



Board Meeting

Thursday, April 14, 2016



We Bring the World to New Jersey

## **AGENDA**

### **REGULAR SESSION**

Thursday, April 14, 2016 - 10:00 a.m.  
Two DeKorte Park Plaza, Lyndhurst, NJ

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

- Approval of Regular Session Meeting Minutes of March 17, 2016

II. **PUBLIC PARTICIPATION ON RESOLUTIONS**

III. **APPROVALS** - (Action)

Cash Disbursements Approval and/or Ratification of Cash Disbursements over \$100,000 for March 2016.

Resolution 2016-11 Consideration of a Resolution Issuing a Decision on the Suitability recommendation as required by the NJSEA Interim Policies Governing Affordable Housing Development in the Meadowlands District – File No. SP-728, Secaucus Transit Village Redevelopment Plan Amendment, Block 10, Lot 12 and Block 12, Lot 1 in Secaucus.

Resolution 2016-12 Consideration of a Resolution Readopting the NJSEA Regulations at N.J.A.C. 19:3, 19:4 and 19:5.

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

V. **PUBLIC COMMENTS**

VI. **EXECUTIVE SESSION**

Resolution 2016-13 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.

VII. **APPROVAL** (Action)

Resolution 2016-14 Consideration of a Resolution authorizing the President and CEO to enter into a Settlement Agreement with Ogden Realty II to resolve OAL Docket No. HMD 11530-2006N.

Public Comment on Resolution

VIII. **MOTION TO ADJOURN**



**REGULAR SESSION BOARD MEETING**  
**March 17, 2016**

**DATE:** March 17, 2016  
**TIME:** 10:00 a.m.  
**PLACE:** 2 DeKorte Park Plaza - Lyndhurst, NJ  
**RE:** **REGULAR SESSION MEETING MINUTES**

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**Members in Attendance:**

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

**Absent:**

Michael Gonnelli, 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  
Sara J. Sundell, Director of Land Use Management  
Dan Povia, Director of Finance/CFO  
Thomas Marturano, Director of Solid Waste and Natural Resources  
John Duffy, Sr. Vice President of Sports Complex operations and facilities  
Amy Herbold, Assistant Counsel, Governor's Authorities Unit  
Mary Matos, 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 February 11, 2016.

Upon motion made by Commissioner Plofker and seconded by Commissioner Scala, the minutes of the Regular Session Board Meeting held on February 11, 2016, were unanimously approved by a vote of 13-0.

## **II. PUBLIC PARTICIPATING ON RESOLUTIONS**

- Hugh Carola, Program Director at Hackensack Riverkeeper - Spoke on Resolutions 2016-04 and 2016-05. Mr. Carola read for the record comments from Capt. Sheehan regarding the impact on water quality.

## **III. APPROVALS**

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

Chairman Ferguson presented the report of cash disbursements over \$100,000 and Professional Invoices for the months of February 2016.

Upon motion by Commissioner Plofker and seconded by Commissioner Scardino, the cash disbursements over \$100,000 for the month of February 2016, were approved with all in favor.

Resolution 2016-04 Resolution issuing a decision on the Variance application submitted as part of File No. 14-705 North Bergen MUA/Minor Subdivision – 4300 West Side Avenue, Block 452.04, Lot 6.04 in North Bergen.

Ms. Sundell explained Resolution 2016-04 to the commissioners.

Commissioner Yudin asked about the side-yard setback. Ms. Sundell explained that an electrical building is located in close proximity to the driveway that enters the site. In order for the site to function as is, the subdivision line needed to be put between the existing electrical building and driveway resulting in the reduced set back. Ms. Sundell also stated that there were no public present at the hearing and the Borough was in support.

Chairman Ferguson presented Resolution 2016-04. Upon motion by Commissioner Buckelew and seconded by Commissioner Ballantyne, proposed resolution 2016-04 was approved by a vote of 13-0.

Resolution 2016-05 Resolution issuing a decision on the Variance application submitted as part of File No. 15-296 North Bergen MUA/W5 Group LLC – CO/Variance - 4300 West Side Avenue, Block 452.04, Lot 6.04 in North Bergen.

Ms. Sundell explained Resolution 2016-05 to the commissioners.

Commissioner Yudin questioned the variance. Ms. Sundell explained that our zoning regulations have criteria for variances. The testimony from the applicant satisfied the criteria for this variance.

Chairman Ferguson presented Resolution 2016-05. Upon motion by Commissioner Fontoura and seconded by Commissioner Ballantyne, proposed resolution 2016-05 was approved by a vote of 12-0 with Commissioner Yudin voting no.

Resolution 2016-06 Resolution authorizing the acquisition of land adjacent to the Jets training facility; amendment of the Jets training facility ground lease and determining other matters in connection therewith.

Mr. Marra explained Resolution 2016-06 to the commissioners.

Chairman Ferguson presented Resolution 2016-06. Upon motion by Commissioner Buckelew and seconded by Commissioner Gluck, proposed resolution 2016-06 was approved by a vote of 13-0.

Resolution 2016-07 Resolution regarding acceptance of 2014 Audit.

Vice Chairman Buckelew, on behalf of the audit committee, explained, Resolution 2016-07 to the commissioners. Vice Chairman thanked everyone involved and the audit committee for work on the audit.

Commissioner Jones asked about the delay in the audit. Chairman Ferguson explained that due to the merging of the agencies and the recent switch to a new auditor, the audit was delayed. The auditors are currently working on the 2015 audit.

Chairman Ferguson presented Resolution 2016-07. Upon motion by Commissioner Buckelew and seconded by Commissioner Scala, proposed resolution 2016-07 was approved by a vote of 13-0.

#### **IV. AWARDS/CONTRACTS**

Resolution 2016-08 Resolution authorizing the President and CEO to enter into a contract for partial re-roofing and HVAC replacement for the administration building and environment center.

Mr. Duffy explained Resolution 2016-08 to the commissioners.

Chairman Ferguson presented Resolution 2016-08. Upon motion by Commissioner Scardino and seconded by Commissioner Yudin, proposed resolution 2016-08 was approved by a vote of 13-0.

