

Board Meeting

Thursday, November 17, 2016

10:00 a.m.



**AGENDA
REGULAR SESSION**

Thursday, November 17, 2016 - 10:00 a.m.
Two DeKorte Park Plaza, Lyndhurst, NJ

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

- Approval of Regular Session Meeting Minutes of October 13, 2016

II. **PUBLIC PARTICIPATION ON RESOLUTIONS**

III. **APPROVALS** – (Action)

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

Resolution 2016-52 Consideration of a Resolution Adopting the NJSEA 2016 Budget.

Resolution 2016-53 Consideration of a Resolution approving the NJSEA Annual Schedule of Meetings for the Year 2017.

Resolution 2016-54 Consideration of a Resolution authorizing changes to official signatories for bank accounts.

Resolution 2016-55 Consideration of 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-724, NCP East Rutherford Holdings, LLC/ Paterson Plank Road Redevelopment Plan Amendment Block 105.01, LOT 2 in East Rutherford.

IV. **PUBLIC COMMENTS**

V. **EXECUTIVE SESSION**

Resolution 2016-56 Consideration of a 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.

VI. **MOTION TO ADJOURN**

MINUTES



**REGULAR SESSION BOARD MEETING
October 13, 2016**

DATE: October 13, 2016
TIME: 10:00 a.m.
PLACE: 2 DeKorte Park Plaza - Lyndhurst, NJ
RE: **REGULAR SESSION MEETING MINUTES**

Members in Attendance:

Michael Ferguson, Chairman (via phone)
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
Steven Plofker, Member
Andrew Scala, Member
Anthony Scardino, Member
Robert Yudin, Member
Peter Simon, NJ State Treasurer's Representative (via phone)

Absent:

Michael Gonnelli, Member
George Kolber, Member

Also Attending:

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
Lisa LeBoeuf, Governor's Authorities Unit
Christine Ferrante, Executive Assistant/Paralegal

Vice Chairman Buckelew called the meeting to order.

Vice Chairman Buckelew 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

Vice Chairman Buckelew presented the minutes of the Regular Session Board Meeting held on September 15, 2016.

Upon motion made by Commissioner Yudin and seconded by Commissioner Scardino, the minutes of the Regular Session Board Meeting held on September 15, 2016, were unanimously approved by a vote of 12-0.

II. PUBLIC PARTICIPATING ON RESOLUTIONS

- Captain Bill Sheehan, Riverkeeper – spoke regarding Resolution 2016-48 cautioning about the possibility of the developer wanting to fill in 45 acres of open water river bottom.

IV 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 month of September 2016.

Upon motion by Commissioner Plofker and seconded by Commissioner Fontoura, the cash disbursements over \$100,000 for the month of September 2016 were approved subject to the following recusals:

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

Resolution 2016-48 Resolution authorizing the NJSEA to designate Morris Kearny Associates, LLC as Redeveloper and negotiate and enter into a Redeveloper Agreement pertaining to a warehouse/distribution development project within the Koppers Coke Peninsula Redevelopment Area in Kearny.

Mr. Levy explained Resolution 2016-48 to the Commissioners. Mr. Levy stated that the resolution before the board does not provide for any approvals for filling in of waterways, wetlands, or tideland rights. Those approvals will go through the land use process and will be reviewed carefully. Mr. Levy went on to say that this resolution designates the Morris Kearny Assoc. as the Redeveloper of the Koppers Seaboard Property and to enter into a Redeveloper Agreement with Morris Kearny Assoc. for the development of Koppers Seaboard Property within the Koppers Coke Peninsula Redevelopment Area.

Vice Chairman Buckelew presented Resolution 2016-48. Upon motion by Commissioner Scardino and seconded by Commissioner Plofker, proposed resolution 2016-48 was unanimously approved by 12-0 vote.

Resolution 2016-49 Resolution authorizing the distribution of funds from the Meadowlands Transpiration Planning District Fund for the Meadowlands Parkway Greenway Improvement Project.

Mr. Levy explained Resolution 2016-49 to the Commissioners. Mr. Levy stated that this resolution arises from a recent addition to the NJSEA statute as a result of the consolidation bill. Mr. Levy explained that thirty percent of TPD fees collected from development in a particular municipality must be used for transportation related projects in that municipality that meet the regional transportation plan. Mr. Levy went onto explain that to satisfy this provision the NJSEA MASSTR project expends funds throughout the district in various towns. In addition, Secaucus has proposed the Meadowlands Parkway Greenway and Bike Path improvement project which has been evaluated to be an appropriate project under the transportation plan. Mr. Levy stated that this resolution authorizes the distribution of funds to Secaucus on a reimbursable basis. Mr. Levy also stated that this is Secaucus' project and is their responsibility and liability.

Vice Chairman Buckelew presented Resolution 2016-49. Upon motion by Commissioner Fontoura and seconded by Commissioner Scala, proposed resolution 2016-49 was approved by 12-0 vote.

V. AWARDS/CONTRACTS

Resolution 2016-50 Resolution authorizing the President and CEO to enter into a contract for snow plowing and removal services at the Sports Complex in East Rutherford.

Mr. Levy explained Resolution 2016-50 to the Commissioners. Mr. Levy stated that this is a three-year contract for snow plowing and removal services for portions of the Sports Complex surrounding the arena. This was procured through a public RFP process with one bid received from Creamer-Sanzari. Mr. Levy went on to say that the price proposed was reasonable and comparable to bids of previous years. Mr. Levy noted that the bid amount is an estimate and based on the number of hours plows will be needed.

Vice Chairman Buckelew presented Resolution 2016-50. Upon motion by Commissioner Ballantyne and seconded by Commissioner Fontoura, proposed resolution 2016-50 was approved by 11-0 vote with Commissioner Scardino abstaining.

VII. PUBLIC COMMENTS

- Marvin Donadic, Cliffside Park resident spoke of his concerns regarding Governor Christie and suggestions for events and attractions in northern New Jersey.
- Keri Ann Eglentowicz, Secaucus town attorney, spoke in favor of Resolution 2016-49.

VIII. EXECUTIVE SESSION

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

Resolution 2016-51 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.

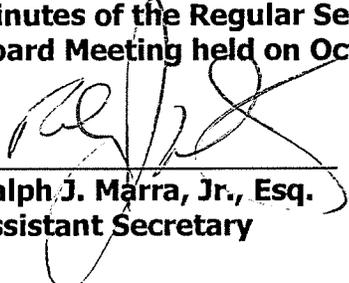
Upon motion made by Commissioner Ballantyne and seconded by Commissioner Fontoura, Resolution 2016-51 was approved by a vote of 12-0.

Motion to enter into open session was made by Commissioner Yudin and second by Commissioner Scardino with all in favor.

MOTION TO ADJOURN

Motion to adjourn the meeting was made by Commissioner Fontoura and second by Commissioner Plofker with all in favor.

I certify that on information and belief this is a true and accurate transcript of the Minutes of the Regular Session of the New Jersey Sports and Exposition Authority Board Meeting held on October 13, 2016.


