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IN NEED OF REDEVELOPMENT INVESTIGATION REPORT

Hartz “Carpet Center” Site
100 Park Plaza Drive - Block 227, Lots 4.03 & 4.04
Secaucus, NJ



New Jersey Sports & Exposition Authority

November 2015

Authorized by Resolution No. 13-45 on November 25, 2013



NEW JERSEY SPORTS & EXPOSITION AUTHORITY

**IN NEED OF REDEVELOPMENT INVESTIGATION REPORT
HARTZ "CARPET CENTER" SITE**

**100 PARK PLAZA DRIVE
(BLOCK 227, LOTS 4.03 & 4.04)
TOWN OF SECAUCUS**

NOVEMBER 2015

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APPENDICES

- A. NJMC Resolution No. 13-45 dated November 25, 2013.
- B. NJMC Resolution No. 14-13 dated March 26, 2014.

I. INTRODUCTION

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

The New Jersey Sports & Exposition Authority (NJSEA) has been petitioned by Hartz Mountain Industries, Inc./100 Park Plaza Drive LLC, to investigate the redevelopment potential of the property identified as 100 Park Plaza Drive, Block 227, Lots 4.03 and 4.04, in the Town of Secaucus, New Jersey. The property is located in the Harmon Meadow commercial center and is commonly known as the Hartz Carpet Center Site, due to the carpet wholesalers who formerly occupied the site. The subject property may alternately be referred to herein as the “study area.”

In response to a petition regarding this matter dated August 6, 2013, the NJMC Board of Commissioners adopted Resolution No. 13-45 on November 25, 2013, which authorized the staff to conduct an investigation of the subject property to determine if it meets the conditions to be designated an area in need of redevelopment. Hartz Mountain Industries subsequently rescinded their original petition and submitted a revised petition on September 18, 2015.

On March 26, 2014, the NJMC Board of Commissioners adopted Resolution No. 14-13 determining that the site is suitable for housing in accordance with the Interim Policies Governing Affordable Housing Development in the Meadowlands District.

The study area is comprised of two tax lots, totaling approximately 13.6 acres in area, and is located within the Hackensack Meadowlands District’s (District) Regional Commercial zone. The subject property fronts on Park Place and a portion of the access easement identified as Park Plaza Drive. It is located in the northeast corner of Harmon Meadow, a regional commercial development comprised of retail establishments, restaurants, hotels, offices, a convention center, movie theater, fitness club, and multiple parking decks. The subject property was formerly improved with two interconnected buildings, totaling approximately 331,000 square feet, which had been utilized as showroom space by carpet wholesalers. These structures were demolished, pursuant to a demolition permit issued by the Town of Secaucus in October 2013. A portion of the Cromack Creek and associated wetlands are present in the northerly portion of the site within a designated wetland preservation area, which also includes a walking path for passive recreation.

The study area is delineated by a yellow boundary line on the aerial map in Figure 1. Properties within Block 227 are located in the District’s Regional Commercial zone, as shown on the existing zoning map for the redevelopment study area in Figure 2.

The petitioner has submitted a planning report, prepared by Phillips Preiss Grygiel LLC, dated September 2015, which states that the study area should be declared an area in need of redevelopment in accordance with the following criteria of the NJSEA regulations:

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

- Criterion No. 5, N.J.A.C. 19:3-5.7(a)5, as there exists a *“Lack of proper utilization of areas, caused by the condition of the title, diverse ownership of the real property therein, or other conditions resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.”*

The subject In Need of Redevelopment Investigation Report (“Report”) represents the results of the investigation of the study area to support the NJSEA Board of Commissioners’ determination whether the study area should be declared in need of redevelopment.

In Need of Redevelopment Study Area: Overview

Block 227, Lots 4.03 & 4.04, Secaucus



Figure 1

LEGEND

- Study Area
- Block Line
- Lot Lines

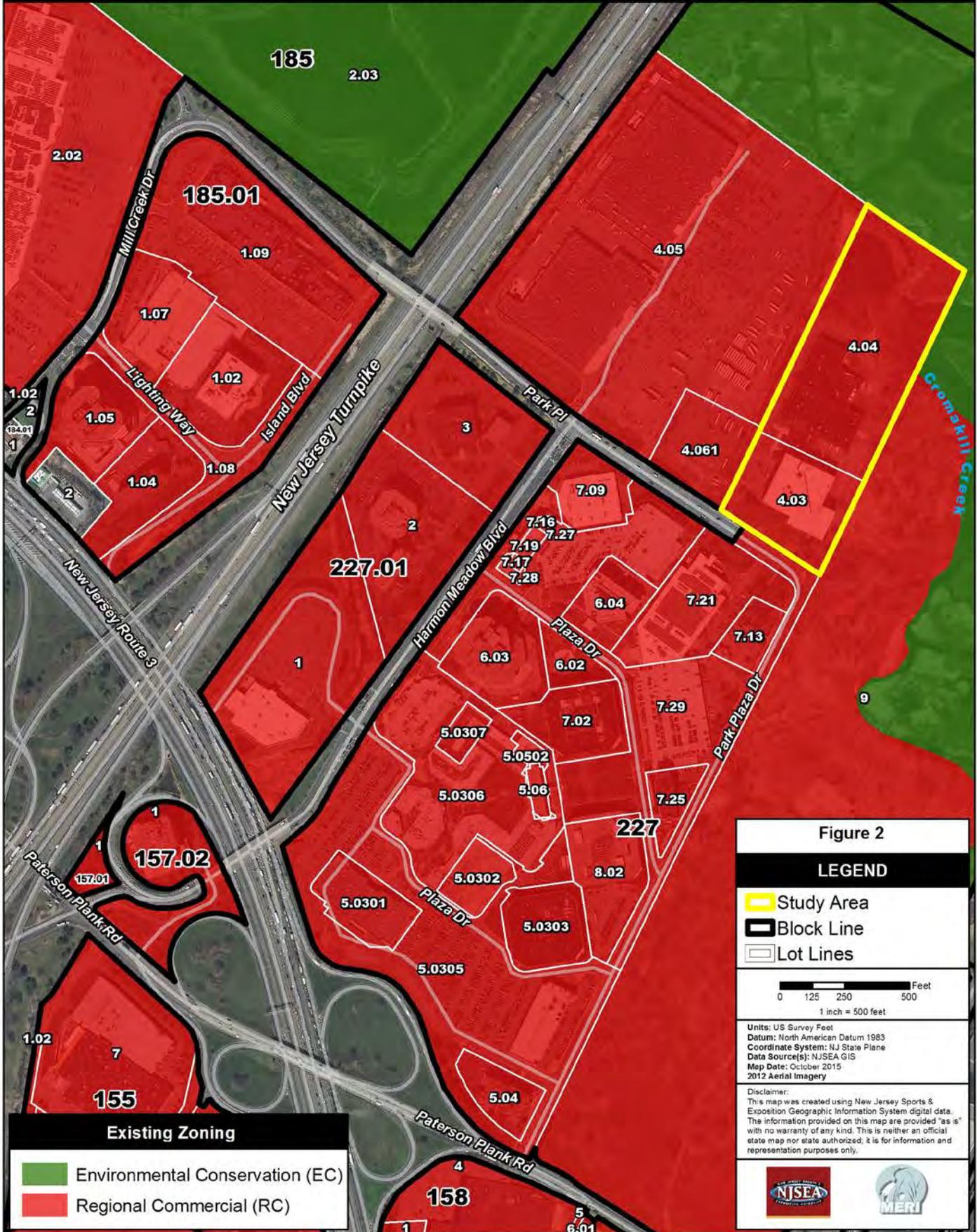
0 125 250 500 Feet

 1 inch = 500 feet

Units: US Survey Feet
 Datum: North American Datum 1983
 Coordinate System: NJ State Plane
 Data Source(s): NJSEA GIS
 Map Date: October 2015
 2012 Aerial Imagery

