

**NEW JERSEY MEADOWLANDS COMMISSION**  
**AGENDA**

DATE: November 24, 2014  
TIME: 10:00 a.m.  
PLACE: Lyndhurst, New Jersey  
RE: MONTHLY MEETING

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1. Pledge of Allegiance
2. Sunshine Law Statement
3. Roll Call
4. REVIEW OF MINUTES - October 22, 2014 - open session
5. PUBLIC PARTICIPATION ON RESOLUTIONS
6. D.E.P. ESCROW ACCOUNT AUDITS

Resolution No. 14-51      Consideration of a Resolution Concerning the  
Adoption of the D.E.P. Escrow Account Audits

7. VARIANCES

Resolution No. 14-52      Consideration of a Resolution Regarding An  
Application for One Bulk Variance for  
Vineland Construction Company (File No. 14-071,  
Vineland/Retail Development-Sign Variance

8. SPECIAL EXCEPTIONS

Resolution No. 14-53      Consideration of a Resolution Regarding an  
Application for a Special Exception for the  
Secaucus Board of Education (File No. 14-477,  
Secaucus Board of Ed/Middle/High School  
Additions & Special Exception)

**NEW JERSEY MEADOWLANDS COMMISSION**  
**AGENDA**

MONTHLY MEETING

Pg. 2

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Resolution No. 14-54      Consideration of a Resolution Regarding an Application for One Special Exception and One Bulk Variance for Palmer Terrace Realty (File No. 14-358, Palmer Terract Rlty/SoFive-Soccer Fields- Exception/Variance)

9. TRANSPORTATION

Resolution No. 14-55      Consideration of a Resolution Authorizing the Executive Director to Enter into a Contract for The Construction of Phase Five of the Meadowlands Adaptive Signal System for Traffic Reduction (MASSTR)

Resolution No. 14-56      Consideration of a Resolution Authorizing the Executive Director to Enter into a Contract for the Construction of a Fiber-Optic Connection for the Meadowlands Adaptive Signal System for Traffic Reduction (MASSTR)

10. REPORTS

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

11. NEW BUSINESS

12. PUBLIC PARTICIPATION

**NEW JERSEY MEADOWLANDS COMMISSION**  
**AGENDA**

MONTHLY MEETING

Pg. 3

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13. **CLOSED SESSION**

- A. Adopt Resolution No. 14-57 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: October 22, 2014  
TIME: 10:00 a.m.  
PLACE: Lyndhurst, NJ  
RE: MONTHLY MEETING MINUTES

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COMMISSIONERS PRESENT:

Paul Macchia, Acting Chairman  
Jay C. Nadel  
Robert Dowd  
Mauro DeGennaro  
James V. Bocchino  
Albert E. Cameron

STAFF PRESENT:

Marcia Karrow, Executive Director  
Bernard Nangle, Deputy Executive Director  
Edward Bulmer, Director of Finance/Chief Financial Officer  
Sara Sundell, Director Land Use Management  
Thomas Marturano, Director of Natural Resources  
Christine Sanz, Chief Operating Officer/Chief Counsel  
Adam Levy, Director of Legal Affairs  
Francisco Artigas, Director of MERI  
Tyler Yingling, Assistant Counsel to the Governor  
Mark Collier, DAG  
Fred Dressel, HMMC  
Lynn Johnson, Executive Assistant

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 September 24, 2014 open session were moved by Commissioner DeGennaro, seconded by Commissioner Cameron and carried with all in favor.

Minutes of the September 24, 2014 closed session were moved by Commissioner DeGennaro, seconded by Commissioner Nadel and carried with all in favor.

Minutes of the January 27, 2014 closed session were moved by Commissioner Cameron, seconded by Commissioner Bocchino and carried with all in favor.

Minutes of the December 18, 2013 closed session were moved by Commissioner Dowd, seconded by Commissioner Bocchino and carried with all in favor.

Minutes of the September 25, 2013 closed session were moved by Commissioner DeGennaro, seconded by Commissioner Nadel and carried with all in favor.

5. PUBLIC PARTICIPATION ON RESOLUTIONS - None

6. VARIANCE

Resolution No. 14-42- Resolution issuing a decision on the variance application submitted as part of File No. 14-349 Goya/Sign Variance, Block 1001, Lot 2.01 in Jersey City.

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

Resolution No. 14-43- Resolution issuing a decision on the variance application submitted as part of File No. 14-197 Palmer Terrace - New Building and Variance, 1 Palmer Terrace, Block 124, Lot 50 and 52 in Carlstadt.

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

7. SITE SUITABILITY

Resolution No. 14-44- 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. 14-445 Hartz/New Warehouse-Data Center Block 52, Lots 4.02 and 4.03 and a portion of 4.01 in Secaucus.

Motion to adopt the resolution was made by Commissioner Dowd, seconded by Commissioner Cameron and unanimously carried.

8. MILL CREEK MARSH

Resolution No. 14-45- Resolution authorizing the Executive Director to enter into a contract for Mill Creek Marsh Trail Renovation.

Motion to adopt the resolution was made by Commissioner Bocchino, seconded by Commissioner Dowd and unanimously carried with all in favor.

9. NJMC BY-LAWS

Resolution No. 14-46- Resolution authorizing an amendment to the New Jersey Meadowlands Commission By-Laws for the Executive Director to take certain actions related to administrative law cases.

Motion to adopt the resolution was made by Commissioner Cameron, seconded by Commissioner Nadel and unanimously carried with all in favor.

10. NJMC LANDSCAPE MAINTENANCE

Resolution No. 14-47- Resolution authorizing the Executive Director to enter into a contract for NJMC facilities landscape maintenance, snow removal and ice watch services.

Motion to adopt the resolution was made by Commissioner DeGennaro, seconded by Commissioner Dowd and unanimously carried with all in favor.

11. GRANT AWARD

Resolution No. 14-48- Resolution authorizing the Executive Director to accept an EPA Grant to conduct a Wetland Study.

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

12. REPORTS - None13. NEW BUSINESS - None14. PUBLIC PARTICIAPTION

- Don Evanson - Secaucus resident

15. CLOSED SESSION

Resolution No. 13-49- The following issues were taken into consideration:

Attorney General's Office to advise regarding Administrative Law Matter:

- 313 Newark Ave./Parking Lot Expansion. - Docket No. HUD-L-1372-13

Motion to enter into closed session was made by Commissioner DeGennaro, seconded by Commissioner Nadel with all in favor.

Motion to enter into open session was made, seconded with all in favor.

Resolution No. 14-50- Resolution remanding 313 Newark Avenue/Parking Lot Expansion v. New Jersey Meadowlands Commission (OAL Docket No.: HMD 15885-13; Agency No.: 12-090) back to the Office of Administrative Law for a Hearing.

Motion to adopt the resolution was made by Commissioner Nadel, seconded by Commissioner Bocchino and unanimously carried with all in favor.

Motion to adjourn the meeting was made by Commissioner DeGennaro, seconded by Commissioner Dowd with all in favor.

  
 \_\_\_\_\_  
 MARCIA A. KARROW, SECRETARY

RESOLUTION#	14-42	14-43	14-44	14-45	14-46	14-47	14-48	14-49	14-50
Acting Chairman Macchia	Y	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Bocchino	Y	Y	Y	Y	Y	Y	Y	Y	Y
Comm. DeGennaro	Y	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Nadel	Y	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Quirico	--	--	--	--	--	--	--	--	--
Comm. Cameron	Y	Y	Y	Y	Y	Y	Y	Y	Y
Robert J. Dowd	Y	Y	Y	Y	Y	Y	Y	Y	Y

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

**ACCEPTANCE OF AUDITS OF LANDFILL  
CLOSURE ESCROW ACCOUNTS**

**BE IT RESOLVED** that the Independent Auditor's Report prepared by Ferraioli, Wielkotz, Cerullo & Cuva, for the New Jersey Meadowlands Commission's Solid Waste Baling Facility and Keegan Landfill Facility Closure Escrow Accounts for the fiscal year ended September 30, 2014 are hereby accepted.

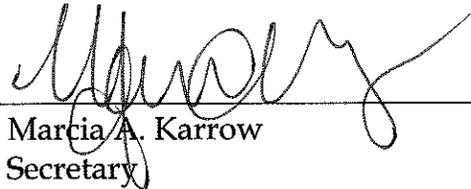
The foregoing Resolution was adopted by Commission vote.



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Richard E. Constable, III  
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 November 24, 2014.



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Marcia A. Karrow  
Secretary

Resolution No. 14-51

Motion  Second  Roll Call

# Memorandum

## New Jersey Meadowlands Commission



To: NJMC Commissioners and Marcia Karrow, Executive Director

From: Edward H. Bulmer

Date: November 24, 2014

Subject: Adoption of Department of Environmental Protection Escrow Audits

I am pleased to submit the following annual audits of the NJMC/DEP landfill closure escrow accounts for the fiscal year ended September 30, 2014, prepared by Ferraioli, Wielkötz, Cerullo & Cuva, for your review and acceptance:

1. NJMC Solid Waste Baling Facility
2. Keegan Landfill Facility

I am pleased to report that the Commission has received an unqualified (clean) opinion on each of the escrow audits. As part of the DEP's requirement, copies of the audit reports have been forwarded to the Department for its review and acceptance.

attachments

NEW JERSEY MEADOWLANDS COMMISSION  
(A COMPONENT UNIT OF THE STATE OF NEW JERSEY)  
LANDFILL CLOSURE ESCROW FUND  
SOLID WASTE BAILING FACILITY

CONTENTS

NEW JERSEY MEADOWLANDS COMMISSION  
(A COMPONENT UNIT OF THE STATE OF NEW JERSEY)  
LANDFILL CLOSURE ESCROW FUND  
SOLID WASTE BAILING FACILITY  
FOR THE PERIOD  
OCTOBER 1, 2013 TO SEPTEMBER 30, 2014

	PAGE
Independent Auditor's Report	1
Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards	3
<u>Financial Statements</u>	
Statement of Assets, Liabilities, and Fund Balance at September 30, 2014	5
Statement of Revenues, Expenditures and Changes in Fund Balance for the Period October 1, 2013 to September 30, 2014	6
Notes to Financial Statements	7

**Ferraioli, Wielkottz, Cerullo & Cuya, P.A.**

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**INDEPENDENT AUDITOR'S REPORT**

The Board of Commissioners  
New Jersey Meadowlands Commission

We have audited the accompanying financial statements of the New Jersey Meadowlands Commission Landfill Closure Escrow Fund Solid Waste Baling Facility, which comprise the statement of assets, liabilities and fund balance as of September 30, 2014 and the related statement of revenues, expenditures and changes in fund balances for the year then ended, and the related notes to the financial statements.

**Management's Responsibility for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with the financial reporting provisions of the audit requirements of the Sanitary Landfill Closure and Contingency Fund Act of 1981 (Amended 1987). Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to error or fraud.

**Auditor's Responsibility**

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.



We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

**Opinion**

In our opinion, the financial statements referred to above present fairly, in all material respects, the statement of assets, liabilities and fund balance of the New Jersey Meadowlands Commission Landfill Closure Escrow Fund Solid Waste Baling Facility, as of September 30, 2014, and the revenues it received and expenditures it paid for the year then ended, in accordance with the financial reporting provisions of the audit requirements of the Sanitary Landfill Closure and Contingency Fund Act of 1981 (Amended 1987) as described in Note 1.

**Basis of Accounting**

We draw attention to Note 2 of the financial statements, which describes the basis of accounting. The financial statements are prepared on the basis of the financial reporting provisions of the audit requirements of the Sanitary Landfill Closure and Contingency Fund Act of 1981 (Amended 1987), which is a basis of accounting other than accounting principles generally accepted in the United States of America, to comply with the requirements of the audit requirements of the Sanitary Landfill Closure and Contingency Fund Act of 1981 (Amended 1987). Our opinion is not modified with respect to that matter.

**Restriction on Use**

This report is intended solely for the information and use of management, New Jersey Meadowlands Commission and the Department of Environmental Protection, State of New Jersey, Bureau of Solid Waste Regulation and the audit requirements of the Sanitary Landfill Closure and Contingency Fund Act of 1981 (Amended 1987) and is not intended to be and should not be used by anyone other than these specified parties.

*Charles J. Ferraioli, Jr., CPA, RMA, P.A.*

FERRAIOLI, WIELKOTZ, CERULLO, & CUYA, P.A.  
Certified Public Accountants  
Pompton Lakes, New Jersey

October 10, 2014



**Ferratoli, Wielkocz, Cerullo & Cuya, P.A.**

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**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER  
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS  
BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED  
IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS**

The Board of Commissioners  
New Jersey Meadowlands Commission

We have audited, in accordance with auditing standards generally accepted in the United States of America and the audit requirements of the Sanitary Landfill Closure and Contingency Fund Act of 1981 (Amended 1987), the statement of assets, liabilities and fund balance and the statement of revenues and expenditures and changes in fund balance of the New Jersey Meadowlands Commission Landfill Closure Escrow Fund Solid Waste Bailing Facility (the Facility) as of and for the year ended September 30, 2014 and the related notes to the financial statements, and have issued our report thereon dated October 10, 2014, which was adverse due to being presented in accordance with Landfill Closure and Contingency basis of accounting.

**Internal Control Over Financial Reporting**

In planning and performing our audit of the statement of assets, liabilities and fund balance and the statement of revenues and expenditures and changes in fund balance, we considered the Facility's internal control over financial reporting to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the statement of assets, liabilities and fund balance and the statement of revenues and expenditures and changes in fund balance, but not for the purpose of expressing an opinion on the effectiveness of the Facility's internal control. Accordingly, we do not express an opinion on the effectiveness of the Facility's internal control.

A *deficiency* in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.



Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

**Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the Facility's statement of assets, liabilities and fund balance and the statement of revenues and expenditures and changes in fund balance are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under the Landfill Closure and Contingency Act.

**Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Facility's internal control or on compliance. This report is an integral part of an audit performed in accordance with the Landfill Closure and Contingency Act in considering the Facility's internal controls and compliance. Accordingly, this communication is not suitable for any other purpose.