#### **V. CEO REPORT**

Chairman Ferguson welcomed Peter Simon as the new Treasury representative.

CEO Hasenbalg spoke about the consolidation law, which among other things, provided for the opt-out option for municipalities and the Authority's jurisdiction over vital projects in the district.

CEO Hasenbalg explained that staff worked closely with Secaucus and Kearny, the two towns that chose to opt-out, in developing an orderly transition with no disruption.

CEO Hasenbalg also stated that in November the Board adopted criteria, guidelines and protocols that staff would use to evaluate applications to determine if a project meets the standards to be of vital importance to the district.

CEO Hasenbalg informed the board that the Authority received its first application to assert jurisdiction over a vital project from Morris Realty, who is under contract to purchase the Koppers Coke redevelopment project in Kearny from the Hudson County Improvement Authority. Staff has determined that the project meets the criteria and is vital to the region. The project includes proposed NJ Transit micro grid system, environmental remediation of the 175 acre site and 2 million square feet of warehouse distribution facilities. The Authority will retain sole zoning jurisdiction.

**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 2016-09 Resolution authorizing the NJSEA to enter into a meeting to which the general public shall not be admitted to discuss legal matters, personnel matters and contract negotiations.

Upon motion made by Chairman Scardino and seconded by Commissioner Yudin, Resolution 2016-09 was approved by a vote of 13-0.

Motion and second to enter into open session was made and carried with all in favor.

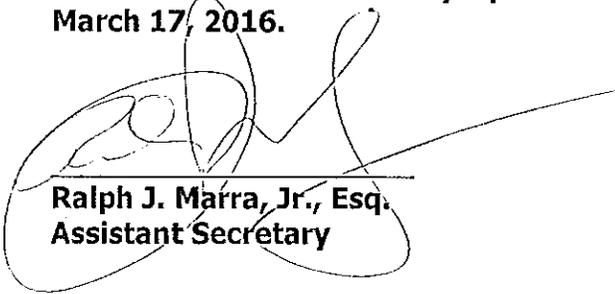
Resolution 2016-10 Resolution authorizing action regarding the Keegan Landfill.

Mr. Marra explained Resolution 2016-10 to the commissioners.

Chairman Ferguson presented Resolution 2016-10. Upon motion by Chairman Ferguson and seconded by Commissioner Scardino, proposed resolution 2016-10 was approved by a vote of 13-0.

Chairman Ferguson requested a motion to conclude the open meeting. Upon motion made by Commissioner Scardino and seconded by Commissioner Scala, the public meeting was adjourned.

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 March 17, 2016.



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

March 17, 2016

| Commissioner          | Roll Call      | 2016-04 | 2016-05 | 2016-06 | 2016-07 | 2016-08 | 2016-09 | 2016-10 |
|-----------------------|----------------|---------|---------|---------|---------|---------|---------|---------|
| Ferguson              | P              | Y       | Y       | Y       | Y       | Y       | Y       | Y       |
| Buckelew              | P              | Y       | Y       | Y       | Y       | Y       | Y       | Y       |
| Hasenbalg             | P              | Y       | Y       | Y       | Y       | Y       | Y       | Y       |
| Ballantyne            | P              | Y       | Y       | Y       | Y       | Y       | Y       | Y       |
| Fontoura              | P              | Y       | Y       | Y       | Y       | Y       | Y       | Y       |
| Gluck                 | P              | Y       | Y       | Y       | Y       | Y       | Y       | Y       |
| Jones                 | P              | Y       | Y       | Y       | Y       | Y       | Y       | Y       |
| Kolber                | P<br>via phone | Y       | Y       | Y       | Y       | Y       | Y       | Y       |
| Plofker               | P              | Y       | Y       | Y       | Y       | Y       | Y       | Y       |
| Scala                 | P              | Y       | Y       | Y       | Y       | Y       | Y       | Y       |
| Scardino              | P              | Y       | Y       | Y       | Y       | Y       | Y       | Y       |
| Yudin                 | P              | Y       | N       | Y       | Y       | Y       | Y       | Y       |
| Treasury Rep<br>Simon | P              | Y       | Y       | Y       |         |         |         |         |

P - Present      A - Abstain  
 -- Absent      R = Recuse  
 Y = Affirmative    N = Negative



CASH DISBURSEMENTS  
\$100,000 OR MORE  
MARCH 2016

SPORTS COMPLEX

| <u>PAYEE</u>                       | <u>\$ AMOUNT</u>    | <u>REFERENCE LETTER</u> | <u>ACCOUNT DESCRIPTION</u>                               |
|------------------------------------|---------------------|-------------------------|--|
| BOROUGH OF EAST RUTHERFORD         | 250,000.00          | A                       | PILOT SETTLEMENT AGREEMENT - WEST SIDE IMPROVEMENT: 2016 |
| NEW JERSEY STATE POLICE            | 338,304.88          | A                       | OVERTIME CHARGES: DEC 2015 - JAN 2016                    |
| NRG BUSINESS SOLUTIONS             | 320,415.65          | A                       | ELECTRICITY CHARGES: FEB 2016                            |
| PUBLIC EMPLOYEES RETIREMENT SYSTEM | 600,189.00          | A                       | EMPLOYER PENSION CONTRIBUTIONS: 2014                     |
| <b>SPORTS COMPLEX TOTAL</b>        | <u>1,508,909.53</u> |                         |  |

MONMOUTH PARK RACETRACK MAINTENANCE RESERVE/CAPITAL

| <u>PAYEE</u>                | <u>\$ AMOUNT</u>  | <u>REFERENCE LETTER</u> | <u>ACCOUNT DESCRIPTION</u>                          |
|-----------------------------|-------------------|-------------------------|---|
| BOROUGH OF OCEANPORT        | 539,494.72        | A                       | CAFO SPECIAL ASSESSMENT AGREEMENT: 2ND QUARTER 2016 |
| <b>MPR MAINTNANCE TOTAL</b> | <u>539,494.72</u> |                         |   |

