

Board Meeting

Thursday, July 28, 2022

10:00 a.m.



AGENDA
REMOTE REGULAR SESSION
Thursday, July 28, 2022 - 10:00 a.m.

Zoom Link: <https://us02web.zoom.us/j/86067390009>

Zoom Via Phone: **929-205-6099** / Meeting ID: **860 6739 0009**

I. PLEDGE OF ALLEGIANCE

II. OPENING STATEMENT

III. ROLL CALL

IV. APPROVAL OF MINUTES AND CASH DISBURSEMENTS (Action)

- Approval of Regular Session Meeting Minutes of June 23, 2022.
- Approval and/or Ratification of Cash Disbursements over \$100,000 for the month of June 2022.

V. SCIENCE AND THE ENVIRONMENT COMMITTEE REPORT

Committee Chairman, Anthony Scardino, Jr.

VI. PUBLIC PARTICIPATION ON RESOLUTIONS

VII. APPROVALS

- | | |
|---------------------------|---|
| <u>Resolution 2022-29</u> | 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. 22-235, SOF/ CoreSite/NY3 - New Building (Variance) Block 57, Lot 5 in the Town of Secaucus. |
| <u>Resolution 2022-30</u> | Consideration of a Resolution Issuing a Decision on the Special Exception Application Submitted as Part of File No. 21-471 Hartz/One Aquarium/AT&T - Cell Tower (Special Exception) Block 23, Lot 1 in the Town of Secaucus. |
| <u>Resolution 2022-31</u> | Consideration of a Resolution Authorizing First Amendment to the December 15, 2011 Electricity Procurement Agreement with New Meadowlands Stadium Company, LLC and Authorizing Retail Electric Supply Service with Marathon Power LLC, thereunder. |

VIII. CONTRACTS/AWARDS

- | | |
|---------------------------|---|
| <u>Resolution 2022-32</u> | Consideration of a Resolution Authorizing the President and CEO to Enter into a Contract with All County Mechanical for HVAC Systems Maintenance and Service. |
| <u>Resolution 2022-33</u> | Consideration of a Resolution to Acquire Hyperspectral Imagery for the Hackensack Meadowlands District. |

IX. **PUBLIC PARTICIPATION**

X. **EXECUTIVE SESSION**

Resolution 2022-34 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.

XI. **MOTION TO ADJOURN**

REGULAR SESSION MINUTES



REGULAR SESSION BOARD MEETING MINUTES

DATE: June 23, 2022

TIME: 10:00 a.m.

PLACE: Two DeKorte Park Plaza, Lyndhurst

Members in Attendance:

John Ballantyne, Chairman

Joseph Buckelew, Vice Chairman – via phone

Vincent Prieto, President and CEO

Robert Dowd, Member

Armando Fontoura, Member

Michael H. Gluck, Esq., Member – via phone

Michael Griffin, NJ State Treasurer's Representative – via phone

Woody Knopf, Member – via phone

Steven Plofker, Member

Anthony Scardino, Member – via phone

Louis J. Stellato, Member - via phone

Robert Yudin, Member

Absent:

Michael Gonnelli, Member

Andrew Scala, Member

Also Attending:

Christine Sanz, Senior Vice President/Chief Operating Officer

Frank Leanza, Senior Vice President/Chief of Legal & Regulatory Affairs – via phone

Adam Levy, Vice President of Legal & Regulatory Affairs

John Duffy, Senior Vice President of Sports Complex Operations & Facilities

Sara Sundell, Director of Land Use Management and Chief Engineer

Anna Acanfora, Director of Finance

Steven Cattuna, Chief of Staff

Brian Aberback, Public Information Officer

Lauren LaRusso Governor's Authorities Unit – via phone

Colleen Mercado, Senior Operations Administrator

Chairman Ballantyne called the meeting to order.

- I. Pledge of Allegiance
- II. Opening Statement – Chairman Ballantyne read the Notice of Meeting required under the Sunshine Law.
- III. Roll Call
- IV. **APPROVAL OF MINUTES AND CASH DISBURSEMENTS**
Chairman Ballantyne presented the minutes from the May 26, 2022 Regular Session Board meeting.

Upon motion made by Commissioner Plofker and seconded by Commissioner Yudin the minutes of the Regular Session Board Meeting held on May 26, 2022 were unanimously approved.

Chairman Ballantyne presented the minutes from the May 26, 2022 Executive Session.

Upon motion made by Commissioner Dowd and seconded by Commissioner Fontoura the minutes of the Executive Session held on May 26, 2022 were unanimously approved.

Chairman Ballantyne presented the report of cash disbursements over \$100,000 for the month of May 2022.

Upon motion by Commissioner Dowd and seconded by Commissioner Yudin, the cash disbursements over \$100,000 for the month of May 2022 were unanimously approved.

V. **PUBLIC PARTICIPATON ON RESOLUTIONS** - None

Chairman Ballantyne took the opportunity to highlight the big news from last week. He stated that FIFA officially announced that the NY/NJ Host City partnership would be hosting soccer matches at MetLife Stadium as part of the FIFA World Cup 2026. He said that it was no surprise that FIFA recognized the NY/NJ region and the Meadowlands in particular, to host one of the world's most popular sporting events. He went on to say that the 2026 FIFA World Cup will serve as a boon to economic growth in the Meadowlands and the State's tourism industry; and he welcomed the opportunity to highlight the area's dynamic downtowns, plentiful shopping and dining hotspots, and additional amenities. Chairman Ballantyne thanked and congratulated the whole team that worked tirelessly to bring this program to the State of New Jersey and he commended their efforts on behalf of the Board of Commissioners.

President Prieto said that the NJSEA was very proud that FIFA recognized MetLife Stadium as a world-class venue where all the attributes in the Meadowlands can be showcased. He noted that the NJSEA's goal of bringing world-class sporting events to the Meadowlands is ongoing and he specifically noted that the Authority was currently bidding for the Concacaf 2025 Gold Cup soccer tournament, the men and women's USA Rugby World Cup, as well as the World Cup for cricket.

VI. **CONTRACTS/AWARDS**

<u>Resolution 2022-26</u>	Consideration of a Resolution Authorizing the President and CEO to Execute a Lease Agreement with Greens Do Good Reed, Inc. and Memorandum of Understanding By and Among the New Jersey Sports and Exposition Authority, Greens Do Good Reed, Inc., and Ramapo College of New Jersey.
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Chairman Ballantyne stated that Resolution 2022-26 authorizes an exciting joint project between the NJSEA, Greens Do Good and Ramapo College of New Jersey to construct an indoor vertical farm at the NJSEA's Lyndhurst campus. He stated that Greens Do Good, based in Hackensack, is part of the non-profit REED Autism Services Family of Programs and explained that the program provides vocational training and employment opportunities for those on the Autism spectrum. He said that this is an exemplary aspect of our partnership and furthers the NJSEA's goal of expanding economic growth and job opportunities in the Meadowlands District. Chairman Ballantyne welcomed REED Autism Services Family of Programs CEO Chantelle Walker to speak further on this program.

Ms. Walker thanked the Board for inviting her and explained that REED Autism Services is part of a family of four distinct non-profit organizations and that Greens Do Good is their indoor hydroponic vertical farm, launched in 2019, and intended to be a worksite for individuals with autism. She said that the reason this is so important is that New Jersey has the second highest rate of autism in the country. She stated that the REEDS Autism Services' internship program trains teens in indoor agriculture and that there are currently fifty teens every week at their farm in Hackensack. She advised that they grow 35 different varieties of produce that they sell to supermarkets, restaurants, country clubs and direct to consumers. She said that REED was very grateful to the Authority and the community for the opportunity to expand this training and employment to the Meadowlands.

President Prieto explained that when he was in the Legislature, autism was a very big challenge and working with elder workshops was something he took pride in. He said that the NJSEA has worked with REED for several years and that they were a tremendous organization offering valuable learning experiences and job opportunities to individuals on the Autism spectrum. He said that Ramapo College, in collaboration with Greens Do Good, is enhancing the project by establishing a certificate program in environmental sustainability for those on the Autism spectrum that will be training and working at the vertical farm. He continued by stating that the certification process promotes economic development in the Meadowlands District by demonstrating job applicants' skills and ability to excel in the workplace. He said that he is looking forward to the installation of the vertical farm and thanked Ms. Walker for collaborating with the NJSEA.

