

that the purpose of the graduate degree is to prepare students for the professional practice of counseling. The degree shall consist of at least 60 semester hours or 80 quarter hours of clinical and didactic instruction.

(d) If an applicant for licensure by endorsement has a master's degree or doctorate in counseling from a regionally accredited program related to the practice of counseling that is not accredited by CACREP, the institution offering the degree shall state in the catalog or in another format acceptable to the Committee that the purpose of the graduate degree is to prepare students for the professional practice of counseling. The applicant shall establish that the coursework and practicum, internship, and/or fieldwork for the program consists of at least 60 semester hours or 80 quarter hours, and is consistent with the following minimum requirements:

1. Thirty-three semester hours or 44 quarter hours of graduate coursework, which shall include a minimum of three semester hours or four quarter hours of graduate-level coursework in each of the following nine content areas: counseling theories and practice; human growth and development; diagnosis and treatment of psychopathology; group theories and practice; individual evaluation and assessment; career and lifestyle assessment; research and program evaluation; social and cultural foundations; and counseling in community settings. Courses in research, thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement; and

2. Three semester hours or four quarter hours of graduate-level coursework in legal, ethical, and professional standards in the practice of mental health counseling, which includes goals, objectives, and practices of professional counseling organizations, codes of ethics, legal considerations, standards of preparation, certifications and licensing, and the role identity and professional obligations of mental health counselors. Courses in research, thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

(e) The master's or doctoral degrees required by (c) above shall be from programs that:

1. Require students to hold a bachelor's degree from a regionally accredited institution of higher education prior to entry; or

2. Award a bachelor's degree in conjunction with the master's or doctoral degree.

Recodify existing (e) and (f) as (f) and (g) (No change in text.)

13:34-17.1 Fees

(a) The State Board of Marriage and Family Therapy Examiners shall charge the following fees in connection with the licensure of professional counselors and associate counselors:

1.-8. (No change.)

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

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

Proposed: November 2, 2015, at 47 N.J.R. 2665(a).

Adopted: May 12, 2016, by the New Jersey Sports and Exposition

Authority, Wayne Hasenbalg, President and CEO.

Filed: June 10, 2016, as R.2016 d.081, **without change**.

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.

Effective Date: July 5, 2016.

Expiration Date: May 4, 2023.

The notice of adoption can also be viewed or downloaded from the NJSEA's website at <http://www.njsea.com/njmc/land/public-notices.html>.

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.

On April 16, 2015, the NJSEA Board of Commissioners adopted Resolution No. 2015-17, authorizing the NJSEA staff to prepare the 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. The notice of proposal was published in the New Jersey Register on November 2, 2015, at 47 N.J.R. 2665(a). A public hearing was held on November 24, 2015, at the NJSEA Offices to receive comment on the proposal. The public comment period ended on January 1, 2016.

Summary of Hearing Officer's Recommendations and Agency

Responses:

A public hearing on this matter was held on November 24, 2015, at the NJSEA Offices. Sara Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer, was the public hearing officer, with Sharon A. Mascaró, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer, Cheryl Rezendes, P.P., AICP, Principal Planner, and Mia Petrou, P.P., AICP, Senior Planner, also present.

No recommendations were made by Ms. Sundell or NJSEA staff during the hearing. The hearing record is available for inspection in accordance with applicable law by contacting:

Sara J. Sundell, P.E., P.P.

Director of Land Use Management and Chief Engineer

New Jersey Sports and Exposition Authority

PO Box 640

ADOPTIONS**OTHER AGENCIES**

One DeKorte Park Plaza,
Lyndhurst, NJ 07071
sara.sundell@njmeadowlands.gov

Kevin Coakley, Esq., of the firm Connell Foley, appeared on behalf of the applicant to support the proposal for the rezoning and the regulatory amendments. George Cascino, P.E., P.P., provided expert testimony in support of the application in the fields of engineering and planning.

Summary of Public Comments and Agency Responses:

Comments, both written and e-mailed, were received by the NJSEA from 91 persons and/or organizations during the public comment period, which ended on January 1, 2016. The comments received and the NJSEA's responses are summarized below. The number(s) in parentheses after each comment identifies the respective commenter(s) in the following list:

1. Byron A. "Gus" Allen, Jr.
2. Marianne Ardito
3. Elizabeth Barrett
4. Patricia Barrett
5. Virginia M. Barrett; Barrett Lazar LLC
6. Tom Beatini
7. Eleni Beja
8. Noreen Best
9. Cyn Bird
10. Mary Bleckman
11. Jeff Bowen
12. Michael Bowes
13. Mimi Brauch
14. Frank Cadden
15. Lauren & Mark Celeste
16. Karen Clemments
17. Cynthia Cole
18. E. N. Collier
19. Tim Cunningham
20. Chris Deczynski
21. Erica Demme
22. Jane Dextraze
23. Barry Doll; Bergenfield Environmental Committee
24. Abbe Dolobowsky
25. Caitlin Doran; Hackensack Riverkeeper
26. John Egan
27. Dennis Ferrara
28. Steven Fetics
29. Kathy Friedman
30. Amy Boyle Geisel
31. Sally Gellert
32. Thana Giridhar
33. Terry Glover, Ph.D.; Professor Emeritus, Bloomfield College
34. Alycia Graham
35. Mike Grillo
36. Susan Grossman
37. Hackensack Riverkeeper and NY/NJ Baykeeper
38. Rik F. Hemmen; Martin Ottaway
39. Patricia Hilliard
40. Fred Immediato
41. Bernadette Jusinski
42. Susan Keefe
43. Delores King
44. William J. King
45. Lynn Kloss
46. Norman Liebowitz
47. Megan K. Lutz
48. Thomas Lutz
49. Julie O'Sullivan Maillet
50. Kenneth Malkin
51. Joseph Marshall
52. Michael J. McConkey
53. Maureen McLaughlin
54. John Meyer; EMG Media Inc. and Resident Magazine
55. MiddlC88

