

Board Meeting

Thursday, December 17, 2015



We Bring the World to New Jersey

AGENDA
REGULAR SESSION

Thursday, December 17, 2015 -10:00 a.m.
Two DeKorte Park Plaza, Lyndhurst, NJ

I. **APPROVAL OF MINUTES** - (Action)

- Approval of Regular Session Meeting Minutes of November 19, 2015

II. **PUBLIC PARTICIPATION ON RESOLUTIONS**

III. **APPROVALS** – (Action)

Cash Disbursements Approval and/or Ratification of Cash Disbursements over \$100,000 for November 2015.

Resolution 2015-66 Consideration of a Resolution designating the Borough of Carlstadt as the Redeveloper of the property identified as Block 124, Lots 1-5 in Carlstadt.

Resolution 2015-67 Consideration of a Resolution issuing a decision on the Use Variance application submitted as part of File No. 15-346 BCC/New Ambulance Parking/Training, Block 230, Lot 10.02 in Lyndhurst.

IV. **AWARDS AND CONTRACTS** (Action)

Resolution 2015-68 Consideration of a Resolution authorizing the President and CEO to enter into a MOU with the Town of Secaucus to undertake certain activities on property owned by NJSEA located at Block 203, Lot 40 and 40.01 in Secaucus.

V. **CHIEF EXECUTIVE OFFICER'S REPORT**

VI. **PUBLIC COMMENTS**

VII. **EXECUTIVE SESSION**

Resolution 2015-69 Resolution authorizing the New Jersey Sports and Exposition Authority to conduct a meeting, to which the general public shall not be admitted for the purposes of discussing legal matters, personnel matters and contract negotiations.

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



**REGULAR SESSION BOARD MEETING
November 19, 2015**

DATE: November 19, 2015
TIME: 10:00 a.m.
PLACE: 2 DeKorte Park Plaza - Lyndhurst, NJ
RE: **REGULAR SESSION MEETING MINUTES**

Members in Attendance:

Michael Ferguson, Chairman
Joseph Buckelew, Vice Chairman
Wayne Hasenbalg, Esq., President and Chief Executive Officer
John Ballantyne, Member (via phone)
Armando Fontoura, Member
Michael H. Gluck, Esq., Member
George Kolber, Member (via phone)
Steven Plofker, Member
Anthony Scardino, Member
Robert Yudin, Member
James Wooster, NJ State Treasurer's Representative

Absent:

Andrew Scala, Member
LeRoy Jones, Member

Also Attending:

Ralph J. Marra, Jr., Esq. Sr. Vice President, Chief of Legal and Regulatory Affairs
Christine Sanz, Sr. Vice President/Chief Operating Officer
Adam Levy, Vice President of Legal and Regulatory Affairs
John Duffy, Senior Vice President of Sports Complex Operations & Facilities
Helen Strus, Director of Marketing & Communications/External Affairs
Sara J. Sundell, Director, Land Use Management
Thomas Marturano, Director of Solid Waste & Natural Resources
Amy Herbold, Assistant Counsel, Governor's Authorities Unit
Christine Ferrante, Executive Assistant/Paralegal
Fred Dressel, HMMC

Chairman Ferguson called the meeting to order.

Chairman Ferguson stated that the New Jersey Sports and Exposition Authority gave notice of the time, place, and date of this meeting by providing such notice to the Secretary of State for the State of New Jersey, The Star-Ledger, The Record, and other newspapers and by posting the notice at the offices of the Authority.

I. APPROVAL OF MINUTES

Chairman Ferguson presented the minutes of the Regular Session Board Meeting held on October 22, 2015.

Upon motion made by Commissioner Plofker and seconded by Commissioner Scardino, the minutes of the Regular Session Board Meeting held on October 22, 2015, were unanimously approved by a vote of 11-0.

II. PUBLIC PARTICIPATING ON RESOLUTIONS –

- Jim Kirkos, CEO of Meadowlands Regional Chamber of Commerce spoke in favor of Resolution 2015-59.

III. APPROVALS

- Approval of Cash Disbursements Over \$100,000 and Professional Invoices

President Hasenbalg presented the report of cash disbursements over \$100,000 and Professional Invoices for the months of October 2015.

