

**LIST OF COMMENTERS**  
**DRAFT HACKENSACK MEADOWLANDS DISTRICT MASTER PLAN UPDATE 2020**

**WRITTEN COMMENTS**  
*August 5 – September 16, 2019*

	<b>Name</b>	<b>Organization</b>	<b>Date</b>	<b>Type</b>
<b>1</b>	Krishna Murthy	EZ Ride	8/8/2019	E-mail
<b>2</b>	Elizabeth Fell	Suez New Jersey	8/22/2019	E-mail
<b>3</b>	Don Torino	Bergen Co Audubon Society	9/9/2019	E-mail
<b>4</b>	Marshall Dworkin	Sills Cummis & Gross For Towers Assoc.	9/9/2019 9/16/2019	E-mail E-mail
<b>5</b>	Adam Faiella	Sills Cummis & Gross For Malanka	9/10/2019	Mail
<b>6</b>	Spach Trahan	Phillips Preiss Grygiel et al for Borough of East Rutherford	9/11/2019	E-mail
<b>7</b>	Jim Kirkos	Meadowlands Regional Chamber	9/12/2019	Email
<b>8</b>	Stephan A. Ryba	US Army Corps of Engineers	9/12/2019	Mail
<b>9</b>	Julien X. Neals	Bergen County Counsel	9/13/2019	E-mail
<b>10</b>	Kenneth A. Porro, Esq.	on behalf of HMMC	9/16/2019	E-mail
<b>11</b>	Brian Slaugh	Clarke Caton Hintz on behalf of Town of Secaucus	9/16/2019	E-mail
<b>12</b>	Greg Remaud	NY/NJ Baykeeper	9/16/2019	E-mail
<b>13</b>	Bill Sheehan	Hackensack Riverkeeper	9/16/2019	Email
<b>14</b>	Kevin Force	Hudson Co Division of Planning	9/16/2019	E-mail
<b>15</b>	Joshua D. Bauers	Fair Share Housing Center	9/16/2019	E-mail
<b>16</b>	Ron VanDeVeen	MetLife Stadium	9/16/2019	E-mail

*(List of Public Hearing Commenters on next page)*

**PUBLIC HEARING COMMENTERS**  
***September 10, 2019***

	<b>Name</b>	<b>Organization</b>	<b>Date</b>	<b>Type</b>
<b>1</b>	Greg Allen	Secaucus Brownfields LLC For Malanka	9/10/2019	Testimony
<b>2</b>	James Tedesco	Bergen County Executive	9/10/2019	Testimony
<b>3</b>	David Phillips	Sills Cummis & Gross For Towers Assoc.	9/10/2019	Testimony
<b>4</b>	Dr. Thomas Brennan	Brennan Land Consultant For Towers Assoc.	9/10/2019	Testimony
<b>5</b>	Leonard Gero	Towers Associates	9/10/2019	Testimony
<b>6</b>	Steve Lydon	Burgis Associates For Towers Assoc.	9/10/2019	Testimony
<b>7</b>	Gary Jeffas	Town of Secaucus	9/10/2019	Testimony
<b>8</b>	Jim Kirkos	Meadowlands Regional Chamber	9/10/2019	Testimony
<b>9</b>	Bill Sheehan	Hackensack Riverkeeper	9/10/2019	Testimony
<b>10</b>	Robert Freudenberg	Regional Plan Association	9/10/2019	Testimony
<b>11</b>	Steven Pellino	Ridgefield Boro Attorney	9/10/2019	Testimony



1 STATE OF NEW JERSEY  
2 NEW JERSEY SPORTS &  
3 EXPOSITION AUTHORITY

4 IN THE MATTER OF:  
5 FILE No. SP-755  
6 DRAFT HACKENSACK MEADOWLANDS  
7 DISTRICT MASTER PLAN UPDATE 2020

8 PUBLIC HEARING  
9 TUESDAY, SEPTEMBER 10, 2019  
10 One DeKorte Park Plaza  
11 Lyndhurst, New Jersey

12 COMMENCING AT 10:00 AM

13

14 BEFORE:

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16 SARA SUNDELL, Director of Land Use  
17 Management and Chief Engineer

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19 SHARON MASCARO, Deputy Chief  
20 Engineer and Deputy Director of  
21 Land Use Management

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23 MIA PETROU, Principal Planner

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25 CHERYL REZENDES, Principal Planner

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27 ADAM LEVY, Vice President of Legal  
28 and Regulatory Affairs

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31

32

33 MARY BAUMANN, CCR, RPR  
34 c/o BETH CALDERONE  
35 Certified Court Reporter  
75 Ottawa Avenue  
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<p style="text-align: center;">2</p> <p>1 MS. SUNDELL: Good morning, everyone.</p> <p>2 My name is Sara Sundell. I am the Director of Land</p> <p>3 Use Management and the Chief Engineer of the New</p> <p>4 Jersey Sports &amp; Exposition Authority. Seated with</p> <p>5 me this morning are Adam Levy, Vice President of</p> <p>6 Legal and Regulatory Affairs; Sharon Mascaro,</p> <p>7 Deputy Chief Engineer and Deputy Director of Land</p> <p>8 Use Management; Mia Petrou, Principal Planner; and</p> <p>9 Cheryl Rezendes, Principal Planner.</p> <p>10 The NJSEA is the Authority of the State of</p> <p>11 New Jersey responsible for the regional planning</p> <p>12 and zoning of the Hackensack Meadowlands District,</p> <p>13 which is a 30.3 square mile area encompassing</p> <p>14 portions of 14 municipalities and two counties,</p> <p>15 including Carlstadt, East Rutherford, Little Ferry,</p> <p>16 Lyndhurst, Moonachie, North Arlington, Ridgefield,</p> <p>17 Rutherford, South Hackensack and Teterboro in</p> <p>18 Bergen County, and Jersey City, Kearny, North</p> <p>19 Bergen and Secaucus in Hudson County.</p> <p>20 We're here today to obtain comment on the</p> <p>21 proposed Draft Hackensack Meadowlands District</p> <p>22 Master Plan Update 2020. A six-week public comment</p> <p>23 period which started on Monday, August 5, 2019 and</p> <p>24 ends on Monday, September 16, 2019, is being</p> <p>25 provided by the NJSEA to receive comments from the</p>	<p style="text-align: center;">4</p> <p>1 at the NJSEA. I will be joined during the course</p> <p>2 of presentation by my colleague, Sharon Mascaro,</p> <p>3 Deputy Director of Land Use and Deputy Chief</p> <p>4 Engineer, and Cheryl Rezendes, Principal Planner.</p> <p>5 We have a lot to get through. I will try to</p> <p>6 make it as brief as possible but there is a lot to</p> <p>7 get through.</p> <p>8 So the New Jersey Sports &amp; Exposition</p> <p>9 Authority, which is more commonly associated with</p> <p>10 managing sports and entertainment facilities in the</p> <p>11 state, is also responsible for the planning and</p> <p>12 zoning of the Meadowlands District, consisting of</p> <p>13 the 14 towns Sara mentioned. These land management</p> <p>14 responsibilities were assigned to the NJSEA upon</p> <p>15 its merger with the New Jersey Meadowlands</p> <p>16 Commission in 2015 pursuant to the Hackensack</p> <p>17 Meadowlands Agency Consolidation Act, where the</p> <p>18 NJSEA absorbed the operations of the NJMC.</p> <p>19 The mandates for the stewardship of the</p> <p>20 Hackensack Meadowlands District, originally</p> <p>21 established in 1968, remained unchanged by the</p> <p>22 merger and the NJSEA is therefore charged with</p> <p>23 three main responsibilities: To protect the</p> <p>24 environment, to promote economic development, and</p> <p>25 to provide for the solid waste needs of the region.</p>
<p style="text-align: center;">3</p> <p>1 public on the Draft Master Plan Update.</p> <p>2 Pursuant to N.J.S.A. 5:10A-7(b), the NJSEA</p> <p>3 introduced the Draft Master Plan Update on</p> <p>4 August 5, 2019. In addition to viewing at NJSEA</p> <p>5 offices, the draft plan and public notice of this</p> <p>6 hearing has been made available for download on the</p> <p>7 NJSEA website and was hand-delivered to the clerk</p> <p>8 of each constituent district municipality.</p> <p>9 Notice of this public hearing appeared in</p> <p>10 the August 5, 2019 edition of the New Jersey</p> <p>11 Register. Public notices were also published in</p> <p>12 The Record, the Jersey Journal and Star-Ledger</p> <p>13 newspapers.</p> <p>14 At this time NJSEA staff will be providing a</p> <p>15 brief presentation on the proposed Draft Master</p> <p>16 Plan Update. At the conclusion of the</p> <p>17 presentation, we will open the floor to receive</p> <p>18 public comment. If you have not already done so,</p> <p>19 please sign in at the front desk area outside of</p> <p>20 the auditorium if you would like to make a comment,</p> <p>21 and we will work down that list.</p> <p>22 The presentation will start with Mia.</p> <p>23 MS. PETROU: Good morning, everyone.</p> <p>24 Thank you for coming. I'm Mia Petrou, Principal</p> <p>25 Planner in the Division of Land Use Management here</p>	<p style="text-align: center;">5</p> <p>1 The Consolidation Act also requires the</p> <p>2 adoption of a new Master Plan for the Meadowlands</p> <p>3 District within five years of the merger date, by</p> <p>4 February 5, 2020. The Master Plan does not apply</p> <p>5 to the Meadowlands Sports Complex property per the</p> <p>6 Act, as it is a state-owned property not subject to</p> <p>7 district zoning regulations. However, the plan</p> <p>8 does recognize that the development of the Sports</p> <p>9 Complex site must be taken into consideration as an</p> <p>10 influence on surrounding areas.</p> <p>11 The Master Plan itself serves as a policy</p> <p>12 guide by establishing a vision for the future of</p> <p>13 the Meadowlands District and crafts a pathway for</p> <p>14 realizing this vision through a recommended course</p> <p>15 of actions to further our founding mandates.</p> <p>16 The year 2020 will mark the 50th anniversary</p> <p>17 of the original master plan for the Meadowlands</p> <p>18 District - the 1970 Comprehensive Land Use Plan.</p> <p>19 There is a copy of the plan here at the front if</p> <p>20 you would like to take a look during the break.</p> <p>21 This plan envisioned development of the Meadowlands</p> <p>22 within large specially planned area, which in many</p> <p>23 cases were located primarily on wetlands. Over the</p> <p>24 years increasing awareness and appreciation of</p> <p>25 wetlands and the valuable benefits they provide,</p>