56. Laura Michelson
57. Flo Muller
58. Peter O'Malley
59. Cynthia Ortiz
60. Bernadette E. Parodi
61. Dawn Pavlu
62. Ron Perrotta
63. John Popolizio
64. Helen (Leacy) Pryor
65. Una Ratmeyer
66. Kris Reiss
67. George D. Reskakis
68. Susan Ritchie
69. Thomas J. Roe and Deborah Bloom
70. Sabine Roehr
71. Allison J. Romano
72. Gray Russell; Township of Montclair
73. Nancy S.
74. Elizabeth and Raymond Sauter
75. Margaret Sciscilo
76. Servrep5
77. Ray Slaman; Dumont Shade Tree Commission
78. Ramon A. Sosa
79. Karen Stallsmith
80. Laurie Stricker
81. Lorraine Trippodi
82. Liberty Valance
83. Annmarie VanHemmen
84. Jay Villa
85. Denise Wadleigh
86. Paul Wagner
87. Mary Jane Walsh
88. Judith S. Weis
89. Fern Weiss
90. Charles F. and Carol A. West
91. Thomas F. Yezerski

One member of the public, Andrea Leshak, staff attorney with the Hackensack Riverkeeper and New York/New Jersey Baykeeper, spoke at the public hearing. Ms. Leshak's comments and the NJSEA's responses are summarized below:

1. COMMENT: Andrea Leshak, staff attorney with the Hackensack Riverkeeper and New York/New Jersey Baykeeper, commented at the public hearing that the purpose of the Environmental Conservation Zone is to provide for the preservation and enhancement of the wetlands, open waters, and adjacent uplands within the District, and the goal of the 2004 Master Plan for the HMD is a careful balancing of environmental protection and conservation, while allowing for some development. Wetlands provide significant environmental benefits, and the Riverkeeper and Baykeeper organizations are concerned that allowing one parcel to be rezoned to allow for development would lead to other development within wetlands.

Ms. Leshak further commented that there is a new Federal rule called the Clean Water Rule that has been proposed and is currently being litigated in Federal court and should be taken into consideration with respect to the Army Corps Jurisdictional Determination. (37)

RESPONSE: The intent of the rezoning is to expand the range of land uses allowed on the upland areas while protecting the existing wetlands. N.J.A.C. 19:4-8.16(e) states that the filling of wetlands is not allowed without the required approvals of the governmental authorities with jurisdiction. The U.S. Army Corps of Engineers (USACE) maintains jurisdiction over wetlands in the HMD, and, as such, the NJSEA cannot issue approvals for work in wetlands without prior approval by the USACE. The subject petition under review by the NJSEA regards the rezoning of a single lot. Any future petitions to rezone other properties in the HMD will be reviewed based upon the specifics of the request and the record established in accordance with the regulatory requirements of the rezoning process.

The adopted rezoning does not contain any requirements or standards in excess of those imposed under current Federal law. The NJSEA can

only utilize current rules in their determination and cannot speculate as to the outcome of the proposed Clean Water Rule litigation.

No change to the adopted rules is made as a result of these comments.

Written comments received and the Authority's responses are summarized below:

2. COMMENT: The Hackensack Riverkeeper and NY/NJ Baykeeper stated their opposition to the proposed amendment to rezone the property from EC to HC in two letters submitted to the NJSEA, one dated September 15, 2015, which was submitted at the public hearing on November 24, 2015, and the other dated December 31, 2015. The commenters state that applicant's claims that development of the uplands portion of the property would not affect the wetlands and would be its best possible use are incorrect. The proposed rezoning directly conflicts with the NJMC Master Plan, which neither discusses a shortage of hotel rooms nor envisions a boom in hotel development. The development of adjacent uplands will impact surrounding wetlands, leading to the elimination of significant environmental benefits. The rezoning proposed amendment would compromise at least 2.104 acres of wetlands, impact existing infrastructure and set bad precedent. (37)

RESPONSE: The subject property contains approximately 3.6 acres of uplands, which are adjacent to both 2.1 acres of wetlands and the highway ramp system of New Jersey State Highway Route 3. A study of historic aerial mapping of the area suggests that the uplands areas were, in part, formed by the construction of the highway ramp system. There are a number of other properties in the Hackensack Meadowlands District that have similar characteristics, whereby developable uplands are located adjacent to highways, service roads, and ramps constructed during the heyday of highway construction in northern New Jersey. The subject property falls into this category. The uplands portion of the subject property, while adjacent to existing wetlands, has the benefit of the adjacent existing infrastructure to provide access and utilities to support a future development without infringing on wetland areas. While a portion of the subject property is not developable due to the presence of wetlands, the front portion adjacent to the right-of-way presents opportunities for development. The determination of a "best possible use" is subjective at best, it can be objectively stated that the uplands on the subject property can accommodate some of the uses that are allowed in the Highway Commercial (HC) zone.

In testimony during the public hearing, the petitioner's professional overstated the discussion on page 3-10 of the Master Plan regarding the need for and intent to construct new hotel rooms in the District. The text of the Plan states that there may be interest for up to 3,000 additional hotel rooms in the District, but does not qualify additional hotel rooms as a need. The petitioner has expressed a desire to construct a hotel on the subject property; however, rezoning the subject property to the HC zone would allow the development of uses other than hotels and motels as well. 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 subject property will not necessarily result in the construction of a hotel on the site.

The Master Plan does not prohibit the rezoning of property in the District. The Master Plan presents a cohesive set of planning principles and standards to guide future development while protecting the resources of the District. The result is a policy framework to promote the careful balancing of environmental and economic development needs through the District. The policies and principles of the Master Plan are effectuated through the zoning rules codified at N.J.A.C. 19:3. The rules include a listing of zones and their permitted uses, in addition to bulk and other regulatory requirements for proposed development. The specific zones are depicted on the Hackensack Meadowlands District Official Zoning Map. The rules also include procedures for rezoning of properties in the District, which are being applied herein, and provide an opportunity for deviations from the official zoning map after the circumstances are weighed and considered in light of the objective of the rulemaking.

The proposed change of zoning on the subject property will allow for development on the adjacent uplands, but will not change the location of the wetlands line and will not allow the development of the wetlands, which remain under the jurisdiction of the USACE. There are a number of similar properties in the District that also contain regulated wetlands which are located in zones that permit development. These properties are treated the same, with development permitted only in the uplands, unless the developer obtains wetlands disturbance or fill permits from the USACE.