*Ferratoli, W., Cerullo, Cuya, P.A.*

FERRAOLI, WIELKOTZ, CERULLO, & CUYA, P.A.  
Certified Public Accountants  
Pompton Lakes, New Jersey  
October 10, 2014



NEW JERSEY MEADOWLANDS COMMISSION  
(A COMPONENT UNIT OF THE STATE OF NEW JERSEY)  
LANDFILL CLOSURE ESCROW FUND  
SOLID WASTE BAILING FUND  
STATEMENT OF ASSETS, LIABILITIES, AND FUND BALANCE  
SEPTEMBER 30, 2014

<u>ASSETS</u>	
Cash and Cash Equivalents	\$0.00
Investments, at Market Value	0.00
Accounts Receivable	0.00
<hr/>	
<b>\$0.00</b>	
<hr/>	
<u>LIABILITIES AND FUND BALANCE</u>	
Liability - Due to General Operating Fund	0.00
Fund Balance	0.00
<hr/>	
<b>\$0.00</b>	

See accompanying notes to the financial statements.

NEW JERSEY MEADOWLANDS COMMISSION  
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LANDFILL CLOSURE ESCROW FUND  
SOLID WASTE BAILING FUND

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE  
FOR THE PERIOD OCTOBER 1, 2013 TO SEPTEMBER 30, 2014

<u>Month</u>	<u>Number of Tons Accepted</u>	<u>Date of Deposit</u>	<u>Dollars Deposited</u>	<u>Income on invested Funds</u>	<u>Total</u>
October, 2013				\$525.34	\$525.34
November, 2013				1,376.12	1,376.12
December, 2013				1.94	1.94
January, 2014				0.00	0.00
February, 2014				1,669.66	1,669.66
March, 2014				0.00	0.00
April, 2014				1.71	1.71
May, 2014					0.00
June, 2014					0.00
July, 2014					0.00
August, 2014					0.00
September, 2014					0.00
			<hr/>		
			<u>\$0.00</u>	<u>\$3,574.77</u>	3,574.77
Realized Gain/(Loss) on Sale of Investments					811.06
Unrealized Gain/(Loss) on Ending Market Value of Investments					
Due to General Operating Fund canceled					498.00
Less: Trustee Fees					(3,125.00)
Withdrawals					(795,144.83)
Net increase/(Decrease) in Fund Balance					(793,366.00)
Fund Balance, Beginning of Period					<u>793,366.00</u>
Fund Balance, End of Period					<u>\$0.00</u>
Financial Institution(s): Bank of America #51-16-200-8559054 Account was closed on May 31, 2014.					

See accompanying notes to the financial statements.

NEW JERSEY MEADOWLANDS COMMISSION  
(A COMPONENT UNIT OF THE STATE OF NEW JERSEY)  
LANDFILL CLOSURE ESCROW FUND  
SOLID WASTE BAILING FACILITY  
NOTES TO FINANCIAL STATEMENTS  
FOR THE PERIOD OCTOBER 1, 2013 TO SEPTEMBER 30, 2014

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

The New Jersey Meadowlands Commission Landfill Closure Escrow Fund Solid Waste Baling Facility has been established by the New Jersey Meadowlands Commission in January 1982, in compliance with New Jersey Public Law 1981, C. 306, the Sanitary Landfill Closure and Contingency Fund Act. A portion of the funds received for solid and liquid wastes accepted for disposal during the year are deposited to the fund in order to have funds available for the cost of future closure of the landfill. No withdrawals therefore may be made without written approval by the New Jersey State Department of Environmental Protection.

In December 1997, this site stopped accepting household solid waste and in January 2008, this site stopped accepting all waste. On February 24, 2014 the State of New Jersey, Department of Environmental Protection issued an order, Solid Waste Order Certification No. H 13-69 which authorized the Commission to close this account and deposit these funds into a Trust Account.

**NOTE 2: BASIS OF ACCOUNTING**

The financial statements of the New Jersey Meadowlands Commission Landfill Closure Escrow Account have been prepared on the cash basis of accounting; consequently certain revenues recognized when received rather than when earned, and certain expenses are recognized when cash is disbursed rather than when the obligation is incurred.

The Facility is considered part of the Commission and does not include all of the operations of the Commission. Accordingly, the accompanying financial statements report only that portion of the Commission that deals with the Facility.

**NOTE 3: CASH, CASH EQUIVALENTS AND INVESTMENTS**

Cash

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a bank failure, the government's deposits may not be returned to it. The Commission's policy is based on New Jersey Statutes requiring cash be deposited only in New Jersey based banking institutions that participate in New Jersey Governmental Depository Protection Act (GUDPA) or in qualified investments established in New Jersey Statutes that are treated as cash equivalents. As of September 30, 2014 this account was closed.

**NOTES TO FINANCIAL STATEMENTS**

NEW JERSEY MEADOWLANDS COMMISSION  
(A COMPONENT UNIT OF THE STATE OF NEW JERSEY)  
LANDFILL CLOSURE ESCROW FUND  
SOLID WASTE BAILING FACILITY  
NOTES TO FINANCIAL STATEMENTS  
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**NOTES TO FINANCIAL STATEMENTS**

NEW JERSEY MEADOWLANDS COMMISSION  
(A COMPONENT UNIT OF THE STATE OF NEW JERSEY)  
LANDFILL CLOSURE ESCROW FUND  
SOLID WASTE BALING FACILITY  
NOTES TO FINANCIAL STATEMENTS, CONTINUED  
FOR THE PERIOD OCTOBER 1, 2013 TO SEPTEMBER 30, 2014

**NOTE 3: CASH, CASH EQUIVALENTS, AND INVESTMENTS, (continued)**

**Investments**

As of September 30, 2014 the Commission had no investments.

**Investment Rate Risk**

The purchases of U.S. Treasury and Agency Investments carry investment rate risk where a possible rise in interest rates could lead to a fair value loss in the current value of such securities. The Meadowlands Commission follows the guidance provided by the Governmental Accounting Standards Board for accounting for either increases or decreases in fair value of securities.

**Credit Risk**

New Jersey Statutes limits investments to those specified in the Statutes. The type of allowance investments are Bonds of the United States of America; obligations of federal agencies; government money market mutual funds; the State of New Jersey Cash Management Plan; local government investment pools; or repurchase of fully collateralized securities.

**Concentration of Credit Risk**

The Commission places no limit on the amount the Commission may invest in any one issuer.

NEW JERSEY MEADOWLANDS COMMISSION  
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LANDFILL CLOSURE ESCROW FUND  
SOLID WASTE BALING FACILITY  
NOTES TO FINANCIAL STATEMENTS, CONTINUED  
FOR THE PERIOD OCTOBER 1, 2013 TO SEPTEMBER 30, 2014

**NOTE 4: DEPOSITS TO ESCROW FUND**

Deposits to the escrow fund are required to be made on or before the 20<sup>th</sup> day of the month following their receipt.

The Facility ceased operations on December 31, 2008 and, therefore, the final deposit was made on January 19, 2009.

**NOTE 5: SUBSEQUENT EVENTS**

The Commission has evaluated subsequent events through October 10, 2014 the date which the financial statements were available to be issued and no other items were noted for disclosure.

NEW JERSEY MEADOWLANDS COMMISSION  
(A COMPONENT UNIT OF THE STATE OF NEW JERSEY)  
LANDFILL CLOSURE ESCROW FUND  
KEEGAN LANDFILL FACILITY

CONTENTS

NEW JERSEY MEADOWLANDS COMMISSION  
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LANDFILL CLOSURE ESCROW FUND  
KEEGAN LANDFILL FACILITY  
FOR THE PERIOD  
OCTOBER 1, 2013 TO SEPTEMBER 30, 2014

	PAGE
Independent Auditor's Report	1
Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards	3
<u>Financial Statements</u>	
Statement of Assets, Liabilities, and Fund Balance at September 30, 2014	5
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Notes to Financial Statements	7

**Ferraioli, Wielkowitz, Cerullo & Civa, P.A.**

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Newton Office  
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**INDEPENDENT AUDITOR'S REPORT**

The Board of Commissioners  
New Jersey Meadowlands Commission

We have audited the accompanying financial statements of the New Jersey Meadowlands Commission Landfill Closure Escrow Fund Keegan Landfill Facility, which comprise the statement of assets, liabilities and fund balance as of September 30, 2014 and the related statement of revenues, expenditures and changes in fund balances for the year then ended, and the related notes to the financial statements.

**Management's Responsibility for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with the financial reporting provisions of the audit requirements of the Sanitary Landfill Closure and Contingency Fund Act of 1981 (Amended 1987). Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to error or fraud.

**Auditor's Responsibility**

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.



We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

**Opinion**

In our opinion, the financial statements referred to above present fairly, in all material respects, the statement of assets, liabilities and fund balance of the New Jersey Meadowlands Commission Landfill Closure Escrow Fund Keegan Landfill Facility, as of September 30, 2014, and the revenues it received and expenditures it paid for the year then ended, in accordance with the financial reporting provisions of the audit requirements of the Sanitary Landfill Closure and Contingency Fund Act of 1981 (Amended 1987) as described in Note 1.

**Basis of Accounting**

We draw attention to Note 2 of the financial statements, which describes the basis of accounting. The financial statements are prepared on the basis of the financial reporting provisions of the audit requirements of the Sanitary Landfill Closure and Contingency Fund Act of 1981 (Amended 1987), which is a basis of accounting other than accounting principles generally accepted in the United States of America, to comply with the requirements of the audit requirements of the Sanitary Landfill Closure and Contingency Fund Act of 1981 (Amended 1987). Our opinion is not modified with respect to that matter.

**Restriction on Use**

This report is intended solely for the information and use of management, New Jersey Meadowlands Commission and the Department of Environmental Protection, State of New Jersey, Bureau of Solid Waste Regulation and the audit requirements of the Sanitary Landfill Closure and Contingency Fund Act of 1981 (Amended 1987) and is not intended to be and should not be used by anyone other than these specified parties.

*Ferraioli, Wielkowitz, Cerullo & Civa, P.A.*

FERRAIOLI, WIELKOWITZ, CERULLO, & CIVA, P.A.  
Certified Public Accountants  
Pompton Lakes, New Jersey

October 10, 2014



**Ferraioli, Wielkutz, Cerullo & Civa, P.A.**

Charles J. Ferraioli, Jr., MBA, CPA, RMA  
Steven D. Wielkutz, CPA, RMA  
James J. Cerullo, CPA, RMA  
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**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER  
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS  
BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED  
IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS**

The Board of Commissioners  
New Jersey Meadowlands Commission

We have audited, in accordance with auditing standards generally accepted in the United States of America and the audit requirements of the Sanitary Landfill Closure and Contingency Fund Act of 1981 (Amended 1987), the statement of assets, liabilities and fund balance and the statement of revenues and expenditures and changes in fund balance of the New Jersey Meadowlands Commission Landfill Closure Escrow Fund Keegan Landfill Facility (the Facility) as of and for the year ended September 30, 2014 and the related notes to the financial statements, and have issued our report thereon dated October 10, 2014, which was adverse due to being presented in accordance with Landfill Closure and Contingency basis of accounting.

**Internal Control Over Financial Reporting**

In planning and performing our audit of the statement of assets, liabilities and fund balance and the statement of revenues and expenditures and changes in fund balance, we considered the Facility's internal control over financial reporting to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the statement of assets, liabilities and fund balance and the statement of revenues and expenditures and changes in fund balance, but not for the purpose of expressing an opinion on the effectiveness of the Facility's internal control. Accordingly, we do not express an opinion on the effectiveness of the Facility's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.



Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

**Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the Facility's statement of assets, liabilities and fund balance and the statement of revenues and expenditures and changes in fund balance are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under the Landfill Closure and Contingency Act.

**Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Facility's internal control or on compliance. This report is an integral part of an audit performed in accordance with the Landfill Closure and Contingency Act in considering the Facility's internal controls and compliance. Accordingly, this communication is not suitable for any other purpose.

*Charles J. Ferraioli, Jr., MBA, CPA, RMA*

FERRAIOLI, WIELKUTZ, CERULLO, & CIVA, P.A.

Certified Public Accountants  
Pompton Lakes, New Jersey

October 10, 2014



NEW JERSEY MEADOWLANDS COMMISSION  
(A COMPONENT UNIT OF THE STATE OF NEW JERSEY)  
LANDFILL CLOSURE ESCROW FUND  
KEEGAN LANDFILL FUND

STATEMENT OF ASSETS, LIABILITIES, AND FUND BALANCE  
SEPTEMBER 30, 2014

ASSETS	
Cash and Cash Equivalents	\$1,736,301.01
Investments, at Market Value	1,736,301.01
Accounts Receivable	30,656.00
	<u>\$1,766,957.01</u>
<b>FUND BALANCE</b>	
Fund Balance	<u>1,766,957.01</u>
	<u><u>\$1,766,957.01</u></u>

NEW JERSEY MEADOWLANDS COMMISSION  
(A COMPONENT UNIT OF THE STATE OF NEW JERSEY)  
LANDFILL CLOSURE ESCROW FUND  
KEEGAN LANDFILL FUND

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE  
FOR THE PERIOD OCTOBER 1, 2013 TO SEPTEMBER 30, 2014

Month	Number of Tons Accepted	Date of Deposit	Dollars Deposited	Income on Invested Funds	Total
October, 2013	36,409	11/19/13	\$35,409.00	\$5.39	\$35,414.39
November, 2013	28,231	12/16/13	25,231.00	5.80	25,236.80
December, 2013	23,080	01/16/14	23,080.00	2,311.89	25,391.89
January, 2014	18,638	02/18/14	18,538.00	6.69	18,544.69
February, 2014	10,706	03/20/14	10,706.00	7.16	10,713.16
March, 2014	23,595	04/01/14	23,595.00	6.53	23,601.53
April, 2014	30,215	05/16/14	30,216.00	7.31	30,222.31
May, 2014	34,674	06/13/14	34,674.00	7.19	34,681.19
June, 2014	38,040	07/14/14	38,040.00	416.31	38,456.31
July, 2014	41,727	08/18/14	41,727.00	7.78	41,734.78
August, 2014	38,865	09/16/14	38,865.00	8.80	38,873.80
September, 2014	30,656	10/10/14	30,656.00	8.68	30,664.68
	<u>346,836</u>		<u>\$346,836.00</u>	<u>\$2,788.02</u>	<u>349,634.92</u>
Realized Gain/(Loss) on Sale of Investments					(1,999.81)
Unrealized Gain/(Loss) on Ending Market Value of Investments					(1,500.00)
Less: Trustee Fees Withdrawals					<u>0.00</u>
Net Increase/(Decrease) in Fund Balance					346,135.11
Fund Balance, Beginning of Period					<u>1,420,621.90</u>
Fund Balance, End of Period					<u><u>\$1,766,957.01</u></u>
Financial Institution(s): TD Wealth Management #78-T241-01-07					

See accompanying notes to the financial statements.