Upon motion by Commissioner Plofker and seconded by Commissioner Gluck, the cash disbursements over \$100,000 for the month of October 2015, were approved subject to the following recusals:

<u>Member</u>	<u>Recused as to</u>
Chairman Ferguson	PSE&G
Commissioner Jones	PSE&G
Commissioner Buckelew	Borough of Oceanport

Resolution 2015-57 Resolution adopting the 2015 New Jersey Sports and Exposition Authority Budget.

Mr. Povia explained Resolution 2015-62 to the commissioners.

Chairman Ferguson presented Resolution 2015-57. Upon motion by Commissioner Buckelew and seconded by Commissioner Yudin, proposed resolution 2015-57 was approved by a vote of 11-0.

Resolution 2015-58 Resolution adopting the 2016 New Jersey Sports and Exposition Authority Schedule of Meetings.

Chairman Ferguson presented Resolution 2015-58. Upon motion by Commissioner Wooster and seconded by Commissioner Yudin, proposed resolution 2015-58 was approved by a vote of 11-0.

Resolution 2015-59 Resolution approving procedures for the designation of Vital Projects within the District.

Mr. Levy explained Resolution 2015-62 to the commissioners.

Chairman Ferguson presented Resolution 2015-59. Upon motion by Commissioner Scardino and seconded by Commissioner Fontoura, proposed resolution 2015-59 was approved by a vote of 11-0.

Resolution 2015-60 Resolution adopting the New Jersey Sports and Exposition Authority Regulations at N.J.A.C. 19:3, 19:4, 19:5 and 19:7.

Ms. Sundell explained Resolution 2015-62 to the commissioners.

Chairman Ferguson presented Resolution 2015-59. Upon motion by Commissioner Plofker and seconded by Commissioner Scardino, proposed resolution 2015-60 was approved by a vote of 11-0.

Resolution 2015-61 Resolution regarding Tidelands Application for Secaucus Brownfields Redev LLC/15X Intermodal Parking – Variance/Site Improvements File No. 15-298 Block 7, Lot 4 in Secaucus

Ms. Sundell explained Resolution 2015-62 to the commissioners.

Chairman Ferguson presented Resolution 2015-61. Upon motion by Commissioner Scardino and seconded by Commissioner Gluck, proposed resolution 2015-61 was approved by a vote of 10-0 with President Hasenbalg recused.

IV. AWARDS/CONTRACTS

Resolution 2015-62 Resolution authorizing the President and CEO of the New Jersey Sports and Exposition Authority to enter into a contract for HVAC Systems Maintenance and Services.

Mr. Marturano explained Resolution 2015-62 to the commissioners.

Chairman Ferguson presented Resolution 2015-62. Upon motion by Commissioner Scardino and seconded by Commissioner Yudin, proposed resolution 2015-62 was approved by a vote of 11-0.

Resolution 2015-63 Resolution authorizing the selection of outside counsel for the Kingsland Real Estate Transaction.

Mr. Levy explained Resolution 2015-63 to the commissioners.

Chairman Ferguson presented Resolution 2015-63. Upon motion by Commissioner Fontoura and seconded by Commissioner Yudin, proposed resolution 2015-63 was approved by a vote of 11-0.

Resolution 2015-64 Resolution authorizing the purchase of a 2015 Ford E450 Medix Type III – 14 foot ambulance.

Mr. Duffy explained Resolution 2015-64 to the commissioners.

Chairman Ferguson presented Resolution 2015-64. Upon motion by Commissioner Buckelew and seconded by Commissioner Scardino, proposed resolution 2015-64 was approved by a vote of 11-0.

V. CEO REPORT

President Hasenbalg reported that the agency has accomplished many things since the merger bill 9 months ago. One being the adoption of the budget at today's meeting. In addition, during the past months, the agency has announced a partnership with Rutgers and MERI, has reopened the Observatory in partnership with Bergen Community College, developed guidelines for opt-out provisions, and implemented procedures for projects of vital importance to the region. Also, the agency has reached out to the business community to have conversations regarding how to stimulate economic growth. We have also listened to those urging the agency to continue to protect our natural resources and the entire Meadowlands District environment. The agency has worked cooperatively with mayors and the towns during this process.