Rezoning the subject property to the HC zone is only one of many steps that would be required in order to develop the site. Infrastructure requirements for any development would have to be addressed prior to the issuance of any development approvals. It is the responsibility of the developer to provide the required infrastructure and utilities necessary to make a project viable for construction. All of the required regulatory approvals, including Federal, State, regional, and local permits would have to be obtained prior to the start of construction of any project. Any issues presented by the approving regulatory agencies would have to be handled for a development to proceed. Specific issues such as traffic, drainage, and wastewater would have to be resolved prior to issuance of approvals.

There is no basis for the statement that the proposed rezoning will encourage or compel other owners of similar properties to petition for a rezoning from a conservation zone to a development zone. Property owners have the right to develop their properties in accordance with the zoning rules set forth by law. In this case, the petitioner has requested a change in the zoning designation of the subject property in accordance with the regulatory procedures also as set forth by law. The petition was determined to contain merit, as the subject property contains an upland area that could support development consistent with the requirements of the HC zone. The area of the property containing wetlands will remain under the jurisdiction of the USACE.

Therefore, no change to the rezoning is made upon adoption as a result of these comments.

3. COMMENT: The Meadowlands are precious and should be preserved for the good of the State, its citizens, and the environment. (4)

4. COMMENT: We need to protect our precious environment, particularly the wetlands. (5)

5. COMMENT: The NJSEA should consider the full impact rezoning would have on this area and all of its residents, including the lands and animals who cannot speak for themselves. (7)

6. COMMENT: The commenters state that the day of destroying Meadowlands wetlands is over. (8, 15, 17, 18, 21, 28, 29, 31, 34, 39, 44, 47, 50, 55, 58, 59, 66, 72, 74, 79, 80, 81, 84, 88, 89, and 90)

7. COMMENT: The Meadowlands wetlands must be preserved. (9 and 11)

8. COMMENT: We must protect our natural resources. (23)

9. COMMENT: There is plenty of documentation proving both the benefits of and threats to the wetlands of the Meadowlands. There should be no further encroachment on the area. (13)

10. COMMENT: It is vital to preserve this open space for our children and future residents of northern New Jersey. (14)

11. COMMENT: We cannot afford to lose any more of the Meadowlands. (15)

12. COMMENT: The Meadowlands is valued as a natural resource and wildlife habitat. Losing even a few acres to build a motel in the Meadowlands is unthinkable, indefensible, and short sighted. (16)

13. COMMENT: The plan by the petitioner to rezone 5.8 acres of wetlands in order to build a motel undermines New Jersey's values regarding the preservation of the State's habitat. It sends a clear message that protection of endangered species and habitat can be circumvented for greed. (17)

14. COMMENT: The proposed rezoning is due to improvements to the wetlands and the surround area that make it desirable, which is a testament to the good work taken to date and risk being lost. (19)

15. COMMENT: The wetlands should not be allowed to be destroyed for the construction of a hotel. (20)

16. COMMENT: Volunteers for the Hackensack Riverkeeper give their time to clean up the estuary and see firsthand how important this habitat is to both people and wildlife alike. The Commission, now

NJSEA, has done a commendable job of striking a balance between fostering a healthy economy and a healthy habitat in the Meadowlands District so far, specifically through the creation of the Meadowlands Master Plan. Please don't roll back any of that good work. (25)

17. COMMENT: Rezoning this part of the Meadowlands will endanger or destroy at least 2.1 acres of wetlands. (28, 58, 69, 77, and 79)

18. COMMENT: The Meadowlands promotes breathing and relaxation and helps prevent road rage. Nature balances, softens, and reminds all of the life resources necessary for real living and real life. (29)

19. COMMENT: Developers are making our area polluted on the ground and in the air, all for financial gain. (43)

20. COMMENT: The Meadowlands is an ever-shrinking nature treasure in the metro area. It is home and comfort to migrating and residing birds and other animals, and provides respite to humans as well. Please vote against filling in yet more land. (45)

21. COMMENT: We need to protect the habitats of the animals and plants that live in the Meadowlands. (56)

22. COMMENT: The protection of New Jersey's wetlands by the NBMA is important to the commenter's family. It is a wonder there are any wetlands left at all in New Jersey. Once wetlands transform into developed property, it won't go back. (48)

23. COMMENT: After years of hard work by a variety of volunteer groups, the environment in the Meadowlands is seeing real improvements. Please stop development in the area. (51)

24. COMMENT: Unlike most metropolitan areas, thanks to the Meadowlands Master Plan, there are a variety of activities that are available to the public along the river, including walking the trails, riding canoes, and listening to nature. Preserving the environment helps all species. (53)

25. COMMENT: The days in which we thought we could cavalierly go about destroying the wetlands in the long abused Meadowlands are over. We should no longer be thinking like this. (58)

26. COMMENT: The Meadowlands have already been over-developed and in essence destroyed. Keeping the Meadowlands intact is environmentally important both for humans and wildlife, as it naturally reduces flooding and is a home to numerous birds and animals. (61)

27. COMMENT: The wildlife is coming back and the Hackensack River is also. (54)

28. COMMENT: The Meadowlands are a precious resource for New Jersey that cannot be replaced. Their value as ecological protection and habitat is practical, not just aesthetic and emotional. This is a momentary decision that will lead to permanent value or destruction for future generations. (64)

29. COMMENT: The Meadowlands is a valuable habitat for wildlife. (65)

30. COMMENT: The NJSEA should be certain to never support development in the Meadowlands. It is a critical habitat that has been abused for hundreds of years. (67)

31. COMMENT: The Meadowlands are becoming attractive precisely because of successful conservation efforts and we should hold on to the progress made. (68)

32. COMMENT: As a resident of New Jersey, the commenter values all open and natural spaces. The Meadowlands used to be a place of great nature beauty and invaluable as a habitat for various wildlife. It should be recovered instead of soiling it further. (70)