OTHER

| <u>PAYEE</u>                         | <u>\$ AMOUNT</u>    | <u>REFERENCE LETTER</u> | <u>ACCOUNT DESCRIPTION</u>   |
|--------------------------------------|---------------------|-------------------------|--|
| JACOBS ENENGINEERING GROUP, INC.     | 102,378.80          | A                       | ENGINEERING SUPPORT, MAINTENANCE, AND OPERATIONS OF MASSTR TRAFFIC SYSTEM                |
| KEARNY MUNICIPAL UTILITIES AUTHORITY | 543,456.62          | A                       | KEEGAN LANDFILL SANITARY USER CHARGE: 4TH QUARTER 2015                                   |
| LYNDHURST, TOWNSHIP OF               | 175,000.00          | A                       | PILOT PAYMENT: CY2016  |
| NEW JERSEY HEALTH BENEFITS FUND      | 185,112.32          | A                       | HEALTH BENEFITS - ACTIVE EMPLOYEES: MAR 2016   |
| PHILADELPHIA INSURANCE COMPANIES     | 279,201.73          | A                       | GENERAL LIABILITY & AUTO POLICY INSURANCE RENEWAL - PREMIUM BALANCE: JAN 2016 - DEC 2016 |
| WASTE MANAGEMENT OF NEW JERSEY       | 329,292.48          | A                       | OPERATIONS CONTRACT - KEEGAN LANDFILL: FEB 2016  |
| <b>OTHER TOTAL</b>                   | <u>1,614,441.95</u> |                         |  |



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 2016-11

RESOLUTION ISSUING A DECISION ON THE  
SUITABILITY RECOMMENDATION AS REQUIRED BY THE  
NJSEA INTERIM POLICIES GOVERNING AFFORDABLE HOUSING  
DEVELOPMENT IN THE MEADOWLANDS DISTRICT  
FILE NO. SP-728, Secaucus Transit Village Redevelopment Plan Amendment  
BLOCK 10, LOT 12 AND BLOCK 12, LOT 1  
IN THE TOWN OF SECAUCUS

WHEREAS, in a decision dated May 21, 2007 (A-4174-03T3; A-3107-04T1), the Appellate Division of the New Jersey Superior Court determined, among other things, that the New Jersey Meadowlands Commission (NJMC) should consider whether new development in the Meadowlands District should be avoided until the Commission implements new rules concerning affordable housing; and

WHEREAS, on July 25, 2007, the Commission adopted Resolution No. 07-68, which approved the "Policy Statement Regarding the NJMC's Expanded Responsibilities to Plan and Zone for Affordable Housing"; and

WHEREAS, on May 6, 2008, COAH adopted new rules, which became effective upon publication in the New Jersey Register on June 2, 2008 and, in addition, adopted new rules on September 22, 2008, which became effective on October 20, 2008; and

WHEREAS, on July 17, 2008, P.L. 2008, Chapter 46 became law, revising various parts of the statutory law concerning affordable housing; and

WHEREAS, on July 23, 2008, the Commission adopted Resolution No. 08-80, which approved the "*Interim Policies Governing Affordable Housing Development in the Meadowlands District*," in order to govern the review of and restraints upon applications for further development in the Meadowlands District in a manner consistent with these regulatory and statutory changes, prior to the implementation of new regulations regarding same; and

WHEREAS, 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; and

WHEREAS, the *Interim Policies*, last revised by Resolution No. 11-29 on July 27, 2011, govern all zoning certificate applications, petitions to amend the Official Zoning Map, new redevelopment plans, and proposed amendments to a redevelopment plan pertaining to new proposed uses or changes to existing uses,

received on or after July 24, 2008, and remain in effect until the NJSEA promulgates new regulations concerning affordable housing, or the Policies are withdrawn or rescinded by Authority action or court order, whichever occurs first; and

**WHEREAS**, the *Interim Policies* set forth the criteria for a Review Team, comprised of three NJSEA staff members including one New Jersey-licensed professional engineer and one New Jersey-licensed professional planner, and also a professional planner representing the municipality in which the proposed development is located, to review each applicable application to determine the suitability of the subject site for residential use; and

**WHEREAS**, the Secaucus Transit Village Redevelopment Plan was adopted by NJMC Resolution No. 04-20 on April 16, 2004, and was amended three times since, with the last amendment adopted by NJMC Resolution 11-48 on October 21, 2011; and

**WHEREAS**, a petition to amend the Secaucus Transit Village Redevelopment Plan was submitted by Edison Properties and received by the NJSEA on September 29, 2015; and

**WHEREAS**, the petition proposes the conversion of the existing Interim Use of commercial off-street parking into an unrestricted Permitted Use for the properties identified as Block 10, Lot 12, and Block 12, Lot 1, in the Town of Secaucus and, as such, is not exempt from the *Interim Policies*; and

**WHEREAS**, the application was forwarded to the Review Team for review of the application in accordance with the *Interim Policies*; and

**WHEREAS**, the Review Team evaluated the suitability of the subject properties taking into consideration the petition submitted to amend the uses in the redevelopment plan; and

**WHEREAS**, a suitability review, dated April 4, 2016, and attached hereto, has been prepared, indicating the recommendation of the Review Team in this matter; and

**WHEREAS**, the suitability review recommends that in their present condition the subject properties are unsuitable for residential use; and

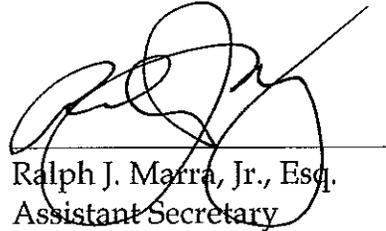
**WHEREAS**, the Board of Commissioners of the NJSEA have reviewed the suitability review and recommendation prepared by the Review Team, regarding the subject properties; and

**WHEREAS**, the Board of Commissioners of the NJSEA concur with the recommendation of the Review Team; and

**WHEREAS**, the Board of Commissioners of the NJSEA hereby determines that the subject properties are unsuitable for residential use.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the subject properties, located at Block 10, Lot 12, and Block 12, Lot 1, in the Town of Secaucus, New Jersey are deemed to be unsuitable for residential use.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of April 14, 2016.