President Hasenbalg announced that today's budget, which was not a casual undertaking and an extraordinary accomplishment, is projecting \$16 million in savings for taxpayers for the state fiscal year 2015 to current fiscal year 2016.

President Hasenbalg thanked the Board and staff during the merger. On behalf of the Board, Commissioner Plofker thanked President Hasenbalg and staff for their dedication. Chairman Ferguson also thanked staff and President Hasenbalg and went on to say that the combined team is a fantastic group of professionals.

VI. PUBLIC COMMENTS - None

VII. EXECUTIVE SESSION

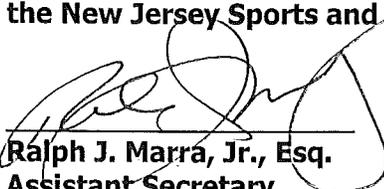
Chairman Ferguson stated a need for the Board to enter into Executive Session to discuss contractual matters and litigation matters.

Resolution 2015-65 Resolution authorizing the NJSEA to enter into a meeting to which the general public shall not be admitted to discussing legal matters, personnel matters and contract negotiations.

Upon motion made by Chairman Ferguson and seconded by Commissioner Plofker, Resolution 2015-56 was approved by a vote of 11-0.

Chairman Ferguson requested a motion to conclude the meeting. Upon motion made by Commissioner Scardino and seconded by Commissioner Gluck, the public meeting was adjourned by a vote of 11-0 at 11:15 a.m.

I certify that this is a true and accurate transcript of the Regular Session Minutes of the New Jersey Sports and Exposition Authority Board meeting of October 22, 2015.


Ralph J. Marra, Jr., Esq.
Assistant Secretary



CASH DISBURSEMENTS
\$100,000 OR MORE
NOVEMBER 2015

SPORTS COMPLEX

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
NRG BUSINESS SOLUTIONS	358,862.20	A	ELECTRICITY CHARGES: OCT 2015
PUBLIC SERVICE ELECTRIC & GAS	113,908.73	A	ELECTRIC TRANSMISSION: OCT 2015
SPORTS COMPLEX TOTAL	<u>472,770.93</u>		

OUTSTANDING PROFESSIONAL SERVICES
NOVEMBER 2015

SPORTS COMPLEX

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>DESCRIPTION</u>
GIBBONS P.C.	93,625.36	LEGAL SERVICES: GENERAL COUNSEL - NOV 2015
SPORTS COMPLEX TOTAL	<u>93,625.36</u>	



CASH DISBURSEMENTS
\$100,000 OR MORE
November 2015

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
WASTE MANAGEMENT OF NJ	\$474,697.14	A	OPERATIONS CONTRACT – KEEGAN LANDFILL- OCTOBER 2015



CASH DISBURSEMENTS
\$100,000 OR MORE

<u>REFERENCE LETTER</u>	<u>TYPE</u>
A	CONTRACT ON FILE
B	PURCHASE AWARDS - APPROVED AT MONTHLY BOARD MEETING
C	STATE REQUIREMENT FOR RACING
D	STATE VENDOR
E	SOLE SOURCE
F	APPOINTED BY RACING COMMISSION
G	ADVERTISED BID
H	EXECUTIVE DIRECTOR APPROVAL
I	STATUTORY PAYMENT
K	LOWEST PROPOSAL
L	REIMBURSABLE
M	OUTSTANDING PROFESSIONAL INVOICES APPROVED AT MONTHLY BOARD MEETING
N	PURCHASES ON BASIS OF EXIGENCY
*	PURCHASES DIRECT FROM SOURCE
	EXPENDITURE TO BE CHARGED TO MAINTENANCE RESERVE FUND

RESOLUTION 2015-66

**RESOLUTION DESIGNATING THE BOROUGH OF CARLSTADT
AS THE REDEVELOPER OF THE PROPERTY IDENTIFIED AS
BLOCK 124, LOTS 1, 2, 3, 4, AND 5
IN THE BOROUGH OF CARLSTADT, NEW JERSEY**

WHEREAS, the NJSEA has designated certain properties in the vicinity of Paterson Plank Road in the Boroughs of Carlstadt and East Rutherford as the Paterson Plank Road Redevelopment Area; and

WHEREAS, the Paterson Plank Road Redevelopment Plan, last revised December 19, 2012, provides for specific use and bulk requirements for properties within the redevelopment area; and