NEW JERSEY MEADOWLANDS COMMISSION  
(A COMPONENT UNIT OF THE STATE OF NEW JERSEY)  
LANDFILL CLOSURE ESCROW FUND  
KEEGAN LANDFILL FACILITY  
NOTES TO FINANCIAL STATEMENTS  
FOR THE PERIOD OCTOBER 1, 2013 TO SEPTEMBER 30, 2014

**NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

The New Jersey Meadowlands Commission Landfill Closure Escrow Fund Keegan Landfill Facility was established by the New Jersey Meadowlands Commission in January 2009, in compliance with New Jersey Public Law 1981, C. 306, the Sanitary Landfill Closure and Contingency Fund Act. A portion of the funds received for solid and liquid wastes accepted for disposal during the year are deposited to the fund in order to have funds available for the cost of future closure of the landfill. No withdrawals therefore may be made without written approval by the New Jersey State Department of Environmental Protection.

**NOTE 2: BASIS OF ACCOUNTING**

The financial statements of the New Jersey Meadowlands Commission Landfill Closure Escrow Account have been prepared on the cash basis of accounting; consequently certain revenues recognized when received rather than when earned, and certain expenses are recognized when cash is disbursed rather than when the obligation is incurred.

The Facility is considered part of the Commission and does not include all of the operations of the Commission. Accordingly, the accompanying financial statements report only that portion of the Commission that deals with the Facility.

**NOTE 3: CASH, CASH EQUIVALENTS AND INVESTMENTS**

Cash

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a bank failure, the government's deposits may not be returned to it. The Commission's policy is based on New Jersey Statutes requiring cash be deposited only in New Jersey based banking institutions that participate in New Jersey Governmental Depository Protection Act (GUDPA) or in qualified investments established in New Jersey Statutes that are treated as cash equivalents. As of September 30, 2014, \$0 of the Commission's bank balance of \$1,736,301.01 was exposed to custodial credit risk.

**NOTES TO FINANCIAL STATEMENTS**

NEW JERSEY MEADOWLANDS COMMISSION  
(A COMPONENT UNIT OF THE STATE OF NEW JERSEY)  
LANDFILL CLOSURE ESCROW FUND  
KEEGAN LANDFILL FACILITY  
NOTES TO FINANCIAL STATEMENTS, CONTINUED  
FOR THE PERIOD OCTOBER 1, 2013 TO SEPTEMBER 30, 2014

**NOTE 3: CASH, CASH EQUIVALENTS AND INVESTMENTS, (continued)**

Investments

As of September 30, 2014, the Commission had no investments.

Investment Rate Risk

The purchases of U.S. Treasury and Agency Investments carry investment rate risk where a possible rise in interest rates could lead to a fair value loss in the current value of such securities. The Meadowlands Commission follows the guidance provided by the Governmental Accounting Standards Board for accounting for either increases or decreases in fair value of securities.

Credit Risk

New Jersey Statutes limits investments to those specified in the Statutes. The type of allowance investments are Bonds of the United States of America; obligations of federal agencies; government money market funds; the State of New Jersey Cash Management Plan; local government investment pools; or repurchase of fully collateralized securities.

Concentration of Credit Risk

The Commission places no limit on the amount the Commission may invest in any one issuer.

NEW JERSEY MEADOWLANDS COMMISSION  
(A COMPONENT UNIT OF THE STATE OF NEW JERSEY)  
LANDFILL CLOSURE ESCROW FUND  
KEEGAN LANDFILL FACILITY  
NOTES TO FINANCIAL STATEMENTS, CONTINUED  
FOR THE PERIOD OCTOBER 1, 2013 TO SEPTEMBER 30, 2014

**NOTE 4: DEPOSITS TO ESCROW FUND**

Deposits to the escrow fund are required to be made on or before the 20<sup>th</sup> day of the month following their receipt. The February 2014 deposit was originally submitted on February 18, 2014, however due to a change in the banks wire transfer procedures the transfer was actually made on March 3, 2014. This is not considered an exception based upon circumstances.

**NOTE 5: SUBSEQUENT EVENTS**

The Commission has evaluated subsequent events through October 10, 2014, the date which the financial statements were available to be issued and no other items were noted for disclosure.

**RESOLUTION ISSUING A DECISION ON THE VARIANCE APPLICATION  
SUBMITTED AS PART OF FILE NO. 14-071  
VINELAND/RETAIL DEVELOPMENT - SIGN VARIANCE  
BLOCK 284, LOTS 2.02, 3.02 AND 4.02,  
IN THE TOWN OF KEARNY, NEW JERSEY**

**WHEREAS**, an application for one bulk variance was filed with the New Jersey Meadowlands Commission (NJMC) by Vineland Construction Company for the premises located at 220 Harrison Avenue, Block 284, Lots 2.02, 3.02 and 4.02, in the Town of Kearny, New Jersey, which premises are the subject of a Zoning Lot of Record; and

**WHEREAS**, the subject property is located in the Harrison Avenue Retail Center zone within the Commission's Kearny Area Redevelopment Area; and

**WHEREAS**, the applicant requested relief from N.J.A.C. 19:4-8.14(i)4, which states that, for signs in multi-tenanted developments, the total sign area permitted shall be five percent of the building's main façade area. The applicant is proposing a total sign area of 2,107 square feet on the subject property, or 9.95 percent of the total area of the buildings' main facades; and

**WHEREAS**, during testimony at the public hearing, the total proposed sign area was modified from 2,107 square feet to 2,115.24 square feet, or 10 percent of the total area of the buildings' main façade areas, to address discrepancies in the plan; and

**WHEREAS**, notice of the requested variance relief 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 September 16, 2014, before 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; Mia Petrou, P.P., AICP, Senior Planner; and Elizabeth Kenyon, P.E., Senior Engineer; and

**WHEREAS**, a comprehensive report dated November 6, 2014, has been prepared indicating the recommendations of the Director of Land Use Management and the Executive Director in this matter; and

**WHEREAS**, a copy of the comprehensive report and recommendation was provided to the applicant on November 6, 2014; and

**WHEREAS**, the report recommends the conditional and modified approval of the requested bulk variance from N.J.A.C. 19:4-8.14(i)4, to exceed the maximum permitted sign area on the subject property; 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 requested bulk variance to exceed the maximum permitted sign area on the subject property, conditionally conforms with the standards for approving applications of variances as set forth in N.J.A.C. 19:4-4.14(e), subject to the recommended modifications.

**NOW, THEREFORE, BE IT RESOLVED**, by the New Jersey Meadowlands Commission, that the Vineland/Retail Development - Sign Variance application for one bulk variance to exceed the maximum permitted sign area on the subject property, is hereby **APPROVED WITH THE FOLLOWING CONDITIONS AND MODIFICATIONS** for the reasons set forth in the November 6, 2014, recommendation:

1. Retail Building "A" is permitted a maximum wall signage area of 200.08 square feet, which represents five percent of the main (single largest) façade of 4,001.60 square feet. The permitted sign area shall be evenly distributed to each tenant based on five percent of the main façade area that the individual tenant space occupies. Each tenant shall also be permitted window signage not exceeding 20 square feet per tenant.
2. The proposed Taco Bell "swoosh" sign, pylon sign, and "additional" sign shall be eliminated from the sign plan. Due to this modification, Taco Bell shall be permitted a maximum wall signage area of 103.23 square feet, which is 8.55 percent of its main (single largest) façade area of 1,208.00 square feet. No single sign may exceed five percent of the façade on which it is placed.
3. Out Parcel 1 is permitted a maximum wall signage area of 8.5 percent of the actual dimension of the main (single largest) façade, and no single sign may exceed five percent of the façade on which it is placed.

4. Out Parcel 2 is permitted a maximum wall signage area of 8.5 percent of the actual dimension of the main (single largest) façade, and no single sign may exceed five percent of the façade on which it is placed.
5. The pylon sign proposed on Out Parcel 2 shall not exceed 99.2 square feet in area, inclusive of all sides, and shall serve as a directory sign identifying the tenants on Out Parcels 1 and 2, at a minimum. The sign may be located on either Out Parcel 1 or Out Parcel 2.
6. The modified sign chart incorporating the above conditions and modifications is provided as Attachment A and details the signage area allowed on the subject properties pursuant to this recommendation.

The foregoing was adopted on Commission vote.



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Richard E. Constable, III  
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of November 24, 2014.



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Marcia A. Karrow  
Secretary

Resolution No. 14-52

Motion Second Roll Call

# Memorandum

## New Jersey Meadowlands Commission



To: NJMC Commissioners and Marcia Karrow, Executive Director

From: Sara J. Sundell

Date: November 24, 2014

Subject: Variance Recommendation: Vineland/Retail Development - Sign Variance (File No. 14-071)

An application for one bulk variance was filed with the New Jersey Meadowlands Commission (NJMC) by Vineland Construction Company, for the premises identified as 220 Harrison Avenue, Block 284, Lots 2.02, 3.02 and 4.02, in the Town of Kearny, Hudson County, New Jersey, which premises are the subject of an NJMC Zoning Lot of Record. The subject properties are located in the Harrison Avenue Retail Center within the Commission's Kearny Area Redevelopment Area. The variance is sought in connection with the applicant's proposal to construct additional signage on the subject premises.

Specifically, the applicant requested variance relief from the following:

1. N.J.A.C. 19:4-8.14(i)4, states that, for signs in multi-tenanted developments, the total sign area permitted shall be five percent of the building's main façade. The applicant is proposing a total of 2,107 square feet of signage, or 9.95 percent of the total area of the buildings' main façade areas, on the properties included within the Zoning Lot of Record.

During testimony at the public hearing, the total proposed sign area was modified from 2,107 square feet to 2,115.24 square feet, or 10 percent of the total area of the buildings' main façade areas, to address discrepancies in the plan.

A public hearing on this matter was held in the Office of the NJMC on September 16, 2014.

In a comprehensive report dated November 6, 2014, the Director of Land Use Management and the Executive Director recommended the conditional and modified approval of the bulk variance requested. A copy of the comprehensive report and variance recommendation was provided to the applicant on November 6, 2014.

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

**RECOMMENDATION ON THE VARIANCE APPLICATION OF  
Vireland/Retail Development - Sign Variance  
FILE # 14-071**

**I. INTRODUCTION**

An application for one bulk variance has been filed with the New Jersey Meadowlands Commission (NJMC) by Vireland Construction Company for the premises identified as 220 Harrison Avenue, Block 284, Lots 2.02, 3.02 & 4.02 in the Town of Kearny, Hudson County, New Jersey. The subject properties are the subject of an NJMC Zoning Lot of Record. The applicant is proposing to install a total sign area of 2,107 square feet on the subject premises. The existing signage on the premises totals 913 square feet and includes identification wall signage on the existing Walmart and Wawa facilities, as well as freestanding signage located along Harrison Avenue. The proposed signage on the premises includes wall signage on Retail Building A, wall and ground signage associated with a proposed Taco Bell, additional signage associated with Walmart, and signage for two future developable out-parcels located on Lot 2.02. The subject properties are located in the Harrison Avenue Retail Center zone within the Commission's Kearny Area Redevelopment Area.

Specifically, the applicant is requesting variance relief from the following:

1. N.J.A.C. 19-4-8.14(i)4, states that, for signs in multi-tenanted developments, the total sign area permitted shall be five percent of the building's main facade. The applicant is proposing a total of 2,107 square feet of signage, or 9.95 percent of the total area of the buildings' main facades, on the properties included within the Zoning Lot of Record.

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 comments were submitted to the Division of Land Use Management. A public hearing was held in the Office of the Commission on Tuesday, September 16, 2014. 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 property in question contains approximately 27.13 acres within the Harrison Avenue Retail Center zone of the Commission's Kearny Area Redevelopment Area. The subject property is irregularly-shaped and is the subject of a Declaration of Zoning Restriction tying Block 284, Lots 2.02, 3.02 and 4.02 together for zoning purposes. Harrison Avenue fronts the site to the north. The property is bordered by the Campbell Foundry Company to the east, a United States Post Office distribution facility to the north, and heavy industrial uses/contractor's yards to the south and west. Frank's Creek meanders along the western and southern property lines of Block 284, Lot 2.02.

Block 284, Lot 2.02 is currently developed with a 178,287-square-foot Walmart with associated parking. Block 284, Lot 3.02 is currently developed with a 5,583-square foot Wawa convenience retail store and Wawa fuel service station with associated parking. Block 284, Lot 4.02 is currently developed with a 14,400 square-foot retail building on the southern portion of the lot identified as "Retail Building A." A zoning certificate application is currently under review for a proposed Taco Bell restaurant with associated parking on the northern portion of Block 284, Lot 4.02, adjacent to Harrison Avenue. Additionally, there are two vacant development pads identified as Out Parcel 1 and Out Parcel 2, located on Block 284, Lot 3.02 within the Zoning Lot of Record. The property in question is accessed by one shared driveway at the intersection of Harrison and Bergen

Avenues, as well as an unsignalized right-turn-in/right-turn-out only driveway at the westerly portion of the site along its Harrison Avenue frontage.

The existing signage on the premises previously approved by the NJMC totals 913 square feet and includes identification wall signage on the existing Walmart and Wawa facilities, as well as a freestanding Walmart pylon sign. A freestanding Wawa gas station reader board sign located along Harrison Avenue is not included in this analysis as fuel service stations are regulated separately as per NJMC design requirements. The proposed signage on the premises includes wall signage to identify the individual retail tenants in Retail Building A, wall and ground signage associated with the proposed Taco Bell restaurant, one future sign associated with the Walmart retail building, and signage for two future developable out-parcels located on Lot 2.02.