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



## MEMORANDUM

To: NJSEA Board Member and Wayne Hasenbalg, President/CEO

From: Sara J. Sundell

Date: April 14, 2016

Subject: Site Suitability Recommendation for Block 10, Lot 12, and Block 12, Lot 1  
in the Town of Secaucus (File No. SP-728)

In a decision dated May 21, 2007 (A-4174-03T3; A-3107-04T1), the Appellate Division of the New Jersey Superior Court determined, among other things, that the New Jersey Meadowlands Commission (NJMC) should consider whether new development in the Meadowlands District should be avoided until the Commission implements new rules concerning affordable housing. The Commission followed up by adopting Resolution No. 07-68, on July 25, 2007, which approved the "Policy Statement Regarding the NJMC's Expanded Responsibilities to Plan and Zone for Affordable Housing." Thereafter, on July 23, 2008, the Commission adopted Resolution No. 08-80, which approved the "Interim Policies Governing Affordable Housing Development in the Meadowlands District," which was last revised by Resolution No. 11-29 on July 27, 2011, in order to govern the review of and restraints upon applications for further development in the Meadowlands District in a manner consistent with regulatory and statutory changes regarding affordable housing, prior to the implementation of new regulations regarding same.

The Interim Policies apply to all zoning certificate applications, petitions to amend the Official Zoning Map, new redevelopment plans, and proposed amendments to a redevelopment plan pertaining to new proposed uses or changes to existing uses, received on or after July 24, 2008, and will remain in effect until the NJSEA promulgates new regulations concerning affordable housing, or the Interim Policies are withdrawn or rescinded by Authority action or court order, whichever occurs first. The Interim Policies set forth the criteria for a Review Team, comprised of three NJSEA staff members, including one New Jersey-licensed professional engineer and one New Jersey-licensed professional planner, and also a professional planner representing the municipality in which the proposed development is located, to review each applicable application to determine the suitability of the subject site for residential use.

The NJSEA received a petition to amend the Secaucus Transit Village Redevelopment Plan from Edison Properties on September 29, 2015. The petition proposes the conversion of the existing Interim Use of commercial off-street parking into an unrestricted Permitted Use for the properties identified as Block 10, Lot 12, and Block 12, Lot 1, in the Town of Secaucus.

The matter was forwarded to the Review Team for review of the proposed development in accordance with the Interim Policies. A suitability review, dated April 4, 2016, has been prepared, indicating that the Review Team recommends that the subject property is unsuitable for residential use.

At this time, the NJSEA staff is recommending that the Board of Commissioners of the NJSEA concur with the site suitability recommendation prepared by the Review Team, which determines that the subject property is unsuitable for residential use.

# Suitability Review - Summary

File No. SP-728

*Secaucus Transit Village Redevelopment Plan Amendment  
Block 10, Lot 12, and Block 12, Lot 1, in the Town of Secaucus  
April 4, 2016*

The NJSEA received a petition from Patrick McNamara, Esq., of the firm Scarinci Hollenbeck, on behalf of Edison Properties, to amend the Secaucus Transit Village Redevelopment Plan. The petition affects two lots owned by Edison Properties within the Station Square Zone of the Secaucus Transit Village Redevelopment Area.

The first property is identified as 650 New County Road, Block 10, Lot 12, in the Town of Secaucus, New Jersey. The applicant proposes to retain an existing on-site warehouse and re-purpose the building and site as a commercial off-street parking facility. The warehouse was previously occupied by Goya Foods ("Goya property").

The second property is identified as 675 New County Road, Block 12, Lot 1, in the Town of Secaucus, New Jersey. The applicant proposes to convert an existing Interim Use into an unrestricted Permitted Use. This property is currently occupied by an Edison Park Fast commercial off-street parking facility ("Edison property").

In keeping with the review process, the site characteristics of the property have been evaluated in accordance with the "Interim Policies Governing Affordable Housing Development in the Meadowlands District," adopted by the NJMC on July 24, 2008, and last revised on July 27, 2011.

**In accordance with Section IV(c)1 of the Interim Policies, the criteria to deem a site suitable for housing are as follows:**

- i. **The site is adjacent to compatible land uses and has access to appropriate streets.**

### *Goya Property*

- The 3.5-acre Goya property is the site of the former Goya warehouse. The site is currently improved with an approximately 66,700-square-foot warehouse building and associated parking, driveway, and loading areas. The existing warehouse building will remain on the site and is proposed to be re-purposed as an indoor/outdoor commercial parking facility.
- The site is located in the Station Square zone of the Secaucus Transit Village Redevelopment Area, as are all of the properties surrounding it. The adjacent land uses are a mix of warehouse and light industrial facilities to the east and

west along New County Road, and to the north along Castle Road. The 1,089-space Edison Park Fast parking lot is located directly across New County Road to the south.

- The existing developed lot has access points on New County Road and Castle Road. As the surrounding area consists of industrial, warehouse and commercial uses, there is heavy truck traffic day and night.
- The existing commercial, industrial and warehouse uses are not presently compatible with residential uses.

***Edison Property***

- The 6.88-acre Edison property is currently used as a commercial parking facility. Vehicular access is provided via three entrances, one on New County Road, one on Seaview Drive, and one on Laurel Hill Drive. Surrounding land uses include a mix of warehouse and light industrial facilities to the north; a vacant parcel to the east, the NJ Transit Main Line to the west, and the NJ Turnpike, the Northeast Corridor rail line, and NJ Transit's Secaucus Junction/Frank R. Lautenberg Rail Station to the south.
- The surrounding land uses are not presently compatible with residential uses.

**ii. The site has access to water and sewer infrastructure with sufficient capacity.**

- This criterion is met by both subject properties.

**iii. The site can be developed consistent with the District Zoning Regulations.**

- Both properties are located within the Secaucus Transit Village Redevelopment Area and are subject to the requirements of the Plan.
- The proposed commercial off-street parking use on the Goya property, Block 10, Lot 12, would require an amendment to the Redevelopment Plan.
- The proposed continuation of the commercial off-street parking use on the Edison property, Block 12, Lot 1, also requires an amendment to the Redevelopment Plan.
- Both properties are the subject of a petition to amend the Plan, which been received by the NJSEA.