33. COMMENT: The commenter remembers the Meadowlands as a beautiful, wild place, where trapping muskrats was a favorite pastime for young boys and men. The hard fought preservation of this natural and irreplaceable part of the region needs to be protected from those who want to capitalize on a resource that belongs to us all and once gone is gone forever. (74)

34. COMMENT: The NBMA should not be allowed to build in this fragile environment where we are witnessing the return of wildlife especially the eagles and seabirds. More outdoor activities like kayak and canoes should be built and we should get tourism and outdoor enthusiasts rather than people on their way to somewhere else. (73)

35. COMMENT: The commenter states that we need the wetlands in the Meadowlands. (75)

36. COMMENT: The commenter requests that the NJSEA reject any attempt to build or allow any actions that impact negatively on the wetlands surrounding the Meadowlands. (76)

37. COMMENT: The Meadowlands are an asset and resource for everyone in the area and should not be compromised by businesses looking to make a dollar. (77)

38. COMMENT: We should protect and save the wetlands. (78)

39. COMMENT: The Meadowlands are a very special and crucial part of New Jersey. (82)

40. COMMENT: Motels and businesses should be kept outside of this unique environment. Respect its importance as a natural water source. Leave this unique designated green space alone and allow it a healthy, sustainable buffer. Everyone needs green spaces. Once they are gone, they are gone. An enormous effort went into securing and cleaning up this one. (83)

41. COMMENT: The wetlands should be left alone. The children can learn from the wetlands animals. Stop killing nature with a concrete world. (85)

42. COMMENT: We cannot afford to lose any more of the Meadowlands. (88)

43. COMMENT: We should not sacrifice natural benefits and special beauty for the chance at a quick buck. (91)

RESPONSE TO COMMENTS 3 THROUGH 43: The NJSEA concurs that the wetlands located in the HMD are a valuable resource that should be preserved and protected. The NJSEA also acknowledges the efforts taken by public and private organizations to improve the quality of existing wetlands areas through volunteer cleanup programs and the promotion of ecotourism. The 2004 Master Plan recognizes the wetlands in the District as an important natural resource and notes the efforts of the NJMC (as the predecessor to the NJSEA) to protect and restore wetlands through its comprehensive wetlands enhancement program. Through this program, the NJMC acquired over 1,800 acres of wetlands for preservation, which remain protected under public stewardship.

The proposed rezoning involves a privately-owned 5.8-acre property that is comprised of 3.663 acres of uplands and 2.104 acres of wetlands. Changing the zoning designation from the Environmental Conservation zone to the Highway Commercial zone does not allow a developer to disturb the wetlands portion of the property. District zoning rules only allow the upland portions of the property to be developed. The NJSEA does not have jurisdiction over the wetlands in the District. Jurisdiction over the development of wetlands located in the District is maintained by the U.S. Army Corps of Engineers. The proposed rezoning has no effect on the USACE's jurisdiction over wetlands disturbances and does not result in a change to the District zoning rules.

The impact of rezoning this specific lot is the creation of an opportunity to develop the uplands portion of a property that is located adjacent to an existing roadway network. The rezoning of the subject property does not change any of the State or Federal protection requirements for threatened and endangered species. The rezoning of this one parcel will not result in the destruction of the wetlands.

Therefore, no change to the rezoning is made upon adoption as a result of these comments.

44. COMMENT: Current regulations should remain in place forever. (1)

45. COMMENT: The regulations that are in place should be upheld. (20)

RESPONSE TO COMMENTS 44 AND 45: While the NJSEA's zoning rules will remain unaltered by the proposed rezoning, there are, from time to time, properties that can be determined to have an alternate productive use based on the specific circumstances of the subject parcels, which may result in a request to revise the zoning designation. All such petitions for rezoning are reviewed under the process set forth in the rules and take the specific circumstances of the subject property into consideration.

Therefore, no change to the rezoning is made upon adoption as a result of these comments.

46. COMMENT: A motel should not be allowed to be built in the Meadowlands, as there has been enough wildlife destruction. Animals are being driven out from their natural habitats. (27)

47. COMMENT: No hotel should be built in North Bergen or in the Meadowlands. (29)

48. COMMENT: We do not need another motel and particularly not in the wetlands area. (5 and 89)

49. COMMENT: A motel in the Meadowlands is a bad/terrible idea. (8, 9, 15, 16, 17, 21, 28, 29, 39, 40, 44, 47, 50, 55, 58, 59, 65, 66, 68, 69, 74, 79, 81, 84, 88, and 90)

50. COMMENT: There should be no motel or any other building in the Meadowlands. (12, 42, 64, and 78)

51. COMMENT: Secaucus has plenty of hotels, including the new Marriott, right near the recently renovated Holiday Inn, near the other hotels. (29)

52. COMMENT: It would be wrong to change the zoning of any piece of the Meadowlands to allow for an additional hotel. There are already plenty of hotels in or close to the Meadowlands. (36)

53. COMMENT: There are at least 13 motels/hotels/long-stay facilities in the Meadowlands area and we do not need more. (43)

54. COMMENT: The commenter opposes adding a motel in the Meadowlands and that the wetlands need to be preserved. (49)

55. COMMENT: There seems to already be an abundance of over-night stay hotels. (54)

56. COMMENT: The precious Meadowlands should not be allowed to be ruined and destroyed by a useless motel. (56)

57. COMMENT: A motel should not be allowed in the meadows. (57)

58. COMMENT: There should be no hotel in the Meadowlands; keep them on Route 3. (86)

59. COMMENT: The last thing we need is another motel in the Meadowlands area. Route 3 is a chaotic nightmare of congestion and industry that has become part of our everyday impersonal insanity. (53)

RESPONSE TO COMMENTS 46 THROUGH 59: The proposed rezoning involves a privately-owned property that is comprised of 3.663 acres of uplands and 2.104 acres of wetlands. Rezoning the subject property from the Environmental Conservation zone to the Highway Commercial zone will not change the jurisdictional responsibility of the wetlands in the Hackensack Meadowlands District. Wetlands in the HMD are under the jurisdiction of the USACE. The rezoning allows the property owner to develop the uplands portion of their property, but does not allow the disturbance of the wetlands without prior permitting by the USACE. Conceptual plans submitted by the property owner in conjunction with the rezoning petition show the location of a proposed hotel structure and associated parking, but do not indicate any intrusion into the existing wetlands on the subject site.