Disclaimer:
 This map was created using New Jersey Sports & Exposition Geographic Information System digital data. The information provided on this map are provided "as is" with no warranty of any kind. This is neither an official state map nor state authorized; it is for information and representation purposes only.

In Need of Redevelopment Study Area: Existing Zoning
Block 227, Lots 4.03 & 4.04, Secaucus



II. REDEVELOPMENT POWERS AND PROCEDURES

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

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

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

- a) A description of the methods and resources used to assess the area;
- b) A detailed description of the area, including, but not limited to, acreage, existing zoning, description of existing utility infrastructure, and other relevant characteristics;
- c) A site analysis for each lot within the area, listing, at a minimum, ownership, size, and characteristics which support the designation of the area as in need of redevelopment; and
- d) Findings comparing the listed characteristics of the area to each criterion of N.J.A.C. 19:3-5.7. NJSEA staff shall determine whether the existing conditions of the area in question meet the any of the following criteria:

1. *The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions;*
2. *The discontinuance of the use of buildings previously utilized for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable;*
3. *Land that is owned by the NJMC (NJSEA), or other public entities, or unimproved vacant land that has remained so for a period of 10 years prior to adoption of the resolution; or land that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital;*
4. *Areas with buildings or improvements that, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community;*
5. *Lack of proper utilization of areas, caused by the condition of the title, diverse ownership of the real property therein, or other conditions resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare;*
6. *Areas in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone,*

tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated;

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

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

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

- Existing physical and natural conditions in and surrounding the study area;
- NJSEA aerial photographs and topographic maps;
- NJSEA Geographic Information Systems (GIS) data;
- Hackensack Meadowlands District Regulations: N.J.A.C. 19:3-5.1 *et seq.* (Redevelopment Areas) and N.J.A.C. 19:4-1.1 *et seq.* (District Zoning Regulations);
- Town of Secaucus Tax Maps;
- Municipal Property Tax information (NJ MOD-IV data);
- Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) dated September 30, 2005 and Preliminary FIRM as of August 29, 2014;
- NJSEA development application records/engineering files;
- Review of NJDEP Known Contaminated Sites List;
- NJDEP maps showing Conveyances and Leases of State-owned Tidelands;
- USDA Natural Resources Conservation Service Soils Survey;
- Secaucus Town Council Resolution dated July 3, 2012;
- Secaucus Board of Education Resolution dated July 3, 2012;
- “Will-serve” letter from United Water New Jersey, dated October 15, 2013;
- “Will-serve” letter from Secaucus Municipal Utilities Authority, dated October 17, 2013;
- NJMC Resolution No. 14-13 dated March 26, 2014;
- Letter from Joseph Mele, PE, PLS of Dresdner Robin, dated April 9, 2014, including copy of Waterfront Development Permit application to the NJDEP Land Use Regulation Program division;
- “Planning Report in Support of an Area in Need of Redevelopment Designation for Block 227, Lots 4.03 and 4.04 in the Town of Secaucus, New Jersey,” prepared on behalf of Hartz Mountain Industries by Phillips Preiss Grygiel, LLC, dated September 2015; and
- Letter from Michael J. Gonnelli, Mayor, Town of Secaucus, dated September 11, 2015.

III. GENERAL CONDITIONS OF STUDY AREA

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

1. Property Area - The study area is comprised of two tax lots, identified as Lots 4.03 and 4.04 within Block 227, in the Town of Secaucus, totaling approximately 13.6 acres, as detailed in the table in Figure 3 below.

Figure 3. Properties Within In Need of Redevelopment Study Area

Block	Lot	Address	Owner Name	Acres (GIS)	Acres (Tax)	Existing Land Use	Existing Zoning
227	4.03	100 PARK PLAZA DRIVE	HARTZ MOUNTAIN c/o NYURBAN/POOLE FINANCIAL	3.80	3.84	Vacant (former wholesale)	Regional Commercial
227	4.04	100 PARK PLAZA DRIVE	100 PARK PLAZA DRIVE, LLC	9.65	9.80	Vacant (former wholesale)	Regional Commercial
Total acres:				13.45	13.64		

Source: NJSEA Geographic Information Systems (GIS), November 2015

The subject property fronts on Park Place and on a portion of the access easement identified as Park Plaza Drive. The site is located in the northeast corner of the Harmon Meadow complex, a regional commercial development comprised of retail establishments, restaurants, hotels, offices, a convention center, movie theater, fitness club, and multiple parking decks. The study area is bounded to the west by the parking lot of a Wal-Mart and Sam's Club big box development; to the south by the Harmon Meadow Plaza commercial complex; to the east by an undeveloped portion of the Regional Commercial zone; and to the north and northeast by a property located in the Environmental Conservation zone consisting primarily of wetlands and a portion of the Cromackill Creek. Many properties in the Harmon Meadow complex are owned by Hartz Mountain Industries or affiliated entities. A map of existing land use within Harmon Meadow is provided in Figure 4.

The subject property was previously improved with two interconnected buildings, totaling approximately 331,000 square feet, which had been utilized as showroom space by carpet wholesalers. The building formerly located on Lot 4.03, known as the ORICA building, was a 170,910-square-foot structure with three stories over ground level parking. The building formerly located on Lot 4.04 was a two-story, 160,440-square-foot steel frame structure, known as the ACIRO building. These structures were demolished, pursuant to a demolition permit issued by the Town of Secaucus in October 2013, and the property is currently devoid of any structures. Demolition debris is presently evident on the site and access to the site is gated. Figure 5 provides photographs of the subject properties in both their former developed condition, taken in October 2003, as well in their current post-demolition condition. The planning report prepared on behalf of Hartz Mountain Industries by Phillips Preiss Grygiel LLC, dated September 2015, contains photographs of the former buildings on the site, as well as photographs of the interior of the buildings as they existed prior to demolition.