Commissioner Dowd said that this was a proud moment for the Authority and he was excited for NJSEA to be involved with this program as this was a real example of being inclusive. He said we are bringing people in and giving them a sense of belonging and involving them in innovation; they are learning a new skill and ability that hopefully will translate into life. He thanked Ms. Walker for her efforts.

Chairman Ballantyne presented Resolution 2022-26. Upon motion by Commissioner Scardino and seconded by Vice Chairman Buckelew, Resolution 2022-26 was unanimously approved by a vote of 12-0.

<u>Resolution 2022-27</u>	Consideration of a Resolution Authorizing the President and CEO to Purchase Additional Radios and Ancillary Equipment from Motorola Solutions of New Jersey for the NJSEA Fire Department.
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Commissioner Yudin stated that he had been a firefighter in Wyckoff for forty-five years. He explained that one of the problems that fire services around the country have is communications; one issue is due to the equipment being on different frequencies or it is antiquated. He said that the complex that the NJSEA fire department covers is quite large and if there were a fire they would need mutual aid – and to be able to communicate with the mutual aid company. He stated his support for this resolution and said he hopes the effort in upgrading their equipment continues so that they will have a first grade communication system in place.

Chairman Ballantyne presented Resolution 2022-27. Upon motion by Commissioner Yudin and seconded by Commissioner Dowd, Resolution 2022-27 was unanimously approved by a vote of 12-0.

Resolution 2022-28 Consideration of a Resolution Authorizing a Third Party Contract
Relating to the 2026 FIFA World Cup Host City Bid Announcement.

Mr. Levy began by mentioning the very successful event held on June 16, which announced the award of host city status to New York/New Jersey, amongst other cities and entities in the United States. He explained that this resolution was related to that event as it authorizes a contract with ESP Productions Inc., an event production service, which the NJSEA hired in cooperation with the Authority's New York City partners in order to put on the June 16 event. He stated that the cost for this contract is being split between the partners and that NJSEA's portion of the cost would be approximately \$96,000.00. He said that more specifically this resolution authorizes procurement of services under the exemption to public bidding. He explained that this exemption is for when items or services that are being purchased to compete successfully with other sports and entertainment facilities, and the authority deems it necessary to provide quality athletic contests including items and services that are related to promotional or advertising efforts associated to the event. He concluded by saying this resolution authorizes this exemption along with the contract itself.

Chairman Ballantyne presented Resolution 2022-28. Upon motion by Commissioner Fontoura and seconded by Commissioner Dowd, Resolution 2022-28 was unanimously approved by a vote of 12-0.

V. **PUBLIC PARTICIPATION**

Mr. Marvin Donadic of Cliffside Park made the following statements relative to the 2026 World Cup:

- He said that hosting World Cup matches in New Jersey is a bad idea.
- He noted that there had been talk of a \$500 million economic benefit to the region and inquired what portion of that benefit would go to New Jersey as opposed to New York.
- Mr. Donadic stated that visitors, who come to see the World Cup will go to New York, spend their money in New York and stay in New York not in New Jersey.
- He inquired whether visitors were going to know what New Jersey has to offer and asked if the NJSEA would be promoting New Jersey in relation to the 2026 World Cup.
- He stated that the economic benefit anticipated for New Jersey when MetLife Stadium hosted the Super Bowl in 2014 failed to materialize and did not happen during the 1994 World Cup at the old Giants Stadium.
- He asked who specifically formulated the idea of hosting World Cup events in New Jersey.
- He noted that the United States Football League has taken place this year only in Alabama and he stated that it would be a good idea for the League to put the teams back in their home cities. He asked whether the NJSEA would bring the NJ Generals to either MetLife Stadium, Red Bull Arena or Rutgers Stadium.
- He mentioned that in 1986 the Sports Authority placed a logo on the field at the old Giants Stadium that read, "New Jersey Meadowlands." He inquired whether the NJSEA could put the logo back on the field today.

President Prieto stated that the referenced \$500 million economic benefit was just an estimate and that the NJSEA has hired a consultant to identify New Jersey's economic impact. He emphasized that the World Cup is quite different from the Super Bowl, which was a one-day event; this will be a month-long event. He went on to say that the Meadowlands area has a very large number of hotels that visitors will stay at; there will be training facilities in New Jersey and there will be events associated with these facilities; along with fan fests that are also being planned in New Jersey. He explained that people will be here for an extended amount of time and are going to want to visit the Jersey Shore. He said the NJSEA would be taking part in promoting all that New Jersey has to offer. He said that it has been a collaborative effort that

started back in 2017 and one of the Authority's main goals since that time has been to highlight the Sports Complex. President Prieto said that relative to the United States Football League games that were held only in Alabama this year was due to the COVID protocols and moving forward the teams will play in their designated cities. He concluded by responding to the question of the Authority possibly putting a logo on the field at MetLife Stadium just like was done in 1986. He stated that the NJSEA owned the stadium at that time. MetLife is a private entity and the NJSEA's tenant so the Authority cannot dictate that.

Chairman Ballantyne stated that people will stay in New Jersey as it is convenient. He said that it is anticipated that there will be a great influx of visitors from Europe to watch the World Cup games and during the 1994 World Cup it was discovered that the visitors enjoyed walking rather than taking mass transit and so they are not expected to walk across the bridge into New York. He specifically noted that the economic benefit did materialize for New Jersey during the 1994 World Cup held at the old Giants Stadium.

Commissioner Plofker addressed Mr. Donadic stating that he could not imagine one major city in the country that did not vie or put in a bid to host games at the World Cup; and it would be remiss of the NJSEA not to have done so.

VIII. EXECUTIVE SESSION

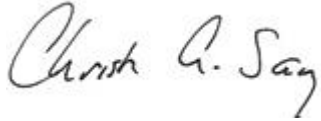
Chairman Ballantyne stated there was no need for Executive Session.

IX. ADJOURNMENT

With no further business, motion was made to adjourn by Commissioner Fontoura seconded by Commissioner Dowd, followed by 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 June 23, 2022.



Christine Sanz
Assistant Secretary

June 23, 2022

Commissioner	Roll Call	2022-26	2022-27	2022-28
Ballantyne, Chairman	P	Y	Y	Y
Bucklelew, Vice Chairman	P	Y	Y	Y
Prieto	P	Y	Y	Y
Dowd	P	Y	Y	Y
Fontoura	P	Y	Y	Y
Gluck	P	Y	Y	Y
Gonnelli	--	--	--	--
Knopf	P	Y	Y	Y
Plofker	P	Y	Y	Y
Scala	--	--	--	--
Scardino	P	Y	Y	Y
Stellato	P	Y	Y	Y
Yudin	P	Y	Y	Y
Treasury Rep Griffin	P	Y	Y	Y

P = Present A = Abstain -- Absent

R = Recuse Y = Affirmative N = Negative

APPROVALS



CASH DISBURSEMENTS
\$100,000 OR MORE
JUNE 2022

EAST RUTHERFORD - SPORTS COMPLEX

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
GIBBONS P.C.	156,184.60	A	LEGAL SERVICES - AUTHORITY TRANSACTIONS COUNSEL: MAY 2022
NRG BUSINESS SOLUTIONS	430,135.93	J/L	ELECTRICITY CHARGES: MAY 2022
NEW JERSEY RACING COMMISSION	1,786,412.76	I	FY2022 OPERATING BUDGET AND COMPULSIVE GAMBLING
NEW JERSEY STATE POLICE	375,618.11	A	OVERTIME CHARGES: FEB-MAY 2022
NEW MEADOWLANDS STADIUM CO., INC.	293,760.88	A	GRANDSTAND DEMOLITION REIMBURSEMENT: JUN 2022
PUBLIC SERVICE ELECTRIC & GAS COMPANY	107,747.91	J/L	ELECTRIC TRANSMISSION: MAY 2022
EAST RUTHERFORD SC TOTAL	<u>3,149,860.19</u>		

