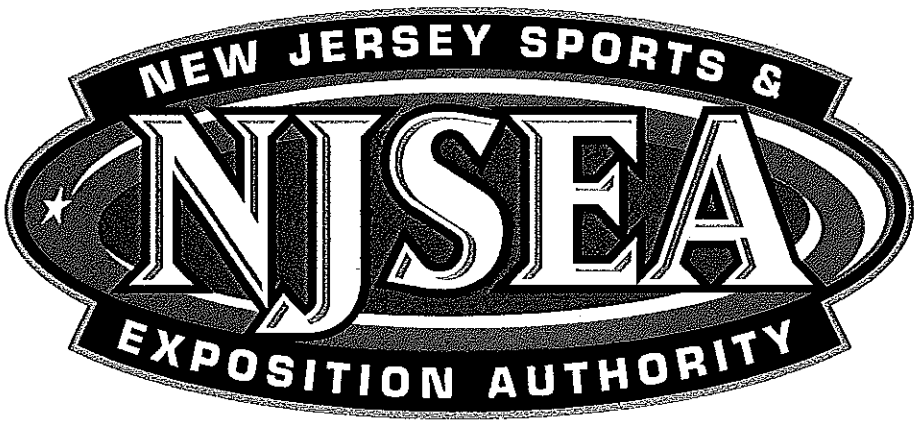


Board Meeting

Thursday, September 17, 2015

We Bring the World to New Jersey

NEW JERSEY SPORTS AND EXPOSITION AUTHORITY
AGENDA REGULAR SESSION
Thursday, September 17, 2015 -10:00 a.m.
Two DeKorte Park Plaza, Lyndhurst, NJ

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

Approval of Special Session Meeting Minutes from:
- August 5, 2015
- August 13, 2015

II. **PUBLIC PARTICIPATION ON RESOLUTIONS**

III. **APPROVALS** – (Action)

Cash Disbursements	Approval and/or Ratification of Cash Disbursements over $100,000 for the months of July 2015 and August 2015.
Resolution 2015-51	Consideration of a Resolution Issuing a Decision on the Bulk Variance Application Submitted as Part of File No. 15-219 Wonder Realty/Wonder Meats – Variance/Building Addition Block 120.01, Lot 6 in Carlstadt.
Resolution 2015-52	Consideration of a Resolution Issuing a Decision on the Special Exception and Bulk Variance Applications Submitted as Part of File No. 15-207 PSE&G/Bergen Switching Phase II – Special Exception and Variance Block 4014, Lot 4 in Ridgefield.

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

V. **PUBLIC COMMENTS**

VI. **EXECUTIVE SESSION**

Resolution 2015-53	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

SPECIALSESSION BOARD MEETING
Wednesday, August 5, 2015

DATE: August 5, 2015
TIME: 10:00 a.m.
PLACE: 2 DeKorte Park Plaza - Lyndhurst, NJ
RE: SPECIAL SESSION MEETING MINUTES

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

Absent:
LeRoy Jones, Member
Robert Yudin, Member

Also Attending:
Amy Herbold, Assistant Counsel, Governor's Authorities Unit
Ralph J. Marra, Jr., Esq. Sr. Vice President Legal and Governmental Affairs
Christine Sanz, Chief Operating Officer
Giuseppina Copa, Vice President IT
Adam Levy, Director of Legal Affairs
Helen Strus, Sr. Vice President Sales and Marketing
Sara Sundell, Director, Land Use Management
Dan Povia, Chief Financial Officer
Christine Ferrante, Executive Assistant/Paralegal

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 Board Meeting held on July 16, 2015.

Upon motion made by Commissioner Scardino and seconded by Commissioner Scala, the minutes of the Board Meeting held on July 16, 2015, were unanimously approved by a vote of 11-0.

II. PUBLIC PARTICIPATING ON RESOLUTIONS – None

III. APPROVALS

Resolution 2015-45 Resolution issuing a decision a decision on the Special Exception Application submitted as part of File No. 14-675 – Prologis/Teterboro Landing Phase 3 Special Exception Block 202, Lot 4.08 in the Borough of Teterboro

Ms. Sundell explained Resolution 2015-38 to the commissioners. Ms. Sundell, noted for the record, that the location listed as Little Ferry in the resolution has been corrected to read Teterboro. The original resolution will reflect this change.

Chairman Ferguson presented Resolution 2015-45. Upon motion by Commissioner Fontoura and seconded by Commissioner Scala, proposed resolution 2015-45 was approved by a vote of 11-0.

Resolution 2015-46 Resolution issuing a decision on the Variance application submitted as part of File No.14-464 MEPT Lincoln Crossing/2701 Route 3-Billboards Variances Block 451.05, Lot 14.011 in the Township of North Bergen and Block 155, Lot 6 in the Town of Secaucus.

Ms. Sundell explained Resolution 2015-46 to the Commissioners.
Commissioner Scardino asked about safety considerations. Ms. Sundell explained the applicant produced a study that the cone of vision was appropriate. Ms. Sundell also stated that DOT has signed off on the project.

Chairman Ferguson presented Resolution 2015-46. Upon motion by Commissioner Scardino and seconded by Commissioner Scala, proposed resolution 2015-46 was approved by a vote of 11-0.

Resolution 2015-47 Resolution regarding project of the Greater Wildwoods Tourism Improvement and Development Authority

Mr. Marra explained Resolution 2015-47 to the Commissioners.

Chairman Ferguson presented Resolution 2015-47. Upon motion by Commissioner Fontoura and seconded by Commissioner Ballantyne, proposed resolution 2015-47 was approved by a vote of 11-0.

IV. CEO REPORT - None

V. PUBLIC COMMENTS - None

VI. EXECUTIVE SESSION

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

Resolution 2015-48 Resolution authorizing the NJSEA to enter into a meeting to which the general public shall not be admitted for the purposes of discussing legal matters, personnel matters and contract negations.

Upon motion made by Commissioner Ballantyne, and seconded by Commissioner Scala, Resolution 2015-48 was approved by a vote of 11-0.

Executive Session commenced at 10:15 a.m.
Public Session resumed at 11:15 a.m.

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

I certify that this is a true and accurate transcript of the Regular Session Minutes of the New Jersey Sports and Exposition Authority Special Board meeting of August 5, 2015.

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

SPECIAL SESSION BOARD MEETING
Thursday, August 13, 2015

DATE: August 13, 2015
TIME: 10:00 a.m.
PLACE: 2 DeKorte Park Plaza - Lyndhurst, NJ
RE: SPECIAL SESSION MEETING MINUTES

Members in Attendance:
Michael Ferguson, Chairman (via phone)
Joseph Buckelew, Vice Chairman (via phone)
Wayne Hasenbalg, Esq., President and Chief Executive Officer
Steven Petrecca, NJ State Treasurer's Representative (via phone)
Armando Fontoura, Member
Michael H. Gluck, Esq., Member (via phone)
Anthony Scardino, Member
John Ballantyne, Member
Steven Plofker, Member
Andrew Scala, Member
Robert Yudin, Member
LeRoy Jones, Member

Absent:
George Kolber, Member

Also Attending:
Amy Herbold, Assistant Counsel, Governor's Authorities Unit
Ralph J. Marra, Jr., Esq. Sr. Vice President Legal and Governmental Affairs
Giuseppina Copa, Vice President IT
Adam Levy, Vice President Legal
Helen Strus, Sr. Vice President Sales and Marketing
Sara Sundell, Director, Land Use Management
Dan Povia, Chief Financial Officer
Christine Ferrante, Executive Assistant/Paralegal

President Hasenbalg called the meeting to order.

