone and consists of mostly wetlands. Bellman's Creek traverses this portion of the property from west to east. Several electric transmission towers with overhead wiring are located throughout the entire site.

PSE&G is undertaking the Energy Strong II Flood Mitigation (ESII) program, a statewide program to strengthen and improve the reliability of the electric distribution system against severe storm events such as those experienced during Superstorm Sandy. As part of the ESII program, PSE&G is proposing to perform upgrades to the Ridgefield Substation, including the installation of two new walk-in 13kV sheltered aisle switchgears and associated equipment on the portion of the subject premises located in the Public Utilities zone. The project intent is to elevate critical electrical equipment at least one foot above FEMA base flood elevation levels to improve reliability and increase capacity of the system.

B. Response to the Public Notice

No written objections were received prior to the public hearing.

III. PUBLIC HEARING (September 29, 2020)

A public hearing was held on Tuesday, September 29, 2020. NJSEA staff in attendance were Sara Sundell, Director of Land Use Management and Chief Engineer; Sharon A. Mascaró, Deputy Director of Land Use Management and Deputy Chief Engineer; Mia Petrou, Supervising Planner; and William Moran, Senior Engineer.

A. Exhibits

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

| <u>Number</u> | <u>Description</u> |
|---------------|---|
| A-1 | PSE&G Ridgefield Substation & Switching Station Site Location & Aerial Exhibit, dated September 15, 2020; |
| A-2 | PSE&G's Ridgefield Substation Site Plan, dated May 14, 2020, and revised through August 11, 2020; |
| A-3 | Photograph of a Sheltered Aisle Switchgear |
| A-4 | Drawing 323228 entitled, Bergen Switching Station - Ridgefield Substation Grading, Drainage, SESC Plan, dated May 2, 2011, Revision No. 11P dated February 7, 2020; |
| A-5 | PSE&G's Ridgefield Substation Existing Conditions Plan, prepared by PSEG Services Corporation Surveys & Mapping, dated May 14, 2020, and revised through August 11, 2020; and |
| A-6 | Drawing 728645 entitled, Bergen Switching Station - Ridgefield Substation Lighting Plan, dated November 1, 2018, Revision No. 2P, dated February 24, 2020. |

B. Testimony

Glenn C. Kienz, Esq., of the Weiner Law Group LLP, represented PSE&G at the hearing. The following three witnesses testified in support of the application:

1. Hardik Shah, P.E., PSE&G;
2. Katherine Hering, P.E., P.P., DW Smith Associates; and
3. Ike-Chukwu Inya-Agha, PM, PSE&G

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

C. Public Comment

No members of the public were present at the public hearing

IV. RECOMMENDATION

- A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.112(a)3i,, which requires a minimum front yard setback of 35 feet, whereas the applicant is proposing to construct a new walk-in 13kV sheltered aisle switchgear (13kV Switchgear #1) and associated equipment in the Public Utilities zone with a minimum setback of 25.3 feet from the front property line along Hendricks Causeway.

The Hackensack Meadowlands District Zoning Regulations at N.J.A.C. 19:4-4.14(e) state in part that, *a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...*

1. *Concerning bulk variances:*

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

The subject property consists of approximately 78.24 acres and is located in the District's Environmental Conservation, Public Utilities and Light Industrial B zones. Nearly 80 percent of the site is located within the Environmental Conservation zone and is comprised primarily of wetlands. Upland portions of the subject property are currently improved with an existing switching station and electric substation, including numerous buildings and foundations that support miscellaneous electrical process equipment. Multiple driveways provide access to the site from Hendricks Causeway.