MONMOUTH PARK RACETRACK MAINTENANCE RESERVE/CAPITAL

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF OCEANPORT	559,882.22	A	CAFO SPECIAL ASSESSMENT AGREEMENT: 3RD QTR 2022
MPR MAINTENANCE TOTAL	<u>559,882.22</u>		

LYNDHURST

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
NORTH BERGEN, TOWNSHIP OF	115,762.94	I	REAL ESTATE AGREEMENT: FY 2022
LYNDHURST TOTAL	<u>115,762.94</u>		



CASH DISBURSEMENTS
\$100,000 OR MORE

REFERENCE LETTER	TYPE
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 2022-29

**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. 22-235, SOF/ CoreSite/NY3 - New Building (Variance)
BLOCK 57, LOT 5
IN THE TOWN OF SECAUCUS**

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 May 31, 2022, by Rob Dean, of CoreSite RE 2 Emerson Lane LLC, for the premises identified as 2 Emerson Lane, Block 57, Lot 5, in the Town of Secaucus, New Jersey, which is located in the District's Light Industrial A zone; and

WHEREAS, the subject application proposes the construction of a 156,200-square-foot data center 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 156,000-square-foot data center building; and

WHEREAS, a suitability review, dated July 14, 2022, 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 2 Emerson Lane, Block 57, Lot 5, in the Town of Secaucus, 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 July 28, 2022.

A handwritten signature in black ink, appearing to read 'V. Prieto', written over a horizontal line.

Vincent Prieto
Secretary



MEMORANDUM

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

From: Sara J. Sundell **Date:** July 28, 2022

Subject: Site Suitability Recommendation for 2 Emerson Lane, Block 57, Lot 5, in the Town of Secaucus (File No. 22-235)

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 156,200-square-foot data center building, on the premises identified as Block 57, Lot 5, in the Town of Secaucus, New Jersey. The subject property is located within the District's Light Industrial A zone and is currently the site of an existing CoreSite data center.

The matter was forwarded to the Review Team for review of the proposed site in accordance with the *Interim Policies*. A suitability review, dated July 14, 2022, has been prepared, indicating that the Review Team recommends that the subject 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 property is not suitable for residential use.

Suitability Review – Summary

File No. 22-235

SOF/CoreSite/NY3 - New Building (Variance)

Block 57, Lot 5, in the Town of Secaucus

July 14, 2022

The NJSEA received a zoning certificate application for the proposed construction of a 156,200-square-foot data center building, proposed to be located at 2 Emerson Lane, Block 57, Lot 5, in the Town of Secaucus, New Jersey. The subject property is located in the Commission’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 adjacent to land uses that are not compatible with a residential development.
 - The subject property is located within a portion of Secaucus that contains predominantly warehouse/distribution, commercial and industrial uses.
 - The subject property is located at the end of the cul-de-sac on Emerson Lane. Emerson Lane is accessed from Enterprise Avenue, which connects to Secaucus Road and Meadowland Parkway via American Way. All of these streets are within the warehouse/distribution, commercial and industrial center of Secaucus.
 - Emerson Lane is not a dead end street, but leads into Sinvalco Road, which, in turn, leads to additional warehouse properties and a UPS parking facility.
 - The nearest residential area is located north of the subject property along Enterprise Avenue; however, there is a gate separating the residential neighborhood from the warehouse and industrial area.
 - This criterion is not met by the subject property.

- 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 can be 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.**
 - The subject property is not listed on the NJDEP's Known Contaminated Site List for New Jersey.
 - As such, 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.**
 - The subject property is fully developed with an active and operational data center, including the building structure and necessary parking and loading facilities. A significant number of generators, cooling equipment and other exterior equipment associated with the data center are located around the outside of the existing building.
 - The existing data center structure on the subject property is not proposed to be removed, but instead to be expanded by the addition of a new building.
 - The proposed building is proposed to be constructed in the surface parking lot of the subject property. The property also contains a parking structure that accommodates the parking needs of the facility.
 - The subject property does not have significant areas of excess contiguous open space or vacant area on which to construct a residential structure as the footprint of the existing data center and parking garage encompasses the majority of the lot. The majority of the open space is located within the required front, side and rear yards of the subject property, which are intended, as per the definition of a "yard," to remain unoccupied and unobstructed. As such, there is very limited area on Lot 5 for any new construction with the exception of the existing surface parking lot.
 - With a limited quantity of open space, there is not sufficient space to

construct residential uses on the subject property in a manner that would provide a reasonable separation distance and appropriate buffering between the different uses. There is also insufficient area available to develop a critical mass of housing.

- The existing layout of the existing data center building, parking fields, loading area, open space, and setbacks precludes residential use.
- As such, this criterion is not met by the subject property.

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

- The site is surrounded by warehouse and industrial development. There are no adjacent residential or other supportive uses that could, from a planning perspective, create a cohesive neighborhood. The site is remote from public schools, local retail stores, and other public amenities. Pedestrian access to the rest of the community requires traveling through an active warehouse and industrial area, which is heavily utilized by trucks.
- The site is substantially built-out, including an active data center, parking and loading areas, and exterior equipment. There is minimal open space on the subject property, which is mostly confined to the required front, side and rear yard setback areas. No vacant area remains on the site of sufficient size to construct residential units that could be effectively separated from the existing data center use.
- When in operation, the exterior equipment associated with the data center, including generators and cooling equipment, produce noise at levels that are regulated for industrial areas, but not for residential areas. Such noise would be detrimental to a residential use located on the subject property.
- While a data center does not generate significant truck or personal vehicle traffic, the property is surrounded by warehouse and industrial uses with loading facilities that require significant truck movements. One of the properties located directly across Emerson Lane, the site of the former Harmon Cove Outlet Center and now a warehouse, has loading doors and tractor trailer parking along the entire Emerson Lane frontage. Other loading areas are located across Emerson Lane to the east. Loading areas for truck traffic generate noise during both on- and off-peak hours, which is detrimental to residential uses.
- As such, this criterion is not met by the subject property.

In summary, only three (3) 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 2 Emerson Lane, Block 57, Lot 5, in the Town of Secaucus, is recommended to be deemed unsuitable for housing.

Contingent upon the approval of this recommendation by the NJSEA Board of Commissioners, the review by the Town of Secaucus of the submitted zoning certificate application for the proposed construction of a 156,200-square-foot data center 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 2022-30

**RESOLUTION ISSUING A DECISION
ON THE SPECIAL EXCEPTION APPLICATION
SUBMITTED AS PART OF FILE NO. 21-471
HARTZ/ONE AQUARIUM/AT&T -
CELL TOWER (SPECIAL EXCEPTION)
BLOCK 23, LOT 1
IN THE TOWN OF SECAUCUS**

WHEREAS, an application for one special exception has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by Christopher Quinn, Esq., of Pinilis Halpern, LLP, on behalf of New Cingular Wireless PCS, LLC (AT&T), for the premises located at One Aquarium Drive, Block 23, Lot 1, in the Town of Secaucus, New Jersey; and

WHEREAS, the premises is located within the District's Light Industrial A zone; and

WHEREAS, the applicant requested special exception approval pursuant to N.J.A.C. 19:4-5.74(a)5 to construct a 123-foot-tall communications transmission tower, which is listed as a special exception use in the Light Industrial A zone in which the property is located; and

WHEREAS, notice of the special exception request was given to the public and all interested parties as required by law and was published in The Jersey Journal newspaper; and

WHEREAS, an electronic public hearing was held virtually using Zoom video conferencing on Tuesday, May 17, 2022, before Sara J. Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon A. Mascaró, Deputy Director of Land Use Management and Deputy Chief Engineer; Mia A. Petrou, P.P., AICP, CFM, Supervising Planner; and William Moran, P.E., AICP, P.P., Senior Engineer; and

WHEREAS, a comprehensive report dated July 19, 2022, has been prepared indicating the recommendations of the Director of Land Use Management and Senior Vice President, Chief of Legal & Regulatory Affairs in this matter; and

WHEREAS, a copy of the recommendation and comprehensive report was provided to the applicant on July 19, 2022; and

WHEREAS, the report recommends the conditional approval of the special exception requested pursuant to N.J.A.C. 19:4-5.74(a)5 to construct a 123-foot-tall communications transmission tower at the subject premises; and

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

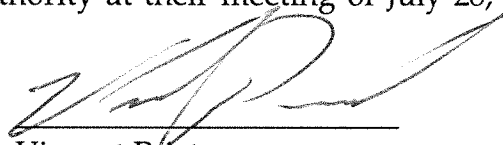
WHEREAS, the Board of Commissioners concurs with the recommendations of the Director of Land Use Management and the Senior Vice President, Chief of Legal & Regulatory Affairs; and

WHEREAS, the Board of Commissioners hereby determines that the requested special exception application, to permit a 123-foot-tall communications transmission tower at the subject premises in the Light Industrial A zone, conditionally conforms with the standards for approving applications for special exception uses as set forth in N.J.A.C. 19:4-4.13(e).