**iv. Former and existing land uses, either on the site or in the vicinity, may not expose residents to environmental hazard. Alternatively, the site shall be remediated to NJDEP residential standards as a condition of the Board's approval.**

- The applicant asserts this criterion is met by both of the subject properties.

- v. **The size, shape, or layout of any existing structure that shall remain, or other physical limitation(s) not listed previously, do not preclude residential use.**

*Goya Property*

- The Goya property is substantially developed with a single-story warehouse building of significant size with associated parking and loading areas. The structure will remain and is proposed to be re-purposed; however, the building is not suitable for conversion or rehabilitation to residential use. The size and layout of the existing building preclude the development of residential on site.

*Edison Property*

- The Edison property does not contain any structures or physical limitations that would preclude residential use.

- vi. **The site is suitable for residential use pursuant to sound planning principles.**

- Both properties, Block 10, Lot 12 and Block 12, Lot 1, are located within the Station Square zone of the Secaucus Transit Village Redevelopment Area. The Plan dictates that the Station Square zone serve as the core of the redevelopment area, as it is the zone most accessible to Secaucus Junction (Frank R. Lautenberg Rail Station). The Plan further states that the Station Square zone shall provide land uses that benefit both community and transit users, as well as safe and efficient movement of pedestrian and vehicular traffic.
- The warehouse and industrial uses in the immediate area of both properties generate truck traffic, noise and associated pollution both day and night, which would be detrimental to the quality of life and long-term safety of residents on the subject property.
- While a limited number of residential units are permitted within the Station Square zone, they are not necessarily appropriate on every parcel within the zone. The specific circumstances of the two parcels, including the limited accessibility to community facilities and lack of sidewalks and pedestrian accommodations, render them unsuitable for residential use.

In summary, only three (3) of the above criteria, as per Section IV(c)1 of the Interim Policies, apply to the Goya property. Four (4) of the above criteria apply to the Edison property.

**Conclusion**

In its present state, the Goya property, located at 650 New County Road, Block 10, Lot 12 in the Town of Secaucus, is recommended to be deemed unsuitable for housing.

In its present state, the Edison property, located at 675 New County Road, Block 12, Lot 1 in the Town of Secaucus, is recommended to be deemed unsuitable for housing.

Contingent upon the approval of this recommendation by the NJSEA Board of Commissioners, the applicant may proceed with the redevelopment plan amendment process.

**RESOLUTION 2016-12**

**RESOLUTION READOPTING THE  
NEW JERSEY SPORTS AND EXPOSITION AUTHORITY  
REGULATIONS AT N.J.A.C. 19:3, 19:4 & 19:5**

**WHEREAS**, the NJSEA is authorized by N.J.S.A. 5:10A-1 *et seq.*, specifically N.J.S.A. 5:10A-7(b), to adopt codes and standards regarding the zoning and rezoning of lands within the Meadowlands District; and

**WHEREAS**, the NJSEA regulations at N.J.A.C. 19:3 Administration, N.J.A.C. 19:4 District Zoning Regulations, and N.J.A.C. 19:5 Subdivision Regulations are scheduled to expire on June 20, 2016, pursuant to N.J.S.A. 52:14B-5.1.c(2), and must be readopted to remain effective; and

**WHEREAS**, a Notice of Proposed Readoption, with amendment, was published in the New Jersey Register at 48 NJR 39(a) on January 4, 2016; and

**WHEREAS**, the NJSEA staff has reviewed the rules and determined that the rules at N.J.A.C. 19:3-1 Rulemaking, 19:3-2 Flood Insurance, 19:3-3 Disability Discrimination Procedure, 19:3-5 Redevelopment Areas, 19:3-7 Debarment and Suspension from Contracting, 19:4 District Zoning Regulations, and 19:5 Subdivision Regulations, remain necessary, reasonable, and proper for the purposes for which they were originally promulgated, and that the rules at N.J.A.C. 19:3-4 Professional Services Contracts should be allowed to sunset; and

**WHEREAS**, a non-substantive amendment was proposed to correct a cross-reference within N.J.A.C. 19:4-5.115; and

**WHEREAS**, a 60-day public comment period was provided through March 4, 2016; and

**WHEREAS**, no comments were received during the public comment period regarding this matter; and

**WHEREAS**, the matter was forwarded to the Hackensack Meadowlands Municipal Committee (HMMC) on March 7, 2016; and

**WHEREAS**, the HMMC voted to approve the Notice of Readoption, with adopted amendment, at its meeting on April 4, 2016; and

**WHEREAS**, the staff recommends that the NJSEA Board of Commissioners readopt N.J.A.C. 19:3-1 Rulemaking, 19:3-2 Flood Insurance, 19:3-3 Disability Discrimination Procedure, 19:3-5 Redevelopment Areas, 19:3-7 Debarment and Suspension from Contracting, 19:4 District Zoning Regulations, and 19:5 Subdivision Regulations, with the non-substantive amendment to N.J.A.C. 19:4-5.115; and

**WHEREAS**, the staff further recommends that the NJSEA Board of Commissioners authorize the NJSEA staff to submit a Notice of Readoption, with adopted amendment, to the Office of Administrative Law for the rules to be adopted upon publication in the Register and remain effective thereafter for a period of seven years.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of the New Jersey Sports and Exposition Authority hereby readopts the regulations at N.J.A.C. 19:3-1 Rulemaking, 19:3-2 Flood Insurance, 19:3-3 Disability Discrimination Procedure, 19:3-5 Redevelopment Areas, 19:3-7 Debarment and Suspension from Contracting, 19:4 District Zoning Regulations, and 19:5 Subdivision Regulations, with the amendment to N.J.A.C. 19:4-5.115, and the sunset of N.J.A.C. 19:3-4 Professional Services Contracts, as set forth in the Notice of Readoption, with adopted amendment.

**BE IT FURTHER RESOLVED**, that the Board of Commissioners of the New Jersey Sports and Exposition Authority hereby authorizes the NJSEA staff to submit a Notice of Readoption, with adopted amendment, to the Office of Administrative Law for publication in the New Jersey Register.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of April 14, 2016.



