

advertising on [properties and facilities] **property** owned or controlled by [the New Jersey Transit Corporation and/or its subsidiaries (collectively "NJ TRANSIT")] **NJ TRANSIT**.

(c) (No change.)

16:86-1.2 Limitation upon advertisements

(a) No advertisement located on property owned or controlled by NJ TRANSIT shall be displayed or maintained that falls within one or more of the following categories:

1. The advertisement [proposes a commercial transaction and the advertisement or] **includes** information [contained in it] **that** is false, misleading, or deceptive;

2.-3. (No change.)

4. The advertisement contains obscene material as defined by N.J.S.A. 2C:34-3[, as such definition may be amended, modified or supplemented from time to time];

5.-7. (No change.)

8. The advertisement proposes the use of or promotes tobacco or tobacco-related products, **including electronic cigarettes**; [or]

9. The advertisement [is not in the best business interest] **disparages the services of** NJ TRANSIT or is not in the best interest of public transportation[.];

10. The advertisement contains material that demeans or disparages an individual, group of individuals, or entity;

11. The advertisement promotes or opposes a political party, the election of a candidate or any group of candidates for Federal, state, or local government offices, or initiatives, referendums, or other ballot measures;

12. The advertisement encourages or depicts unsafe behavior with respect to NJ TRANSIT property or services; or

13. The advertisement expresses or advocates an opinion, position, or viewpoint on matters of public debate about economic, political, moral, religious, or social issues.

SUBCHAPTER 2. PROCEDURES

16:86-2.1 Advertising Standards Committee

The Executive Director shall establish a three member Advertising Standards Committee ("Committee") **comprised of representatives from NJ TRANSIT subunits, with expertise in real estate and economic development, communications and customer service, and government and community relations.** Such Committee shall be independent and its determinations shall constitute NJ TRANSIT's final agency determinations.

16:86-2.2 Review of advertisements

(a) NJ TRANSIT's advertising [firm] **contractor or advertising sales entity (collectively "advertising provider")** shall review each advertisement submitted for installation, display, and maintenance on NJ TRANSIT [properties and facilities] **property** to determine whether the advertisement falls within, or may fall within, one or more of the categories set forth in N.J.A.C. 16:86-1.2. NJ TRANSIT may also review such advertisement for compliance with N.J.A.C. 16:86-1.2. If NJ TRANSIT or its advertising [firm] **provider** determines that an advertisement falls within, or may fall within, one or more of the categories set forth in N.J.A.C. 16:86-1.2:

1. The NJ TRANSIT advertising [firm] **provider** shall promptly provide the advertiser with a copy of [these] **the standards set forth in N.J.A.C. 16:86-1.2** and written notice of the determination, the reason(s) for the determination, and the advertiser's right to request a prompt review before the **Advertising Standards** Committee.

2. The NJ TRANSIT advertising [firm] **provider** shall provide the **Advertising Standards** Committee with a copy of the written notice to the advertiser and the advertisement at issue.

3. Upon request of the advertiser, the **Advertising Standards** Committee shall conduct a prompt review to determine whether the advertisement at issue falls within one or more of the categories set forth in N.J.A.C. 16:86-1.2.

4. The **Advertising Standards** Committee shall promptly provide the advertiser and the advertising [firm] **provider** with a written notice of its

determination. The **Advertising Standards** Committee's determination shall be final as per N.J.A.C. 16:86-2.1.

16:86-2.3 Dispute resolution

[In the event of a dispute arising under these rules, an] **An** aggrieved party **wishing to challenge a decision of the advertising provider** shall transmit its grievance in writing to the **Advertising Standards** Committee **at NJ TRANSIT, Board Office, One Penn Plaza East, Newark, New Jersey 07105.** If no factual issues are presented, the decision by the **Advertising Standards** Committee shall constitute the final agency action of NJ TRANSIT and shall be appealable to the Appellate Division of the Superior Court. In the event of a dispute of the facts, the **Advertising Standards** Committee shall within 45 days transmit the matter for the development of a record and an initial decision by the Office of Administrative Law in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. **and 52:14F-1 et seq.**, and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. The **Advertising Standards** Committee shall then render a final agency decision appealable to the Appellate Division of the Superior Court of New Jersey.

SUBCHAPTER 3. SEVERABILITY

16:86-3.1 Severability

If any category set forth in N.J.A.C. 16:86-1.2 is determined to be invalid as applied to any particular type of NJ TRANSIT property [or facility], the category shall remain applicable to other types of NJ TRANSIT [properties and facilities] **property**. If any category set forth in N.J.A.C. 16:82-1.2 is determined to be invalid as applied to all NJ TRANSIT property [and facilities], the remaining categories shall remain valid.