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the *Hartz/One Aquarium/AT&T – Cell Tower (Special Exception)* application for a special exception requested pursuant to N.J.A.C. 19:4-5.74(a)5, to construct a 123-foot-tall cell tower at the subject premises in the Light Industrial A zone, conditionally conforms with the standards for approving applications for special exception uses, as set forth in N.J.A.C. 19:4-4.13(e), and is hereby **APPROVED WITH THE FOLLOWING CONDITIONS** for the reasons set forth in the recommendation dated July 19, 2022:

1. The easterly fence line shall be slatted with privacy slats to provide improved visual screening of the ground-mounted equipment associated with the communications transmission tower monopole.
2. The proposed above-ground utility lines shall be located underground in accordance with N.J.A.C. 19:4-8.15(b), unless sufficient technological justification for above-ground wires is provided to the NJSEA Chief Engineer for review and approval.

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 July 28, 2022.



Vincent Prieto
Secretary



MEMORANDUM

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

From: Sara J. Sundell *Date:* July 28, 2022

Subject: Special Exception Use Recommendation – Hartz/One Aquarium/ AT&T
- Cell Tower (Special Exception) (File No. 21-471)

An application for a special exception use has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by Christopher Quinn, Esq., of the firm Pinilis Halpern, LLP, on behalf of New Cingular Wireless PCS, LLC (AT&T), for the premises located at One Aquarium Drive, identified as Block 23, Lot 1, in the Town of Secaucus, New Jersey. The subject property is located within the District's Light Industrial A zone. The special exception use is sought in connection with the applicant's proposal to construct a 123-foot-tall communications transmission tower with related site improvements on the subject premises.

Specifically, the applicant is requesting special exception approval pursuant to:

1. N.J.A.C. 19:4-5.74(a)5, where communications transmission towers are listed as a special exception use in the Light Industrial A zone.

An electronic public hearing was held virtually using Zoom video conferencing on Tuesday, May 17, 2022.

In a comprehensive report dated July 19, 2022, the Director of Land Use Management and the Senior Vice President, Chief of Legal & Regulatory Affairs recommended conditional approval of the requested special exception use. A copy of the special exception recommendation report was provided to the applicant on July 19, 2022.

At this time, the Board of Commissioners is required to issue a decision on the special exception request described above. A resolution requesting the same is attached for your consideration.

**RECOMMENDATION ON THE SPECIAL EXCEPTION APPLICATION OF
Hartz /One Aquarium/AT&T - Cell Tower (Special Exception)
File #21-471**

I. INTRODUCTION

An application for one special exception use has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Christopher Quinn, Esq., of Pinilis Halpern, LLP, on behalf of New Cingular Wireless PCS, LLC (AT&T), for the premises located at One Aquarium Drive, Block 23, Lot 1, in the Town of Secaucus, New Jersey. The subject premises are located in the Light Industrial A zone of the Hackensack Meadowlands District (District). The special exception is sought in connection with the applicant's proposal to construct a 123-foot-tall communications transmission tower monopole with associated site improvements on a portion of the subject property.

Specifically, the applicant is requesting special exception approval pursuant to:

1. N.J.A.C. 19:4-5.74(a)5, where communications transmission towers are listed as a special exception use in the Light Industrial A zone.

A public hearing was held via Zoom videoconferencing on Tuesday, May 17, 2022. Notice was given to the public and all interested parties as required by law. The public notice of this hearing was published in The Jersey Journal newspaper. All information submitted to the Division of Land Use Management relative to this application is made part of the record of this recommendation.

II. GENERAL INFORMATION

A. Existing and Proposed Use

The property in question is a 3.27-acre triangularly-shaped site fronting along Aquarium Drive, with direct access to the site provided from a driveway along this roadway in the northeasterly portion of the site. The site is currently improved with a warehouse building and associated parking and loading areas. With the exception of a drainage ditch located along the westerly rear property line, no wetlands or environmentally-sensitive conditions are present on the site.

The site is bordered by warehouse development to the north, south, and east, and freight rail lines to the west, which feed into Norfolk Southern's Croxton Yards freight terminal to the south.

The applicant is proposing to construct a telecommunications compound in the southerly area of the subject property, on a vacant, wooded portion of the site. The applicant proposes to install a 123-foot-tall telecommunications tower (with a lightning rod attachment bringing the total height to 128 feet) and associated improvements, including a 13' x 20' equipment platform containing a 9.5-foot-high cabinet, a GPS unit, and two 1.5-ton AC cooling units; a 30-kilowatt standby diesel generator; and perimeter chain-link fencing. The telecommunications compound is proposed to be set back 66.9 feet from the front property line along Aquarium Drive to the east, 74.6 feet from the westerly side property line, and 326.1 feet from the northerly side property line. The communications transmission tower monopole is proposed to be set back 79.1 feet from the Aquarium Drive front lot line. A new curb cut for a 12-foot-wide driveway is proposed along Aquarium Drive to access the proposed telecommunications compound.

As part of this proposal, a special exception use is requested to install the monopole antenna on the subject property, as a communications transmission tower is listed as a special exception use in the Light Industrial A zone.

B. Response to the Public Notice

No written objections were received prior to the public hearing.

III. PUBLIC HEARING

A public hearing was held on Tuesday, May 17, 2022. NJSEA staff in attendance were Sara J. Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon A. Mascaró, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer; Mia Petrou, P.P., AICP, CFM, Supervising Planner; and William Moran, P.E., P.P., AICP, Senior Engineer.

A. Exhibits

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

<u>Number</u>	<u>Description</u>
A-1	Site plan set, prepared by Colleen Connolly, P.E., Scherer Design Group, LLC, dated January 28, 2021, last revised March 30, 2022, entitled as follows: <ol style="list-style-type: none">1. Dwg. Z1 - "Cover";2. Dwg. Z2 - "200' Radius Map and Property Owners List";3. Dwg. Z3 - "Overall Site Plan";4. Dwg. Z4 - "Partial Site Plan";5. Dwg. Z5 - "Tree Clearing/Grading Plan";6. Dwg. Z6 - "Detailed Site Plan and Notes";7. Dwg. Z7 - "Elevation and Details";8. Dwg. Z8 - "Details";9. Dwg. Z9 - "Antenna Layout and Details";10. Dwg. Z10 - "Equipment Layout";

11. Dwg. Z11 - "Equipment Details";
12. Dwg. Z12 - "Details";
13. Dwg. Z13 - "Details"; and
14. Dwg. Z14 - "Generator Details".

A-2 "Comprehensive Radio Frequency Report", prepared by Daniel Penesso, RF Engineer, on behalf of AT&T, dated April 21, 2022.

A-3 "Antenna Site Conformity, FCC RF Assessment and Report", prepared by Daniel Penesso, Chief Technical Officer, Frequenz, LLC, dated April 21, 2022.

A-4 Photographic Simulations, prepared by Paul N. Ricci, P.P., AICP, RicciPlanning, LLC, dated May 2, 2022.

B. Testimony

Christopher Quinn, Esq., of the firm Pinilis Halpern, LLP, represented the applicant at the hearing. The following three witnesses testified in support of the application:

1. Colleen Connolly, P.E., Scherer Design Group, LLC;
2. Daniel Penesso, RF Engineer, Frequenz, LLC; and
3. Paul Ricci, P.P., AICP, RicciPlanning, LLC.

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

C. Public Comment

No members of the public provided comment at the public hearing.

