

Board Meeting

Thursday, June 15, 2017

10:00 a.m.



**AGENDA
REGULAR SESSION**

Thursday, June 15, 2017 - 10:00 a.m.
Two DeKorte Park Plaza, Lyndhurst, NJ

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

- Approval of Regular Session Meeting Minutes of May 18, 2017.

II. **PUBLIC PARTICIPATION ON RESOLUTIONS**

III. **APPROVALS** – (Action)

Cash Disbursements Approval and/or Ratification of Cash Disbursements over \$100,000 for May 2017.

Resolution 2017-19 Consideration of a Resolution Issuing a Decision on the Variance Application Submitted as Part of File No. 17-068 PSE&G/North Bergen Substation Switchgear Upgrades/Variations Block 442, Lot 8, in the Township Of North Bergen.

IV. **PUBLIC COMMENTS**

V. **EXECUTIVE SESSION**

Resolution 2017-20 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

DATE: May 18, 2017
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 (via phone)
Wayne Hasenbalg, Esq., President and Chief Executive Officer
John Ballantyne, Member (via phone)
Armando Fontoura, Member
Michael H. Gluck, Esq., Member
LeRoy Jones, Member
George Kolber, Member
Anthony Scardino, Member
Robert Yudin, Member
Peter Simon, NJ State Treasurer's Representative

Absent:

Steven Plofker, Member
Andrew Scala, Member
Michael Gonnelli, Member

Also Attending:

Christine Sanz, Sr. Vice President/Chief Operating Officer
Ralph J. Marra, Jr., Sr. Vice President of Legal and Regulatory Affairs
John Yarenis, Director of Finance/CFO
Sara J. Sundell, Director of Land Use Management
Lisa LeBoeuf, Governor's Authorities Unit
Christine Ferrante, Executive Assistant/Paralegal

President Hasenbalg called the meeting to order.

President Hasenbalg 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

President Hasenbalg presented the minutes of the Regular Session Board Meeting held on April 20, 2017.

Upon motion made by Commissioner Scardino and seconded by Commissioner Fontoura, the minutes of the Regular Session Board Meeting held on April 20, 2017 were unanimously approved by a vote of 11-0.

III. PUBLIC PARTICIPATING ON RESOLUTIONS - None

IV. SPECIAL PRESENTATION -NJSEA/ Ramapo College Educational Programs

President Hasenbalg stated that the NJSEA is proud of its partnerships with Bergen Community College, Rutgers University-Newark and Ramapo College. He indicated that today's presentation is about the partnership with Ramapo College. President Hasenbalg expressed how wonderful it is to see the school busses in the morning coming into the complex for programs. He went on to say that since the merger, we've come to appreciate the importance of what Ramapo is doing. Particularly, how the programs offer children the meaningful opportunity to experience things they do not in everyday life. He also expressed how strongly he feels about the program and is pleased to continue the partnership with Ramapo.

Ms. Sanz was delighted to present to the Commissioners the resolution to extend the current MOU with Ramapo College to operate the Environment Center and develop environmental education programs for schools and the general public. Ms. Sanz explained that the MOU with Ramapo has been in effect since 2003 and has created renowned environmental education programs. Ms. Sanz stated that by statute the NJSEA is required to provide environmental education for the public. She also stated that the resolution is to extend the MOU through December 31, 2018 and that all other terms and conditions of the current MOU shall remain the same.

Ms. Sanz introduced Dr. Angela Cristini, Director of the Meadowlands Environment Center who gave a PowerPoint presentation on the many programs at the Center and answered questions from Commissioners regarding expanding the program to other communities, especially those who do not have the resources to participate.

James Albro, Wallington Superintendent, spoke about the positive experiences their town has had participating in field trips and also family science nights. He went on to say that the teachers feel the programs are well tailored to their needs and curriculum. He also stated that although the trips are funded by the Donald Nuckel Foundation, it was important to find the right place and program to participate and believes they have found that with the Environment Center programs.

President Hasenbalg stated that after discussion with members of the NAACP and with Commissioner Jones' interest, it was decided to look into ways to augment the existing partnership with Ramapo and expand the universe of schools that are coming to the Center and to also find ways to create a public/private partnership. President Hasenbalg then introduced Judy Ross, Vice President of the Meadowlands Chamber of Commerce.

Judy Ross spoke on behalf of Jim Kirkos, CEO of the Meadowlands Chamber of Commerce. Ms. Ross stated that for almost 50 years the Chamber has partnered with other educational non-profit and government entities to help enhance the quality of life in the Meadowlands. She commended the NJSEA in advancing the Environment Center and providing educational opportunities for those who may not have the resources. Ms. Ross was proud to announce that the Chamber will be one of the first sponsors and will actively seek support of the business community to help ensure that these programs will flourish. She went on to say that the Chamber is proud to partnership with the NJSEA to advance this important program.