In Need of Redevelopment Study Area: Existing Land Use

Block 227, Lots 4.03 & 4.04, Secaucus

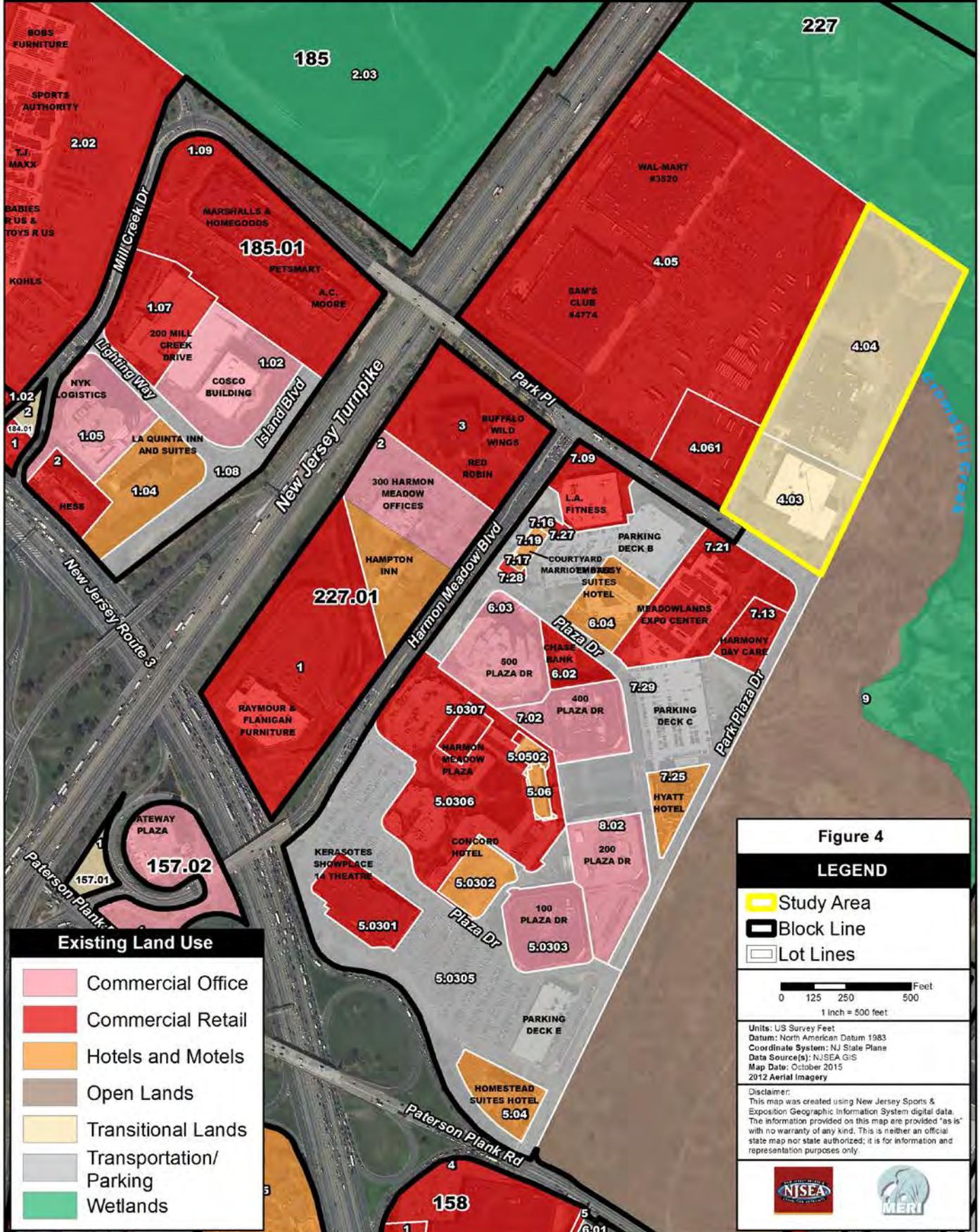


Figure 5 – Photographs of Subject Property within In Need of Redevelopment Study Area



A portion of the Cromakill Creek and associated wetlands are present in the northerly portion of the site, which includes a designated wetland preservation area. A walking path is present through these wetlands and provides an opportunity for passive recreation activities. A drainage ditch also runs along the property's westerly property line, which flows into a basin in the wetlands area in the northwesterly portion of the property.

The study area is the subject of a zoning certificate application (NJSEA File No. 12-528 Hartz CC/Carpet Center Residential Development), received on August 31, 2012, for the construction of a 469-unit residential development, including 94 affordable housing units. In connection with the zoning certificate application, the property owner(s) submitted an application for a Site Suitability Determination, requesting that the site be deemed suitable for the development of residential uses pursuant to the NJSEA's *"Interim Policies Governing Affordable Housing in the Meadowlands District."* The *Interim Policies*, last adopted by the NJMC by Resolution No. 11-29 dated July 27, 2011, are intended to provide expanded opportunities for affordable housing in the Meadowlands District until such time as new regulations can be promulgated to be consistent with state affordable housing regulations. The site was deemed suitable to accommodate housing by the NJMC Board of Commissioners on March 26, 2014 by Resolution No. 14-13.

As a result, the site suitability determination authorizing residential uses within the study area supplants the permitted uses of the Regional Commercial zone (N.J.A.C. 19:4-5.52) enumerated in Section 2 below. All other requirements of the zone, including bulk standards, remain in effect.

The subject property is also the subject of two resolutions in the Town of Secaucus. In a resolution dated July 3, 2012, the Mayor and Council of the Town of Secaucus authorized the execution of a developer's agreement between the property owner (100 Park Place Drive, LLC) and the Town of Secaucus. A Developer's Agreement was executed on an unspecified date in July 2012 between 100 Park Plaza Drive, LLC and the Town of Secaucus. The Town's resolution and Developer's Agreement state that the property owner agrees to comply with all applicable COAH requirements as it seeks to develop a project with no more than 500 luxury residential units, with a bedroom distribution mix consisting of 55 percent studio and one-bedroom units, and 45 percent two-bedroom units, with the exception of any bedroom distribution requirements required by COAH. The resolution also states that any roads in the development will be private roads maintained by the property owner. Furthermore, the resolution and Developer's Agreement state that the property owner will pay the Town of Secaucus an impact fee of \$3,200 per market rate unit upon the issuance of a certificate of occupancy, as well as a sum of \$97,000 for the purchase of two school buses upon signing the developers' agreement.

In another resolution, also dated July 3, 2012, the Town of Secaucus Board of Education adopted a resolution stating that the Town of Secaucus has agreed that the monetary amounts of \$3,200 per market rate unit and the lump sum of \$97,000 to be provided by the property owner will be provided to the Board of Education for the purposes of purchasing two school buses and to be used toward the expansion of Secaucus Middle School. The resolution also provides the Board's support of the proposed residential project in light of the agreement between the Town and the property owner.

Finally, in a letter dated April 9, 2014, from Joseph Mele, PE, PLS, of Dresdner Robin, the NJMC received notification that the property owner has submitted an application to the NJDEP Land Use Regulation Program Division for a Waterfront Development Permit for the development of three residential mid-rise apartment buildings and associated site improvements on the subject property.

2. Zoning - The area is located entirely within the zoning jurisdiction of the New Jersey Sports and Exposition Authority. The subject property is located in the Hackensack Meadowlands District's Regional Commercial zone. (See Figure 2.)