IV. RECOMMENDATION

A. Standards for the Granting of a Special Exception from the Provisions of N.J.A.C. 19:4-5.74(a)5, in which communications transmission towers are listed as a special exception use in the Light Industrial A zone.

The Hackensack Meadowlands District Zoning Regulations at N.J.A.C. 19:4-4.13(e) states in part that, *a special exception use shall not be granted unless specific written findings of fact are made based upon the evidence presented that supports the following conclusions:*

1. *The proposed special exception use at the specified location will contribute to and promote the welfare or convenience of the public;*

The applicant provided testimony demonstrating that the communications transmission tower is required to help address gaps in the area's wireless network coverage, including enhanced service within buildings and vehicles. AT&T was also awarded a block of frequencies within a 700 megahertz frequency band, by the First Responders Network Authority, an independent authority within the U.S. Department of Commerce, to provide services for FirstNet, a national broadband network dedicated to police, fire, and emergency medical services. The proposed 123-foot-high communications transmission tower includes the installation of 16 panel antennas at a height sufficient to close the existing coverage gap in AT&T wireless telecommunication service in the area. The closing of the coverage gap by the installation of the proposed tower and antennas will ensure that area wireless users will have enhanced

cellular services and dedicated emergency channels. Additionally, as future co-location of additional cellular antennas is required by the District zoning regulations, the proposed tower has been designed to allow for future co-location by up to two other carriers.

Therefore, the granting of the requested special exception to permit a communications transmission tower at the subject premises will contribute to and promote the welfare and convenience of the public.

2. *The proposed special exception use will not cause substantial injury to the value of other property in the neighborhood;*

The construction of the proposed 123-foot-high communications transmission tower monopole will not cause substantial injury to other properties in the surrounding neighborhood. The tower, as part of a proposed wireless communications facility, is a benign commercial use that will be located in a relatively isolated part of the site. Surrounding uses consist of warehouse development and freight rail lines.

A potential negative impact created by the installation of the tower would be its visibility to surrounding properties. However, this effect is partially mitigated by the proposed monopole's location within a wooded area. In addition, a proposed eight-foot-high chain link fence will secure the telecommunications compound. It is recommended, as a condition of this approval, that the easterly fence line be slatted with privacy slats to provide improved visual screening of the ground-mounted equipment associated with the monopole.

The public will benefit by the closure of a gap in wireless telecommunications service, particularly in cases where the subject carrier is utilized for emergency services. Additionally, there will be no excessive noise, glare, odor, vibration or noxious characteristics associated with the proposed tower and associated equipment. The only noise emanating from the site will be the occasional operation of the emergency back-up generator needed for maintenance purposes, which will comply with all noise performance standards of the District zoning regulations.

3. *The special exception use will not dominate the immediate neighborhood in a manner that could prevent development and use of neighboring properties in accordance with the applicable regulations, in consideration of the following:*

- i. The location and size of the special exception use;*

The location and size of the proposed 123-foot-high communications transmission tower will not dominate the immediate area or neighborhood as to prevent development in accordance with District zoning regulations. The proposed improvements, including the compound and access driveway, occupy approximately 3,300 square feet, or approximately 2.3 percent, of the existing 3.27-acre site. The applicant's radio-frequency engineer testified that the proposed height of the tower is the minimum height required to address gaps in wireless telecommunications coverage in the area, as demonstrated on the coverage maps in Exhibit A-2. The tower will be installed within a wooded area on the site, and is located in an industrial area, adjacent to active freight rail lines. Photographic simulations were also provided to depict the view of the tower at various locations and distances, demonstrating that the proposed tower will not result in a substantial negative visual impact to the area.

ii. The nature and intensity of the operation of the special exception use;

The proposed monopole and associated telecommunications facility will be unmanned and monitored remotely, only requiring visits by a technician for regular maintenance purposes, approximately once per month. Dedicated parking will be available on site for the visiting technician. This low intensity use will have no detrimental effects to existing operations either on the subject property or on the surrounding properties. Rather, with the pandemic-induced increase in the need for reliable telecommunications associated with remote work environments, the operations of the proposed special exception use will benefit the neighborhood.

iii. The location of the site with respect to access and circulation;

The subject property is developed with a warehouse facility, containing parking and loading areas in the northerly portion of the site. The applicant proposes to install a new curb cut along Aquarium Drive to provide for a dedicated 12-foot-wide access driveway for the telecommunications facility, which will be fenced and gated for security purposes. The proposed access and circulation is sufficient to accommodate the proposed use, which is an unmanned facility visited for maintenance purposes approximately once per month by a technician utilizing a pick-up or SUV passenger vehicle. This vehicle size will be sufficiently accommodated within the proposed 12' x 20' parking space. The emergency back-up generator will also require occasional refueling by a small truck, which can maneuver within the

available area on the site. The minor increase in intensity on the subject premises by the installation of the monopole tower and associated unmanned wireless telecommunications facility will not burden or create a dominating effect on the existing warehouse on the site, nor to other properties in the surrounding area. Neighboring properties will not be impeded in their ability to function in accordance with the applicable zoning regulations.

*iv. The location, nature, and height of structures, walls and fences on the site;
and*

The location, nature and height of the communications transmission tower and associated improvements on the site will not dominate the surrounding area. The proposed telecommunications compound is located within an industrial area, and adjacent to active freight rail lines. The monopole is proposed to be set back a distance of 79.1 feet from the Aquarium Drive front lot line. The telecommunications equipment at the base of the monopole will not be visible from most points since it is located within a wooded area of the property, with removal of existing vegetation limited to the extent needed to construct the telecommunications compound and to provide adequate sight lines at the proposed driveway. The compound will be surrounded by an 8-foot-high chain link fence, and, with the recommended condition in Criterion 2 above to screen the easterly fence line with privacy slats, the view of the proposed improvements in the telecommunications compound will be screened from neighboring properties and motorists along Aquarium Drive to the extent possible. The communications transmission tower will be the most visible component of the

facility; however, the applicant has provided photographic simulations in Exhibit A-4 demonstrating that the visual impact of the tower will not cause substantial detriment to the neighborhood. The applicant's radio-frequency engineer attested that the proposed height of the tower is the minimum height necessary to address the gaps in wireless telecommunications coverage in the area, as depicted in Exhibit A-2.

v. The nature and extent of landscaping and screening on the site.

The southerly portion of the site, where the communications transmission tower and associated equipment are proposed, is currently vacant, wooded land. The existing vegetation will be removed only to the extent necessary to construct the proposed improvements and to provide adequate sight lines at the proposed driveway. Sufficient vegetation will remain to screen the equipment at the base of the monopole from public view. A recommended condition of this report in Criterion 2, to add privacy slats to the chain link fence along the easterly fence line, will provide further screening of these utility improvements from public view.

4. Adequate utilities, drainage and other necessary facilities have been or will be provided;

The proposed communications transmission tower shall not require any water or sewer utility service. A 30-kilowatt emergency back-up generator will be provided. The electric and telephone services required by the facility are available in the vicinity. Proposed connections to the existing infrastructure include proposed overhead wires from an

existing utility pole, which will run across Aquarium Drive, to a proposed utility pole located just within the site. From there, the utility line would run underground from the on-site pole near the site's Aquarium Drive frontage to the proposed telecommunications compound. However, District zoning regulations at N.J.A.C. 19:4-8.15(b) require that utility lines be placed underground wherever technologically possible. Therefore, it is a recommended condition of this report that proposed above-ground utility lines shall be located underground, unless technological reasons are provided to the NJSEA Chief Engineer for review and approval.

The proposed tower and associated equipment will not impact the existing stormwater drainage infrastructure or conditions on the property in a negative manner. The existing drainage ditch on the site is subject to the NJSEA's waterway buffer requirement in accordance with N.J.A.C. 19:4-8.7, in addition to a 50-foot-wide buffer by the New Jersey Department of Environmental Protection (NJDEP), which is being provided on the site.

5. *Adequate access roads and drive aisles have been or will be provided and shall be designed to prevent traffic hazards and minimize traffic congestion;*

Adequate site access and circulation for the proposed communications transmission tower and associated equipment is provided within the site. The impact to traffic in the surrounding area will be insignificant. Traffic generated by the unmanned facility would be comprised of one monthly site visit for facility maintenance purposes, as well as occasional refueling of the proposed emergency generator. The

surrounding roadways are capable of handling the minimal traffic generated by the proposed use.

