



Board Meeting

Thursday, April 19, 2018

10:00 a.m.



• **AGENDA**
REGULAR SESSION

Thursday, April 19, 2018 - 10:00 a.m.
Two DeKorte Park Plaza, Lyndhurst, NJ

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

- Approval of Regular Session Meeting Minutes of March 15, 2018.

II. **PUBLIC PARTICIPATION ON RESOLUTIONS**

III. **APPROVALS** – (Action)

Cash Disbursements Approval and/or Ratification of Cash Disbursements over \$100,000 for March 2018.

Resolution 2018-15 Consideration of a Resolution issuing a Decision on the Suitability Recommendation as required by the *NJSEA Interim Policies Governing Affordable Housing Development in the Meadowlands District* – File No. 18-083, 1290 Wall St. Properties LLC/New Building Block 230, Lot 2 Lyndhurst.

Resolution 2018-16 Consideration of a Resolution issuing a Decision on the Variance Application submitted as Part of File No. 17-153 Wy Industries – Addition & Variances Block 449.02, Lot 3.04 in North Bergen.

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

Resolution 2018-17 Consideration of a Resolution Authorizing the Award of a Contract for Audit Services

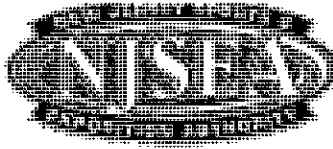
V. **PUBLIC PARTICIPATION**

VI. **EXECUTIVE SESSION**

Resolution 2018-18 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.

VII. **MOTION TO ADJOURN**

MINUTES



REGULAR SESSION BOARD MEETING

DATE: March 15, 2018
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)
Vincent Prieto., President and Chief Executive Officer
John Ballantyne, Member
Robert J. Dowd, Member
Armando Fontoura, Member
Michael H. Gluck, Esq., Member
George Kolber, Member
Michael Griffin, NJ State Treasurer's Representative (via phone)
Andrew Scala, Member
Anthony Scardino, Member
Robert Yudin, Member

Absent:

Joseph Buckelew, Vice Chairman
Steven Plofker, Member
Michael Gonnelli, Member

Also Attending:

Ralph J. Marra, Jr., Sr. Vice President of Legal and Regulatory Affairs
Christine Sanz, Sr. Vice President/Chief Operating Officer
Adam Levy, Vice President of Legal & Regulatory Affairs
John Yarents, Director of Finance/CFO
Sara Sundell, Director of Land Use Management and Chief Engineer
John Duffy, Sr. Vice President of Sports Complex operations and facilities
Beverly Schmidt, Director of Human Resources/Chief Compliance Officer
Steven Cattuna, Chief of Staff
Lisa LeBoeuf, Senior Legal Specialist
Lauren Nathan-LaRusso, Assistant Counsel, Governor's Authorities Unit
Christine Ferrante, Executive Assistant/Paralegal

Commissioner Scardino called the meeting to order.

Commissioner Scardino 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.

Commissioner Scardino noted that Chairman Ferguson and Treasury Representative Michael Griffin were participating via phone. He also noted that Vice Chairman Buckelew is not in attendance as his wife Carol recently passed away.

I. APPROVAL OF MINUTES

Commissioner Scardino presented the minutes of the Regular Session Board Meeting held on February 15, 2018.

Upon motion made by Commissioner Ballantyne and seconded by Commissioner Gluck, the minutes of the Regular Session Board Meeting held on February 15, 2018 were approved.

II. PUBLIC PARTICIPATING ON RESOLUTIONS - None

III. APPROVALS

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

Commissioner Scardino presented the report of cash disbursements over \$100,000 and Professional Invoices for the month of February 2018.

Upon motion by Commissioner Yudin and seconded by President Prieto, the cash disbursements over \$100,000 for the month of February 2018 were approved.

Resolution 2018-10 Resolution Authorizing the Changes to Signatories for Bank Accounts.

Commissioner Scardino presented Resolution 2018-10. Upon motion by Commissioner Ballantyne and seconded by President Prieto, proposed Resolution 2018-10 was unanimously approved by 10-0 vote.

Resolution 2018-11 Resolution Issuing a Decision on the Site Suitability Recommendation as Required by the *NJSEA Interim Policies Governing Affordable Housing Development in the Meadowlands District* – File No. 17-185, Vedant Hospitality LLC/Comfort Inn Suites – New Building & Variances, Block 33, Lots 10 and 11 in Secaucus.

Ms. Sundell stated that Vedant Hospitality, LLC, has submitted a zoning certificate application proposing the construction of a 72-room hotel on the property located at 70 and 82 County Avenue in Secaucus. Ms. Sundell explained that since the property is located in the District's Neighborhood Commercial zone, it is subject to the site suitability process under the Interim Policies. Ms. Sundell indicated that neighboring properties include a diner, a car wash, and an NJ Turnpike maintenance facility located along the rear of the property, which includes a large salt dome and parking for highway snowplows and heavy equipment. She also indicated that the property fronts along County Avenue, which is a heavily-traveled, major thoroughfare for regional commercial, industrial and commuter traffic. Ms. Sundell stated that staff evaluated the site and prepared a suitability review indicating that the subject property at 70 and 82 County Avenue is recommended to be deemed unsuitable for housing. The reasons for this recommendation include that the adjacent NJ Turnpike maintenance facility, which operates continuously throughout the day and night, would expose future residents of the subject property to significant noise, vibrations and pollution. Also, the facility's high

lighting levels necessary for night-time operations would not be compatible with adjacent residential dwellings. In addition, the site's narrow depth limits the ability to construct a vegetative buffer to provide a screen to protect residents from surrounding traffic noise and other impacts from surrounding commercial, warehouse and industrial uses.

Commissioner Scardino presented Resolution 2018-11. Upon motion by Commissioner Gluck and seconded by President Prieto, proposed Resolution 2018-11 was unanimously approved by 10-0 vote.

Resolution 2018-12 Resolution Issuing a Decision on the Variance Application submitted as Part of File No. 17-407 PSE&G/Bergen Switching Station – Security Fencing/Walls – Special Exception & Variances, Block 4014, Lot 4 in Ridgefield.