President Hasenbalg stated that on Tuesday morning adequate notice, including the agenda, was provided to the public.

President Hasenbalg stated that there will be a slight change in the normal meeting procedure.

I. PUBLIC COMMENT

- Lonnie Bedell, resident of South Hackensack.

II. EXECUTIVE SESSION

President Hasenbalg stated a need for the Board to enter into Executive Session to discuss personnel matters, contract negotiations, the status of pending and anticipated litigation and matters within the attorney-client privilege.

Resolution 2015-48A 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.

Upon motion made by Commissioner Fontoura, and seconded by Commissioner Ballantyne, Resolution 2015-48A was approved by a vote of 12-0.

Upon motion and second public session resumed.

President Hasenbalg noted that for each of the resolutions the public will have an opportunity to speak before a vote is taken.

Resolution 2015-49 Resolution approving the selection of special counsel.

President Hasenbalg explained the resolution to Commissioners.

Public Comment on Resolution 2015-49 – None

Upon motion made by Commissioner Plofker, and seconded by Commissioner Scala, Resolution 2015-49 was approved by a vote of 12-0.

Resolution 2015-50 Resolution of the NJSEA the sale and issuance of ERG Revenue Bonds of the Authority and authorizing and directing the authorized Authority Officials to approve, execute and deliver an Indenture of Trust, Bond Purchase Agreement, Purchase and Sale Agreement, Preliminary and Final Offering Documents and other actions in connection therewith; and authorizing further actions.

President Hasenbalg explained the resolution to Commissioners and introduced NJSEA Bond Counsel, Robert Tuteur who gave a presentation to the Board.

Public Comment on Resolution 2015-50

- Jim Kirkos, President/CEO of the Meadowlands Regional Chamber of Commerce spoke in favor of the resolution.
- David Lagas, Carpenter North East Region spoke in favor of the resolution
- Keith Cannizzo Elmwood Park resident and Union Carpenter spoke in favor of the resolution.
- Greg Timnitiras, Union Carpenter member spoke in favor of the resolution.
- George Schreck, Glenwood resident, member Local Union Carpenters spoke in favor of the resolution.
- Michael Pierce, Linden resident, Union Carpenter members spoke in favor of the resolution.
- Bob Satriano, Council representative Local Carpenter spoke in favor of the resolution.

Upon motion made by Commissioner Plofker, and seconded by Commissioner Scardino, Resolution 2015-50 was approved by a vote of 12-0.

President Hasenbalg requested a motion to conclude the meeting. Upon motion made by Commissioner Scardino and seconded by Commissioner Yudin, the public meeting was adjourned by a vote of 12-0.

I certify that this is a true and accurate transcript of the Special Session Minutes of the New Jersey Sports and Exposition Authority Special Board meeting of August 13, 2015.

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

CASH DISBURSEMENTS
$100,000 OR MORE

REFERENCE LETTER	TYPE
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

OUTSTANDING PROFESSIONAL SERVICES
JULY 2015 AND AUGUST 2015

SPORTS COMPLEX

PAYEE	$ AMOUNT	DESCRIPTION
GIBBONS, P.C.	274,268.87	LEGAL SERVICES: GENERAL COUNSEL - JULY 20115 - AUG 2015
SPORTS COMPLEX TOTAL	274,268.87	

CASH DISBURSEMENTS
$100,000 OR MORE
JULY 2015

PAYEE	$ AMOUNT	REFERENCE LETTER	ACCOUNT DESCRIPTION
NJ STATE HEALTH BENEFITS	$161,248.72	D	JULY 2015 HEALTH & PRESCRIPTION COVERAGE (EMPLOYEES)
	$ 35,945.16	D	JULY 2015 HEALTH & PRESCRIPTION COVERAGE (RETIREES)
	$197,193.88		
ORCHARD HOLDINGS, LLC	$256,701.24	A	RES #14-56 MASSTR FIBER OPTIC LINK/ POLICE TRAFFIC CONTROL MAY INVOICES
RAMAPO COLLEGE FOUNDATION	$250,000.00	A	REMAINDER OF 2015 FUNDING MEC OPERATIONS PER MOU DATED 12/31/2014
SIGNAL CONTROL PRODUCTS INC	$175,701.33	A	RES #11-54 MASSTER VEHICLE DETECTION SYSTEM PHASE 1-4 – JUNE INVOICE
WASTE MANAGEMENT OF NJ	$550,631.37	A	OPERATIONS CONTRACT – KEEGAN LANDFILL – JULY 2015

CASH DISBURSEMENTS
$100,000 OR MORE
JULY 2015

STADIUM

PAYEE	$ AMOUNT	REFERENCE LETTER	ACCOUNT DESCRIPTION
NEW MEADOWLANDS STADIUM CO., INC.	482,536.32	L	TICKET SALES FOL EVENTS: MAR 2015 - JUN 2015
STADIUM TOTAL	482,536.32		

SPORTS COMPLEX

PAYEE	$ AMOUNT	REFERENCE LETTER	ACCOUNT DESCRIPTION
MARSH U.S.A., INC. (SPORTS COMPLEX & WILDWOOD)	589,600.00	A	PROPERTY INSURANCE PREMIUM: JUN 2015 - JUN 2016
NEW JERSEY STATE POLICE	514,169.34	A	OVERTIME CHARGES: MAY 2015 - JUN 2015
NRG BUSINESS SOLUTIONS	338,207.19	A	ELECTRICITY CHARGES: MAY 2015
PUBLIC SERVICE ELECTRIC & GAS	174,216.28	A	ELECTRIC TRANSMISSION: JUN 2015
SPORTS ARENA EMPLOYEES RETIREMENT FUND LOCAL 137	234,185.01	A	PENSION WITHDRAWAL LIABILTY PAYMENT: 3RD QTR 2015
TREASURER, STATE OF NEW JERSEY	375,209.39	H	WORKERS' COMPENSATION: FISCAL YEAR 2015 4TH QTR
SPORTS COMPLEX TOTAL	2,225,587.21		

SPORTS COMPLEX PAYMENT IN LIEU OF TAXES

PAYEE	$ AMOUNT	REFERENCE LETTER	ACCOUNT DESCRIPTION
BOROUGH OF EAST RUTHERFORD	1,892,010.00	A	PAYMENT IN LIEU OF TAXES: 3RD QUARTER 2015
SC PILOT TOTAL	1,892,010.00		

MONMOUTH PARK RACETRACK PAYMENT IN LIEU OF TAXES

PAYEE	$ AMOUNT	REFERENCE LETTER	ACCOUNT DESCRIPTION
BOROUGH OF OCEANPORT	474,492.54	A	PAYMENT IN LIEU OF TAXES: 3RD QUARTER 2015
MP PILOT TOTAL	474,492.54		