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



## MEMORANDUM

*To:* NJSEA Board Member and Wayne Hasenbalg, President/CEO

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*From:* Sara J. Sundell

*Date:* April 14, 2016

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*Subject:* Readoption of N.J.A.C. 19:3, 19:4 and 19:5 (File #SP-727B)

The New Jersey Sports & Exposition Authority's regulations at N.J.A.C. 19:3 (Administration), 19:4 (District Zoning Regulations), and 19:5 (Subdivision Regulations) are scheduled to expire on June 20, 2016, pursuant to N.J.S.A. 52:14B-5.1.c(2), and must be readopted to remain effective.

The NJSEA staff has reviewed the regulations and found that the regulations at N.J.A.C. 19:3-1 Rulemaking, 19:3-2 Flood Insurance, 19:3-3 Disability Discrimination Procedure, 19:3-5 Redevelopment Areas, 19:3-7 Debarment and Suspension from Contracting, 19:4 District Zoning Regulations, and 19:5 Subdivision Regulations, remain necessary, reasonable, and proper for the purpose for which they were originally promulgated. N.J.A.C. 19:3-4 Professional Services Contracts will sunset. A non-substantive amendment was proposed to N.J.A.C. 19:4-5.115 to correct a cross-reference with the former New Jersey Meadowlands Commission.

A Notice of Proposed Readoption with amendment was published in the New Jersey Register at 48 NJR 39(a) on January 4, 2016, which provided a 60-day public comment period through March 4, 2016. No comments were received during the public comment period regarding this matter.

A Notice of Readoption, with adopted amendment, must be filed with the Office of Administrative Law for publication in the New Jersey Register (NJR). Upon readoption, the rules will remain effective for seven years.

On March 7, 2016, the matter was forwarded to the Hackensack Meadowlands Municipal Committee (HMMC) for its consideration. The HMMC voted to approve the Notice of Readoption, with adopted amendment, at its meeting of April 4, 2016.

The staff is requesting that the NJSEA Board readopt the regulations at N.J.A.C. 19:3-1 Rulemaking, 19:3-2 Flood Insurance, 19:3-3 Disability Discrimination Procedure, 19:3-5 Redevelopment Areas, 19:3-7 Debarment and Suspension from Contracting, 19:4 District Zoning Regulations, and 19:5 Subdivision Regulations, with the specified amendment to N.J.A.C. 19:4-5.115; allow the rules at N.J.A.C. 19:3-4 Professional Services Contracts to sunset; and authorize the staff to file a Notice of Readoption, with adopted amendment, with the Office of Administrative Law. A resolution requesting same is attached for your consideration.

RESOLUTION 2016-13

**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.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of April 14, 2016.

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

**RESOLUTION 2016-14**

**RESOLUTION AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT WITH OGDEN REALTY II TO RESOLVE OAL DOCKET NO. HMD 11530-2006N**

**WHEREAS**, on October 30, 2006, the New Jersey Meadowlands Commission ("NJMC") issued a Notice of Violation ("NOV") to Ogden Realty II, ("Ogden"), the owner of property located at 2400 16<sup>th</sup> Street, Block 449A, Lot 3 in the Township of North Bergen, New Jersey (the "Property") for: (1) illegally parking trailers on the Property without the benefit of approvals, (2) illegally placing an office trailer on the Property in violation of approvals, and (3) erecting a new fence on the Property in violation of approvals; and

**WHEREAS**, the "Property" is located within the 16<sup>th</sup> Street Redevelopment Area in North Bergen; and

**WHEREAS**, the NOV ordered that the illegally parked trailers be removed from the Property, all applicable applications for NJMC approvals be submitted, and that failure to comply could result in the imposition of fines; and

**WHEREAS**, on November 14, 2006, Ogden appealed the NOV to the Office of Administrative Law ("OAL"); and

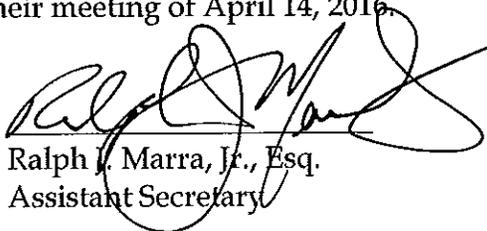
**WHEREAS**, on July 15, 2009, Ogden submitted to the NJMC a petition to amend the 16<sup>th</sup> Street Redevelopment Plan and since that time has been working with staff to amend and finalize its petition and to resolve the outstanding NOV; and

**WHEREAS**, effective February 5, 2015, pursuant to P.L. 2015, c. 19, the New Jersey Meadowlands Commission became part of the New Jersey Sports and Exposition Authority ("NJSEA"); and

**WHEREAS**, after protracted negotiations and numerous submissions to staff, Ogden has agreed to proceed with its petition to amend the redevelopment plan and will undertake the necessary site improvements to construct a trailer parking lot meeting NJSEA site plan requirements.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the New Jersey Sports and Exposition Authority that the execution of a Stipulation of Settlement with Ogden Realty II, in substantially similar form as the document attached hereto, is hereby authorized and that this matter on appeal before the Office of Administrative Law shall be concluded.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of April 14, 2016.

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

**JOHN JAY HOFFMAN**  
Acting Attorney General of New Jersey  
N.J. Hughes Justice Complex  
P.O. Box 093  
25 Market Street  
Trenton, New Jersey 08625  
Attorney for Respondent, State of New Jersey  
New Jersey Meadowlands Commission

By: **Kristen D. Heinzerling**  
Deputy Attorney General

**OFFICE OF ADMINISTRATIVE LAW**

**OAL DOCKET NO.: HMD 11530-2006N**  
**AGENCY REF. NO. 00-742V**

**NATIONAL RETAIL  
TRANSPORTATION,**

**Petitioner**

vs.

**STATE OF NEW JERSEY  
NEW JERSEY SPORTS AND  
EXPOSITION AUTHORITY<sup>1</sup>,**

**Respondent.**

**ADMINISTRATIVE ACTION**

**STIPULATION OF SETTLEMENT AND  
WITHDRAWAL OF HEARING REQUEST  
WITH PREJUDICE**

**WHEREAS** the property owned by **OGDEN REALTY II** ("Ogden II"), a New Jersey general partnership, and operated by National Retail Transportation<sup>2</sup>, located at 2400 16<sup>th</sup> Street,

<sup>1</sup> Formerly the "New Jersey Meadowlands Commission", which is referred to as the "NJMC" in the recitation of the chronology this matter. See P.L. 2015, c. 19; N.J.S.A. 5:10-1 et seq.; N.J.S.A. 5:10A-1 et seq.