<p style="text-align: center;">6</p> <p>1 not only for fish and wildlife, but for people too,  2 resulted in a landmark change to the vision for the  3 future of the Meadowlands.  4 This new vision was set forth in the 2004  5 NJMC Master Plan, which was the first new master  6 plan adopted for the district in more than 30  7 years. The 2004 plan eliminated Specially Planned  8 Area designations and instead targeted the  9 remaining wetlands for preservation. The plan also  10 provided for additional development potential on  11 upland areas, particularly through development.  12 Although the 2004 Master Plan had  13 established a 25-to-30-year vision, the  14 Consolidation Act's requirement prompted a review  15 of the 2004 plan. The NJSEA's Land Use Management  16 staff, responsible for the day-to-day operations of  17 land management, including zoning reviews,  18 occupancy certifications and the preparation of  19 zoning regulations and redevelopment plans worked  20 in cooperation with other divisions of the NJSEA,  21 instructing our Executive, Natural Resources, Solid  22 Waste and Finance Divisions, with support from the  23 Rutgers Meadowlands Environmental Research  24 Institute, the Meadowlands Conservation Trust, and  25 our demographics consultant, 4Ward Planning, to</p>	<p style="text-align: center;">8</p> <p>1 2004 plan.  2 As part of the update, a new chapter on  3 sustainability and resiliency is proposed and you  4 will hear more about that later from Cheryl.  5 We start with the goals and objectives of  6 the draft plan, which establish the principals on  7 which the plan is based, expanding on those of the  8 2004 plan. They include: Safeguarding and  9 restoring the district's natural and historic  10 resources; promoting a suitable array of land uses  11 that promotes the public health, safety and general  12 welfare while supporting the Meadowlands economy;  13 accommodating regional housing needs in suitable  14 locations; promoting an effective regional  15 transportation network; and increasing resiliency  16 and promoting the use of sustainable energy in the  17 District. One of the most common challenges we  18 face here in the district is balancing these  19 seemingly competing objectives.  20 In terms of land use in the district, the  21 map before you portrays the colorized patchwork of  22 existing land uses on a parcel-by-parcel basis.  23 The Hackensack River bisects the district in  24 the middle. On either side the green colors  25 represent our natural areas, composing</p>
<p style="text-align: center;">7</p> <p>1 prepare the plan we are presenting and receiving  2 comment on today.  3 During staff research it became increasingly  4 apparent that the principles of the 2004 Master  5 Plan are, for the most part, still valid, and that  6 its implementation has been largely effective.  7 However, we recognize that updates certainly needed  8 to occur to address current issues and challenges  9 facing the district, and that more in-depth studies  10 of certain sectors are required that, for timing  11 resource reasons, are not included in this draft;  12 issues such as flooding, transportation, housing,  13 open space and the environment that require  14 strategic planning. In many cases, as you will  15 hear, planning efforts are already underway to  16 address these important concerns, but in order to  17 plan for the future, we first had to evaluate where  18 we've been.  19 The first six chapters of the draft plan,  20 shown on the slide before you, contain the research  21 and evaluation that went into the 2004 Master Plan  22 and current conditions in the district. The final  23 three chapters contain the Master Plan Update,  24 which provides a policy perspective for the  25 district for the next ten years, building on the</p>	<p style="text-align: center;">9</p> <p>1 approximately 40 percent of the district's land  2 area, which is the largest presence in the  3 district.  4 The largest active land use is  5 transportation, in dark gray, representing 20  6 percent of the district land area, which is  7 indicative of the extensive transportation network  8 that traverses the district, followed by industrial  9 uses, in light gray, which are established in the  10 district due in large part to its transportation  11 network.  12 The plan update classifies properties as  13 natural areas, developed areas and other areas,  14 which prompted the creation of a new category for  15 the Meadowlands Sports Complex site, formerly  16 designated as recreational land, since the amount  17 of impervious surfaces it contains did not fit into  18 a natural area classification. This designation  19 excludes Walden Swamp, which remains classified as  20 a wetland land use.  21 This plan also designates a new transitional  22 land category, shown in orange, to account for  23 sites under development that do not currently have  24 an active land use. Transitional lands constitute  25 almost 750 acres of the district, indicating a</p>

<p style="text-align: right;">10</p> <p>1 strong Meadowlands economy.</p> <p>2 The plan also reviews Meadowlands market</p> <p>3 trends and analyzes the 2004 plan's build-out</p> <p>4 estimates over a 25-year time frame in relation to</p> <p>5 development that actually occurred through today,</p> <p>6 with approximately ten years remaining on that</p> <p>7 build-out estimate.</p> <p>8 This build-out analysis includes only new</p> <p>9 buildings and building footprint expansions that</p> <p>10 have occurred since 2004 and have received</p> <p>11 occupancy certification. It does not include</p> <p>12 buildings under construction.</p> <p>13 Approximately 3,895 housing units have been</p> <p>14 developed in the district to date, surpassing the</p> <p>15 2004 estimates, largely due to NJSEA affordable</p> <p>16 housing policies that have facilitated housing</p> <p>17 construction in the district.</p> <p>18 About 1.2 million square feet of the new</p> <p>19 commercial development has occurred, primarily</p> <p>20 within two NJSEA redevelopment areas, including</p> <p>21 Teterboro Landing and the Harrison Avenue Retail</p> <p>22 Center in Kearny. American Dream development is</p> <p>23 not included in this estimate.</p> <p>24 The office market has remained stagnant,</p> <p>25 which is not an issue isolated to the Meadowlands.</p>	<p style="text-align: right;">12</p> <p>1 next ten years.</p> <p>2 Finally, hotel development has resulted in</p> <p>3 436 new hotel rooms since 2004 with more under</p> <p>4 development, particularly in Secaucus due to its</p> <p>5 proximity to New York City, and along Paterson</p> <p>6 Plank Road in Carlstadt and East Rutherford in</p> <p>7 anticipation of the American Dream opening.</p> <p>8 MS. MASCARO: Since the adoption of</p> <p>9 the 2004 Master Plan, the NJSEA has taken a more</p> <p>10 active role in affordable housing in the district.</p> <p>11 In 2007 the courts affirmed that the NJMC, as</p> <p>12 predecessor to the NJSEA, had a greater</p> <p>13 responsibility to plan and zone for affordable</p> <p>14 housing. To that end, in 2008 interim policies</p> <p>15 governing affordable housing development in the</p> <p>16 district were created by this agency and have been</p> <p>17 utilized to determine the suitability of specific</p> <p>18 properties for housing so as not to lose</p> <p>19 opportunities for affordable housing.</p> <p>20 These policies include a 20 percent</p> <p>21 affordable set-aside for new residential projects</p> <p>22 based on the requirements of the 2008 amendments to</p> <p>23 the Fair Housing Act, commonly known as A500. The</p> <p>24 interim policies will continue to remain in effect</p> <p>25 until legislation or new regulations are enacted.</p>
<p style="text-align: right;">11</p> <p>1 Approximately four million square feet of</p> <p>2 development that was approved under the Allied</p> <p>3 specially planned area approvals at Secaucus</p> <p>4 Junction dating back to the 1990s is included in</p> <p>5 this estimate, which has not materialized to date.</p> <p>6 The vacancy rate for office in the district firmly</p> <p>7 stands at approximately 18 percent in 2018 and has</p> <p>8 actually been declining in recent years. However,</p> <p>9 this is primarily due to less availability as</p> <p>10 office space is being demolished to make way for</p> <p>11 other uses, which in the district is largely</p> <p>12 industrial development.</p> <p>13 Industrial development does continue to be</p> <p>14 the predominant land use presence in the District,</p> <p>15 benefitting from proximity to New York City and</p> <p>16 surrounding regions. Approximately 4.7 million</p> <p>17 square feet of new industrial development has been</p> <p>18 occupied in the district since 2004, not including</p> <p>19 mezzanines or other investment to upgrade</p> <p>20 buildings, such as raising the roof to accommodate</p> <p>21 higher storage. Another 5.5 million square feet of</p> <p>22 new industrial development is currently under</p> <p>23 review by this office, again primarily with</p> <p>24 redevelopment areas. Therefore, we can expect to</p> <p>25 make more progress on our development goals in the</p>	<p style="text-align: right;">13</p> <p>1 The Draft Master Plan Update also provides a</p> <p>2 summary of housing plans prepared by our</p> <p>3 constituent municipalities, including their current</p> <p>4 obligations and their plans and strategies to</p> <p>5 implement affordable housing requirements as well</p> <p>6 as noting the potential affordable housing</p> <p>7 development sites located within the district that</p> <p>8 are referred to in the municipal plans.</p> <p>9 MS. PETROU: Meanwhile there are</p> <p>10 several environmental accomplishments achieved</p> <p>11 since 2004. In 2004 the district had approximately</p> <p>12 2,500 acres of wetland sites preserved, restored or</p> <p>13 within mitigation banks. Since that time 1,050</p> <p>14 acres of wetlands have been gained, within 44 total</p> <p>15 sites, as shown on the map. This represents an</p> <p>16 increase of more than 40 percent in the last 15</p> <p>17 years alone and is one of the largest successes of</p> <p>18 the 2004 Plan.</p> <p>19 A major player in these accomplishments has</p> <p>20 been the Meadowlands Conservation Trust, which was</p> <p>21 established in 1999.</p> <p>22 The hydrology of the district is not limited</p> <p>23 to wetland areas. Approximately three quarters of</p> <p>24 the district is located within a FEMA-designated</p> <p>25 special flood hazard area, more commonly known as</p>