In addition, while the petition indicates the property owner's interest in constructing a hotel in the uplands portion of the subject property, the Highway Commercial zone includes a total of 11 permitted uses and three special exception uses that could potentially be developed. Rezoning the property will not necessarily result in the property owner developing a hotel on the property.

Regardless of the number of existing hotels and motels in the area, the zoning rules allow for development of hotels and motels in specific zones within the District. Whether this, or any other, property owner pursues the development of a hotel in an area where a number of other similar accommodations are present, is a business decision of the property owner or developer and cannot be prohibited by the NJSEA in zones where the rules specify the use.

Therefore, no change to the rezoning is made upon adoption as a result of these comments.

60. COMMENT: The 2004 Master Plan prohibits the destruction of protected wetlands for commercial purposes and should be upheld. (6, 7, 8, 10, 15, 17, 18, 21, 28, 29, 31, 34, 39, 44, 47, 50, 55, 56, 58, 59, 66, 68, 69, 71, 72, 74, 79, 80, 81, 84, 88, 89, 90, and 91)

61. COMMENT: The Master Plan was adopted unanimously by the New Jersey Meadowlands Commission and approved by the State Legislature by the same margin. (6, 7, 8, 15, 17, 18, 21, 28, 29, 34, 39, 41, 44, 47, 50, 55, 56, 58, 59, 65, 66, 68, 69, 71, 72, 74, 79, 80, 81, 84, 89, 90, and 91)

62. COMMENT: When the Master Plan was adopted, every voice was heard – including the 14 Meadowlands municipalities, Federal and State agencies, the environmental community, the development community,

and landowners. (6, 7, 8, 9, 10, 15, 17, 18, 21, 28, 29, 34, 39, 44, 47, 50, 55, 56, 58, 59, 66, 68, 69, 71, 72, 74, 79, 80, 81, 84, 88, 89, 90, and 91)

63. COMMENT: Defend the plan for the Meadowlands as it was written. (2)

64. COMMENT: The 2004 Master Plan does not allow for commercial development (in the Meadowlands) and that prohibition should stand. (3)

65. COMMENT: The Hackensack River Meadowlands are in danger of “slip sliding away” if the Master Plan is chipped away in the interests of money and special interest groups. (11)

66. COMMENT: The proposal by the North Bergen Motel Association to build a motel in the New Jersey Meadowlands is in violation of the 2004 Master Plan for the Meadowlands. (14)

67. COMMENT: The commenter protests any changes to the Master Plan that was so carefully crafted and agreed to by all concerned parties. (4)

68. COMMENT: Any change to the Master Plan would be terrible. The towns and Legislature did the right thing when the Master Plan was put in place protecting the wetlands. (5)

69. COMMENT: The Hackensack Riverkeeper's opinions about the need to maintain the 2004 Master Plan are supported. (22)

70. COMMENT: The Meadowlands Master Plan should be protected and the request to rezone the protected wetlands to allow for commercial construction of a motel or any other building rejected. (23 and 30)

71. COMMENT: The Master Plan should not be changed as it is good, important, and necessary. (24)

72. COMMENT: The NBMA, a land speculator, should not be allowed to misunderstand the new role of the Sports and Exposition Authority (NJSEA) in protecting the Meadowlands from overdevelopment. The NBMA cannot take advantage of the NJSEA's new role in upholding the 2004 Meadowlands Master Plan, ensuring that any activity in the region conforms exactly to that plan. (31)

73. COMMENT: The 2004 Master Plan should not be altered to allow the addition of a motel in a fragile part of the ecosystem. (33)

74. COMMENT: The 2004 Master Plan for the Meadowlands should be upheld. (36)

75. COMMENT: Valuable environmental lands should not be sacrificed for a commercial project. Such a project is prohibited by the 2004 Master Plan. Do not circumvent this Plan and the legislation that supports it. (41)

76. COMMENT: The Master Plan protecting the wetlands was agreed to by the towns and by the Legislature and should not be amended or altered for the sake of any group with a self-promoting commercial idea. It should remain as it is so the Meadowlands can remain as they are for us and for future generations. (46)

77. COMMENT: The Meadowlands Master Plan was put together with input from many stakeholders and approved by the New Jersey Meadowlands Commission and needs to be followed. (51)

78. COMMENT: The historic 2004 Meadowlands Master Plan should be preserved. (53)

79. COMMENT: The commenter is against any deviation of the plan that calls for any more building on the Meadowlands and states that the 2004 Meadowlands Master Plan should be kept as is. (54)

80. COMMENT: The petition is an egregious gutting of Meadowlands protections. (57)

81. COMMENT: The commenter urges the NJSEA to stop any changes to the Master Plan for the Meadowlands. When the Master Plan was agreed to in 2004, it prohibited the destruction of protected wetlands. (60)

82. COMMENT: The commenter does not support a change or exception to the Meadowlands Master Plan and states that even one exception, regardless of how small the apparent impact on the Master Plan, will start us on the slippery slope, which will again put the Meadowlands in danger. (61)

83. COMMENT: There should be no new hotel that would encroach on the Meadowlands. We should stick with the Master Plan. (63)

84. COMMENT: The 2004 Master Plan should be left in place and followed. (75)

85. COMMENT: The NJSEA should not change the Master Plan and allow more building there. (88)

RESPONSE TO COMMENTS 60 THROUGH 85: Rezoning the subject property on the Official Zoning Map from the Environmental Conservation zone to the Highway Commercial zone will not alter or change the Master Plan. The 2004 NJMC Master Plan (Master Plan) is the primary planning document for the arm of the New Jersey Sports and Exposition Authority that handles the planning and zoning responsibilities of the former New Jersey Meadowlands Commission. The Master Plan presents a cohesive set of planning principles and standards to guide future development while protecting the resources of the District. The result is a policy framework to promote the careful balancing of environmental and economic development needs through the District. The policies and principles of the Master Plan are effectuated through the zoning rules codified at N.J.A.C. 19:3. The rules include a listing of zones and their permitted uses, in addition to bulk and other regulatory requirements for proposed development. The specific zones are depicted on the Hackensack Meadowlands District Official Zoning Map. The rules also include procedures for rezoning of properties in the District, which are being applied herein, and provide an opportunity for deviations from the Official Zoning Map after the circumstances are weighed and considered in light of the proposal's objective.