Ms. Sundell stated that PSE&G submitted an application to install certain security improvements at their existing electrical switching substation on Hendricks Causeway in Ridgefield. Ms. Sundell explained that the improvements include the installation of an 8-foot-high chain link fence and a 37-foot-high screening fence and the construction of two security walls with a maximum height of 37 feet. She indicated that the subject lot is located within three zones in the District, specifically, the Public Utilities, Environmental Conservation and Light Industrial B zones. Ms. Sundell explained that the applicant requested special exception approval for the placement of proposed fences and walls in the Environmental Conservation-zoned portion of the site that are necessary for protection of existing public utility equipment. She further explained that the applicant has also requested two bulk variances as part of their application. The first variance request addresses the location of the proposed fence and security wall within the required front yard, since fences or screening walls are prohibited in the required front yard. The second variance request addresses the height of the proposed eight-foot-high fence and 37-foot-high security wall, since fences or screening walls in excess of 24 inches are prohibited in the required front yard. Ms. Sundell stated that there were no objections to the variances provided in writing or voiced at the public hearing. She also stated that the site is surrounded by commercial properties and there are no residences in the area. Ms. Sundell indicated that the special exception and variance requests are driven by PSE&G's need to meet a federal mandate that requires protection of critical transmission stations and substations. Placing the fencing and security wall within the Environmental Conservation-zoned portion of the site and within the front yard of the Public Utilities- and Light Industrial B-zoned portions of the property will provide security for the existing substation equipment, thus safeguarding the reliability of the bulk power system. The proposed heights of the fencing and security wall are required due to the location of the existing public utility improvements on the site and their unique public safety and security concerns. Industry standards dictate minimum distances that need to be maintained between the electrical equipment and structures for safety and security purposes. If the security wall and fence were moved beyond the required front yard, they would conflict with existing electrical equipment and foundations in addition to PSE&G's substation operations. Ms. Sundell stated that for these reasons, staff is recommending approval of the special exception request, as well as the conditional approval of the two variance requests for the location and heights of the fencing and security wall. The proposed variance conditions are related to the planting of vegetative screening in front of the security wall and the removal of a portion of the decorative fence in front of the wall to provide area to plant an effective landscape screen.

Commissioner Yudin expressed his concern with the 37-foot height of the wall. It was noted that there were no objections from the public or the municipality. It was also noted that there is no residential in the area. Ms. Sundell explained that the wall height is a federal mandate. Commissioner Yudin stated that he is not against the wall, but opposed to voting blindly to accept the requirements. Commissioner Yudin requested the opportunity to read the government report to understand the justification on how they came up with the height. Commissioner Yudin also requested that the resolution be tabled. Commissioner Scardino stated that the resolution would not be tabled.

Commissioner Scardino presented Resolution 2018-12. Upon motion by Commissioner Gluck and seconded by President Prieto, proposed Resolution 2018-12 was approved by 9-0 vote with a no vote from Commissioner Yudin.

Resolution 2018-12 Roll Call:

Chairman Ferguson	Yes
President Prieto	Yes
Commissioner Ballantyne	Yes
Commissioner Dowd	Yes
Commissioner Fontoura	Yes
Commissioner Gluck	Yes
Treasury Rep. Griffin	Yes
Commissioner Kolber	Yes
Commissioner Scardino	Yes
Commissioner Yudin	No

IV. AWARDS/CONTRACTS

Resolution 2018-13 Resolution Authorizing the President and CEO to Enter Into a Contract for Outdoor Market Operators

Mr. Marra explained that the NJSEA rents the complex parking lot for Saturday flea markets. He indicated that the resolution is for a renewal of the contract. Mr. Marra stated that a RFP was issued. He also stated that one bid was received which was from the current operator. Mr. Marra thanked Paula Speers, head of procurement, for negotiating the price. He indicated that the term is for three years in the amount of \$440,000 per year with a percentage of the receipts over \$440,000.

Commissioner Scardino presented Resolution 2018-13. Upon motion by Commissioner Fontoura and seconded by Commissioner Ballantyne proposed Resolution 2018-13 was unanimously approved by 10-0 vote.

V. PUBLIC COMMENTS - None

VI. EXECUTIVE SESSION

Commissioner Scardino stated a need for the Board to enter into Executive Session to discuss contractual matters, personnel matters and litigation matters.

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 2018-14 was approved by a vote of 10-0.

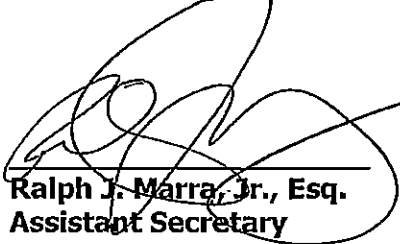
Motion to enter into open session was made and seconded.

VII. MOTION TO ADJOURN

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

Meeting adjourned at 10:30 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 March 15, 2018.


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

March 15, 2018

Commissioner	Roll Call	2018-10	2018-11	2018-12	2018-13	2018-14		
Ferguson	P (via phone)	Y	Y	Y	Y	Y		
Buckelew	--	--	--	--	--	--		
Hasenbalg	P	Y	Y	Y	Y	Y		
Ballantyne	P	Y	Y	Y	Y	Y		
Dowd	P	Y	Y	Y	Y	Y		
Fontoura	P	Y	Y	Y	Y	Y		
Gluck	P	Y	Y	Y	Y	Y		
Gonnelli	--	--	--	--	--	--		
Plofker	--	--	--	--	--	--		
Scala	--	--	--	--	--	--		
Scardino	P	Y	Y	Y	Y	Y		
Yudin	P	Y	Y	N	Y	Y		
Treasury Rep Griffin	P (via phone)	Y	Y	Y	Y	Y		

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

APPROVALS



CASH DISBURSEMENTS
\$100,000 OR MORE
MARCH 2018

EAST RUTHERFORD - SPORTS COMPLEX

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF EAST RUTHERFORD	250,000.00	I	PILOT SETTLEMENT AGREEMENT - WEST SIDE IMPROVEMENT: 2018
NEW JERSEY STATE POLICE	357,793.47	A/L	OVERTIME CHARGES: DEC 2017 - JAN 2018
NRG BUSINESS SOLUTIONS	1,159,088.54	J/L	ELECTRICITY CHARGES: JAN 2018 - FEB 2018
EAST RUTHERFORD - SC TOTAL	<u>1,766,882.01</u>		