<p style="text-align: right;">14</p> <p>1 the 100-year floodplain, which are the areas shown  2 in blue on the map. Therefore, flooding, as many  3 of you know, is one of the largest issues we face  4 in the district.</p> <p>5 Floodplain management is one of the core  6 functions of the NJSEA. In addition to the  7 preparation of a Floodplain Management Plan, the  8 NJSEA administers regulations for floodplain  9 development, just updated this past August. The  10 NJSEA is currently working on an updated Floodplain  11 Management Plan, scheduled to be adopted in 2021.</p> <p>12 The NJSEA also participates in FEMA's  13 Community Rating System. Because of the NJSEA's  14 floodplain management activities, property owners  15 within the district currently receive a 15 percent  16 discount on their flood insurance premiums.</p> <p>17 These activities include inspecting the  18 functionality of all 29 tide gates and pump  19 stations and 15 major drainage ditch systems in the  20 Meadowlands on an annual basis, in association with  21 municipal and county public works divisions.</p> <p>22 We also work with the Meadowlands  23 Environmental Research Institute to actively  24 monitor water levels along waterways in the  25 district and issue flood warning alerts so that</p>	<p style="text-align: right;">16</p> <p>1 photo taken by M.E. Raine. We thank them for that.</p> <p>2 This increase in species diversity is  3 supported by improvements at the bottom of the food  4 chain due to better water quality. These charts on  5 the left we see diversity of benthic organisms,  6 which are those that live in the mud layer at the  7 bottom of the district's waterways and wetlands,  8 and on the right, fish.</p> <p>9 These charts evidence a significant decrease  10 in species that proliferate in more polluted  11 environments, on the benthic chart, shown in red  12 and orange, and on the fish chart, shown in black,  13 with more recent samples showing organisms typical  14 of balanced and less disturbed environments.</p> <p>15 The topic of clean and renewable energy is  16 currently at the forefront of planning concerns.  17 Supported by NJSEA Green Building Regulations  18 implemented in 2007 that incentivize sustainable  19 development in the district as well as the agency's  20 2008 Energy Master Plan, more than 50 megawatts of  21 solar energy installations have been approved and  22 over 42 megawatts installed through June 2019.  23 This is more than double the NJSEA's 2008 goal of  24 20 megawatts by 2020.</p> <p>25 The collection of solar energy has become a</p>
<p style="text-align: right;">15</p> <p>1 emergency management personnel and residents in the  2 district are prepared to address imminent flooding  3 events.</p> <p>4 In addition to structural measures, the  5 NJSEA along with Meadowlands Conservation Trust,  6 actively pursues opportunities to fund the  7 acquisition, restoration and maintenance of  8 wetlands in the district. According to the USEPA,  9 an acre of wetlands can store between one and one  10 and a half million gallons of floodwater, which  11 reinforces the value of our natural areas for all,  12 not only for wildlife.</p> <p>13 Speaking of wildlife, the health of the  14 district's ecosystem has been steadily improving  15 over the years. Since the early 1990s sampling of  16 district waterways have indicated significant  17 improvement in water quality. The level of  18 dissolved oxygen in the water has been steadily  19 increasing and the presence of fecal coliforms has  20 decreased by half.</p> <p>21 These improvements in water quality have  22 supported increased diversity of species in the  23 district, including several threatened and  24 endangered species, such as the bald eagle, photo  25 taken by Ron Shields, and the diamondback terrapin,</p>	<p style="text-align: right;">17</p> <p>1 more widespread use for portions of closed  2 landfills, utilizing the top and/or south-facing  3 sloped areas and allowing for wildlife habitat on  4 the remainder. In 2012 the largest photovoltaic  5 system in the district, totaling 3,000 kilowatts,  6 was installed on the NJSEA's 1A landfill, as you  7 can see in the photo.</p> <p>8 Regarding our solid waste mandate, the  9 Hackensack Meadowlands District is the state's 22nd  10 Solid Waste Management District, in addition to  11 each of the state's 21 counties, and operates  12 pursuant to a separate Solid Waste Management Plan.</p> <p>13 The proliferation of unregulated dumping and  14 landfills in the region was the main impetus for  15 the creation of the Hackensack Meadowlands District  16 in 1968 as a public health mandate to provide for  17 appropriate solid waste facilities. At the time  18 the district was created 5,000 tons of garbage per  19 day were being dumped in the Meadowlands.</p> <p>20 Many landfills became orphan landfills after  21 NJDEP required closure funding in 1982.  22 Appropriate closure of landfills is important to  23 collect gases and leachate that would otherwise  24 impact the environment.</p> <p>25 Former landfill areas include the A1</p>

<p style="text-align: right;">18</p> <p>1 landfill, now home to a photovoltaic system, the 1E 2 landfill, which has become passive open space 3 supporting a diverse uplands habitat and, as you 4 can see in the picture, the before and after of our 5 own DeKorte Park, built on a former landfill. 6 MS. MASCARO: The extensive roadway 7 system that traverses the district is among the 8 most heavily traveled in the nation. So it is no 9 surprise that transportation is the largest active 10 land use in the Meadowlands District. 11 The circulation chapter of the Master Plan 12 reviews the different modes of transportation used 13 by people in the district, not just roads, but mass 14 transit, pedestrians, bicycle, and air 15 transportation. The chapter also discusses the 16 movement of goods through the district. 17 Since 2004 there have been several 18 significant transportation planning initiatives 19 that are described in the draft plan. In 2005 the 20 Hackensack Meadowlands Transportation Planning 21 District Act was enacted by the legislature, 22 establishing the NJSEA as a transportation planning 23 district. The TPD Act allows for the assessment of 24 fees on new developments that contribute to the 25 travel demand burdens on the transportation system,</p>	<p style="text-align: right;">20</p> <p>1 updated and is expected to identify and address 2 current transportation network challenges as well 3 as future opportunities and improvements. 4 MS. PETROU: So now we get into the 5 plan sections of the document. The Systems Plan 6 provides updated objectives for the various systems 7 identified in the 2004 plan for each of the 8 categories you see here on the slide. 9 The Systems Plan provides a framework of 10 strategic action items that serves as an 11 implementation strategy for the goals and 12 objectives established by this Master Plan; in some 13 cases requiring additional study to formulate a 14 comprehensive and effective response to the issues 15 facing the district identified in this update. 16 For example, our Natural Environment Systems 17 Plan includes Strategic Action Plans to update the 18 NJSEA Wetlands Program Plan, to prepare a new 19 District Wildlife Management Plan, and a Natural 20 Resources Strategic Plan to preserve, protect and 21 restore the Meadowlands ecosystem. We also plan to 22 update the District Green Map to highlight 23 recreational activities in the district and enhance 24 ecotourism. 25 The Economic Development Systems Plan</p>
<p style="text-align: right;">19</p> <p>1 and the utilization of those fees for 2 transportation infrastructure projects that benefit 3 the region. As a result of the TPD Act, the 4 Meadowlands District Transportation Plan was 5 prepared and adopted in 2007. 6 One major achievement of the TPD Act is the 7 installation of the Meadowlands Adaptive Signal 8 System for Traffic Reduction, or MASSTR, which was 9 deployed in five phases between 2012 and 2017. 10 Funded by a \$10 million Tiger II grant from 11 the USDOT and using 2.5 millions in TPD funds as 12 the required NJSEA match, the project is an 13 adaptive traffic control system installed on 124 14 traffic signals in the region. It integrates 15 adaptive traffic signal control software, vehicle 16 image detection, and wireless and fiber 17 communication technologies to operate the signals 18 using real-time data. 19 This network of self-adaptive traffic 20 signals efficiently reduces roadway congestion, 21 delay, travel time, fuel consumption and airborne 22 emissions. The MASSTR system is expanded as new 23 traffic signals are installed in the region. 24 As noted in the Master Plan, the 2007 25 District Transportation Plan is currently being</p>	<p style="text-align: right;">21</p> <p>1 includes the preparation of amendments to district 2 zoning regulations to respond to current conditions 3 in the district and evolving uses, as well as 4 changes to the official zoning map to implement the 5 2020 Land Use Plan. 6 The NJSEA is also in the process of 7 preparing updated an Floodplain Management Plan for 8 the district as mentioned earlier, which is the 9 basis for the Community Rating System. Resiliency 10 strategies are evaluated within a new plan to 11 enhance protection of properties for both residents 12 and businesses. 13 The Transportation Systems Plan provides for 14 an update to the Meadowlands Transportation Plan to 15 identify and address current transportation network 16 issues, challenges, opportunities and improvements 17 that are needed. Staff is finalizing an RFP for 18 the preparation of this plan, which we expect will 19 be released imminently. 20 One of the more significant challenges we 21 face relate to our Housing Systems Plan, due to the 22 lack of availability of Meadowlands-specific 23 housing data, as census tracts are not contiguous 24 to district boundaries. In many cases our 25 demographics are skewed by the large population of</p>

