

NEW JERSEY MEADOWLANDS COMMISSION
AGENDA

DATE: March 28, 2012
TIME: 10:30 a.m.
PLACE: Lyndhurst, New Jersey
RE: MONTHLY MEETING

1. Pledge of Allegiance
2. Sunshine Law Statement
3. Roll Call
4. REVIEW OF MINUTES - January 25, 2012 and February 22, 2012 Pg. 1
5. SPECIAL PRESENTATION
6. PUBLIC PARTICIPATION ON RESOLUTIONS
7. SPECIAL EXCEPTIONS
 - Resolution No. 12-08 Consideration of a Resolution Regarding Pg. 7
The Application for One Special Exception
(File #11-455, 1806 Harrison/National Water
Main Cleaning Company -C.O. (Change In Use))
 - Resolution No. 12-09 Consideration of a Resolution Regarding the Pg. 20
Application for One Special Exception
(File #11-717, Hartz/East-West Bridals C.O./
Special Exception)
8. TRANSPORTATION
 - Resolution No. 12-10 Consideration of a Resolution Authorizing the Pg. 33
Executive Director to Enter Into Jurisdictional
Agreements with the County of Bergen, the
Town of Kearny, the Township of Lyndhurst, the
Township of North Bergen, the Borough of
Teterboro, and Hartz Mountain Industries for the
Meadowlands Adaptive Signal System for Traffic
Reduction (MASSTR)

NEW JERSEY MEADOWLANDS COMMISSION
AGENDA

MONTHLY MEETING

Pg. 2

Resolution No. 12-11	Consideration of a Resolution Authorizing the Executive Director to Enter into an Agreement With the New Jersey Department of Transportation For the Expansion of the Meadowlands Adaptive Signal System for Traffic Reduction (MASSTR)	Pg. 36
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9. PILOT AGREEMENT

Resolution No. 12-12	Consideration of a Resolution Authorizing The Executive Director to Enter into an Agreement With the Borough of North Arlington Regarding Payment in Lieu of Taxes	Pg. 39
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10. REPORTS

- A. Commissioners
- B. Executive Director
- C. Directors
- D. HMMC Executive Director

11. NEW BUSINESS

12. PUBLIC PARTICIPATION

13. CLOSED SESSION

- A. Adopt Resolution No. 12-13 to hold Closed Session.
- B. Adjournment to Closed Session. The Commission Reserves the Right to Reconvene Into Public Session, if necessary, to take Action on Closed Session Items.

PLEASE CONTACT THE NJMC OFFICE (201) 460-1700 PRIOR TO MEETING IF SPECIAL REQUIREMENTS ARE NEEDED UNDER ADA

NEW JERSEY MEADOWLANDS COMMISSION

DATE: January 25, 2012
TIME: 10:00 a.m.
PLACE: Lyndhurst, NJ
RE: MONTHLY MEETING MINUTES

COMMISSIONERS PRESENT:

Richard E. Constable, III, Acting Chairman
Jay C. Nadel
James V. Bocchino
Mauro DeGennaro
Thomas Quirico

STAFF PRESENT:

Marcia Karrow, Executive Director
Bernie Nangle, Deputy Executive Director/
External Affairs
Sara Sundell, Director Land Use Management
Christine Sanz, Director of Legal Affairs
Thomas Marturano, Director of Natural Resources
Francis J. Elenio, Director of Finance &
Management, Chief Financial Officer
Francisco Artigas, Director of MERI
Maurice Griffin, Deputy Attorney General
Brandon Minde, Assistant Counsel to the Governor
Lynn Johnson, Executive Assistant
Fred Dressel, HMMC

1. Pledge of Allegiance
2. Executive Director Karrow read the Notice of Meeting required under the Sunshine Law.
3. Roll Call
4. REVIEW OF MINUTES

Minutes of the December 21, 2011 open meeting were moved by Commissioner DeGennaro, seconded by Commissioner Bocchino and carried with all in favor.

5. PRESENTATION
Adam Levy, Assistant Director of Legal Affairs, gave a presentation of the NJMC Solar Carport Canopy project. Mr. Levy invited everyone outside after the meeting for the ribbon cutting.

6. PUBLIC PARTICIPATION ON RESOLUTIONS -

Richard Steffens- Secaucus resident spoke on resolution 12-01.

7. TAX SHARING

Resolution No. 12-01 - Resolution certifying the Intermunicipal Tax Sharing Pool for CY2012.

Motion to adopt the resolution was made by Commissioner Nadel, seconded by Commissioner Quirico and unanimously carried.

8. VARIANCES

Resolution No. 12-02 - Resolution issuing a Decision on the variance application submitted as part of File No. 11-265 Hartz/20 Enterprise- Use Change/Site Improvements & Variance - Block 57, Lot 2, in the Town of Secaucus.

Motion to adopt the resolution was made by Commissioner Bocchino, seconded by Commissioner Quirico and unanimously carried.

9. SITE SUITABILITY

Resolution No. 12-03 - 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. 11-664, Liberty/Meadowlands Hospital - Building Addition & Solar Panels Block 21, Lot 6 in the Town of Secaucus

Motion to adopt the resolution was made by Commissioner Quirico, seconded by Commissioner Nadel and unanimously carried.

10. NEW MEADOWLANDS RACETRACK CLUBHOUSE PROJECT

Resolution No. 12-04 - Resolution adopting Section 5(x) Consultation Report and Hearing Officers' Report (Section 23) for the proposed New Meadowlands Racetrack Clubhouse project at the Meadowlands Sports Complex.

Motion to adopt the resolution was made by Commissioner DeGennaro, seconded by Commissioner Bocchino and unanimously carried.

11. MEMORANDUM OF AGREEMENT

Resolution No. 12-05 - Resolution authorizing the Executive Director to execute a Memorandum of Agreement with Bergen Community College regarding an Economic Growth Partnership

Motion to adopt the resolution was made by Commissioner Nadel, seconded by Commissioner DeGennaro and unanimously carried.

Executive Director Karrow invited the Acting President of Bergen Community College Dr. Jose A. Adames up to sign the memorandum of agreement. Also present were Sandra Sroka, head of the Continuing Education Department of Bergen Community College; Dr. Ronald Milon, Director of Bergen Meadowlands Campus and Michel Bitritto, Director of the Accelerator program.

12. WORKSTATION UPGRADES

Resolution No. 12-06 - Resolution authorizing the Executive Director to purchase computer equipment and software upgrades.

Motion to adopt the resolution was made by Commissioner Bocchino, seconded by Commissioner DeGennaro and unanimously carried.

13. NEW BUSINESS - None

14. REPORTS

- Executive Director Karrow announced that Commissioner Walther, who has served the Commission for ten years, has resigned. Executive Director Karrow hopes to honor her publicly in the near future.
- Executive Director Karrow presented to Acting Chairman Constable one of the newly designed Meadowlands t-shirts from the Environment Center gift shop. Executive Director Karrow mentioned that the gift shop is currently being updated.
- Mayor Dressel welcomed Acting Chairman Constable and spoke about tax sharing.

