

has determined that the rules should be readopted without amendment. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), the rules are readopted and shall continue in effect for a seven-year period.

OTHER AGENCIES

(a)

NEW JERSEY SPORTS AND EXPOSITION AUTHORITY

District Zoning Regulations

Official Zoning Map

Block 4014, Lot 14.01, in the Borough of Ridgefield

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

Proposed: August 7, 2017, at 49 N.J.R. 2507(a).

Adopted: December 14, 2017, by the New Jersey Sports and Exposition Authority, Sara J. Sundell, P.E., P.P., Director of Land Use Management.

Filed: January 8, 2018, as R.2018 d.072, **without change**.

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.

Effective Date: February 5, 2018.

Expiration Date: May 4, 2023.

The notice of adoption can also be viewed or downloaded from the NJSEA's website at <http://www.njsea.com/njmc/land/public-notices.html>.

On March 20, 2017, a petition for rezoning was received by the New Jersey Sports and Exposition Authority (NJSEA) from the property owner, 175 Railroad Avenue Realty Associates, LLC, regarding the property identified as Block 4014, Lot 14.01 (subject property), located within the Hackensack Meadowlands District (HMD), in the Borough of Ridgefield. The subject property is currently located in both the Light Industrial B (LIB) and Environmental Conservation (EC) zones on the Hackensack Meadowlands District Official Zoning Map. The petitioner requested that the NJSEA rezone a 2.02 acre portion of the subject property from LIB to EC and a 0.98 acre portion of the subject property from EC to LIB.

The subject property totals approximately 11.11 acres fronting on Railroad Avenue, which provides the only access to the site. An existing industrial building, with an approximate footprint of 101,590 square feet, is situated on the eastern two-thirds of the uplands portion of the property, along with a parking area located between the structure and the Railroad Avenue right-of-way. Existing truck parking and loading areas are located to the rear of the building, also within the uplands portion of the property.

A Jurisdictional Determination (No. NAN-2013-00212) issued by the U.S. Army Corps of Engineers (USACE) on April 12, 2013, states that the subject property includes one principal area of waters of the United States that occupies approximately 4.07 acres within the subject site. This jurisdictional area consists of a 3.65 acre portion of Bellman's Creek and 0.42 acres of tidal emergent wetlands. Bellman's Creek is a tidal tributary of the Hackensack River. Wetlands and wetlands permitting in the HMD are under the jurisdiction of the USACE.

In a subdivision filed with the Bergen County Clerk's Office as filed map 9626 on July 21, 2016, approximately 0.98 acres of the adjacent lot to the north (Block 4014, Lot 15) were merged into the subject property. This 0.98 acre area is currently located in the EC zone and is the subject of this request to rezone a portion of Block 4014, Lot 14.01, from EC to LIB. Wetlands comprise approximately 0.16 acres, or 16 percent, of the 0.98-acre EC-zoned portion of the property, as depicted on the "Enlarged Site & Dimensional Layout Plan," Sheet 2 of 2, prepared by Miannecki Consulting Engineers and dated 3/8/17, and verified by the

USACE's Jurisdictional Determination (No. NAN-2013-00212). The remaining 84 percent of the 0.98 acres is comprised of uplands.

The petitioner has expressed interest in constructing a 31,465 square foot light industrial/warehousing addition on the subject property, in accordance with the LIB zone regulations. A portion of the proposed structure, parking, and loading area would extend into the uplands portion of the 0.98 acres proposed to be rezoned from EC to LIB. Light industry and warehousing are permitted uses in the LIB zone (per N.J.A.C. 19:4-5.80), but not in the EC zone. Rezoning the 0.98 acres to LIB 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. 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.

The 2.02 acre area of the LIB zoned portion of the property that is proposed to be rezoned to EC is situated along the eastern-most portion of the subject site. While currently zoned LIB, the entirety of the 2.02 acres is located within the area designated as waters of the United States and wetlands in the USACE's Jurisdictional Determination. Further to the east of the subject property is a large swath of wetlands in the EC zone, which extends along Bellman's Creek to the Hackensack River.

The EC zone is intended to provide for the preservation and enhancement of the ecological values of wetlands, open water, and adjacent uplands within the District. The petitioner's request states that in order to offset the loss of the EC zoned portion of Block 4014, Lot 14.01, the petitioner is proposing to rezone from LIB to EC a portion of the property that is double the size of the former EC area on the same property. The proposed rezoning of this portion of the subject property is intended to provide for the continued protection of existing, on-site wetlands and open waters.