MONMOUTH PARK RACETRACK MAINTENANCE RESERVE/CAPITAL

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF OCEANPORT	546,994.72	A	CAFO SPECIAL ASSESSMENT AGREEMENT: 2ND QUARTER 2018
MPR MAINTNANCE R/C TOTAL	<u>546,994.72</u>		

LYNDHURST

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
PHILADELPHIA INSURANCE COMPANIES	127,441.85	A	GENERAL LIABILITY & AUTO POLICY INSURANCE RENEWAL - PREMIUM BALANCE: JAN 2018 - DEC 2018
SIGNAL CONTROL PRODUCTS, INC.	154,512.00	A	MASSTR PHASE 5B VDS
WASTE MANAGEMENT OF NEW JERSEY	212,307.76	A	OPERATIONS CONTRACT - KEEGAN LANDFILL: FEB 2018
LYNDHURST TOTAL	<u>494,261.61</u>		



CASH DISBURSEMENTS
\$100,000 OR MORE

<u>REFERENCE LETTER</u>	<u>TYPE</u>
A	CONTRACT ON FILE
B	PURCHASE AWARDS - APPROVED AT MONTHLY BOARD MEETING
C	STATE REQUIREMENT FOR RACING
D	STATE VENDOR
E	SOLE SOURCE*
F	APPOINTED BY RACING COMMISSION
G	ADVERTISED BID
H	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 2018-15

**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. 18-083, 1290 Wall St. Properties LLC/New Building
BLOCK 230, LOT 2
IN THE TOWNSHIP OF LYNDBURST**

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

WHEREAS, a zoning certificate application was submitted to the NJSEA on March 1, 2018, by Samuel Renauro III, P.E., of SR3 Engineers, on behalf of 1290 Wall Street Properties, LLC, for the premises identified as 1290 Wall Street West, Block 230, Lot 2, in Lyndhurst, New Jersey, which is located in the District's Light Industrial A zone; and

WHEREAS, the subject application proposes the construction of a 90,680-square-foot warehouse building and, as such, is not exempt from the *Interim Policies*; and

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

WHEREAS, the Review Team evaluated the suitability of the subject property taking into consideration the specific application submitted for construction of a new warehouse building; and

WHEREAS, a suitability review, dated April 6, 2018, 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 is unsuitable for residential use; and

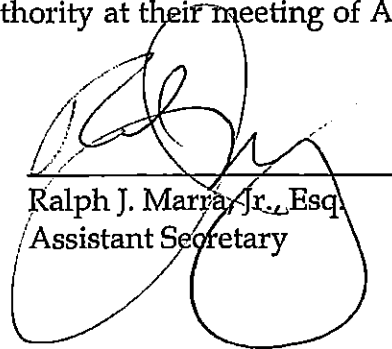
WHEREAS, the Board of Commissioners of the NJSEA has reviewed the suitability review and recommendation prepared by the Review Team, regarding the subject property; and

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 unsuitable for residential use.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority that the property located at 1290 Wall Street West, Block 230, Lot 2, in the Township of Lyndhurst, New Jersey, is deemed to be unsuitable for residential use.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of April 19, 2018.



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



MEMORANDUM

To: NJSEA Board Members and Vincent Prieto, President/CEO

From: Sara J. Sundell Date: April 19, 2018

Subject: Site Suitability Recommendation for Block 230, Lot 2, in the Township of Lyndhurst (File No. 18-083)

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 or Commission) 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.

The NJSEA received an application for the construction of a 90,680-square-foot warehouse building on the premises identified as 1290 Wall Street West, Block 230, Lot 2, in Lyndhurst, New Jersey. The subject property is located within the District's Light Industrial A zone and currently contains an existing office building that is proposed to be demolished.

The matter was forwarded to the Review Team for review of the proposed site in accordance with the *Interim Policies*. A suitability review, dated April 6, 2018, has been prepared, indicating that the Review Team recommends that the subject industrial property is not suitable for residential use.

At this time, the NJSEA staff is recommending that the members of the NJSEA concur with the site suitability recommendation prepared by the Review Team, which determines that the subject industrial property is not suitable for residential use.

Suitability Review – Summary

File No. 18-083

1290 Wall St. Properties LLC/New Building

Block 230, Lot, in the Township of Lyndhurst

April 6, 2018

The NJSEA received a zoning certificate application for the proposed construction of a 90,680-square-foot warehouse building on the premises identified as 1290 Wall Street West, Block 230, Lot 2, in the Township of Lyndhurst, New Jersey. The existing office building on the subject property is proposed to be demolished. The subject property is located in the District's Light Industrial A zone and, as such, is not exempt from the site suitability review process. In keeping with the review process, the site characteristics of the property have been evaluated in accordance with the "Interim Policies Governing Affordable Housing Development in the Meadowlands District," adopted by the NJMC on July 24, 2008, and last revised on July 27, 2011.

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

- i. The site is adjacent to compatible land uses and has access to appropriate streets.
 - The subject property is located within the Light Industrial A zone.
 - The properties that are immediately adjacent to the subject site include office and institutional uses, with warehouse and industrial uses just beyond the adjacent properties.
 - While there are three existing residential developments in the area, all of these developments have some type of buffer along several sides, including open space, creeks and ditches, and highway ramps, where they are not located directly adjacent to industrial and commercial uses.
 - The surrounding development pattern, with industrial, warehouse and distribution uses, is heavily reliant on trucking services to move products. As a result, there is a significant amount of truck traffic, including the inherent noise and pollution associated with heavy vehicle usage. There is no significant presence of open space surrounding the property that could buffer potential residents from these characteristics associated with the intensity of the uses of the surrounding land use pattern.
 - The surrounding active industrial and warehouse uses in the area would present challenges with respect to circulation and safety of residents.