V. APPROVALS

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

President Hasenbalg presented the report of cash disbursements over \$100,000 and Professional Invoices for the month of April 2017.

Upon motion by Commissioner Jones and seconded by Commissioner Gluck, the cash disbursements over \$100,000 for the month of April 2017 were approved subject to the following recusals:

<u>Member</u>	<u>Recused as to</u>
Commissioner Buckelew	Borough of Oceanport

Resolution 2017-15 Resolution authorizing the extension of the current Memorandum of Understanding with Ramapo College through December 31, 2018.

President Hasenbalg presented Resolution 2017-15. Upon motion by Commissioner Scardino and seconded by Commissioner Yudin, proposed resolution 2017-15 was unanimously approved by 11-0 vote.

Resolution 2017-16 Resolution authorizing the Publication of a Notice of Proposal and the holding of a Public Hearing regarding a petition for the rezoning of Block 4014, Lot 14.01 in Ridgefield.

Ms. Sundell explained that a petition to rezone portions of the property was submitted by 175 Railroad Ave Realty. Toufayan Bakeries operates a facility on the site and is looking to expand the back of the building. Ms. Sundell went on to explain the following: The 11.1-acre site is predominantly zoned Light Industrial B (LIB), with a 0.98-acre portion of the site zoned Environmental Conservation (EC). The petitioner has requested a rezoning of the 0.98 acres in the EC zone to the LIB zone to accommodate the construction of a building addition with site improvements on the uplands portions of the property. In addition, the petitioner has requested the rezoning of a 2.02-acre portion of property in the LIB zone, which is comprised entirely of wetlands, to the EC zone. Wetlands on the subject property have been verified by a Jurisdictional Determination issued by the U.S. Army Corps of Engineers in April 2013. Staff prepared a preliminary analysis, which discusses how rezoning the 0.98-acre EC portion of the site

to the LIB zone would provide an opportunity for commercial development without compromising existing wetlands. Rezoning the 2.02 acres of LIB property to the EC zone would more accurately reflect the characteristics of the underlying land and further ensure the protection of the existing wetlands from development.

President Hasenbalg presented Resolution 2017-16. Upon motion by Commissioner Buckelew and seconded by Commissioner Yudin, proposed resolution 2017-16 was approved by 11-0 vote.

Resolution 2017-17 Resolution regarding the Tidelands Grant Application for MGK Properties, Inc./Site Improvement, File No. 16-389, for Block 120, Lots 2 and 3 in Carlstadt.

Ms. Sundell stated the following: The NJSEA received a zoning certificate application from MGK Properties, Inc. for a minor site improvement involving the construction of additional parking improvements related to the existing commercial building located at 325 Paterson Plank Road in Carlstadt. Since portions of Block 120, Lots 2 and 3 are subject to the State's riparian interest, the property owners, MGK Properties, Inc. and Barbara Bartkowski, submitted tidelands riparian grant applications to the NJDEP Bureau of Tidelands Management. The NJDEP is required to provide the NJSEA with an opportunity to submit its recommendation regarding applications for tidelands conveyances within the District to the Tidelands Resource Council for their consideration. Staff reviewed the proposed development application and the grant applications and found that they are in conformance with the applicable District zoning regulations.

President Hasenbalg presented Resolution 2017-17. Upon motion by Commissioner Scardino and seconded by Commissioner Yudin proposed resolution 2017-17 was approved by 11-0 vote.

VI. PUBLIC COMMENTS

- Don Evanson, resident of Secaucus spoke about his concerns with Triple 5 bond issuing and private financing.
- Jeffrey Dye, President of Passaic Chapter of NAACP, spoke about his participation in helping at risk youth in Passaic. He explained that in the past the NJSEA would assist with tickets to pre-season games for the children and was hoping the NJSEA would be able to do so once again. Commissioner Jones suggested that it may be beneficial for the children to participate in the Environment Center programs in addition to attending pre-season games. Ms. Sanz will put Mr. Dye in contact with Dr. Cristini.
- Don Evanson, resident of Secaucus – suggested speaking to Rotary Clubs in the district as a possible source of funding for the Environment Center program. He went on to say that he would reach out to clubs in his area.
- James Harris, NJ Association for Black Educators, spoke about how impressed he was with the tour of the facilities he was given by staff and the resources available. Mr. Harris expressed his excitement with regards to the Ramapo connection and working together on students and staff diversity. He went on to say his organization is working on connecting those who are not informed of the program with staff at the Center. He was happy to say that they have established a relationship with the Carpenter and other unions since the last board meetings.

VII. EXECUTIVE SESSION

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

Resolution 2017-18 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 Scardino and seconded by Commissioner Fontoura, Resolution 2017-18 was approved by a vote of 11-0.