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

October 13, 2016

Commissioner	Roll Call	2016-48	2016-49	2016-50	2016-51
Ferguson	P (via phone)	Y	Y	Y	Y
Buckelew	P	Y	Y	Y	Y
Hasenbalg	P	Y	Y	Y	Y
Ballantyne	--	--	--	--	--
Fontoura	P	Y	Y	Y	Y
Gluck	P	Y	Y	Y	Y
Gonnelli	--	--	--	--	--
Jones	P	Y	Y	Y	Y
Kolber	--	--	--	--	--
Plofker	P	Y	Y	Y	Y
Scala	P	Y	Y	Y	Y
Scardino	P	Y	Y	R	Y
Yudin	P	Y	Y	Y	Y
Treasury Rep Simon	P (via phone)	Y	Y	Y	Y

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

APPROVALS



CASH DISBURSEMENTS
\$100,000 OR MORE
OCTOBER 2016

SPORTS COMPLEX

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
NRG BUSINESS SOLUTIONS	798,640.59	J	ELECTRICITY CHARGES: JUL 2016 & SEP 2016
PUBLIC SERVICE ELECTRIC & GAS	135,428.40	J	ELECTRIC TRANSMISSION: SEP 2016
SPORTS ARENA EMPLOYEES RETIREMENT FUND LOCAL 137	234,185.01	A	PENSION WITHDRAWAL LIABILITY PAYMENT: AUG 2016 - OCT 2016
STATE OF NEW JERSEY TREASURY DEPARTMENT	261,770.77	A	WORKERS' COMPENSATION COVERAGE: PERIOD ENDING AUG 2016
SPORTS COMPLEX TOTAL	1,430,024.77		

SPORTS COMPLEX PAYMENT IN LIEU OF TAXES

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF EAST RUTHERFORD	2,002,501.85	I	PAYMENT IN LIEU OF TAXES: 4TH QUARTER 2016
SC PILOT TOTAL	2,002,501.85		

MONMOUTH PARK RACETRACK REAL ESTATE TAXES

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF OCEANPORT	462,783.64	I	REAL ESTATE TAXES: 4TH QTR 2016
MP REAL ESTATE TAXES TOTAL	462,783.64		

OTHER

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
KEARNY, TOWN OF	155,716.28	A	HOST COMMUNITY BENEFIT - KEEGAN LANDFILL: 3RD QTR 2016
NEW JERSEY HEALTH BENEFITS FUND	177,404.79	A	HEALTH BENEFITS - ACTIVE EMPLOYEES: OCT 2016
TIFFANY ELECTRIC, INC.	167,373.71	A/L	MASSTR PHASE 5 CONSTRUCTION PROJECT - PARTIAL REIMBURSEMENT FROM FHWA
WASTE MANAGEMENT OF NEW JERSEY	199,049.00	A	OPERATIONS CONTRACT - KEEGAN LANDFILL: SEP 2016
OTHER TOTAL	699,543.78		

OUTSTANDING PROFESSIONAL SERVICES
\$100,000 OR MORE
OCTOBER 2016

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>DESCRIPTION</u>
GIBBONS P.C.	166,051.23	LEGAL SERVICES - AUTHORITY TRANSACTIONS COUNSEL: OCT 2016
SPORTS COMPLEX TOTAL	166,051.23	



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	PRESIDENT/CEO APPROVAL
I	STATUTORY PAYMENT
J	UTILITIES
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 2016-52

**RESOLUTION ADOPTING THE
2016 NEW JERSEY SPORTS AND EXPOSITION AUTHORITY BUDGET**

BE IT RESOLVED by the New Jersey Sports and Exposition Authority that the attached Operations, Maintenance, and Capital budgets are hereby approved and adopted as the 2016 New Jersey Sports and Exposition Authority Budget.

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 November 17, 2016.

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



NJSEA
Budgetary Summary - Calendar Year 2016

	Proposed Budget 2016
Revenue Budget	
Operating Revenue - E.R.	\$ 18,119,903
Solid Waste Revenue	16,600,000
Operating Expense Reimbursement	2,532,301
Operating Revenue - Lyndhurst	2,283,000
	<hr/>
Total Revenues	\$ 39,535,204
Expense Budget	
Operations & Maintenance:	
Operating Expenses - E.R.	17,739,178
Solid Waste Expenses	14,517,743
Payment in Lieu of Taxes & CAFO	11,560,000
Operating Expenses - Lyndhurst	9,684,133
Environment Center	1,034,150
	<hr/>
Sub Total	\$ 54,535,204
Operating Gain (Loss)	(15,000,000)
Non - Operating Income and (Expenses)	
State Appropriations	<hr/> 15,000,000
	<hr/>
Change In Net Position	\$ -



NJSEA
Comparative Budgetary Statement
Calendar Year 2016
Support Schedule - Consolidating Budget Information

	<u>2015</u>	<u>2016</u>	<u>Change vs. 2015</u>
Revenue Budget			
Operating Revenue - E.R.	\$ 22,325,000	\$ 18,119,903	\$ (4,205,097)
Solid Waste Revenue	24,144,535	16,600,000	(7,544,535)
Operating Expense Reimbursement	-	2,532,301	2,532,301
Operating Revenue - Lyndhurst	3,324,108	2,283,000	(1,041,108)
Total Revenues	<u>\$ 49,793,643</u>	<u>\$ 39,535,204</u>	<u>\$ (10,258,439)</u>
Expense Budget			
Operating Expenses - E.R.	\$ (33,205,000)	\$ (17,739,178)	\$ 15,465,822
Solid Waste Expenses	(19,445,751)	(14,517,743)	4,928,008
Payment in Lieu of Taxes & CAFO	(11,795,369)	(11,560,000)	235,369
Operating Expenses - Lyndhurst Environment Center	(8,115,527)	(9,684,133)	(1,568,606)
	(1,041,000)	(1,034,150)	6,850
Total Expenses	<u>\$ (73,602,647)</u>	<u>\$ (54,535,204)</u>	<u>\$ 19,067,443</u>
Operating Gain (Loss)	(23,809,004)	(15,000,000)	8,809,004
Non - Operating Income and (Expenses)			
Reserve Fund Utilization	1,133,635	-	(1,133,635)
State Appropriations	26,000,000	15,000,000	(11,000,000)
Total Non - Operating Income and (Expenses)	27,133,635	15,000,000	(12,133,635)
Change In Net Position	<u>\$ 3,324,631</u>	<u>\$ -</u>	<u>\$ (3,324,631)</u>



NJSEA

CALENDER YEAR 2016 BUSINESS PLAN COMBINED DETAIL

REVENUES	2015	2016	Change vs. 2015
<u>Operating Revenue - E.R.</u>			
NMSCO Ground Lease	\$ 6,866,000	\$ 6,300,000	\$(566,000)
NMR Shared Services	5,350,000	5,169,636	(180,364)
MP Reimbursable	2,402,000	2,348,342	(53,658)
Non Event Parking	1,112,000	1,879,259	767,259
Market Place	-	450,000	450,000
Wireless	360,000	388,000	28,000
Wildwood Management Fees	315,000	315,000	-
Arena Revenue	4,673,000	307,744	(4,365,256)
Misc. Other	1,247,000	961,922	(285,078)
Total Operating Revenue - E.R.	\$ 22,325,000	\$ 18,119,903	\$(4,205,097)
Solid Waste Revenue	24,144,535	16,600,000	(7,544,535)
Operating Expense Reimbursement	-	2,532,301	2,532,301
<u>Operating Revenue - Lyndhurst</u>			
Lease Revenue	\$ 1,824,108	\$ 1,433,000	\$(391,108)
Land Use Fee Income	1,500,000	750,000	(750,000)
Misc. Other	-	100,000	100,000
Total Operating Revenue - Lyndhurst	\$ 3,324,108	\$ 2,283,000	\$(1,041,108)
TOTAL REVENUES	\$ 49,793,643	\$ 39,535,204	\$(10,258,439)
Operations & Maintenance			
<u>Operating Expenses - E.R.</u>			
Salaries/Fringe	\$ 13,300,000	\$ 5,578,090	\$ 7,721,910
Arena Event Expenses	2,561,000	-	2,561,000
New Jersey Racing Commission	2,471,000	1,966,630	504,370
Workers Compensation	1,500,000	1,600,000	(100,000)
Pension Withdrawal	1,800,000	1,500,000	300,000
Utilities	5,129,000	1,283,000	3,846,000
State Police	500,000	915,656	(415,656)
Insurance/Data Processing/Telephone	722,000	909,532	(187,532)
Building/Other	968,000	670,270	297,730
Repairs/Maintenance	700,000	300,000	400,000
Professional Services	2,000,000	2,000,000	-
Two Rivers	200,000	200,000	-
Misc. Other	1,354,000	816,000	538,000
Total Operating Expenses - E.R.	\$ 33,205,000	\$ 17,739,178	\$ 15,465,822
Solid Waste	\$ 19,445,751	\$ 14,517,743	\$ 4,928,008
<u>Operating Expenses - Lyndhurst</u>			
Salaries/Fringe	\$ 5,382,427	\$ 7,584,133	\$(2,201,706)
Services	1,480,000	1,226,650	253,350
Capital/Maintenance	640,000	600,000	40,000
Repairs/Maintenance	375,000	450,000	(75,000)
Repairs - Superstorm Sandy	300,600	-	300,600
Utilities	-	200,000	(200,000)
Ramapo Operations	500,000	500,000	-
Supplies	316,000	47,500	268,500
Misc. Other	162,500	110,000	52,500
Total Operating Expenses - Lyndhurst	\$ 9,156,527	\$ 10,718,283	\$(1,561,756)
Payment in Lieu of Taxes & CAFO (East Rutherford, Oceanport, Long Branch)	\$ 11,795,369	\$ 11,560,000	\$ 235,369
Total Expenses	\$ 73,602,647	\$ 54,535,204	\$ 19,067,443
Non - Operating Income and (Expenses)			
Reserve Fund Utilization	1,133,635	-	1,133,635
State Appropriations	26,000,000	15,000,000	11,000,000
Total Non - Operating Income and (Expenses)	27,133,635	15,000,000	12,133,635
Change in Net Position	\$ 3,324,631	\$ -	\$(3,324,631)