While many of the commenters stated that the Master Plan protects the wetlands from destruction for commercial purposes, the document essentially sets a policy to protect the wetlands while permitting development on uplands. The policy of environmental protection remains as an integral part of the mandates of the agency. However, while the Master Plan sets the policy of the agency, there is a procedure for revising the rules and the zoning map.

The Wetlands & Waterways Plan, which is an attachment to the Master Plan, indicates that only a portion of the subject property could be considered wetlands. While the Wetlands & Waterways Plan was prepared using publically available information from the NJDEP and not lot-specific wetlands delineations, the wetlands on the subject site as indicated on this attachment are corroborated by the Jurisdictional Determination issued by the USACE on October 1, 2013, which shows the dividing line between the regulated wetlands and the uplands on the subject property. The proposed change of zoning on the subject property will allow for development on the adjacent uplands, but will not change the location of the wetlands line and will not allow the development of the wetlands, which remain under the jurisdiction of the USACE. There are a number of similar properties in the District that also contain regulated wetlands which are located in zones that permit development. These properties are treated the same, with development permitted only in the uplands, unless the developer obtains wetlands disturbance or fill permits from the USACE.

Historic aerial maps, dated 1930 and 1958, of the area surrounding and including the subject property, indicate that the subject property was part of a large undeveloped open area that was disturbed by the construction of ramps connecting Route 3 to Route 495. Post-construction photos taken in 1969 indicate disturbed areas located adjacent to the highway that appear to define the uplands that are the subject of the current rezoning petition. Throughout the District, this is not an uncommon occurrence, whereby the spoils from highway construction through the lowlands of the Hackensack Meadowlands formed linear uplands along the newly-constructed roadways. These narrow swaths of uplands are conducive to vertical development and have proven to be successful development pads in cases where access to transportation corridors and public utilities are readily available. The subject property fits into this category of properties and is particularly conducive to development as it is located along a service road that has a lower speed limit than the actual highway.

The Master Plan was adopted without dissent in 2004 after significant public participation and discussion with many types of stakeholders. The Master Plan sets forth a broad array of principles that guide the planning of land in the HMD. The zoning rules implement the vision of the plan and reflect the broad brushstrokes on the canvas of categories of uses permitted within general areas. These broad brushstrokes do not always account for the specific circumstances that may exist on a particular parcel of property. Therefore, the zoning rules allow for procedures to vary from the zoning in place, and a rezoning of land is one of these procedures. The applicant submitted a petition supported by evidence

showing the majority of the site consists of upland areas, and that the location of these upland areas have the potential to form a cohesive development pad adjacent to public roadways with access to utility infrastructure. The concept plan submitted by the applicant demonstrates development could occur on the site without impact to existing wetland areas. The development of upland areas continues to promote the planning vision for the Meadowlands through the "thoughtful balancing of planned redevelopment and new development on upland sites."

Many commenters indicated that the Master Plan was approved by the State Legislature. While the statute that grants authority to the NJSEA to prepare and adopt a Master Plan for the District is voted on by the Legislature prior to the Governor's signature, approval of the Master Plan by the Legislature is not a requirement for the adoption of the planning document. No such approval was ever issued regarding the 2004 Master Plan.

Therefore, no change to the rezoning is made upon adoption as a result of these comments.

86. COMMENT: The Meadowlands should not be invaded by organizations wishing to build anything in them. Once invaded, developers will eventually take them entirely over. (1)

87. COMMENT: The Meadowlands should be protected from commercial development. (2 and 53)

88. COMMENT: Allowing just one property owner to circumvent the 2004 Master Plan would invite others to try to do the same. (6, 8, 9, 10, 15, 17, 18, 21, 23, 28, 29, 34, 39, 44, 47, 50, 55, 56, 58, 59, 65, 66, 68, 69, 71, 72, 74, 79, 80, 81, 84, 89, and 90)

89. COMMENT: Do not allow the North Bergen Motel Association's petition to rezone any part of the Meadowlands to go any further. Stopping their plan at this stage will help preserve a special part of New Jersey. (3)

90. COMMENT: The rezoning sets a horrible precedent and leaves up to 500 additional protected wetlands acres at risk/in the crosshairs. (10, 28, 58, 69, 77, and 79)

91. COMMENT: The commenter opposes any approval of any entity to build in the Wetlands Preserves. (10)

92. COMMENT: Allowing a variance to the North Bergen Motel Association to build a motel in the Meadowlands sets a bad precedent. The commenter would like to see as little development in the Meadowlands as possible to keep some open space in the area and stated that allowing one variance will lead to more requests, which will defeat the restoration of the Meadowlands. (26)

93. COMMENT: Any wetlands destruction or rezoning is unacceptable and must be rejected to prevent not only this project, but to discourage anyone who might see an opportunity to profit at the expense of our common resources. (31)

94. COMMENT: The commenter urges the veto of any future building in the Meadowlands and to protect this valuable region for us and future generations. The Meadowlands is a unique setting that must be kept for the health of the region. (32)

95. COMMENT: So much progress has been made to incorporate wildlife that so many species have come back, including great blue herons, snowy egrets, osprey, and hawks. Do not allow commercial construction in the Meadowlands in the form of a hotel. (35)

96. COMMENT: If this rezoning is allowed to occur, it will open up the flood gates to additional rezoning whenever someone or some corporation feels it's in their personal interests to do so. Then there will be no Meadowlands left to protect. (36)

97. COMMENT: The Meadowlands wetlands should be kept wet and new construction not allowed in the zone. (38)

98. COMMENT: Additional development in the Meadowlands is an unnecessary and destructive proposal. A couple of acres for a hotel turns into hundreds for the infrastructure needed to access it. Allowing a project of this nature set a terrible precedent. (41)