A breakdown of the total proposed sign area of 2,115.24 square feet is detailed in Figure 1, below. During testimony by the applicant's engineer at the public hearing, the total proposed sign area was modified from 2,107 square feet to 2,115.24 square feet to address discrepancies in the plan. Specifically, the Taco Bell menu board is not considered a sign and was removed from the calculation, and the Out Parcel's pylon sign area was modified to account for both sign faces of the double-sided sign.

Additionally, the applicant incorrectly calculated the permitted sign area as 10 percent of each development's facade area. The applicant does not provide an integrated sign plan pursuant to N.J.A.C. 19/4-8.14(f), and, therefore, is limited to a maximum five percent of the building's facade areas for the property's signage needs. The calculation of the total permitted sign area of 1,058.04 square feet, based on five percent of the main facade area, is provided in the analysis in Figure 2, below.

FIGURE 1. PROPOSED SIGNAGE  
*(Italics denotes existing signage approved by NJMC)*

Name	Type	Area
<b>Directory Signage</b>		
<i>Free-Standing Pylon Sign</i>	Ground	260 SF
<b>Walmart</b>		
Block 284, Lot 2.02	Wall	298 SF
"Walmart" & "Spark"	Wall	102.74 SF
"Home & Pharmacy"	Wall	72.6 SF
"Marker"	Wall	77.17 SF
"Outdoor Living Sign"	Wall	55 SF
Additional Signage	Wall	55 SF
<b>Lot 2.02 Total Sign Area</b>		<b>605.51 SF</b>
<b>Lot 2.02 Sign Percent of Facade</b>		<b>5.29%</b>
<b>Wawa</b>		
Block 284, Lot 3.02	Wall	66.69 SF
"Wawa"	Wall	35.33 SF
"Wavaz"	Wall	35.33 SF
<b>Total Sign Area</b>		<b>102.02 SF</b>
<b>Sign Percent of Facade</b>		<b>5.04%</b>
<b>Out Parcel 1</b>		
Block 284, Lot 3.02	Wall	250 SF
Proposed Signage (TBD)	Wall	250 SF
<b>Total Sign Area</b>		<b>250 SF</b>
<b>Sign Percent of Facade</b>		<b>20.83%</b>
<b>Out Parcel 2</b>		
Block 284, Lot 3.02	Wall	28 SF
Channel Letters Sign (TBD)	Ground	99.2 SF
Pylon (TBD)	Ground	99.2 SF
<b>Total Sign Area</b>		<b>281.6 SF</b>
<b>Sign Percent of Facade</b>		<b>22.00%</b>
<b>Retail Building A</b>		
Tenant 1 (Vertzon Wireless)	Wall	33.34 SF
Tenant 2 (Game Shop)	Wall	26.63 SF
Tenant 3 (Sally's Beauty)	Wall	19.98 SF

Tenant 4 (Buy Rite Liquor)	Wall	79.63	SF
Tenant 5 (TBD)	Wall	15.42	SF
Tenant 6 (GNCC)	Wall	25.08	SF
Future Window Signage (TBD)	Window	120	SF
<b>Total Sign Area</b>		<b>320.08</b>	<b>SF</b>
<b>Sign Percent of Facade</b>		<b>8.00%</b>	
<b>Taco Bell</b>			
Block 284, Lot 4.02	Wall	12.17	SF
Taco Bell Sign	Wall	12.17	SF
Taco Bell Sign	Wall	12.17	SF
Taco Bell Sign	Wall	12.17	SF
Accent Sign	Wall	62.67	SF
Swing Bell	Wall	22.24	SF
Swing Bell	Wall	22.24	SF
Swing Bell	Wall	22.24	SF
Free-Standing Sign	Ground	105.14	SF
Additional Signage	Wall	24.99	SF
<b>Total Sign Area</b>		<b>296.03</b>	<b>SF</b>
<b>Sign Percent of Facade</b>		<b>24.51%</b>	
<b>Total Cumulative Sign Area</b>		<b>2,115.24</b>	<b>SF</b>
<b>Cumulative Sign Area as Percentage of Facade</b>		<b>10.00%</b>	

FIGURE 2 - TOTAL PERMITTED SIGN AREA

PROPERTY	FACADE AREA
Block 284, Lot 2.02 (Wal-Mart)	11,445.25 SF
Block 284, Lot 3.02 (Wawa)	2,025.88 SF
Block 284, Lot 3.02 (Out Parcel 1)	1,200.00 SF
Block 284, Lot 3.02 (Out Parcel 2)	1,280.00 SF
Block 284, Lot 4.02 (Retail Building "A")	4,001.60 SF
Block 284, Lot 4.02 (Taco Bell)	1,208.00 SF
<b>Total Facade Area</b>	<b>21,160.73 SF</b>
<b>Total Permitted Sign Area @ 5%</b>	<b>1,058.04 SF</b>

**B. Response to the Public Notice**

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

**III. PUBLIC HEARING (September 16, 2014)**

A public hearing was held on Tuesday, September 16, 2014. NIMC staff in attendance were Sara J. 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; Mia Petrou, P.P., AICP, Senior Planner; and Elizabeth Kenyon, P.E., Senior Engineer.

**A. Exhibits**

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

- | Number | Description   |
|--------|---|
| A-1    | "Overall Signage Plan," Sheet 1 of 3, "Taco Bell Signage Exhibit," Sheet 2 of 3 and "Signage Details," Sheet 3 of 3, prepared by Bohler Engineering, dated 04/07/2014, last revised 09/02/2014. |
| A-2    | Color rendering of Taco Bell looking southeasterly.   |
| A-3    | Color rendering of Taco Bell looking southwesterly.   |
| A-4    | Taco Bell Sign Details, 6 Sheets, prepared by Everwrite Identity Systems Division.  |
| A-5    | Retail Center Facade Elevation entitled "Design Exhibit - 10/18/2013," Drawing SK-1, prepared by J.W. Pedersen Architect P.C.   |
| A-6    | Planning report entitled "Sign Variance Application," prepared by Manacki Consulting Engineers, dated 09/16/2014.   |

**B. Testimony**

William C. Sullivan, Jr., Esq. of Scarinci Hollenbeck, represented Vineland Construction Company at the hearing. The following three witnesses testified in support of the application:

1. John Krauser, President of Vineland Construction;
  2. Timothy P. France, Project Manager, Vineland Construction;
  3. Lauren Monaghan, P.E., Langan Engineering and Environmental Services; and
  4. Monica Mlanecki, P.E., P.P., Mlanecki Consulting Engineers.
- Staff findings and recommendations are based on the entire record. A transcript of the public hearing was prepared and transcribed by Beth Calderone, Certified Shorthand Reporter and Notary Public.

**C. Public Comment**

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

**IV. RECOMMENDATION(S)**

**A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:48.14(f)(4), which states that for signs in multi-tenanted developments, the maximum sign area permitted shall be five percent of the building's main facade. The applicant is proposing a total of 2,107 square feet of signage, or 9.95 percent of the total area of the buildings' main facades, on the properties included within the Zoning Lot of Record.**

The NJMC Zoning Regulations at N.J.A.C. 19:4-4.14(e) state in part that, a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...

**1. Concerning bulk variances:**

*i. The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.*

The requested variance arises from such conditions that are unique to the property in question. The subject property is located on Harrison Avenue in the vicinity of the New Jersey Turnpike and Route 280. The applicant is redeveloping the property with a variety of commercial uses, including retail development and restaurant uses.

The subject property is unique in that it is the largest development parcel within the Harrison Avenue Retail Center zone of the Kearny Area Redevelopment Plan, and contains the largest lot depth at more than 1,350 feet. The property's lot area is nine times larger than the minimum three-acre lot area requirement of the zone.

The lot area and dimensions result in a site configuration where smaller retail uses are oriented toward Harrison Avenue, and larger buildings are located within the site's interior. Whereas retail development generally favors direct visibility onto arterial roadways, four development pads (Laco Bell, Wawa, Out Parcel 1, and Out Parcel 2) contain frontage and visibility on Harrison Avenue. The existing Walmart and Retail Building "A" structures, which are larger than the existing and proposed buildings on the development pads along the Harrison Avenue frontage, are oriented so that their front entrances face internally to the site, not

to Harrison Avenue. This is not typical of retail properties in the District, which generally contain direct frontage on and visibility from adjoining roadways, particularly when they are occupied by national and regional commercial tenants.

The applicant's signage needs at the subject premises are diverse, due to the development of the center with six separate retail buildings, which results in unique signage requirements. Retail centers require adequate signage to identify the various tenants located within the development in order to safely and efficiently direct motorists to their intended destination. The variance request arises from the particular characteristics of the lot, including its large size, the number of structures on the site, and the need to adequately identify the various uses and tenants within the retail center.

ii. *The granting of the variance will not adversely affect the rights of neighboring property owners or residents.*

The granting of the requested variance will not adversely affect the rights of neighboring property owners or residents. The subject property is surrounded by industrial uses, including the Campbell Foundry Company to the east, a United States Post Office distribution facility to the north, and heavy industrial uses/contractor's yards to the south and west, and their associated signage. The proposed signage area will not compromise the ability of adjacent property owners to operate as intended, and will comply with required setbacks. An effective signage plan that safely and efficiently directs motorists to their intended destination

will promote appropriate circulation patterns on area roadways and avoid misdirection that may result in motorists making U-turns on neighboring properties. There are no residential properties in the immediate vicinity of the subject property that would be affected by the granting of the requested variance to provide an additional sign area.

iii. *The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.*

The strict application of the regulations will result in peculiar and exceptional practical difficulties and exceptional and undue hardship upon the property owner. The subject property is constrained from adequately providing for its signage needs due to its large lot size and excessive lot depth, which accommodates the development of multiple structures and uses on the premises. The unique signage needs resulting from the lot configuration requires additional sign area be installed to support the adequate identification of the site. An effective signage plan for retail center development requires sufficient visibility of both comprehensive directory signage and individual tenant identification signage, from both area roadways and within the internal circulation areas of the site.

The existing retail sign area at the premises is 912.53 square feet, representing 4.3 percent of the cumulative permitted sign area. The remaining allowable sign area of 148.13 square feet is insufficient to satisfy the signage needs for four additional structures, one of which will contain a multi-tenanted retail facility for national tenants.

With insufficient signage area available to identify the tenants and uses on the property, the property owner will be constrained in their ability to attract tenants to a property. This is an exceptional difficulty, particularly in a location within a redevelopment area that may merit additional incentives to attract new development.

Due to the aforementioned constraints, additional sign area is needed in order to adequately identify the uses and tenants on the property and safely and efficiently direct the public to the site.

*iv. The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.*

The subject property contains frontage on Harrison Avenue, a heavily-traveled roadway with minimal shoulder area provided. There are few opportunities for vehicles to safely turn around if they pass by the site. Additional sign area at the subject property is necessary to provide adequate identification of the various uses on the site in advance of its approach.

The amount of additional signage, however, must bear a proportional relationship to the size of the buildings on the site. Therefore, with the conditions specified in Criterion vi below, the granting of the variance to permit additional signage on the subject premises will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. Passing motorists will be able to safely identify and access the site from Harrison Avenue. Public safety, order and convenience will be enhanced because the additional sign area will safely and efficiently direct the public to the site.

*v. The variance will not have a substantial adverse environmental impact.*

There will be no adverse environmental impact resulting from the granting of this variance. The additional sign area will not disturb any environmentally sensitive areas. There will not be any noise, vibrations, glare, airborne emissions or hazardous materials generated by the proposed signage, nor will there be any flashing or rotating signs.

*vi. The variance represents the minimum deviation from the regulations that will afford relief.*

The existing signage on the premises represents 4.3 percent of the total façade area. An additional 5.7 percent of the total façade area is proposed, for a total of 10 percent of the total cumulative main façade area of the buildings on the premises. This criterion evaluates whether the amount of additional signage proposed

represents the minimum amount required to implement an effective sign plan, without excessive signage and visual clutter that could result in a detriment to the public good and the intent of the zone plan.

As stated previously, the property, at build-out, must account for the signage needs of six development parcels. Therefore, each must be evaluated individually, as well as within the greater context of the retail center development.

#### 1. Retail Center Directory Sign

The retail center is currently identified from Harrison Avenue by a 260-square-foot directory sign located near the site's entrance driveway at the signalized Bergen Avenue intersection, anchored by the Walmart logo, and a series of smaller tenant identification sign panels to accommodate future tenants of Retail Building "A." This sign represents the principal method of identification of uses located within the interior of the site, and represents 1.2 percent of the cumulative facade area. In other retail center developments in the Meadowlands District, such as Harmon Meadow, signage in excess of five percent of the facade area utilized as directory signage for multiple tenants and/or structures has been permitted. The existing sign is reasonable in area and serves multiple uses within the retail center. Therefore, the subject sign represents the minimum deviation from the regulations.

#### 2. Walmart

The existing Walmart building dedicates approximately 4.8 percent of its facade area to existing wall signs. The applicant proposes an additional "future" sign of 55 square feet, which would account for an additional half of a percent of sign area based on the main (single largest) building facade area of 11,445 square feet. The total proposed wall signage at the Walmart building represents 5.3 percent of the facade area utilized for signage. In addition to the Walmart logo, existing signs on the building identify various departments, such as the pharmacy, market, and outdoor living areas. These signs range in area from 72 to 102 square feet. The proposed sign area of 55 square feet to be reserved by Walmart for its future signage needs is consistent with the existing signage on the building. Based on the expansive length of the building facade and the large parking field from which visibility is required, the Walmart signage represents the minimum deviation from the regulations.

#### 3. Retail Building "A"

Retail Building "A" has recently been constructed and is currently being fitted out for use by six commercial tenants. The applicant proposes wall signs totaling 200.08 square feet, with an additional 120 square feet to be available to tenants for individual window signage.

The proposed wall signage is five percent of the building's main (single largest) facade area, and therefore, represents a reasonable proportion of sign area to building facade. Additional window signage, which may be intended to account for special promotions, is also proposed, increasing the total proposed sign area to eight percent of the facade area. In order to ensure that the proposed signage area is proportional to the building facade, this report recommends as a condition that each tenant shall be limited to a sign area not exceeding five percent of its individual facade area, with individual window signage not exceeding 20 square feet per tenant. With this condition, the proposed sign area would satisfy the minimum deviation of the regulations.