12. PUBLIC PARTICIPATION - None

13. CLOSED SESSION - None

Motion to adjourn the meeting was made by Commissioner Quirico, seconded by Commissioner Nadel and unanimously carried.

MARCIA A. KARROW, SECRETARY

RESOLUTION#	12-01	12-02	12-03	12-04	12-05	12-06
Acting Chairman Constable	Y	Y	Y	Y	Y	Y
Comm. Bocchino	Y	Y	Y	Y	Y	Y
Comm. DeGennaro	Y	Y	Y	Y	Y	Y
Comm. Nadel	Y	Y	Y	Y	Y	Y
Comm. Quirico	Y	Y	Y	Y	Y	Y

Y = Yes A = Abstain
R = Recuse N = No

NEW JERSEY MEADOWLANDS COMMISSION

DATE: February 22, 2012
TIME: 10:00 a.m.
PLACE: Lyndhurst, NJ
RE: MONTHLY MEETING MINUTES

COMMISSIONERS PRESENT:

James V. Bocchino
Mauro DeGennaro
Thomas Quirico

STAFF PRESENT:

Marcia Karrow, Executive Director
Bernie Nangle, Deputy Executive Director/
External Affairs
Sara Sundell, Director Land Use Management
Christine Sanz, Director of Legal Affairs
Thomas Marturano, Director of Natural Resources
Francis J. Elenio, Director of Finance &
Management, Chief Financial Officer
Francisco Artigas, Director of MERI
Maurice Griffin, Deputy Attorney General
Brandon Minde, Assistant Counsel to the Governor
Lynn Johnson, Executive Assistant
Fred Dressel, HMMC

Executive Director Karrow stated that due to a last minute cancellation there is not a quorum for today's meeting.

1. Pledge of Allegiance
2. Executive Director Karrow read the Notice of Meeting required under the Sunshine Law.
3. Roll Call
4. REVIEW OF MINUTES - None
5. PRESENTATION - None

6. PUBLIC PARTICIPATION ON RESOLUTIONS -

- Michael Gonnelli, Mayor of Secaucus spoke on tax sharing
- Vincent Steffano resident of South Hackensack spoke on tax sharing and geese problem in the school park.
- Lonnie Bidell resident of South Hackensack spoke on tax sharing.

12. PUBLIC PARTICIPATION - None

13. CLOSED SESSION - None

Executive Director Karrow closed the meeting.

 MARCIA A. KARROW, SECRETARY

No Quorum

RESOLUTION#						
Acting Chairman Constable						
Comm. Bocchino						
Comm. DeGennaro						
Comm. Nadel						
Comm. Quirico						

Y = Yes A= Abstain
 R = Recuse N = No

**RESOLUTION ISSUING A DECISION ON THE SPECIAL EXCEPTION
APPLICATION SUBMITTED AS PART OF FILE NO. 11-455
1806 HARRISON/NATIONAL WATER MAIN CLEANING COMPANY-C.O.
(CHANGE IN USE)
BLOCK 286, LOT 40, IN THE TOWN OF KEARNY**

WHEREAS, an application for one (1) special exception was filed with the New Jersey Meadowlands Commission (NJMC) by William F. Harrison, Esq., of the firm Genova, Burns & Giantomasi on behalf of National Water Main Cleaning Company for the premises identified as 1806 Harrison Avenue (aka 775 Harrison Avenue by the Town of Kearny), Block 286, Lot 40, in the Town of Kearny, New Jersey; and

WHEREAS, the special exception is sought in connection with the applicant's proposal to operate a contractor's yard on the subject premises; and

WHEREAS, the applicant requested relief from N.J.A.C. 19:4-5.88(a)5, where contractor's yard or facilities are listed as a special exception use in the Intermodal A zone; and

WHEREAS, notice of the requested special exception was given to the public and all interested parties as required by law and was published in The Jersey Journal newspaper; and

WHEREAS, a public hearing was held in the Office of the NJMC on Tuesday, February 7, 2012, before Sara Sundell, Director of Land Use Management and Chief Engineer; Sharon Mascaró, Deputy Director of Land Use Management and Deputy Chief Engineer; and Mark Skerbetz, Senior Planner; and

WHEREAS, a comprehensive report dated March 12, 2012, has been prepared indicating the recommendations of the Director of Land Use Management and the Executive Director in this matter; and

WHEREAS, the report recommends approval of the special exception use, requested in accordance with N.J.A.C. 19:4-5.88(a)5, to operate a contractor's yard on the subject premises; and

WHEREAS, the members of the NJMC have reviewed the full record, including the transcripts of the public hearings, recommendations on the application by the Director of Land Use Management and by the Executive Director, and the submissions of the applicant; and

WHEREAS, the members of the NJMC concur with the recommendation of the Director of Land Use Management and the Executive Director; and

WHEREAS, the NJMC hereby determines that the special exception use, requested in accordance with N.J.A.C. 19:4-5.88(a)5, to operate a contractor's yard on the subject premises, conforms with the standards for approving applications for special exceptions as set forth in N.J.A.C. 19:4-4.13(e).

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey Meadowlands Commission, that the 1806 Harrison/National Water Main Cleaning Company-C.O. (Change in Use) application for one special exception use, in accordance with N.J.A.C. 19:4-5.88(a)5, to operate a contractor's yard on the subject premises, is hereby **APPROVED** for the reasons set forth in the recommendation dated March 12, 2012.

The foregoing was adopted on Commission vote.

Richard E. Constable, III
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 28, 2012.

Marcia A. Karrow
Secretary

Resolution No. 12-08

Memorandum

New Jersey Meadowlands Commission

P. 9

To: NJMC Commissioners and Marcia A. Karrow, Executive Director

From: Sara J. Sundell Date: March 28, 2012

Subject: Special Exception Recommendation-1806 Harrison/National Water Main
Cleaning Co.-C.O. (Change in Use)-File #11-455

An application for one (1) special exception was filed with the New Jersey Meadowlands Commission (NJMC) by William F. Harrison, Esq., of the firm Genova, Burns & Giantomasi, on behalf of National Water Main Cleaning Company for the premises identified as 1806 Harrison Avenue (a.k.a. 775 Harrison Avenue by the Town of Kearny), Block 286, Lot 40, in the Town of Kearny, New Jersey. Said premises are located in the Commission's Intermodal A zone.

The special exception is sought in connection with the applicant's proposal to operate a contractor's yard on the subject premises.

The applicant requested special exception approval pursuant to:

1. N.J.A.C. 19:4-5.88(a)5, where a contractor's yard or facilities are listed as a special exception use in the Intermodal A zone.

A public hearing on this matter was held in the Office of the NJMC on February 7, 2012.