99. COMMENT: Once someone figures out they can build on wetlands, the other requests will come pouring in. Do not allow anyone to circumvent the 2004 Master Plan. (48)

100. COMMENT: The commenter cannot fathom anyone justifying destroying the Meadowlands Wetlands for personal commercial construction. Do not allow selfish interests ruin it for the rest of us. (53)

101. COMMENT: The commenter requested that NBMA not be allowed to build in the Meadowlands protected area or cut away at the protected acreage in the name of progress. The commenter appreciates what the area has become through the combined efforts of very caring government agencies and the Hackensack Riverkeeper and states that what little protected area there is left should remain that way. (62)

102. COMMENT: The developers have enormous amounts of money to lobby, whereas the advocates for the Meadowlands and the 2004 Master Plan do not. Consider the arguments of advocates of the Meadowlands carefully in rendering a decision and do not be swayed by the dollars that the developers possess. (64)

103. COMMENT: The commenters oppose the plans of the NBMA and any attempt to circumvent the 2004 Master Plan. (69 and 80)

104. COMMENT: The commenter opposes any further commercial or private development in New Jersey's Meadowlands. (70)

105. COMMENT: The commenter opposes the building of the hotel. Building the proposed hotel will have a detrimental impact on the wetlands. (71)

106. COMMENT: The petition appears to be just a foot in the door for others to hurt the area that serves to help balance water levels and help the environment. (76)

107. COMMENT: Hudson County does not need to be developed any more than it already is. There are too many vacant properties in the State of New Jersey as well as the burden of maintaining the access to them the protection of them, that is, roads, fire, and policing. (79)

108. COMMENT: We should stop the greed of developers from ruining our State. There are already too many people and we need to have nature in all of our lives. (82)

109. COMMENT: It would be a terrible miscarriage of justice and of faith in our environmental trustees if the NBMA were permitted to rezone even the tiniest bit of the Meadowlands to construct a motel. So many people have worked hard over the years to clean the waters of the Meadowlands and all of the work should not go to waste. (87)

RESPONSE TO COMMENTS 86 THROUGH 109: By submitting a petition to rezone the subject property from the Environmental Conservation zone to the Highway Commercial zone, the petitioner is not circumventing the Master Plan, but availing themselves of the procedure to revise an element of the Official Zoning Map. Any petition that is submitted to the NJSEA for the rezoning of a parcel, or parcels, in the District is reviewed and evaluated based on the circumstances associated with the individual property. In this specific petition, more than half of the subject property is comprised of developable uplands that are adjacent to a viable roadway system. Access to the site is provided by the service road of a major highway; thus, no new roadway infrastructure will be needed. The wetlands portions of the property, which cannot be developed without the approval of the USACE, are located along the sides and rear of the subject site. Future construction would not be permitted to cross into the wetlands without USACE approval. The petitioner's conceptual plans for development indicate that a viable development could be constructed within the uplands portion of the subject property without utilizing the wetlands portion. The rezoning would not permit a developer to construct a building in the wetlands.

The statement that 500 additional acres of wetlands are at risk is unfounded. The subject property is privately owned, including 3.7 acres of uplands and 2.1 acres of wetlands. Only the zoning of the subject property is under consideration in this rezoning request.

There is no basis for the statement that the proposed rezoning will invite, encourage, or compel other owners of property that includes both uplands and wetlands to petition for a rezoning of their property. Property owners have the right to develop their properties in accordance with the zoning rules set forth by law. In this case, the petitioner has requested a change in the zoning designation of the subject property in accordance with the regulatory procedures also as set forth by law. A comprehensive opposition to all private development is an unrealistic and unreasonable approach to planning and zoning in the District. A property owner's request to utilize the uplands of a privately owned parcel is not necessarily born out of greed, nor is it an opportunity to damage or destroy existing wetlands, which are regulated by Federal law. A rezoning of the subject property to commercial usage also results in public benefits in the form of promoting the economy and the creation of

jobs in the HMD, which can be accomplished on the subject property without the destruction of wetlands. And while there may be other vacant properties in the State that could be developed or redeveloped, this agency is required to react to the specific petition by a property owner regarding the particular circumstances related to any prospective rezoning request involving their individual property.

Therefore, no change to the rezoning is made upon adoption as a result of these comments.

110. COMMENT: The precedent of the sale of 2.2 acres of the Meadowlands for any corporate need is a very slippery slope. The request for purchase should be rejected and the Master Plan for the Meadowlands protected. (52)

RESPONSE: The subject of the rezoning request is a parcel of property that is privately owned by the North Bergen Motel Associates. The petition to rezone the property from the Environmental Conservation zone to the Highway Commercial zone does not involve the sale of the property.

Therefore, no change to the rezoning is made upon adoption as a result of these comments.

111. COMMENT: There are plenty of other locations for developers to use without destroying the Meadowlands. (24)

112. COMMENT: Builders should build in an already developed area, tear down some blight or repurpose already existing properties. (26)

113. COMMENT: There is plenty of horribly underutilized land that is not critical habitat. (67)

RESPONSE TO COMMENTS 111 THROUGH 113: Codified procedures in the District Zoning Regulations permit the property owner to submit a petition for a change in zoning from the Environmental Conservation zone to the Highway Commercial zone. Whether there are other developable lots in other locations in or outside of the District is not in question at this time. The definition of a critical habitat is not provided by the commenter, however, the subject property is comprised of both uplands and wetlands. Upon rezoning, the uplands portion of the site will be permitted to be developed, while any disturbance in the wetlands requires the approval of the USACE.