RESOLUTION 2016-53

**RESOLUTION TO ADOPT ANNUAL SCHEDULE
OF MEETINGS**

BE IT RESOLVED by the New Jersey Sports and Exposition Authority that, pursuant to N.J.S.A. 10:4-6 et seq., the New Jersey Open Public Meetings Law, the New Jersey Sports and Exposition Authority will hold its regular meetings during the year 2016 on the following dates and that said meetings shall be conducted at the Offices of the Authority, 2 DeKorte Park Plaza, Lyndhurst, New Jersey at 10:00 a.m.

Public Board Meetings

January 19, 2017

February 16, 2017

March 16, 2017

April 20, 2017

May 18, 2017

June 15, 2017

July 20, 2017

August - No Meeting

September 21, 2017

October 19, 2017

November 16, 2017

December 14, 2017

BE IT FURTHER RESOLVED that a copy of the schedule be forwarded to all persons entitled to Notice under the attached Schedule of Meetings and posted on the NJSEA bulletin board and website.

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 November 17, 2016.

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

ANNUAL SCHEDULE OF MEETINGS

The Board meetings are scheduled to be held by the New Jersey Sports and Exposition Authority from January 19 2017 through December 14, 2017.

- ANNUAL MEETING: To be held on the third Thursday in the month of November at the Office of the Authority, Two DeKorte Park Plaza, Lyndhurst, New Jersey, beginning at 10:00 a.m.
- REGULAR MEETINGS: Ordinarily to be held on the third Thursday of each month, or such earlier or later date as the Commission may determine, at the Office of the Authority beginning at 10:00 a.m.
- SPECIAL MEETINGS: May be called by the Chairman or upon the written request of two members of the Board, to be held at the Office of the Authority, Two DeKorte Park Plaza, Lyndhurst, New Jersey, at such time as shall be designated.

A copy of this schedule and the Notice of Meetings called by the Authority requiring 48-hour notice shall be:

1. Prominently posted on the bulletin board maintained in the Office of the Authority.
2. Posted on the Authority's website.
3. Transmitted to the Bergen Record, Star Ledger, and the Jersey Journal.
4. Filed with the Secretary of State.
5. Mailed to any person requesting same who has paid the fee established by the Commission to cover the cost of providing said Notice.
6. Forwarded to the Clerk of each Meadowlands constituent municipality.

RESOLUTION 2016-54

**RESOLUTION AUTHORIZING CHANGES TO
OFFICIAL SIGNATORIES FOR BANK ACCOUNTS**

WHEREAS, certain bank accounts have been established by resolution adopted in the past for the New Jersey Sports and Exposition Authority (the "Authority"); and

WHEREAS, due to recent changes of personnel within the Authority, certain signatory changes are necessary, and

WHEREAS, in accordance with the by-laws of the Authority the following signatories are to be assigned to the bank accounts as directed by and in discretion of the President/CEO, Wayne Hasenbalg:

Wayne Hasenbalg
John Yarenis
Christine A. Sanz
Edward H. Bulmer

NOW THEREFORE BE IT RESOLVED, the Board of Commissioners of the New Jersey Sports and Exposition Authority hereby authorizes the aforementioned signatories to the bank accounts; and

BE IT FURTHER RESOLVED that the authority conferred upon the above named signatories shall remain in full force and effect until written notice of the revocation.

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 November 17, 2016.

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

RESOLUTION 2016- 55

**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-724, NCP East Rutherford Holdings, LLC/ Paterson Plank Road
Redevelopment Plan Amendment
BLOCK 105.01, LOT 2
IN THE BOROUGH OF EAST RUTHERFORD**

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 *Interim Policies* are withdrawn or rescinded by Commission action or court order, whichever occurs first; and

WHEREAS, a property owner or applicant may, in addition, request that the Commission evaluate the suitability of a particular site for housing in a zone that does not permit residential dwellings as a principal use in accordance with Subsection V.(a) of the *Interim Policies*; and

WHEREAS, the *Interim Policies*, in Subsection VI.(c), permit a developer to request an increase to the maximum permitted density for the zone; 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 for any proposed density increase; and

WHEREAS, the NJSEA has received a Site Suitability application from Catalyst Development Partners, LLC, regarding the property located at 932 Paterson Plank Road, Block 105.01, Lot 2, in the Borough of East Rutherford, New Jersey; and

WHEREAS, the applicant proposes to construct a 397-unit, multi-family residential development, inclusive of a 10 percent affordable housing unit set-aside for households of low or moderate-income; and

WHEREAS, the subject property is located in the Commercial Gateway Center of the Paterson Plank Road Redevelopment Area, which does not permit residential uses; and

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

WHEREAS, a public hearing was held on April 12, 2016, to receive public comment on the Site Suitability application; and

WHEREAS, written comments regarding the proposed application were received by the Review Team from Richard J. Allen, Jr., Esq., of the firm Kipp & Allen, LLP, Borough Attorney for the Borough of East Rutherford, prior to the public hearing; and

WHEREAS, three members of the public provided comments at the hearing; and

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

WHEREAS, the suitability review recommends that the subject property be deemed unsuitable for residential use; and

WHEREAS, the Hackensack Meadowlands Municipal Committee (HMMC), at their meeting on November 14, 2016, voted in favor of the suitability recommendation, which recommends that the subject property be deemed 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 property; and

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

WHEREAS, the Board of Commissioners of the NJSEA hereby determines that the subject property is deemed 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 property located at 932 Paterson Plank Road, Block 105.01, Lot 2, in the Borough of East Rutherford, is deemed 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 November 17, 2016.

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



MEMORANDUM

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

From: Sara J. Sundell

Date: November 17, 2016

Subject: Site Suitability Recommendation for NCP East Rutherford Holdings, LLC/Paterson Plank Rd Redevelopment Plan Amendment in the Borough of East Rutherford (File No. SP-724)

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.

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.

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.