<sup>2</sup> Although the OAL matter is captioned in the name of the trucking operator "National Retail Transportation", the property owner against whom the NOV was properly issued is "Ogden Realty II".

Block 449A, Lot 3<sup>3</sup> in the Township of North Bergen, New Jersey (the "Property") is located within the redevelopment area identified in the Amended Redevelopment Plan for the 16<sup>th</sup> Street Area, North Bergen, Jersey, adopted January 27, 1999 pursuant to Resolution 99-5, amended October 27, 1999 pursuant to Resolution 99-66 (the "Redevelopment Plan"); and

**WHEREAS**, pursuant to Section III (C)(4) of the Redevelopment Plan: (1) trailer parking and storage is permitted in conjunction with freight forwarding, distribution, warehousing and intermodal activities, but no more than 1.5 trailer parking spaces shall be permitted per 1000 square feet of ground floor building area; and (2) trailer parking at grade, shall not exceed 15 percent of the total redevelopment area; and

**WHEREAS**, on October 30, 2006, the NJMC issued a Notice of Violation ("NOV") to Ogden Realty II, the owner of record of the Property, for: (1) illegally occupying space on the Property by parking trailers without the benefit of approval or permits from the NJMC in violation of zoning certificate requirements pursuant to N.J.A.C. 19:4-4.2(a)(2) and occupancy certificate requirements pursuant to N.J.A.C. 19:4-4.8; (2) placing an office trailer on the Property in violation of zoning certificate requirements pursuant to N.J.A.C. 19:4-4.2(a)(1) and occupancy certificate requirements pursuant to N.J.A.C. 19:4-4.8, and; (3) erecting a new fence on the Property in violation of zoning certificate requirements pursuant to N.J.A.C. 19:4-4.2(a)(1); and

**WHEREAS**, the NOV ordered that all of the trailers be removed from the Property and all applicable applications for NJMC approvals for the office trailer and fence be submitted. The

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<sup>3</sup> The NOV inadvertently referenced the property as being located at 2820 16<sup>th</sup> Street, Block 449.01, Lots 1, 2, 4, 5, 6.012 and 6.021, Township of North Bergen, New Jersey.

NOV further provided that failure to comply with the order might result in the imposition of fines of up to \$5000 per day or other action deemed necessary for compliance; and

**WHEREAS**, on November 14, 2006, Ogden II submitted a letter to the NJMC requesting a hearing and, on November 28, 2006, the NJMC transmitted the matter to the Office of Administrative Law ("OAL") for an adjudicatory hearing as a contested case<sup>4</sup>; and

**WHEREAS**, on August 15, 2008, Ogden II submitted an interim site plan ("plan") to the NJMC for review and approval, including the following elements: (a) removal of the office trailer from the Property; (b) relocation of the fence to comply with the required 25 foot set-back; (c) temporary lighting at the driveway entrance to the lot adequate to ensure visibility and safety in accordance with site illumination requirements pursuant to N.J.A.C. 19:4-8.13(a)(3), Table 8-3; (d) a surface stormwater collection system designed to address stormwater runoff quality; and (e) depicting the total number of trailers and the configuration of same parked on the Property with the trailer parking configuration ensuring that all trailer parking locations are accessible by a drive aisle, and

**WHEREAS**, the plan entitled "Temporary Site Improvement / S-Yard Trailer Parking" prepared by Mario V. Cammarano, P.E., R.A., dated August 11, 2008 and last revised December 23, 2008, was approved by NJMC zoning certificate No. 00-742V, dated March 12, 2009 (the "Approved Temporary Improvement Plan"), which Approved Temporary Improvement Plan was thereupon implemented by Ogden II; and

**WHEREAS**, on July 15, 2009, Ogden II submitted to the NJMC a petition to amend the 16<sup>th</sup> Street Redevelopment Plan pursuant to N.J.A.C. 19:3-5.15, accompanied by a report of a

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licensed professional planner and a traffic impact study, to allow the Property to be utilized for trailer parking as a permitted use; and

**WHEREAS**, on June 17, 2010, Ogden II submitted a Planning Evaluation to supplement the Petition to amend the March 2001 Amended Redevelopment Plan for the 16<sup>th</sup> Street Redevelopment Plan; and

**WHEREAS**, on August 23, 2010, Ogden II submitted a plan entitled "Proposed Trailer Parking Plan/16<sup>th</sup> Street Redevelopment Area"; and

**WHEREAS**, on September 7, 2010, Ogden II submitted a plan entitled "Proposed Trailer Parking Plan/16<sup>th</sup> Street Redevelopment Area"; and

**WHEREAS**, on November 11, 2010, Ogden II submitted a plan entitled "Proposed Trailer Parking Plan/16<sup>th</sup> Street Redevelopment Area," and "Site Development Plan, Block 449, Lot 3.03 and 7," and "Proposed Building C, Parcel 2, Ogden Transportation Center, and "Temporary Site Improvements, S Yard Trailer Parking"; and

**WHEREAS**, on November 17, 2010, Ogden II submitted a planner's report entitled, "Revised Planning Evaluation, Proposed Modification to Amended Redevelopment Plan for the 16<sup>th</sup> Street Area, North Bergen, New Jersey";

**WHEREAS**, on December 3, 2010, Ogden II submitted a planner's report entitled, "Revised Planning Evaluation, Proposed Modification to Amended Redevelopment Plan for the 16<sup>th</sup> Street Area, North Bergen, New Jersey," and "Proposed Trailer Parking Plan/16<sup>th</sup> Street Redevelopment Area";

**WHEREAS**, on December 3, 2013, Ogden II submitted site plans entitled "Site Plan for Site Improvements at 2820 16<sup>th</sup> Street, Lot 2, Block 449A, Township of North Bergen, Hudson County New Jersey" and a proposed phasing schedule for trailer parking improvements; and

**WHEREAS**, on January 9, 2015, Ogden II submitted an "Overall Parking Plan for Ogden Realty II", depicting the as-built condition of all truck, trailer and car parking within the 16<sup>th</sup> Street Redevelopment Area.