CASH DISBURSEMENTS
$100,000 OR MORE
AUGUST 2015

PAYEE	$ AMOUNT	REFERENCE LETTER	ACCOUNT DESCRIPTION
NJ STATE HEALTH BENEFITS	$162,864.45	D	AUGUST 2015 HEALTH & PRESCRIPTION COVERAGE (EMPLOYEES)
	$ 39,412.82	D	AUGUST 2015 HEALTH & PRESCRIPTION COVERAGE (RETIREES)
	$202,277.27		
KEARNY MUNICIPAL UTILITIES AUTHORITY	$543,456.62	A	2ND QUARTER SEWER BILL- 1A, 1E AND KEEGAN LANDFILL
KEARNY, TOWN OF	$358,900.66	A	HOST COMMUNITY – KEEGAN LANDFILL APR-JUN 2015
ORCHARD HOLDINGS, LLC	$109,212.07	A	RES #14-56 MASSTR FIBER OPTIC CONNECTION JUNE INVOICE
PRIORE CONSTRUCTION SERVICES	$124,018.20	A	VISITORS' CENTER /WALKWAY RECONSTRUCTION
TAX SHARING PAYMENT TO TOWNS	$3,920,723.83	I	REMAINDER OF MAY AND FULL AUGUST CY2015 PAYMENT
WASTE MANAGEMENT OF NJ	$550,631.37	A	OPERATIONS CONTRACT – KEEGAN LANDFILL –JULY 2015

CASH DISBURSEMENTS
$100,000 OR MORE
AUGUST 2015

SPORTS COMPLEX

PAYEE	$ AMOUNT	REFERENCE LETTER	ACCOUNT DESCRIPTION
NRG BUSINESS SOLUTIONS	340,895.43	A	ELECTRICITY CHARGES: JUN 2015
PUBLIC SERVICE ELECTRIC & GAS	209,899.95	A	ELECTRIC TRANSMISSION: JUL 2015
SPORTS COMPLEX TOTAL	550,795.38		

MONMOUTH PARK RACETRACK MAINTENANCE RESERVE/CAPITAL

PAYEE	$ AMOUNT	REFERENCE LETTER	ACCOUNT DESCRIPTION
McCAULEY CONSTRUCTION CO., INC.	166,530.61	A	FIRE CODE RETROFIT PHASE III PROJECT
MPR MAINTENANCE TOTAL	166,530.61		

RESOLUTION 2015 -51

RESOLUTION ISSUING A DECISION ON THE BULK VARIANCE APPLICATION SUBMITTED AS PART OF FILE NO. 15-219 WONDER REALTY / WONDER MEATS – VARIANCE / BUILDING ADDITION BLOCK 120.01, LOT 6, IN THE BOROUGH OF CARLSTADT

WHEREAS, an application for a bulk variance was filed with the New Jersey Sports & Exposition Authority (NJSEA) by Wonder Realty Inc. for the premises identified as 15 Broad Street, Block 120.01, Lot 6, in the Borough of Carlstadt, New Jersey; and

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

WHEREAS, the variance is sought in connection with the applicant's proposal to construct a building addition on the subject property; and

WHEREAS, the applicant requested relief from N.J.A.C. 19:4-5.84(a)3ii, which requires a minimum side yard setback of 20 feet, whereas the applicant is proposing a building addition with a minimum setback of 17.2 feet from the easterly side lot line; and

WHEREAS, notice of the requested bulk 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 July 7, 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, Mia Petrou, P.P., AICP, Senior Planner, and Elizabeth Kenyon, P.E., Senior Engineer; and

WHEREAS, a comprehensive report dated September 3, 2015, has been prepared indicating the recommendations of the Director of Land Use Management and the Senior Vice President of Legal & Regulatory Affairs in this matter; and

WHEREAS, a copy of the recommendation and comprehensive report was provided to the applicant on September 3, 2015; and

WHEREAS, the report recommends the approval of the requested bulk variance from N.J.A.C. 19:4-5.84(a)3ii, to permit the construction of a building addition with a minimum setback of 17.2 feet from the easterly side lot line; 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 of Legal & Regulatory Affairs; and

WHEREAS, the Board of Commissioners hereby determines that the requested bulk variance to permit a building addition at a minimum setback of 17.2 feet from the easterly side lot line, 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 Wonder Realty/Wonder Meats - Variance/Building Addition application for one bulk variance to permit a building addition at a minimum setback of 17.2 feet from the easterly side lot line, is **APPROVED** for the reasons set forth in the recommendation dated September 3, 2015.

Adopted: September 17, 2015

MEMORANDUM

To: NJSEA Commissioners and President Wayne Hasenbalg

From: Sara J. Sundell *Date:* September 17, 2015

Subject: Variance Recommendation - Wonder Realty/Wonder Meats - Variance/ Building Addition (File No. 15-219)

An application for one bulk variance has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Wonder Realty, Inc. for the premises identified as 15 Broad Street, Block 120.01, Lot 6, in the Borough of Carlstadt, New Jersey. The subject premises is located in the Hackensack Meadowlands District's Light Industrial B zone.

The bulk variances are sought in connection with the applicant's proposal to construct a building addition on the subject property.

The applicant requested variance relief from the following:

1. N.J.A.C. 19:4-5.84(a)3ii, which requires a minimum side yard setback of 20 feet. The applicant is proposing a building addition with a minimum setback of 17.2 feet from the easterly side property line.

A public hearing was held in the Office of the NJSEA on Tuesday, July 7, 2015.

In a comprehensive report dated September 3, 2015, the Director of Land Use Management and the Senior Vice President, Legal & Regulatory Affairs recommended the approval of the bulk variance requested above. A copy of the comprehensive report including the variance recommendation was provided to the applicant on September 3, 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
Wonder Realty/Wonder Meats – Variance/Building Addition
FILE #15-219

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 bulk variance has been filed with the NJSEA by Wonder Realty Inc. for the premises identified as 15 Broad Street, Block 120.01, Lot 6, in the Borough of Carlstadt, New Jersey. Said premises are located within the Hackensack Meadowlands District's Light Industrial B zone. The variance is sought in connection with the applicant's proposal to construct a building addition.

Specifically, the applicant is requesting relief from the following:

1. N.J.A.C. 19:4-5.84(a)3ii, which requires a minimum side yard setback of 20 feet. The applicant is proposing a building addition with a minimum setback of 17.2 feet from the easterly side yard property line.

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 Office of the Commission on Tuesday, July 7, 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 property in question contains approximately 1.34 acres within the District's Light Industrial B zone. The property has an L-shaped configuration with frontage on Twentieth Street to the west and frontage on Broad Street to the north. Warehouse/distribution facilities are located to the south, west and north of the subject property and a light industrial facility is located to the east. The remainder of the surrounding area is primarily developed with similar warehousing and light industrial uses.

The subject property is currently developed with a 20,502-square-foot warehouse/distribution and manufacturing facility with associated parking. The structure is accessed via driveways on Twentieth Street and Broad Street.

Conditional Zoning Certificate, CZC-14-630, was issued on January 5, 2015, under File No. 14-630, Wonder Realty/Wonder Meats – Building Addition. CZC-14-630 approved a 2,247-square-foot building addition having a width of 20.6 feet, which did not encroach within the side yard setback. Based upon the final layout of the proposed freezer space within the addition, the architect later determined an additional 2.8 feet in width was required to accomodate a forklift's maneuvering of pallets within the addition.

As a result, a new application and a revised set of plans were submitted to the NJSEA under File No. 15-219, Wonder Realty/Wonder Meats – Variance-Building Addition. This new application proposes the construction of a 2,615-square-foot building addition along the eastern façade of the existing building, which encroaches 2.8 feet into the easterly side yard. An existing attached garage on the easterly side of the building is proposed to be demolished to accommodate the addition. The setback of the existing garage from the easterly side lot line is 19.6 feet, which is an existing non-conformity as it is less than the required 20-foot

side yard setback. The addition is proposed to be located 17.2 feet from the side lot line, which extends beyond the existing side yard setback non-conformity by 2.4 feet.