In a comprehensive report dated March 12, 2012, the Director of Land Use Management and the Executive Director recommended the approval of the requested special exception.

At this time, the Commission is required to issue a decision on the special exception application described above. A resolution requesting the same is attached for your consideration.

**RECOMMENDATION ON THE SPECIAL EXCEPTION APPLICATION OF
' 1806 Harrison/National Water Main Cleaning Company-C.O. (Change in Use)**

FILE # 11-455

I. INTRODUCTION

An application for one special exception has been filed with the New Jersey Meadowlands Commission (NJMC) by William F. Harrison, Esq., of the firm Genova, Burns & Giantomasi, on behalf of National Water Main Cleaning Company for the premises identified as 1806 Harrison Avenue (a.k.a. 775 Harrison Avenue by the Town of Kearny), Block 286, Lot 40, in the Town of Kearny, New Jersey. Said premises are located in the Commission's Intermodal A zone. The special exception is sought in connection with the applicant's proposal to operate a contractor's yard on the subject premises.

Specifically, the applicant is requesting special exception approval pursuant to:

1. N.J.A.C. 19:4-5.88(a)5, where contractor's yard or facilities are listed as a special exception use in the Intermodal A zone.

A public hearing was held at the Office of the Commission on Tuesday, February 7, 2012. Notice was given to the public and all interested parties as required by law. The public notice of this hearing was published in The Jersey Journal. No written objections were submitted to the Division of Land Use Management. All information submitted to the Division of Land Use Management relative to this application is made part of the record of this recommendation.

II. GENERAL INFORMATION

A. Existing and Proposed Use

The subject premises is a 5.17-acre lot, containing a 55,381-square-foot, single-tenanted industrial building with associated paved parking areas and related site improvements. In addition, a Kearny Municipal Utilities Authority pump station exists on a leased area in the southwesterly corner of the site. The property is located in the Commission's Intermodal A zone in the southwesterly portion of the Hackensack Meadowlands District. The lot is irregularly-shaped, fronting on a PSE&G right-of-way and Harrison Avenue to the south. The site is bounded to the north by the NJMC's closed 1-A Landfill, to the east by the Northeast Corridor rail line, and to the west by a light industrial property. Undeveloped marshland exists to the south across Harrison Avenue.

The applicant is proposing to operate a contractor's yard on the subject premises. The applicant's proposed business is a municipal maintenance service specializing in the video inspection and light cleaning of underground pipelines such as water lines and sewer lines. Various pieces of equipment and vehicles utilized in the daily operation of the business will be stored on site. Most of the storage will occur within the existing industrial building. However, a new paved parking and storage area will be provided along the northerly portion of the site between the building and the 1-A Landfill for equipment and vehicles that cannot be stored within the building. On-site drainage improvements are proposed in the northeasterly portion of the property in connection with the new paved area. Office space will be added within the building to accommodate employees working on the premises. No other improvements are proposed.

B. Response to the Public Notice

No written comments or objections were submitted to this Office regarding this application prior to the public hearing.

III. PUBLIC HEARING (February 7, 2012)

A public hearing was held on Tuesday, February 7, 2012. NJMC staff in attendance were Sara Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon Mascaró, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer; and Mark Skerbetz, P.P., AICP, Senior Planner.

A. Exhibits

The following is a list of the exhibits submitted by the applicant at the public hearing and marked for identification as follows:

<u>Number</u>	<u>Description</u>
A-1	"ALTA/ACSM Land Title Survey," prepared by Control Point Associates, Inc., dated May 5, 2011.
A-2	"Site Plan Rendering," prepared by Bohler Engineering, dated August 4, 2011, revised through January 9, 2012.
A-3	Planner's report, prepared by Peter G. Steck, P.P., dated February 6, 2012.

B. Testimony

William F. Harrison, Esq., of the firm Genova, Burns & Giantomasi, represented National Water Main Cleaning Company at the hearing. The following witnesses testified in support of the application:

1. Salvatore Perri, National Water Main Cleaning Company
2. Brian McMorrow, P.E., Bohler Engineering
3. Peter G. Steck, P.P., Community Planning Consultant

Staff findings and recommendations are based on the entire record. A transcript of the public hearing was prepared and transcribed by Darlene Kulesa, Certified Court Reporter.

C. Public Comment

No members of the public were present at the public hearing.

IV. RECOMMENDATION

A. Standards for the Granting of a Special Exception from the Provisions of N.J.A.C. 19:4-5.88(a)5, where contractor's yard or facilities are listed as a Special Exception Use in the Intermodal A zone.

The NJMC Zoning Regulations at N.J.A.C. 19:4-4.13(e) states in part that, *a special exception use shall not be granted unless specific written findings of fact are made based upon the evidence presented that supports the following conclusions:*

1. *The proposed special exception use at the specified location will contribute to and promote the welfare or convenience of the public;*

As a maintenance service specializing in the videoing and cleaning of water and sewer lines, National Water Main Cleaning Company assists municipalities and other governmental agencies having jurisdiction by maintaining and upgrading existing water and sewer line infrastructure. Ensuring sufficient and reliable water and sewer service in the region will enable the retention of existing businesses and help attract businesses. Currently, the surrounding area is served by older utility infrastructure, including water and sewer lines. Approval of this proposed special exception use will increase the likelihood that the affected infrastructure will be maintained in a timely and satisfactory manner, thereby having a positive effect on the businesses in the area. The proposed contractor's yard will allow for reliable water and sewer service for businesses and residents, not only within the general vicinity of the site, but within the broader region served by the National Water Main Cleaning Company. As such, the proposed contractor's yard will contribute to and promote the welfare and convenience of the public.

2. *The proposed special exception use will not cause substantial injury to the value of other property in the neighborhood;*

The principal function on the premises will be the storage of equipment and vehicles utilized at off-site jobs where the videoing and cleaning of water and sewer lines will occur. Most storage and office operations will be conducted within the building, with the remaining storage of equipment and vehicles to be provided outdoors along the rear of the site. The current activities on the neighboring properties will not be impeded by the operation of the contractor's yard. The only potential negative impact created by the facility would be the impacts on area aesthetics due to the presence of the outdoor storage. However, this effect will be mitigated by the fact that most of the storage of vehicles and equipment will be conducted within the existing building. The remaining storage will occur to the rear of the site and will be screened from Harrison Avenue by the building. Outdoor storage will not be visible from Harrison Avenue as the site is elevated and set back approximately 80 feet from the roadway. In addition, adequate screening of this storage area by a combination of evergreen and deciduous trees and shrubs will be provided along the rear property line between the premises and the 1-A Landfill. Therefore, the proposed contractor's yard will not cause substantial injury to other properties in the surrounding neighborhood.