A Site Suitability application has been filed with the NJSEA by Catalyst Development Partners, LLC, regarding the property located at 932 Paterson Plank Road, Block 105.01, Lot 2, in the Borough of East Rutherford, New Jersey. This request for a Site Suitability Determination is sought in connection with the applicant's proposal to construct a 397-unit, multi-family housing development, inclusive of a 10 percent affordable housing unit set-aside for households of low or moderate-income, on the subject premises. The subject property is located in the Commercial Gateway Center of the Paterson Plank Road Redevelopment Area, which does not permit residential uses, thus requiring a public hearing in accordance with Section V(a)2 of the *Interim Policies Governing Affordable Housing Development in the Meadowlands District*. A public hearing regarding this matter was held on April 12, 2016.

The following three (3) members of the public provided comments at the hearing: Robert T. Regan, Esq., Attorney at Law, Court Appointed Monitor for the Borough of East Rutherford; Richard J. Allen, Esq., of the firm Kipp & Allen, LLP, Borough Attorney for the Borough of East Rutherford; and Robert Perry, P.P., LLA, Remington Vernick Engineering, a planner hired by the Borough of East Rutherford. The overriding concern is that the proposed development has not been located or designed in accordance with sound zoning and planning principles. Specific comments from each of the above are listed in the transcript.

After the public hearing, the matter was forwarded to the Review Team for review of the proposed development in accordance with the Interim Policies. A suitability review, dated October 2016, has been prepared indicating that the Review Team recommends that the subject property be deemed unsuitable for residential use. The recommendation was forwarded to the Hackensack Meadowlands Municipal Committee (HMMC) who voted in favor of the suitability recommendation, which recommends that the subject property be deemed unsuitable for residential use, at their meeting on November 14, 2016.

At this time, the NJSEA staff is recommending that the members of the NJSEA concur with the suitability recommendation prepared by the Review Team, which recommends that the subject property be deemed unsuitable for residential use.



Suitability Review Public Hearing Report

File No. SP-724

*NCP East Rutherford Holdings, LLC/
Paterson Plank Rd Redevelopment Plan Amendment*

Block 105.01, Lot 2,

Borough of East Rutherford

October 2016

I. Introduction

A Site Suitability application has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Thomas H. Bruinooge, Esq., of the firm Bruinooge & Associates, on behalf of Catalyst Development Partners, LLC, the developer and authorized agent for the property owner, NCP East Rutherford Holdings, LLC, regarding the property located at 932 Paterson Plank Road, Block 105.01, Lot 2, in the Borough of East Rutherford, New Jersey. This request for a Site Suitability Determination is sought in connection with the applicant's proposal to construct a 397-unit residential development, inclusive of 40 affordable units, on the subject premises.

The property is located within the Commercial Gateway Center of the Paterson Plank Road Redevelopment Area, which does not permit residential uses. The NJSEA received a petition from Thomas H. Bruinooge, Esq., dated May 20, 2015, to amend the Paterson Plank Road Redevelopment Plan to permit residential uses as a special exception in the Commercial Gateway Center of the subject property. The petition was subsequently amended on November 23, 2015, by Thomas H. Bruinooge, Esq., to eliminate the special exception request and to request the inclusion of a new zone or multifamily residential center in the Paterson Plank Road Redevelopment Area. In accordance with the "Interim Policies Governing Affordable Housing Development in the Meadowlands District," (Interim Policies) adopted by the NJSEA on July 24, 2008, and last revised on July 27, 2011, each petition for changes to existing uses within existing redevelopment plans shall be reviewed, and a recommendation prepared, regarding the suitability of the subject property for housing. A public hearing on the matter was held in accordance with Section V(a)2 of the Interim Policies.

The site characteristics of the property have been evaluated in accordance with the "Interim Policies."

II. Existing Site Conditions

The property in question is an irregularly-shaped parcel, consisting of approximately eight acres, and contains frontage on Paterson Plank Road to the north. The subject property is encumbered by two easements to the New Jersey Department of Transportation on the northerly portion of the site. A stormwater ditch is located along the southerly lot line.

The property is located within the Commercial Gateway Center of the Paterson Plank Road Redevelopment Area. Matheson Gas operated a facility on the site for decades, and ceased operations in 2002. The former structures on the site were demolished in 2013, and the property is currently vacant.

III. Public hearing

A public hearing was held in the Office of the Commission on Tuesday, April 12, 2016. Notice was given to the public and all interested parties as required by law. The public notice was published in The Record newspaper. One written objection was submitted to the Division of Land Use Management from Richard J. Allen, Esq., of the firm Kipp & Allen, LLP, Borough Attorney for the Borough of East Rutherford. All information submitted to the Division of Land Use Management relative to this application was made part of the record of this recommendation.

NJSEA staff in attendance at the public hearing were Sharon Mascaró, Deputy Director of Land Use Management and Deputy Chief Engineer; Mia Petrou, Senior Planner; and Ronald Seelogy, Senior Engineer.

IV. Exhibits

The following is a list of the exhibits submitted at the public hearing by the applicant to the NJSEA regarding the site suitability request:

<u>Number</u>	<u>Description</u>
A-1	"Topographic Survey," Sheet 1 of 1, prepared by Dynamic Survey, LLC, dated March 23, 2015, revised through July 9, 2015.
A-2	"Phase 1B Grading Plan," Sheet 5 of 6, prepared by Dynamic Engineering, dated May 7, 2015, revised through March 30, 2016.
A-3	"Catalyst Development Aerial Exhibit," Sheet 1 of 1, prepared by Dynamic Traffic, LLC, dated April 11, 2016.
A-4	"Conceptual Site Plan," prepared by Niles Bolton Associates, dated November 26, 2014.
A-5	"Aerial: 1.5 Mile Buffer," prepared by Burgis Associates, Inc., dated April 1, 2016.
A-6	"Aerial: .5 Mile Buffer," prepared by Burgis Associates, Inc., dated April 1, 2016.
A-7	"Community Overview: Civic Features," prepared by Burgis Associates, Inc., dated April 11, 2016.
A-8	"Community Overview: Commercial Features," prepared by Burgis Associates, Inc., dated April 11, 2016.

V. Testimony

Thomas H. Bruinooge, Esq., of the firm Bruinooge & Associates, represented Catalyst Development Partners, LLC, at the hearing. The following witnesses testified in support of the application

1. Stephen Parnes, Catalyst Development Partners, LLC;
2. Brett Skapinetz, P.E., Dynamic Engineering;
3. Joseph J. Staigar, P.E., P.P., Dynamic Traffic;
4. Steven M. Lydon, P.P., Burgis Associates; and
5. Roger Bajorek, LSRP, Verina Consulting Group.

At the request of Mr. Bruinooge, the close of the record of the public hearing was extended to May 13, 2016 to allow the opportunity to submit additional information.

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

VI. Public Comment

Three members of the public commented on the application, as follows:

1. Robert T. Regan, Esq., Attorney at Law, Court Appointed Affordable Housing Monitor for the Borough of East Rutherford, provided a statement regarding the Borough's affordable housing status;
2. Richard J. Allen, Esq., of the firm Kipp & Allen, LLP, Borough Attorney for the Borough of East Rutherford, objected to the proposed development on behalf of the Borough; and
3. Robert Perry, P.P., provided testimony as the Borough Planner for East Rutherford.

The public record of the hearing was supplemented by both the applicant's attorney and the Borough's attorney in written statements as follows:

1. Letter dated May 13, 2016 from Thomas H. Bruinooge, Esq., of the firm Bruinooge & Associates; and
2. Letter dated May 13, 2016 from Richard J. Allen, Esq., of the firm Kipp & Allen, LLP, Borough Attorney for the Borough of East Rutherford.