The proposed building addition will be utilized by the applicant for additional freezer storage of both raw meat products and finished products to allow the applicant's business to remain competitive in a safe and efficient manner. A 24-foot-wide building addition is required to accommodate the layout of the product pallets with an aisle width adequate for fork lift machinery to maneuver and load and unload the pallets within the freezer space.

B. Response to the Public Notice

No written comments or objections were submitted to the NJSEA regarding this application prior to the public hearing and no members of the public were present at the public hearing.

III. PUBLIC HEARING (July 7, 2015)

A public hearing was held on Tuesday, July 7, 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; 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	"Site Plan for a Proposed Building Addition," prepared by George D. Cascino, P.E., P.P., dated November 6, 2014, revised through May 29, 2015.
A-2	"Addition Floor Plan," prepared by Perley-Halladay Associates, Inc., dated January 23, 2015, revised through March 19, 2015.
A-3	"Aerial Photograph," dated July 7, 2015.
A-4	"Site Photograph," dated June 7, 2015.

B. Testimony

Thomas H. Bruinooge, Esq., of the firm, Bruinooge & Associates, represented Wonder Realty Inc. at the hearing. The following witness testified in support of the application:

1. Steve Realbuto, Applicant, Property and Business Owner
2. George D. Cascino, P.E., P.P., Cascino Engineering

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. N.J.A.C. 19:4-5.84(a)3ii, which requires a minimum side yard setback of 20 feet. The applicant is proposing a building addition with a minimum setback of 17.2 feet from the easterly side yard property line.

The District 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 to permit a building addition within the required 20-foot side yard setback arises from conditions that are unique to the site. The purpose of the proposed addition is to provide additional freezer storage space for raw and finished meat products to effectively sustain the applicant's business operations and remain competitive. The subject property is a corner lot and has two front yards, one along Twentieth Street to the east and one along Broad Street to the north. The property is L-shaped, with the larger rectangle having 298.50 feet of frontage along Twentieth Street and 200 feet of frontage along Broad Street. The smaller rectangle is located approximately 102.36 feet towards the southwest and is 74.35 feet wide. The smaller rectangle is comprised primarily of vegetated open space, which shall remain undisturbed.

The site is currently developed with a one-story 20,502-square-foot warehouse/distribution and manufacturing building and associated paved parking and site improvements. The existing building is located along the property's easterly and northerly front yard setbacks, with a setback of 35.2 feet from Twentieth Street and 34.9 feet from Broad Street. An existing attached garage, slated to be demolished, is approximately 19.6 feet from the easterly lot line, encroaching 0.4 feet within the easterly side yard setback. The majority of the car parking spaces and loading spaces are located towards the south of the building.

Due to the building's proximity to each of the property's front yards and the configuration of the existing parking area to the south, the easterly side yard is the only practical location for the addition. The proposed addition along the easterly building façade, which will replace an existing attached garage, will be located at a setback of 17.2 feet, effectively increasing the existing nonconforming side yard setback by 2.4 feet. The property is unique in that it is a corner property that is configured and improved in such a way that limits potential locations for a functional building addition without negatively affecting logistical functions of the site or encroaching within either of its front yard setbacks.

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

The granting of the requested variance to permit the proposed addition within the required 20-foot side yard setback will not adversely affect the rights of neighboring property owners or

residents. The site is located within a fully-developed industrial area. There are no residential uses within the immediate vicinity of the subject premises. The proposed setback of 17.2 feet, which is 2.4 feet greater than the existing building's preexisting nonconforming side yard setback of 19.6 feet, is required to accommodate a functional freezer storage addition.

Broad Street and the continuation of its right-of-way is a public street serving very few properties. The proposed addition is only visible from the extension of Broad Street and, as the last driveway on that street, it is seldom utilized by the public. Wonder Meats is one of the last properties at end of Twentieth Street. The proposed addition will not create any negative visual impacts to the neighboring properties or impede their ability to function as intended. The proposed addition will also decrease noise and emissions within the area by eliminating the applicant's need for the two existing freezer trucks.

The adjacent property to the east, identified as Block 120.01, Lot 5, would be the neighbor most directly impacted by the construction of the proposed addition. The applicant provided testimony that he discussed the proposed addition with his neighbor to the east who stated he had no opinion regarding the addition. The conditions on the adjoining property most proximate to the area of the proposed addition consist of open space and a building located 10 feet from the shared property line. The applicant's professional engineer, George Cascino, testified that adequate air and light will be maintained between structures and there will be no building code issues related to the proximity of the proposed addition to the

adjacent existing building. Therefore, the granting of the variance will not adversely affect the rights of neighboring property owners or residents.

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 that would require a minimum side yard setback of 20 feet along the easterly property line, whereas 17.2 feet is proposed, will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner. The property's existing conditions and building configuration present challenges in providing a conforming setback that accommodates the operational functionality of the addition while avoiding impacts to the site's existing parking and circulation. Alternative locations to construct the proposed addition are limited for several reasons, including the operational impracticality of constructing refrigeration and freezer storage areas on a second floor level.

The proposed addition is not practical along either the western or northern façades of the building because it would significantly encroach within the required front yards. Likewise, the addition is not practical on the southern façade of the existing building due to the existence of the parking area and loading docks, which are integral to the facility's operations.

As a result, the only feasible area of the site for the proposed freezer addition is along the building's eastern façade. Reducing the size of the proposed addition to comply with the side yard setback regulations would result in a proposed addition that would be operationally unfeasible. The applicant's professional engineer testified that a 24-foot-wide building addition is required to provide a functional layout of the product pallets and aisle width adequate for a forklift to maneuver within the freezer space. The strict application of the required 20-foot side yard setback would decrease the width of the proposed addition by 2.8 feet, which would in turn decrease the width of the aisle, thus preventing the equipment from operating and maneuvering the product pallets in a safe and effective manner. Without the bulk variance approval, Wonder Meats would not be able to store as many pallets and the loss of inventory would have a significant negative impact in meeting its business demands.

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.*

There will be no substantial detriment to the public good, and no adverse effects to the public health, safety, morals, order, convenience, prosperity or general welfare will result from the granting of the requested variance. The surrounding properties consist primarily of light industrial and warehouse and distribution uses. The applicant proposes to construct a 2,615-square-foot addition partially within the required 20-foot side yard on the easterly side of existing building.

There will be no changes to the current on-site vehicular circulation pattern. Access to the site will continue via two driveways from Broad Street on the northern side and Twentieth Street on the western side of the property. The proposed placement of the addition with a slight encroachment into the easterly side yard avoids potential safety impacts that a compliant building addition placed in areas currently used for on-site parking and circulation could engender.

In addition, excess noise, odor, vibration, or glare will not be generated as a result of the proposed building addition and adequate light, air, and open space will continue to be supplied.

Therefore, the placement of the building addition within the easterly side yard, as proposed, will have no adverse impact on public safety, health, morals, order, convenience, prosperity or general welfare.

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

The granting of the requested variance to permit the construction of a 2,615-square-foot building addition within the required 20-foot side yard will not have any adverse environmental impacts. The location of the proposed addition within the required side yard will not violate the NJSEA performance standards regarding noise, vibrations, airborne emissions, hazardous materials, glare or water quality. In fact, the proposed addition will decrease noise and emissions within the area by eliminating the two existing freezer

trucks currently utilitzed by the appliacant. The improved site will provide 32.4 percent open space, well above the 15 percent minimum open space requirement of the Light Industrial B zone. Additionally, no environmentally sensitive areas will be disturbed by the construction of the proposed addition and a drainage pattern similar to existing conditions will be maintained.