WHEREAS, the Borough of Carlstadt is the owner of Block 124, Lots 1, 2, 3, 4, and 5, in the Borough of Carlstadt, New Jersey, commonly known as the Scientific Chemical site, which is located within the Commercial Gateway Center of the Paterson Plank Road Redevelopment Area ; and

WHEREAS, the Scientific Chemical site has been designated a Superfund site by the United States Environmental Protection Agency (USEPA); and

WHEREAS, in a letter to the NJSEA, dated November 5, 2015, Hon. William Roseman, Mayor of Carlstadt, requested that the NJSEA designate the Borough of Carlstadt as the redeveloper of the Scientific Chemical site; and

WHEREAS, the NJSEA is authorized to designate a redeveloper pursuant to N.J.S.A. 5:10-23(g); and

WHEREAS, the Borough is investigating the potential utilization of the site for a solar energy generation system, which is a permitted use at the subject property pursuant to N.J.A.C. 19:4-5.2(b); and

WHEREAS, a stated purpose of the Paterson Plank Road Redevelopment Plan is to promote sustainable design and green technology within the redevelopment area; and

WHEREAS, the staff, therefore, recommends that the NJSEA Board of Commissioners designate the Borough of Carlstadt as the redeveloper of the property identified as Block 124, Lots 1, 2, 3, 4, and 5, in the Borough of Carlstadt, New Jersey.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the New Jersey Sports and Exposition Authority hereby designates the Borough of Carlstadt as the redeveloper of the property identified as Block 124, Lots 1, 2, 3, 4, and 5, in the Borough of Carlstadt, New Jersey.

ADOPTED: December 17, 2015



MEMORANDUM

To: NJSEA Commissioners and Wayne Hasenbalg, President/CEO

From: Sara Sundell

Date: December 17, 2015

Subject: Designation of Redeveloper for Block 124, Lots 1 through 5 in Borough of Carlstadt

In a letter to the New Jersey Sports & Exposition Authority (NJSEA), dated November 5, 2015, Hon. William Roseman, Mayor of Carlstadt, requested that the NJSEA designate the Borough of Carlstadt as the redeveloper of certain property located within the Paterson Plank Road Redevelopment Area.

The property, commonly known as the Scientific Chemical site, consists of Block 124, Lots 1, 2, 3, 4, and 5 in the Borough of Carlstadt, New Jersey. The Borough of Carlstadt is the owner of the subject property, which has been designated a Superfund site by the United States Environmental Protection Agency (USEPA). The Borough is investigating the potential utilization of the site for a solar energy generation system, which is a permitted use at the subject property pursuant to N.J.A.C. 19:4-5.2(b). Additionally, a stated purpose of the Paterson Plank Road Redevelopment Plan, last revised December 19, 2012, is to promote sustainable design and green technology within the redevelopment area.

The staff is, therefore, requesting that the NJSEA Board of Commissioners designate the Borough of Carlstadt as the redeveloper of the property at Block 124, Lots 1, 2, 3, 4, and 5, in the Borough of Carlstadt, New Jersey. A resolution requesting same is attached for your consideration.

RESOLUTION 2015 -67

**RESOLUTION ISSUING A DECISION ON THE
USE VARIANCE APPLICATION
SUBMITTED AS PART OF FILE NO. 15-346
BCC/NEW AMBULANCE PARKING/TRAINING - VARIANCE
BLOCK 230, Lot 10.02, IN THE TOWNSHIP OF LYNDHURST**

WHEREAS, an application for one use variance was filed with the New Jersey Sports & Exposition Authority (NJSEA) by William Corcoran of Bergen Community College, for the premises located at 1280 Wall Street West, identified as Block 230, Lot 10.02, in the Township of Lyndhurst, New Jersey; and

WHEREAS, the premises is located within the Hackensack Meadowlands District's Light Industrial A zone; and

WHEREAS, the use variance is sought in connection with the applicant's proposal to install an outdoor ambulance parking/training area on the subject premises; and

WHEREAS, the applicant requested relief from N.J.A.C. 19:4-5.3(a)2, which requires that all operations, activities, and storage shall be conducted within completely enclosed buildings, whereas an outdoor ambulance parking/training area is proposed on the subject premises; and