VII. Site Suitability Criteria

In accordance with Section IV(c)1 of the Interim Policies, the criteria to determine whether a site is suitable for residential use are listed below, along with staff response:

- i. The site is adjacent to compatible land uses and has access to appropriate streets.**
 - The subject property is located along Paterson Plank Road, also identified as New Jersey State Highway Route 120, a six-lane divided highway having a posted speed limit of 45 MPH, with a concrete center median in the vicinity of the subject property. The New Jersey Transit Pascack Valley Rail Line is located to the west of the subject property. The site is also located to the east of New Jersey State Highway Route 17, a six-lane divided roadway, and west of Murray Hill Parkway. Paterson Plank Road is identified as Paterson Avenue to the west of the Route 17 interchange.
 - The Paterson Plank Road corridor within the Hackensack Meadowlands District (“District”) can be characterized as a major arterial east/west roadway that serves a large range of primarily commercial and industrial uses and the NJSEA’s Meadowlands Sports Complex. Some scattered commercial development, in the form of hotels and restaurants, are also present along the corridor within the District.
 - Adjacent land uses in the vicinity of the site consist of a mix of commercial, industrial, and environmentally-sensitive land uses, as follows:
 - EAST: Immediately adjacent uses to the east consist of a new restaurant under construction (although construction activities have ceased on the site for more than one year), a stone company with large slabs of product stored in the rear (southerly) portion of the site, an auto sales preparation facility with the storage of numerous vehicles outdoors on the site, and a hotel. A variety of uses exists to the east of these properties, between Murray Hill Parkway and Berry’s Creek. The largest of these properties consist of a hotel and flex warehouse/office building, which is accessed from Murray Hill Parkway only, and smaller properties further east along the Paterson Plank Road frontage include a gas station with an accessory convenience store and Dunkin’ Donuts counter within the store, a used auto sales facility, and a truck leasing and repair facility.
 - SOUTH: Adjacent areas to the south consist of vacant land, currently owned by the NJSEA, which is part of the Universal Oil Products (UOP) Superfund site. This area contains both upland areas, including landfilled areas containing buried contaminants, as well as an area of wetlands. A spur of the NJ Transit Pascack Valley Rail Line serving the Meadowlands Sports Complex bisects this property. This adjoining property is bounded to the east by Murray Hill Parkway, although the UOP site extends to the east to Berry’s Creek.

- WEST: The site is bound to the west by the NJ Transit Pascack Valley Rail Line and maintenance yard. This rail line also serves as the westerly jurisdictional boundary of the District. Beyond the rail line is land that is part of a commercial strip development fronting New Jersey State Highway Route 17, a major north/south arterial highway. Thirteenth Street in Carlstadt is located proximate to the northwesterly corner of the subject property; however, there will be no access to the site from this roadway due to the approximately four feet of fill proposed to raise the site to be above the floodplain elevation. This fill may also serve as a cap of the property for environmental remediation purposes. Properties further to the west, on the eastbound side of Paterson Plank Road, include a group of properties within the Route 17 southbound interchange with Paterson Plank Road, which include a mix of commercial and industrial uses, such as the C&C Tire facility, a stone company, a sign fabrication company, and furniture retailer/wholesaler. Becton Regional High School is located further to the west, along Paterson Avenue. A mix of commercial uses and a small neighborhood in the vicinity of Enoch Street, consisting primarily of detached frame dwellings, exists along the westbound side of Paterson Avenue to the west of Route 17.
- NORTH: Land uses to the north of the site along westbound Paterson Plank Road are located within the Borough of Carlstadt and include a one-story industrial building that is currently vacant and in dilapidated condition. The NJSEA is in receipt of a zoning certificate application to redevelop the site with a 140-room hotel. Properties to the east of Sixteenth Street consist of a hotel, restaurant, and small-scale industrial uses. Further to the east, beyond the Murray Hill Parkway/20th Street jughandle, land uses include a one-story industrial building that is proposed to be redeveloped with a new industrial building housing an asbestos removal company, an auto repair facility, and a preexisting nonconforming adult entertainment use. Most properties to the north of Paterson Plank Road and Broad Street are classified as industrial uses.
- The site contains access to bus transit at the signalized intersection of Murray Hill Parkway and Paterson Plank Road. It is unclear whether the current schedules would support residential commuting patterns.
- The roadway network within the vicinity of the site varies from busy state highways to local connector roadways. Paterson Avenue, a two-lane local roadway to the west, becomes Paterson Plank Road (also known as State Highway Route 120) at the Route 17 interchange, which varies in configuration from six lanes at the site's frontage, to four lanes east of Murray Hill Parkway. The Route 120 corridor is a principal point of access to the industrial area of the Meadowlands located to the east of Route 17 and north

of Route 3. Route 120 continues southbound past the Meadowlands Sports Complex and connects with Route 3. The available roadway system utilized for access to and from the site is heavily used by commercial truck and tractor-trailer traffic traveling to businesses in the surrounding area, including Carlstadt, Moonachie, and Secaucus. Buses also service the area. There is a great deal of noise generated by these commercial vehicles, and there are safety concerns associated with incorporating a residential component into this roadway network, as further explained herein. These characteristics of the roadway network are not conducive to support an appropriate residential environment.

- Access to the site is not appropriate to support residential use.
 - The subject property is located along the portion of Paterson Plank Road where it contains a six-lane configuration to accommodate the busy Route 17 interchange, whereas the roadway narrows to four lanes further east of the site after the Murray Hill Parkway intersection. Murray Hill Parkway is named 20th Street in the Borough of Carlstadt, and is primarily developed with industrial uses in both boroughs. The Murray Hill Parkway intersection with Paterson Plank Road is the sole point of access to businesses to the north by motorists traveling eastbound on Paterson Plank Road. The placement of a residential development is proposed at one of the busiest sections of the roadway.
 - Access to the site from Paterson Plank Road westbound is circuitous, requiring a potential resident to drive past the site, turn right onto Enoch Street, turn right onto Hoboken Road, enter Route 17 southbound (after yielding to motorists on Route 17 South), before entering the ramp around to Paterson Plank Road eastbound.
 - The access to the site results in public safety concerns for potential residents. The property is served by a right in/right out (RI/RO) driveway configuration on a divided state highway. There is no shoulder or deceleration lane available on Route 120 along the site's frontage, which is of particular concern in a location preceded by both a down gradient in the roadway that could affect vehicle speed and braking abilities, combined with the impact of a slight bend in the road preceding the site that may limit the sight distance of motorists along the roadway. The subject property is located directly east of the Route 17 North interchange with Paterson Plank Road, and the proximity of the site's entrance to this location results in potential safety conflicts between vehicles accelerating to enter Route 120 with vehicles entering or exiting the site driveway. This conflict potential is amplified by the configuration of the roadway at the site's frontage, as the right lane is configured as an exit-only lane for the Murray Hill Parkway intersection, with cross-movements of vehicles at the site's frontage entering or exiting the right lane at this location. While these site

access concerns would apply to any use to be located at the site, it is not an appropriately safe roadway network to accommodate multiple daily trip activity associated with a typical residential use.