- ii. **The site has access to water and sewer infrastructure with sufficient capacity.**
 - This criterion is met by the subject property.
- iii. **The site can be developed consistent with the rules of the NJSEA.**
 - This criterion is met by the subject property.
- 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.**
 - This criterion is 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 is met by the subject property.
- vi. **The site is suitable for residential use pursuant to sound planning principles.**
 - Elements of the warehouse and distribution businesses in the vicinity of the subject site are potentially detrimental to residents. Noise generated from open loading docks, trucks maneuvering on nearby sites and in the streets, lack of sidewalks and safety concerns for pedestrians render this site unfavorable to residential uses.
 - The site is remote from public schools, local retail stores, and other public amenities. Pedestrian access to the rest of the community requires traveling a considerable distance through an active industrial area.
 - The surrounding warehouse and industrial uses generate truck traffic, noise and associated pollution both day and night, which would be detrimental to the quality of life and long-term safety of residents on the subject property.

In summary, only four (4) of the above criteria, as per Section IV(c)1 of the Interim Policies, apply to the subject property.

Conclusion

The subject property, located at 1290 Wall Street West, Block 230, Lot 2, in the Township of Lyndhurst, is recommended to be deemed unsuitable for housing.

Contingent upon the approval of this recommendation by the NJSEA Board of Commissioners, the review of the submitted zoning certificate application for the proposed 90,680-square-foot warehouse building may proceed for this site. As a condition of zoning certificate approval, the applicant shall be required to satisfy the project's affordable housing requirements as per Section VII(a) of the Interim Policies or as required by law.

RESOLUTION 2018-16

**RESOLUTION ISSUING A
DECISION ON THE VARIANCE APPLICATION
SUBMITTED AS PART OF FILE NO. 17-153
WY INDUSTRIES - ADDITION & VARIANCES
BLOCK 449.02, LOT 3.04, IN THE TOWNSHIP OF NORTH BERGEN**

WHEREAS, an application for two bulk variances has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Brian Buchalski, on behalf of WY Industries, Inc., for the premises located at 2500 Secaucus Road, Block 449.02, Lot 3.04, in the Township of North Bergen, New Jersey; and

WHEREAS, the premises is located in the District's Intermodal B zone; and

WHEREAS, the bulk variances are sought in connection with the applicant's proposal to construct a 57,024-square-foot building addition, comprised of 28,512 square feet of light industrial space and 28,512 square feet of warehouse space on the subject premises; and

WHEREAS, the applicant requested relief from N.J.A.C. 19:4-5.98(a)1, which permits a maximum lot coverage of 40 percent, whereas a building addition with a lot coverage of 56.67 percent is proposed; and

WHEREAS, the applicant has also requested relief from N.J.A.C. 19:4-8.4(a)42, 50 and 79, which require a total of 159 parking spaces for the entire building, which includes 84,795 square feet of light industrial space, 8,268 square feet of office space, and 123,115 square feet of warehouse space, whereas the applicant is proposing to provide a total of 140 on-site parking spaces, of which 25 parking spaces are proposed to be land-banked for future use if needed; 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 Star Ledger and The Jersey Journal newspapers; and

WHEREAS, a public hearing was held in the Office of the NJSEA on Tuesday, January 23, 2018, before Sara Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon Mascaró, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer; and Mark Skerbetz, P.P., AICP, Senior Planner; and

WHEREAS, a comprehensive report dated April 6, 2018, has been prepared indicating the recommendations of the Director of Land Use Management and the Senior Vice President of Legal and Governmental Affairs in this matter; and

WHEREAS, a copy of the recommendation and comprehensive report was provided to the applicant on April 6, 2018; and

WHEREAS, the report recommends the approval of the requested bulk variance from N.J.A.C. 19:4-5.98(a)1, to permit the construction of a building addition with a lot coverage of 56.67 percent; and

WHEREAS, the report recommends the approval of the requested bulk variance from N.J.A.C. 19:4-8.4(a)42, 50 and 79, to provide 140 on-site parking spaces, of which 25 parking spaces are proposed to be land-banked for future use if needed; 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 by the Senior Vice President, Legal and Governmental 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 and Governmental Affairs; and

WHEREAS, the Board of Commissioners hereby determines that the requested bulk variance application to permit the construction of a building addition with a lot coverage of 56.67 percent conforms with the standards for approving applications for variances as set forth in N.J.A.C. 19:4-4.14(e); and

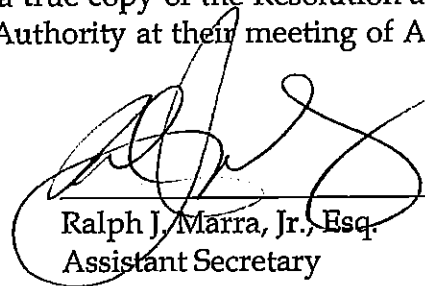
WHEREAS, the Board of Commissioners hereby determines that the requested variance application to provide 140 on-site parking spaces, of which 25 parking spaces are proposed to be land-banked for future use if needed, conforms with the standards for approving applications of variances as set forth in N.J.A.C. 19:4-4.14(e).

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the WY Industries - Addition & Variances application for one bulk variance to permit the construction of a building addition with a lot coverage of 56.67 percent, is hereby APPROVED for the reasons set forth in the recommendation dated April 6, 2018.

BE IT FURTHER RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the WY Industries - Addition & Variances application for one bulk variance to provide 140 on-site parking spaces, of which 25 parking spaces are proposed to be land-banked for future use if needed, is hereby **APPROVED SUBJECT TO THE FOLLOWING CONDITIONS** for the reasons set forth in the recommendation dated April 6, 2018:

1. Land-banked parking area shall comply with all applicable regulations and shall be deed restricted, as per N.J.A.C. 19:4-8.2(e). As a condition of receiving the zoning certificate, if approved, the applicant shall be required to submit to the NJSEA proof of filing of the deed restriction with the Hudson County Register's Office prior to the issuance of a temporary or final Certificate of Completion and/or Occupancy Certification.
2. The NJSEA reserves the right to require the property owner to submit periodic monitoring reports of actual parking usage, for a period not to exceed 10 years, and to require that the land-banked parking area shall be constructed, based on actual parking usage, at the determination of the NJSEA Chief Engineer.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of April 19, 2018.