WHEREAS, notice of the requested use 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 NJSEA on October 20, 2015, 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, and Ronald Seelogy, P.E., P.P., Senior Engineer; and

WHEREAS, a comprehensive report, dated December 4, 2015, has been prepared indicating the recommendations of the Director of Land Use Management and the Senior Vice President, Legal & Regulatory Affairs, in this matter; and

WHEREAS, a copy of the recommendation and comprehensive report was provided to the applicant on December 7, 2015; and

WHEREAS, the report recommends the conditional approval of the requested use variance from N.J.A.C. 19:4-5.3(a)2, to install an outdoor ambulance parking/training area on the subject premises; and

WHEREAS, effective February 5, 2015, the New Jersey Meadowlands Commission has become part of the NJSEA; and

WHEREAS, the Board of Commissioners of the NJSEA 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 Senior Vice President, Legal & Regulatory Affairs, and the submissions of the applicant; and

WHEREAS, the Board of Commissioners concurs with the recommendations of the Director of Land Use Management and the Senior Vice President, Legal & Regulatory Affairs; and

WHEREAS, the Board of Commissioners hereby determines that the requested use variance to install an outdoor ambulance parking/training area on the subject premises conditionally conforms with the standards for approving applications of variances as set forth in N.J.A.C. 19:4-4.14(e).

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the BCC/New Ambulance Parking/Training - Variance application for one use variance to install an outdoor ambulance parking/training area on the subject premises is hereby **APPROVED WITH THE FOLLOWING CONDITIONS** for the reasons set forth in the recommendation dated December 4, 2015:

1. The ambulance parking/training area shall be limited to the parking of one ambulance associated with Bergen Community College's Paramedic Science Program and shall not be used for parking or loading of any other vehicles.

ADOPTED: December 17, 2015



MEMORANDUM

To: NJSEA Commissioners and Wayne Hasenbalg, President/CEO

From: Sara J. Sundell

Date: December 17, 2015

Subject: Variance Recommendation - BCC/New Ambulance Parking/Training -
Variance (File No. 15-346)

An application for one use variance was filed with the New Jersey Sports & Exposition Authority (NJSEA) by William Corcoran of Bergen Community College, for the premises located at 1280 Wall Street West, identified as Block 230, Lot 10.02, in the Township of Lyndhurst, New Jersey. Said premises is located within the District's Light Industrial A zone. The use variance is sought in connection with the applicant's proposal to install an outdoor ambulance parking/training area on the subject premises.

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

1. N.J.A.C. 19:4-5.3(a)2, which requires that all operations, activities, and storage shall be conducted within completely enclosed buildings. An outdoor ambulance parking/training area is proposed on the subject premises.

A public hearing on this matter was held in the Office of the NJSEA on October 20, 2015.

In a comprehensive report dated December 4, 2015, the Director of Land Use Management and the Senior Vice President, Legal & Regulatory Affairs, recommended the conditional approval of the use variance requested above. A copy of the comprehensive report and variance recommendation was provided to the applicant on December 7, 2015.

At this time, the Board of Commissioners 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

BCC/New Ambulance Parking/Training - Variance

FILE # 15-346

I. INTRODUCTION

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

An application for one use variance has been filed with the NJSEA by William Corcoran of Bergen Community College for the premises located at 1280 Wall Street West, identified as Block 230, Lot 10.02, in the Township of Lyndhurst, New Jersey. Said premises is located within the District's Light Industrial A zone. The use variance is sought in connection with the applicant's proposal to install an outdoor ambulance parking/training area on the subject premises.

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

1. N.J.A.C. 19:4-5.3(a)2, which requires that all operations, activities, and storage shall be conducted within completely enclosed buildings. An outdoor ambulance parking/training area is proposed on the subject premises.

Notice was given to the public and all interested parties as required by law. The public notice was published in The Record newspaper. No written objections were received. A public hearing was held in the NJSEA Offices on Tuesday, October 20, 2015. All information submitted to the Division of Land Use Management relative to this application is made part of the record of this recommendation.

