

OTHER AGENCIES

NEW JERSEY SPORTS AND EXPOSITION AUTHORITY

District Zoning Regulations

Official Zoning Map

Block 451, Lots 19.01 and 20.01, in the Township of North Bergen

Proposed Amendment: N.J.A.C. 19:4-3.3

Authorized By: New Jersey Sports and Exposition Authority, Ralph J. Marra, Jr.,
Senior Vice President, Legal and Regulatory Affairs.

Authority: N.J.S.A. 5:10A-1 et seq., specifically 5:10A-7(b). See also N.J.A.C. 19:3-1.3 and
1.5.

Calendar Reference: See Summary below for explanation of exception to calendar
requirement.

Proposal Number: PRN 2017-119.

A **public hearing** on this matter will be held on Tuesday, July 25, 2017, at 10:00 A.M. at
the following location:

New Jersey Sports and Exposition Authority

One DeKorte Park Plaza

Lyndhurst, New Jersey 07071

Submit written comments by September 1, 2017, to:

Sara J. Sundell, P.E., P.P.

Director of Land Use Management

New Jersey Sports and Exposition Authority

One DeKorte Park Plaza

Lyndhurst, New Jersey 07071

sara.sundell@njmeadowlands.gov

It is requested (but not required) that anyone submitting written comments also include a disc or USB flash drive containing a digital version, preferably in Microsoft Word. Interested persons may obtain a copy of this notice of proposal from the New Jersey Sports and Exposition Authority (NJSEA) website, www.njmeadowlands.gov. The notice of proposal may also be inspected during normal office hours at the NJSEA, One DeKorte Park Plaza, Lyndhurst, New Jersey 07071.

The agency proposal follows:

Summary

On January 11, 2017, a petition for rezoning was received by the New Jersey Sports and Exposition Authority from the property owner, Hanover Holdings, LLC, regarding the property identified as Block 451, Lots 19.01 and 20.01 (subject property), located within the Hackensack Meadowlands District (HMD), in the Township of North Bergen. The subject property is currently designated Environmental Conservation on the Hackensack Meadowlands District Official Zoning Map. The petition requests that

the NJSEA rezone Block 451, Lots 19.01 and 20.01, from its existing zoning of Environmental Conservation (EC) to Highway Commercial (HC). Access to the subject property from New Jersey State Highway Route 3 Ramp A was granted to the property owner by the NJDOT in 1961 and noted on the "General Property Parcel Map, Route 3, (1953) Section 4, Pleasant Avenue to 8th Street, showing existing right of way and parcels to be acquired, City of Union, Township of North Bergen and Town of Secaucus, County of Hudson," Sheets 1 and 2 of 19, dated February 1961.

The subject property is comprised of two unimproved parcels totaling approximately 18.06 acres. There are 3.57 acres of uplands on the combined two properties, which are located predominantly in the center of the subject property along the northern property line between Lot 20.01 and adjacent Lot 21. A small portion of the 3.57 acres of uplands extends along the northern property line to the east and provides access to Route 3 Ramp A, and another small portion of uplands extends into Lot 19.01. Approximately 14.49 acres of wetlands cover the remainder of the site. The petitioner has provided a Jurisdictional Determination, dated November 8, 2015, from the U.S. Army Corps of Engineers, that confirms the location of wetlands on a portion of the site; the property was formerly thought to be comprised almost entirely of wetlands. To the north, the subject property is bounded by Block 451, Lot 21, which contains 3.66 acres of uplands and was previously rezoned from the EC zone to the HC zone in 2016 (North Bergen Motel Associates, LLC/Petition for Rezoning, NJSEA File SP-719). Located directly west and south of the subject property are several lots within the EC Zone that are predominantly wetlands.

The EC zone, the current zone designation of Block 451, Lots 19.01 and 20.01, is intended to provide for the preservation and enhancement of the ecological values of wetlands, open water, and adjacent uplands within the District. The zone seeks to provide public access to these areas and encourage scientific and educational study with regard to wetland ecology. The petitioner's planning report states that the proposed rezoning to the HC zone would result in the potential ability of the applicant to develop the uplands, which will contribute to job creation and the economic vitality of the area, while still protecting adjacent wetlands. The report also states that the development of the subject property, as proposed, would allow for an orderly development of commercial space on uplands. The proposed rezoning is intended to provide for the continued protection of existing, onsite wetlands by concentrating development on the uplands.

The petitioner has indicated a desire to construct a hotel on the subject property, in accordance with the HC zone regulations. Hotels are allowed in the HC zone (per N.J.A.C. 19:4-5.59), but not in the EC zone. Any proposed development in the rezoned area would be subject to the affordable housing requirements set forth by law or court order at the time of zoning certificate application, including the payment of fees associated with the Statewide Non-Residential Development Fee Act (P.L. 2008, c. 46, §§ 32-38), signed into law on July 17, 2008.

At its regularly scheduled meeting of February 16, 2017, the NJSEA Board of Commissioners authorized staff to prepare and submit a notice of proposal to the Office

of Administrative Law for publication in the New Jersey Register and conduct a public hearing to obtain public input regarding this matter.

An advance notice of rules was provided to stakeholders (in accordance with Executive Order No. 2 (2010)) prior to the filing of the notice of proposal, through in-person meetings with the Hackensack Riverkeeper and the municipal business administrator. Comments received during those meetings were taken into consideration in the preparation of the proposed rezoning.

