

OTHER AGENCIES

NEW JERSEY SPORTS AND EXPOSITION AUTHORITY

District Zoning Regulations

Official Zoning Map

Block 4014, Lot 14.01, in the Borough of Ridgefield

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

Authorized By: New Jersey Sports and Exposition Authority, Wayne Hasenbalg,
President and CEO.

Authority: N.J.S.A. 5:10A-1 et seq., specifically 5:10A-7(b) and N.J.A.C. 19:3-1.3 and 1.5.

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

Proposal Number: PRN 2017-178.

A **public hearing** on this matter will be held on Tuesday, August 29, 2017, at 10:00 A.M.
at the following location:

New Jersey Sports and Exposition Authority

One DeKorte Park Plaza

Lyndhurst, New Jersey 07071

Submit written comments by October 6, 2017, to:

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

Director of Land Use Management

New Jersey Sports and Exposition Authority

One DeKorte Park Plaza

Lyndhurst, New Jersey 07071

sara.sundell@njmeadowlands.gov

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

The agency proposal follows:

Summary

On March 20, 2017, a petition for rezoning was received by the New Jersey Sports and Exposition Authority (NJSEA) from the property owner, 175 Railroad Avenue Realty Associates, LLC, regarding the property identified as Block 4014, Lot 14.01 (subject property), located within the Hackensack Meadowlands District (HMD), in the Borough of Ridgely. The subject property is currently located in both the Light Industrial B (LIB) and Environmental Conservation (EC) zones on the Hackensack Meadowlands District Official Zoning Map. The petitioner requested that the NJSEA

rezone a 2.02 acre portion of the subject property from LIB to EC and a 0.98 acre portion of the subject property from EC to LIB.

The subject property totals approximately 11.11 acres fronting on Railroad Avenue, which provides the only access to the site. An existing industrial building, with an approximate footprint of 101,590 square feet, is situated on the eastern two-thirds of the uplands portion of the property, along with a parking area located between the structure and the Railroad Avenue right-of-way. Existing truck parking and loading areas are located to the rear of the building, also within the uplands portion of the property.

A Jurisdictional Determination (No. NAN-2013-00212) issued by the U.S. Army Corps of Engineers (USACE) on April 12, 2013, states that the subject property includes one principal area of waters of the United States that occupies approximately 4.07 acres within the subject site. This jurisdictional area consists of a 3.65 acre portion of Bellman's Creek and 0.42 acres of tidal emergent wetlands. Bellman's Creek is a tidal tributary of the Hackensack River. Wetlands and wetlands permitting in the HMD are under the jurisdiction of the USACE.

In a subdivision filed with the Bergen County Clerk's Office as filed map 9626 on July 21, 2016, approximately 0.98 acres of the adjacent lot to the north (Block 4014, Lot 15) were merged into the subject property. This 0.98 acre area is currently located in the EC zone and is the subject of this request to rezone a portion of Block 4014, Lot 14.01, from EC to LIB. Wetlands comprise approximately 0.16 acres, or 16 percent, of the 0.98-acre EC-zoned portion of the property, as depicted on the "Enlarged Site & Dimensional

Layout Plan," Sheet 2 of 2, prepared by Mianeck Consulting Engineers and dated 3/8/17, and verified by the USACE's Jurisdictional Determination (No. NAN-2013-00212). The remaining 84 percent of the 0.98 acres is comprised of uplands.

The petitioner has expressed interest in constructing a 31,465 square foot light industrial/warehousing addition on the subject property, in accordance with the LIB zone regulations. A portion of the proposed structure, parking, and loading area would extend into the uplands portion of the 0.98 acres proposed to be rezoned from EC to LIB. Light industry and warehousing are permitted uses in the LIB zone (per N.J.A.C. 19:4-5.80), but not in the EC zone. Rezoning the 0.98 acres to LIB would result in the potential ability of the applicant to develop the uplands, which will contribute to job creation and the economic vitality of the area, while still protecting adjacent wetlands. 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.

The 2.02 acre area of the LIB zoned portion of the property that is proposed to be rezoned to EC is situated along the eastern-most portion of the subject site. While currently zoned LIB, the entirety of the 2.02 acres is located within the area designated as waters of the United States and wetlands in the USACE's Jurisdictional Determination. Further to the east of the subject property is a large swath of wetlands in the EC zone, which extends along Bellman's Creek to the Hackensack River.

The EC zone is intended to provide for the preservation and enhancement of the ecological values of wetlands, open water, and adjacent uplands within the District. The petitioner's request states that in order to offset the loss of the EC zoned portion of Block 4014, Lot 14.01, the petitioner is proposing to rezone from LIB to EC a portion of the property that is double the size of the former EC area on the same property. The proposed rezoning of this portion of the subject property is intended to provide for the continued protection of existing, on-site wetlands and open waters.

At its regularly scheduled meeting of May 18, 2017, the NJSEA Board of Commissioners authorized staff to prepare and submit a notice of proposal to the Office of Administrative Law for publication in the New Jersey Register and conduct a public hearing to obtain public input regarding this matter.

An advance notice of rules was provided to stakeholders (in accordance with Executive Order No. 2 (2010)) prior to the filing of the notice of proposal, through an in-person meeting with the Hackensack Riverkeeper and e-mails to the municipal business administrator. Comments received were taken into consideration in the preparation of the proposed rezoning.