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



MEMORANDUM

To: NJSEA Board Members and Vincent Prieto, President/CEO

From: Sara J. Sundell

Date: April 19, 2018

Subject: Variance Recommendation - WY Industries - Addition & Variances
(File No. 17-153)

An application for two bulk variances has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Brian Buchalski, on behalf of WY Industries, Inc., for the premises located at 2500 Secaucus Road, Block 449.02, Lot 3.04, in the Township of North Bergen, New Jersey. The subject premises is located in the Intermodal B zone of the Hackensack Meadowlands District. The variances are sought in connection with the applicant's proposal to construct a 57,024-square-foot building addition, comprised of 28,512 square feet of light industrial space and 28,512 square feet of warehouse space, on the subject property.

The applicant requested variance relief from the following:

1. N.J.A.C. 19:4-5.98(a)1, which permits a maximum lot coverage of 40 percent; whereas a lot coverage of 56.67 percent is proposed, and
2. N.J.A.C. 19:4-8.4(a)42, 50 and 79, which require a total of 159 parking spaces for the entire building, which includes 84,795 square feet of light industrial space, 8,268 square feet of office space, and 123,115 square feet of warehouse space; whereas the applicant is proposing to provide a total of 140 on-site parking spaces, of which 25 parking spaces are proposed to be land-banked for future use if needed.

A public hearing was held in the Office of the NJSEA on Tuesday, January 23, 2018.

In a comprehensive report dated April 6, 2018, the Director of Land Use Management and the Senior Vice President of Legal & Governmental 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 April 6, 2018.

The Board of Commissioners is required to issue a decision on the variance application described above. A resolution requesting the same is attached for your consideration.

RECOMMENDATION ON THE VARIANCE APPLICATION OF

WY Industries-Addition & Variances

File No.: 17-153

I. INTRODUCTION

An application for two bulk variances has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Brian Buchalski, of WY Industries, Inc., for the premises located at 2500 Secaucus Road, Block 449.02, Lot 3.04, in the Township of North Bergen, New Jersey. The subject premises is located in the Intermodal B zone of the Hackensack Meadowlands District. The variances are sought in connection with the applicant's proposal to construct a 57,024-square-foot building addition, consisting of two stories, with the first floor comprised of 28,512 square feet of light industrial space, and the second floor consisting of 28,512 square feet of warehouse space, on the subject property.

Specifically, the applicant is requesting relief from the following:

1. N.J.A.C. 19-4-5.98(a)1, which permits a maximum lot coverage of 40 percent; whereas a lot coverage of 56.67 percent is proposed.
2. N.J.A.C. 19-4-8.4(a)42, 50 and 79, which require a total of 159 parking spaces for the entire building, which includes 84,795 square feet of light industrial space, 8,268 square feet of office space, and 123,115 square feet of warehouse space; whereas the applicant is proposing to provide a total of 140 on-site parking spaces, of which 25 parking spaces are proposed to be land-banked for future use if needed.

A public hearing was held at the Office of the NJSEA on Tuesday, January 23, 2018. Notice was given to the public and all interested parties as required by law. The public notice of this hearing was published in The Star Ledger and The Jersey Journal newspapers. No written comments or objections were received. All information submitted to the Division of Land Use Management relative to this application is made part of the record of this recommendation.

II. GENERAL INFORMATION

A. Existing and Proposed Use

The subject premises is a 6.99-acre parcel fronting Secaucus Road in the Township of North Bergen. The property is located within the Intermodal B zone in the Hackensack Meadowlands District. The site currently contains a 159,154-square-foot light industrial facility containing associated warehouse and office space. The facility produces food condiments and food containers for take-out establishments. The applicant, WY Industries, has occupied the subject premises since 1994.

Adjacent land uses consist of a staging facility for trucks and containers, automobile parking and storage facilities, a railroad trans-load facility, and a FedEx distribution facility. A PSE&G substation is also located across Secaucus Road from the subject site. There are no residential properties situated within the general vicinity of the premises.

To accommodate their growing business the applicant is proposing to construct a two-story addition that will result in an additional 28,512 square feet of light industrial space and 28,512 square feet of warehouse space on the subject property. The total floor area of the existing facility is 159,154 square feet consisting of 56,283 square feet of light industrial space, 94,603 square feet of warehouse space, and 8,268 square feet of office space. Four exterior silos, storing plastic pellets used in the manufacture of the food packaging and containers, are

located adjacent to the westerly building façade. Four additional silos, as well as additional on-site parking, are also proposed in this area.

B. Response to the Public Notice

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

III. PUBLIC HEARING (January 23, 2018)

A public hearing was held on Tuesday, January 23, 2018. NJSEA staff in attendance were Sara J. Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon Mascaró, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer; and Mark Skarbetz, P.P., AICP, Senior Planner.

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 of Proposed Warehouse Addition," Sheet 1 of 3, prepared by George D. Cascino, P.E., P.P., dated April 18, 2017, revised through October 31, 2017.
A-2	Aerial photograph of subject site and surrounding area.
A-3	Copy of approved minor subdivision plat of subject site, prepared by Mihir J. Shah, P.I.S., Sun Land Surveying, Inc., dated May 14, 2013, approved August 20, 2013 by the NJSEA as MS-96-170.
A-4	"Existing Parking Analysis," Sheet 1 of 3, prepared by George D. Cascino, P.E., P.P., dated April 18, 2017, revised through October 31, 2017.

A-5 Parking counts entitled "WY Industries - Analysis of Existing Parking, Study Period 02/20/2017 - 12/19/2017," prepared by Cascino Engineering

B. Testimony

Francis X. Regan, Esq., of the firm DeCotis, FitzPatrick, Cole & Giblin, LLP, represented the applicant, WY Industries, Inc. at the hearing. The following witnesses testified in support of the application:

1. George D. Cascino, P.E., P.P.;
2. Brian Buchalski, WY Industries, Inc.; and
3. Kent Cheng, WY Industries, Inc.

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

C. Public Comment

No members of the public commented on the application.

IV. RECOMMENDATION

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19A-5.98(a)1, which permits a maximum lot coverage of 40 percent whereas a lot coverage of 56.67 percent is proposed.