<p style="text-align: right;">22</p> <p>1 Jersey City, the majority of which is located  2 outside the district's borders. The plan  3 recommends the creation of a district-specific  4 demographic and housing market study, which will  5 result in a Meadowlands Housing Plan to identify  6 and recommend an implementation pathway to  7 accommodate housing needs in the district.  8       Upon completion of the Meadowlands Housing  9 Plan, we will work with stakeholders to codify  10 affordable housing requirements in the district.  11 In the interim period we will continue to utilize  12 our interim policies to ensure no opportunities are  13 lost for the provision of affordable housing in  14 suitable locations, and we will work with our  15 constituent municipalities to address properties in  16 the district appearing in their municipal housing  17 plans.  18       Our Community Facilities Systems Plan  19 recommends formulating an updated comprehensive  20 emergency response plan to ensure adequate response  21 to natural and other hazards.  22       And, finally, we would like to highlight our  23 historic sites in the district through interactive  24 mapping of past and present historically  25 significant sites.</p>	<p style="text-align: right;">24</p> <p>1 Preserve Planning Area applicable to wetlands.  2 This Area Plan envisions that some of these former  3 landfills could be used for environmentally sound  4 development, such as sustainable energy parks like  5 the 1A landfill photovoltaic installation, or being  6 reserved as passive open space to provide for  7 scarce uplands habitat in proximity to wetlands  8 areas. As opposed to the Preserve Planning Area  9 designation, which corresponds to the environmental  10 conservation zone, the proposed Reserve Area would  11 allow some use of properties for which vertical  12 development is limited or unlikely, in order to  13 promote landfill closure.  14       Overall, the plan does provide for an  15 expanded Preserve classification over the 2004  16 Plan. The 2004 Master Plan includes almost 7,130  17 acres, and the 2020 plan includes 7,563 acres in  18 the Preserve category, an increase of approximately  19 434 acres.  20       The Area Plan also addresses consistency  21 with plans from our stakeholders, including  22 municipal and county master plans and the  23 Meadowlands Regional Chamber Vision Plan.  24               MS. REZENDES: Good morning.  25       The concept of resiliency has come to the</p>
<p style="text-align: right;">23</p> <p>1       Area Plans of the Master Plan Update  2 constitute the Land Use Plan for the Hackensack  3 Meadowlands District. Whereas the existing Land  4 Use Plan, presented earlier in the presentation,  5 contains detailed site-specific information, the  6 Land Use Plan is much broader in scope and  7 classifies properties into various categories based  8 on existing or planned conditions. Area Plans also  9 provide area-specific planning objectives.  10       The Land Use Plan map is not a zoning map  11 and does not change the zoning on any property.  12 However, the Land Use Plan does form the basis for  13 future regulatory processes that may include  14 changes to zones or the official zoning map to  15 implement the Land Use Plan. In most cases the  16 Area Plans continue the 2004 categories, although  17 the map may have changed where some of those areas  18 are designated.  19       For example, the Commercial Center Area Plan  20 has expanded to include new retail centers since  21 developed in Teterboro and Kearny.  22       The plan also proposes a new area plan  23 category termed Sustainable Uplands Reserve. This  24 classification applies to former landfill areas,  25 many of which were previously located in the</p>	<p style="text-align: right;">25</p> <p>1 forefront in the wake of flood damage resulting  2 from Hurricane Irene in 2011 and Superstorm Sandy  3 in 2012. However, the NJSEA has long made the  4 region more resilient through the enforcement of  5 its regulations, which effectuate provisions of the  6 master plan and its work over the past five  7 decades.  8       The agency has a long history of adapting to  9 changing circumstances and will continue to do so  10 as climate change and sea level rise threaten both  11 the natural and built environment of the district.  12       Highlights of the NJSEA's ongoing resiliency  13 and environmental stewardship efforts include,  14 among others, finished floor elevation requirements  15 for structures, FEMA CRS participation resulting in  16 flood insurance rate discounts, floodplain  17 management activities and wetlands acquisition and  18 management.  19       Superstorm Sandy came ashore on October 29,  20 2012. Sandy wreaked havoc on Bergen and Hudson  21 Counties with surges that registered approximately  22 four, five feet above average high tide. The map  23 on the screen shows water elevation levels and  24 storm surge depths as recorded by the MERI sensor  25 at the Barge Club Marina in the Hackensack River in</p>

<p style="text-align: right;">26</p> <p>1 Carlstadt. Widespread damage and destruction 2 resulted from the store.</p> <p>3 The Rebuild By Design competition was 4 launched in 2013 to develop ideas to improve 5 resilience in regions affected by Superstorm Sandy. 6 In 2004 a design for the Meadowlands region was 7 selected as the winner of the competition. 8 Construction of the storm water improvements as a 9 result of the planning process is scheduled to 10 begin in spring 2020.</p> <p>11 The NJDEP is also developing an operations 12 and maintenance toolkit for managing regional storm 13 water infrastructure with grant funding from the 14 National Disaster Resilience Grant competition. 15 The resulting construction of this new storm 16 water infrastructure in the project area will 17 require a multi-jurisdictional approach to 18 operations and maintenance.</p> <p>19 New Jersey's climate is changing. Over the 20 last century New Jersey has experienced rising 21 temperatures, increased rainfall, more frequent 22 extreme weather events and rising sea levels. 23 Increases in local sea level result from a 24 combination of global, regional and local changes, 25 which are a consequence of increasing greenhouse</p>	<p style="text-align: right;">28</p> <p>1 to the projections at the upper end of the likely 2 scenario in the previous table. The color gradient 3 reflects the level of projected inundation and is 4 based on land elevation.</p> <p>5 The STAP report SLR estimates are being used 6 by New Jersey DEP to develop its climate change and 7 resiliency regulatory programs.</p> <p>8 The Master Plan provides a review of the 9 potential strategies available to address sea level 10 rise. Strategies that are deemed to have potential 11 utility in the district will be recommended for 12 future in-depth study.</p> <p>13 The potential strategies include the 14 following: This is just a sample of them. 15 Comprehensive planning, overlay zones, floodplain 16 regulations, change to construction codes, setbacks 17 and buffers.</p> <p>18 The NJSEA recognizes the importance of 19 planning for resiliency in the face of sea level 20 rise. It is recognized that not every strategy 21 will be feasible for implementation by the NJSEA, 22 but it is important to explore all strategies that 23 may be applicable.</p> <p>24 Planning for resiliency cannot be conducted 25 in a vacuum, and it is essential that the NJSEA</p>
<p style="text-align: right;">27</p> <p>1 gases in the atmosphere due to human activities, 2 such as the burning of fossil fuels, agriculture 3 and land clearing.</p> <p>4 In 2014 Rutgers University on behalf of the 5 New Jersey Climate Adaption Alliance convened a 6 Science and Technology Advisory Panel (STAP) to 7 help identify alternatives for practitioners to 8 enhance New Jersey's resilience to regional sea 9 level rise, coastal storms and flood risk.</p> <p>10 The 2016 STAP report presented a range of 11 estimates of sea level rise magnitude for 12 New Jersey, as well as the probability of those 13 estimates occurring. The table on the screen 14 summarizes two of these estimates measured in feet.</p> <p>15 The central estimate equates to 50 percent 16 probability and the likely range to a 67 percent 17 probability. Two greenhouse gas emission scenarios 18 are presented in this table as well. A high 19 emissions scenario is anticipated to accelerate 20 climate change and thus speed the rate of sea level 21 rise.</p> <p>22 The maps on the screen detail the projected 23 inundation footprints in the district in 2050 and 24 2100, at a potential sea level rise of two feet and 25 three feet, respectively, which roughly correspond</p>	<p style="text-align: right;">29</p> <p>1 coordinate with its public and private partners to 2 best prepare the district for the climate-related 3 challenges ahead.</p> <p>4 MS. PETROU: Just a quick summary. 5 In summary, this plan serves as an update to the 6 2004 Master Plan for the district, which has been 7 implemented with great success. Development has 8 been occurring as planned on upland areas, 9 primarily through redevelopment, and more wetlands 10 have been preserved, restored and mitigated than 11 before. Improvements in water quality have 12 promoted an ever increasing diversity of fish and 13 wildlife in the district. We have been able to 14 balance clean energy objectives with wildlife 15 habitat creation on former landfills. We have 16 facilitated the creation of affordable housing 17 within our district boundaries and have increased 18 the efficiency of our regional transportation 19 network through our MASSTR adaptive signal program.</p> <p>20 Overall, we feel the master plan 21 accomplishes the balancing act inherent in 22 fulfilling our varied objectives and sets a path 23 for the future.</p> <p>24 As the plan recognizes, we know there is a 25 lot of work left to do to ensure that the district</p>