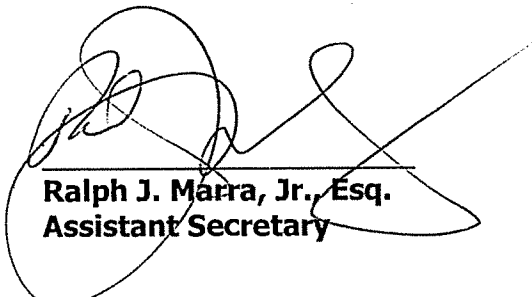
Motion was made and seconded to enter into open session.

VIII. MOTION TO ADJOURN

With no further business, motion to adjourn the meeting was made by Commissioner Scardino and second by Commissioner Fontoura with all in favor.

Meeting adjourned at 11:05 a.m.

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 May 18, 2017.



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

May 18, 2017

Commissioner	Roll Call	2017-15	2017-16	2017-17	2017-18
Ferguson (via phone)	P	Y	Y	Y	Y
Buckelew (via phone)	P	Y	Y	Y	Y
Hasenbalg	P	Y	Y	Y	Y
Ballantyne (via phone)	P	Y	Y	Y	Y
Fontoura	P	Y	Y	Y	Y
Gluck	P	Y	Y	Y	Y
Gonnelli	--	--	--	--	--
Jones	P	Y	Y	Y	Y
Kolber	P	Y	Y	Y	Y
Plofker	--	--	--	--	--
Scala	--	--	--	--	--
Scardino	P	Y	Y	Y	Y
Yudin	P	Y	Y	Y	Y
Treasury Rep Simon	P	Y	Y	Y	Y

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

APPROVALS



CASH DISBURSEMENTS
\$100,000 OR MORE
MAY 2017

SPORTS COMPLEX

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
FELD ENTERTAINMENT, INC.	1,900,000.00	A	SETTLEMENT
NEW JERSEY RACING COMMISSION	1,297,415.62	A	NJRC BUDGET FOR FISCAL YEAR 2017
SPORTS COMPLEX TOTAL	<u>3,197,415.62</u>		

OTHER

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
JACOBS ENGINEERING GROUP, INC.	129,352.01	A	MASSTR ON-CALL TRAFFIC ENGINEERING SUPPORT SERVICES: NOV 2016 - JAN 2017
JERSEY CITY, TOWN OF	257,609.00	I	TAX SHARING: CALENDAR YEAR 2017
KEARNY, TOWN OF	976,316.00	I	TAX SHARING: CALENDAR YEAR 2017
NORTH ARLINGTON, BOROUGH OF	218,319.00	I	TAX SHARING: CALENDAR YEAR 2017
NORTH BERGEN, TOWNSHIP OF	101,917.97	A	REAL ESTATE AGREEMENT - SUPPLEMENTAL PAYMENT: CALENDAR YEAR 2017
RIDGEFIELD, BOROUGH OF	194,187.00	I	TAX SHARING: CALENDAR YEAR 2017
WASTE MANAGEMENT OF NEW JERSEY	207,294.00	A	OPERATIONS CONTRACT - KEEGAN LANDFILL: APR 2017
OTHER TOTAL	<u>2,084,994.98</u>		

OUTSTANDING PROFESSIONAL SERVICES

MAY 2017

SPORTS COMPLEX

DESCRIPTION

<u>PAYEE</u>	<u>\$ AMOUNT</u>	
GIBBONS P.C.	167,104.35	LEGAL SERVICES - AUTHORITY TRANSACTIONS COUNSEL: MAY 2017
SPORTS COMPLEX TOTAL	<u>167,104.35</u>	

RESOLUTION 2017-19

**RESOLUTION ISSUING A
DECISION ON THE VARIANCE APPLICATION
SUBMITTED AS PART OF FILE NO. 17-068
PSE&G/NORTH BERGEN SUBSTATION SWITCHGEAR
UPGRADES/VARIANCES
BLOCK 442, LOT 8, IN THE TOWNSHIP OF NORTH BERGEN**

WHEREAS, an application for two bulk variances has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by Public Service Electric and Gas Company (PSE&G), for the premises located at 4001 Paterson Plank Road, identified as Block 442, Lot 8, in the Township of North Bergen, New Jersey; and

WHEREAS, the premises is located within a utility right-of-way, and thus is deemed to be within the Hackensack Meadowlands District's Light Industrial A zone, pursuant to N.J.A.C. 19:4-3.6(a); and

WHEREAS, the bulk variances are sought in connection with the applicant's proposal to install switchgear upgrades at the North Bergen Substation, as required by the PSE&G Distribution Hardening Program; and

WHEREAS, the applicant requested relief from N.J.A.C. 19:4-5.77(a)3i, which requires a minimum front yard setback of 50 feet, whereas the applicant is proposing concrete structures with a minimum setback of 18.7 feet from the easterly front yard property line along West Side Avenue; and