3. *The special exception use will not dominate the immediate neighborhood in a manner that could prevent development and use of neighboring properties in accordance with the applicable regulations, in consideration of the following:*

- i. *The location and size of the special exception use;*

The location and size of the proposed contractor's yard will not dominate the immediate area or neighborhood in a manner that would prevent development and use of neighboring properties in accordance with NJMC zoning regulations. The principal on-site use of the contractor's yard will be the indoor and outdoor storage of equipment and vehicles used in conjunction with the videoing and cleaning of off-site water and sewer lines. A 55,381-square-foot single-tenanted industrial building with associated paved parking areas and related site improvements exists on the premises. No exterior building expansions or additions are proposed. Minor site improvements, consisting of a new paved area to the rear of the site between the building and 1-A Landfill, are proposed for the storage of vehicles and equipment. This area, however, will be heavily screened from the rear by a combination of evergreen and deciduous trees and shrubs and will also not be visible from the street. An existing office trailer along the westerly property line will be removed from the premises once all interior building renovations and site improvements are completed. Properties in the surrounding area will be able to continue to function as intended.

ii. The nature and intensity of the operation of the special exception use;

The proposed contractor's yard is a low intensity use relative to the former industrial use that previously occupied the site. The principal function on the premises will be the storage of equipment and vehicles utilized at off-premise job sites where the videoing and cleaning of water and sewer lines will occur. Most storage and office operations will be conducted within the building, with the remaining storage of equipment and vehicles provided outdoors along the rear of the site in an orderly manner. This low intensity use will not dominate the

immediate neighborhood and will have no detrimental effects on the surrounding properties, as they will not be impeded in their ability to continue their current function.

iii. The location of the site with respect to access and circulation;

Except for the proposed rear paved parking and storage area, the site is already fully developed, containing an existing industrial building with associated site improvements. Sufficient on-site access and vehicular circulation for the existing and proposed use is in place. Direct access to the site from Harrison Avenue is through a 50-foot-wide roadway easement across the PSE&G right of way. Vehicular circulation is provided around the entire perimeter of the building. Although the proposed rear paved parking and storage area may increase vehicular use on the premises, it will not burden or create a dominating effect on the surrounding roadway access or circulation. All parking and loading requirements for the site are met by the proposed use. Neighboring properties will not be impeded in their ability to function. As Harrison Avenue is a four lane road with traffic signals nearby, Harrison Avenue will easily accommodate any increase in vehicular intensity on the premises due to the proposed special exception use.

iv. The location, nature, and height of structures, walls and fences on the site; and

The location, nature, and height of structures and fences on the site will not dominate the surrounding area. Except for the proposed rear paved parking and storage area, the site is already fully developed. There will be no additions to the existing building or new fences installed. Fencing is already in

place along the side and rear property lines. The outdoor storage of equipment and vehicles will be behind the building in the rear of the site, heavily screened from the adjacent 1-A Landfill by a combination of evergreen and deciduous trees and shrubs, and will not be visible from the street.

v. The nature and extent of landscaping and screening on the site.

Heavy vegetative screening will be provided along an existing fence in the rear of the property between the new paved parking and storage area and the 1-A Landfill. Proposed landscaping will include a mix of deciduous and evergreen trees and shrubs designed to thoroughly screen the site from the landfill. Fencing and screening already exists along the side lot lines between the site and neighboring properties. As the site is elevated and setback approximately 80 feet from Harrison Avenue, visibility from the roadway is limited and restricted to the building itself.

4. Adequate utilities, drainage and other necessary facilities have been or will be provided;

The proposed contractor's yard shall not require any additional water, sewer, or gas service than what is currently provided on site. All required infrastructure, including sanitary sewers, are in place. The proposed use will not decrease the ability of the existing utility infrastructure to perform in a safe and efficient manner. Electric and telephone requirements for the contractor's yard will be adequately handled by the existing services available to the property. The on-site stormwater drainage facility will be expanded to compensate for the additional impervious surfaces proposed along the rear of the site,

resulting in peak runoff rate that will be less than what now occurs on the premises.

5. *Adequate access roads and drive aisles have been or will be provided and shall be designed to prevent traffic hazards and minimize traffic congestion;*

The site contains sufficient on-site access and vehicular circulation for the existing and proposed use. The impact to traffic in the surrounding area will be insignificant as Harrison Avenue is a four lane road with traffic signals nearby, capable of handling any increase in vehicular usage generated by the contractor's yard. Harrison Avenue already experiences a heavy volume of trucking generated by nearby industrial and commercial uses; as such, the type and volume of traffic generated by the contractor's yard will not change the character of the vehicular usage already in the area and will not add a significant amount of vehicles to the road. Direct site access is provided from Harrison Avenue via a 50-foot-wide roadway easement through the adjacent PSE&G right-of-way. Adequate vehicular circulation is provided around the entire perimeter of the building. The areas of outdoor storage are clearly delineated on the proposed site plan in an orderly manner and a designated fire lane is provided to ensure public safety.

6. *The special exception use will not have a substantial adverse environmental impact.*

The proposed contractor's yard and associated site improvements will not cause any adverse environmental impacts. There will be no manufacturing processes occurring on the premises, only the indoor and outdoor storage of equipment and vehicles. The applicant testified that NJMC environmental performance standards will not be exceeded in

regard to noise, vibration, glare, air emissions, hazardous or radioactive materials that may be generated from the proposed yard. No wetlands or environmentally sensitive areas will be disturbed. Existing stormwater runoff facilities will be improved to facilitate the additional impervious surfaces proposed for the premises.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Special Exception from the Provisions of N.J.A.C. 19:4-5.88(a)5, where Contractor's Yards or Facilities are listed as a Special Exception Use in the Intermodal A zone.

Based on the record in this matter, the application for a special exception to operate a contractor's yard on the subject premises is hereby recommended for approval.

APPROVAL
Recommendation on
Special Exception Request

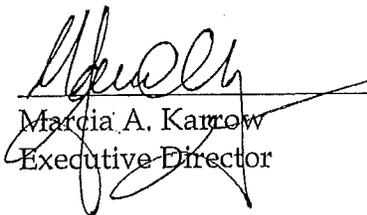
3-12-12
Date



Sara J. Sundell, P.E., P.P.
Director of Land Use Management and
Chief Engineer

Approval
Recommendation on
Special Exception Request

3/12/12
Date



Marcia A. Karrow
Executive Director

**RESOLUTION ISSUING A DECISION ON THE SPECIAL EXCEPTION
APPLICATION SUBMITTED AS PART OF FILE NO. 11-717
HARTZ/EAST-WEST BRIDALS-C.O. (CHANGE IN USE)
BLOCK 57, LOT 7, IN THE TOWN OF SECAUCUS**

WHEREAS, an application for one (1) special exception was filed with the New Jersey Meadowlands Commission (NJMC) by David Hughes, Esq., on behalf of Hartz Mountain Industries for the premises identified as 40 Enterprise Avenue, Block 57, Lot 7, in the Town of Secaucus, New Jersey; and