**NOW THEREFORE**, Ogden II and the NJSEA agree to settle the within matter:

1. Ogden II agrees that, except as temporarily authorized herein in accordance with the Approved Temporary Improvement Plan, trailers shall not be parked on the Property unless appropriate approvals and permits have been obtained from the NJSEA.

2. Ogden II agrees that, except as temporarily authorized herein, a certificate of approval and occupancy from the NJSEA is required for occupancy of the Property.

3. Ogden II agrees to undertake the actions necessary to bring the trailer parking lot, commonly referred to as "S-Yard", into compliance with applicable NJSEA regulations. This requires: (i) Ogden II completing the outstanding submission requirements to support its request for an amendment to the 16<sup>th</sup> Street Redevelopment Plan; (ii) the NJSEA completing the regulatory process for review and agency action on such amendment; and (iii) assuming approval of the redevelopment plan amendment, Ogden II undertaking the site improvements, in phases, to construct a trailer parking lot meeting NJSEA site plan requirements. NJSEA agrees to consider such petition consistent with the applicable regulations, but makes no representation as to whether such petition may be denied, approved, or approved with conditions. Nothing herein

shall preclude Ogden II from seeking such other relief as may be lawfully available to Ogden II in the event the requested amendment is not approved.

4. Following is the schedule for implementation of the terms of this Stipulation of Settlement by Ogden II and the NJSEA:

a. Ogden II shall complete the petition to amend the 16<sup>th</sup> Street Redevelopment Plan, in accordance with N.J.A.C. 19:3-5.15, within three (3) months, commencing from the date of this Stipulation of Settlement. Outstanding submission requirements include (i) updated planner's report and (ii) updated traffic impact study.

b. In accordance with N.J.A.C. 19:3-5.15, NJSEA staff shall complete its review, hold a public hearing and make a recommendation to the NJSEA to either approve, deny, or modify the proposed amendments on the Redevelopment Plan within twelve (12) months of Ogden II's petition to amend the 16<sup>th</sup> Street Redevelopment Plan being declared complete.

c. If the petition to amend the 16<sup>th</sup> Street Redevelopment Plan is approved, Ogden II shall submit applications to: (i) the NJSEA for zoning certificate approval, and (ii) the Hudson County Planning Board for site plan approval (collectively "Site Plan Approvals"), within four (4) months of the 16<sup>th</sup> Street Redevelopment Plan amendment becoming effective. If the petition to amend the 16<sup>th</sup> Street Redevelopment Plan is not approved, Ogden II shall be responsible for operating and maintaining its property in accordance with the effective 16<sup>th</sup> Street Redevelopment Plan and all applicable NJSEA regulations.

d. Ogden II shall construct the approved site plan improvements in phases, within the following timetable, with Phase I to be completed within 12 months of the receipt of required

NJSEA zoning certificate approval and Hudson County Planning Board site plan approval, and Phases 2-4 to be completed in each of the 3 years following.

- Phase I – Installation of all drainage structures, inlets, pipes, stormwater management ponds and grading the existing base to the plan subbase grades (within 12 months of Site Plan Approvals)
- Phase 2 – Installation of curb, lighting, 25% of Base Course paving, grading and stabilization of all areas not to be paved (within 24 months of Site Plan Approvals)
- Phase 3 – Complete Base Course paving (within 36 months of Site Plan Approvals)
- Phase 4 – Complete Surface Course paving and landscaping all unpaved areas (within 48 months of Site Plan Approvals)

The above-stated timetable refers to the improvements shown in the plans, attached hereto as “Attachment A,” entitled “Site Plan for Site Improvements at 2820 16<sup>th</sup> Street, Lot 2, Block 449A, Township of North Bergen, Hudson County New Jersey”, prepared by Boswell Engineering, consisting of five (5) sheets, dated November 13, 2013, as such plans may be amended in the course of NJSEA zoning certificate approval and Hudson County site plan approval. Nothing herein shall be construed as an approval for development or construction.

5. Ogden II agrees that, pursuant to N.J.A.C. 4:4-4.21, failure to comply with any of the provisions of this Stipulation, including a good faith effort to comply with submission deadlines and implementation, may subject it to penalties of up to \$5,000 per day, the institution of a civil action for injunctive relief, or any other action that the NJSEA deems necessary to enforce compliance with its regulations. Nothing herein may be construed to limit the NJSEA’s ability to obtain compliance with and enforce its regulations.

6. The hearing request challenging the NOV issued by the NJMC on October 30, 2006 filed by Ogden II is withdrawn with prejudice. Ogden II agrees to notify the OAL of the withdrawal of their hearing requests within fourteen (14) days of receiving a fully executed copy of this Stipulation of Settlement.

7. Each of the persons signing this Stipulation of Settlement in a representative capacity represents and warrants that he or she is an authorized representative of the entity for which he or she has signed and is duly authorized to execute this Stipulation of Settlement.

8. This Stipulation of Settlement shall become effective upon the execution hereby by Ogden II and the NJSEA.

9. This Stipulation of Settlement shall be binding upon the parties and their successors-in-interest, if any.

10. This Stipulation of Settlement shall be construed as if drafted by both parties.

11. In accordance with N.J.S.A. 5.10-4(i), this Settlement Agreement shall take effect following the conclusion of the Governor's review period and/or approval of the New Jersey Sports and Exposition Authority ("NJSEA") meeting minutes authorizing entry of this Settlement Agreement and then upon the execution by an authorized representative of each party. Should the Governor veto the action of the NJSEA to enter this Settlement Agreement, it shall be null and void and of no force and effect.

**DRAFT**

**STATE OF NEW JERSEY,**

**NEW JERSEY SPORTS AND EXPOSITION  
AUTHORITY**

**Dated:**

**By:** \_\_\_\_\_

**OGDEN REALTY II**

**Dated:**

**By:** \_\_\_\_\_