Based upon best available flood hazard data, the site is located within a special flood hazard area and is at risk of flooding in a major storm event. As part of the Energy Strong II Flood Mitigation (ESII) program, PSE&G is proposing to perform upgrades to the existing Ridgefield Substation that will improve the reliability and increase the capacity of the system for approximately 34,000 local customers in Ridgefield and Palisades Park. As part of the upgrade, the applicant proposes to replace the existing switchgear equipment that was installed in 1972 and is nearing the end of its lifespan. The new switchgear will be installed on a platform and elevated a minimum of one foot above the FEMA base flood elevation to mitigate potential impacts resulting from flooding. The placement and configuration of the proposed electrical equipment on the site, including the proposed 9.7 foot encroachment of 13kV Switchgear #1 into the required front yard, is dictated by the predominant presence of wetlands on the site, which prevent

expansion of the substation footprint, the location of the large amount of existing energized electrical equipment on the site's upland area, which makes it tight and difficult to fit new equipment with the appropriate safety clearances while allowing for the ease of movement of personnel and vehicles, and the regulatory requirements of the National Electric Safety Code (NESC) to maintain certain clearances between equipment structures. Therefore, the variance requested arises from conditions that are unique to the property in question and were not created by any action of the property owner.

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

The existing substation with associated electrical equipment is a permitted use in the Public Utilities zone. The proposed electrical equipment is located within the area of the existing substation yard, which screened from Hendrick's Causeway by a decorative security fence and landscaping. As the width of the 13 kV Switchgear #1 structure that extends 9.7 feet into the front yard is minimal in comparison to the property frontage, which is hundreds of feet long, no adverse visual impacts are anticipated. PSE&G's existing site and maintenance operations will be maintained at their present levels. The site is an unmanned facility that requires only occasional visits by PSE&G personnel.

The proposed variance will not impact the ability of neighboring properties to function as intended. Rather, the proposed improvements will promote energy resiliency, which will benefit area energy customers. In addition, there are no residences in the general vicinity of the site. Therefore, the granting of the requested

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

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

The strict application of the minimum front yard setback requirement of 35 feet on the subject property will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner. If the variance were not granted to permit the installation of 13 kV Switchgear #1 as proposed with a front yard setback of 25.3 feet, PSE&G would not be able to upgrade the substation to improve regional reliability and resiliency of the electric distribution system against severe storm events. The strict application of the 35-foot front yard setback would prevent the placement of the new sheltered aisle switchgear equipment with the appropriate safety clearances while allowing for the necessary ease of movement of personnel and vehicles throughout the site.

The location of the proposed electrical equipment on the site is constrained by the presence of a large amount of existing critical electrical infrastructure equipment whose function must be maintained during the installation of the improvements, as well as regulatory requirements of the NESC to maintain certain clearances between equipment structures. Additionally, the switchgear is nearing the end of its 50-year lifespan and needs to be replaced and elevated to mitigate potential damage resulting from flooding. Therefore, the existing site conditions present exceptional practical

difficulties in the ability to comply with the front yard setback requirements.

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

Approval of the requested variance to permit the installation of switchgear equipment with a 25.3-foot front yard setback, whereas a minimum front yard setback of 35 feet is required, will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. As part of PSE&G's ESII project resiliency and capacity upgrades, the project will increase the lifespan of the substation and bring it into compliance with current code requirements. The proposed substation upgrades will promote the general welfare by improving the reliability of power delivery to 31,000 PSE&G customers in Ridgefield and Palisades Park that are served by this substation. The proposed improvements will blend in with the character of the existing switching station. The applicant provided testimony that any disturbances to the landscaping and fencing screening the substation required for the project will be restored to match the pre-construction condition.

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

- v. *The variance will not have a substantial adverse environmental impact.*

The granting of the requested variance to permit a minimum front yard setback of 25.3 feet, whereas a minimum setback of 35 feet is required, will not have a substantial adverse environmental impact. No wetlands will be disturbed during the installation of the sheltered aisle switchgear equipment. Minimum open space requirements will be maintained. All of the proposed work will occur in previously disturbed areas. The amount of impervious surface will be reduced as a result of this project, thereby reducing the amount of stormwater runoff. The District's environmental performance standards for noise, glare, vibrations, airborne emissions, hazardous materials and water quality, as enumerated in N.J.A.C. 19:4-7.1 et seq., will not be exceeded.