The purpose of the Regional Commercial zone is to contain large-scale commercial development proximate to major roadways, and to accommodate a range of commercial uses serving a regional market area. Development in the zone is intended to incorporate regional retail facilities and large-scale commercial employment centers.

The use and bulk regulations for the Regional Commercial zone are provided below.

- A. *The permitted uses in the Regional Commercial zone (N.J.A.C. 19:4-5.52) are:*
1. Banks;
 2. Business services;
 3. Commercial recreation, indoor;
 4. Commercial recreation, outdoor;
 5. Convention centers;
 6. Cultural facilities;
 7. Day care facilities;
 8. Health care centers;
 9. Hotels and motels;
 10. Movie theaters;
 11. Offices;
 12. Parks or recreation facilities;
 13. Personal services;
 14. Public utility uses, light;
 15. Restaurants;
 16. Retail;
 17. Self-storage facilities; and
 18. Social services.
- B. *The special exception uses in the Regional Commercial zone (N.J.A.C. 19:4-5.53) are:*
1. Communications transmission towers;
 2. Essential public services; and
 3. Helistops.
- C. *The use limitations in the Regional Commercial zone (N.J.A.C. 19:4-5.54) are:*
1. *Accessory outdoor display areas shall be permitted only in connection with retail sales, when provided in accordance with the following:*
 - i. *Such areas shall be located immediately adjacent to the building;*
 - ii. *Such areas shall not exceed 20 percent of the ground floor area of the building, with the total area included within the permitted floor area of the site; and*
 - iii. *Such areas shall be fenced and screened in accordance with N.J.A.C. 19:4-8.9, and shall not conflict with pedestrian or vehicular circulation.*
 2. *Accessory outdoor storage areas shall be permitted only in connection with a principal retail use and used solely for the staging of new products, in accordance with the following:*

- i. *Such areas shall not exceed 10 percent of the ground floor area of the building, with the total area included within the permitted floor area of the site;*
 - ii. *Such areas shall be fenced and screened in accordance with N.J.A.C. 19:4-8.9; and*
 - iii. *Materials within accessory outdoor storage areas shall not exceed the height of the screening.*

- D. *The lot size requirements in the Regional Commercial zone (N.J.A.C. 19:4-5.55) are:*
 - 1. *Minimum lot area: three acres; and*
 - 2. *Minimum lot width: 300 feet.*

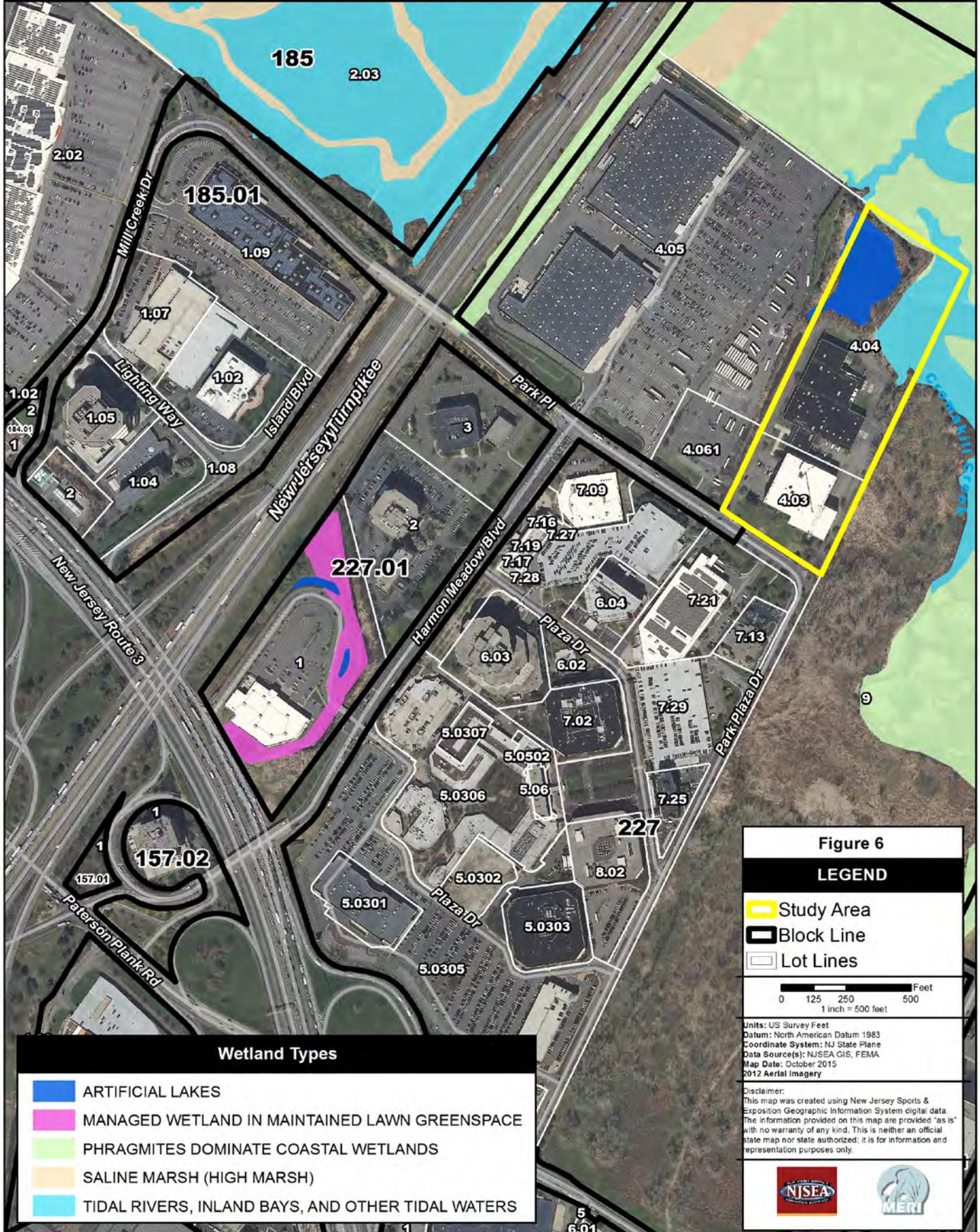
- E. *The bulk regulations in the Regional Commercial zone (N.J.A.C. 19:4-5.56) are:*
 - 1. *Maximum lot coverage: 40 percent;*
 - 2. *Minimum open space: 20 percent;*
 - 3. *Yards:*
 - i. *Minimum front yard: 50 feet for all structures, 25 feet for at-grade parking areas;*
 - ii. *Minimum side yard: 40 feet; and*
 - iii. *Minimum rear yard: 30 feet;*
 - 4. *FAR: 0.75, not including the floor area of parking garages, restaurants, hotels and motels; and*
 - 5. *Maximum number of hotel and motel rooms per acre: 25 rooms.*

- F. *The performance standards in the Regional Commercial zone (N.J.A.C. 19:4-5.57) are:*
All category B performance standards of N.J.A.C. 19:4-7 shall apply to all uses in the Regional Commercial zone.