#### 4. Wawa

There are no changes proposed to the existing Wawa signage, and, therefore, the minimum deviation requirement does not apply to this property on an individual basis. Existing retail signage at the premises consists of one 66.69-square-foot wall sign and one 35.33-square-foot wall sign. The retail signage represents 5.04 percent of the main (single largest) facade area.

There is also an 120-square-foot, two-sided, identification pole sign with an associated 72-square-foot, two-sided, reader board sign associated with the fuel service facility. However, the pole and reader board signs are subject to the NJMC sign regulations governing fuel service stations and are, therefore, not included in this analysis.

#### 5. Taco Bell

The proposed Taco Bell signage consists of seven wall signs and one freestanding sign for a total requested sign area of 295.89 square feet. The applicant proposes wall-mounted lettering of "Taco Bell" of 12.17 square feet and one "swing bell" logo of 22.24 square feet on the building's northerly, easterly, and westerly building facades. Additionally, the applicant proposes one 62.67-square-foot "swosh" sign mounted on the wall above the Taco Bell lettering on the westerly elevation facing the driveway entrance. A double-sided pole sign dimensioned at approximately 8.9 feet by 5.8 feet is also proposed at the retail center's easterly driveway. Finally, the applicant requests an additional signage allowance of 24.99 square feet. The total proposed wall signage represents 24.5 percent of the main (single largest) facade area calculation.

The proposed Taco Bell lettering and logos represent essential sign elements that are integral to identifying the tenant on the premises, and the proposed location of these signs on three elevations is needed to provide adequate identification of the use from the site approaches along both Harrison and Bergen Avenues. However, the "swosh" sign is not an integral element of identification and, therefore, would not represent the minimum amount of signage necessary to identify the use. Furthermore, the proposed pole sign along the Harrison Avenue frontage is proximate to the existing retail center directory pylon sign and the Wawa fuel service station pole and reader board signs, which could potentially result in visual conflict.

Due to the need to identify the use from multiple vantage points on area roadways and within the site, additional sign area is warranted in excess of the allocation of five percent of the main (single largest) facade. However, the proposed "swoosh" sign and pole sign would exceed the minimum area required to identify the use. If limited to the wall-mounted "Taco Bell" lettering and "swing bell" logo signs, a total sign area of 103.22 square feet would result representing 8.5 percent of the main (single largest) facade area calculation. Therefore, with a condition that modifies the proposed application to approve only the "Taco Bell" lettering and "swing bell" logo on the building's northerly, easterly, and westerly building facades, the proposed signage represents the minimum deviation from the regulations.

6. Out Parcels 1 & 2

There have been no specific development plans submitted for the sites identified as Out Parcel 1 and Out Parcel 2. Therefore, the proposed signage is based on the following assumptions:

Site	Facade Area	5% Facade Allocation	Proposed Wall Sign Area	Percentage of Facade
Out Parcel 1	1,203 SF	60 SF	250.0 SF	20.83%
Out Parcel 2	1,280 SF	64 SF	182.4 SF	14.25%

The applicant also proposes a pylon sign for Out Parcel 2 of 99.2 square feet, thereby increasing the proposed percentage from 14.25 percent to 22 percent of the main (single largest) facade area.

The proposed development pads have no specifically identified use, but based on testimony provided by Mr. John Krauser, President of Vineland Construction, the prospective signage plan for the out parcels was developed based on anticipating the signage needs of national retailers and restaurant uses.

Similar to Taco Bell, the prospective buildings on Out Parcels 1 and 2 would require identification on multiple facades in order to efficiently identify the uses on these parcels from multiple vantage points on area roadways and within the site. The speculative development plans for the out parcels appear to be largely consistent with the configuration of the Taco Bell site. The proposed Taco Bell signage is recommended to be modified in this report to a total of approximately 8.5 percent of the main (single largest) facade area calculation. Therefore, in order to uniformly and equitably assign signage area to future, unspecified development on these out parcels, this report recommends allocating a maximum wall sign area of 8.5 percent of the main (single largest) facade area of each building per out parcel, where no single sign may exceed five percent of the area of the facade on which it is placed.

The applicant also proposes a pylon sign of 99.2 square feet on Out Parcel 2. The existing retail center directory sign, located at the driveway opposite Bergen Avenue, is at least 400 feet away for the closest potential location for a new pylon sign on Out Parcel 2. This distance between pole signs is sufficient to minimize the potential for visual clutter that could result from the installation of multiple signs along the Harrison Avenue roadway frontage. Therefore, this report further recommends that the pylon sign be approved subject to the condition that it serves as a directory sign identifying, at minimum, the tenants on Out Parcels 1 and 2. The sign may be located on either Out Parcel 1 or Out Parcel 2. The proposed area of 99.2 square feet would provide for the total sign area of a double-sided sign. With these conditions, the proposed sign plan for Out Parcels 1 and 2 would represent the minimum deviation from the regulations.

*vii. Granting the variance will not substantially impair the intent and purpose of these regulations.*

The granting of the variance with the specific conditions and modifications listed herein will not substantially impair the intent and purpose of these regulations. The purpose of the NJMC sign regulations is to provide for adequate identification of a site while avoiding visual clutter and the attendant public safety concerns, as well as minimizing negative aesthetic impacts.

NJMC sign regulations at N.J.A.C. 19:4-8.14(f) contain provisions for an integrated sign plan that would allow up to 10 percent of facade area(s) for signage for multi-tenanted structures and multi-

structure developments where consistent sign types, including lettering type, size, and colors, are utilized. Although the applicant does not provide an integrated sign plan in accordance with this regulation, the NJMC regulations recognize that multi-tenanted and multi-structure developments may be subject to increased signage needs to adequately identify the various uses on a site.

With the proposed conditions and modifications in this report, the proposed additional sign area will promote a more cohesive and equitably-allocated sign plan for the premises. Therefore, the additional sign area will promote the intent and purpose of the NJMC sign regulations and will relate to the particular site and surrounding environs.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:44-14(j)4, which states that for signs in multi-tenanted developments, the maximum sign area permitted shall be five percent of the building's main facade. The applicant is proposing a total of 2,107 square feet of signage, or 9.95 percent of the total area of the buildings' main facades, on the properties included within the Zoning Lot of Record.

Based on the record in this matter, the bulk variance application to permit a total of 9.95 percent of the total area of the buildings' main facades, whereas the maximum permitted sign area is five percent of the total area of the buildings' main facades, is hereby recommended for **CONDITIONAL APPROVAL** subject to the following modifications and conditions:

1. Retail Building "A" is permitted a maximum wall signage area of 200.08 square feet, which represents five percent of the main (single largest) facade of 4,001.60 square feet. The permitted sign area shall be evenly distributed to each tenant based on five percent of the main facade area that the individual tenant space occupies. Each tenant shall also be permitted window signage not exceeding 20 square feet per tenant.
2. The proposed Taco Bell "swoosh" sign, pylon sign, and "additional" sign shall be eliminated from the sign plan. Due to this modification, Taco Bell shall be permitted a maximum wall signage area of 103.23 square feet, which is 8.55 percent of its main (single largest) facade area of 1,208.00 square feet. No single sign may exceed five percent of the facade on which it is placed.

3. Out Parcel 1 is permitted a maximum wall signage area of 8.5 percent of the actual dimension of the main (single largest) facade, and no single sign may exceed five percent of the facade on which it is placed.
4. Out Parcel 2 is permitted a maximum wall signage area of 8.5 percent of the actual dimension of the main (single largest) facade, and no single sign may exceed five percent of the facade on which it is placed.
5. The pylon sign proposed on Out Parcel 2 shall not exceed 99.2 square feet in area, inclusive of all sides, and shall serve as a directory sign identifying the tenants on Out Parcels 1 and 2, at a minimum. The sign may be located on either Out Parcel 1 or Out Parcel 2.
6. The modified sign chart incorporating the above conditions and modifications is provided as Attachment A and details the signage area allowed on the subject properties pursuant to this recommendation.

CONDITIONAL APPROVAL  
Recommendation on  
Variance Request

11-5-14  
Date

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

CONDITIONAL APPROVAL  
Recommendation on  
Variance Request

11/6/14  
Date

  
Marcia A. Karow  
Executive Director

ATTACHMENT A - MODIFIED SIGN AREA

Name	Type	Area
Directory Signage		
Free-Standing Pylon Sign	Ground	260 SF
Wall Sign		
Block 284, Lot 2.02		605.51 SF
Lot 2.02 Total Sign Area		5.29%
Wawa -Retail Signage Only		
Block 284, Lot 3.02		102.02 SF
Total Sign Area		5.04%
Sign Percent of Facade		
Out Parcel 1		
Block 284, Lot 3.02		
Proposed Signage (TBD)	Wall	102* SF
@ 8.5% main facade area		
Total Sign Area		102* SF
Sign Percent of Facade		8.5%
Out Parcel 2		
Block 284, Lot 3.02		
Proposed Signage (TBD)	Wall	108.8* SF
@ 8.5% main facade area		
Total Sign Area		108.8* SF
Sign Percent of Facade		8.5%
Out Parcels 1 and 2		
Block 284, Lot 3.02		
Pylon (TBD)	Ground	99.2 SF
Retail Building A		
Block 284, Lot 4.02		
Tenant 1 (Verizon Wireless)	Wall	33.34 SF
Tenant 2 (Game Stop)	Wall	26.63 SF
Tenant 3 (Sally's Beauty)	Wall	19.98 SF
Tenant 4 (Buy Rite Liquor)	Wall	79.63 SF
Tenant 5 (TBD)	Wall	13.42 SF
Tenant 6 (GNC)	Wall	25.08 SF
Total Sign Area - Wall Signs		200.08 SF
Sign Percent of Facade		5.00%
Future Window Signage (TBD)	Window	120 SF
@ 20 SF max per tenant		

Total Sign Area	320.08 SF	
Sign Percent of Facade	8.00%	
Taco Bell		
Block 284, Lot 4.02		
Taco Bell Sign	Wall	12.17 SF
Taco Bell Sign	Wall	12.17 SF
Taco Bell Sign	Wall	12.17 SF
Swing Bell	Wall	22.24 SF
Swing Bell	Wall	22.24 SF
Swing Bell	Wall	22.24 SF
Total Sign Area	103.23 SF	
Sign Percent of Facade	8.53%	
Total Cumulative Sign Area	1,700.84* SF	
Cumulative Sign Area as Percentage of Facade	8.07%	

\* Subject to slight change based on actual calculation of future main facades for Out Parcel 1 and Out Parcel 2

**RESOLUTION ISSUING A DECISION ON THE SPECIAL EXCEPTION  
APPLICATION SUBMITTED AS PART OF FILE #14-477  
SECAUCUS BOARD OF ED/MIDDLE/HIGH SCHOOL ADDITIONS &  
SPECIAL EXCEPTION  
BLOCK 226, LOT 17.01, IN THE TOWN OF SECAUCUS**

**WHEREAS**, an application for one special exception was filed with the New Jersey Meadowlands Commission ("NJMC") by Remington, Vernick & Arango Engineers, Inc., on behalf of the Secaucus Board of Education, for the premises identified as 11 Mill Ridge Road, Block 226, Lot 17.01, in the Town of Secaucus, New Jersey; and

**WHEREAS**, the special exception is sought in connection with the applicant's proposal to construct five school building additions with associated site improvements on the subject premises, which is located in the Commission's Parks and Recreation zone; and

**WHEREAS**, the applicant requested a special exception in accordance with N.J.A.C. 19:4-5.15(a)2, where primary and secondary schools are listed as a special exception use in the Parks and Recreation zone; and

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

**WHEREAS**, a public hearing was held in the Office of the NJMC on October 7, 2014, before 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, Mia Petrou, P.P., AICP, Senior Planner, and Ronald Seelogy, P.E., P.P., Senior Engineer; and

**WHEREAS**, a comprehensive report dated October 28, 2014, has been prepared indicating the recommendations of the Director of Land Use Management and the Executive Director in this matter; and

**WHEREAS**, a copy of the recommendation and comprehensive report were provided to the applicant on October 28, 2014; and

**WHEREAS**, the report recommends approval of the special exception for the construction of five building additions with associated site improvements on the subject premises; and

**WHEREAS**, the members of the NJMC have reviewed the full record including the transcripts of the public hearing, 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 recommendations of the Director of Land Use Management and the Executive Director; and

**WHEREAS**, the NJMC hereby determines that the requested special exception for the construction of five school building additions with associated site improvements 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 Secaucus Board of Ed/Middle/High School Additions & Special Exception application for one special exception for the construction of five school building additions with associated site improvements on the subject premises is hereby **APPROVED** for the reasons set forth in the recommendation dated October 28, 2014.

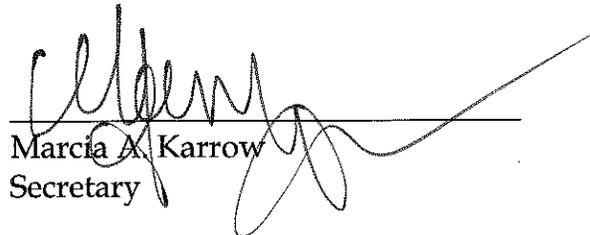
The foregoing was adopted on Commission vote.



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Richard E. Constable, III  
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of November 24, 2014.



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Marcia A. Karrow  
Secretary

Resolution No. 14-53

Motion      Second      Roll Call

# Memorandum

## New Jersey Meadowlands Commission



To: NJMC Commissioners and Marcia Karrow, Executive Director

From: Sara J. Sundell Date: November 24, 2014

Subject: Special Exception Recommendation: Secaucus Board of Ed/Middle/High School Additions & Special Exception (File No. 14-477)

An application for one (1) special exception has been filed by Remington, Vernick & Arrango Engineers, Inc., on behalf of the Secaucus Board of Education, for the premises identified as 11 Mill Ridge Road, Block 226, Lot 17.01, in the Town of Secaucus, New Jersey. Said premises are located in the Commission's Parks and Recreation zone. The special exception is sought in connection with the applicant's proposal to construct five building additions with associated site improvements on the subject premises.

The applicant has requested a special exception in accordance with N.J.A.C. 19:4-5.15(a)2, wherein primary and secondary schools are listed as a special exception use in the Parks and Recreation zone.