OTHER AGENCIES

(a)

NEW JERSEY SPORTS AND EXPOSITION AUTHORITY

District Zoning Regulations Official Zoning Map

Block 451, Lot 21, in the Township of North Bergen

Proposed Amendment: N.J.A.C. 19:4-3.3

Authorized By: New Jersey Sports and Exposition Authority, Ralph J. Marra, Jr., Senior Vice President, Legal and Regulatory Affairs.
Authority: N.J.S.A. 5:10A-1 et seq., specifically 5:10A-7(b). See also N.J.A.C. 19:3-1.3 and 1.5.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2015-142.

A **public hearing** on this matter will be held on Tuesday, November 24, 2015, at 10:00 A.M. at the following location:

New Jersey Sports and Exposition Authority
One DeKorte Park Plaza
Lyndhurst, New Jersey 07071

Submit written comments by January 1, 2016, to:

Sara J. Sundell, P.E., P.P.
Director of Land Use Management
New Jersey Sports and Exposition Authority
One DeKorte Park Plaza
Lyndhurst, New Jersey 07071
sara.sundell@njmeadowlands.gov

It is requested (but not required) that anyone submitting written comments also include a disc containing a digital version, preferably in Microsoft Word. Interested persons may obtain a copy of this notice of proposal from the NJSEA website, www.njmeadowlands.gov. The notice of proposal may also be inspected during normal office hours at the NJSEA, One DeKorte Park Plaza, Lyndhurst, New Jersey 07071.

The agency proposal follows:

Summary

On January 31, 2014, a petition for rezoning was received by the New Jersey Sports and Exposition Authority (NJSEA) from the property owner, North Bergen Motel Association, LLC, regarding the property identified as Block 451, Lot 21, located within the Hackensack Meadowlands District (HMD), in the Township of North Bergen. The subject property is currently designated Environmental Conservation on the Hackensack Meadowlands District Official Zoning Map. The petition requests that the NJSEA rezone Block 451, Lot 21, from its existing zoning of Environmental Conservation (EC) to Highway Commercial (HC). The subject property is located along New Jersey State Highway Route 3 Ramp H and Ramp A.

The subject property is an irregularly-shaped, unimproved parcel comprising approximately 5.767 acres. The northern and eastern portions of the subject property consist of approximately 3.663 acres of relatively flat uplands. Approximately 2.104 acres of wetlands are located in the southwestern corner of the site. The petitioner has provided a Jurisdictional Determination, dated October 1, 2013, from the U.S. Army Corps of Engineers that confirms the location of wetlands on a portion of the site, which was formerly thought to contain almost entirely wetlands. To the north, the subject property is bounded by the Route 3 Ramp H and Ramp A. The subject property narrows to a point at both the east and west ends of the site. Directly west and south of the subject property are two lots located in the EC Zone that are predominantly wetlands.

The EC zone, the current zone designation of Block 451, Lot 21, is intended to provide for the preservation and enhancement of the ecological values of wetlands, open water, and adjacent uplands within the District. The zone seeks to provide public access to these areas and encourage scientific and educational study with regard to wetland ecology. According to the petitioner, the proposed rezoning of the subject property to the HC zone would allow the applicant to develop the site for its best possible use. The petitioner's planning report states that the proposed rezoning would permit the development of the uplands that constitute the majority of the site in a manner that is compatible with the surrounding area, without compromising the portions of the subject property that are environmentally sensitive. The proposed rezoning is intended to provide for the continued protection of existing, on-site wetlands by concentrating development on the uplands.

The petitioner has indicated a desire to construct a hotel on the subject property, in accordance with the HC zone regulations. Hotels are allowed in the HC zone (per N.J.A.C. 19:4-5.59), but not in the EC zone. Any proposed development in the rezoned area would be subject to the affordable housing requirements set forth by law or court order at the time of zoning certificate application, including the payment of fees associated with the Statewide Non-Residential Development Fee Act (P.L. 2008, c. 46, §§ 32-38), signed into law on July 17, 2008.

At its regularly scheduled meeting of April 16, 2015, the NJSEA Board of Commissioners authorized staff to prepare and submit a notice of proposal to the Office of Administrative Law for publication in the New Jersey Register and conduct a public hearing to obtain public input regarding this matter.

An advance notice of rules was provided to stakeholders (in accordance with Executive Order No. 2 (2010)) prior to the filing of the notice of proposal. As a result, a number of responses from the public were received, which will be made part of the record of this matter.

The NJSEA has provided a 60-day comment period in this notice of proposal. Thus, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The subject parcel proposed to be rezoned comprises approximately 5.767 acres. No notable social impact is envisioned as a result of the proposed rezoning of the parcel to the HC zone. Improvement to the subject property will direct development onto the upland portion of the site while preserving the on-site wetlands.