As stated in Section 1 above, the subject site was deemed suitable to accommodate residential uses with an inclusionary affordable housing component by the NJMC Board of Commissioners on March 26, 2014, by Resolution No. 14-13. As a result, the site suitability determination authorizing residential uses within the study area supplants the permitted uses of the Regional Commercial zone. All other requirements of the zone, including bulk standards, remain in effect.

3. Wetlands – According to NJSEA GIS data, certain environmentally sensitive areas are indicated within the study area. A portion of the Cromakill Creek, classified as tidal waters, meanders through the northeasterly corner of the site. An area designated as an artificial lake is present in the northwesterly portion of the site. Areas adjacent to the Cromakill Creek are identified as phragmites-dominate coastal wetlands. (See Figure 6.)

In Need of Redevelopment Study Area: Wetlands (NJDEP 2007)
Block 227, Lots 4.03 & 4.04, Secaucus



The actual presence or absence of wetlands on a particular site is subject to further review and confirmation by a detailed wetlands study and a jurisdictional determination by the U.S. Army Corps of Engineers.

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

1. URWETB (Urban land, wet substratum, 0 to 8 percent slopes), composed primarily of “asphalt over human-transported material,” exists on the area of the property formerly improved with buildings and associated parking areas.
2. Wecta (Westbrook mucky peat), composed of herbaceous organic material over loamy drift and/or marine deposits, is present in the northerly portion of the site beyond the edge of the developed area.
3. WATER, composed of a portion of the Cromakill Creek that is present in the northeasterly part of the site.

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

5. Contamination - The Known Contaminated Sites List (KCSL) in New Jersey is a report maintained by the NJDEP pursuant to N.J.S.A. 58:10-23.16 and 23.17 that provides a record of sites with confirmed soil or water contamination at levels greater than the applicable cleanup criteria or standards.

Neither of the properties in the study area is listed in the NJDEP KCSL.

6. Vehicular Access – The subject property contains frontage on Park Place, a four-lane roadway serving properties in the Harmon Meadow complex. Park Place is an east-west roadway between Park Plaza Drive and Mill Creek Drive, which intersects with Harmon Meadow Boulevard. Regional access into Harmon Meadow is available via two signalized intersections at Paterson Plank Road (at Park Plaza Drive and Harmon Meadow Boulevard), the Route 3 East Service Road to Harmon Meadow Boulevard, and from the Route 3 West Service Road with various points of entry into the complex. The property contains two points of access from Park Place/Park Plaza Drive via one driveway at the property’s southwest corner, where Park Place is a public right-of-way, and another driveway at its southeast corner, where Park Plaza Drive is a private road.

Harmon Meadow is also served by various public transportation services, including NJ Transit bus routes #78, 85, and 320, as well as the EZ Ride shuttle bus service to and from the Secaucus Junction train station.

7. Floodplain - Properties in the study area appear on the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Map (FIRM), Map Number 3405700266G, dated September 30, 2005. Most of the study area is located within a special flood hazard area (SFHA) designated by FEMA as Zone AE, a 100-year floodplain where base flood elevations have been determined. The properties in the study area have a base flood elevation of 9 feet (NGVD29 datum).

FEMA has published new Preliminary FIRMs as of August 29, 2014, which, pending public comment, are expected to become the new effective FIRMs in early 2016. The FEMA Preliminary FIRM for the study area, Map Number 3405700266J, shows changes to the SFHA designation at the property in question. Specifically, a portion of the site is proposed to be removed from the special flood hazard area designation, while much of the property remains in Zone AE, with an elevation of 8 feet (NAVD88 datum). (Note: FEMA's Preliminary FIRMs utilize the NAVD88 datum to establish base flood elevations, whereas previous FIRMs utilized NGVD29 datum. At the subject location, subtracting 1.04 feet from the elevation in the NGVD29 datum results in the corresponding elevation in the NAVD88 datum. The current base flood elevation (BFE) of 9 feet in the NGVD29 datum becomes a BFE of 8 feet in the NAVD88 datum. Therefore, there is no change in the effective BFE of the study area between the current effective FIRM and the Preliminary FIRM.) (See Figure 7.)

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

The NJSEA regulations require that all structures located in a SFHA have a finished floor elevation at a minimum of one foot above the FIRM's established base flood elevation.

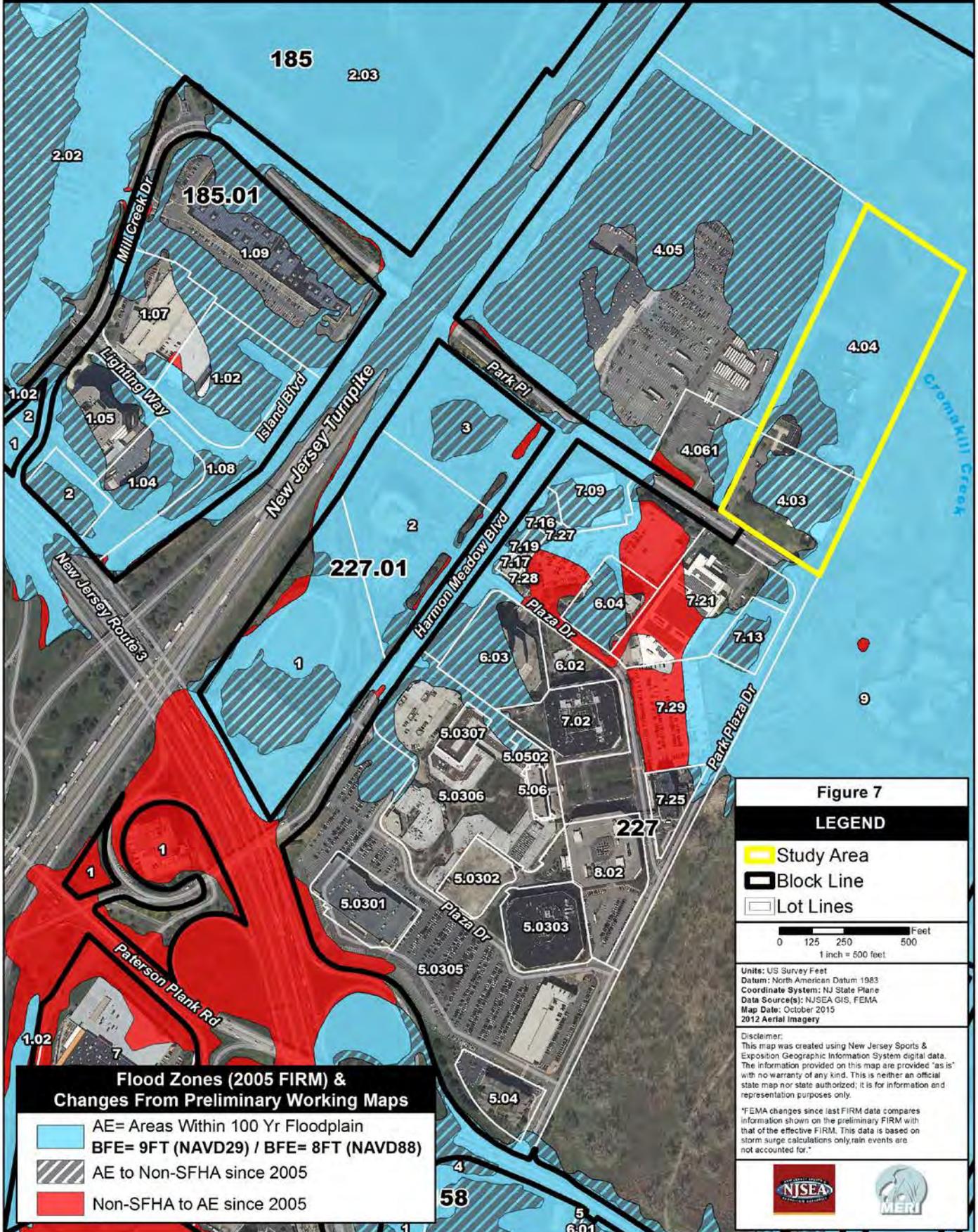
8. Utilities - Most utilities are available to the study area, including gas, water, electric and telephone service, as well as public sanitary sewer improvements. On-site stormwater drainage improvements, including inlets and a drainage ditch along the westerly property line, exist on the property; however, it is unclear how the drainage structures on the improved portion of the site have been impacted by the demolition activities. No off-site drainage improvements are present on Park Plaza Drive/Park Place in the vicinity of the site.