6. *The special exception use will not have a substantial adverse environmental impact.*

The proposed communications transmission tower monopole and telecommunications facility will not cause any adverse environmental impacts. The proposed site plan indicates that more than 40 percent of the property will remain as open space. Existing trees and vegetation on the site are proposed to be removed only to the extent necessary to construct the proposed improvements. Proposed equipment will be elevated a minimum of one foot above the established FEMA base flood elevation of 8 feet (NAVD88). The emergency back-up generator will comply with all noise performance standards, and the monopole will be fabricated from galvanized material, which will not result in reflective glare. District environmental performance standards will be met for noise, vibration, glare, air emissions, and hazardous or radioactive materials. No wetlands or environmentally sensitive areas will be disturbed, and all existing drainage patterns are proposed to be maintained.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Special Exception from the Provisions of N.J.A.C. 19:4-5.74(a)5, in which communications transmission towers are listed as a special exception use in the Light Industrial A zone.

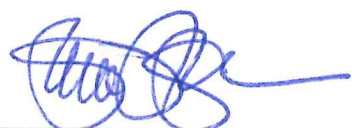
Based on the record in this matter, the application for one special exception to permit a communications transmission tower on the subject property is hereby recommended for APPROVAL WITH THE FOLLOWING CONDITIONS:

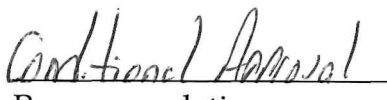
1. The easterly fence line shall be slatted with privacy slats to provide improved visual screening of the ground-mounted equipment associated with the communications transmission tower monopole.
2. The proposed above-ground utility lines shall be located underground in accordance with N.J.A.C. 19:4-8.15(b), unless sufficient technological justification for above-ground wires is provided to the NJSEA Chief Engineer for review and approval.

CONDITIONAL APPROVAL 7/19/2022

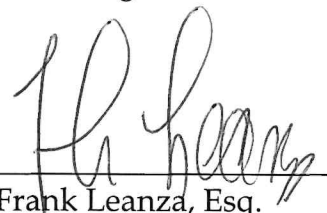
Recommendation on
Special Exception Request

Date


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


Recommendation on
Special Exception Request


Date


Frank Leanza, Esq.
Senior Vice President
Chief of Legal & Regulatory Affairs

RESOLUTION 2022-31

**RESOLUTION AUTHORIZING FIRST AMENDMENT TO DECEMBER 15, 2011
ELECTRICITY PROCUREMENT AGREEMENT WITH NEW MEADOWLANDS
STADIUM COMPANY, LLC AND AUTHORIZING RETAIL ELECTRIC SUPPLY
SERVICE WITH MARATHON POWER LLC, THEREUNDER**

WHEREAS, the New Jersey Sports and Exposition Authority ("NJSEA") had previously entered into an agreement with New Meadowlands Stadium Company, LLC ("NMSC") for the provision of electricity to the Meadowlands Sports Complex (exclusive of the American Dream project) through a sponsor of NMSC's resident teams; and

WHEREAS, such sponsorship arrangement has expired, together with the schedule of annual payments to the NJSEA set forth in the December 15, 2011 agreement; and

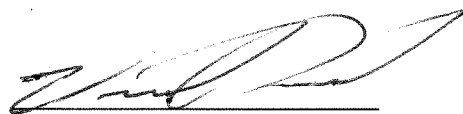
WHEREAS, because of the cessation of the sponsorship arrangement and the current volatility in the energy market annual savings under Retail Electric Supply Service contracts have decreased dramatically; and

WHEREAS, both the NJSEA and NMSC desire to continue the savings in electricity costs which they enjoy under their Electricity Procurement Agreement through the term of their Ground Lease for MetLife Stadium, with the ability of the parties to adjust annual payments to the NJSEA at five (5) year intervals, dependent upon the then current energy market.

NOW, THEREFORE, BE IT RESOLVED by the New Jersey Sports and Exposition Authority that the President and CEO is hereby authorized to execute a First Amendment to the December 15, 2011 Electricity Procurement Agreement of the form attached hereto as Exhibit I with NMSC for a term coincident with the Ground Lease between them for an annual fee of \$40,000, increasing at 3% per year commencing on February 1, 2022 and payable by October 1, 2022; and

BE IT FURTHER RESOLVED that the President and CEO is hereby authorized to execute a Retail Electric Supply Service Contract with Marathon Power, LLC of the form attached hereto as Exhibit II.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at its meeting of July 28, 2022.



Vincent Prieto
Secretary

**FIRST AMENDMENT TO AGREEMENT BETWEEN
NEW JERSEY SPORTS AND EXPOSITION AUTHORITY AND
NEW MEADOWLANDS STADIUM COMPANY, LLC**

THIS FIRST AMENDMENT ("First Amendment") modifies the Agreement dated December 15, 2011 between the New Sports and Exposition Authority ("NJSEA") and New Meadowlands Stadium Company, LLC ("NMSC"), with NMSC and the NJSEA are the "Parties" and each individually is a "Party"). The Effective Date of this First Amendment is February 1, 2022. All capitalized terms not otherwise defined herein shall have the meanings set forth in the Agreement.

WITNESSETH

WHEREAS, the NJSEA and NMSC entered into the Agreement, as defined above, desire to extend the Term of the Agreement and amend certain provisions of the Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree to further amend the Agreement as follows:

1. Section 5.1 shall be deleted in its entirety and replaced with the following:

"Unless earlier terminated pursuant to the terms of this Agreement, NMSC agrees to pay NJSEA an Annual Fee for the rights granted by this Agreement for the term of the Ground Lease Agreement between the parties. For the purposes of this Agreement, "Contract Year" shall mean the period beginning on February 1 of any calendar year and ending on January 31 of the immediately Following calendar year. The Annual Fee shall for the first ten (10) years of this Agreement shall be as follows:

<u>Contract Year</u>	<u>Annual Fee</u>
1	\$200,000.00
2	\$203,000.00
3	\$206,045.00
4	\$209,135.68
5	\$212,272.71
6	\$215,456.80
7	\$218,688.65
8	\$221,968.98
9	\$225,298.52
10	\$228,678.00

Beginning in Contract Year eleven (11) NMSC agrees to pay an Annual fee to the NJSEA in the amount of \$40,000.00 per Contract Year, which amount shall increase by three percent (3%) per Contract Year for the Term of this Agreement.”

“Notwithstanding anything to the contrary above, between sixty (60) and ninety (90) days prior to January 31, 2027, and then every five (5) years thereafter, (January 31, 2032, January 31, 2037, etc.), for the remainder of the Term, Parties agree to meet to negotiate, and mutually agree on any adjustment(s) to the Annual Fee for the next five (5) Contract Years.”

2. The following sentence shall added to the end of Section 5.2.:

“Notwithstanding anything to the contrary above, the Parties agree that NMSC shall pay the Annual Fee for Contract Year 11 no later than October 1, 2022.”
3. The first paragraph of Section 6.1 shall be deleted in its entirety and replaced with the following:

“Unless sooner terminated pursuant to the terms of this Agreement, the term of this Agreement shall commence on February 1, 2012, and shall be coterminous with the term of Ground Lease. The "Contract Year" shall mean each twelve (12) month period beginning on February 1 and ending on January 31 during the Term.
4. The second paragraph of Section 6.1 shall be deleted in its entirety.
5. The Parties herby acknowledge and agree that, as of the Effective Date of this First Amendment both Parties are in full compliance with all of their respective obligations under the Agreement and are not aware of any facts or circumstances that would constitute an uncured breach by the other Party.
6. Except as modified herein, all of the terms, covenants and conditions contained in the Agreement including the terms, covenants and conditions contained in the Agreement and this First Amendment shall remain in full force and effect.

In the event of any conflict between this First Amendment and the remainder of the Agreement, this First Amendment shall control.

IN WITNESS WHEREOF, the Parties have executed the Extension and Amendment to the Agreement on the day and year first above written.