The entity most impacted would be the subject property owner. The development of a hotel on a property located in the HC zone would require the submission of a zoning certificate application. If the rezoning were to be approved, the property owner would be bound by the

regulations of the HC zone with respect to the development and enhancement of the subject site. The development of a proposed hotel would be controlled by the zoning requirements listed in the HMD zoning regulations for the HC zone. However, since the proposed amendment is the result of a petition filed by the property owner, the NJSEA may conclude that the property owner has analyzed the impacts of the rezoning and made a determination to proceed with the request.

Economic Impact

The rezoning is anticipated to have an overall positive economic impact on the HMD by providing an increased opportunity for employment and productivity of a presently unimproved lot. The rezoning will allow for the establishment of a concentration of commercial development on the uplands portions of the site, benefiting the surrounding area and the HMD.

The NJSEA is not aware of any funding sources that may be impacted by the proposed rezoning. There will not be a detrimental economic impact on the public, and there are no foreseen economic impacts on implementing agencies. The Township of North Bergen will be afforded the possibility of positive tax ratables attributed to the proposed rezoning and future development. The NJSEA is the agency with zoning jurisdiction and there are no administrative, enforcement, or oversight costs to this agency as a result of this rezoning.

Federal Standards Statement

N.J.S.A. 52:14B-4 requires State agencies that adopt, readopt, or amend State rules that exceed any Federal standards or requirements to include in the rulemaking document a comparison with Federal law. The proposed rezoning has not been formulated in accordance with the authority of, or in order to implement, comply with, or participate in any program established under Federal law.

The Hackensack Meadowlands District is located within the Federally designated Coastal Zone Management Area for New Jersey (designated in accordance with 15 CFR 923.53(a)(1)). The NJSEA acts as the lead coastal planning and management agency for the Hackensack Meadowlands District under the guidance of the New Jersey Department of Environmental Protection (NJDEP).

The NJSEA District Zoning Regulations serve as a regulatory tool for meeting the goals and rules established by the New Jersey Coastal Management Program. The proposed amendment does not contain any requirements or standards in excess of those imposed under Federal law.

Jobs Impact

The proposed rezoning will have a positive impact on job creation in the State of New Jersey. The rezoning of Block 451, Lot 21, from the EC to the HC zone will result in the potential for development of the subject property with uses that will provide employment opportunities for both temporary construction jobs and permanent employment, based on the permitted and special exception uses listed in the HC zone regulations. New employment opportunities generated by the proposed rezoning will contribute to economic development of the upland area.

Agriculture Industry Impact

The proposed amendment will have no impact on the agriculture industry in the State of New Jersey. The property has never been used for any agricultural or related purposes.

Regulatory Flexibility Statement

The proposed amendment does not impose additional reporting, recordkeeping, or other compliance requirements on small businesses, which means any business that is resident in New Jersey, independently owned and operated, not dominant in its field, and employs fewer than 100 full-time employees.

The HC zone is designed to accommodate commercial uses oriented toward, and located in proximity to, highways. The permitted uses in this zone include minor automobile repair facilities, banks, car washes, essential public services, fuel service stations, hotels and motels, parks and recreation facilities, personal services, light public utility uses, restaurants, and retail. Special exception uses include automobile rental facilities, communications transmission towers, and day care facilities.

The rezoning of the property and the proposed amendments to the HC zone will have no impact on the existing requirement that the property owner obtain all permits and or/applicable approvals from the NJSEA.

Housing Affordability Impact Analysis

The proposed rezoning from the EC zone to the HC zone will have an insignificant impact on the affordability of housing in the Hackensack Meadowlands District and in New Jersey. The proposed rezoning will provide additional opportunities for orderly development in the HMD by allowing construction on the uplands of the subject property. Any proposed development in the rezoned area would be subject to the affordable housing requirements set forth by law or court order at the time of zoning certificate application, including the payment of fees associated with the Statewide Non-Residential Development Fee Act (P.L. 2008, c. 46, §§ 32-38), signed into law on July 17, 2008. As such, this rezoning will meet applicable affordable housing requirements. The proposed rezoning is not anticipated to impact the average costs associated with housing in the Hackensack Meadowlands District or New Jersey.

Smart Growth Development Impact Analysis

The proposed rezoning will have an insignificant impact on smart growth development. The Hackensack Meadowlands District is not

located within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan, and therefore would not evoke a change in housing production in these specified areas. Accordingly, the rezoning will not affect, in any manner, new construction within those areas.

Full text of the proposal follows:

19:4-3.3 Official zoning map

Change the zoning designation of Block 451, Lot 21, in the Township of North Bergen, from Environmental Conservation to Highway Commercial.

OFFICE OF ADMINISTRATIVE LAW NOTE: The Official Zoning Map is not reproduced herein, but may be reviewed at the following locations:

New Jersey Sports and Exposition Authority
One DeKorte Park Plaza
Lyndhurst, New Jersey 07071

Office of Administrative Law
Quakerbridge Plaza, Building 9
Quakerbridge Road
Trenton, New Jersey 08625