On May 18, 2017, the NJSEA Board of Commissioners adopted Resolution No. 2017-16, authorizing the NJSEA staff to prepare the 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. The notice of proposal was published in the New Jersey Register on August 7, 2017, at 49 N.J.R. 2507(a). A public hearing was held on August 29, 2017, at the NJSEA Offices to receive comment on the proposal. The public comment period ended on October 6, 2017.

Summary of Hearing Officer's Recommendations and Agency Responses:

A public hearing on this matter was held on August 29, 2017, at the NJSEA Offices. Sara Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer, was the public hearing officer, with Sharon A. Mascaró, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer also present.

No recommendations were made by Ms. Sundell or NJSEA staff during the hearing. The hearing record is available for inspection in accordance with applicant law by contacting:

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

Director of Land Use Management and Chief Engineer

New Jersey Sports and Exposition Authority

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William J. Fiore, Esq., of the firm Meyner & Landis, LLP, appeared on behalf of the petitioner to support the proposal for the rezoning and the regulatory amendments. Joseph S. Miannecki, Jr., P.E., P.P., provided expert testimony in the fields of engineering and planning in support of the application.

Summary of Public Comments and Agency Responses:

No comments were received.

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 adopted 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 Meadowlands District under the guidance of the New Jersey Department of Environmental Protection (NJDEP).

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

Full text of the adoption follows:

19:4-3.3 Official zoning map

Change the zoning designation of Block 4014, Lot 14.01, in the Borough of Ridgefield, from Environmental Conservation to Light Industrial B (0.98 acres) and Light Industrial B to Environmental Conservation (2.02 acres).

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

(a)

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****Adopted Amendment: N.J.A.C. 19:4-3.3**

Proposed: July 3, 2017, at 49 N.J.R. 1842(a)

Adopted: December 14, 2017, by the New Jersey Sports and Exposition Authority, Wayne Halsenbalg, President and CEO.

Filed: January 9, 2018, as R.2018 d.073, **with non-substantial changes** not requiring additional notice and public comment (see N.J.A.C. 1:30-6.3).

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.

Effective Date: February 5, 2018.

Expiration Date: May 4, 2023.

The rule adoption can also be viewed or downloaded from the New Jersey Sports and Exposition Authority (NJSEA) website at <http://www.njsea.com/njmc/land/public-notices.html>.

Summary

On January 11, 2017, a petition for rezoning was received by the New Jersey Sports and Exposition Authority (NJSEA) 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 or District), in the Township of North Bergen. The subject property is currently zoned Environmental Conservation (EC) with a portion indicated as Right-of-Way (ROW) on

the District's Official Zoning Map. The petition requests that the NJSEA rezone the subject property from its existing zoning to Highway Commercial (HC).

The subject property is comprised of two unimproved parcels totaling approximately 18.06 acres and includes 16.54 acres in the EC zone and 1.52 acres indicated as ROW. The ROW portion of the subject property is located along the eastern side of the site and includes a 150-foot-wide easement to PSE&G for electric transmission towers. The easement between a former owner of the subject property and PSE&G was recorded on October 20, 1932, and places certain restrictions regarding the construction of structures within the easement, but allows for crossings of the easement by road, driveway and/or utilities. In accordance with N.J.A.C. 19:4-3.6, the ROW portion of the subject property is deemed to be within the same zone as the abutting property, which is the HC zone for the subject property. The ROW portion of the subject property is not proposed to be rezoned. The attached map depicts the location of the ROW on the property.

The subject property contains 3.57 acres of uplands, which are located predominantly in the center of the 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 towards 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. 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, as 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 petitioner has provided a Jurisdictional Determination, dated November 8, 2015, from the U.S. Army Corps of Engineers (USACE) 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, 48 N.J.R. 1378(a)). 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 on-site 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 the orderly development of commercial space on uplands. The proposed rezoning is intended to provide for the continued protection of existing, on-site 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. The notice of proposal was published in the New Jersey Register on July 3, 2017, at 49 N.J.R. 1842(a). A public hearing was held on July 25, 2017, at the NJSEA Offices to receive comment on the proposal.