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

The requested variance represents the minimum deviation from the regulations that will afford relief. The proposed addition will be constructed on a fully-developed corner lot with two front yards. Potential locations to provide a functional addition without altering the safe operation and layout of the warehouse/distribution facility are limited due to the location and configuration of the existing building on the site. The addition as proposed maintains the existing paved areas, which are necessary to maintain on-site parking, circulation and maneuvering.

Due to the particular characteristics of the property, and the operational requirements of the fork lifts utilized for the movement of the pallets within the proposed freezer space, the addition cannot be constructed in a feasible, functional manner if the required minimum 20-foot side yard setback were applied.

The total proposed lot coverage of 34.6 percent is in substantial compliance with the zone's maximum lot coverage of 50 percent. The area of the proposed addition represents a minor 2.6 percent

increase in the site's existing lot coverage. The improved site will provide 32.4 percent open space, well in compliance with the zone's 15 percent minimum open space requirement. Compliance with the lot coverage and open space requirements is an indication that the property will not be overdeveloped.

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

The requested variance to permit the construction of a 2,615-square-foot building addition within the required 20-foot side yard setback will not impair the intent and purpose of the regulations. Specific purposes of the District zoning regulations include providing sufficient space in appropriate locations for a variety of uses, and ensuring that such uses are suitably sited and placed in order to relate buildings and uses to each other and to the environment so that aesthetic and use values are maximized. As the proposed variance will allow for the renovation of an existing warehouse and manufacturing facility, with a small expansion in floor area to accommodate the storage requirements of a successful growing business, the granting of the variance will promote orderly and comprehensive development in accordance with good planning principles that relate the type, design and layout of such development to both the particular site and surrounding environment.

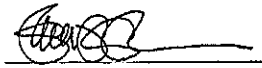
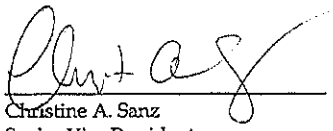
Although the proposed addition will be located within the required side yard setback, it will have a minimal visual impact to the surrounding industrial area. Furthermore, the proposed addition

will promote the overall logistical functionality of the site. In balancing the side yard setback requirements with the particular characteristics of the site and the neighborhood in which it is located, the proposed variance can be granted with no substantial detriment to the intent and purpose of the District zoning regulations. Further, the granting of the requested variance will contribute to and promote this intent and purpose of the regulations by allowing the site to be developed and utilized in a safe, orderly, and efficient manner.

V. SUMMARY OF CONCLUSIONS

A. **N.J.A.C. 19:4-5.84(a)3ii, which requires a minimum side yard setback of 20 feet. The applicant is proposing a building addition with a minimum setback of 17.2 feet from the easterly side yard property line.**

Based on the record in this matter, the bulk variance application to permit the construction of a building addition within the required side yard, whereas a minimum side yard setback of 20 feet is required, is hereby recommended for APPROVAL.

APPROVAL	9/3/15	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management
Approval	9/3/15	
Recommendation on Variance Request	Date	Christine A. Sanz Senior Vice President Chief Operating Officer

RESOLUTION - 2015 -52

RESOLUTION ISSUING A DECISION ON THE SPECIAL EXCEPTION & BULK VARIANCE APPLICATIONS SUBMITTED AS PART OFFILE NO. 15-207 PSE&G/BERGEN SWITCHING PHASE II - SPECIAL EXCEPTION & VARIANCE BLOCK 4014, LOT 4, IN THE BOROUGH OF RIDGEFIELD

WHEREAS, an application for one special exception and two bulk variances was filed with the New Jersey Sports & Exposition Authority (NJSEA) by Raymond A. Tripodi, P.E., P.P., P.M.P. of PSE&G, for the premises identified as Block 4014, Lot 4, in the Borough of Ridgefield, New Jersey; and

WHEREAS, the premises is located within the Hackensack Meadowlands District's Public Utilities, Environmental Conservation and Light Industrial B zones; and

WHEREAS, the special exception is sought in connection with the applicant's proposal to install an electric transmission tower on the portion of the subject premises located in the Environmental Conservation zone; and

WHEREAS, the applicant is requesting special exception approval pursuant to N.J.A.C. 19:4-5.10(a)2, where an electric transmission tower is listed as a special exception use in the Environmental Conservation zone; and

WHEREAS, the variances are sought in connection with the applicant's proposal to install new public utility processing equipment and fencing on the zone portion of the subject premises located in the Light Industrial B zone; and

WHEREAS, the applicant requested relief from N.J.A.C. 19:4-5.84(a)3i, which requires a minimum front yard setback of 35 feet, whereas the applicant is proposing a setback of 31.9 feet to an equipment foundation located within the required front yard facing Hendricks Causeway on the Light Industrial B zone portion of the subject premises; and

WHEREAS, the applicant has also requested relief from N.J.A.C. 19:4-8.10(a)1, which prohibits fences or walls in excess of 24 inches in height in required front yards, whereas the applicant is proposing an eight-foot fence within the required front yard facing Hendricks Causeway on the Light Industrial B zone portion of the subject premises; and

WHEREAS, notice of the requested bulk variance relief and special exception application 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 June 30, 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, Mia Petrou, P.P., AICP, Senior Planner and Ronald Seelogy, P.E., P.P., Senior Engineer; and

WHEREAS, a comprehensive report dated September 3, 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 September 4, 2015; and

WHEREAS, the report recommends the approval of the requested special exception application to construct an electric transmission tower on the portion of the subject premises located in the Environmental Conservation zone; and

WHEREAS, the report recommends the approval of the requested bulk variance from N.J.A.C. 19:4-5.84(a)3i, to construct an equipment foundation, on the portion of the subject premises located in the Light Industrial B zone, within the required front yard facing Hendricks Causeway at a minimum setback of 31.9 feet; and

WHEREAS, the report also recommends the approval of the requested bulk variance from N.J.A.C. 19:4-8.10(a)1, to construct an eight-foot fence, on the portion of the subject premises located in the Light Industrial B zone, within the required front yard facing Hendricks Causeway, with a minimum setback of 10 feet from the front property line; 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 special exception application to construct an electric transmission tower on the portion of the subject premises located in the Environmental

Conservation zone does conform with the standards for approving applications of special exceptions as set forth in N.J.A.C. 19:4-4.13(e); and

WHEREAS, the Board of Commissioners hereby determines that the requested bulk variance to construct an equipment foundation within the required front yard facing Hendricks Causeway at a minimum setback of 31.9 feet does conform with the standards for approving applications of variances as set forth in N.J.A.C. 19:4-4.14(e); and

WHEREAS, the Board of Commissioners also hereby determines that the requested bulk variance to construct an eight-foot fence within the required front yard facing Hendricks Causeway, with a minimum setback of 10 feet from the front property line, does conform 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 PSE&G/Bergen Switching Phase II - Special Exception & Variance special exception application for one special exception to construct an electric transmission tower on the Environmental Conservation zone portion of the subject premises, is hereby **APPROVED** for the reasons set forth in the September 3, 2015, recommendation; and

BE IT FURTHER RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the PSE&G/Bergen Switching Phase II - Special Exception & Variance application for one bulk variance to construct an equipment foundation within the required front yard facing Hendricks Causeway at a minimum setback of 31.9 feet, is hereby **APPROVED** for the reasons set forth in the September 3, 2015, recommendation; and

BE IT FURTHER RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the PSE&G/Bergen Switching Phase II - Special Exception & Variance application for one bulk variance to construct an eight-foot fence within the required front yard facing Hendricks Causeway, with a minimum setback of 10 feet from the front property line, is hereby **APPROVED** for the reasons set forth in the September 3, 2015, recommendation.