114. COMMENT: Building a hotel and other structures would result in removing a protective barrier needed in times of storms. The commenter questions whether there is already plenty of documentation proving both the benefits of and threats to the wetlands of the Meadowlands. (13)

115. COMMENT: The lands protect us from storms like Superstorm Sandy. (2)

116. COMMENT: The Meadowlands serve as a barrier to Super Storms like Sandy and Irene. (3)

117. COMMENT: We cannot afford to lose any more of the Meadowlands, which protects our community from disasters like Super Storm Sandy. (6, 7, 8, 9, 17, 18, 21, 28, 29, 34, 39, 44, 47, 50, 55, 56, 58, 59, 65, 66, 68, 69, 71, 72, 74, 80, 81, 84, 89, and 90)

118. COMMENT: Hurricane Sandy has taught us that marshes are a formidable protection against erosion and property damage. (16)

119. COMMENT: Approving the NBMA's petition would be the first step down a slippery slope and endanger not only the Meadowlands but also the community that depends on these wetlands for protection against disasters like Hurricane Sandy. (7)

120. COMMENT: The rezoning has no net gains for the community and will further deplete the protective barrier relied upon in times of disaster like Superstorm Sandy. (28, 58, 69)

121. COMMENT: Rezoning any part of the wetlands damages the already-depleted protective barrier (our "sponge") on which we rely to limit storm damage. Superstorm Sandy showed us how critical that protection is. (31)

122. COMMENT: The Meadowlands are also a natural sponge, insulating existing residents from Sandy-type and other flooding. With climate change, there will be more such storms. We need the buffer the Meadowlands provide. (45)

123. COMMENT: The wetlands are a precious resource and they act as protection for us should another superstorm like Sandy happen. (46)

124. COMMENT: By preserving the protective barriers of the wetlands, we can prevent disasters like Super Storm Sandy. (53)

125. COMMENT: With global warming and the likelihood of future storms, we need the Meadowlands to protect us. (56)

126. COMMENT: By building a hotel and other structures, a protective barrier is removed that is needed in times of storms. (60)

127. COMMENT: The cost of environmental degradation and increased damage from storms and flooding will be borne by all taxpayers, especially those in New Jersey, and will affect the quality of life for future generations. (69)

128. COMMENT: Further development of the wetlands will increase the possibility of another flooding disaster like what happened to Moonachie during Superstorm Sandy and decrease the unique value of the environment in which we live and work. (91)

RESPONSE TO COMMENTS 114 THROUGH 128: Development on the uplands portion of the subject property would not decrease the protective barriers along the Hackensack River. In some locations, wetlands do provide a buffer from storm surge; however, the wetlands located on the subject property are significantly distant from the Hackensack River, which would be the source of any potential storm surge.

The subject property is adjacent to a large tract of undeveloped wetlands that is drained by the Penhorn Creek, which joins with the Hackensack River approximately three miles away. Computer modeling of sea surge in North Bergen, prepared by the Meadowlands Environmental Research Institute (MERI) and available on the MERI website at <http://meri.njmeadowlands.gov/alerts/water-level/>, indicates that the wetlands adjacent to the subject site are flooded when the storm surge reaches an elevation of five feet (NAVD 88). These maps also show that the physical limit of the sea surge flooding does not increase when the surge elevation increases to eight feet (NAVD 88). The physical limit of the sea surge matches the wetlands line indicated on the land survey submitted by the petitioner. As such, the uplands portion of the site, which is located beyond the sea surge limits indicated on the mapping, typically would not be affected by a storm with similar intensity to Super Storm Sandy.

In addition, development on the uplands portion of the subject site would not affect the protective qualities of the adjacent wetlands. Any proposed development would be required to meet all NJSEA and NJDEP requirements regarding the discharge of stormwater from the developed site and the implementation of a 50-foot wide landscaped waterway buffer along the existing creek. In addition, there are no residential properties located along the Penhorn Creek between the subject property and the Hackensack River, thus the development of the uplands on the subject property would not impact any residential properties.

Therefore, no change to the rezoning is made upon adoption as a result of these comments.

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 adopted 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 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 adopted amendment does not contain any requirements or standards in excess of those imposed under Federal law.

Full text of the adoption 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

(a)

NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY

Preconstruction Activities

Readoption with Amendments: N.J.A.C. 19:34

Proposed: February 1, 2016, at 48 N.J.R. 192(a).
Adopted: May 25, 2016, by the New Jersey Schools Development Authority, Charles B. McKenna, Chief Executive Officer.
Filed: May 26, 2016, as R.2016 d.073, **without change**.

Authority: P.L. 2007, c. 137, § 4k (N.J.S.A. 52:18A-238k, and 52:18A-240) (rulemaking authority), P.L. 2000, c. 72 (N.J.S.A. 18A:7G-1 et seq.), P.L. 2007, c. 137, (N.J.S.A. 52:18A-235 et seq.), and N.J.S.A. 52:34-9.3 (enabling statutes).

Effective Dates: May 26, 2016, Readoption;
July 5, 2016, Amendments.

Expiration Date: May 26, 2023.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

The rules readopted with amendments implement State statutes, namely P.L. 2000, c. 72 (N.J.S.A. 18A:7G-1 et seq.) and P.L. 2007, c. 137 (N.J.S.A. 52:18A-235 et seq.), and specifically, N.J.S.A. 18A:7G-5. There are no Federal standards or requirements governing the subject matter of these rules in as much as the rules readopted with amendments apply only to the New Jersey Schools Development Authority (SDA) school districts that seek to have the Authority fund and perform preconstruction activities in anticipation of construction of a school facilities project pursuant to N.J.S.A. 18A:7G-5. There are no Federal standards or requirements applicable to these rules. A Federal standards analysis, therefore, is not required.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 19:34.

Full text of the adopted amendments follows:

SUBCHAPTER 1. GENERAL PROVISIONS

19:34-1.1 Purpose and applicability of rules

(a) These rules are promulgated by the New Jersey Schools Development Authority (the Authority or SDA), to provide guidance for school districts on the Authority’s undertaking and funding of preconstruction activities. Section 5 of the Educational Facilities Construction and Financing Act, P.L. 2000, c. 72, N.J.S.A. 18A:7G-1 et seq., as amended by P.L. 2007, c. 137, §20 (the “Act”) identifies “preconstruction” activities as including, but not limited to, site identification, investigation and acquisition, feasibility studies, land-related design work, design work, site remediation, demolition, and acquisition of temporary facilities. With Commissioner authorization, the SDA may undertake preconstruction activities required to prepare an application for commissioner approval of a school facilities project.

(b)-(e) (No change.)

19:34-1.2 Definitions

(a) The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

...