A public hearing on this matter was held in the Office of the NJMC on Tuesday, October 7, 2014.

In a comprehensive report dated October 28, 2014, the Director of Land Use Management and the Executive Director recommended approval of the special exception request in connection with the applicant's proposal to construct five building additions with associated site improvements on the subject premises.

A copy of the comprehensive report and special exception recommendation were provided to the applicant on October 28, 2014.

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

Secaucus Board of Education/Middle/High School

Additions & Special Exception

FILE: 14-477

### I. INTRODUCTION

An application for one (1) special exception has been filed with the New Jersey Meadowlands Commission (NJMC) by Remington, Vernick & Arango Engineers, Inc. on behalf of the Secaucus Board of Education, for the premises identified as 11 Mill Ridge Road, Block 226, Lot 17.01, in the Town of Secaucus, New Jersey. Said premises are located in the Commission's Parks and Recreation zone. The special exception is sought in connection with the applicant's construction of five building additions with associated site improvements on the subject premises.

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

1. N.J.A.C. 19:4-5.15(a)2, where primary and secondary schools are listed as a special exception use.

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. A public hearing was held in the Office of the Commission on Tuesday, October 7, 2014. 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 property in question consists of approximately 28.2 acres. The site fronts Mill Ridge Road and is bordered by single-family residential lots to the

south, a multi-unit residential use to the west, and the Hackensack River to the north. An environmental conservation area borders the property in question to the east. Wetlands have been identified along the easterly property line, as well as to the north along the banks of the Hackensack River.

The easterly portion of the subject property is developed with an approximately 128,000-square foot brick building used as a secondary school, which varies in height from one to two-stories. In addition to classroom space, the existing structure houses a gymnasium, auditorium and administrative offices. The western portion of the site contains associated at-grade parking, tennis courts and athletic fields.

Five building additions will be constructed with a total footprint of 57,485 square feet. The first building addition with a footprint of 11,765 square feet will be constructed primarily over an existing paved parking area on the southeasterly portion of the site and will contain classrooms and staff offices. A second addition with a footprint of 35,560 square feet will be constructed at the site of an existing greenhouse and over previously paved areas on the easterly and northerly portions of the subject property and will contain a new gymnasium with associated weight and locker rooms, classrooms, laboratories and staff offices. A third building addition with a footprint of 885 square feet will be constructed over an existing paved area on the northerly portion of the subject property and will contain staff offices and athletic locker rooms. A fourth addition with a footprint of 1,975 square feet will be constructed over landscaped open space on the westerly portion of the existing building adjacent to the existing performing arts center and will contain space for scenery construction. A fifth building addition with a footprint of 7,300 square feet will be constructed over landscaped open space on the westerly side of the existing building and will contain classrooms and staff offices. An emergency generator is proposed on the southerly portion of the site in conjunction with the proposed school expansion.

The Secaucus Board of Education is seeking special exception approval to expand the existing secondary school at this location.

**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 (October 7, 2014)**

A public hearing was held on Tuesday, October 7, 2014. NJMC staff in attendance were Sara J. Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon Mascaro, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer; Mia Petrou, P.P., AICP, and Ronald Seelogy, P.E., P.P., Senior 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	"Existing Topographic Conditions Plan," Sheet No. C1.1, prepared by Remington, Vernick & Arango Engineers, dated September 2, 2014.
A-2	"Overall Plan," Sheet No. C3.2, prepared by Remington, Vernick & Arango Engineers, dated September 2, 2014, revised September 5, 2014.
A-3	"Site Plan," Sheet No. C3.1, prepared by Remington, Vernick & Arango Engineers, dated September 2, 2014, revised September 5, 2014.

A-4 "Landscape & Lighting Plan," Sheet No. C7.1, prepared by Remington, Vernick & Arango Engineers, dated September 2, 2014, revised September 5, 2014.

A-5 "Overall First Floor Plan," Sheet No. A1.1, prepared by Di Cara Rubino Architects, dated January 18, 2013, revised through September 22, 2014.

A-6 "Overall Second Floor Plan," Sheet No. A1.2, prepared by Di Cara Rubino Architects, dated January 18, 2013, revised through September 22, 2014.

A-7 Exterior elevations of the proposed structures entitled, "Secaucus Board of Education Building Additions and Interior Renovations at Secaucus Middle High School," prepared by Di Cara Rubino Architects, dated August 15, 2014.

**B. Testimony**

Jane Gallina Mecca, Esq., of the firm Fogarty & Hara, represented the applicant at the hearing. The following three witnesses testified in support of the application:

1. Michael Galante, P.E., P.P., Remington, Vernick & Arango Engineers.
2. Germano Rubino, AIA, Di Cara Rubino Architects.
3. Robert Presuto, Superintendent, Secaucus Board of Education.

Staff findings and recommendations are based on the entire record. A transcript of the public hearing was prepared and transcribed by Beth Calderone, Certified Shorthand Reporter and Notary Public.

**C. Public Comment**

No objections were raised during the public hearing as no members of the public were present.

IV. RECOMMENDATION

A. Standards for the Granting of a Special Exception to permit a secondary school in the Parks and Recreation zone as per N.J.A.C. 19:4-5.15(a)2.

The NIMC 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 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 expansion of the existing secondary school, a special exception use in the Parks and Recreation zone, will contribute to and promote the welfare or convenience of the public by providing additional classroom and gymnasium space to address an increase in student enrollment. Currently, there are no other public secondary schools located within the Town of Secaucus. The additional classroom space will allow sixth graders, who are presently housed in two elementary schools, to be brought on site. This move will provide concurrence with the State Department of Education's Facility Efficiency Standard Model requiring Kindergarten through fifth grade at the elementary school level and sixth through eighth grade at the middle school level. By nature of its use, the secondary school will benefit residents of the Town of Secaucus and will further enhance the area.

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

The secondary school use, a special exception, is compatible with the surrounding land uses and will not cause substantial injury to the value of other properties in the surrounding neighborhood. Single-family and multi-unit residential structures border the site to the south and west respectively. The secondary school expansion will have no adverse effect on the values of these properties. There will be a minimal increase in traffic generated by the secondary school additions. However, existing site access points and the existing and proposed on-site circulation routes, drive aisle widths, and required parking are adequate to serve the secondary school and the proposed additions. The expansion is screened from view from the adjacent properties to the south by existing plantings. Screening is not necessary adjacent to the multi-unit residential use located to the west due to the fact that the secondary school additions are located on the far eastern portion of the site and are buffered by athletic fields.

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 expanded secondary school will not dominate the site or immediate neighborhood in a manner that could prevent the development and use of neighboring properties.

After construction of the five (5) building additions, the special exception use will occupy only 15% of the subject property. The majority of the remainder of the site consists of pervious surfaces such as athletic fields and open space. The site, building, on-site parking and other site attributes will not substantially change as a result of the proposed school additions. With the exception of the proposed gymnasium building addition, the proposed additions will be one story in height. The proposed gymnasium, which will be two stories in height, will be constructed at a lower elevation than a typical high school gymnasium in order to obtain compatibility with the heights of the existing school building and neighboring residential structures. Thirty-three (33) parking spaces will be constructed, primarily on the northerly portion of the site, to address the increase in parking demand created by the proposed expansion. Testimony was provided indicating that one to three additional school buses would be required to transport approximately 183 sixth grade students. However, it is anticipated that the minor increase in vehicular traffic will not create a burden on existing roadways in the neighborhood.

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

The existing secondary school has been in operation on site for nearly 50 years. Aside from being used for community or civic events, the proposed expansion will be utilized during normal school hours. The overall operation of a secondary school at this location complements the surrounding area and functions in a manner that will not be out of character or scale with other neighboring land uses.

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

The existing secondary school building and the proposed additions on the subject premises are immediately accessible from Mill Ridge Road via an access drive. The additions will not decrease the utility of these roadways. The existing site access points will be maintained and the proposed on-site circulation routes, drive aisle widths, and parking areas are adequate to serve the secondary school along with the proposed additions. The design proposes to separate school bus traffic from pedestrian drop-offs. Even though new classroom space is proposed, the use will not increase the burden on existing roadways in the neighborhood due to the proposed on-site vehicular access and circulation improvements.

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

The location, nature, and height of the proposed building additions will not dominate the immediate neighborhood in a manner that could prevent the development and use of neighboring properties. The building heights of the proposed additions are compatible with the existing school building. Located on the easternmost portion of the site and buffered by athletic fields and open space, landscaped screening would not be required for the existing school building and additions as it is a sizable distance from the multi-unit residential buildings to the west. Single-family residential homes to the south front along Meadow Lane and Mill Kidge Road. The rear yards of the residential properties are sufficiently screened by the existing fence and landscaping located on the school property.

However additional landscaping will be provided to further buffer existing residential uses and enhance the aesthetics of the site. No retaining walls or new fencing will be required for the new additions.

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

The site is presently well maintained and landscaped in an appropriate manner. The construction of the performing arts building addition required the existing landscaping buffer along the southern portion of the site to be expanded with supplemental plantings to provide additional screening for adjacent residential uses. New landscaping will be provided throughout the site to provide additional screening of the proposed expansion. The proposed emergency generator, to be located on the southerly portion of the site, will be screened by landscaping and a solid and continuous fence.

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

The subject property is fully developed and has existing utility connections with sufficient capacity to handle the proposed building expansion. With regards to drainage, the secondary school additions do not affect the ability of the existing drainage system to perform in a safe and efficient manner. Surface runoff from new impervious surfaces will be conveyed via a proposed stormwater drainage system to Garret's Reach, a tidal tributary to the Hackensack River. In order

to comply with NJAC 7:8, the Stormwater Management Rules, an Imbrium Jellyfish unit will be installed for water quality purposes.

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.*

Access to the expanded secondary school will be from Mill Ridge Road, as currently exists for the site. Although the intensity of the use will increase due to new classroom space, additional traffic generated by the secondary school additions will be *de minimis*. Existing and proposed drive aisles are of a satisfactory width and are designed to prevent traffic hazards and minimize traffic congestion.

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

The special exception use will not result in any adverse environmental impacts. Any and all solid waste generated by the expanded facility will be securely stored within a dumpster enclosure. NJWC environmental performance standards will not be exceeded for noise, vibration, glare, air emissions, and hazardous or radioactive materials. Stormwater runoff water quality will be increased due to the installation of an Imbrium Jellyfish unit. The proposed bus turnaround has been modified to limit new impervious surfaces located within the NJDEP's 50 foot wide riparian buffer to less than 600 square feet in area, as per NJDEP requirements. Lastly, no environmentally sensitive areas will be disturbed as a result of the additions.



**RESOLUTION ISSUING A DECISION ON THE SPECIAL EXCEPTION &  
VARIANCE APPLICATION SUBMITTED AS PART OF FILE NO. 14-358  
PALMER TERRACE RLTY/SOFIVE - SOCCER FIELDS -  
VARIANCE/SPECIAL EXCEPTION  
BLOCK 124, LOT 51, IN THE BOROUGH OF CARLSTADT**

**WHEREAS**, an application for one special exception and one bulk variance was filed with the New Jersey Meadowlands Commission (NJMC) by Damien Ladeuil of SoFive, for the property identified as 2 Palmer Terrace, Block 124, Lot 51, in the Borough of Carlstadt, New Jersey; and

**WHEREAS**, the premises is located in the Commission's Light Industrial B zone; and

**WHEREAS**, the special exception and variance requests are sought in connection with the applicant's proposal to convert an existing warehouse facility into a commercial indoor recreation facility; and

**WHEREAS**, the applicant requested special exception use approval pursuant to N.J.A.C. 19:4-5.81(a)3, wherein commercial recreation, indoor is listed as a special exception use in the Light Industrial B zone; and

**WHEREAS**, the applicant also requested relief from N.J.A.C. 19:4-8.4(a) Table 8-1, which requires 96 parking spaces for the proposed uses including commercial indoor recreation, office and storage, whereas the applicant is proposing 91 parking spaces; and

**WHEREAS**, notice of the requested variance relief was given to the public and all interested parties as required by law and was published in The Record newspaper; and

**WHEREAS**, a public hearing was held in the Office of the NJMC on Thursday, September 4, 2014, 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 Brandon Alviano, Senior Planner; and

**WHEREAS**, a comprehensive report, dated October 31, 2014, 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 pursuant to N.J.A.C. 19:4-5.81(a)3 wherein commercial recreation, indoor is listed as a special exception use in the Light Industrial B zone; and

**WHEREAS**, the report recommends approval of the requested bulk variance from N.J.A.C. 19:4-8.4(a) Table 8-1, to permit 91 parking spaces for a commercial recreation, indoor use, whereas 96 parking spaces are required; 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 recommendations of the Director of Land Use Management and the Executive Director; and

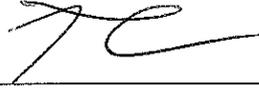
**WHEREAS**, the NJMC hereby determines that the special exception use pursuant to N.J.A.C. 19:4-5.81(a)3 to permit a commercial recreation, indoor use in the Light Industrial B zone, conforms with the standards for approving applications for special exceptions as set forth in N.J.A.C. 19:4-4.13(e); and

**WHEREAS**, the NJMC hereby determines that the requested variance from N.J.A.C. 19:4-8.4(a) Table 8-1, to permit 91 parking spaces for a commercial recreation, indoor use, whereas 96 parking spaces are required, conforms with the standards for approving applications for variances as set forth in N.J.A.C. 19:4-4.14(e).

**NOW, THEREFORE, BE IT RESOLVED**, by the New Jersey Meadowlands Commission, that the Palmer Terrace Rlty/SoFive - Soccer Fields - Variance/Special Exception application for one special exception pursuant to N.J.A.C. 19:4-5.81(a)3, to permit a commercial recreation, indoor use in the Light Industrial B zone, wherein commercial recreation, indoor is listed as a special exception use in the Light Industrial B zone, is hereby **APPROVED** for the reasons set forth in the recommendation dated October 31, 2014.

**BE IT FURTHER RESOLVED**, by the New Jersey Meadowlands Commission, that the Palmer Terrace Rlty/SoFive - Soccer Fields - Variance/Special Exception application for one bulk variance from N.J.A.C. 19:4-8.4(a) Table 8-1, to permit 91 parking spaces for a commercial recreation, indoor use, whereas 96 parking spaces are required, is hereby **APPROVED** for the reasons set forth in the recommendation dated October 31, 2014.