WHEREAS, the special exception is sought in connection with the applicant's proposal to expand an existing 3,147-square-foot accessory retail space into 3,467 square feet of principal retail space on the subject premises; and

WHEREAS, the applicant requested relief from N.J.A.C. 19:4-5.74(a)14, where a retail establishment is listed as a special exception use in the Light A Industrial zone; and

WHEREAS, notice of the requested special exception was given to the public and all interested parties as required by law and was published in The Jersey Journal newspaper; and

WHEREAS, a public hearing was held in the Office of the NJMC on Thursday, February 16, 2012, before Sara Sundell, Director of Land Use Management and Chief Engineer; Sharon Mascaró, Deputy Director of Land Use Management and Deputy Chief Engineer; Mia Petrou, Senior Planner; and Gabrielle Gornelli, Staff Engineer; and

WHEREAS, a comprehensive report dated March 9, 2012, has been prepared indicating the recommendations of the Director of Land Use Management and the Executive Director in this matter; and

WHEREAS, the report recommends approval of the requested special exception use, requested in accordance with N.J.A.C. 19:4-5.74(a)14, to operate a retail establishment on the subject premises as a principal use; and

WHEREAS, the members of the NJMC have reviewed the full record, including the transcripts of the public hearings, recommendations on the application by the Director of Land Use Management and by the Executive Director, and the submissions of the applicant; and

WHEREAS, the members of the NJMC concur with the recommendation of the Director of Land Use Management and the Executive Director; and

WHEREAS, the NJMC hereby determines that the special exception use, requested in accordance with N.J.A.C. 19:4-5.74(a)14, to operate a retail establishment on the subject premises as a principal use, conforms with the standards for approving applications for special exceptions as set forth in N.J.A.C. 19:4-4.13(e).

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey Meadowlands Commission, that the Hartz/East-West Bridals -C.O. (Change in Use) application for one special exception use, in accordance with N.J.A.C. 19:4-5.74(a)14, to operate a retail establishment on the subject premises as a principal use, is hereby **APPROVED** for the reasons set forth in the recommendation dated March 9, 2012.

The foregoing was adopted on Commission vote.

Richard E. Constable, III
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 28, 2012.

Marcia A. Karrow
Secretary

Resolution No. 12-09

Memorandum

P. 22

New Jersey Meadowlands Commission

To: NJMC Commissioners and Marcia A. Karrow, Executive Director

From: Sara J. Sundell Date: March 28, 2012

Subject: Special Exception Recommendation-Hartz/East-West Bridals - C.O. (Change in Use)-File #11-717

An application for one (1) special exception was filed with the New Jersey Meadowlands Commission (NJMC) by David Hughes, Esq., on behalf of Hartz Mountain Industries for the premises identified as 40 Enterprise Avenue, Block 57, Lot 7, in the Town of Secaucus, New Jersey. Said premises are located in the Commission's Light Industrial A zone.

The special exception is sought in connection with the applicant's proposal expand an existing 3,147-square-foot accessory retail space into 3,467 square feet of principal retail space on the subject premises.

The applicant requested special exception approval pursuant to:

1. N.J.A.C. 19:4-5.74(a)14, where a retail establishment is listed as a special exception use in the Light A Industrial zone.

A public hearing on this matter was held in the Office of the NJMC on February 16, 2012.

In a comprehensive report dated March 9, 2012, the Director of Land Use Management and the Executive Director recommended the approval of the requested special exception.

At this time, the Commission is required to issue a decision on the special exception application described above. A resolution requesting the same is attached for your consideration.

RECOMMENDATION ON THE SPECIAL EXCEPTION APPLICATION OF
Hartz/East-West Bridals - C.O.
FILE # 11-717

I. INTRODUCTION

An application for one special exception has been filed with the New Jersey Meadowlands Commission (NJMC) by Mr. David Hughes, Esq., on behalf of Hartz Mountain Industries, for the premises identified as 40 Enterprise Avenue, Block 57, Lot 7, in the Town of Secaucus, New Jersey. Said premises are located in the Commission's Light Industrial A zone. The special exception is sought in connection with the applicant's proposal to expand an existing 3,147-square-foot accessory retail space into 3,467 square feet of principal retail space.

Specifically, the applicant is requesting special exception use approval pursuant to the following:

1. N.J.A.C. 19:4-5.74(a)14, where a retail establishment is listed as a special exception use in the Light A Industrial zone. The applicant is proposing to expand an existing 3,147-square-foot accessory retail space into 3,467 square feet of principal retail space.

A public hearing was held in the Office of the Commission on Thursday, February 16, 2012. Notice was given to the public and all interested parties as required by law. The public notice was published in The Jersey Journal. No written objections were submitted to the Division of Land Use Management. All information submitted to the Division of Land Use Management relative to this application is made part of the record of this decision.

II. GENERAL INFORMATION

A. Existing and Proposed Use

The 6.35-acre site is located on Enterprise Avenue in Secaucus. The lot contains a 161,791-square-foot mixed use building and includes retail, office and warehouse space. Currently, there are two tenant spaces within the building. One tenant space is occupied and consists of 121,483 square feet of principal warehouse space and 2,094 square feet of accessory office space. The second tenant space is vacant and contains 27,193 square feet of principal warehouse space, 7,874 square feet of accessory office space and 3,147 square feet of accessory retail space. Although the uses on the site require 140 parking stalls, there are currently only 123 parking stalls on the site, which is a pre-existing non-conformity.

The proposed use will allow the existing occupied tenant space to remain as is and will split the vacant tenant space into two tenant spaces that can be leased separately. One space will consist of 28,997 square feet of principal warehouse space and 5,201 square feet of accessory office space. This space will remain vacant until a new tenant is found. The second space will be occupied by the proposed retail use and will consist of 3,467 square feet of principal retail space, 439 square feet of warehouse space, and 110 square feet of office space. The decrease of office space in the building allows for a reduction in the number of required parking spaces on site by three parking stalls. Three parking stalls are proposed to be removed from the site in order to accommodate a proposed 12- by 30-foot loading area for the proposed retail use.

B. Response to the Public Notice

No written comments were submitted to this Office regarding this application prior to the public hearing.

III. PUBLIC HEARING (February 16, 2012)

A public hearing was held on Thursday, February 16, 2012. NJMC staff in attendance were Sara Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon Mascaró, P.E., Deputy Directory of Land Use Management and Deputy Chief Engineer; Mia Petrou, P.P., Senior Planner; and Gabrielle Gornelli, Staff Engineer.

A. Exhibits

The following is a list of the exhibits submitted at the public hearing and marked for identification as follows:

<u>Number</u>	<u>Description</u>
A-1	"Project Site" - Aerial Photograph of Site.
A-2	"Site Plan for Special Exception Retail and Change in Use," prepared by Kristine Kalfas, P.E., P.P., dated December 17 2011.
A-3	"Planning Report in Support of Hartz/East-West Bridals C.O./Special Exception," prepared by Kristine Kalfas, P.E., P.P., dated February 16, 2012.