<p style="text-align: right;">30</p> <p>1 is well positioned to thrive environmentally,  2 economically and socially in the coming years,  3 particularly in light of challenges we are facing  4 in relation to climate change. We look forward to  5 continue working with our stakeholders as we take  6 the next step in the process and continue to work  7 on our strategic planning initiatives to implement  8 the goals and objectives of our 2020 Master Plan  9 Update.</p> <p>10 MS. SUNDELL: So as far as our  11 schedule goes, we're still within our six-week  12 public comment period which extends through  13 September 16th. After the public comment period  14 closes, the NJSEA will evaluate all of the public  15 comments that are received and incorporate  16 resulting modifications into the plan. The final  17 plan will then be forwarded to the HMMC, which is  18 the Hackensack Meadowlands Municipal Committee, who  19 will have 120 days to convey its position.</p> <p>20 Thereafter, the final plan will be placed on  21 the agenda of the Board of Commissioners meeting,  22 the NJSEA Board of Commissioners meeting for  23 adoption sometime around January 2020 in order to  24 meet the statutory adoption deadline of February 5,  25 2020.</p>	<p style="text-align: right;">32</p> <p>1 Greg Allen. I am with the firm Secaucus Brownfield  2 Redevelopment, LLC. Our firm has been the owner of  3 property in the Meadowlands District since 1999,  4 most specifically a 65-acre former landfill, two  5 former landfills known as Malanka and the Mall  6 landfill. The 65 acres is located immediately  7 adjacent to the Lautenberg Train Station, which is  8 in the transportation center zone.</p> <p>9 The comments that I am going to provide  10 today are really two-step approach comments. I  11 want to give you a little history of the site.  12 When we acquired the site, it was in a research  13 office park zone. In 2004 the property zone was  14 amended under the 2004 Master Plan to environmental  15 preservation or conservation I should say. Since  16 that time the property has gone very far along with  17 respect to entitlements. Being a former landfill,  18 it is an orphaned landfill as NJSEA called it;  19 however, it is not really orphaned.</p> <p>20 The site has received numerous approvals not  21 only from the NJDEP, Tidelands Resource Council,  22 Land Use Division within the NJDEP, it's also  23 received a jurisdictional determination that there  24 are no wetlands present on the landfill but yet it  25 is in the environmental conservation zone. The</p>
<p style="text-align: right;">31</p> <p>1 So at this time we would like to invite the  2 public and give them an opportunity to make a  3 public comment. Staff is here to receive your  4 comments on the draft plan. However, we will not  5 be answering questions as the format for this  6 hearing is not a Q and A session. We ask that oral  7 comment be limited to no more than five minutes to  8 ensure that everyone here who would like to make a  9 comment is heard. Comments may also be submitted  10 in writing through September 16, 2019.</p> <p>11 As a side note, at noon we will be taking a  12 20-minute break for our court reporter, and a  13 second public hearing on this matter will be held  14 this evening at six o'clock p.m. in this room, at  15 which time we will be following a similar procedure  16 to this morning's hearing.</p> <p>17 We're going to be working down the list and  18 calling people but we have to get the list. Hold  19 on one minute.</p> <p>20 Whoever wants to make a public comment, you  21 can go to the microphone that's right there at the  22 aisle. When you do come up, please state your name  23 and address for the record. The first person who  24 has signed is Greg Allen.</p> <p>25 MR. ALLEN: Good morning. My name is</p>	<p style="text-align: right;">33</p> <p>1 property has also received several redevelopment  2 approvals from the Town of Secaucus Redevelopment  3 Agreement, Hudson County Improvement Authority,  4 also a memorandum of understanding from the Hudson  5 County Board of Chosen Freeholders, a memorandum of  6 understanding from New Jersey Transit and a  7 memorandum of understanding from the New Jersey  8 Turnpike Authority, all with the specific goal of  9 redeveloping the property.</p> <p>10 Since the property is a former municipal  11 solid waste landfill, it ceased operations in 1978.  12 As such, it is exempt from the Solid Waste  13 Management Act on land that is proposed for  14 redevelopment on the site. So we are proposing  15 redevelopment on the site. There has been several  16 applications before the NJSEA board and its  17 predecessor. No official action has been taken.  18 We are in the process of amending that application  19 with municipal support to request that the property  20 in the interim be placed in the transportation  21 center zone.</p> <p>22 We have completed a significant amount of  23 engineering studies, traffic studies, parking  24 demand analysis. It's presently not a very good  25 ratable for the Town of Secaucus and it's not a</p>

<p style="text-align: right;">34</p> <p>1 really good thing for the environment that the  2 landfill remains unclosed. The only way this  3 landfill gets closed is if the zoning is amended to  4 reflect the proper use.</p> <p>5 The three goals that I heard today from the  6 Master Plan, the 2020 Draft Master Plan Update:  7 Number one, protect the environment; number two,  8 provide for economic development within the region  9 and, number three, to provide a solid waste  10 management plan. Our plan, which will be submitted  11 today to request a transportation center zone,  12 achieves all of those goals in a sustainable effort  13 that promotes proper closure of the landfill and  14 redevelopment of the site.</p> <p>15 In addition, we commissioned a study from  16 the Bloustein School of Planning down in Rutgers.  17 I heard Rutgers was mentioned. I know Rutgers is a  18 partner of this agency. So I think some of the  19 things that are important to highlight that Rutgers  20 found significant with our specific property. Our  21 property is so unique because it is a former  22 landfill but it is privately owned. The \$20 to \$30  23 million required to close the landfill is not going  24 to happen if it remains in the zone that it is  25 presently in and if it remains in the zone that it</p>	<p style="text-align: right;">36</p> <p>1 And we're also proposing one step further,  2 for this commission to look at renaming the  3 Secaucus Transit Center as a Meadowlands Tourism  4 and Transit Center. This property should be a  5 destination, not only because of the value of the  6 infrastructure that exists there but what is  7 happening in 45 days when American Dream opens.  8 This property could serve as a unique location as a  9 traffic congestion mitigation measure, where people  10 can get off at Interchange 15X, park here and take  11 public transportation to American Dream, to and  12 from American Dream.</p> <p>13 I think it's important that these things be  14 looked at at this point in time because, as I said,  15 it has been 15 years, as you know, that the Master  16 Plan has been reexamined. The municipality has  17 also requested that the transportation center zone  18 be amended and include this property.</p> <p>19 So in closing, I think it's important that  20 the Meadowlands Commission through its staff really  21 understand the value of this property in terms of  22 meeting your goals and objectives, and I encourage  23 the commission to really look closely at this.</p> <p>24 We'll be submitting a report by George  25 Cascino, which is a significant report, 20 pages</p>
<p style="text-align: right;">35</p> <p>1 is envisioned by the 2020 Draft Master Plan. So  2 basically when Rutgers did their study, they said  3 that this property is so unique that it should not  4 only be considered for a transportation center zone  5 but for a tourism zone.</p> <p>6 It is probably one of the most significantly  7 positioned properties not only in New Jersey or the  8 East Coast but probably the whole country. You  9 have over a billion dollars of transportation  10 infrastructure that exists at our doorstep. So it  11 is incumbent upon the NJSEA through its staff to  12 properly review this site. Not only could it  13 support a convention center but a variety of uses  14 and uses that are consistent with the goals of your  15 master plan.</p> <p>16 So as I mentioned, we're submitting two  17 things. We're submitting a request to amend the  18 zone presently under the 2004 Master Plan to a  19 transportation center. We're also submitting a  20 request through our comments to amend the draft  21 2020 Master Plan that we would request that the  22 property be not only put in the transportation  23 center zone but that the planning area -- that the  24 property should be reclassified to be included  25 within the Secaucus Transit Center.</p>	<p style="text-align: right;">37</p> <p>1 with exhibits, that analyzes the incorporation of  2 the comments I just provided today, a general  3 overview. I know I am limited to five minutes. So  4 it will be a written report submitted in advance of  5 September 16th, and it will be a written report  6 submitted with respect to the 155 acres that we  7 control in Secaucus, that being the Mori property.  8 Thank you for your time.</p> <p>9 MS. SUNDELL: Thank you, Mr. Allen.  10 The next person signed up is Bill Sheehan.</p> <p>11 MR. SHEEHAN: Good morning. I am  12 Captain Bill Sheehan. I am the Hackensack  13 Riverkeeper. I found the Hackensack Riverkeeper in  14 1997 with the primary mission of protecting,  15 preserving and restoring the natural living and  16 recreational resources of the entire Hackensack  17 Watershed. For the record I am also the Chairman  18 of the Meadowlands Conservation Trust which is in  19 but not of the New Jersey SEA.</p> <p>20 I am here this morning to first commend the  21 NJSEA for the way that, even though the legislature  22 threw a real curve ball at all of us when they  23 combined the Meadowlands Commission with the SEA,  24 the transition was smooth and the 2004 Master Plan  25 has been carried out the way we envisioned it, the</p>