WHEREAS, the applicant has also requested relief from N.J.A.C. 19:4-5.77(a)3iii, which requires a minimum rear yard setback of 75 feet, whereas the applicant is proposing concrete structures with a minimum setback of 19.73 feet from the westerly rear yard property line; and

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

WHEREAS, a public hearing was held in the Office of the NJSEA on Tuesday, April 25, 2017, before Sara Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer, Sharon Mascaró, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer, Mia Petrou, P.P., AICP, Senior Planner, and Ronald Seelogy, P.E., P.P., Senior Engineer; and

WHEREAS, a comprehensive report dated June 5, 2017, has been prepared indicating the recommendations of the Director of Land Use Management and the Senior Vice President, Legal & Regulatory Affairs in this matter; and

WHEREAS, a copy of the recommendation and comprehensive report was provided to the applicant on June 5, 2017; and

WHEREAS, the report recommends the approval of the requested bulk variance from N.J.A.C. 19:4-5.77(a)3i, to install concrete structures with a minimum setback of 18.7 feet from the easterly front yard property line along West Side Avenue; and

WHEREAS, the report also recommends the approval of the requested bulk variance from N.J.A.C. 19:4-5.77(a)3iii, to install concrete structures with a minimum setback of 19.73 feet from the westerly rear yard property line; and

WHEREAS, the Board of Commissioners of the NJSEA has reviewed the full record, including the transcripts of the public hearings, recommendations on the application by the Director of Land Use Management and the Senior Vice President, Legal & Regulatory Affairs, and the submissions of the applicant; and

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

WHEREAS, the Board of Commissioners hereby determines that the requested bulk variance application to construct concrete structures within the required front yard along West Side Avenue with a minimum setback of 18.7 feet conforms with the standards for approving applications for variances as set forth in N.J.A.C. 19:4-4.14(e); and

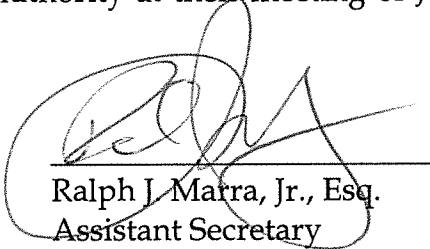
WHEREAS, the Board of Commissioners hereby determines that the requested bulk variance application to construct concrete structures with a minimum setback of 19.73 feet from the westerly rear yard property line also conforms with the standards for approving applications for variances as set forth in N.J.A.C. 19:4-4.14(e).

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the PSE&G/North Bergen Substation Switchgear Upgrades/Variances application to permit concrete structures with a minimum setback of 18.7 feet from the easterly front

yard property line along West Side Avenue, is hereby **APPROVED** for the reasons set forth in the recommendation dated June 5, 2017.

BE IT FURTHER RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the PSE&G/North Bergen Substation Switchgear Upgrades/Variiances application to permit concrete structures with a minimum setback of 19.73 feet from the westerly rear yard property line, is hereby **APPROVED** for the reasons set forth in the recommendation dated June 5, 2017.

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 June 15, 2017.



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



MEMORANDUM

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

From: Sara J. Sundell

Date: June 15, 2017

Subject: Variance Recommendation – PSE&G/North Bergen Substation
Switchgear Upgrades/Variations (File No. 17-068)

An application for two bulk variances has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by Public Service Electric and Gas Company (PSE&G), for the premises located at 4001 Paterson Plank Road, identified as Block 442, Lot 8, in the Township of North Bergen, New Jersey. The subject property is located within a PSE&G right-of-way. As per N.J.A.C. 19:4-3.6(a) "All streets, roads, highways, public ways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon the same." The properties immediately to the north and south of the property in question are zoned Light Industrial A and, therefore, the subject property is deemed to be in the Light Industrial A zone. The variances are sought in connection with the applicant's proposal to install switchgear upgrades at the North Bergen Substation required by the PSE&G Distribution Hardening Program.

The applicant requested variance relief from the following:

1. N.J.A.C. 19:4-5.77(a)3i, which requires a minimum front yard setback of 50 feet, whereas the applicant is proposing concrete structures with a minimum setback of 18.7 feet from the easterly front yard property line along West Side Avenue.
2. N.J.A.C. 19:4-5.77(a)3iii, which requires a minimum rear yard setback of 75 feet, whereas the applicant is proposing concrete structures with a minimum setback of 19.73 feet from the westerly rear yard property line.

A public hearing was held in the Office of the NJSEA on Tuesday, April 25, 2017.

In a comprehensive report dated June 5, 2017, the Director of Land Use Management and the Senior Vice President of Legal & Regulatory Affairs recommended the approval of the bulk variances requested above. A copy of the comprehensive report and variance recommendation was provided to the applicant on June 5, 2017.

At this time, the Board of Commissioners is required to issue a decision on this variance application. A resolution requesting the same is attached for your consideration.