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

The new switchgear upgrade project is required as part of a regional reliability and resiliency initiative to upgrade existing energy infrastructure. The particular characteristics of the property, including the abundant presence of wetlands and the location of existing improvements, constrain the ability of the proposed electrical processing equipment to comply with the front yard setback requirements of the Public Utilities zone. The sheltered aisle switchgear unit that is proposed to extend approximately 9.7 feet into the required front yard along Hendricks Causeway, will occupy only a small portion of the property's northerly front yard. Adequate light, air and open space will continue to be provided and all relevant NJSEA performance standards as enumerated in N.J.A.C. 19:4-7.1 et seq. will be met. The

location of the proposed electrical equipment on the site is constrained by the presence of existing improvements whose function must be maintained as they are upgraded, as well as by regulatory requirements of the NESC to maintain certain clearances between equipment structures and to ensure the safety of PSE&G personnel. Therefore, the variance request is the minimum deviation from the regulations that will afford relief.

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

The granting of the requested variance to permit a 25.3-foot front yard setback to 13kV Switchgear #1, whereas a minimum front yard setback of 35 feet is required, will not substantially impair the intent and purpose of the District Zoning Regulations. Due to the existing configuration of the property and the location of the improvements on site, including the predominant presence of wetlands and the layout of the existing electric utility equipment and proposed switchgear upgrades, the site is constrained in its ability to meet the required front yard setback.

As the District Zoning Regulations are intended to provide for infrastructure and utility improvements and to promote the efficient use of the land, the requested variance will not substantially impair the purpose of the regulations.

V. SUMMARY OF CONCLUSIONS

- A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.112(a)3i, which requires a minimum front yard setback of 35 feet, whereas the applicant is proposing to construct a new walk-in 13kV sheltered aisle switchgear (13kV Switchgear #1) and associated equipment in the Public Utilities zone with a minimum setback of 25.3 feet from the front property line along Hendricks Causeway.

Based on the record in this matter, the bulk variance application to construct a new walk-in 13kV sheltered aisle switchgear and associated equipment in the Public Utilities zone with a minimum setback of 25.3 feet from the front property line along Hendricks Causeway is hereby recommended for APPROVAL.

Approval

11/9/2020



Recommendation on
Variance Request

Date

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

APPROVAL

Recommendation on
Variance Request

11/9/2020

Date



Frank Leanza, Esq.
Senior Vice President
Chief of Legal & Regulatory Affairs

RESOLUTION 2020-30

**RESOLUTION AUTHORIZING THE LEASE TO PURCHASE OF A
2020 CATERPILLAR 926M SMALL WHEEL LOADER**

WHEREAS, the NJSEA Site Departments loader was damaged by fire and is beyond repair; and

WHEREAS, this loader is used for site work tasks such as marketplace clean-up, snow removal and other work at the Sports Complex; and

WHEREAS, there are no Loader contracts in place under the state contract program; and

WHEREAS, NJSEA staff reached out to the Sourcewell CO-OP, a nationwide Government-to-Government cooperative purchasing program, as allowed by N.J. PL2011.c.139. Since the NJSEA is currently a member of this program, the staff was able to obtain competitive pricing and immediate availability for a replacement Loader, which meets our requirements; and

WHEREAS, staff is recommending the award of a lease to purchase agreement to Foley Incorporated, in the amount of \$187,821.75 to be paid in five (5) Annual Payments of \$37,564.35 through the NJSEA's Sourcewell ID #142620. The agreement amount includes a \$500.00 Caterpillar finance origination fee and 2.99% in annual financing for the lease to purchase of the loader.

NOW, THEREFORE, BE IT RESOLVED that the President and Chief Executive Officer is hereby authorized to enter into a purchase agreement with Foley Incorporated in the amount not to exceed \$187,821.75.

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 November 19, 2020.



Vincent Prieto
Secretary