Public Service Electric and Gas Company (PSE&G) provides electric and gas service. "Will-serve" letters have been provided by United Water New Jersey and the Secaucus Municipal Utilities Authority for a proposed 469-unit residential development on the subject property. Although it appears these utilities can currently accommodate additional development in the area, upgraded service may be required to be provided based on the specific utility demands of future development on the site.

9. Other Redevelopment Areas in Close Proximity - The NJSEA has not adopted any redevelopment areas proximate to the study area.

In Need of Redevelopment Study Area: FEMA Flood Zones

Block 227, Lots 4.03 & 4.04, Secaucus



IV. FINDINGS

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

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

This criterion is not applicable to the study area. The former buildings on the subject property have been demolished. There are no known conditions that resulted in unwholesome living or working conditions while the buildings were in operation.

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

This criterion is not applicable to the study area. Although the Phillips report states this criterion is applicable because the use of the former buildings had been discontinued for their original purpose, the buildings on the subject property have been demolished and this criterion cannot be applied to the existing conditions of the site. Based on a review of NJSEA file history of the property, the last occupancy certifications at the property were issued in 2010, and an interior alteration was approved in 2011. Several tenant spaces in the ACIRO building on Lot 4.04 were renovated in 2006, and complied with the building codes in place at the time. Therefore, it is not likely the former buildings at the property were substandard to the extent that they would have been deemed untenable.

The Phillips report further states the demolition of the buildings is evidence of abandonment. There are many examples in the Meadowlands District, including within the Harmon Meadow commercial complex, where an existing building has been demolished and replaced with new construction because its prior use or condition was no longer responsive to market needs. The demolition of a structure on a site does not alone constitute an abandonment necessitating a redevelopment area designation.

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

This criterion is not applicable to the study area. The subject property is not publicly-owned, nor can it be characterized as unimproved vacant land that has remained so for a period of 10 years. The subject property was, until 2013, improved with structures, pavement, and related improvements.

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

The Phillips report indicates this criterion is applicable to the property since the former buildings on the site had become functionally obsolescent for their intended purpose. The buildings and other improvements on the subject property have been demolished and did not exhibit characteristics of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, to the degree that they would have been deemed detrimental to the safety, health, morals, or welfare of the occupants of the site or to the general community. The property in its current vacant state contains neither buildings nor improvements to which this criterion can be applied for analysis. This criterion is, therefore, not applicable to the study area.

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

The Phillips report indicates this criterion is applicable to the property, as the property, in its current state, poses a detriment to the public health, safety and welfare of the community by becoming an eyesore and an attractive nuisance.

The subject property can be characterized as a stagnant parcel in a not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare. The site is currently gated and contains a stockpile of crushed demolition debris. Since the demolition of the buildings, the site has remained a vacant, isolated, and underutilized parcel that has not contributed to the general welfare. Rather, the presence of this particular vacant parcel in its current condition within a thriving commercial center can be perceived as having a detrimental impact to the public. The property's potential to be a useful and valuable contributor to the public welfare is supported by the site's designation as a particularly suitable site to accommodate inclusionary housing. Therefore, the subject criterion is applicable to the study area.

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

This criterion is not applicable to the study area. The former buildings on the property have been voluntarily demolished by the property owner.

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

This criterion is not applicable to the study area. The subject property is not located within a New Jersey Urban Enterprise Zone.

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

To the best of our knowledge, there is no known contamination in the study area. The subject property is not a Federal Superfund site subject to CERCLA, nor does it appear on the New Jersey Known Contaminated Sites List. Therefore, this criterion is not applicable to the study area.

V. RECOMMENDATIONS

Based on the record in this matter, the NJSEA staff has determined that the condition listed at N.J.A.C. 19:3-5.7(a)5 exists at 100 Park Plaza Drive, Block 227, Lots 4.03 and 4.04, in the Town of Secaucus.

Therefore, the NJSEA staff recommends that the Board of Commissioners of the New Jersey Sports and Exposition Authority make a determination that the properties in the subject study area, identified as 100 Park Plaza Drive, Block 227, Lots 4.03 and 4.04, in the Town of Secaucus, satisfy the regulatory criteria to be declared an area in need of redevelopment.

**RESOLUTION AUTHORIZING NJMC STAFF
TO INVESTIGATE THE REDEVELOPMENT POTENTIAL OF
100 PARK PLAZA DRIVE, BLOCK 227, LOTS 4.03 & 4.04, IN SECAUCUS, NJ**

WHEREAS, N.J.S.A. 13:17-21 authorizes the New Jersey Meadowlands Commission (NJMC) to prepare and adopt redevelopment plans for areas determined to be renewal areas within the Hackensack Meadowlands District for the purpose of redevelopment; and

WHEREAS, a petition, dated August 6, 2013, was received from Hartz Mountain Industries, Inc./100 Park Plaza Drive LLC requesting that the NJMC investigate the redevelopment potential of Block 227, Lots 4.03 and 4.04, in the Town of Secaucus; and

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

WHEREAS, the NJMC staff must request authorization from the Commission to conduct an investigation of areas that may potentially be deemed in need of redevelopment; and

WHEREAS, the NJMC staff requests authorization to conduct an investigation of Block 227, Lots 4.03 and 4.04, in Town of Secaucus to examine their redevelopment potential; and

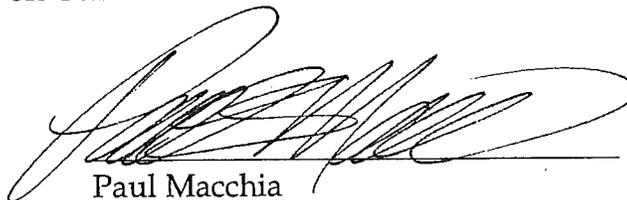
WHEREAS, the NJMC staff has compiled preliminary information regarding the subject properties in accordance with the requirements of N.J.A.C. 19:3-5.2 to support this request; and

WHEREAS, pursuant to N.J.A.C. 19:3-5.4, the NJMC staff requests authorization to prepare an "In Need of Redevelopment Report" and hold a public hearing to obtain public comment on the report and its findings.