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

Social Impact

The subject parcel proposed to be partially rezoned comprises approximately 11.11 acres. No notable social impact is envisioned as a result of the proposed rezoning of 0.98 acres of the parcel from the EC zone to the LIB zone. The rezoning will allow development onto the upland portion of the site while preserving the on-site wetlands and open waters. The rezoning of a 2.02-acre portion of the property currently in the LIB zone to the EC zone will further ensure the protection of the existing wetlands from future development.

The entity most impacted would be the subject property owner. The development of a building addition on the portion of the property located in the LIB zone would require the submission of a zoning certificate application. If the rezoning were to be approved, the property owner would be bound by the regulations of the LIB zone with respect to the development and enhancement of the subject site. The development of a proposed addition would be controlled by the zoning requirements listed in the HMD zoning regulations for the LIB zone. The rezoning of a portion of the LIB-zoned property to the EC zone will result in the preservation of a specific portion of the wetlands from the possibility of future development, as construction is generally not permitted in the EC zone.

However, since the proposed rezoning is the result of a petition filed by the property owner, the NJSEA may conclude that the property owner has analyzed the impacts of the rezoning and made a determination to proceed with the request.

Economic Impact

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

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

Federal Standards Statement

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

The Hackensack Meadowlands District is located within the Federally designated Coastal Zone Management Area for New Jersey (designated in accordance

with 15 CFR 923.53(a)(1)). The NJSEA acts as the lead coastal planning and management agency for the Hackensack Meadowlands District under the guidance of the New Jersey Department of Environmental Protection (NJDEP).

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

Jobs Impact

The proposed rezoning will have a positive impact on job creation in the State of New Jersey. The rezoning of a 0.98 acre portion of Block 4014, Lot 14.01, from the EC to the LIB zone will result in the potential for development of that portion of the subject property with uses that will provide employment opportunities for both temporary construction jobs and permanent employment, based on the permitted and special exception uses listed in the LIB zone regulations. New employment opportunities generated by the proposed rezoning will contribute to economic development of the upland area. The rezoning of a 2.02 acre portion of Block 4014, Lot 14.01, from the LIB to the EC zone will not have any impacts on jobs in the region as the property is currently wetlands and open waters that cannot be developed and the change of a zoning designation does not change the development potential.

Agriculture Industry Impact

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

Regulatory Flexibility Statement

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

The LIB zone is designed to accommodate a wide range of industrial, distribution, and commercial uses that generate a minimum of detrimental environmental effects, as per N.J.A.C. 19:4-5.79. The permitted uses in this zone include automobile rental facilities and minor repair facilities, banks, boat sales, bus garages, business support services, car washes, Class A and D recycling facilities, contractor's offices, day care facilities, disaster recovery facilities, essential public services, fuel service stations, institutional uses, kennels, light industry, manufactured home and trailer sales, parks and recreation facilities, light public utility uses, research and development facilities, self-storage facilities, taxi and limousine services, truck sales and terminals, and warehouse, distribution and wholesale facilities. Special exception uses include major automobile repair facilities, Class B recycling facilities, indoor

commercial recreation, communications transmission towers, health care centers, heavy industry, hotels and motels, offices, heavy public utility uses, restaurants, retail, and truck rental facilities. The EC zone is designed to preserve and enhance the ecological value of wetlands, open water, and adjacent uplands within the district and seeks to provide public access to these areas and encourage scientific and educational study in regard to wetland ecology, as per N.J.A.C. 19:4-5.8. The permitted uses in the EC zone are existing public utility equipment and appurtenances, including operating, maintaining, reconstructing, inspecting, testing, and removing such equipment; public access to water features, including trails, boat/canoe launches, water crossings, site furnishings, signage, and structures that facilitate wildlife observation; scientific and educational study and experimentation in regard to wetland ecology; wetland enhancement, restoration, or creation activities, performed either individually or in conjunction with wetland mitigation banks; and wildlife habitat creation. Special exception uses include communications transmission towers; electric transmission towers; marinas; the construction of any element or other physical device to fulfill a requirement of another regulatory agency that has an interest in, or some level of jurisdiction over, a wetlands enhancement, restoration, or creation activity; and structures and improvements essential for and used solely in conjunction with a permitted use.

The rezoning of portions of the property to the EC and LIB zones will have no impact on the existing requirement that the property owner obtain all permits and/or applicable approvals from the NJSEA.

Housing Affordability Impact Analysis

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

Smart Growth Development Impact Analysis

The proposed rezoning will have an insignificant impact on smart growth development. The Hackensack Meadowlands District is not located within Planning Areas 1 or 2, or within designated centers, under the State Development and

Redevelopment Plan, and, therefore, would not evoke a change in housing production in these specified areas. Accordingly, the rezoning will not affect, in any manner, new construction within those areas.

Full text of the proposal follows:

19:4-3.3 Official zoning map

Change the zoning designation of Block 4014, Lot 14.01, in the Borough of Ridgefield, from Environmental Conservation to Light Industrial B (0.98 acres) and Light Industrial B to Environmental Conservation (2.02 acres).

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