II. GENERAL INFORMATION

A. Existing and Proposed Use

The subject property is a 6.09-acre parcel with frontage on Wall Street West to the north and Clay Avenue to the west. The site is currently improved with a five-story, 118,850-square-foot institutional use building with associated parking and is currently housing the Lyndhurst campus of Bergen Community College. There are no known easements on the subject property. Access to the site from Wall Street West and Clay Avenue will be maintained.

The proposed project involves construction of an outdoor ambulance parking/training area to be used by students of Bergen Community College's Paramedic Science Program. A concrete pad measuring approximately 36 feet by 49 feet will be installed for an ambulance parking/training area along the west side of the portion of the building that houses classrooms and an emergency simulation lab for the paramedic training program. A curb cut and driveway apron will be constructed to allow for vehicular access from the existing parking lot to the proposed ambulance parking/training area. The ambulance parking/training area will be located adjacent to the pedestrian entrance on the west side of the building. Electric and data cables hook-ups for the ambulance will provide heat during colder weather and protect the equipment located inside the vehicle. Lighting is proposed for the new ambulance parking/training area, which will be heavily screened from the adjacent right of ways by landscaping. The use variance is required in this instance as the District Zoning Regulations require that all operations and activities be conducted within completely enclosed buildings.

B. Response to the Public Notice

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

III. PUBLIC HEARING (October 20, 2015)

A public hearing was held on Tuesday, October 20, 2015. NJSEA 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; and Ronald Seelogy, P.E., P.P., 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:

<u>Number</u>	<u>Description</u>
A-1	"Partial Site Plan with Proposed Work and Partial Enlarged Plan," Drawing No. EX-1, prepared by RSC Architects, dated October 20, 2015.
A-2	"Interior and Exterior Existing Training Facility Photos," Drawing No. EX-2, prepared by RSC Architects, dated October 20, 2015.
A-3	"Existing Proposed Area and Proposed Area with Landscape Screening," Drawing No. EX-3, prepared by RSC Architects, dated October 20, 2015.
A-4	"Bergen Community College Additional Supporting Documents for Use Variance Request Before the New Jersey Sports & Exposition Authority," prepared by Robert P. Coane, R.A., NCARB, AIA, dated October, 2015.

B. Testimony

Ronald Gordon, Esq., of the firm, DeCotis, Fitzpatrick & Cole, represented Bergen Community College at the hearing. The following witnesses testified in support of the application:

1. John Capazzi, R.A., P.P., RSC Architects;
2. Professor Jennifer McCarthy, Bergen Community College; and
3. Robert P. Coane, R.A., NCARB, AIA, Bergen Community College.

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.

C. Public Comment

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

IV. RECOMMENDATION

A. Standards for the Granting of a Use Variance from the Provisions of N.J.A.C. 19:4-5.3(a)2, which requires that all operations, activities, and storage shall be conducted within completely enclosed buildings. The applicant is requesting a use variance to allow an outdoor ambulance parking/training area on the subject premises.

The NIMC Zoning Regulations at N.J.A.C. Section 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 use variances:

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

The strict application of these regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue

hardship upon, the property owner. The applicant testified that the proposed outdoor ambulance parking/training area is important to teach students of the Paramedic Science Program the skill sets required to perform their duties as licensed Emergency Medical Technicians (EMT) under realistic field conditions. The proposed outdoor ambulance parking/training area will be located adjacent to the portion of the building containing EMT classroom space and the emergency simulation lab. Expanding the existing institutional building to house the proposed ambulance parking/training area within an enclosed structure would require cost-inhibitive measures such as the installation of oil/water separators and heating and ventilation systems. Installation of a 36-foot by 49-foot ambulance parking/training area within the existing parking lot would result in the loss of on-site parking spaces and create possible pedestrian/vehicular circulation conflicts and would be less efficient as it would not be in close proximity to the EMT classroom space and simulation lab. The location of the proposed ambulance parking/training area relative to the existing parking lot renders it less conspicuous due to their close proximity to one another.

ii. 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 granting of the requested variance to allow an outdoor ambulance parking/training area 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. As a result of the installation of the concrete drop curb and apron adjacent to the parking lot drive aisle, the proposed ambulance parking/training area can be seen as an extension of the existing parking lot. The applicant provided testimony that only one ambulance will be parked in the proposed ambulance parking/training area at any one time. This recommendation includes a condition of approval limiting the use of the ambulance parking/training area to only one ambulance associated with the Paramedic Science Program, and prohibiting the area to be used for parking or loading of any other vehicles. There are no changes proposed to the existing on-site vehicular circulation patterns and parking, which are presently organized in an efficient and safe arrangement. The institutional use is inherently beneficial to the public health. Students of the Paramedic Science Program are from Bergen County and, upon graduation from the program, could serve the citizens of Bergen County as certified EMT's.