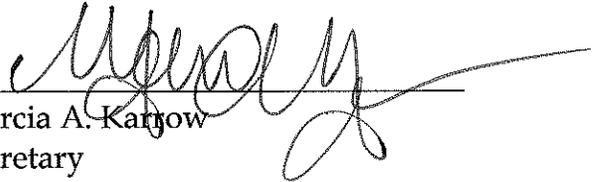
The foregoing was adopted on Commission vote.



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Richard E. Constable, III  
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of November 24, 2014.



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Marcia A. Karrow  
Secretary

Resolution No. 14-54

Motion\_\_Second\_\_Roll Call\_\_

# Memorandum

## New Jersey Meadowlands Commission



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

From: Sara J. Sundell

Date: November 24, 2014

Subject: Special Exception & Variance Recommendation- Palmer Terrace Rlty/SoFive - Soccer Fields - Variance/Special Exception (File No. 14-358)

An application for one (1) special exception and one (1) bulk variance has been filed with the New Jersey Meadowlands Commission (NJMC) by Jean-Damien Ladeuil of SoFive, for the premises located at 2 Palmer Terrace, Block 124, Lot 51 in the Borough of Carlstadt, New Jersey. Said premises are located in the Commission's Light Industrial B zone.

The special exception and variance were sought in connection with the applicant's proposal to convert an existing warehouse facility into a commercial indoor recreation facility.

The applicant requested special exception use approval pursuant to the following:

1. N.J.A.C. 19:4-5.81(a)3, wherein commercial recreation, indoor is listed as a special exception use in the Light Industrial B zone.

The applicant requested variance relief from the following:

2. N.J.A.C. 19:4-8.4(a) Table 8-1, which requires 96 parking spaces for the proposed uses including commercial indoor recreation, office and storage. The applicant had proposed 91 parking spaces.

A public hearing was held in the Office of the NJMC on Thursday, September 4, 2014.

In a comprehensive report, dated October 31, 2014, the Director of Land Use Management and the Executive Director recommended the approval of the special exception use in Item 1 above, and the approval of the bulk variance requested in Item 2 above.

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

**RECOMMENDATION ON THE SPECIAL EXCEPTION  
AND VARIANCE APPLICATIONS OF  
Palmer Terrace Rlty/SoftFive - Soccer Fields - Variance/Special Exception  
FILE # 14-358**

**I. INTRODUCTION**

An application for one (1) special exception and one (1) bulk variance has been filed with the New Jersey Meadowlands Commission (NJMC) by Jean-Damien Ladeuil of SoftFive, for the property located at 2 Palmer Terrace, Block 124, Lot 51, in the Borough of Carlstadt, New Jersey. Said premises are located in the Light Industrial B zone. The special exception and variance are sought in connection with the applicant's proposal to convert an existing warehouse facility into a commercial indoor recreation facility.

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

1. N.J.A.C. 19:4-5.81(a)3, wherein commercial recreation, indoor is listed as a special exception use in the Light Industrial B zone.

The applicant also requests variance relief from the following:

1. N.J.A.C. 19:4-8.4(a) Table 8-1, which requires 96 parking spaces for the proposed uses including commercial indoor recreation, office and storage. The applicant is proposing 91 parking spaces.

Notice was given to the public and all interested parties as required by law. The public notice was published in the The Record. No written objections were submitted to the Division of Land Use Management. A public hearing was held in the Office of the Commission on Thursday, September 4, 2014. 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 property in question totals approximately 2.97 acres and contains frontage on Palmer Terrace to the west and south. Palmer Terrace is a private road in the vicinity of the subject site.

The property in question is currently improved with an existing 60,400-square-foot warehouse building. The surrounding area is primarily developed with industrial uses, and a vacant office building located at Block 124, Lot 50 to the south of the site, opposite Palmer Terrace, is proposed to be demolished and a new warehouse building constructed.

The applicant is proposing to convert the existing warehouse space at the subject property into an indoor commercial recreation use in the form of a "five-on-five" soccer facility, consisting of eight fields, an accessory viewing area, party room, storage space, and locker facilities. An indoor commercial recreation use is a special exception use in the Light Industrial B zone. The applicant also requires a bulk variance approval for providing 91 parking spaces, whereas 96 parking spaces are required.

**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 (September 4, 2014)**

A public hearing was held on Thursday, September 4, 2014. NJMC staff in attendance were Sharon Mascaro, Deputy Director of Land Use Management and Deputy Chief Engineer, Mia Petrou, Senior Planner, and Brandon Alviano, 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	Historic NJMNC use variance approval dated 06/30/1976 (file # 76-096).
A-2	Agreement for Use and Maintenance of Palmer Terrace (Private Road) dated 07/11/2014.
A-3	"Proposed 1st Floor Plan," Dwg. A-002, prepared by Stephen P. Jacobs Group, dated 08/25/2014.
A-4	"Proposed 2nd Floor Plan," Dwg. A-004, prepared by Stephen P. Jacobs Group, dated 08/25/2014.
A-5	"Proposed Elevations," Dwg. A-006, prepared by Stephen P. Jacobs Group, dated 08/25/2014.
A-6	Rendering on "Cover Sheet," Dwg. A-000, prepared by Stephen P. Jacobs Group, dated 08/25/2014.
A-7	"Rendering," Dwg. A-007, prepared by Stephen P. Jacobs Group, dated 08/25/2014.
A-8	Aerial photograph, untitled and undated.
A-9	"Site Plan," Dwg. C-03, prepared by L2A Land Design, LLC, dated 06/23/2014, and revised through 09/03/2014.
A-10	Parking analysis, prepared by Elizabeth Dolan, P.E. and Douglas J. Polyniak, P.E., Dolan & Dean Consulting Engineers, LLC, dated 08/05/2014.
A-11	Planning analysis, prepared by Peter G. Steck, P.P., dated 09/03/2014.
A-12	"Cover Sheet," Dwg. C-01, prepared by L2A Land Design, LLC, dated 06/23/2014, and revised through 09/03/2014.

A-13 "Lighting and Landscape Plan," Dwg. C-05, prepared by L2A Land Design, LLC, dated 06/23/2014, and revised through 09/03/2014.

**B. Testimony**

Thomas J. O'Connor, Esq., of Waters, McPherson, McNeill, P.C., represented SoFive at the hearing. The following four witnesses testified in support of the application:

1. Alex C. Jacobs, AIA, Stephen P. Jacobs Group;
2. William Vogt, P.E., L2A Land Design, LLC;
3. Jean-Damien Ladewig, SoFive;
4. Elizabeth Dolan, P.E., Dolan & Dean Consulting Engineers, LLC; and
5. Peter G. Steck, P.P., Consulting Professional Planner.

Staff findings and recommendations are based on the entire record. A transcript of the public hearing was prepared and transcribed by Beth Calderone, Certified Court Reporter and Notary Public of the State of New Jersey.

**C. Public Comment**

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

**IV. RECOMMENDATION(S)**

A. Standards for the granting of a Special Exception to permit a Commercial Indoor Recreation Use in the Light Industrial B zone per N.J.A.C. 19:4-5.81(a)3.

The NIMC 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 special exception use will provide for an indoor commercial recreation use consisting of eight "five-on-five" soccer fields. The applicant testified that approximately 250 youth soccer clubs are located within a 20-mile radius of the site, but there are very few indoor soccer facilities in the area. The proposed facility will also accommodate adult soccer players, with a target age of 20 to 45 years old. Indoor recreational facilities provide a public health benefit by which participants may engage in sports and recreational activities in a climate-controlled environment allowing for year-round exercise and training. Therefore, the proposed special exception use will contribute to and promote the welfare of the public.

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

The proposed use will not prevent surrounding industrial development from operating as intended, nor prevent future development in the area. The property is located at the terminus of Palmer Terrace, and only one other property (1 Palmer Terrace to the south) contains site access from Palmer Terrace. The peak hours of operation of the proposed facility will occur on weekday evenings and on weekends, when surrounding industrial development is generally not in operation. Parking will be provided on the site to support the parking demand anticipated to be generated by the proposed use. Parking is also available along Palmer Terrace, a private road.

Therefore, the proposed special exception use will not cause substantial injury to the value of other property in 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 indoor commercial recreation use is an existing vacant warehouse building that was originally constructed as an indoor recreation use, in the form of an indoor tennis facility. The size and configuration of the building are ideally suited to reintroduce an indoor recreation use at the site, as it contains existing locker room facilities, storage areas, and a mezzanine viewing space.

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

The particular characteristics of the proposed use allows the operator to definitively quantify the anticipated occupancy of the site. The applicant's traffic engineer estimated one referee and 12 players per field (conservatively accounting for two alternate players), and a maximum of three employees during its peak hours of operations. Therefore, the total anticipated occupancy of the proposed indoor soccer facility is 107 persons.

The peak period of the soccer fields' usage will occur during weekday evenings and on weekends. Sessions will be staggered at

15-minute intervals to allow the premises adequate time to turn over the use of the fields and provide for a more evenly distributed availability of parking spaces.

The proposed operations and intensity of the use, combined with its off-peak usage in relation to the uses in the surrounding industrial neighborhood, ensure that nature and intensity of the operations will not overwhelm the neighborhood.

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

The site is located at the terminus of Palmer Terrace, a one-block roadway beginning at Veterans Boulevard, which becomes a private roadway on the subject property and terminates in a cul-de-sac. In fact, only the subject property and the adjoining property to the south contain driveways located on Palmer Terrace. The proposed site access and circulation patterns will provide a safe and efficient means of accessing the site, with no negative off-site impacts anticipated. The applicant proposes parking area improvements that will locate the southerly access driveway further to the east of its existing curb cut, allowing a more efficient flow of traffic through the site.

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

There will be little change to the existing improvements on the site. Some minor interior building renovations, including the installation of turf fields and netting, will occur. Four loading areas

on the site will be eliminated, although two loading doors will be maintained along the southerly building facade for occasional building access and maintenance. The elimination of existing loading areas will allow additional parking and landscaping to be provided on the site.

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

The existing premises comply with NIMC open space requirements, and the street frontage along Palmer Terrace is attractively landscaped with street trees and shrubs. Due to the reconfiguration of the site's vehicular use areas, an increase in open space will be realized on the premises.

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

Adequate utilities and drainage exist on the site to support the proposed indoor commercial recreation use. The existing building was originally constructed for use as an indoor recreational facility. The existing locker room facilities will be used for the proposed indoor soccer fields. No building additions or additional pavement is proposed to accommodate the proposed use. Therefore, the area's utilities and drainage will not be impacted by the proposed special exception use.

*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.*

Adequate access roads and drive aisles to the facility are provided. The property's location is at the terminus of Palmer Terrace, and Palmer Terrace is used to access only one other property in the neighborhood. The applicant's proposal will eliminate loading areas on the site and, therefore, eliminate truck traffic customarily associated with the warehouse and distribution activities of the former warehouse use on the property.

Furthermore, the peak of the soccer fields' usage will occur during weekday evenings and on weekends, when neighboring industrial development is generally not in operation. Additionally, the start times of the use of the fields will be staggered in 15-minute intervals, allowing for a more continuous flow of traffic and the prevention of traffic congestion.

Finally, due to the specific nature of the proposed indoor recreation use, a team sport such as soccer may be more likely to result in the use of carpooling among participants. The applicant's traffic engineer testified that 25 percent of participants would likely use a carpooling option.

For the above reasons, there will be no substantial impact to area traffic.

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

The applicant does not propose any building additions or expansion of impervious areas to accommodate the proposed use. Rather, the

applicant proposes a minor increase in the amount of open space on the property.

Additionally, the proposed use will not result in any detrimental impact to NIMC performance standards, including glare, noise, airborne emissions, vibrations, or hazardous materials.

Therefore, there will be no adverse environmental impact resulting from the proposed special exception use.

**B. Standards for the granting of a Bulk Variance from the provisions of N.I.A.C. 19-4-84(a) Table 8-1, which requires 96 parking spaces, whereas 91 parking spaces are proposed.**

The NIMC Zoning Regulations at N.I.A.C. 19-4-14(e) state in part that a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...

1. *Concerning bulk variances:*

i. *The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.*

The subject property is located at the terminus of Palmer Terrace, a private road which serves only two properties (1 Palmer Terrace and 2 Palmer Terrace). The owners of these two properties have entered into a usage and maintenance agreement regarding the roadway to formalize the common rights to the roadway.

The applicant proposes to provide 91 parking spaces on-site. An additional 40 parking spaces will be striped along Palmer Terrace for the use of the general public. The availability of on-street parking is not normally included in the justifications for the granting of the requested variance, however in this application, the on-street parking will be installed on a private roadway being improved and maintained by the property owner.

Furthermore, the subject property is unique in that the existing building was originally developed as an indoor recreation use, and subsequently converted to a warehouse use. The building layout and facilities are easily adaptable to re-activating an indoor recreation use on the site.

ii. *The granting of the variance will not adversely affect the rights of neighboring property owners or residents.*

The granting of the requested variance will not adversely affect the rights of neighboring property owners or residents. The anticipated peak occupancy of the proposed indoor soccer facility is 107 persons. The peak period of the soccer fields' usage will occur during weekday evenings and on weekends, which constitutes off-peak usage in relation to the hours of operation of uses in the surrounding industrial neighborhood. Furthermore, start times of the sessions will be staggered at 15-minute intervals to allow the premises adequate time to turn over the use of the fields and provide for a more evenly distributed availability of parking spaces.

11

Due to the specific nature of the proposed indoor recreation use, a team sport such as soccer may be more likely to result in carpooling among participants. The applicant's traffic engineer testified that 25 percent of participants would likely use a carpooling option, resulting in an anticipated parking demand of 83 parking spaces.

Therefore, the proposed parking of 91 parking spaces on the site will be sufficient to accommodate the proposed use. An additional 40 off-street parking spaces are located within the common private roadway.