Adopted: September 17, 2015

MEMORANDUM

To: NJSEA Board Member and President Wayne Hasenbalg

From: Sara J. Sundell *Date:* September 17, 2015

Subject: Special Exception & Variance Recommendation: PSE&G/Bergen Switching Phase II - Special Exception & Variance

An application for one special exception and two bulk variances was filed with the New Jersey Sports & Exposition Authority (NJSEA) by Raymond A. Tripodi, P.E., P.P., P.M.P. of PSE&G, for the premises identified as Block 4014, Lot 4, in the Borough of Ridgefield, New Jersey. Said premises is located within the District's Public Utilities, Environmental Conservation and Light Industrial B zones. The special exception is sought in connection with the applicant's proposal to install an electric transmission tower on the portion of the subject premises located in the Environmental Conservation zone. The two bulk variances are sought in connection with the applicant's proposal to install new public utility processing equipment and fencing on the portion of the subject premises located in the Light Industrial B zone.

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

1. In accordance with N.J.A.C. 19:4-5.10(a)2, an electric transmission tower is listed as a special exception use in the Environmental Conservation zone.

The applicant is also requesting variance relief from the following:

2. N.J.A.C. 19:4-5.84(a)3i, which requires a minimum front yard setback of 35 feet. The applicant is proposing a setback of 31.9 feet to an equipment foundation located within the required front yard facing Hendricks Causeway on the Light Industrial B zone portion of the subject premises.

3. N.J.A.C. 19:4-8.10(a)1, which prohibits fences or walls in excess of 24 inches in height in required front yards. An eight-foot fence is proposed

in the required front yard facing Hendricks Causeway, with a minimum setback of 10 feet from the front property line, on the Light Industrial B zone portion of the subject premises.

A public hearing on this matter was held in the Office of the NJSEA on June 30, 2015.

In a comprehensive report dated September 3, 2015, the Director of Land Use Management and the Senior Vice President, Legal & Regulatory Affairs, recommended the approval of the special exception requested in Item 1 above and the approval of the bulk variances requested in Items 2 and 3 above. A copy of the comprehensive report and variance recommendation was provided to the applicant on September 4, 2015.

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

RECOMMENDATION ON THE
SPECIAL EXCEPTION & VARIANCE APPLICATION OF
PSE&G/Bergen Switching Phase II - Special Exception & Variance
FILE # 15-207

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 special exception and two bulk variances has been filed with the NJSEA by Raymond A. Tripodi of Public Service Electric and Gas Company (PSE&G) for the premises located along Hendricks Causeway identified as Block 4014, Lot 4, in the Borough of Ridgefield, New Jersey. Said premises is located within the Hackensack Meadowlands District's (District) Public Utilities, Environmental Conservation, and Light Industrial B zones. The special exception is sought in connection with the applicant's proposal to install an electric transmission tower on the portion of the subject premises zoned Environmental Conservation. The two variances are sought in connection with the applicant's proposal to install new public utility processing equipment and a fence on the Light Industrial B zone portion of the subject premises.

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

1. N.J.A.C. 19:4-5.10(a)2: an electric transmission tower is listed as a special exception use in the Environmental Conservation zone.

In addition, the applicant is requesting variance relief from the following:

1. N.J.A.C. 19:4-5.84(a)3i, which requires a minimum front yard setback of 35 feet. The applicant is proposing a setback of 31.9 feet to an equipment foundation located within the required front yard facing Hendricks Causeway on the portion of the subject premises zoned Light Industrial B.
2. N.J.A.C. 19:4-8.10(a)1, which prohibits fences or walls in excess of 24 inches in height in required front yards. An eight-foot-high fence is proposed in the required front yard facing Hendricks Causeway on the portion of the subject premises zoned Light Industrial B.

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, June 30, 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 78.24-acre parcel with frontage on Hendricks Causeway to the north and Victoria Terrace to the west. The site is currently improved with an electrical switching station and electric transmission towers with overhead wiring. The subject property is located in three zones within the District: Public Utilities, Environmental Conservation and Light Industrial B. The substation is located on the portions of the site within the Public Utilities and Light Industrial B zones, adjacent to Hendricks Causeway. Gravel covers most of the surface area within the substation. Approximately 60 acres of the site is located in the Environmental Conservation zone and consists of wetlands. Bellman's Creek traverses this portion of the property from west to east. Several electric transmission towers with overhead wiring are located throughout the entire site.

The proposed project involves utility improvements required by PJM Interconnection LLC (PJM), the regional transmission authority for the northeastern United States that evaluates systems to ensure that the power demands and power capacity within the transmission system are sufficient. The proposed switching station upgrade project is part of an overall transmission corridor upgrade between the PSE&G Bergen Switching Station in Ridgefield and the PSE&G Linden Switching Station in Linden. The existing Bergen Switching Station was built in the 1950's and currently serves approximately 47,000 customers. The upgrades are required to be in service by June 2016. The agencies that govern electric transmission requirements, including the Federal Energy Regulatory Commission (FERC) and PJM, may issue violations if the upgrades are not completed.

The applicant is proposing to install an electric transmission tower on the portion of the subject premises within the Environmental Conservation zone. The two bulk variances are sought in connection with the applicant's proposal to install new public utility processing equipment and a fence on the portion of the subject premises located within the Light Industrial B zone.

B. Response to the Public Notice

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

III. PUBLIC HEARING (June 30, 2015)

A public hearing was held on Tuesday, June 30, 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; Mia Petrou, P.P., AICP, Senior Planner; 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:

Number	Description
A-1	"Site Plan," two sheets, prepared by PSEG Services Corporation, dated September 16, 2014, revised through June 17, 2015.
A-2	"Picket Fence (Typical)," undated.

B. Testimony

Thomas J. Trautner, Jr., Esq., of the firm Chiesa, Shahinian & Giantomasi, PC, represented PSE&G at the hearing. The following witnesses testified in support of the application:

1. Micheal Percarpio, Senior Project Manager, PSE&G;
2. Bradley Johnson, P.E., Black and Veatch; and
3. Raymond Tripodi, P.E., P.P., P.M.P., PSE&G.

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(S)

A. Standards for the Granting of a Special Exception to permit an electric transmission tower in the Environmental Conservation zone as per N.J.A.C. 19:4-5.10(a)2.

The Hackensack Meadowlands District Zoning Regulations at N.J.A.C. 19:4-4.13(c) 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 granting of the requested special exception to permit the installation of an electric transmission tower on the portion of the subject premises located in the Environmental Conservation zone will contribute to and promote the welfare and convenience of the public. The proposed improvements will be consistent with the character of the existing development on the portion of the site within the Public Utilities and Light Industrial B zones, which contain the existing switching station. All relevant District performance standards as enumerated at N.J.A.C. 19:4-7 will be met. The general welfare and convenience of the public will benefit from an expanded switching station as it will allow PSE&G to meet increased demand for electricity, an essential public commodity, in the region.

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

   The proposed electric transmission tower will be compatible with the surrounding land uses and will not cause substantial injury to the value of other properties in the neighborhood. The subject property is very large in comparison to its neighbors, and its large size provides sufficient area to accommodate the proposed improvement while providing adequate distance to neighboring properties. The area in which the subject property is located consists primarily of heavy industrial uses. A privately-owned electrical substation is situated to the east of the site.