Potential negative aesthetic impacts to the surrounding properties will be avoided through proper site screening techniques. The applicant proposes to screen the proposed outdoor ambulance parking/training area by installing landscaping of a sufficient height around the perimeter of the concrete pad. The proposed ambulance parking/training area will be in use between the hours of 8 AM and 5 PM, and will not be a nuisance to the existing residential use located opposite the site to the north on Clay Avenue. The institutional use building itself visually screens the proposed ambulance parking/training area from the view of the residential building.

iii. *Adequate infrastructure, including storm and sanitary sewers, utilities, access roads, will be provided and shall be so designed to prevent and/or minimize negative impacts upon the existing infrastructure. In addition, the proposed use will not decrease the ability of said infrastructure to perform in a safe and efficient manner.*

The granting of the requested variance will not impact the existing utility infrastructure. As the site is located in a developed area, all required infrastructure, including electricity, sanitary and storm sewers, is currently in place. No alterations to the existing building are proposed; therefore, no increase in the volume of sanitary sewage is anticipated. Existing drainage patterns will be maintained. The proposed ambulance parking/training area will not decrease the ability of the existing infrastructure to perform in a safe and efficient manner. No significant impact to traffic in the surrounding area will result from this application.

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

The granting of the requested variance will not result in any adverse environmental impacts. District performance standards will not be exceeded for noise, vibration, glare, airborne emissions, hazardous or radioactive materials. The engine of the ambulance will not be running while student demonstrations are in progress. All equipment within the ambulance will be powered by a dedicated underground electrical line. No environmentally sensitive areas are proposed to be disturbed.

v. *The variance will not substantially impair the intent and purpose of these regulations.*

District Zoning Regulations require that all operations, activities and storage occur within completely enclosed buildings. One exclusion is off-street parking of empty, registered and operational vehicles. The ambulance, which will be registered and operational, will be parked on a concrete pad connected to the existing parking lot access drive by a concrete drop curb and apron. The location of the proposed ambulance parking/training area relative to the existing parking lot renders it less conspicuous due to their close proximity to one another.

Accordingly, the granting of the variance would not impair the intent and purpose of these regulations. Sufficient space will remain for the existing institutional use on site, while allowing Bergen Community College to provide necessary training for its Paramedic Science Program. The area allocated for the proposed ambulance parking/training area is appropriately located and does not conflict with vehicle circulation. Landscaped screening is proposed to counteract any negative visual and aesthetic effects of the ambulance parking/training area on the surrounding streets and properties.

vi. *The variance at the specified location will contribute to and promote the intent of the NJMC Master Plan.*

The District Zoning Regulations reflect the spirit and intent of the NJMC Master Plan and are the mechanism by which the policies

and principles of the NJMC Master Plan are implemented and enforced, in accordance with smart growth policies. The subject property is located within the District's Light Industrial A zone. Although outdoor operations, activities and storage are permitted in the Intermodal B and Heavy Industrial zones, they are not permitted in the Light Industrial A zone. However, the outdoor operation and type of storage associated with the proposed ambulance parking/training area is similar in nature to the nearby parking facilities. Also, the proposed use of the ambulance parking/training area meets the inherent intent of the permitted institutional use on site.

Due to the limited size and scope of the ambulance parking/training area proposed at the premises, the variance will not result in a substantial detriment to the planning goals of the NJMC Master Plan - one of those goals being support of the public health, safety and general welfare. Accordingly, the proposed ambulance parking/training area will contribute to and promote the intent of the NJMC Master Plan.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Use Variance from the Provisions of N.J.A.C. 19:27-5.3(a)2, which requires that all operations, activities, and storage shall be conducted within completely enclosed buildings. The applicant is requesting a use variance to allow an outdoor ambulance parking/training area on the subject premises.