**RECOMMENDATION ON THE VARIANCE APPLICATION OF
PSE&G/North Bergen Substation Switchgear Upgrades/Variations**

FILE # 17-068

I. INTRODUCTION

An application for two bulk variances has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by Public Service Electric and Gas Company (PSE&G), for the premises located at 4001 Paterson Plank Road, identified as Block 442, Lot 8, in the Township of North Bergen, New Jersey. The subject property is located within a PSE&G right-of-way. As per N.J.A.C. 19:4-3.6(a), "All streets, roads, highways, public ways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon the same." The properties adjacent to the property in question are zoned Light Industrial A and, therefore, the subject property is deemed to be in the Light Industrial A zone. The variances are sought in connection with the applicant's proposal to install switchgear upgrades at the North Bergen Substation, as required by the PSE&G Distribution Hardening Program.

Specifically, the applicant is requesting relief as follows:

1. N.J.A.C. 19:4-5.77(a)3i, which requires a minimum front yard setback of 50 feet, whereas the applicant is proposing concrete structures with a minimum setback of 18.7 feet from the easterly front yard property line along West Side Avenue.
2. N.J.A.C. 19:4-5.77(a)3iii, which requires a minimum rear yard setback of 75 feet, whereas the applicant is proposing concrete structures with a minimum setback of 19.73 feet from the westerly rear yard property line.

Notice was given to the public and all interested parties as required by law. The public notice was published in The Jersey Journal. No written objections were received. A public hearing was held in the Office of the Commission on Tuesday, April 25, 2017. All information submitted to the Division of Land Use Management relative to this application is made part of the record of this recommendation.

II. GENERAL INFORMATION

A. Existing and Proposed Use

The property in question, Block 442, Lot 8, contains approximately 7.996 acres, of which a 1.898-acre portion of the lot parallel to West Side Avenue is subject to the instant application. The property is designated as right-of-way (ROW) on the Official Zoning Map for the Hackensack Meadowlands District, however, pursuant to N.J.A.C. 19:4-3.6(a), the property is deemed to be within the District's Light Industrial A zone.

The portion of the property that is subject to the variance request is rectangular in shape with 551.51 linear feet of frontage along West Side Avenue. The property is bordered to the north and south by PSE&G ROW property and to the east by West Side Avenue. A warehouse/distribution facility is located to the west of the subject premises. The surrounding properties are principally developed with industrial uses. West Side Avenue is a heavily travelled roadway with significant trucking movements.

The proposed project involves utility improvements being implemented as part of PSE&G's Distribution Hardening Initiative, the intention of which is to improve reliability and resiliency of the utility's infrastructure by raising equipment above 100-year flood elevations established by FEMA. The existing footprint of the substation will not be expanded.

The subject property is currently developed with an electric substation, control house, transmission wires, and associated site improvements. The site is

accessed by driveways from West Side Avenue. This application proposes to upgrade the existing substation with the installation of BUS supports and their foundations, a 38-foot by 27-foot IBC switchgear building, and an isolation wall with associated processing equipment. The equipment will be raised a minimum of one foot above the base flood elevation, as indicated on the FEMA Flood Insurance Rate Maps, to make it more resilient to flooding conditions. The substation is not manned in its existing or proposed condition.

B. Response to the Public Notice

No written objections were received prior to the public hearing.

III. PUBLIC HEARING (April 25, 2017)

A public hearing was held on Tuesday, April 25, 2017. NJSEA staff in attendance were Sara J. Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon Mascaró, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer; Mia Petrou, P.P., AICP, Senior Planner and Ronald Seelogy, P.E., P.P., Senior Engineer.

A. Exhibits

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

<u>Number</u>	<u>Description</u>
A-1	"Site Plan," prepared by PSEG Services Corporation on February 10, 2017, last revised March 13, 2017.
A-2	"Key Plan," Drawing No. 253040, prepared by Black & Veatch on April 8, 1984.

A-3 "Sections & Elevations Sheet No. 2," Drawing No. 247835, prepared by Black & Veatch on December 3, 1979, last revised December 15, 2016.

A-4 "Key Plan Elevations," Drawing No. 391468, prepared by Black & Veatch on July 31, 2015, last revised December 15, 2016.

B. Testimony

Robert A. Verdibello, Esq., of the firm Connell Foley LLP, represented the applicant at the hearing. The following witness testified in support of the application:

1. Sanda Brumaru, DP&C, a division of PSE&G;
2. Eric Nelson, P.E., Black & Veatch, and
3. William F. Masters, Jr., P.P.

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

C. Public Comment

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

IV. RECOMMENDATION

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.77(a)3i, which requires a minimum front yard setback of 50 feet, whereas the applicant is proposing concrete structures with a minimum setback of 18.7 feet from the easterly front yard property line along West Side Avenue.