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

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

   The location and size of the proposed electric transmission tower in the Environmental Conservation zone portion of the property will not dominate the immediate area or neighborhood as to prevent development in accordance with District zoning regulations. The proposed tower is similar in nature and arrangement to the existing towers on the site, as well as to the two proposed towers proposed on the Public Utilities portion of the property, and represent an expansion of an existing use on the site. The tower is proposed to be installed in a location providing sufficient distance from the public right-of-way and neighboring properties as to not be visually intrusive to employees at other facilities in the

neighborhood. The tower will not be particularly distinguishable from other electric transmission towers in the surrounding area.

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

While the proposed improvements represent an increased capacity in electric power transmission, the proposed electric transmission tower will be unmanned, requiring only occasional visits by PSE&G personnel for maintenance purposes. This low intensity use will have no detrimental effects on the surrounding properties.

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

The location of the proposed electric transmission tower on the subject premises is accessible from Hendricks Causeway through the internal roadway network within the existing switching station. The installation of the proposed electric transmission tower will not impact access and circulation on Hendricks Causeway. Although there are no full-time employees on site, there is adequate area available for parking for maintenance personnel. Existing site access points and on-site circulation routes will remain as existing and are adequate to serve the proposed electric transmission tower. Therefore, the proposed special exception will not dominate the neighborhood or impact the use of surrounding properties.

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

The location, nature, and height of the proposed electric transmission tower in the portion of the property zoned Environmental Conservation will not dominate the surrounding area. The electric transmission tower has been designed to the required height to accommodate the electric transmission operations and connections to other improvements. Proposed perimeter security fencing will be installed as a continuation of the existing fence line along Hendricks Causeway and will be of the same height and material as the existing security fence.

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

The site is presently well-maintained and landscaped in an appropriate manner. Due to the distance of the proposed electric transmission tower from neighboring properties and adjacent public right of ways, no new landscaping or screening will be required.

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

The requested special exception on the subject premises will not detrimentally impact the existing utility infrastructure. Rather, the proposed transmission tower will upgrade electrical service to the region. The subject property is currently developed with an electric switching station and contains all required utilities. The site will continue to function as it exists, since PSE&G currently operates an electric switching station at this location. The proposed electric transmission tower will not affect the ability of the existing on-site

drainage system to perform in a safe and efficient manner. Additionally, the existing utility infrastructure, including electric, water, sanitary sewer and gas, is adequate to meet the requirements of the uses on site.

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

The neighborhood's existing roadway network can satisfactorily support the proposed electric transmission tower. Access to the switching station will be from a series of existing driveways on Hendricks Causeway that lead into the existing switching station. The proposed electric transmission tower will not impact site circulation, nor will it cause any additional congestion in the area.

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

The granting of the requested special exception to permit the installation of the electric transmission tower on the portion of the subject premises in the Environmental Conservation zone will not result in any substantial environmental impacts. Although installation of the transmission tower requires the disturbance of wetlands, the footprint of the disturbance is minimal. PSE&G has submitted applications to both the Army Corps of Engineers and the NJDEP, who have jurisdiction over wetlands disturbances, for required permits, including Federal Consistency and Water Quality Certifications. District environmental performance standards will be met for noise, vibration, glare, air emissions and hazardous and radioactive materials.

B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.84(a)3i, which requires a minimum front yard setback of 35 feet. The applicant is proposing a setback of 31.9 feet to an equipment foundation located within the required front yard facing Hendricks Causeway on the Light Industrial B zone portion of the subject premises.

The Hackensack Meadowlands District 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 subject property consists of approximately 78.24 acres and is located in the District's Environmental Conservation, Public Utilities and Light Industrial B zones. Nearly 80 percent of the site is located within the Environmental Conservation zone and is comprised primarily of wetlands. Upland portions of the subject property are currently improved with an existing electric switching station, including a GIS Hall and electrical equipment. Multiple driveways provide access to the site from Hendricks Causeway.

The expansion project is required as part of a regional resiliency initiative to upgrade existing energy infrastructure. As part of the upgrade, the applicant proposes a concrete foundation for new electrical equipment at a minimum setback of 31.9 feet measured

from the northerly property line abutting Hendricks Causeway. The placement and configuration of the proposed electrical equipment on the site is dictated by the predominant presence of wetlands, the location of the existing electrical equipment and the regulatory requirements of the National Electric Safety Code (NESC) to maintain certain clearances between equipment structures. Therefore, the variance requested arises from conditions that are unique to the property in question and were not created by any action of the property owner.

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

The concrete electrical equipment foundation is proposed to be located 31.9 feet from the northerly property line along Hendricks Causeway. As the portion of the concrete foundation that extends 3.1 feet into the front yard is only five (5) feet wide in comparison to the property frontage that is hundreds of feet long, no adverse visual impacts are anticipated. Existing site and maintenance operations will be maintained at their present levels. The site is an unmanned electrical switching station that requires only occasional visits by PSE&G personnel.

The proposed variance will not impact the ability of neighboring properties to function as intended. Rather, the proposed improvements will promote energy resiliency, which will benefit area energy customers. In addition, there are no residences in the general vicinity of the site. Therefore, the granting of the requested

variance will not adversely affect the rights of neighboring property owners or residents.

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 minimum front yard setback requirement of 35 feet on the subject property will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner. If the variance was not granted to permit the installation of the electrical processing equipment foundation, PSE&G would not be able to expand its existing electrical switching station at this location. The switching station must be expanded to meet an increase in demand for electricity in the region. The existing switching station is located in portions of the property located in the Environmental Conservation, Public Utilities and Light Industrial B zones. In order to minimize impacts to the portions of the property located in the Environmental Conservation zone and the existence of the electrical switching station on the Public Utilities zone portion of the subject premises, it was demonstrated that the only suitable area for the proposed facility expansion is on the Light Industrial B zone portion of the property in the front yard facing Hendricks Causeway.

The location of new electrical equipment on site is constrained by the presence of existing improvements whose function must be maintained as they are upgraded, as well as regulatory

requirements of the NESC to maintain certain clearances between equipment structures. Therefore, the existing site conditions present exceptional practical difficulties in the ability to comply with the front yard setback requirements.

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.

Approval of the requested variance to permit a 31.9-foot front yard setback, whereas a minimum front yard setback of 35 feet is required, 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 proposed switching station upgrades will promote the general welfare through the improvement of power capacity to the public customers of PSE&G that are served by this switching station. The proposed improvements will blend in with the character of the existing switching station. As the portion of the concrete foundation that extends 3.1 feet into the front yard is only five (5) feet wide, no adverse visual impacts are anticipated. All relevant District performance standards as enumerated in N.J.A.C. 19:4-7 will be met.

The electric switching station is an unmanned facility and requires only periodic maintenance by PSE&G personnel. Therefore, it is anticipated that traffic levels will not differ from those of the existing operations at the site. Due to the abundant presence of wetlands on the subject property and the location of the existing

electrical processing equipment, it is not possible to maintain a 35-foot front yard setback for a small, five-foot wide section of the required concrete foundation structure.

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

The granting of the requested variance to permit a minimum front yard setback of 31.9 feet, whereas a minimum setback of 35 feet is required, will not have a substantial adverse environmental impact. No wetlands will be disturbed during the construction of the concrete electrical processing equipment foundation. Minimum open space requirements will be maintained. The District's environmental performance standards for noise, glare, vibrations, airborne emissions, hazardous materials and water quality will not be exceeded.