Based on the record in this matter, the use variance application to permit an outdoor ambulance parking/training area on the subject properties is hereby recommended for APPROVAL SUBJECT TO THE FOLLOWING CONDITION:

1. The ambulance parking/training area shall be limited to the parking of one ambulance associated with Bergen Community College's Paramedic Science Program and shall not be used for parking or loading of any other vehicles.

CONDITIONAL APPROVAL 12-4-15
Recommendation on _____ Date _____
Use Variance Request Sara J. Sundell, P.E., P.P.
Director of Land Use Management

CONDITIONAL APPROVAL 12-7-15
Recommendation on _____ Date _____
Use Variance Request Ralph J. Matra, Jr.
Senior Vice President
Legal & Regulatory Affairs

RESOLUTION 2015-68

**RESOLUTION AUTHORIZING THE PRESIDENT AND CEO TO ENTER INTO A
MEMORANDUM OF UNDERSTANDING WITH THE TOWN OF SECAUCUS
TO UNDERTAKE CERTAIN ACTIVITIES ON PROPERTY OWNED BY THE NJSEA
LOCATED AT BLOCK 203, LOTS 40 AND 40.01 IN THE TOWN OF SECAUCUS**

WHEREAS, the Town of Secaucus and the New Jersey Sports and Exposition Authority ("NJSEA"), have come together to collaborate in an effort to increase open space and recreational opportunities throughout the Town of Secaucus; and

WHEREAS, the NJSEA and the Town of Secaucus have agreed to enter into a collaborative agreement in which the Town of Secaucus undertake certain activities on property owned by the NJSEA to increase open space and recreational opportunities and provide and improve access to the Secaucus Greenway; and

WHEREAS, the NJSEA and the Town of Secaucus desire to enter into a Memorandum of Understanding setting forth the responsibilities of each of the parties in this endeavor.

NOW, THEREFORE, BE IT RESOLVED by the New Jersey Sports and Exposition Authority that the President and CEO is authorized to execute an MOU with the following general terms and conditions, as well as other provisions necessary to effectuate the agreement, reviewed by counsel in the Attorney General's Office :

- (1) The NJSEA, as owner of the former Boulevard Tire Property located at the foot of Farm Road (more specifically identified on the Tax Map of the Town of Secaucus as Block 203, Lots 40 and 40.01), shall grant the Town of Secaucus access to undertake certain activities at the property for the general purpose of increasing open space and recreational opportunities and to provide and improve access to the Secaucus Greenway; and
- (2) The Town of Secaucus shall be exclusively responsible for constructing any improvements and all ongoing maintenance at the site during the term of this Memorandum of Understanding; and
- (3) No activities will be undertaken at the site, nor will any improvements be made to the site unless they conform with the Deed of Conservation Easement and any other restrictions, recorded or otherwise, relating to the property site and only after the Town of Secaucus obtains the prior written consent of NJSEA (which shall not be unreasonably withheld); and

- (4) The Town of Secaucus shall indemnify and hold the NJSEA harmless, and shall provide NJSEA with insurance coverage in an amount and form to be determined by the NJSEA CFO; and
- (5) The term of the MOU shall be for ten (10) years. The parties may agree to mutual extensions thereafter.
- (6) NJSEA may terminate this agreement at any time upon service on Secaucus of written notice giving at least 60 days written notice of such intention to terminate.

ADOPTED: December 17, 2015

RESOLUTION 2015-69

**RESOLUTION AUTHORIZING THE
NEW JERSEY SPORTS AND EXPOSITION AUTHORITY
TO CONDUCT A MEETING TO WHICH
THE GENERAL PUBLIC SHALL NOT BE ADMITTED**

BE IT RESOLVED by the New Jersey Sports and Exposition authority (“Authority”) that it shall conduct a meeting to which the general public shall not be admitted to discuss personnel matters, the status of pending and anticipated litigation and other matters within the attorney client privilege, contract negotiations, and, if necessary, to act upon pending contracts.

BE IT FURTHER RESOLVED that the time when such discussions may be disclosed to the public shall be when and as such disclosure may be made without adversely affecting the Authority’s pending and/or anticipated legal, personnel, contractual matters and other matters within the exceptions provided for by the statute.

ADOPTED: December 17, 2015