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

1. *Concerning bulk variances:*

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

The subject premises is owned by PSE&G and consists of a 1.898-acre portion of Block 442, Lot 8. The property is deemed to be within the District's Light Industrial A zone, pursuant to N.J.A.C. 19:4-3.6(a). The subject property is uniquely configured, having a 150-foot-wide lot depth and 551.51-foot-long frontage along West Side Avenue to the east. The subject property is currently improved with an existing electric substation with a control house, transmission towers, and electrical equipment, and contains access driveways from West Side Avenue. The location and configuration of these improvements on the existing lot include a pre-existing nonconforming front yard setback of 21.2 feet along West Side Avenue, whereas a minimum setback of 50 feet is required.

The upgrade project is required by PSE&G's Distribution Hardening Initiative to improve reliability by raising equipment above 100-year flood elevations established by FEMA. As part of this initiative, the applicant proposes concrete structures and supports to raise BUS equipment above the effective base flood elevation of eight feet in the North American Vertical Datum of 1988 (NAVD88), which provide for a minimum 18.7-foot front yard setback along West Side Avenue. The placement of the BUS equipment is dictated by the location of existing equipment and regulatory requirements of the National Electric Safety Code (NESC) to maintain certain clearances between equipment and structures. Therefore, the variance requested arises from conditions that are unique to the property in question and are not ordinarily found in the same zone.

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

The preexisting nonconforming front yard setback of 21.2 feet to the existing mast foundation is proposed to be decreased by 2.5 feet to 18.7 feet as a result of the installation of the concrete structures and BUS supports needed to protect against potential flooding of utility equipment. The further reduction in setback does not greatly diminish existing conditions. Existing site and maintenance operations at the unmanned substation will be maintained at their present levels.

The proposed variance will not impact the ability of neighboring industrial and commercial properties to function as intended. The

neighbor to the east is located across the 70-foot-wide ROW of West Side Avenue, and this distance, combined with fencing in the front yard of the subject property, will not cause a significant negative impact to the neighboring properties. Rather, the proposed improvements will promote energy resiliency, which will benefit area energy customers. In addition, no residential uses are located within the vicinity of the subject property. Therefore, the granting of the requested variance will not adversely affect the rights of neighboring property owners or residents.

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

The strict application of the minimum front yard setback requirement of 50 feet on the subject property would result in particular and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner. The subject property has a lot depth of 150 feet with an existing nonconforming front yard setback of 21.2 feet, which is proposed to be reduced to 18.7 feet as a result of the installation of the concrete structures and BUS supports. When applying the required front yard setback of 50 feet and the required rear yard setback of 75 feet, the resulting building envelope is only 25 feet wide. The proposed concrete structures and BUS supports cannot be constructed within the 25-foot-wide building envelope due to the existing configuration of the electric process equipment, which represents an exceptional practical difficulty in the ability to comply with the front yard setback requirements. The placement of the proposed structures on

the site is also limited by the NESC, which requires specific clearance distances between equipment. The proposed setback is necessary to accommodate the required upgrades to the existing substation on the site, while maintaining adequate area to accommodate required clearances between equipment and structures. Therefore, the existing site conditions present exceptional practical difficulties in the ability to comply with the front yard setback requirements.

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

Approval of the requested variance to permit a minimum 18.7-foot front yard setback, whereas the minimum required front yard setback is 50 feet, will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. The proposed substation upgrades will promote the general welfare through the improvement of power capacity and energy resiliency to the public customers of PSE&G that are served by this substation.

The upgrade project proposes concrete structures for BUS supports, which result in an 18.7-foot front yard setback. The positioning of these structures is based on required regulatory clearances between equipment and structures on the site. Reduction in the front yard setback from the existing 21.2 feet to 18.7 feet as proposed will not have a negative impact on the public good. The existing substation

is unmanned and traffic is minimal, and the proposed conditions will not substantially differ from the current operations of the site.

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

The granting of the variance to permit a front yard setback of 18.7 feet, whereas a minimum of 50 feet is required, will not have a substantial adverse environmental impact. The existing nonconforming front yard setback is 21.2 feet and is being further decreased by 2.5 feet by the proposed upgrades. The installation of the concrete structures, although within the required setback, will raise BUS equipment above FEMA's effective base flood elevation, which is particularly important on a property within the floodplain. Minimum lot coverage and open space requirements are met, and existing drainage patterns will be maintained. The District's environmental performance standards for noise, glare, vibrations, airborne emissions, hazardous materials or water quality will not be exceeded.