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

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

The subject property fronts Secaucus Road in the Township of North Bergen, and is located in the Intermodal B zone of the Hackensack Meadowlands District. The lot is somewhat irregular in shape, having a trapezoidal configuration, and contains 6.99 acres, which is more than twice the three-acre minimum required lot area in the Intermodal B zone. The site currently contains a predominantly single-story 159,154-square-foot light industrial facility that manufactures food condiments and food containers for take-out establishments. There are 81 existing parking spaces provided on-site for the facility.

Additional development potential on the site is restricted, as the existing building covers 47.3 percent of the lot area, whereas the maximum permitted lot coverage for the zone is 40 percent. Previously, the site was zoned Light Industrial and Distribution A, which had permitted a maximum lot coverage of 50 percent. The zoning of the site and adjacent lands was changed to Intermodal B pursuant to the 2004 Hackensack Meadowlands District Master Plan and recodification of the District Zoning Regulations. Furthermore, the property was subdivided in 2013 (pursuant to the former Light Industrial and Distribution A requirements due to the time of application pre-dating the 2004 change in zoning), reducing its overall size from approximately 8.45 acres to the current 6.99 acres, thereby increasing the lot coverage nonconformity and reducing the amount of land available to provide for expansion of the facility. This subdivision was the result of a settlement between the subject property owner and the owner of an adjacent property, and it effectively reduced the land area available to accommodate

an expansion of the facility. The applicant is proposing to construct a two-story addition that would increase the existing lot coverage by approximately 9.37 percent, for a total proposed coverage of 56.67 percent. As a comparison, if the property were zoned Light Industrial A (formerly identified as the Light Industrial and Distribution A zone), the maximum permitted lot coverage would be 60 percent, negating the need for the requested variance. These are unique conditions applicable to the property in question.

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

The granting of the variance to permit a lot coverage of 56.67 percent for the site with the proposed two-story building addition, whereas a maximum lot coverage of 40 percent is permitted, will not adversely affect the rights of neighboring property owners. The proposed addition will increase the lot coverage on the site by 9.37 percent, from 47.30 percent to 56.67 percent, which equates to 28,512 square feet. Adjacent and nearby land uses include a container and truck staging facility, automobile parking and storage facilities, a railroad trans-load facility, a FedEx distribution facility, and a PSE&G substation. These neighboring establishments have been operating unimpeded, despite the pre-existing nonconforming lot coverage of 47.30 percent for the subject site.

The proposed lot coverage of 56.67 percent will not result in a detrimental impact to the neighborhood. The immediately adjacent properties consist primarily of paved parking and storage areas.

The proposed two-story addition will be an extension of the existing food condiment production facility. On-site parking, loading, and circulation will continue to function properly. As part of this application, improvements to the existing westerly drive aisle are proposed that will have a positive impact on vehicular circulation adjacent to the existing and proposed silos. On-site stormwater drainage improvements are proposed as well, which will preclude any adverse impacts on adjacent properties. The requested variance enables the construction of an addition that will result in aesthetic improvements benefiting the nearby properties. Therefore, the granting of the requested variance will not adversely affect the rights of neighboring property owners, as the properties will be able to continue to operate in their current capacities.

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

The strict application of the regulations governing the maximum permitted lot coverage requirement will result in exceptional practical difficulties and undue hardship upon the property owner. The subject property is a 6.99 acre parcel, which is larger than the required minimum three-acre lot size in the Intermodal B zone. The existing 159,154-square-foot building covers 47.30 percent of the lot, exceeding the maximum permitted lot coverage of 40 percent for the zone. Further development on the site is limited as the existing building and parking areas combined cover approximately 74.30 percent of the lot.

The strict application of the lot coverage regulations would prevent the construction of the proposed building addition, as the existing lot coverage exceeds the maximum permitted lot coverage of 40 percent. Typically, industrial facilities containing manufacturing and warehouse spaces are constructed as one-story buildings, allowing for the free flow of product from processing to storage to shipping. The applicant is proposing a two-story addition, with manufacturing on the first floor and storage on the second floor. This configuration ensures that the facility's operational needs are met while limiting the area of lot coverage to the extent possible.

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.*

The granting of the requested 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. Public safety will not be compromised by the additional lot coverage resulting from the proposed two-story addition. Adequate light, air, and open space, will be maintained. In addition, NJSBA performance standards will not be violated by the proposed additional lot coverage.

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

The granting of the requested variance will not result in any substantial adverse environmental impacts. The site will provide the minimum required open space of 15 percent for the Intermodal B zone. No environmentally sensitive areas will be disturbed

resulting from the building addition. All operations will occur within the building structure. Also, NJSEA performance standards will not be exceeded for noise, vibration, airborne emissions, glare, hazardous and radioactive materials, and wastewater.

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

The requested variance to permit lot coverage of 56.67 percent is necessitated by the applicant's expansion of its existing facility within property that it owns. The structure in its existing condition covers 47.3 percent of the lot, exceeding the maximum permitted lot coverage of 40 percent. It would not be possible for the applicant to construct an addition without necessitating a variance. The proposed expansion of the facility is to occur within the rear yard and will follow existing building lines, which conform to the required minimum setbacks in the zone. The proposed expansion within the rear yard will not significantly increase the bulk appearance of the structure.

The first floor of the proposed addition will accommodate additional manufacturing space for the facility. The applicant seeks to minimize the proposed expansion footprint by incorporating a second level to accommodate additional storage on the site. It is an unusual condition to have warehousing occur on a second level of a building. As such, the proposed building addition, creating an additional 9.37 percent of lot coverage, is 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 requested variance to permit lot coverage of 56.67 percent whereas a maximum lot coverage of 40 percent is permitted will not substantially impair the intent and purpose of the regulations. The site is located within the District's Intermodal B zone. The purpose of the zone is to accommodate high-intensity transportation facilities while also permitting industrial and warehouse and distribution facilities. The maximum lot coverage of 40 percent is intended to provide sufficient lot area to accommodate the accessory parking and storage of trucks, trailers, and containers routinely associated with the types of uses permitted in the zone.

In this particular instance, the site contains an existing light industrial facility with no associated outdoor storage. The proposed two-story addition will expand upon an existing, permitted light industrial use and will comply with all other dimensional requirements. WY Industries will continue to be a productive commercial rateable for the Township of North Bergen, and the applicant provided testimony that the facility's expansion will generate several new employment opportunities. Additionally, there will be no detrimental environmental impacts and the appearance of the surrounding area will not be compromised by the proposed lot coverage. As such, the requested variance will not substantially impair the intent and purpose of the regulations.

