



REGULAR SESSION BOARD MEETING
MINUTES
REMOTE VIA ZOOM

DATE: January 28, 2021
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
Steven Cattuna, Chief of Staff
John Duffy, Senior Vice President of Sports Complex Operations & Facilities
Edward Bulmer, Co-Director of Finance
Brian Aberback, Public Information Officer
Terry Doss, Assistant Director for Natural Resource Management
Lauren LaRusso, Governor's Authorities Unit
Colleen Mercado, Senior Operations Administrator

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

Chairman Ballantyne presented the minutes from the December 30, 2020 Regular Session Special Board meeting. Upon motion made by Commissioner Scala and seconded by Commissioner Buckelew the minutes of the Regular Session Remote Board Meeting held on December 30, 2020 were unanimously approved.

Chairman Ballantyne presented the report of cash disbursements over \$100,000 for the month of December 2020.

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

IV. SPECIAL PRESENTATION

Chairman Ballantyne stated there would be a special presentation on the agenda that would focus on some of the many exciting NJSEA environmental and scientific initiatives that would be taking shape over the course of 2021. He said that thanks to the hard work of the NJSEA and its predecessor agencies, the Meadowlands had been transformed from a blighted region five decades ago to an environmental jewel today. He continued by saying that this year, under the Board's Science and Environment Committee, they would be shining a spotlight on the significant work that the NJSEA performs to improve the Hackensack Meadowlands District's critical and unique urban eco-system. Chairman Ballantyne turned it over to President & CEO Prieto for his comments.

President Prieto said that as a longtime resident, he could attest to the change in the environment that they have had. He said that over the last 20 years they have seen bald eagles and osprey; something that was extinct from this area. He continued by saying that it was amazing to see the turnaround that has happened in the Meadowlands and he was very proud of the staff that keep adding to that and doing so many good things on a day to day basis for the environment. President Prieto then introduced the Chairman of the NJSEA Science and Environment Committee, Commissioner Anthony Scardino.

Commissioner Scardino commented that there was not much he could add to what President Prieto and the Chairman had already expressed. He said he was just delighted that they were putting emphasis on a very crucial and important mandate that all of the Commissioners have to fulfill. He said that he was delighted that we are there; and that we have a future ahead of us where we are going to do a lot of good. He concluded by saying that he was particularly delighted that Terry Doss was here today to make this special presentation.

Chairman Ballantyne introduced Terry Doss, Assistant Director for Natural Resource Management. He said that over the past 30 years, Terry had 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 using nature-based solutions to reduce flood risks while improving resiliency for coastal communities. He noted that Terry received a BS in Agricultural Sciences in 1984, and later received a

Master of Marine Policy in 1989, both from the University of Delaware. Chairman Ballantyne added that in 2003, Terry studied Earth Sciences as part of a PhD program at Lehigh University where her focus was on the peatlands of Alberta, Canada.

Ms. Doss presented a power point presentation titled: *2021 - Year of the Environment*. She said that the presentation would be focusing on the NJSEA's priorities for this year and that she believed with the new administration and the renewed focus on the environment and climate change that this would truly be the year of environment. She noted that just that morning the Star Ledger had an op-ed called the *Year of Environment*, so she felt that the NJSEA was right on target with the State priorities already.

She spoke of people flocking to Losen Slote Park this month to see the Common Red Pole, a very infrequent visitor that comes down from the arctic and said even more exciting was to see the Horney Red Pole. She said that this was one of the first or the second time this bird had appeared in the Meadowlands and people came from all over from different states to catch a glimpse of this bird. She said that it really sunk home that the Meadowlands really is the site of wildlife tourism. She said there was also another infrequent visitor in the past week that generated a lot of excitement - a snowy owl at the old Kingsland landfill and that brought even more people to the District, adding that what normally is a quiet time in winter this brings hope that this will really be a year for renewal.

Ms. Doss said these symbols of hope and a new year are all occurring with the backdrop that we are witnessing with definitive actions that are coming from both the new Federal administration and also at the state level which are working really hard to better protect our environment, combat climate change and protect against coastal threats. She stated that there was a United Nations kick off of the Decade of Ecosystem Restoration, which would be occurring in 2021 and NJSEA's job is to work hard to make sure the Meadowlands is a part of this movement.