- Pedestrian connections to local roads and the core of the East Rutherford community to the west are located along a busy state highway, and require crossing entrance and exit ramps from a major state highway (Route 17). The applicant's experts stated that sidewalks exist to the west to access the range of uses stated by the same witnesses as supportive of a residential use (schools, services, houses of worship, transit, etc.). While a signalized intersection with a crosswalk from the Route 17 northbound ramp to Paterson Plank Road exists, there are no other signalized intersections to the west of the site that would help ensure pedestrian safety. Although some crosswalks exist across the highway access points, there is no crosswalk at the southbound Route 17 ramp to Paterson Plank Road eastbound, nor at Paterson Avenue eastbound to Route 17 southbound. In the vicinity of these interchanges, gaps in the sidewalk network exist, and would require walking on dirt paths or within the roadway itself. This lack of a defined pedestrian path and controlled crossings is of particular concern, as the sidewalk network was characterized in testimony as a means of convenient access to area schools, transit, and services located to the west of the site. While it was offered by the traffic expert that an approval of this proposal could be conditioned on the provision of a crosswalk in this area, it is not known whether adequate sight distance exists around the curve of the Route 17 South ramp to Paterson Avenue that would allow a safe means of crossing at this location, and/or whether signalized intersections would be warranted, given the testimony that 1,000 vehicles would be entering Paterson Plank Road eastbound from Route 17 southbound during the morning peak period of travel, when residents would be walking west to school, the community's core downtown business district, or to transit opportunities, such as the Rutherford train station.
- The configuration of the existing sidewalk network in relation to the adjacent roadway network is not supportive of a residential use. Most portions of the existing sidewalks along Paterson Plank Road contain no buffer, such as a lawn strip or guard rail, between pedestrians and the adjacent traffic along the busy state highway. Furthermore, much of the roadway contains a very narrow shoulder painted between the sidewalk and the cartway. This configuration and lack of buffer places pedestrians and vehicles traveling at higher speeds very close to each other and results in an environment that is not suitable to permit the placement of a residential use.
- For these reasons, the staff concludes the site is unable to meet this criterion.

- ii. **The site has access to water and sewer infrastructure with sufficient capacity.**
- This criterion can be met by the subject property. The site was previously developed and utilities are available to the site. Any upgrades to facilities to provide additional capacity to serve the proposed residential development would be the responsibility of the applicant.
- iii. **The site can be developed consistent with the rules of the NJSEA.**
- The subject property is currently located in the Commercial Gateway Center zone of the Paterson Plank Road Redevelopment Area, which permits a variety of commercial uses, such as retail, hotel, and restaurant uses. Under the current zoning, the NJSEA regulations do not permit the development of the site for residential use.
 - The site is the subject of a petition by the applicant to amend the Paterson Plank Road Redevelopment Plan to permit residential use of the subject property.
 - Given the size of the property, the site can be developed consistent with the rules of the NJSEA. However, the proposed development concept does not comply with all of the current requirements of the redevelopment plan. Accordingly, the building floor area would be limited to an FAR of 1.0, and less parking than required by NJSEA regulations is proposed.
- 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 subject property appears on the NJDEP Known Contaminated Sites List, and is the site of the former Matheson Gas facility, where compressed gas was manufactured on the site for decades until 2002. The structures on the property were demolished in 2013 and remedial activities, including the excavation of abandoned gas canisters buried on the site, were conducted. The property's current Licensed Site Remediation Professional (LSRP) testified that, while the site is not currently remediated to NJDEP residential standards, the site could be remediated in the future to comply with the State residential clean-up standards.
 - The immediately adjacent site to the south is listed on the US Environmental Protection Agency's National Priorities List, and is identified as the Universal Oil Products (UOP) Superfund site. The site is 75 acres in area and was the site of a former chemical facility that contains soil and groundwater contamination. A portion of the UOP site between the Pascack Valley Rail Line and Route 17 has been redeveloped with a Lowe's home improvement store and a strip mall containing a variety of retail and restaurant tenants.

Remedial activities at the UOP site included off-site disposal of contaminated soils, capping of some of the lesser-contaminated portions of the site, and, in an area to the southeast of the NCP property, that is the subject of this application, burial of contaminants within a landfill area adjoining the southeast corner of the NCP site. A third section of the site, located south of the Pascack Valley Rail Line spur, primarily the portion of the site containing wetlands, remains under investigation by the USEPA.

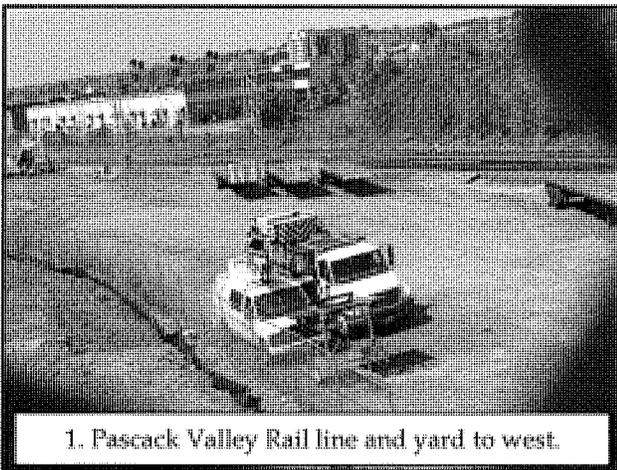
- Although the LSRP stated that the UOP site was “thoroughly investigated, and closed to the satisfaction of NJDEP as well as the USEPA,” this statement is not accurate. Based on a review of the USEPA’s status of the UOP Superfund site in publicly available information on the USEPA website, and confirmed via a telephone conversation with the USEPA case manager, the remedial work at the UOP site is not complete. The wetlands area in the southerly portion of the UOP site remains under investigation, and the uplands area of the UOP site, adjacent to the NCP property, is intended to be utilized as a staging area and point of access for future remedial activities on the UOP site.
 - Upon questioning during the public hearing, the LSRP was unable to identify important details of the adjacent UOP site, such as the location of buried contaminants in relation to the NCP site, on an aerial map. The LSRP stated that, while the degree of his involvement to date has been primarily to review the quality of fill brought to the NCP site, he reviewed the previous consultant’s investigations conducted for the previous property owner, which concluded that there was no impact to the subject property from the Superfund site, and that groundwater migrating from the adjacent Superfund site was downgradient from the subject property. According to the USEPA, while there is little movement of groundwater on the UOP site, there is a layer of water perched above the clay soils on the site. The results from any disturbance to these areas, such as what might occur in the aftermath of a significant flooding event, could potentially impact public health and safety.
 - The potential impact to air quality for future residents at the site was not adequately addressed. The UOP site is contaminated with volatile organic compounds (VOC’s), and the potential for vapor intrusion to the NCP site was not evaluated.
 - The staff cannot definitively conclude that there will be no exposure to environmental hazards to residential uses on this site. Therefore, this criterion has not been met by the subject property.
- 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.**
- This criterion can be met by the subject property. The former structures on the site have been demolished and the site is currently vacant.

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

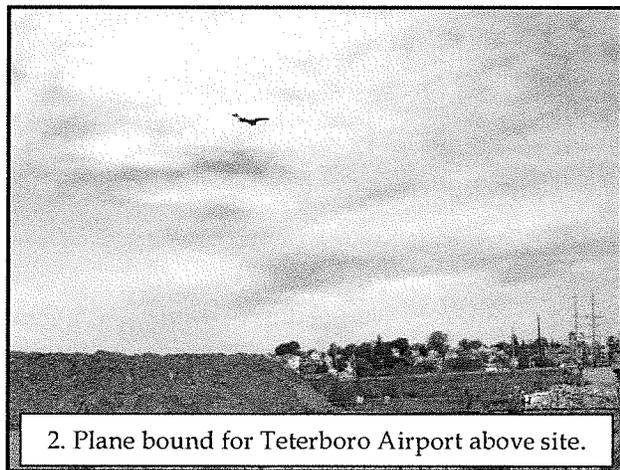
- The development of a residential use on the site would increase the supply of affordable housing in the District. However, this is not a solitary goal to the exclusion of all other planning principles. Sound planning practices require a balanced approach in determining how the supply of affordable housing could be accommodated in an appropriate manner.
- The location of the subject property with respect to the character of and uses on surrounding properties is not conducive to the construction of a residential development. Supportive uses that could be safely accessed via pedestrian means from this site do not exist. For example, the applicant's planner described the location of coffee shop to the east of the site. This coffee shop is a Dunkin' Donuts franchise located within a gas station convenience store, on a small and crowded site which also dispenses diesel fuel to tractor trailers. Pedestrian movements would conflict with vehicular circulation patterns on that site, and pedestrians must traverse large expanses of pavement and inhale fumes from idling vehicles and fuel dispensing operations to access this particular service. Area industrial uses were classified as "benign" by the applicant's planner, but cannot be considered suitable neighbors for residential uses pursuant to sound planning practice. Other properties in the neighborhood include a number of hotel uses, which are, by their nature, intended to house transient visitors to the area. Overall, there is no opportunity to integrate a residential development into the fabric of the Paterson Plank Road corridor in manner that would be consistent with sound planning principles.
- The applicant's planner testified that the inclusion of a residential use at the subject location is consistent with Smart Growth principles, including the provision of a mix of land uses, providing for a range of housing opportunities, and directing development efforts to redevelopment of existing sites as opposed to greenfield sites. However, Smart Growth promotes a mix of complementary uses within walkable, compact centers. The location of the subject property is located to the east of the Borough of East Rutherford's core residential community and local business district, and separated by a state highway. Testimony was provided that pedestrian access is available to the community via existing sidewalks, but it would be inappropriate to add residents at this particular location given the character and configuration of the pedestrian environment. It would not be sound planning to encourage use of this pedestrian access for residents due to the "missing links" of crosswalk locations across busy points of state highway access. Paterson Plank Road is also heavily traveled by buses, trucks, and tractor trailers serving the primarily industrial area to the east of the site, and there are no buffers between pedestrians and the roadway. The juxtaposition