The requested variance will not result in overflow parking on neighboring properties. The property to the south at 1 Palmer Terrace, which is proposed to be developed with a new warehouse building, is the only other property that contains access onto Palmer Terrace. The proposed parking will not conflict with site access and circulation to neighboring properties.

iii. *The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.*

The strict application of the regulations requires 96 parking spaces to accommodate the proposed indoor recreation use, whereas 91 parking spaces are provided. The proposed "five-on-five" soccer use is classified as an indoor commercial recreation use, and there are no specific parking regulations that specifically apply to the particular characteristics of this proposed use. The NIMC parking regulations for indoor commercial recreation use provides

12

standards for basketball courts and tennis courts, and also requires three parking spaces per 1,000 square feet of floor area, which, for example, is intended to account for areas used for fitness equipment typically associated with gyms/fitness facilities. The outdoor commercial recreation use parking regulations also applies the three parking spaces per 1,000 square feet of floor area parking standard to field areas. However, the proposed "five-on-five" soccer use accommodates fewer players than a full soccer field, and will not be a spectator sport. Therefore, there are practical difficulties in applying the NIMC parking requirements to the proposed use on the property in question.

Nonetheless, the applicant is able to definitively quantify the anticipated occupancy of the site. The applicant's traffic engineer estimated one referee and 12 players per field (conservatively accounting for two alternate players), and a maximum of three employees during its peak hours of operations. Therefore, the total anticipated occupancy of the proposed indoor soccer facility is 107 persons. Accounting for the off-peak hours of operation, the estimated proportion of carpool participants, and the staggered utilization of the facility, the 91 spaces provided on-site are sufficient to serve the proposed use of the site as an indoor "five-on-five" soccer facility. There are also 40 parking spaces available along Palmer Terrace, a private roadway.

*to. The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.*

The requested parking variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

The peak of the soccer fields' usage and, consequently, the peak period of parking demand, will occur during weekday evenings and on weekends, when neighboring industrial development is generally not in operation. The start times of the use of the fields will be staggered in 15-minute intervals, providing for a more continuous flow of traffic and the prevention of traffic congestion. Therefore, there is no significant impact to public safety and order.

As described herein, the proposed parking of 91 spaces is sufficient to serve the proposed use. Forty parking spaces will be available on Palmer Terrace, a private roadway.

Finally, the requested variance for the reduction of five required parking spaces will support the reintroduction of a former indoor commercial recreation use at the site. Indoor recreational facilities provide a public health benefit where participants may engage in sports and recreational activities in a climate-controlled environment, allowing for year-round exercise and training.

*v. The variance will not have a substantial adverse environmental impact.*

The granting of the requested variance to construct five fewer parking spaces than required will not cause the NIMC's environmental performance standards for noise, glare, vibrations,

airborne emissions, or hazardous materials to be exceeded. Additionally, all drainage and water quality requirements will be met. Approval of the requested variance will avoid removal of open space and landscaped areas where pavement would need to be installed to accommodate five additional parking spaces. Therefore, no substantial adverse environmental impact is anticipated to result from the proposed variance.

*vi. The variance represents the minimum deviation from the regulations that will afford relief.*

The requested variance to provide 91 parking spaces on the site, whereas 96 parking spaces are required to support the proposed indoor commercial recreation use, represents the minimum deviation from the regulations that will afford relief.

There are currently 53 parking spaces provided on the site. The applicant is proposing to provide 91 parking spaces on the site, with no increase in impervious coverage. The applicant actually proposes a minor increase in open space on the site by relocating the existing southerly driveway. The applicant has expanded the parking on the site to the extent possible. Alternative locations to further expand parking on the site are not available, as these locations would either impact setback regulations or result in impacts to site circulation, with attendant safety concerns.

The proposed number of parking spaces is sufficient to serve the operations of the proposed "five-on-five" soccer indoor recreation use.

*vii. Granting the variance will not substantially impair the intent and purpose of these regulations.*

Granting the requested variance to permit five fewer parking spaces than required will not substantially impair the intent and purpose of the NJMC's zoning regulations.

The project provides for the orderly and comprehensive development of the subject site. The intent of the NJMC's parking requirements is to estimate parking demand based on a particular use, in anticipation of the needs of occupants, employees, or patrons of such use. To that end, the applicant's traffic engineer has estimated the anticipated parking demand at the site to be 83 parking spaces. The applicant proposes 91 parking spaces on the site. Forty parking spaces will be available along Palmer Terrace, a private roadway. Since sufficient parking is proposed on the site to accommodate the specific parking demand for the use, the intent and purpose of the NJMC parking regulations is satisfied.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Special Exception to permit a Commercial Recreation, Indoor Use in the Light Industrial B zone, per N.I.A.C. 19-4-5.81(a)3.

Based on the record in this matter, the special exception application for a commercial indoor recreation use on the subject premises is hereby recommended for approval.

APPROVAL \_\_\_\_\_  
Date 10-30-14 \_\_\_\_\_  
Sara J. Sundell, P.E., P.P.  
Director of Land Use Management  
Chief Engineer

APPROVAL \_\_\_\_\_  
Date 10/31/14 \_\_\_\_\_  
Marcia A. Karrow  
Executive Director

B. Standards for the Granting of a Bulk Variance from the Provisions of N.I.A.C. 19-4-8.4(a) Table 8-1, which requires 96 parking spaces for a commercial recreation, indoor use, whereas 91 parking spaces are proposed.

Based on the record in this matter, the bulk variance application to permit 91 parking spaces for a commercial recreation, indoor use, whereas 96 parking spaces are required on the subject premises, is hereby recommended for approval.

APPROVAL \_\_\_\_\_  
Date 10-30-14 \_\_\_\_\_  
Sara J. Sundell, P.E., P.P.  
Director of Land Use Management  
Chief Engineer

APPROVAL \_\_\_\_\_  
Date 10/31/14 \_\_\_\_\_  
Marcia A. Karrow  
Executive Director

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR  
TO ENTER INTO A CONTRACT FOR THE  
CONSTRUCTION OF PHASE FIVE OF 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 No. 10-85; and

**WHEREAS**, through the public bid process, costs over the five phases of the MASSTR project have come in at 4% above original 2010 estimates and, having received the final bids for the project, it is determined that an additional \$524,505 should be appropriated from the Transportation Planning District Fund; and

**WHEREAS**, MASSTR requires three individual systems, which include adaptive traffic control, vehicle detection, and communication, and five phases of construction installation, the costs of which are reimbursable under the terms of the grant agreement that the NJMC executed with USDOT on March 2, 2011, as authorized by Resolution No. 10-84; and

**WHEREAS**, the scope of work for the Phase Five Construction contract for the MASSTR project includes the installation and wiring of vehicle detection units, installation of fiber optic cable, and installation of associated infrastructure for 22 of the 128 traffic signals included within the MASSTR project; and

**WHEREAS**, plans and specifications for the Phase Five Construction contract were prepared and publically bid, with two bids received on November 5, 2014; and

**WHEREAS**, bids were received from Tiffany Electric Incorporated and HBC Company Incorporated in the amounts of \$791,251.00 and \$875,365.00 respectively; and

**WHEREAS**, Tiffany Electric Incorporated was the lowest responsible bidder with a bid in the amount of \$791,251.00; and

**WHEREAS**, the NJMC staff review of the bid indicates that the bid is reasonable and proper; and

**WHEREAS**, the NJMC staff requests a five percent contingency for the contract in the amount of \$39,562.55.

**NOW, THEREFORE, BE IT RESOLVED** by the New Jersey Meadowlands Commission that \$524,505.00 is appropriated from the Transportation Planning District Fund for construction of the MASSTR project;

**NOW, BE IT FURTHER RESOLVED** by the New Jersey Meadowlands Commission that the Executive Director is hereby authorized to enter into a contract for the Phase Five Construction of the MASSTR project with Tiffany Electric Incorporated for a cost not to exceed \$830,813.55.

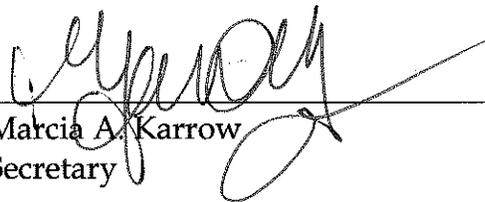
The foregoing Resolution was adopted by Commission vote.



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Richard E. Constable, III  
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of November 24, 2014.



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Marcia A. Karrow  
Secretary

Resolution No. 14-55

Motion\_\_Second\_\_Roll Call\_\_

# Memorandum

## New Jersey Meadowlands Commission



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

From: Sara J. Sundell

Date: November 24, 2014

Subject: Meadowlands Adaptive Signal System for Traffic Reduction (MASSTR) -  
Phase Five Construction Contract

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 MASSTR project by Resolution No. 10-85. Through the public bid process, costs over the five phases of the MASSTR project have come in at 4% above original 2010 estimates and, having received the final bids for the project, it is determined that an additional \$524,505 should be appropriated from the Transportation Planning District Fund; and

MASSTR requires three individual systems, which include adaptive traffic control, vehicle detection, and communication, and five phases of construction installation, the costs of which are reimbursable under the terms of the grant agreement that the NJMC executed with USDOT on March 2, 2011, as authorized by Resolution No. 10-84.

The scope of work for the Phase Five Construction contract for the MASSTR project includes the installation and wiring of vehicle detection units, installation of fiber optic cable, and installation of associated infrastructure for 22 of the 128 traffic signals included within the MASSTR project.

Plans and specifications for the Phase Five Construction contract were prepared and publically bid, with two bids received on November 5, 2014. Bids were received from Tiffany Electric Incorporated and HBC Company Incorporated in the amounts of \$791,251.00 and \$875,365.00 respectively.

Tiffany Electric Incorporated was the lowest responsible bidder with a bid in the amount of \$791,251.00. The NJMC staff review of the bid indicates that the bid is reasonable and proper.

The NJMC staff requests a five percent contingency for the contract in the amount of \$39,562.55 and that \$524,505.00 is appropriated from the Transportation Planning District Fund for construction of the MASSTR project.

At this time, the NJMC staff is requesting that the Commission authorize the Executive Director to enter into a contract for the Phase Five Construction of the MASSTR project with Tiffany Electric Incorporated for a cost not to exceed \$830,813.55.

A resolution requesting the same is attached for your consideration.

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR  
TO ENTER INTO A CONTRACT FOR THE  
CONSTRUCTION OF A FIBER-OPTIC CONNECTION 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 No. 10-85; and

**WHEREAS**, MASSTR requires three individual systems, which include adaptive traffic control, vehicle detection, and communication, and five phases of construction installation, the costs of which are reimbursable under the terms of the grant agreement that the NJMC executed with USDOT on March 2, 2011, as authorized by Resolution No. 10-84; and

**WHEREAS**, the scope of work for a Fiber-Optic Connection construction contract as part of the communication system for the MASSTR project includes the installation of fiber optic cable and conduits required to connect the MASSTR system to existing fiber-optic connections for the 128 traffic signals included within the MASSTR project; and

**WHEREAS**, plans and specifications for the Fiber-Optic Connection construction contract were prepared and publically bid, with four bids received on November 5, 2014; and

**WHEREAS**, bids were received from Orchard Holdings LLC, Tiffany Electric Incorporated, J & L Electrical and Communications Group Incorporated, and Beach Electric Company Incorporated in the amounts of \$1,094,195.00; \$1,096,171.00; \$1,392,141.00 and \$1,534,480.00 respectively.  
respectively; and

**WHEREAS**, Orchard Holdings LLC was the lowest responsible bidder with a bid in the amount of \$1,094,195.00; and

**WHEREAS**, the NJMC staff review of the lowest bid indicates that the bid is reasonable and proper; and

**WHEREAS**, the NJMC staff requests a five percent contingency for the contract in the amount of \$54,709.75.

**NOW, THEREFORE, BE IT RESOLVED** by the New Jersey Meadowlands Commission that the Executive Director is hereby authorized to enter into a contract for the Fiber-Optic Connection construction for the MASSTR project with Orchard Holdings LLC for a cost not to exceed \$1,148,904.75.

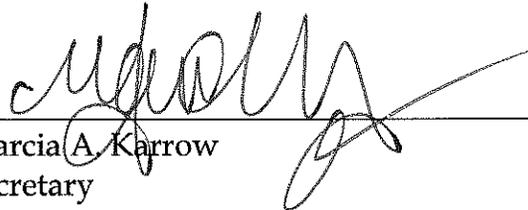
The foregoing Resolution was adopted by Commission vote.



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Richard E. Constable, III  
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of November 24, 2014.



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Marcia A. Karrow  
Secretary

Resolution No. 14-56

Motion\_\_Second\_\_Roll Call\_\_

# Memorandum

## New Jersey Meadowlands Commission



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

From: Sara J. Sundell

Date: November 24, 2014

Subject: Meadowlands Adaptive Signal System for Traffic Reduction (MASSTR) -  
Fiber-Optic Connection Construction Contract

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). The NJMC appropriated \$2,502,014 in matching funds by Resolution No. 10-85.

MASSTR requires three individual systems, which include adaptive traffic control, vehicle detection, and communication, and five phases of construction installation, the costs of which are reimbursable under the terms of the grant agreement that the NJMC executed with USDOT on March 2, 2011, as authorized by Resolution No. 10-84.

The scope of work for the Fiber-Optic Connection construction contract as part of the communications system for the MASSTR project includes the installation of fiber optic cable and conduits required to connect the MASSTR System to existing fiber-optic connections for the 128 traffic signals included within the MASSTR project.

Plans and specifications for the Fiber-Optic Connection construction contract were prepared and publically bid on November 5, 2014. Bids were received from Orchard Holdings LLC, Tiffany Electric Incorporated, J & L Electrical and Communications Group Incorporated, and Beach Electric Company Incorporated in the amounts of \$1,094,195.00; \$1,096,171.00; \$1,392,141.00 and \$1,534,480.00 respectively.

Orchard Holdings LLC was the lowest responsible bidder with a bid in the amount of \$1,094,195.00. The NJMC staff review of the bid indicates that the bid is reasonable and proper. A five percent (5%) contingency of \$54,709.75 is also requested for the contract.

At this time, the NJMC staff is requesting that the Commission authorize the Executive Director to enter into a contract for the Fiber-Optic Connection construction for the MASSTR project with Orchard Holdings LLC for a cost not to exceed \$1,148,904.75.

A resolution requesting the same is attached for your consideration.