Ms. Doss advised that on June 5th, the actual international kick-off date for the *Decade of Ecosystem Restoration*, staff would be looking to hold an event, if COVID restrictions allow, that would bring people to the Meadowlands to actually take part in this ecosystem restoration event. She said they plan to create a series of small pilot projects where people can come out and literally get their hands dirty by putting plants into the ground. She continued by saying that they would be working with a lot of partners such as the Hackensack Riverkeeper, NY/NJ Baykeeper, Bergen County Audobon Society and would be looking for corporate sponsors as well. Ms. Doss said that this would be a great opportunity to highlight the fact that the Meadowlands have a lot of restoration opportunities that can be undertaken. She noted that a lot of these projects had grown out of the development of their strategic plan for natural resources as well as their Wildlife Action Plan and Wetland Program Plan. She said that these planning documents, as well as their work with different federal, state, regional and even local partners they have been able to develop these four priorities that they would be focused on for 2021.

Ms. Doss said that this year there were four areas that really rose to the top with a focus on ecosystem restoration:

- Sawmill Creek Wildlife Management Area
- Losen Slote Creek Park
- Closed Landfills
- Kearny Fresh Water Marsh

She explained that the reasons these four sites had risen to the top were:

- all are important to aiding the Meadowlands area and meeting the challenges set forth by the State for the climate change and coastal action plans;
- all provide habitats for threatened or endangered species;
- all are experiencing some threat due to climate change, including sea level rise;
- all are experiencing some type of continued human impact;
- all are central to the Wetlands Program Plan, which has been approved by the USEPA
- She said by having this they are able to compete for a wetlands development program grant, which they have competed for in past and have had a good number of EPA funds that have helped fund their most important work at NJSEA sites.

Ms. Doss concluded her presentation by saying that the restoration of these sites were just an aspiration at this point. She said they would continue to work to better understand these sites and look for funding opportunities and partners to help align their goals with the State policies to combat climate change and protect against climate threats.

Chairman Ballantyne thanked Ms. Doss and said it was a wonderful presentation. He then asked if there were any questions.

Commissioner Scardino also thanked Ms. Doss for a wonderful presentation. He said he couldn't help but think that the Authority should really concentrate on putting some of these presentations on whatever media they could attach it to, including YouTube and so that people who are surfing and looking for matters of interest such as what's going on particularly in the Meadowlands and the Hackensack River estuaries, they would have an opportunity to see it first-hand. Commissioner Scardino felt this presentation would make a real interesting addition to the media outlets. He concluded by saying he would like to hopefully talk more with staff about how to go about this.

Commissioner Scardino asked Ms. Doss how the Hackensack River and its estuaries tied in with everything she just discussed?

Ms. Doss responded that everything was connected to the Hackensack. Even the Kearny Freshwater Marsh, which is unique as it connects both the Passaic River and Hackensack River; everything is connected through the tributaries, sometimes to the overtopping of berms.

Commissioner Scardino also asked Ms. Doss about the improvements and restoration of the river over the years. He said, for example, the fish that were there, the crabs that were in great abundance years ago; he asked: "Have we had great success in that part of the restoration?"

Ms. Doss replied that there were a series of fisheries surveys that had occurred over the last 30 years and she believed the first date of the survey was in 1987 and in 1990/2000 it showed there was a big improvement due not only to the ecosystem restoration projects that were undertaken but also the improvement in the waste water treatment plants and other land use improvements. She said that could readily be seen in both the fisheries survey and benthic survey. She said that in the last survey they had seen things had leveled off. She concluded by saying that both the biodiversity and abundance of the fish have increased over the 30 years.

Commissioner Scardino asked about an initiative that the HMDC had been talking about years ago regarding a walking path going from Little Ferry down to Kearny, which would literally take advantage, for example, of some of the improvements that Ms. Doss so beautifully discussed. He asked the Chairman if he had heard about it and if the idea was still possible.

Chairman Ballantyne responded that it would be a perfect addition to the District and said he was not aware whether it was still possible but it would definitely be something they should explore.

Commissioner Yudin asked Ms. Doss about one of the stresses she had mentioned at Losen Slote. He asked if the ATV's were trespassing and if they shouldn't be there, then who was responsible for making sure they are not there?