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

The proposed project involves an upgrade to an existing substation involving the raising of equipment above FEMA's 100-year flood elevation as part of PSE&C's Distribution Hardening Initiative to improve reliability of the regional utility system. The particular characteristics of the property, including the shallow depth of the parcel and the location of existing improvements, constrain the ability of the proposed improvements to comply with the front

yard setback requirements. These conditions represent exceptional practical difficulties in the accommodation of the required upgrades to the substation. The placement of the proposed structures and equipment on the site is also limited by national regulatory codes that require specific clearance distances between equipment and structures. The proposed upgrades extend a minimal 2.5 feet beyond the preexisting nonconforming front yard setback, and occupy only a small portion of the property's frontage along West Side Avenue. The walls are required in this location to adequately protect equipment already existing within the required front yard setback. Adequate light, air, and open space will continue to be provided. Therefore, the requested variance represents the minimum deviation from the regulations that will afford relief.

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

The granting of the requested variance to permit an 18.7-foot front yard setback, whereas a minimum front yard setback of 50 feet is required, will not substantially impair the intent and purpose of these regulations. Due to the existing configuration of property and the improvements on the site, including the shallow depth of the parcel, the layout of the proposed equipment required for the upgrades, and the existing nonconforming setback, the site is constrained in its ability to meet the required front yard setback. As the District regulations are intended to provide for infrastructure and utility improvements and to promote the efficient use of the land, the requested variance will not substantially impair these purposes.

The upgrade project is required by PSE&G's Distribution Hardening Initiative to improve reliability by raising equipment above 100-year flood elevations established by FEMA. As part of this initiative, the applicant proposes concrete structures and supports to raise a switchgear cabinet above the effective base flood elevation of eight feet in NAVD88, which provides for a minimum 19.73-foot rear yard setback as measured from the westerly property line. The placement of the switchgear cabinet is dictated by the location of existing equipment and regulatory requirements of the NESC to maintain certain clearances between equipment and structures. Therefore, the variance requested arises from conditions that are unique to the property in question and are not ordinarily found in the same zone.

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

The preexisting nonconforming rear yard setback of 22.8 feet to the existing mast foundation is proposed to be decreased by 3.07 feet to 19.73 feet as a result of the installation of the concrete foundation structures for the switchgear cabinet. The further reduction in setback does not greatly diminish existing conditions and will not result in a significant impact to neighboring properties. The adjoining property to the west contains an approximately 80-foot-wide open area between its vehicular use area and the subject property's rear lot line, allowing for sufficient separation between uses. Existing site and maintenance operations at the unmanned substation will be maintained at their present levels.

B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.77(a)3iii, which requires a minimum rear yard setback of 75 feet, whereas the applicant is proposing concrete structures with a minimum setback of 19.73 feet from the westerly rear yard property line.

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

1. *Concerning bulk variances:*

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

The subject premises is owned by PSE&G and consists of a 1.898-acre portion of Block 442, Lot 8. The property is deemed to be within the Commission's Light Industrial A zone, pursuant to N.J.A.C. 19:4-3.6(a). The subject property is uniquely configured, having a 150-foot-wide lot depth and 551.51-foot-long frontage along West Side Avenue to the east. The subject property is currently improved with an existing electric substation with a control house, transmission towers, and electrical equipment, and contains access driveways from West Side Avenue. The location and configuration of these existing improvements on the lot include a pre-existing nonconforming rear yard setback of 22.8 feet, whereas a minimum rear yard setback of 75 feet is required.

The proposed variance will not impact the ability of neighboring industrial and commercial properties to function as intended. Rather, the proposed improvements will promote energy resiliency, which will benefit area energy customers. In addition, no residential uses are located within the vicinity of the subject property. Therefore, the granting of the requested variance will not adversely affect the rights of neighboring property owners or residents.

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

The strict application of the minimum rear yard setback requirement of 75 feet on the subject property will result in particular and exceptional practical difficulties to, and exceptional and undue hardship upon, the property owner. The subject property has a depth of 150 feet with an existing nonconforming rear yard setback of 22.8 feet, which is proposed to be reduced to 19.73 feet as a result of the installation of the switchgear cabinet. When applying both the required front yard setback of 50 feet and the required rear yard setback of 75 feet, the resulting building envelope is only 25 feet wide. The proposed switchgear cabinet cannot be constructed within the 25-foot-wide building envelope due to the existing configuration of the electric process equipment, which represents exceptional practical difficulties in the ability to comply with the rear yard setback requirements. The placement of the proposed switchgear cabinet on the site is also limited by the NESC, which requires specific clearance distances between

equipment. The proposed setback reduction is required to accommodate the necessary upgrades to the existing substation on the site, while maintaining adequate area to provide the mandatory clearances between equipment and structures. Therefore, the existing site conditions present exceptional practical difficulties in the ability to comply with the rear yard setback requirements.

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

Approval of the requested variance to permit a 19.73-foot rear yard setback, whereas a minimum rear yard setback of 75 feet is required, will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

Rather, the proposed substation upgrades will promote the general welfare through the improvement of power capacity and energy resiliency to the public customers of PSE&G that are served by this substation. The upgrade project proposes concrete structures that will support a switchgear cabinet, which result in a 19.73-foot rear yard setback. The positioning of the concrete structures and the switchgear cabinet is based upon required regulatory clearances between equipment and structures on the site. Due to the substation design requirements, the shallow depth of the parcel and the location of the existing equipment, it is not possible to maintain a 75-foot rear yard setback. Reduction in the rear yard

setback from the existing 22.8 feet to 19.73 feet as proposed will not have a negative impact on the public good.