NOW, THEREFORE, BE IT RESOLVED, that the NJMC staff is hereby authorized to conduct an investigation of Block 227, Lots 4.03 and 4.04, in Town of Secaucus to examine their redevelopment potential; and

BE IT FURTHER RESOLVED, that the NJMC staff is hereby authorized to prepare an "In Need of Redevelopment Report" pursuant to N.J.A.C. 19:3-5.4 and hold a public hearing to obtain public comment on the report and its findings.

The foregoing was adopted on Commission vote.



Paul Macchia
Acting Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of November 25, 2013.



Marcia A. Karrow
Secretary

Resolution No. 13-45

Motion Second Roll Call

Memorandum

New Jersey Meadowlands Commission

NJMC Commissioners and Marcia A. Karrow, Executive Director

To: _____

From: Sara J. Sundell _____ Date: November 25, 2013

Subject: Authorization to Conduct Secaucus In-Need of Redevelopment Study (File SP-716)

A petition dated August 6, 2013, was received by the New Jersey Meadowlands Commission (NJMC) from Hartz Mountain Industries, Inc./100 Park Plaza Drive LLC, requesting that the NJMC investigate the redevelopment potential of 100 Park Plaza Drive, Block 227, Lots 4.03 and 4.04, in Secaucus. The properties are located in Harmon Meadow Plaza and are commonly known as the Carpet Center.

The NJMC staff undertook a preliminary analysis of properties in this vicinity and prepared a summary report of its findings. Pursuant to N.J.A.C. 19:3-5.2, the NJMC staff requests authorization from the Board of Commissioners to conduct an investigation of the redevelopment potential of Block 227, Lots 4.03 and 4.04, in the Town of Secaucus to determine if they contain the conditions to be designated an area in need of redevelopment. The results of this investigation will be compiled in an "In Need of Redevelopment" report, in accordance with the requirements of N.J.A.C. 19:3-5.4.

Authorization is also requested to hold a public hearing to obtain public comment on this report and its findings.

**REQUEST FOR AUTHORIZATION
REDEVELOPMENT INVESTIGATION OF
100 PARK PLAZA DRIVE
BLOCK 227, LOTS 4.03 & 4.04
TOWN OF SECAUCUS, NEW JERSEY**

The New Jersey Meadowlands Commission (NJMC) received a petition from Hartz Mountain Industries, Inc./100 Park Plaza Drive LLC, in a letter dated August 6, 2013, to investigate the redevelopment potential of Block 227, Lots 4.03 and 4.04, in the Town of Secaucus, New Jersey. The properties are located in Harmon Meadow Plaza and are commonly known as the Carpet Center.

Pursuant to N.J.A.C. 19:3-5.2, the NJMC staff must request authorization from the Commission to conduct an investigation of areas that may potentially be deemed in need of redevelopment. The request for authorization must include the following:

1. The block and lot number designation of the properties;
2. The existing zoning and land use of the properties;
3. A map showing the boundaries of the area to be investigated;
4. A description of all existing structures on each site; and
5. A statement indicating why the property may be in need of redevelopment.

The NJMC staff conducted a preliminary review and field inspection of the Carpet Center properties.

The proposed study area is comprised of two (2) tax lots, totaling 13.6 acres in area. The subject properties front on Park Plaza Drive and are located in the northeast corner of Harmon Meadow Plaza, a regional commercial development comprised of retail establishments, hotels, offices, a convention center, movie theater, health club and multiple parking decks. The study area is bounded on the west by the parking lot of a Wal-Mart and Sam's Club big box development, on the south by the Harmon Meadow Plaza development, on the east by an undeveloped portion of the Regional Commercial zone, and on the north by a property located in the Environmental Conservation zone and consisting primarily of wetlands.

The study area is delineated by a yellow boundary line on Figure 1. Properties within Block 227 are located in the Commission's Regional Commercial zone, as shown on the existing zoning map for the redevelopment study area on Figure 2.

The subject lots contain two interconnected buildings, totaling approximately 331,000 square feet, which have been utilized as showroom space by carpet wholesalers. The

building located on Lot 4.03 is a 170,910 square-foot structure with three-stories over ground level parking. The building located on Lot 4.04 is a two-story, 160,440 square-foot steel-frame structure.

The petitioner has submitted a planning report, prepared for Hartz Mountain Industries, Inc. by Phillips Preiss Grygiel LLC, dated August 2013, which states that the study area should be declared in need of redevelopment in accordance with criteria no. 4, as per NJMC regulations at N.J.A.C. 19:3-5.7(a)4, which refers to "areas with buildings or improvements that, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community."

Conclusion:

Based on the above information, the NJMC staff requests authorization to conduct a more detailed study of the subject properties to analyze their redevelopment potential. The findings of this investigation will be compiled into an "In Need of Redevelopment Report," in accordance with the requirements of N.J.A.C. 19:3-5.4, and a public hearing will be held to obtain public comment on the report and its findings.