Ms. Doss responded that Losen Slote was a property owned by the town of Little Ferry and she didn't know if there signs posted. She added that she did not know about the legality of it and could only speak of the ecological impacts they are causing.

Commissioner Yudin addressed the Chairman by saying that if the ATV's were causing negative ecological impacts shouldn't the Authority be reaching out to Little Ferry and requiring them to post signs that ATV's are prohibited and have those signs enforced? He said that if they are causing ecological damage steps should be taken to have them off of that property. He asked if the Authority could start a process that hopefully in the end would ban them adding that he was not sure if it was the NJSEA's responsibility or Little Ferry's. He asked to have someone get back to the Board periodically on this matter.

Chairman Ballantyne agreed with Commissioner Yudin and said that there certainly shouldn't be any unauthorized vehicles in the Meadowlands and at the same time if they're destroying habitat they certainly would want to get a handle on it. He noted that staff had just recently made a recommendation and had requested a wildlife officer from the Wildlife Fish and Game to be assigned to the District because of all of the sensitive wetlands. He said there were areas in the District where people are still hunting and fishing. He said the Authority could certainly have signs put up and he wasn't sure of the legalities. He would imagine that it would be the Authority's responsibility if the Authority was managing the property. The Chairman said that he planned to follow up with staff regarding the wildlife officer for the District and would update the Board.

Chairman Ballantyne addressed Ms. Doss noting that she had mentioned that there had been a snowy owl in the District and that he had just read in the New York Post that they had just seen one in New York City as well. He said that apparently that had been the first time it had been sighted in New York City since 1890. He commented that it did make quite a splash and there were a lot of bird watchers, photographers and news teams. He then asked Ms. Doss when the last time was that she had sighted one in the District.

Ms. Doss responded by saying that she had been told that about three or four years ago there were an abundance of snowy owls. She noted that it depended on how their year and brooding goes up in the artic. She commented that this year for red poles and snowy owls was very good.

Chairman Ballantyne said that along with Commissioner Scardino he felt that the Meadowlands had so much to offer as the jewel of the Meadowlands and so much to offer to people with wildlife. He went on to say that they needed to get that out as quickly as possible so that the people of New Jersey could enjoy those sightings as well. He mentioned that along with the Meadowlands blog and Facebook page, there was the website that people could visit also. He thought that it would be nice to have a YouTube channel as well for people to also view the wildlife.

V. PUBLIC PARTICIPATION ON RESOLUTIONS - None

VI. APPROVALS

Resolution 2021-01 Consideration of a Resolution Issuing a Decision on the Bulk Variance Application Submitted as Part of File No. 19-260
TKT Property LLC/Terminal Lane-Site Imp (Variance)
Block 132, Lot 1 in Carlstadt

Ms. Sundell advised the Board that TKT property had submitted a zoning certificate application and bulk variance request to construct a site improvement on the property that is identified as Block 132, Lot 1 in Carlstadt. She said the variance was sought in connection with their proposal to construct a paved vehicular use area on the subject property at a setback of 35 feet within the required front yard facing Terminal Lane, where a minimum 50-foot wide front-yard setback is required in the light Industrial A zone. She noted that the paved area on Lot 1 would provide additional automobile and truck parking spaces to be utilized by an adjacent warehouse and distribution facility that is located on lots 5, 6 and 7 on that same Block. She said that all of these properties, including Lot 1, would be joined through a zoning lot record to act as one parcel.

She went on to say that Lot 1 was a long irregularly, shaped narrow lot that had two front yards in addition to a stream that runs along its eastern boundary which results in the need for the provision of a 50-foot wide waterway buffer to any vehicular use area. She explained that all of these site constraints limit the possible locations for a new parking area with adequate site circulation.

Of the facility's 80 parking spaces, on the entire facility, the applicant is proposing three car parking spaces, in addition to a portion of 20 truck parking spaces, within the required front yard setback on Lot 1. The vehicular use area will actually be set back 42 feet from the curb line of Terminal Lane and that area will also be screened by landscaping and a solid continuous fence to minimize any visual impacts it may have. The proposed layout will provide a safe, functional layout for the overall site and will not result in any increase in traffic. Additionally, a proposed secondary driveway from Terminal Lane to the warehouse facility will provide safer access to and from the facility for trucks compared with the facility's substandard existing narrow driveway that is off of Washington Avenue. Ms. Sundell concluded by saying that for these reasons and those stated in the recommendation that are part of the Agenda, staff is recommending the approval of this bulk variance.