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

The granting of the variance to permit a minimum rear yard setback of 19.73 feet, whereas a minimum of 75 feet is required, will not have a substantial adverse environmental impact. The preexisting nonconforming rear yard setback of 22.8 feet is being decreased by 3.07 feet as a result of the proposed upgrades. All minimum lot coverage and open space requirements are met, and existing drainage patterns will be maintained. The proposed substation upgrade project includes the installation of concrete structures that will raise a switchgear cabinet above the effective base flood elevation, which is particularly important on a property within the floodplain. The District's environmental performance standards for noise, glare, vibrations, airborne emissions, hazardous materials or water quality will not be exceeded.

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

The proposed project involves an upgrade to an existing substation involving the raising of equipment above the FEMA 100-year flood elevation as part of PSE&G's Distribution Hardening Initiative to improve reliability. The particular characteristics of the property, including the shallow depth of the parcel and the location of existing improvements, constrain the ability of the proposed improvements to comply with the rear yard setback requirements

of the Light Industrial A zone. These conditions represent exceptional practical difficulties in the accommodation of the required upgrades to the substation. The proposed improvements extend approximately 3.07 feet beyond the site's existing nonconforming rear yard setback of 22.8 feet, and occupy only a small portion of the property's rear yard. Installation of the proposed switchgear cabinet will allow for the consolidation of process equipment. As a result, the degree of nonconformity will be reduced by the removal of unnecessary equipment foundations presently located within the required rear yard. Adequate light, air, and open space will continue to be provided. Therefore, the requested variance represents the minimum deviation from the regulations that will afford relief.

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

The granting of the requested variance to permit a 19.73-foot rear yard setback, whereas a minimum rear yard setback of 75 feet is required, will not substantially impair the intent and purpose of these regulations. The intent of the minimum required 75-foot rear yard setback in the Light Industrial A zone is generally to provide sufficient area for truck maneuvering and loading areas in the rear of industrial properties, however, this purpose will not be impaired as the subject utility use on this site does not involve such loading operations.


The site is constrained in its ability to meet the required rear yard setback due to the existing configuration of the property and the

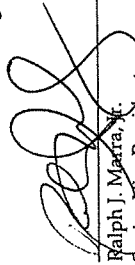
improvements on the site, including the shallow depth of the parcel, the layout of the proposed utility upgrade equipment, and the preexisting nonconforming setback. As the District regulations are also intended to provide for infrastructure and utility improvements and to promote the efficient use of the land, the requested variance will not substantially impair these purposes.

IV. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.77(a)3i, which requires a minimum front yard setback of 50 feet, whereas the applicant is proposing concrete structures with a minimum setback of 18.7 feet from the easterly front yard property line along West Side Avenue.

Based on the record in this matter, the bulk variance application to construct concrete structures within the required front yard along West Side Avenue with a minimum setback of 18.7 feet, whereas a minimum front yard setback of 50 feet is required, is hereby recommended for APPROVAL.

APPROVAL 6/5/2017
Recommendation on Date
Variance Request

Sara J. Sundell, P.E., P.P.
Director of Land Use Management

APPROVAL 6/6/2017
Recommendation on Date
Variance Request

Ralph J. Marra, Jr.
Senior Vice President
Legal & Governmental Affairs

B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.77(a)3iii, which requires a minimum rear yard setback of 75 feet, whereas the applicant is proposing concrete structures with a minimum setback of 19.73 feet from the westerly rear yard property line.

Based on the record in this matter, the bulk variance application to construct concrete structures within the required rear yard with a minimum setback of 19.73 feet, whereas a minimum rear yard setback of 75 feet is required, is hereby recommended for APPROVAL.

APPROVAL _____
Recommendation on _____ Date 6/5/2017
Variance Request _____
Sara J. Sundell, P.E., P.F.
Director of Land Use Management

APPROVAL _____
Recommendation on _____ Date 6/5/2017
Variance Request _____
Ralph J. Marra, Jr.
Senior Vice President
Legal & Governmental Affairs

EXECUTIVE SESSION

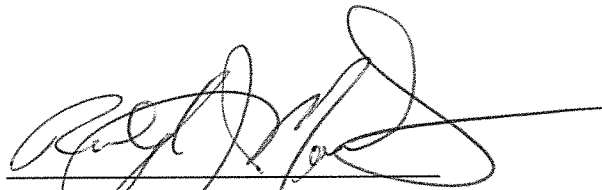
RESOLUTION 2017-20

**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 June 15, 2017.


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