NEW MEADOWLANDS STADIUM COMPANY, LLC

By: _____ Date: _____
Ron VanDeVeen
President and CEO

NEW JERSEY SPORTS AND EXPOSITION AUTHORITY

By: _____ Date: _____
Name:
Title

**MASTER AGREEMENT CONCERNING PROVISION OF ELECTRIC GENERATION
SERVICE (A.K.A. 'RETAIL ELECTRIC SUPPLY SERVICE')**

This Master Agreement Concerning Provision of Electric Generation Service ("Master Agreement") is made effective this ___ day of June 2022 (the "Effective Date") by and among Marathon Power LLC d/b/a Marathon Energy ("Marathon") and New Meadowlands Stadium Company, LLC ("NMS") collectively referred to hereinafter as "Parties" or individually as a "Party."

RECITALS

WHEREAS, NMS and the New Jersey Sports and Exposition Authority ("NJSEA") previously entered into a Stadium Project Ground Lease and Development Agreement dated as of December 21, 2006 ("**Ground Lease**") (capitalized terms used in this Agreement which are not otherwise defined have the meanings ascribed to them in the Ground Lease); and

WHEREAS, the Ground Lease, among other rights, provides NMS with the right to operate MetLife Stadium on the Sports Complex, including the right to purchase and manage its own Utilities. NJSEA has a single, main electric account with the local electric utility, Public Service Electric and Gas ("PSE&G") under which power is received for the entire Sports Complex, and NJSEA makes electricity available to NMS through electricity transformers, substations, transmission lines, meters and other equipment and infrastructure owned, operated, serviced and/or maintained by NJSEA (collectively "NJSEA Infrastructure") on its own behalf or in conjunction with Public Service Electric & Gas. Company ("PSE&G") through which electricity is transmitted to NMS's electrical infrastructure; and

WHEREAS, Marathon has agreed to sell to the NJSEA, beginning on August 1, 2022 or the first electric meter read date after that date if required by law, at prices to be determined as set forth in this Agreement, and as provided for in related Transaction Confirmation and Terms and Conditions and Conditions of Service and, all electricity used in and necessary for the Sports Complex, subject to the terms of this Agreement, as well as the individual Transaction Confirmations and Terms and Conditions of Service (document entitled 'General Terms and Conditions' attached hereto as Appendix B) and;

WHEREAS, the Parties to this Agreement desire to set forth the terms and conditions of Marathon's future power supply to NJSEA and the manner in which the price will be determined.

NOW THEREFORE, in consideration of the foregoing, the mutual promises herein contained and other. good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the

Parties agree as follows:

AGREEMENT

1. Definitions and Interpretation.

- a. Definitions. As used in this Agreement, the following capitalized terms have the meanings indicated:
 - "Performance Period" means the period commencing August 1, 2022 or the first electric meter read date after June 1 if required by law and continuing until and through XXXXXXXX or the first electric meter read date thereafter. NMS represents that as of the date of execution of this Agreement neither NMS or NJSEA has a retail electric supply arrangement in place and that, as of the date of execution of this Agreement electric power supply for the Sports Complex is obtained from PSE&G under the utility's applicable Basic Generation Service tariff.
 - "Sports Complex" or "The Meadowlands Sports Complex" shall have the meaning set forth in the Ground Lease.
 - "Terms and Conditions of Service" means the specific terms and conditions for provision of retail electric supply service by Marathon to NJSEA, as set forth in the document entitled 'General Terms and Conditions' attached hereto as Appendix B, or as otherwise agreed to between the Parties.
 - "Transaction Confirmation" means a pricing sheet executed between the Parties memorializing the specific pricing terms for retail electric supply service for a specified period of time, the template for which is attached hereto as Appendix A, entitled 'Electric Large Commercial and Industrial Sales Agreement – New Jersey,' or in a format otherwise agreed to between the Parties.

2. Retail Power Supply Matters.

- a. During the Performance Period, except for "behind-the-meter" supply of electricity provided to NMS from pre-existing solar arrays on the Stadium, NMS shall cause NJSEA to purchase all of the electricity for the Sports Complex pursuant to the Market Verification Process described in Sections 2(c) and 2(d) below.
- b. During the Performance Period, Marathon and NJSEA shall enter into a Retail Electricity Supply Agreement(s) that provide for retail electric supply to the Sports Complex. Such retail agreements shall be the same as generally available to similarly situated customers. The Retail Electricity Supply Agreement(s) shall consist of the Transaction Confirmation(s) and Terms and Conditions of Service; provided that such form may be revised, subject to NMS and NJSEA written approval, from to time by Marathon to reflect among other things, changes in law, regulatory requirements, or additional cost of goods sold.
- c. NMS and NJSEA will periodically request pricing for electric power supply for contract terms of up to 48 months. NMS and NJSEA will advise Marathon a minimum of 30 days in advance of the target start date for the Retail Electricity Supply Agreement of its preferred pricing product, among the following products:

I. Index Product (consisting of numerous non-energy charges that would be fixed in advance, capacity and transmission charges that are passed-through at cost, and a pass-through of all energy costs at the applicable hourly spot market price);

II. Block and Index Product (consisting of numerous non-energy charges that would be fixed in advance, capacity and transmission charges that are passed-through at cost; one or more blocks of energy, which may consist of fixed 7x24 around-the-clock ('APC') kilowatt ('Kw') blocks and/or on-peak kilowatt ('Kw') blocks, or load-following blocks (blocks representing a fixed percentage of load at any given time), where the energy blocks are provided at a fixed (\$/kwh) price; and settlement of residual hourly energy requirements - actual hourly load above or below the block(s), at the applicable hourly spot market price)

III. Load-Shaped Fixed Price Product (consisting of a single fixed \$/kwh for a defined term for all usage, that is inclusive of all energy and non-energy costs, excluding distribution utility charges).

(i) NJSEA and NMS will engage a mutually acceptable respected market broker/consultant, (paid for by a \$/kwh broker fee paid by Marathon to broker consistent with accepted energy industry business practices), to recommend which product mix is in the best interests of NJSEA and NMS, assist with negotiation of pricing and other terms, and to assist NJSEA and NMS with the administration of this Agreement including review and audit of monthly invoices.

(ii) Marathon shall provide NJSEA and NMS electric power supply service, at prices that are comparable (as described more fully below) with prices that would otherwise be available to NJSEA and NMS through a competitive bid process. In order to assure that NJSEA and NMS receives competitive pricing from Marathon, pricing will be provided on the following basis, for each pricing product:

(iii) For an Index Product:

A. 'Fixed Adder' Charge (\$/kwh) consisting of Renewable Portfolio Standard ("RPS") compliance costs; PJM Ancillary Services Charges; Broker Fee and Supplier Margin, grossed up for NJ State Sales and Use Tax where:

- i) Renewable Portfolio Standard ("RPS") compliance costs means weighted average cost of the required number of Renewable Energy Certificates ("RECs") for each subcategory of renewable energy required in accordance with the New Jersey RPS requirements, multiplied by the market price for each type of REC; and
- ii) PJM Ancillary Services Charges - means PJM ancillary service charge tariffs and prevailing market prices.

B. Generation Capacity - Passed through at cost, defined as the generation capacity Obligation (kw) assigned to the account multiplied by the PJM RPM clearing price for the applicable location for the applicable period, grossed up for NJ State Sales and Use Tax.

C. Transmission Obligation - Passed through at cost, defined as the transmission obligation (kw) assigned to the account multiplied by the applicable Network Integration Transmission Service rate approved by the FERC for the PSEG transmission zone for the applicable period, as well as applicable TEC charges and credits assessed under the PJM RTEP program for the PSEG transmission zone for the applicable period, and any other

applicable charges or credits (ex. 'Blackbox' charges) assessed by PJM for the PSEG zone for the applicable period, grossed up for NJ State Sales and Use Tax.

- D. Energy - indexed to hourly spot market price for applicable load zone (real-time LMP at PSEG Zone), grossed up for line losses and NJ State Sales and Use Tax.