Commissioner Yudin asked Ms. Sundell if she was comfortable with the setback being reduced from 50 to 35 feet. He commented that it seemed like staff were always reducing the setbacks. He asked if this was a trend and if they were okay with, generally speaking, always reducing the setbacks. He said that the setbacks were originally put in there for a

reason and it seemed like with every one of these applications they were reducing the setbacks.

Ms. Sundell replied that she was comfortable with the setback being reduced and stated that in this case Terminal Road acts a little bit like a ramp off of Washington Avenue in this area, so it was not a traditional road and it also had the 42 foot distance between the curb line and parking area that was going to be buffered with vegetation, with evergreen trees, in addition to a solid fence. Ms. Sundell went on to say that the agency receives approximately 500 applications a year and the majority of the applications meet the setbacks. She said that these were cases where people found it difficult and staff evaluates each case on a case by case basis. She stated that staff evaluates the criteria contained in the regulations to see if the applicants meet them; and in this case they found that they met the criteria.

Commissioner Yudin thanked Ms. Sundell and said that he was glad to hear that she was on top of this and was only allowing those setback reductions where they are actually needed and would not adversely affect the original.

Chairman Ballantyne asked Ms. Sundell if anyone had opposed the resolution.

Ms. Sundell replied that no one had opposed the resolution and said that they did not have any public come to the public hearing and there were no other comments received.

Chairman Ballantyne presented Resolution 2021-01. Upon motion made by Commissioner Fontoura and seconded by Commissioner Scardino Resolution 2021-01 was unanimously approved by a vote of 13-0.

Resolution 2021-02 Consideration of a Resolution Issuing a Decision on the Bulk Variance Application Submitted as Part of File No. 19-490 Vineland/200 Harrison Avenue – Technical Major Subdivision & Variances. Block 284, Lot 3.02 in Kearny

Ms. Sundell advised the Board that Vineland Construction Company had applied for a technical major subdivision for one of its parcels, which was located within the Kearny Wal-Mart Supercenter commercial complex. She said that the property was located in the Harrison Avenue Retail Center of the Kearny Redevelopment Area, which requires a minimum lot area of three acres. She explained that the applicant was requesting three bulk variances to subdivide the existing 4.07-acre parcel into three lots, each having an area of less than 3 acres. She continued by saying that one of the lots, which contained an existing Wawa, proposed a lot area of 2.09 acres and the other 2 undeveloped lots were proposed at 0.98 acres. She stated that although the proposed lots were smaller than the three-acre minimum requirement, the properties would continue to be included within the 27-acre zoning lot of record for the Wal-Mart Supercenter commercial complex, which also included a commercial retail strip and a restaurant. She said that the property shared access and internal drive aisles with other properties in that zoning lot of record, which fulfilled the intent of the redevelopment plan requirements to provide for a regional commercial center in that area, and the proposed subdivision would support the continued redevelopment of the Kearny Area Redevelopment Area.

Ms. Sundell stated that for these reasons and those stated in the recommendation, Staff was recommending the approval of the requested bulk variances.

Commissioner Yudin addressed Ms. Sundell saying that he wanted to be clear in his mind that two of the subdivisions were going to 0.98, where 3.0 was the present requirement and did that mean there could be development on the 0.98. He felt that this was a very substantial reduction. He also asked Ms. Sundell if she was okay with it because it was within the 27-acre total project and if she had any problem with allowing something to go on the 0.98 acres of the 27 acres. He asked if anyone wanted to put something on it they would have to go through Ms. Sundell and she would have to feel that it was feasible to approve it.

Ms. Sundell replied by saying it was correct and she was okay with it. She noted that on one of the 0.98 acres there was a proposal for an auto zone facility. She said that the application had been forwarded to Kearny for review but it appeared that it had no bulk variance that was required for that new facility and it was because it was a pad located within the larger area that it worked out. She explained that in this case the property owner could develop each of the pad sites without subdividing them because it was within a larger commercial center. She noted that the property owner had subdivided in this case for financial purposes.