of this heavy vehicle traffic on a state highway with pedestrian traffic on an incomplete and insufficient sidewalk network does not promote a welcoming pedestrian environment free of safety concerns.

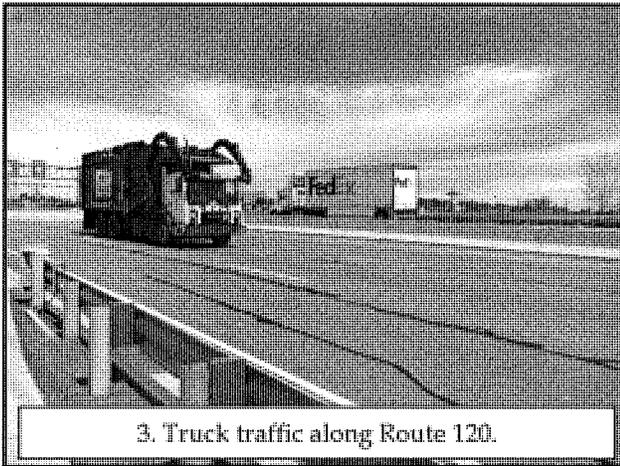
- Testimony was provided regarding the location of the site with respect to commercial development, restaurants, and supermarkets in the area. The principal location of these uses is along Route 17, which can only be safely accessed by a vehicle. Having proximity to commercial development along Route 17 is characteristic of many properties in East Rutherford due to the densely developed character of the region in which the District is located, but this proximity to such uses is not alone sufficient to justify the subject property as suitable to accommodate residential use. Although sidewalks are present along portions of the traveled route, it would not be sound planning to encourage pedestrian access from the subject site to services along Route 17 which do not accommodate pedestrians. In this case, despite the proximity to such uses, these are highway commercial uses that are not appropriately walkable for potential residents at the subject location.
- The subject property is in a location that is subject to significant noise generators. The roadway is traveled by trucks and tractor trailers, whose air brakes and gear changes will result in impact noises to future residents. The site is adjacent to the New Jersey Transit Pascack Valley Rail Line, which is utilized by diesel-powered commuter and freight locomotives. The site is also impacted by noise and exhaust fumes from low-flying airplanes approaching and/or departing within the flight path of nearby Port Authority of New York/New Jersey Teterboro Airport. These conditions are not supportive of a residential use at the subject location.



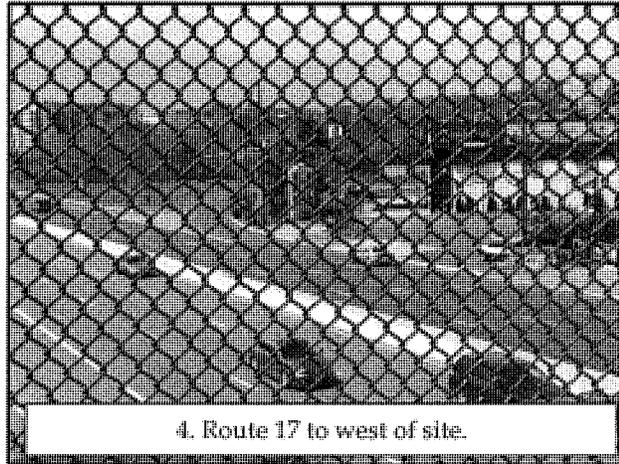
1. Pascack Valley Rail line and yard to west.



2. Plane bound for Teterboro Airport above site.



3. Truck traffic along Route 120.



4. Route 17 to west of site.

- The existing development in the vicinity of the subject property and areas adjoining Paterson Plank Road is primarily industrial. The site is proximate to the Meadowlands Sports Complex site, which is planned to be developed with a significant regional commercial development, American Dream. While the Paterson Plank Road Redevelopment Plan envisions that existing underutilized sites along the Route 120 corridor will be redeveloped with a mix of commercial uses, such as hotels and restaurants, it is anticipated that the industrial areas adjoining Paterson Plank Road will remain industrial pursuant to existing zoning in place for these areas. Should these commercial developments occur as planned, the Paterson Plank Road corridor will be a continuous center of activity. The roadway will be subject to constant use, not only during standard daytime working hours, but during evenings and weekends as well. There will be little opportunity for down-time for residents of this site.
- Ultimately, in reviewing the particular site characteristics and location, the suitability of the property in question to support a residential use is subject to an insurmountable combination of factors related to environmental, public health and safety, and land use concerns that prove the site unsuitable for residential use.

VIII. Additional Information

During testimony on behalf of the application, comparisons were made to two other sites in the Borough of East Rutherford within the District, including the Tomu site, which also includes a portion of land located in the Borough of Carlstadt, at the easterly terminus of Paterson Plank Road along Outwater Lane, and the Monarch residential development along the Route 3 East Service Road.

In the first instance, the requirement for the implementation of residential uses on the Tomu site is the outcome of a court order in 2005 limiting its development potential to a residential project of 840 units along the Hackensack River front, which is the result of an affordable housing lawsuit. There is no application pending for construction at this site, nor has there has been recent development interest in this site for residential use. Due to this lack of interest, particularly when viewed within the context of the present thriving state of the multifamily residential market, there appears to be uncertainty whether or not the Tomu site will be developed for residential use pursuant to the court order.

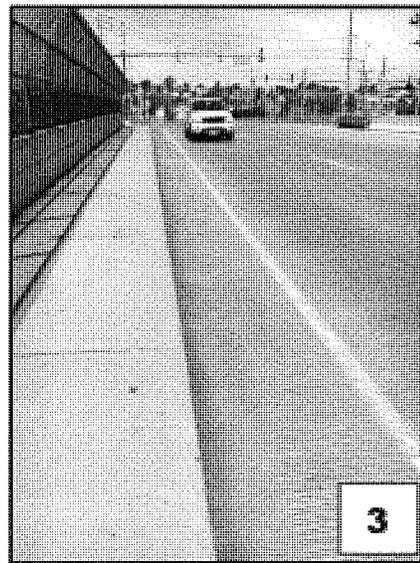
In the instance of the Monarch development, the property's location is an isolated site between a two-lane service road of a state highway and a large swath of protected wetlands. A shoulder is available on the service road to allow for deceleration into the site driveway and acceleration entering the service road when exiting the site driveway. There are no sidewalks to other properties located in the vicinity of the subject property and pedestrian access is neither encouraged nor available. Access to and from the site is entirely via vehicular means, and shuttle service to mass transit opportunities is provided.