<p style="text-align: center;">38</p> <p>1 way everyone envisioned it back then when it was  2 passed by the commissioners, and I still stand  3 behind my words of those days. It's a new dawn in  4 the Meadowlands. Well, continuing that, it's late  5 morning time in the Meadowlands considering the  6 fact that the master plan is 15 years old now.  7 There is a few issues that need to be  8 addressed and I don't see them in the plan, and it  9 may be that it is just not within your purview as a  10 regional planning agency, but one of the major  11 drawbacks that we have in the lower Hackensack  12 River to this day are the fact that there are  13 several combined sewer overflow towns within the  14 Hackensack Watershed: North Bergen, Jersey City,  15 specifically within the district, and just up the  16 river in Hackensack and Ridgefield Park. All  17 together there are 29 outfalls that every time it  18 rains you have the ability to shunt raw sewage,  19 untreated raw sewage directly into the Hackensack  20 River, which then the tide moves around within the  21 river system up and down the creeks and in and out  22 of the wetlands. In order for us to really be able  23 to put a feather in our caps about how we maintain  24 and restore the Hackensack River Watershed, we have  25 to do something about those CSOs.</p>	<p style="text-align: center;">40</p> <p>1 area as you do.  2 As far as some of the other problems that I  3 see that need to be addressed, and they need to be  4 addressed in a real way, are the energy needs of  5 the district and how that conflicts with some of  6 the plans that are currently circulating within the  7 State of New Jersey.  8 For instance, in North Bergen there is a  9 plan by the Diamond Generating Company to build a  10 gas-fired fossil fuel power plant which will  11 continue us on the road and on the addiction of  12 fossil fuels for another 60 or 70 years. The  13 district has to take every step they can to prevent  14 that from happening. Otherwise, we're never going  15 to achieve Governor Murphy's goals of renewable  16 energy by 2050. Just do the math and you can see  17 the life cycle of the fossil fuel power plant is  18 much longer than the 30 years we have to 2050. And  19 even though some of us may not be around by then,  20 our children and our children's childrens will be  21 and what kind of a world do we want to leave for  22 those children. That's a question that needs to be  23 asked and needs to be answered, and it should be  24 ingrained in the Master Plan so it becomes -- has  25 some force of law to prevent other speculators from</p>
<p style="text-align: center;">39</p> <p>1 And we're working with New Jersey DEP, the  2 USEPA and the Clean Water Act. I am sure there is  3 a place at the table for the SEA to come in with  4 their planning to get those towns that do still  5 have combined sewer systems to start addressing the  6 problems in a real and meaningful way, a way that  7 will allow for the recovery of the river.  8 The numbers, I can attest to the number of  9 species that you listed up there on the board a  10 little while ago when you were talking about the  11 natural resources of the district. Those natural  12 resources have improved enormously. In the past  13 week alone I have done several boat tours on the  14 Meadowlands, and on every single one of those tours  15 I have seen either mature eagles or immature eagles  16 that are roosting in the trees. This is a species  17 that if we were lucky back in the '60s and '70s we  18 might see one flying about 2,000 feet in the air as  19 they rapidly beat their wings to get past the  20 Meadowlands, but today they are coming here, they  21 are raising their families and people are really  22 enjoying the fact that we have this iconic species  23 back into our species list and it is really --  24 again some of that credit has to go to the NJSEA  25 for managing the empty space areas and wetlands</p>	<p style="text-align: center;">41</p> <p>1 coming into the Meadowlands and thinking this is  2 the dirty backyard to New York City, that they can  3 get away with doing things here they can't get away  4 with doing in other markets and other areas.  5 The wetlands are doing well. You have  6 Francisco sitting in the back of the room that can  7 attest to this. I can attest to it on a grassroots  8 basis. I am out there all summer long starting in  9 May right through October. We're on the water.  10 We're out on the river. We see everything going  11 on, and we're very, very pleased with the condition  12 of the natural resources except on those days after  13 a big rainstorm, when we know that the water is  14 unswimmable, unfishable, and some day we hope to be  15 able to hold a fishing tournament where everybody  16 doesn't have to throw the fish back, where we can  17 possibly have a fish fry. And the way to do that  18 is to make sure that we continue cleaning up the  19 Meadowlands, cleaning up the river and cleaning up  20 these towns that surround the river and think that  21 the river is nothing more than a disposal site.  22 Well, those days are over and it should be over  23 forever.  24 I can probably spend a lot more time talking  25 about the Meadowlands. I've devoted a big part of</p>

<p style="text-align: center;">42</p> <p>1 my life to making sense of what is going on here,  2 and you people have been doing a really good job of  3 following a lot of those cues that we have given  4 you over the years.</p> <p>5 Thank you very much for your work and on to  6 2020, and we'll get going with the new reiteration  7 of the Master Plan and keep those wetlands going  8 and keep the river going and keep everything going.  9 It's bringing a lot of people to the region. Thank  10 you.</p> <p>11 MS. SUNDELL: Next person that signed  12 up is James Tedesco, Bergen County Executive.</p> <p>13 MR. TEDESCO: Thank you and good  14 morning. It's an honor to follow my friend the  15 Hackensack Riverkeeper this morning. My name is  16 Jim Tedesco, or James J. Tedesco III officially.  17 I'm the County Executive of Bergen. The largest  18 county in the State of New Jersey with a population  19 of just under a million people, larger than six  20 states in the nation and the District of Columbia.  21 Just so you have a bit of a reference.</p> <p>22 I'd like to thank you, the New Jersey Sports  23 &amp; Exposition Authority, for the opportunity - you  24 have to excuse me a second - to allow Bergen County  25 to make comments on the updated Master Plan. We</p>	<p style="text-align: center;">44</p> <p>1 continuing participation in the FEMA Community  2 Rating System, saving property owners 15 percent on  3 the flood insurance.</p> <p>4 In the summary of activities implemented to  5 mitigate flood impacts in Section 5, pages five  6 through nine, A through J, we are pleased the NJSEA  7 will continue to collect and assess flooding  8 incidents and monitoring the water levels  9 throughout the district. We also believe that the  10 Rutgers University Meadowlands Environment Research  11 Institute Flood Warning System should be given more  12 significant emphasis.</p> <p>13 Climate change is real. We hope that it is  14 not too late to reverse course. We can no longer  15 deny that we have met a critical crossroads.  16 Studies monitoring and capturing data are needed to  17 solve the problematic flooding situation faced by  18 the municipalities, businesses and the county.</p> <p>19 The county believes that the NJSEA should  20 take full responsibility for planning, construction  21 and maintenance for all aspects of flooding.  22 Controlling flooding is an economic development  23 issue dealing with jobs, property values and  24 transportation. The NJMC, the Meadowlands  25 Conservation Trust, Riverkeeper and other</p>
<p style="text-align: center;">43</p> <p>1 applaud the efforts of the NJSEA in updating the  2 Master Plan of 2004. Since 2004 significant  3 changes have occurred in many aspects of  4 governance, policy making, land use, environment,  5 climate, the economy, finance and infrastructure  6 implementation and transportation. Bergen County  7 hopes that the plan will describe new approaches,  8 goals and objectives that will be innovative and  9 creative and serve as a cornerstone of the  10 document.</p> <p>11 The county believes that many studies and  12 regulations will need to be undertaken after this  13 document is adopted. We believe that sound  14 planning and the implementation will occur if land  15 use, circulation, environmental protection,  16 preservation and resiliency initiatives are  17 considered and adapted in tandem.</p> <p>18 My comments today are focused on the  19 flooding problems in the district. The NJSEA  20 continues to do an excellent job with the flood  21 insurance rate maps and making sure developments  22 meet the finished floor elevation of one foot above  23 the firmly established base flood elevation. The  24 county is pleased that this information is included  25 in the plan. We must also acknowledge the</p>	<p style="text-align: center;">45</p> <p>1 environmental organizations have done an excellent  2 job in showing us how green infrastructure is an  3 excellent approach to store floodwater. We should  4 continue to expand our efforts in the increased  5 wetlands acreage. For the hard infrastructure that  6 has been in place for decades, we need to address  7 what works and how we will maintain what we have  8 and how we make it better and more functional.</p> <p>9 The NJMC did replace the West Riser Tide  10 Gate. The county entered into a memorandum of  11 agreement with the NJMC. In that MOA Bergen County  12 was to maintain the tide gate and keep the trash  13 racks clear of debris. Bergen County Department of  14 Public Works and the county's Mosquito Commission  15 are in the forefront to address critical  16 maintenance to Bergen County areas. Considering we  17 have 70 municipalities in Bergen County with miles  18 and miles of waterways, tide gates and pumps, we  19 can only do so much.</p> <p>20 The Hackensack Meadowlands Floodplain  21 Management Plan was adopted on October 26, 2005,  22 creating a new mechanism for addressing,  23 identifying and addressing flood hazards in the  24 district. The plan included a series of measures  25 to mitigate flood impacts within the district,</p>