Commissioner Yudin thanked Ms. Sundell.

Chairman Ballantyne presented Resolution 2021-02. Upon motion made by Commissioner Scala and seconded by Commissioner Fontoura Resolution 2021-02 was unanimously approved by a vote of 13-0.

Resolution 2021-03 Consideration of a Resolution Certifying the Meadowlands Adjustment Payments for CY2021

Mr. Bulmer advised the Board that the final Agreed Upon Procedures had been received from Mercadien. He said that similar to last year there were nine would-be payers and four receivers. He stated that the overall pool had increased by \$87,992. He noted that the four receivers included North Arlington who would receive \$29,767 more than the previous year, Ridgefield would receive \$10,698 less and Jersey City also receiving less at \$14,480. He said the fourth receiver was Kearny who would receive an additional \$83,402.

Chairman Ballantyne presented Resolution 2021-03. Upon motion made by Commissioner Scardino and seconded by Commissioner Scala, Resolution 2021-03 was unanimously approved by a vote of 13-0.

VII. AWARDS/CONTRACTS - None

VIII. PUBLIC PARTICIPATION

Mr. John Pinho of Harrison referred to the December 17 Board meeting at which Commissioner Scardino had inquired as to how long it would be before the Keegan Landfill would be completely closed and capped. He said that Mr. Marturano had replied at that time that it was hard to say as he still did not have any approvals from NJDEP for the closure. Mr. Pinho asked what the status of the approval was and if there was anything that could be done to get NJDEP to approve so that once the fill was finished the NJSEA could move forward without delay.

Chairman Ballantyne responded that at this moment in time the Authority was still awaiting on NJDEP to approve the Plan and if there were any changes Ms. Sanz could give an update but he did not believe there had been any changes thus far.

Ms. Sanz responded that was correct.

Mr. Pinho asked what needed to be done to get NJDEP to review and approve.

Ms. Sanz responded by saying that she wanted to let him know that the NJSEA did timely submitted the application for closure and that the Town of Kearny did submit comments as well to the NJDEP. She said that the NJSEA then promptly responded to those comments, so it was their understanding that the Department was reviewing the application at this time but would be happy to provide an update next month if there were any changes.

Mr. Pinho then asked if the NJSEA had gotten any feedback from the NJDEP.

Ms. Sanz replied "as of today, no".

Mr. Pinho asked if there had been any follow-up with NJDEP and wanted to know if this was normal or was this something that the pandemic had caused. He asked if there was anything as far as the public was concerned that could be done to make sure that once the fill was done there would be no additional delay.

Ms. Sanz responded that it would be conjecture on her part to guess as to why; however certainly the pandemic had played a part in any regulatory body's ability to move and also this was a large application. She said she couldn't guess why the NJDEP had not finished their review as yet.

Mr. Pinho asked if the NJSEA could reach out to NJDEP to get a response for the next meeting so they knew what the delay was. He would like to see the project begin. He concluded by saying that it was important to the community to cap the landfill.

Ms. Sanz responded that they could make an inquiry.

Chairman Ballantyne advised that they would have an update next month.

VIII. EXECUTIVE SESSION

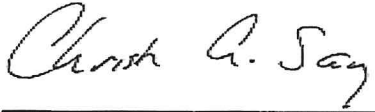
Chairman Ballantyne advised that there was no need to conduct any business under Executive Session and that the Executive Session minutes from December 17 and December 30 would be approved at the next meeting.

IX. ADJOURNMENT

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

Meeting adjourned at 10:55a.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 January 28, 2021.



Christine Sanz
Assistant Secretary

January 28, 2021

Commissioner	Roll Call	2021-01	2021-02	2021-03
Ballantyne, Chairman	P	Y	Y	Y
Buckelew, Vice Chairman	P	Y	Y	Y
Prieto	P	Y	Y	Y
Dowd	P	Y	Y	Y
Fontoura	P	Y	Y	Y
Gluck	P	Y	Y	Y
Gonnelli	--	--	--	--
Knopf	P	Y	Y	Y
Plofker	P	Y	Y	Y
Scala	P	Y	Y	Y
Scardino	P	Y	Y	Y
Stellato	P	Y	Y	Y
Yudin	P	Y	Y	Y
Treasury Rep Griffin	P	Y	Y	Y

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