Figure 1 – Redevelopment Study Area
 Block 227, Lots 4.03 & 4.04, Secaucus



LEGEND

-  Study Area
-  Block Line
-  Lot Lines

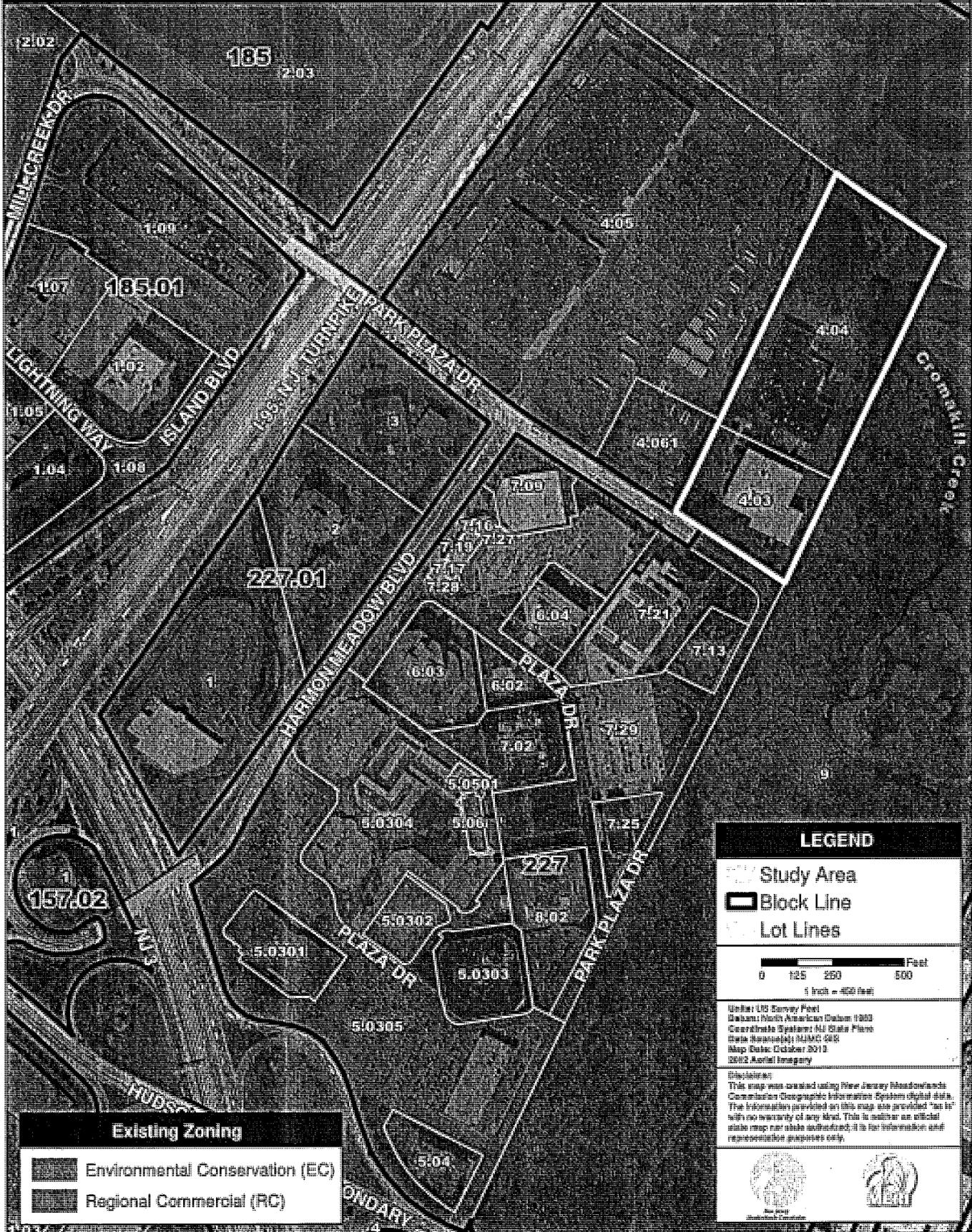


Units: US Survey Feet
 Datum: North American Datum 1983
 Coordinate System: NAD 83 State Plane
 Data Source(s): NJDEP GIS
 Map Date: October 2019
 2013 Aerial Imagery

Disclaimer:
 This map was created using New Jersey Interactive Geographic Information System digital data. The information provided on this map is provided "as is" with no warranty of any kind. This is neither an official state map nor state endorsement. It is for information and representation purposes only.



Figure 2 – Redevelopment Study Area: Existing Zoning
 Block 227, Lots 4.03 & 4.04, Secaucus



**RESOLUTION ISSUING A DECISION ON THE
SUITABILITY RECOMMENDATION AS REQUIRED BY THE
NJMC INTERIM POLICIES GOVERNING AFFORDABLE HOUSING
DEVELOPMENT IN THE MEADOWLANDS DISTRICT
FILE NO. 12-528, HARTZ CC/CARPET CENTER RESIDENTIAL DEVELOPMENT
BLOCK 227, LOTS 4.03 and 4.04
IN THE TOWN OF SECAUCUS**

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

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

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

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

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

WHEREAS, the *Interim Policies*, last revised by Resolution No. 11-29 on July 27, 2011, govern all zoning certificate applications, petitions to amend the Official Zoning Map, new redevelopment plans, and proposed amendments to a redevelopment plan pertaining to new proposed uses or changes to existing uses, received on or after July 24, 2008 and remain in effect until the NJMC promulgates new regulations concerning affordable housing, or the *Interim Policies* are withdrawn or rescinded by Commission action or court order, whichever occurs first; and

WHEREAS, a property owner or applicant may, in addition, request that the Commission evaluate the suitability of a particular site for housing in a zone that does not permit residential dwellings as a principal use in accordance with Subsection V.(a) of the *Interim Policies*; and

WHEREAS, the *Interim Policies*, in Subsection VI.(c), permit a developer to request an increase to the maximum permitted density for the zone; and

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

WHEREAS, the NJMC has received a Site Suitability application from Hartz Carpet II LP and 100 Park Plaza Drive LLC, regarding the property located at 100 Park Plaza Drive, Block 227, Lots 4.03 and 4.04 in the Town of Secaucus, New Jersey; and

WHEREAS, the applicant proposes to construct a four-story residential development, with up to 469 units, inclusive of a 20% affordable housing unit set-aside for households of low or moderate-income; and

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

WHEREAS, a public hearing was held on October 22, 2013 to receive public comment on the Site Suitability application; and

WHEREAS, the Review Team reviewed the comments made at the public hearing from David B. Drumeler, Esq., Town Administrator of Secaucus, who indicated that the Town of Secaucus is supportive of the project and that the Town and the Secaucus Board of Education had each previously passed a resolution supporting the project; and

WHEREAS, a suitability review public hearing report, dated January 31, 2014, and attached hereto, has been prepared, indicating the recommendation of the Review Team in this matter; and

WHEREAS, the suitability review public hearing report recommends that the subject property is deemed suitable for residential use subject to certain conditions; and

WHEREAS, the matter was forwarded to the Hackensack Meadowlands Municipal Committee (HMMC) on January 31, 2014, and no comments were provided by the HMMC during its 45-day comment period, which ended on March 12, 2014; and

WHEREAS, the members of the NJMC have reviewed the suitability review public hearing report and recommendation prepared by the Review Team, regarding the subject property; and

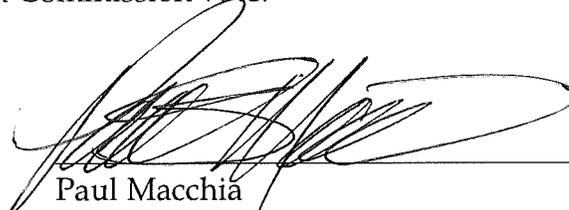
WHEREAS, the members of the NJMC concurs with the recommendation of the Review Team; and

WHEREAS, the NJMC hereby determines that the subject property is deemed suitable for residential use.

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey Meadowlands Commission, that the subject property located at 100 Park Plaza Drive, Block 227, Lots 4.03 and 4.04 in the Town of Secaucus, is deemed suitable for residential use subject to the following conditions:

1. The developer shall provide the number of affordable units as required by law.
2. To ensure a successful mixed-use community, the developer shall provide improvements, both within the subject residential development and within the rest of the Harmon Meadow complex, for safe pedestrian circulation and access from the proposed residential development to the rest of the Harmon Meadow complex, including provisions for accessibility.
3. The developer shall repair and maintain the existing natural pathways located within the wetland preservation area on the subject property for the benefit of the residents and the general public.

The foregoing was adopted on Commission vote.



Paul Macchia
Acting Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of March 26, 2014.



Marcia A. Katrow
Secretary

Resolution No. 14-13

Motion Second Roll Call