B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.4(a)42, 50 and 79, which require a total of 159 parking spaces for the entire building, which includes 84,795 square feet of light industrial space, 8,268 square feet of office space, and 123,115 square feet of warehouse space whereas the applicant is proposing to provide a total of 140 on-site parking spaces, of which 25 parking spaces are proposed to be land-banked for future use if needed.

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

1. Concerning bulk variances:

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

The subject site is located within the Intermodal B zone of the Hackensack Meadowlands District. The lot is somewhat irregular in shape, having a trapezoidal configuration, and contains 6.99 acres, which is more than twice the minimum required lot size of three acres in the Intermodal B zone. There is direct access to the property from Secaucus Road. The site currently contains a predominantly single-story 159,154-square-foot light industrial facility that manufactures food condiments and food containers for take-out establishments. There are 81 existing on-site parking spaces provided for the facility. The existing lot coverage on the site is a pre-existing nonconforming 47.30 percent, where a maximum of 40 percent is permitted.

The applicant is proposing to construct a 57,024-square-foot building addition, consisting of two floors. One floor will be comprised of 28,512 square feet of light industrial space and the second floor will contain 28,512 square feet of warehouse space. The addition requires a total of 159 on-site parking spaces, or 78 parking spaces more than currently exist on the premises. A total of 140 on-site parking spaces are to be provided, of which 25 parking spaces are proposed to be land-banked for future use, leaving a deficit of 19 required parking spaces.

The subject property was subdivided in 2013 (pursuant to the former Light Industrial and Distribution A zone requirements due to the time of application pre-dating the 2004 change in zoning), reducing its overall size from approximately 8.45 acres to the current 6.99 acres, increasing the lot coverage nonconformity. The 2013 subdivision, which was the result of a settlement between the subject property owner and the owner of an adjacent property, effectively reduced the amount of land available to provide the required amount of on-site parking for the proposed facility and addition. These are unique conditions applicable to the property in question.

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

The granting of the variance to provide a total of 140 on-site parking spaces, inclusive of 25 land-banked parking spaces, whereas a total of 159 parking spaces are required, will not adversely affect the rights of neighboring property owners. The proposed configuration maximizes the amount of parking that could be provided on site, resulting in 59 new parking spaces. Adjacent and nearby land uses include a container and truck staging facility, automobile parking and storage facilities, a railroad trans-load facility, a FedEx distribution facility, and a PSE&G substation. Employees of WY Industries currently use 37 on-site parking spaces on average at any one time, leaving an average surplus of 44 existing parking spaces. The applicant testified that the proposed addition is expected to result in between eight and ten new jobs, leaving a substantial amount of surplus on-site parking available. There is no direct access from the site to adjoining properties, and no on-street parking is permitted on Secaucus Road. Therefore, it is not anticipated that employees or visitors at the subject property would park on neighboring properties or create a noticeable impact on local traffic conditions that would negatively affect the neighborhood.

The proposed two-story addition will be an extension of the existing production facility. The associated parking lot improvements will continue to allow on-site parking, loading, and circulation to function properly. Furthermore, improvements are proposed to the existing westerly drive aisle that will have a

positive impact on vehicular circulation adjacent to the existing and proposed silos. On-site stormwater drainage improvements are also proposed. The requested variance will result in aesthetic improvements benefitting nearby properties. Therefore, the granting of the requested variance will not adversely affect the rights of neighboring property owners, as the properties will be able to continue to operate in their current capacity.

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

The strict application of the regulations requiring the provision of 159 on-site parking spaces will result in exceptional practical difficulties and undue hardship upon the property owner. The subject property is a 6.99-acre parcel, which is significantly larger than the required minimum three-acre lot size in the Intermodal B zone. However, the existing 159,154-square-foot light industrial facility and on-site parking covers approximately 74.3 percent of the total lot area. The provision of the requested 59 new parking spaces, inclusive of land-banked spaces, along with the proposed building addition, will increase the total impervious surface coverage to 85 percent of the lot area, leaving the minimum required 15 percent open space.

Significant practical difficulties exist in accommodating the deficit of 19 additional parking spaces on the site, as there is no available alternative location on the premises to locate the total amount of required parking on the site. The proposed parking configuration maximizes the site area available to accommodate the proposed

building expansion and site improvements. Additionally, based on the parking occupancy counts provided by the applicant at the public hearing, which show that approximately half of the existing parking at the facility is not currently being utilized, it is anticipated that the proposed amount of parking will be sufficient to accommodate the expansion of the facility.

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.

The granting of the requested variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. The proposal complies with the minimum 15 percent open space requirement. Public safety will not be compromised by the requested variance, as the proposed variance will not create detrimental on-site or off-site parking impacts. In addition, NJSEA performance standards will not be violated by the proposed variance request.

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

The granting of the requested variance will not result in any substantial adverse environmental impacts. No environmentally sensitive areas will be disturbed, and the site will maintain the minimum required amount of open space. The applicant proposes to land-bank 25 parking spaces, thereby further minimizing the amount of impervious coverage on the site. In addition, NJSEA

performance standards will not be exceeded for noise, vibration, airborne emissions, glare, hazardous and radioactive materials, and wastewater.

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

The requested variance to provide 140 parking spaces, whereas 159 parking spaces are required to accommodate the proposed building expansion, represents the minimum deviation from the regulations that will afford relief. The property's unique characteristics, including its shape and existing improvements, affect the ability to provide all of the additional on-site parking required by the regulations. The lot is currently nearly 74.3 percent developed between the existing building and parking areas. The construction of the new addition along with the provision of the requested 59 parking spaces will increase the impervious coverage to 85 percent, leaving the minimum required 15 percent of open space on the site. When balancing the location and configuration of the existing building and proposed improvements with the anticipated parking demand, 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 requested variance to provide a total of 140 on-site parking spaces, of which 25 parking spaces are to be land-banked, while a total of 159 parking spaces are required for the proposed addition, will not substantially impair the intent and purpose of the


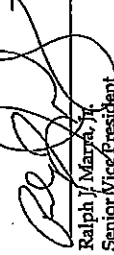
regulations. The site is located within the District's Intermodal B zone. The purpose of the zone is to accommodate high-intensity transportation facilities while also permitting industrial and warehouse and distribution facilities. In this particular instance, the proposed two-story addition will expand upon an existing light industrial use, the manufacturing of food condiments and food containers for take-out establishments.