<p style="text-align: center;">46</p> <p>1 including flood incident and water level  2 monitoring, drainage system management and  3 improvements in flood warning systems. The NJSEA  4 is currently developing a new comprehensive FMP to  5 be finalized by October 2022. The consolidation  6 law that joined New Jersey Meadowlands Commission  7 and NJSEA is clear, and I quote, to undertake all  8 necessary steps to develop plans and undertake  9 flood control projects and to maintain and  10 construct necessary flood structures and ditches.  11 The law further allows the agency to, one,  12 identify all drainage basins in the district and  13 any drainage areas that impact the district and,  14 two, develop strategies to address the major causes  15 of flooding. The commission may, one, use special  16 assessment powers to fund flood control projects in  17 or near the drainage areas that impact the  18 Hackensack Meadowlands and, two, maintain flood  19 control infrastructure that is constructed.  20 We ask that this problem be addressed by  21 developing a new flood management plan and by  22 giving priority to the obligations in your  23 legislation. I want to take this opportunity to  24 make you understand how much the County of Bergen  25 wants to work with the NJSEA. We want to be a</p>	<p style="text-align: center;">48</p> <p>1 the proceeding and let other people go first, that  2 would be fine. It will be myself, Tom Brennan,  3 Steve Lydon and Leonard Gero.  4 MS. SUNDELL: Okay. Everyone has  5 five minutes.  6 MR. PHILLIPS: Do you want us to jump  7 in right now or do you want us to wait?  8 MS. SUNDELL: You can go in the order  9 that you said because you are pretty much lined up  10 here. So go in the order that you choose.  11 MR. PHILLIPS: We submitted written  12 materials yesterday. I have copies if you'd like  13 to have copies in front of you.  14 MS. SUNDELL: I think we have copies.  15 Thank you.  16 MR. PHILLIPS: As I said, my name is  17 David Phillips from Sills, Cummis &amp; Gross. We  18 represent Towers Associates Limited. Towers  19 Associates owns the property on Paterson Plank Road  20 which has the Home Depot in it in between the exit  21 from the New Jersey Turnpike and the entrance to  22 Route 3.  23 Behind us is a property which is proposed to  24 be moved from one zone into the new employment  25 center zone. This would accommodate a high-volume</p>
<p style="text-align: center;">47</p> <p>1 partner with you. Much of that map that you put up  2 there is in the County of Bergen. We implore you  3 to work closer with our planning people so that we  4 can come up with a beautiful and comprehensive plan  5 that works for all the people, not only Bergen  6 County but Hudson County and Passaic County, so the  7 people of this state can enjoy the beauty, the  8 splendor and the clean air they so rightly deserve.  9 I thank you for giving me the time to  10 address you this morning. Thank you.  11 MS. SUNDELL: Thank you, County  12 Executive. The next person on our list is George  13 Cascino.  14 MR. CASCINO: I'm sorry, Sara, I'm  15 not scheduled to speak today.  16 MS. SUNDELL: No problem. We'll go  17 to the next person. Thank you. The next  18 individual signed up is Dr. Thomas Brennan.  19 MR. PHILLIPS: Good morning. I'm not  20 Thomas Brennan. I am David Phillips from Sills,  21 Cummis &amp; Gross. We have four people here to speak  22 on the Towers Associates property on Paterson Plank  23 Road in Secaucus. We will be brief but we would  24 like to go in our particular order, if you don't  25 mind. If you want us to move a little bit back in</p>	<p style="text-align: center;">49</p> <p>1 warehouse distribution building to be built in the  2 back there. That would put a tremendous amount of  3 truck traffic on the road into the Home Depot and  4 back on Paterson Plank Road.  5 While I won't repeat what we put into our  6 written submissions, I want to emphasize one point.  7 That point is that Towers Associates submitted to  8 the NJSEA several OPRA requests looking for  9 documentation supporting the decision to change  10 this particular property to an employment center.  11 The response was there are no documents, and to me  12 and to Towers that indicates there was no basis for  13 making this employment center and allowing the  14 high-volume high-cube warehouse distribution center  15 to go in the back with the truck traffic and van  16 traffic which will clog up the Home Depot access.  17 It will diminish the value of the property both for  18 the Home Depot and for our building, potential  19 building in the back. It will impact on the Hilton  20 Hotel next to it and on the traffic on Paterson  21 Plank Road.  22 Following me is Tom Brennan, who is our  23 traffic expert, and then we will have Steve Lydon,  24 our planning expert, and then Len Gero, a member of  25 Towers Associates. Thank you.</p>

<p style="text-align: right;">50</p> <p>1 MS. SUNDELL: Thank you.</p> <p>2 Dr BRENNAN: Hello. I am Dr. Thomas</p> <p>3 Brennan. So I am speaking basically about the</p> <p>4 draft master plan. I'm not here to attack anybody.</p> <p>5 I think everybody has done a pretty good job with</p> <p>6 the master plan. It was a very difficult task to</p> <p>7 put forth. However, I am just pointing out a</p> <p>8 logical flaw. I am speaking as a traffic engineer,</p> <p>9 Ph.D. in traffic engineering. I'm a licensed</p> <p>10 professional engineer in State of New Jersey.</p> <p>11 But just taking a look at the plan itself,</p> <p>12 there is one glaring thing in the property that was</p> <p>13 just mentioned. It stands out as noncompatible</p> <p>14 with the back end of the shared driveway. So</p> <p>15 overall the Draft 2020 Master Plan is a very good</p> <p>16 objective. I thought everything was very, very</p> <p>17 sound. Everything made sense. It looked good for</p> <p>18 a bright future. But it brings attention to that</p> <p>19 location.</p> <p>20 Noncompatible uses on a shared driveway will</p> <p>21 cause issues. And very simply, put it this way, I</p> <p>22 am pretty sure a planner or engineer is not going</p> <p>23 to put an industrial use in a residential area.</p> <p>24 Why would you do that? I know these are rhetorical</p> <p>25 questions you can't answer. But let me point out</p>	<p style="text-align: right;">52</p> <p>1 no trips. An industrial use only draws trips for</p> <p>2 an industrial use. And to that point if somebody</p> <p>3 is going to Home Depot, they could also go to a</p> <p>4 restaurant. They could also go to a movie theater.</p> <p>5 What they are not going to do is go to the</p> <p>6 industrial use. The plan opened up that use not</p> <p>7 just for a warehouse, as was previously spoken</p> <p>8 about, but it opens up the use for the next 20, 30</p> <p>9 years potentially, and you don't want an industrial</p> <p>10 use in a commercial retail area. This is the</p> <p>11 opportunity to bring people in. This is the</p> <p>12 opportunity to bring pedestrians to walk into the</p> <p>13 commercial retail. Industrial use accomplishes</p> <p>14 none of that. Opening up an industrial use will be</p> <p>15 a detriment to the commercial retail in the area.</p> <p>16 I found no comprehensive study that showed</p> <p>17 the logic being applied here. I found no data from</p> <p>18 the master plan, which is put in, and I believe it</p> <p>19 was 127 traffic signals that are supposed to</p> <p>20 improve the traffic in the area. I saw nothing</p> <p>21 that stated support from this master plan. It was</p> <p>22 a \$12.5 million adaptive traffic signal control</p> <p>23 system put in place, but nothing was in the plan</p> <p>24 that said we used this to support this change.</p> <p>25 I will be pretty brief. In short, the one</p>
<p style="text-align: right;">51</p> <p>1 the fact that it is the same issues that you have</p> <p>2 placing an industrial use in a commercial area,</p> <p>3 increased traffic, more trucks, increased</p> <p>4 congestion. That congestion could potentially and</p> <p>5 will back up onto the New Jersey Turnpike with the</p> <p>6 increased truck traffic.</p> <p>7 Forced interaction between different vehicle</p> <p>8 types. People taking their children to school.</p> <p>9 People taking their children to retail centers,</p> <p>10 going to commercial retail centers are not used to</p> <p>11 large amounts of trucks especially on a shared</p> <p>12 driveway. If you are entering Home Depot or</p> <p>13 entering a restaurant or a hotel, you don't want a</p> <p>14 lot of truck traffic coming in. It is going to</p> <p>15 cause crash incidents. It is going to increase</p> <p>16 interactions with different types of vehicles. The</p> <p>17 same residents use those commercial retail that use</p> <p>18 the residential area. So placing an industrial in</p> <p>19 a commercial retail area has the same impact.</p> <p>20 The comprehensive plan, the Draft Master</p> <p>21 Plan had a number of items regarding complete</p> <p>22 streets and multimodal. Logically again the</p> <p>23 industrial uses are not going to achieve any of</p> <p>24 those objectives, especially in the very small</p> <p>25 commercial retail area. An industrial use shares</p>	<p style="text-align: right;">53</p> <p>1 glaring omission could overshadow the hard work</p> <p>2 that these planners put together to put this whole</p> <p>3 2020 Master Plan together. So that's pretty much</p> <p>4 all I had to say.</p> <p>5 Lots of congestion is going to be caused by</p> <p>6 putting the industrial use. It's going to back up</p> <p>7 on Paterson Plank Road. It is going to make those</p> <p>8 traffic signals not operate optimally, and it is</p> <p>9 going to push traffic onto the New Jersey Turnpike.</p> <p>10 Thank you.</p> <p>11 MS. SUNDELL: Thank you, Dr. Brennan.</p> <p>12 Next, Mr. Lydon.</p> <p>13 MR. LYDON: Good morning, friends.</p> <p>14 For the record, Steve Lydon. And my focus on my</p> <p>15 brief comments today are going to be the proposed</p> <p>16 Land Use Plan and, in fact, a small portion of the</p> <p>17 Land Use Plan. It's a portion of the Land Use Plan</p> <p>18 that is corralled, if you will, by Paterson Plank</p> <p>19 Road, Route 3 and Route 495. For short I call it</p> <p>20 the study area. And that study area I am kind of</p> <p>21 addressing for a number of reasons.</p> <p>22 First of all, it's in two municipalities.</p> <p>23 It's in the Township of North Bergen and it's in</p> <p>24 the Town of Secaucus. The proposed Land Use Plan</p> <p>25 puts it in two different land use classifications.</p>