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

The proposed project involves the expansion and upgrading of an existing electric switching station as part of a regional energy infrastructure initiative. The particular characteristics of the property, including the abundant presence of wetlands and the location of existing improvements, constrain the ability of the proposed electrical processing equipment to comply with the front yard setback requirements of the Light Industrial B zone. These conditions represent exceptional practical difficulties in the accommodation of the required expansion and upgrades to the switching station. The proposed concrete electric processing

equipment foundation, which extends approximately three feet into the required front yard along Hendricks Causeway for a width of approximately five feet, occupies only a small portion of the property's northerly front yard. Adequate light, air and open space will continue to be provided. Therefore, the requested variance represents the minimum deviation from the regulations that will afford relief.

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

The granting of the requested variance to permit a 31.9-foot front yard setback, whereas a minimum front yard setback of 35 feet is required, will not substantially impair the intent and purpose of these regulations. Due to the existing configuration of the property and the location of the improvements on site, including the presence of wetlands and the layout of the proposed equipment upgrades, the site is constrained in its ability to meet the required front yard setback. As the District Zoning Regulations are intended to provide for infrastructure and utility improvements and to promote the efficient use of the land, the requested variance will not substantially impair these purposes.

C. **Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.10(a)1, which prohibits fences or walls in excess of 24 inches in height in required front yards. An eight-foot fence is proposed in the required front yard facing Hendricks Causeway on the Light Industrial B zone portion of the subject premises.**

The Hackensack Meadowlands District 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 to permit an eight (8)-foot high picket fence within the required 35 foot front yard setback facing Hendricks Causeway arises from conditions that are unique to the site. The subject property consists of approximately 78.24 acres, fronting Hendricks Causeway to the north and Victoria Terrace to the west, and is located in the District's Environmental Conservation, Public Utilities and Light Industrial B zones. Nearly 80 percent of the site is located within the Environmental Conservation zone and is made up primarily of wetlands. Upland portions of the subject property are currently improved with an existing electric switching station, including a GIS Hall and electrical equipment. The proposed fence will be located approximately 10 feet from the Hendricks Causeway right-of-way.

District zoning regulations restrict the placement of fences within required front yards. The property is configured and improved in such a way that limits potential locations for the fence without jeopardizing security. The applicant is proposing to install the proposed fence in-line with an existing switching station security fence located along Hendricks Causeway further to the west. The

proposed location of the fence will preserve the established logistical functions of the site. These circumstances are unique to the property in question.

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

The granting of the requested variance to permit an eight (8)-foot high picket fence within the required front yard setback along the Hendricks Causeway public right-of-way will not adversely affect the rights of neighboring property owners or residents. The site is located within a fully developed industrial area. Properties immediately located to the east, west and south of the premises are zoned Heavy Industrial, Light Industrial B and Intermodal B respectively and consist of a variety of industrial and public utility uses. There are no residential properties located within the immediate vicinity of the subject premises.

The proposed fence, which shall be set back approximately 10 feet from the front property line along Hendricks Causeway, will not be highly visible from the road due to landscaping that will be planted as part of a prior approval for an expansion of the existing switching station. The proposed fence will not create any negative visual impacts to the neighboring properties or impede their ability to function as intended. Therefore, the granting of the variance will not adversely affect the rights of neighboring property owners or residents.

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 to, and exceptional and undue hardship upon, the property owner. The easterly portion of the site in the vicinity of Hendricks Causeway was recently improved by PSE&G to be utilized as an expansion to the existing electrical switching station. The approved site layout has been designed to utilize the entire premises in a safe and efficient manner. The strict application of the required 35-foot front yard setback would result in placing the fence in the middle of equipment associated with the switching station operations, thus rendering the switching station essentially unsecured. The proposed location of the fence will allow the site to continue to function as intended, while maintaining the aesthetics of the neighborhood.

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.*

There will be no substantial detriment to the public good and no adverse effects to the public health, safety, morals, order, convenience, prosperity or general welfare by the granting of the requested variance. The surrounding neighborhood properties principally consist of heavy industrial and public utility uses. The applicant proposes to construct an eight (8)-foot high picket fence within the required 35-foot front yard setback along Hendricks

Causeway. The fence is proposed to be set back approximately 10 feet from the front property line, minimizing any potential line of sight issues for vehicular traffic exiting the site. The location and type material of the proposed fence will match the existing switching station security fence.

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

The granting of the requested variance to permit an eight (8)-foot high picket fence within the required front yard setback will not have any adverse environmental impacts. The location of the proposed fence within the required front yard along Hendricks Causeway will not violate District's performance standards regarding noise, vibrations, airborne emissions, hazardous materials, glare or water quality. In addition, no environmentally sensitive areas will be disturbed by the placement of the fence.

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

The requested variance represents the minimum deviation from the regulations that will afford relief. Potential locations to provide a fence around the essential equipment without altering the safe operation and layout of the switching station are limited. The fence is proposed to be set back approximately 10 feet from the property line at its closest point, providing adequate line of sight for vehicular traffic exiting the site.

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

The requested variance to permit an eight (8)-foot high picket fence within the required front yard setback along Hendricks Causeway will not impair the intent and purpose of the regulations. One intent of prohibiting fences in required front yards is to minimize the visual impacts to neighboring properties. The portion of the property in question in the vicinity of Hendricks Causeway is located in the Public Utilities and Light Industrial B zones, which are comprised of various industrial and commercial uses. Although the fence will be located in the required front yard setback, the fence will be screened by landscaping that minimize the visual impact to the surrounding area. Further, the fence at the proposed location will provide a level of security for PSE&G while maintaining overall logistical functionality of the site.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Special Exception to permit an electric transmission tower as a principal use in the Environmental Conservation zone as per N.J.A.C. 19:4-5.10(a)2.

Based on the record in this matter, the special exception application to construct an electric transmission tower on the portion of the subject premises located in the Environmental Conservation zone is hereby recommended for APPROVAL.

APPROVAL	9/3/15	
Recommendation on Special Exception Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management
Approval	9/3/15	
Recommendation on Special Exception Request	Date	Christine A. Sanz Senior Vice President Chief Operating Officer

B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.84(a)3i, which requires a minimum front yard setback of 35 feet. The applicant is proposing a setback of 31.9 feet to an equipment foundation located within the required front yard facing Hendricks Causeway on the Light Industrial B zone portion of the subject premises.

Based on the record in this matter, the bulk variance application to construct an equipment foundation on the Light Industrial B zone portion of the subject premises within the required front yard facing Hendricks Causeway at a minimum setback of 31.9 feet, whereas a minimum front yard setback of 35 feet is required, is hereby recommended for APPROVAL.

APPROVAL	9/3/15	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management
Approval	9/3/15	
Recommendation on Variance Request	Date	Christine A. Sanz Senior Vice President Chief Operating Officer

C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.10(a)1, which prohibits fences or walls in excess of 24 inches in height in required front yards. An eight-foot fence is proposed in the required front yard facing Hendricks Causeway on the Light Industrial B zone portion of the subject premises.

Based on the record in this matter, the bulk variance application to construct an eight-foot fence on the Light Industrial B zone portion of the subject premises within the required front yard facing Hendricks Causeway, with a minimum setback from the front property line of 10 feet, is hereby recommended for APPROVAL.

APPROVAL — 9/3/15 — Sara J. Sundell, P.E., P.P.
Recommendation on Variance Request — Date — Director of Land Use Management

Approved — 9/3/15 — Christine A. Sanz
Recommendation on Variance Request — Date — Senior Vice President, Chief Operating Officer

RESOLUTION 2015-53

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: September 17, 2015