B. Testimony

David Hughes, Esq., of Hartz Mountain Industries, represented the applicant at the hearing. The following witness testified in support of the application:

1. Kristine Kalfas, P.E., P.P., Hartz Mountain Industries.

Staff findings and recommendations are based on the entire record. A transcript of the public hearing was prepared and transcribed by Susan Bischoff, Certified Court Reporter.

C. Public Comment

There were no members of the public present at this hearing.

IV. RECOMMENDATION

A. Standards for the Granting of a Special Exception to permit a retail establishment in the Light Industrial A zone as per N.J.A.C. 19:4-5.74(a)14.

The NJMC Zoning Regulations at N.J.A.C. 19:4-4.13(e) state in part that, *a special exception use shall not be granted unless specific written findings of fact are made based upon the evidence presented that supports the following conclusions:*

1. *The proposed special exception use at the specified location will contribute to and promote the welfare or convenience of the public.*

The proposed retail space will contribute to and promote the welfare and convenience of the public by providing a unique service to the Harmon Cove area of Secaucus. The proposed retail space will be occupied by East-West Bridals, a specialty retail store that has served the Harmon Cove area for over a decade and has successfully provided retail opportunities to local residents. Moreover, as a specialty store, the proposed tenant will continue to draw many shoppers that would not have traditionally visited the area. The proposed tenant was previously located in the Harmon Outlet Center and, by remaining the Harmon Cove area, will continue to serve new and existing customers at their convenience.

2. *The proposed special exception use will not cause substantial injury to the value of other property in the neighborhood.*

The proposed principal retail space will be compatible with the surrounding land uses and will not cause substantial injury to the value of other properties in the surrounding neighborhood. The Harmon Cove area traditionally consists of mixed warehouse and retail use buildings. The building will remain a mixed-used building. Although the subject tenant space was most recently occupied by retail establishment that was accessory to a principal warehouse use, the change to a principal retail use will not be discernable to either the public or the neighboring properties. The proposed use change of 320 square feet from office to retail use is minimal and will not significantly change the function of the building. The proposed use will blend in well with the surrounding properties. Additionally, shoppers coming to the area to visit the proposed retail space will also provide business to other retail establishments within the neighborhood.

3. *The special exception use will not dominate the immediate neighborhood in a manner that could prevent development and use of neighboring properties in accordance with the applicable regulations, in consideration of the following:*

- i. *The location and size of the special exception use;*

The location of the proposed principal retail space will utilize the existing 3,147 square feet of accessory retail use with an additional 320 square feet of proposed retail space taken from existing office space, for a total of 3,467 square feet of principal retail space. The existing accessory retail space occupies approximately 1.9 percent

of the total floor area of the mixed-use building. The proposed principal retail space will occupy approximately 2.1 percent of the total floor area within the building. The size is comparable to other retail spaces within the Harmon Cove area. The existing 27,193 square feet of warehouse space within the building had previously been leased with 2,094 square feet of accessory office space and 3,147 square feet of retail space. This proposal would divide this space, allowing the retail space to be leased independently of the warehouse and office spaces. The exterior of the building, including landscaping and other site attributes, will not change. The site parking will be reduced by three to accommodate one 12-by 30-foot loading stall. The removal of the three parking stalls is in compliance with NJMC regulations due to the reduction in required parking resulting from the change in use of 320 square feet from office to retail. The removal of the three parking stalls and corresponding addition of a loading stall is the only significant change that will take place outside of the building.

ii. The nature and intensity of the operation of the special exception use;

The operation of the proposed principal retail space will complement the surrounding area and will function in a manner that will not be out of character or scale with the surrounding land uses, including warehouse and both accessory and principal retail outlets. The principal retail use at the subject site will function in a way that is consistent with the prior accessory retail use. The proposed use change of 320 square feet from office to retail is minimal and will not impact the operation of the building. The

additional square footage will not result in a more intense use than previously exists on the subject location.

iii. The location of the site with respect to access and circulation;

The location of the proposed principal retail space on the subject premises is immediately accessible from Enterprise Avenue, and will not decrease the utility of this roadway. The site parking will be reduced by three to accommodate one 12- by 30-foot loading space. The removal of the three parking spaces is in compliance with NJMC regulations due to the change in use of 320 square feet from office to retail. The proposed 12- by 30-foot loading area will accommodate a small straight truck and will be accessed by the existing site access point. The existing site access point, on-site circulation routes, and drive aisle widths will remain and are adequate to serve the proposed change in use. As there are no proposed changes to the on-site circulation, this site will not dominate the neighborhood or impact the use of the surrounding properties.

iv. The location, nature, and height of structures, walls and fences on the site; and

No substantial exterior site improvements are required or proposed for the retail space. The facility shall only require interior alterations and, therefore, the height of the existing building shall not change. There are no additional proposed fences or walls on the site.

v. The nature and extent of landscaping and screening on the site.

The site is presently well maintained and landscaped in an appropriate manner and requires no additional landscaping. There are existing mature trees and shrubs on site. No new landscaping or screening will be required as there is no exterior equipment proposed on the site.

4. Adequate utilities, drainage and other necessary facilities have been or will be provided.

The requested special exception on the subject premises will not detrimentally impact the existing utility infrastructure. The subject property is fully developed and contains all required utilities. The proposed retail space will not affect the ability of the existing drainage system to perform in a safe and efficient manner and no additional impervious coverage is proposed. The existing electric service will be split within the building to provide a separate electrical service for the retail space. Additionally, the existing utility infrastructure, including water, sewer, and gas is adequate to meet the requirements of the proposed retail space, as well as the other remaining property uses on the site.

5. Adequate access roads and drive aisles have been or will be provided and shall be designed to prevent traffic hazards and minimize traffic congestion.

The existing access roads within the Harmon Cove roadway network can satisfactorily support the proposed principal retail space. Access to the retail establishment will be from Enterprise Avenue, as currently exists for the site. The 320-square-foot change in use from office to retail space is minimal and will not significantly alter the intensity of the subject tenant space. Consequently, the proposed use will not substantially impact the on-site circulation, nor will it cause any traffic hazards or congestion within the area.

6. *The special exception use will not have a substantial adverse environmental impact.*

The proposed principal retail space will not result in any adverse environmental impacts. NJMC environmental performance standards will not be exceeded for any noise, vibration, glare, air emissions, and hazardous or radioactive materials generated from the proposed facility. There are no proposed changes to the site that introduce storage or disposal of hazardous or radioactive materials. In addition, the existing sanitary lines will continue to be used as they were used before.

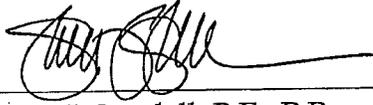
V. SUMMARY OF CONCLUSIONS

- A. Standards for the Granting of a Special Exception to permit a principal retail establishment in the Light Industrial A zone as per N.J.A.C. 19:4-5.74(a)14.