The intent of the NJSEA's parking requirements is to estimate parking demand based on a particular land use, in anticipation of the needs of occupants, employees, or patrons of such uses. Testimony has been provided indicating that there will be sufficient parking based on the applicant's existing parking occupancy counts. It has been demonstrated by the applicant that employees of WY Industries currently use 37 on-site parking spaces on average during times of peak parking occupancy, leaving an average surplus of 44 parking spaces. The existing parking surplus, combined with the proposed additional 59 parking spaces, will be able to accommodate the anticipated parking demand at the site resulting from the proposed expansion of the facility. The addition is expected to create between eight and ten new jobs, leaving a substantial surplus of on-site parking. In addition, the requested variance will not generate any detrimental environmental effects or negatively impact neighboring properties. Therefore, the requested variance will not substantially impair the intent and purpose of the regulations.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19-4-3.98(a)1, which permits a maximum lot coverage of 40 percent, whereas a lot coverage of 56.67 percent is proposed.

Based on the record in this matter, the bulk variance application to permit maximum lot coverage of 56.67 percent on the subject property is hereby recommended for APPROVAL.

<u>APPROVAL</u>	<u>4/6/18</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management
<u>Approval</u>	<u>4/6/18</u>	
Recommendation on Variance Request	Date	Ralph J. Marye, Jr. Senior Vice President Legal & Governmental Affairs

B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 17:27(a)42, 50 and 79, which require a total of 159 parking spaces for the entire building, which includes 84,795 square feet of light industrial space, 8,268 square feet of office space, and 123,115 square feet of warehouse space; whereas the applicant is proposing to provide a total of 140 on-site parking spaces, of which 25 parking spaces are proposed to be land-banked for future use if needed;

Based on the record in this matter, the bulk variance application to provide a total of 140 parking spaces, 25 of which will be land banked, whereas a total of 159 parking spaces are required on the subject property is hereby recommended for APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. Land-banked parking area shall comply with all applicable regulations and shall be deed restricted, as per N.J.A.C. 17:27-8.2(e). As a condition of receiving the zoning certificate, if approved, the applicant shall be required to submit to the NJSEA proof of filing of the deed restriction with the Hudson County Register's Office prior to the issuance of a temporary or final Certificate of Completion and/or Occupancy Certification.
2. The NJSEA reserves the right to require the property owner to submit periodic monitoring reports of actual parking usage, for a period not to exceed 10 years, and to require that the land-banked parking area shall be constructed, based on actual parking usage, at the determination of the NJSEA Chief Engineer.

CONDITIONAL APPROVAL 4/6/2018

Recommendation on _____ Date _____
Variance Request _____ Sara J. Sundell, P.E., P.P.
Director of Land Use Management



Conditional Approval

Recommendation on _____ Date _____
Variance Request _____ Ralph J. Marra, Jr.
Senior Vice President
Legal & Governmental Affairs



AWARDS/ CONTRACTS

RESOLUTION 2018-17

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR
AUDIT SERVICES**

WHEREAS, the process for the selection of auditors is set forth in Executive Order 122 (2004); and

WHEREAS, in accordance with EO 122, a Request for Proposals (RFP) was issued on October 17, 2017 for the Annual Audit of the NJSEA for the year ending December 31, 2017, and for the years ending December 31, 2018 and 2019 with two one-year extension options; and

WHEREAS, a total of 7 firms attended the mandatory pre-bid meeting held on October 24, 2017; and

WHEREAS, the due date for the responses was November 6, 2017, and the following 4 firms submitted proposals for a three-year contract: Mercadien P.C.; PFK O'Connor Davies, LLP; RSM US LLP; and Marks Paneth; and

WHEREAS, in accordance with EO 122, an Evaluation Committee was established to review and rank the proposals based on the criteria established in the RFP. A written report of the Committee's findings was provided to the Audit Committee; and

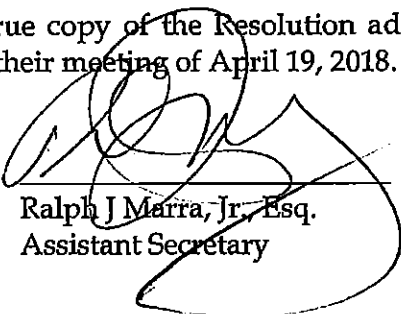
WHEREAS, of the four firms, Mercadien P.C. was ranked the highest by the Evaluation Committee; and

WHEREAS, the Audit Committee reviewed the findings of the Evaluation Committee, concurs with the Evaluation of Committee's scoring, and recommends that the contract for the audit services be awarded to Mercadien P.C.

NOW, THEREFORE, BE IT RESOLVED the President and CEO of the New Jersey Sports and Exposition Authority is hereby authorized to enter into a three-year contract with Mercadien P.C. at a cost not to exceed \$440,002.

BE IT FURTHER RESOLVED that if the NJSEA and vendor are in agreement to extend the contract, the cost for the first and second year options will not exceed \$149,309 and \$153,788 respectively.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of April 19, 2018.


Ralph J Marra, Jr., Esq.
Assistant Secretary

EXECUTIVE SESSION

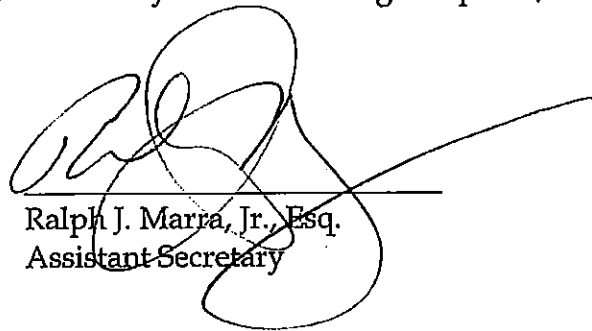
RESOLUTION 2018-18

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

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

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

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of April 19, 2018.



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