(iv) For a Block and Index Product:

- A. 'Fixed Adder' Charge (\$/kwh) consisting of Renewable Portfolio Standard ("RPS") compliance costs; PJM Ancillary Services Charges; Broker Fee and Supplier Margin, grossed up for NJ State Sales and Use Tax, where:

- i) Renewable Portfolio Standard ("RPS") compliance costs means weighted average cost of the required number of Renewable Energy Certificates ("RECs") for each subcategory of renewable energy required in accordance with the New Jersey RPS requirements, multiplied by the market price for each type of REC; and
- ii) PJM Ancillary Services Charges - means PJM ancillary service charge tariffs and prevailing market prices.

- B. Generation Capacity - Passed through at cost, defined as the generation capacity Obligation (kw) assigned to the account multiplied by the PJM RPM clearing price for the applicable location for the applicable period, grossed up for NJ State Sales and Use Tax.
- C. Transmission Obligation - Passed through at cost, defined as the transmission obligation (kw) assigned to the account multiplied by the applicable Network Integration Transmission Service rate approved by the FERC for the PSEG transmission zone for the applicable period, as well as applicable TEC charges and credits assessed under the PJM RTEP program for the PSEG transmission zone for the applicable period, and any other applicable charges or credits (ex. 'Blackbox' charges) assessed by PJM for the PSEG zone for the applicable period, grossed up for NJ State Sales and Use Tax.
- D. Block Energy. will be passed through at cost associated with blocks obtained through competitive solicitation of at least five, mutually acceptable wholesale suppliers. As overseen or administered by NJSEA and NMS, Marathon will seek quotes on a specified trading day from at least five mutually acceptable wholesale suppliers (Marathon pricing desk may be among these wholesale suppliers) for the specified energy block(s) for the specified zone and time period. The pricing results will be presented to NJSEA and NMS, and NJSEA and NMS will indicate a selection, if any. Marathon will enter into an agreement with the selected bidder, and will pass-through the cost of the block, grossed up for NJ State Sales and Use Tax, with no additional mark-up.
- E. Residual hourly load (above or below block(s) settled in spot market (real-time LMP at PSEG Zone), grossed up for line losses and NJ State Sales and Use Tax and passed through at cost.

(v) For a Load-Shaped Fixed Price Product:

- A. The mutually acceptable respected market broker/consultant ("Market Maker") will seek quotes from three New Jersey BPU-licensed retail electric power suppliers, with similar terms and conditions as provided for in the Marathon form of contract (to be finalized

and attached hereto as Exhibit C), for a service term of up to 24-mcmths; each of such quotes shall be considered a "bona fide offer". Quotes will be submitted to the Market Maker in electronic format, and the process will provide for price quotes to be submitted on the same date and time to assure that they reflect comparable market conditions. Electronic price quotes with date stamps will be retained by the Market Maker as a method of verification of bid results to be provided to the NJSEA and NMS. Marathon shall have the obligation to either provide a reasonable price within the range established by the minimum and maximum "bona fide offers" (the reasonableness of such offers shall be determined by Market Maker conducting the process described in the first sentence of this subsection) or defer to another supplier. If Marathon is unable or unwilling to match such a reasonable price, NJSEA and NMS may enter into an agreement with the alternate, third-party supplier other than NRG for a period not to exceed 24 months.

- (vi) Initial Use of Index Product or Block and Index Product: NJSEA and NMS shall purchase an index product or block and index product, under the procedures and pricing guidelines set forth above, for at least the first 24 months of this Agreement. After that time NMS may choose any of the three pricing products set forth above, under the above-described procedures.
 - A. Neither the NJSEA nor NMS shall be required to purchase electricity for the Sports Complex or NMS-Controlled Sports Complex, as applicable, if Marathon does not comply with this Section 2 in all material respects following three (3) business days prior written notice to Marathon of any alleged non-compliance and a reasonable opportunity to cure such non-compliance (not to exceed five (5) business days), the NJSEA or NMS shall be permitted to purchase their electric power as either party deems appropriate in their sole and absolute discretion for the period covered by (and not exceeding) the period of the competing price quotation chosen by NMS or NJSEA. In the event that the NJSEA or NMS purchases electricity from a third party pursuant to this Section 2(e), such purchases shall not constitute a default or breach under this Agreement or any of the Project Agreements, provided, however, nothing herein shall serve to release NJSEA or NMS from any Retail Electricity Supply Agreement with Marathon or its affiliate, that is then in effect for any preceding period of time.

AWARDS / CONTRACTS

RESOLUTION 2022-32

**RESOLUTION AUTHORIZING A CONTRACT WITH ENERGY & UTILITY
OPTIONS, INC. D/B/A ALL COUNTY MECHANICAL FOR HVAC MAINTENANCE
AND SERVICES AT NJSEA'S ADMINISTRATIVE OFFICES
IN LYNDHURST FOR UP TO THREE YEARS**

WHEREAS, the New Jersey Sports and Exposition Authority ("NJSEA") requires annual maintenance of HVAC systems servicing its Lyndhurst, NJ campus; and

WHEREAS, on or about June 9, 2022 the NJSEA published a Request for Bids CN-258 for "Lyndhurst HVAC Systems Maintenance and Services"; and

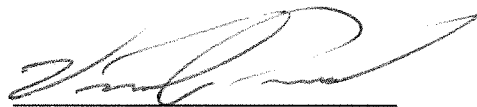
WHEREAS, subsequent to a mandatory pre-bid walk through, two (2) bids were received on June 30, 2022; and

WHEREAS, the NJSEA staff reviewed the bids, and ranked the bids based upon established criteria; and

WHEREAS, the staff determined that the bid supplied by Energy & Utility Options, Inc. d/b/a All County Mechanical, Hackensack, New Jersey, is the lowest qualified responsible bid, with a lump sum cost of: \$90,000 for Year 1; \$93,600 for Year 2; and \$98,400 for Year 3; and

NOW, THEREFORE, BE IT RESOLVED by the NJSEA that the President and Chief Executive Officer is hereby authorized to enter into a contract for Lyndhurst HVAC Maintenance with Energy & Utility Options, Inc. d/b/a All County Mechanical for Lyndhurst HVAC maintenance for one (1) year at \$90,000 and for Years 2 and 3 at \$93,600 and \$98,400, respectively, if hereinafter determined.

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 July 28, 2022.



Vincent Prieto
Secretary

RESOLUTION 2022-33

**RESOLUTION TO ACQUIRE HYPERSPECTRAL IMAGERY FOR THE
HACKENSACK MEADOWLANDS DISTRICT**

WHEREAS, hyperspectral imagery is critical to understanding changes in land use and their effect on the natural environment in the District; and

WHEREAS, the current hyperspectral data for the Meadowlands District dates back to 2014; and

WHEREAS, since 2014, new restoration efforts took place, rising sea levels altered the marsh hydrology and vegetation; new constructions and changes in the District's land use and zoning altered the land; and

WHEREAS, future restoration and flood risk assessment efforts require updated hydrology and marsh vegetation mapping; and

WHEREAS, accurate vegetation and hydrology maps are needed to reclaim further, plan, develop and re-develop in the Meadowlands District; and

WHEREAS, the NJSEA was awarded a Grant from USEPA (CD96247300-0) that provides funding to acquire Hyperspectral Imagery data to update the existing topographic information of the Meadowlands District; and

WHEREAS, the NJSEA issued an RFP on June 2, 2022, seeking a vendor to acquire Hyperspectral Imagery data by performing a full flight over the District; and

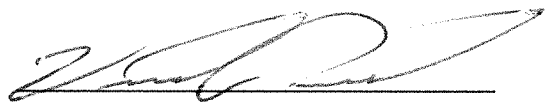
WHEREAS, in response to the RFP, the NJSEA received one proposal; and

WHEREAS, an evaluation committee comprised of NJSEA staff reviewed the proposal based on established criteria; and

WHEREAS, after evaluating the submitted proposal, the evaluation committee recommends that the NJSEA award the contract to Galileo Group Inc., a highly qualified firm; price, experience and technical approach considered.

NOW, THEREFORE, BE IT RESOLVED by the NJSEA that the President and CEO is authorized to enter into a contract with Galileo Group Inc. for the acquisition of Hyperspectral Imagery data using EPA Grant funds at a cost not to exceed the submitted bid price of \$54,500.00.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at its meeting of July 28, 2022.


Vincent Prieto
Secretary