Based on the record in this matter, the special exception application for a 3,467-square-foot retail space as a principal use on the subject premises is hereby recommended for approval.

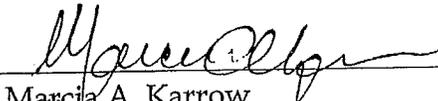
APPROVAL
Recommendation on
Special Exception Request

3-9-12
Date


Sara J. Sundell, P.E., P.P.
Director of Land Use Management

Approval
Recommendation on
Special Exception Request

3/12/12
Date


Marcia A. Karrow
Executive Director

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR
TO ENTER INTO JURISDICTIONAL AGREEMENTS FOR THE
MEADOWLANDS ADAPTIVE SIGNAL SYSTEM FOR TRAFFIC
REDUCTION (MASSTR)**

WHEREAS, the New Jersey Meadowlands Commission ("NJMC") was awarded a \$10,008,056 TIGER II grant from the USDOT to fund the Meadowlands Adaptive Signal System for Traffic Reduction (MASSTR) project; and

WHEREAS, the NJMC appropriated \$2,502,014 in matching funds for the MASSTR project by Resolution 10-85; and

WHEREAS, the NJMC has presented the plans and specifications for the system to the various agencies with jurisdictional control over the traffic signals and the agencies have agreed to allow the NJMC to upgrade and control the signal timing of the traffic signals included within the MASSTR project; and

WHEREAS, previously under Resolution 10-45, the NJMC authorized the Executive Director to enter into Memorandums of Agreement with the New Jersey Department of Transportation, the New Jersey Turnpike Authority, Hudson County, and the Town of Secaucus, for the necessary jurisdictional access to control the traffic signal timings with the designed system; and

WHEREAS, in addition, agreements with the County of Bergen, the Town of Kearny, the Township of Lyndhurst, the Township of North Bergen, the Borough of Teterboro, and Hartz Mountain Industries are required for the necessary jurisdictional access to implement the MASSTR project.

NOW, THEREFORE BE IT RESOLVED that the Commission authorizes the Executive Director to enter into Memorandums of Agreement with the County of Bergen, the Town of Kearny, the Township of Lyndhurst, the Township of North Bergen, the Borough of Teterboro, and Hartz Mountain Industries for the necessary jurisdictional access to upgrade and control the traffic signal timings under the MASSTR project.

The foregoing Resolution was adopted by Commission vote.

Richard E. Constable, III
Acting Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at their meeting of March 28, 2012.

Marcia A. Karrow
Secretary

Resolution No. 12-10

Memorandum

P. 35

New Jersey Meadowlands Commission

To: NJMC Commissioners and Marcia A. Karrow, Executive Director

From: Sara J. Sundell Date: March 28, 2012

Subject: Meadowlands Adaptive Signal System for Traffic Reduction (MASSTR) -
Jurisdictional Agreements

The New Jersey Meadowlands Commission (NJMC) was awarded a \$10,008,056 TIGER II grant from the USDOT to fund the Meadowlands Adaptive Signal System for Traffic Reduction (MASSTR) project. The NJMC appropriated \$2,502,014 in matching funds by Resolution 10-85.

The NJMC has presented the plans and specifications for the system to the various agencies with jurisdictional control over the traffic signals and the agencies have agreed to allow the NJMC to upgrade and control the signal timing of the traffic signals.

The NJMC previously authorized the Executive Director to enter into Memorandums of Agreement with the New Jersey Department of Transportation, the New Jersey Turnpike Authority, Hudson County, and the Town of Secaucus, under Resolution 10-45, for the necessary jurisdictional access to control the traffic signal timings with MASSTR.

At this time, the NJMC staff is requesting that the Commission authorize the Executive Director to enter into Memorandums of Agreement with the County of Bergen, the Town of Kearny, the Township of Lyndhurst, the Township of North Bergen, the Borough of Teterboro, and Hartz Mountain Industries for the necessary jurisdictional access to upgrade and control the traffic signal timings to implement the MASSTR project.

A resolution requesting the same is attached for your consideration.

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR
TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE
NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR
THE EXPANSION OF THE
MEADOWLANDS ADAPTIVE SIGNAL SYSTEM FOR TRAFFIC
REDUCTION (MASSTR) PROJECT**

WHEREAS, the New Jersey Meadowlands Commission (NJMC) was awarded a \$10,008,056 TIGER II grant from the USDOT to fund the Meadowlands Adaptive Signal System for Traffic Reduction (MASSTR) project; and

WHEREAS, the NJMC appropriated \$2,502,014 in matching funds for the MASSTR project by Resolution 10-85; and

WHEREAS, beginning in 2013, the New Jersey Department of Transportation (NJDOT) will be reconstructing the Pulaski Skyway and intends to close the roadway during construction; and

WHEREAS, the NJDOT has requested that the NJMC expand the project by extending the Meadowlands Adaptive Signal System for Traffic Reduction (MASSTR) along U.S. Route 1&9 from Broadway in Jersey City to Hackensack Avenue in Kearny in order to alleviate the additional congestion expected from the detouring of vehicles resulting from the temporary closure of the Pulaski Skyway; and

WHEREAS, the NJDOT will reimburse the entire cost of the MASSTR project expansion, including design, construction, and inspection, and intends to maintain the extended portion of the system in the future; and

WHEREAS, the proposed expansion can be incorporated into NJMC MASSTR system existing contracts through change orders and added to future construction contracts as necessary.

NOW, THEREFORE, BE IT RESOLVED that the Commission authorizes the Executive Director to enter into a Memorandum of Agreement with the New Jersey Department of Transportation for the expansion of the Meadowlands Adaptive Signal System for Traffic Reduction project to help alleviate congestion due to the NJDOT's reconstruction of the Pulaski Skyway.

The foregoing Resolution was adopted by Commission vote.

Richard E. Constable, III
Acting Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at their meeting of March 28, 2012.

Marcia A. Karrow
Secretary

Resolution No. 12-11

Memorandum

P. 38

New Jersey Meadowlands Commission

To: NJMC Commissioners and Marcia A. Karrow, Executive Director

From: Sara J. Sundell Date: March 28, 2012

Subject: Memorandum of Agreement with NJDOT to Expand the Meadowlands Adaptive Signal System for Traffic Reduction (MASSTR) Project

The New Jersey Meadowlands Commission (NJMC) was awarded a \$10,008,056 TIGER II grant from the USDOT to fund the Meadowlands Adaptive Signal System for Traffic Reduction (MASSTR) project. The NJMC appropriated \$2,502,014 in matching funds for the project by Resolution 10-85.