The NJSEA has provided a 60-day comment period in this notice of proposal. Thus, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The subject parcel proposed to be rezoned comprises approximately 18.06 acres. No notable social impact is envisioned as a result of the proposed rezoning of the parcel to the HC zone. Improvement to the subject property will direct development onto the uplands portion of the site while preserving the onsite wetlands. The proposed rezoning of the subject property adjacent to a single HC-zoned parcel at Block 451, Lot 21, would create a more comprehensive zone plan for the uplands areas in this portion of the District, thereby promoting a more cohesive development pattern on parcels with limited development potential.

The entity most impacted would be the subject property owner. The development of a hotel on a property located in the HC zone would require the

submission of a zoning certificate application. If the rezoning were to be approved, the property owner would be bound by the rules of the HC zone with respect to the development and enhancement of the subject site. The development of a proposed hotel would be controlled by the zoning requirements listed in the HMD zoning regulations for the HC zone. However, since the proposed amendment is the result of a petition filed by the property owner, the NJSEA may conclude that the property owner has analyzed the impacts of the rezoning and made a determination to proceed with the request.

Economic Impact

The rezoning is anticipated to have an overall positive economic impact on the HMD by providing an increased opportunity for employment and productivity of the uplands portion of a presently unimproved lot. The rezoning will allow for the establishment of a concentration of commercial development on the uplands portions of the site, benefiting the surrounding area and the HMD.

The NJSEA is not aware of any funding sources that may be impacted by the proposed rezoning. There will not be a detrimental economic impact on the public, and there are no foreseen economic impacts on implementing agencies. The Township of North Bergen will be afforded the possibility of positive tax ratables attributed to the proposed rezoning and future development. The NJSEA is the agency with zoning jurisdiction and there are no administrative, enforcement, or oversight costs to this agency as a result of this rezoning.

Federal Standards Statement

N.J.S.A. 52:14B-4 requires State agencies that adopt, readopt, or amend State rules that exceed any Federal standards or requirements to include in the rulemaking document a comparison with Federal law. The proposed rezoning has not been formulated in accordance with the authority of, or in order to implement, comply with, or participate in any program established under Federal law.

The Hackensack Meadowlands District is located within the Federally designated Coastal Zone Management Area for New Jersey (designated in accordance with 15 CFR 923.53(a)(1)). The NJSEA acts as the lead coastal planning and management agency for the Hackensack Meadowlands District under the guidance of the New Jersey Department of Environmental Protection (NJDEP).

The NJSEA District Zoning Regulations serve as a regulatory tool for meeting the goals and rules established by the New Jersey Coastal Management Program. The proposed amendment does not contain any requirements or standards in excess of those imposed under Federal law.

Jobs Impact

The proposed rezoning will have a positive impact on job creation in the State of New Jersey. The rezoning of Block 451, Lots 19.01 and 20.01, from the EC to the HC zone will result in the potential for development of the subject property with uses that will provide employment opportunities for both temporary construction jobs and

permanent employment, based on the permitted and special exception uses listed in the HC zone rules. New employment opportunities generated by the proposed rezoning will contribute to economic development of the upland area.

Agriculture Industry Impact

The proposed amendment will have no impact on the agriculture industry in the State of New Jersey. The property has never been used for any agricultural or related purposes.

Regulatory Flexibility Statement

The proposed amendment does not impose additional reporting, recordkeeping, or other compliance requirements on small businesses, which means any business that is resident in New Jersey, independently owned and operated, not dominant in its field, and employs fewer than 100 full-time employees.

The HC zone is designed to accommodate commercial uses oriented toward, and located in proximity to, highways. The permitted uses in this zone include minor automobile repair facilities, banks, car washes, essential public services, fuel service stations, hotels and motels, parks and recreation facilities, personal services, light public utility uses, restaurants, and retail. Special exception uses include automobile rental facilities, communications transmission towers, and day care facilities.

The rezoning of the property and the proposed amendments to the HC zone will have no impact on the existing requirement that the property owner obtain all permits and/or applicable approvals from the NJSEA.

Housing Affordability Impact Analysis

The proposed rezoning from the EC zone to the HC zone will have an insignificant impact on the affordability of housing in the Hackensack Meadowlands District and in New Jersey. The proposed rezoning will provide additional opportunities for orderly development in the HMD by allowing construction on the uplands of the subject property. Any proposed development in the rezoned area would be subject to the affordable housing requirements set forth by law or court order at the time of zoning certificate application, including the payment of fees associated with the Statewide Non-Residential Development Fee Act (P.L. 2008, c. 46, §§ 32-38), signed into law on July 17, 2008. As such, this rezoning will meet applicable affordable housing requirements. The proposed rezoning is not anticipated to impact the average costs associated with housing in the Hackensack Meadowlands District or New Jersey.

Smart Growth Development Impact Analysis

The proposed rezoning will have an insignificant impact on smart growth development. The Hackensack Meadowlands District is not located within Planning Areas 1 or 2, or within designated centers, under the State Development and

Redevelopment Plan, and, therefore, would not evoke a change in housing production in these specified areas. Accordingly, the rezoning will not affect, in any manner, new construction within those areas.

Full text of the proposal follows:

19:4-3.3 Official zoning map

Change the zoning designation of Block 451, Lots 19.01 and 20.01, in the Township of North Bergen, from Environmental Conservation to Highway Commercial.

OFFICE OF ADMINISTRATIVE LAW NOTE: The Official Zoning Map is not reproduced herein, but may be reviewed at the following locations:

New Jersey Sports and Exposition Authority

One DeKorte Park Plaza

Lyndhurst, New Jersey 07071

Office of Administrative Law

Quakerbridge Plaza, Building 9

Quakerbridge Road

Trenton, New Jersey 08625