Therefore, the comparisons of the subject proposal to the two above-referenced developments bear no relationship to the suitability of the subject property for residential use. Each site evaluated for site suitability in accordance with the *Interim Policies* is reviewed based on the particular site characteristics associated with that property.

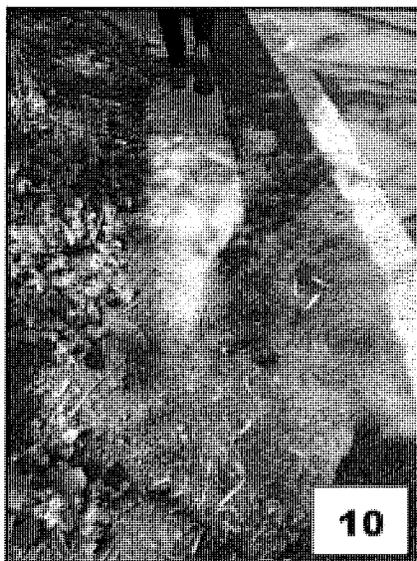
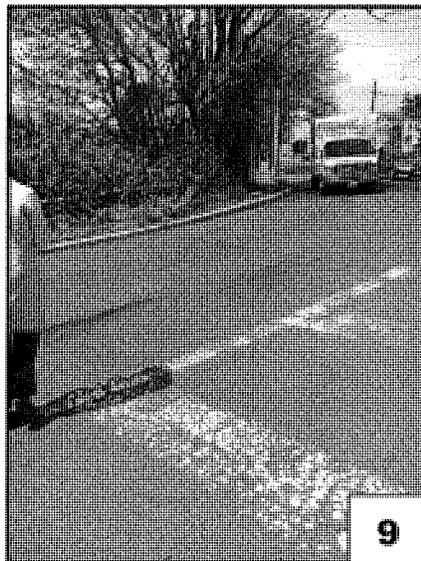
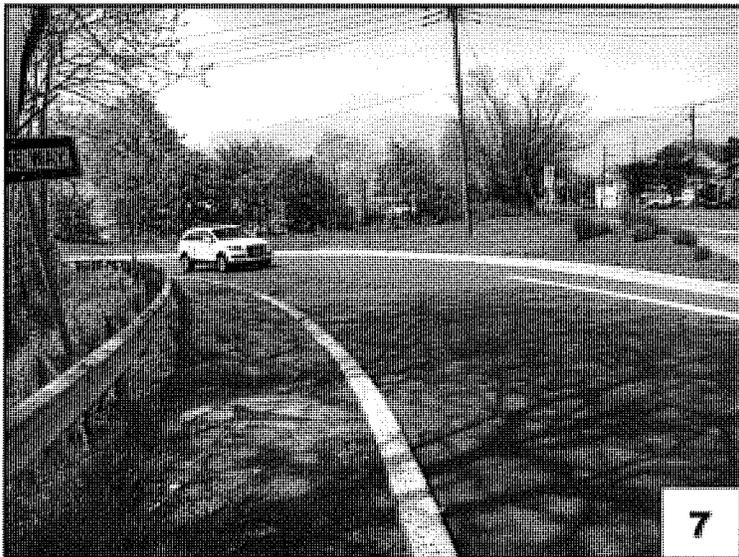
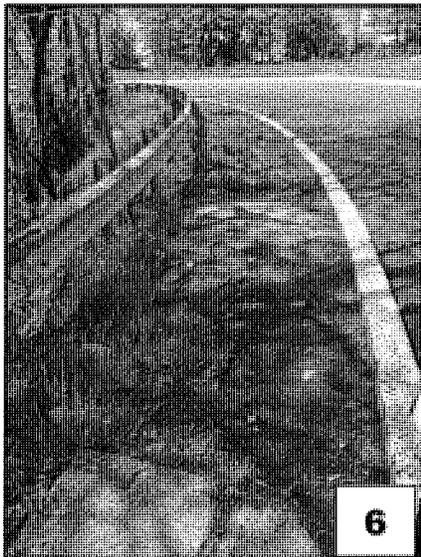
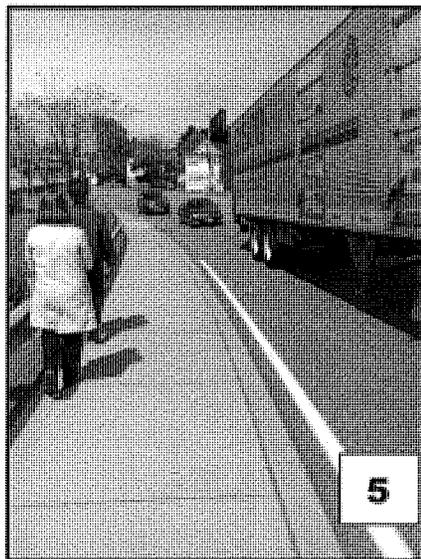
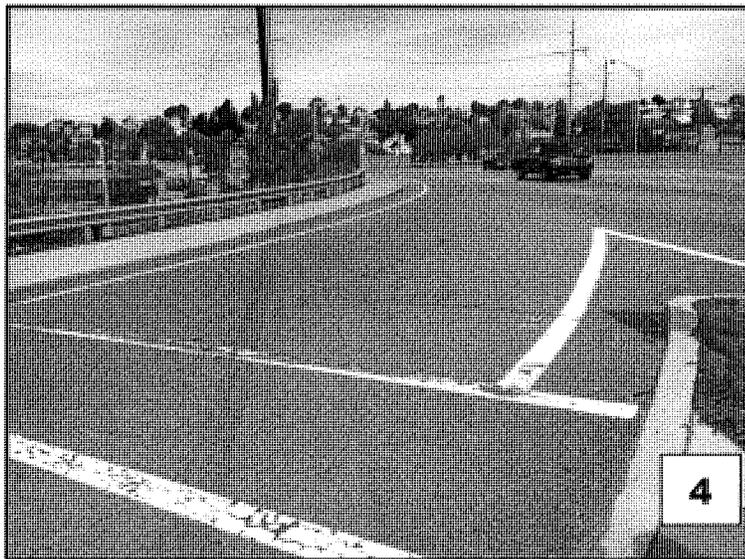
IX. Recommendation

The subject property, located at 932 Paterson Plank Road, Block 105.01, Lot 2, in the Borough of East Rutherford, is recommended to be deemed unsuitable for housing.

APPENDIX A
PEDESTRIAN PATH FROM SUBJECT PROPERTY TOWARD THE WEST
TO EAST RUTHERFORD COMMUNITY CORE



APPENDIX A - PAGE 2



APPENDIX A - PAGE 3

Photo#	Description
Photo 1	View from subject site's driveway toward the west.
Photo 2	View of existing guardrail and roadway edge along Paterson Plank Road at northwesterly portion of site.
Photo 3	View along Paterson Plank Road over the Pascack Valley Rail Line.
Photo 4	View crossing Paterson Plank Road eastbound at Route 17 North interchange (unsignalized portion of crossing).
Photo 5	View of sidewalk along Paterson Plank Road prior to C&C Tire/Landmark Furniture driveway.
Photo 6	View of pedestrian path at Route 17 South interchange with Paterson Plank Road eastbound.
Photo 7	View of Route 17 South interchange with Paterson Plank Road eastbound.
Photo 8	View of crossing conditions at Route 17 South interchange with Paterson Plank Road eastbound.
Photo 9	View of crossing conditions at Paterson Avenue eastbound interchange to Route 17 South.
Photo 10	View of pedestrian path north of Route 17 South interchange with Paterson Avenue eastbound, near Becton Regional High School.

EXECUTIVE SESSION

RESOLUTION 2016-56

**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 November 17, 2016.

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