Beginning in 2013, the New Jersey Department of Transportation (NJDOT) will be reconstructing the Pulaski Skyway and intends to close the roadway during construction. The NJDOT has requested that the NJMC expand the project by extending the Meadowlands Adaptive Signal System for Traffic Reduction along U.S. Route 1&9 from Broadway in Jersey City to Hackensack Avenue in Kearny in order to alleviate the additional congestion expected from the detour of vehicles resulting from the temporary closure of the Pulaski Skyway.

The NJDOT will reimburse the entire cost of the MASSTR project expansion, including design, construction, and inspection, and intends to maintain the extended portion of the system in the future. The proposed expansion can be incorporated into existing NJMC MASSTR system contracts through change orders and added to future construction contracts as necessary.

At this time, the NJMC staff is requesting that the Commission authorize the Executive Director to enter into a Memorandum of Agreement with the NJDOT to expand the MASSTR project to help alleviate congestion due to the NJDOT's reconstruction of the Pulaski Skyway.

A resolution requesting the same is attached for your consideration.

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE BOROUGH OF NORTH ARLINGTON REGARDING PAYMENTS IN LIEU OF TAXES

WHEREAS, as a result of the settlement of litigation between the New Jersey Meadowlands Commission ("NJMC") and Cherokee Investment Partners III, L.P. and Cherokee Partners III Parallel Fund, L.P., the NJMC acquired right, title, and interest to parcels of real property in the Borough of North Arlington ("Property"); and

WHEREAS, in accordance with the law, the NJMC enters into agreements with municipalities for payments in lieu of taxes ("PILOT") when the NJMC acquires real property in said municipalities; and

WHEREAS, the NJMC and the Borough of North Arlington have agreed to the terms of a PILOT for the Property as set forth in the attached Agreement.

NOW, THEREFORE, BE IT RESOLVED by the New Jersey Meadowlands Commission that the Executive Director is hereby authorized to execute the attached Agreement.

The foregoing was adopted on Commission vote.

Richard E. Constable, III
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 28, 2012.

Marcia A. Karrow
Secretary

Resolution No. 12-12

Memorandum

P. 40

New Jersey Meadowlands Commission

To: NJMC Commissioners

From: Marcia A. Karrow Date: March 28, 2012

Subject: North Arlington Pilot Agreement

As a result of the settlement of litigation between the New Jersey Meadowlands Commission and Cherokee Investment Partners III, L.P. and Cherokee Partners III Parallel Fund, L.P., the NJMC acquired right, title, and interest to parcels of real property in the Borough of North Arlington.

In accordance with the law, the NJMC enters into agreements with municipalities for payments in lieu of taxes when the NJMC acquires real property in said municipalities.

The NJMC and the Borough of North Arlington have agreed to the terms of a PILOT for the Property as set forth in the attached Agreement.

AGREEMENT REGARDING PAYMENTS IN LIEU OF TAXES

This Agreement made this ____ day of _____, 2012, by and between the **New Jersey Meadowlands Commission**, having offices at One DeKorte Park Plaza, Lyndhurst, New Jersey 07071 (the "NJMC"), and the **Borough of North Arlington**, a municipal corporation, having offices at 214 Ridge Road, North Arlington, New Jersey 07031.

WHEREAS, the settlement of litigation between the NJMC and Cherokee Investment Partners and its affiliated entities, resulted in the acquisition by the NJMC of parcels of real property located in the Borough of North Arlington ("**Property**"); and

WHEREAS, said Property is more fully described in Exhibit A, which is attached hereto; and

WHEREAS, consistent with N.J.S.A. 13:17-38, the parties seek to enter into this Agreement whereby the NJMC, as owner of the Property, shall make payments in lieu of taxes for 2012 to the Borough of North Arlington; and

WHEREAS, the Mayor and Council of the Borough of North Arlington duly adopted Resolution R-____-12 on _____, 2012, authorizing the Mayor to execute this Agreement.

NOW, THEREFORE, it is agreed between the Parties as follows:

1. The NJMC, in lieu of taxes, shall pay two hundred thousand dollars (\$200,000.00) to the Borough of North Arlington upon execution of this Agreement.
2. The NJMC, in lieu of taxes, shall make an additional payment of two hundred thousand dollars (\$200,000.00) to the Borough of North Arlington on or before July 1, 2012.
3. The NJMC's obligations under this Agreement for in lieu taxes for 2012 shall terminate upon fulfillment of its payment obligations, as set forth herein, or upon the conveyance of the Property by the NJMC.
4. In the event the NJMC conveys ownership, prior to July 1, 2012, of fewer than all of the parcels of the Property, this Agreement shall terminate and the Parties shall negotiate in good faith with the intent of entering into a new agreement for payment in lieu of taxes with respect to the parcels still held by the NJMC.

5. In the event the NJMC conveys some or all of the parcels making up the Property prior to July 1, 2012, and the NJMC's obligations under this Agreement terminate in accordance with Paragraph 3 or Paragraph 4 above, payment, as set forth in Paragraphs 2 and 3 above, to the Borough of North Arlington shall be made on a pro rata basis.

6. It is understood and agreed that all representations, understandings and agreements are merged in this Agreement, which alone fully and completely expresses the intent of the Parties.

IN WITNESS WHEREOF, the respective proper officials of the NJMC and the Borough of North Arlington have signed this Agreement.

New Jersey Meadowlands Commission

Borough of North Arlington

By: _____
(Signature)

By: _____
(Signature)

(Print Name)

(Print Name)

Title: _____

Title: _____

Date: _____

Date: _____

EXHIBIT A			
PROPERTY PARCELS			
NORTH ARLINGTON			
Block	Lot	Location	
172	1	Saw Mill Cr	
169	2.02	Porete Avenue	These blocks & lots were all merged into and are now known as: Block 172, Lot 4.01
172	3.01	Saw Mill Cr	
172	3.03	Saw Mill Cr	
172	4 (5&6)	Saw Mill Cr	
172	7	Saw Mill Cr	
172	8	Saw Mill Cr	
172	9.02	Saw Mill Cr	
154	1 (2)	500 Schuyler Ave	These blocks & lots were all merged into and are now known as: Block 174, Lot 1.01
174	1 (2,3,4)	290 Schuyler Ave	
300	Part of 1	Railroad - various	
300	11	Railroad - various	
300	12	Railroad - various	
300	13	Railroad - various	
300	14	Railroad - various	
300	15	Railroad - various	
300	Part of 16	Railroad - various	

RESOLUTION: CLOSED SESSION

WHEREAS, the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the holding of closed session by public bodies in certain circumstances; and

WHEREAS, the New Jersey Meadowlands Commission is of the opinion that those circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That a closed session of the NJMC will be held to discuss the following:
2. It is anticipated at this time that the above subject matter(s) will be made public upon completion of said matter(s).

This Resolution shall become effective immediately. The foregoing Resolution was adopted by Commission vote.

Richard E. Constable, III
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 March 28, 2012.

Marcia A. Karrow
Secretary