<p style="text-align: center;">54</p> <p>1 One is the employment center and the other one is a 2 commercial center. After reviewing the master plan 3 in context with the Land Use Plan, I've come to 4 some findings.</p> <p>5 First, the Land Use Plan as applied to the 6 study area, and only the study area, turns back the 7 clock to 1970. I say 1970 because that is when the 8 earlier master plan put this area, the entire area, 9 into a light industrial and warehouse A zone. I 10 know we're not talking about zones, we are talking 11 about land use classifications, but zoning 12 classifications follow land use classifications. 13 We are trying to turn the clock back for a portion 14 of the study area to 1970.</p> <p>15 The overall master plan themes in my 16 estimation include two, mobility and smart growth, 17 application of smart growth planning principles. 18 Placing the study area in the commercial center 19 furthers and is consistent with those master plan 20 themes. However, placing a portion of the study 21 area in a land use classification that encourages 22 the development of a distribution center and other 23 industrial type uses is contrary to achieving these 24 master plan themes and works against the 25 implementation of the master plan.</p>	<p style="text-align: center;">56</p> <p>1 municipal boundary lines to separate incompatible 2 land use classifications makes little planning 3 sense. However, I do think overall the master plan 4 is a good document and I applaud you for your 5 efforts and thank you for this opportunity to speak 6 this morning. Thank you.</p> <p>7 MS. SUNDELL: Thank you, Mr. Lydon. 8 Mr. Gero.</p> <p>9 MR. GERO: Good morning. I am 10 Leonard Gero, one of the principals of Towers 11 Associates. I'd like to compliment the board on 12 their concentration of improving transportation and 13 environmental conditions in the Meadowlands, which 14 is part of your presentation.</p> <p>15 However, I think in our particular case 16 where we own the Home Depot, and we have given 17 massive information to the panel of the terrible 18 congestion in that location over the years, which 19 is continuing to get worse prior to the opening of 20 the American Dream mall, I don't understand if that 21 is the basis for this master plan, why they would 22 increase traffic at this 40-acre island which sits 23 at the first intersection of all the major roads in 24 New Jersey and where it is already at a failure 25 rate during all the peak hours. You have been</p>
<p style="text-align: center;">55</p> <p>1 Placing a portion of the study area in an 2 employment center is internally consistent with 3 several master plan goals and objectives, and these 4 would include to promote a suitable array of land 5 uses that encourage economic vitality with job 6 creation, to foster the Meadowlands economy in a 7 manner that stimulates job growth and prosperity 8 and, third, to promote a regional transportation 9 network that improves the mobility of people and 10 freight, fuels economic development and minimizes 11 the negative impacts on the environment.</p> <p>12 And one of the findings that I have come to 13 or one of the reasons I come to these findings is 14 that retail development takes a huge chunk of its 15 traffic from drivers already on the road, bypass 16 traffic. Industrial development, as Dr. Brennan 17 mentioned before me, is sole use traffic. The 18 nature of that traffic is different. It is cars 19 versus trucks. We're not talking necessarily small 20 trucks. We are talking large trucks as well as 21 small trucks.</p> <p>22 And then, in addition, the boundary between 23 the two land use classifications was established by 24 following the municipal boundary line separating 25 Secaucus from North Bergen. I believe use of</p>	<p style="text-align: center;">57</p> <p>1 presented with that information. So I don't know 2 the explanation for that but it certainly contrary 3 to what you're saying in your proposal there.</p> <p>4 To give you a little background, we 5 purchased about five properties that were dirty 6 industrial properties in the '80s, put together a 7 clean site and a Home Depot servicing the public, 8 and designed all roads to handle vehicular 9 automobile traffic. There was a proposed shopping 10 center for the rear part of the site. All the 11 roadwork, all the design is for automobiles. This 12 is not an industrial site. We cannot have an 13 industrial use sharing the driveway which is an 14 automobile designed driveway with heavy trucking in 15 the back, and we have had indications from Home 16 Depot they will vacate the site because of this as 17 soon as their lease is up.</p> <p>18 Home Depot provides Secaucus with about 19 250,000 -- \$350,000 a year in taxes. Since they 20 have been there they have paid the town \$7 million 21 just in real estate taxes. In addition to all the 22 sales taxes collected by the state. So I'm not too 23 sure what's going on here. Because if you are 24 going to eradicate something like this, they also 25 have 200 jobs that people are working for the</p>

<p style="text-align: center;">58</p> <p>1 community at the store. It's a clean use. It's in  2 conjunction with the zoning and it is beneficial to  3 the community because it has shopping.  4 Now, as our traffic gentleman said, the  5 reason any community and planner has a site -- this  6 is an island of 40 acres with four owners. Our  7 driveway is shared by the 20-acre site behind us  8 and our 11-acre site, which incorporates Home Depot  9 and a proposed hotel site, which would bring more  10 revenue to the area. But in planning anywhere that  11 I have been involved, in different states, the idea  12 is when you have an area that is confirmed that  13 basically you can't get off of the area other than  14 one driveway, you want to keep the vehicles in the  15 area. So you have compatible things. You have a  16 hotel, retail, fast food. You don't put other uses  17 in there that aren't compatible because you  18 generate more trips and you create a climate where  19 a woman with a child coming to Home Depot is facing  20 a 70-foot truck, one after another, going through  21 the aisles. Something has to go. Something is  22 incorrect here, and it is a serious problem and  23 will diminish the environmental conditions which  24 you are trying to improve.  25 And knowing where it is at that juncture</p>	<p style="text-align: center;">60</p> <p>1 is a much needed facility in that area. There were  2 discussions, submissions they were going to have  3 about the transportation center zone for that  4 location, I would believe for your better  5 evaluations, because the greater plans evolving  6 there would obviously be a concern of Secaucus and  7 how that would impact it, what would happen with  8 convention centers, etc., etc. But the town has  9 supported a parking plan at that facility. And so  10 we do feel that the current zone that you have  11 there is kind of not supportive of the direction  12 that the town was going for for the use of that  13 land.  14 Second site which has just been spoken to by  15 a number of people, which I call the Daffy site, I  16 think we all know that's the Towers Associates  17 site. The majority of this site is in North  18 Bergen. However, the outlet of this site as  19 indicated is on Paterson Plank Road in Secaucus.  20 It's currently in the industrial zone seeking to  21 change to an employment zone.  22 Our main concern is what essentially has  23 been discussed. Paterson Plank Road right now is a  24 failure. It's a failure in the morning and a  25 failure in the evening rush. So depending on the</p>
<p style="text-align: center;">59</p> <p>1 right now, it's holding up Route 3, it's holding up  2 New Jersey Turnpike, and the buses that service the  3 community running on Paterson Plank Road will be  4 stopped. So I don't understand. Maybe somebody  5 could explain it to me. But anyway I rest my  6 case.  7 MS. SUNDELL: Thank you, Mr. Gero.  8 Next individual that we have signed up to speak is  9 Gary Jeffas.  10 MR. JEFFAS: Thank you. Good  11 morning. First and foremost, thanks for putting  12 the effort that you have into the master plan. We  13 see based on the binder all the work. Obviously,  14 it was an overwhelming task to say the least. But  15 I am going try to keep my comments to the town  16 generally and some either concerns or points we  17 want to make.  18 First off, the Malanka, I will call it the  19 Malanka landfill, which has already been spoken  20 about by Mr. Allen. Currently under the new plan  21 that would fall under the Sustainable Upland  22 Reserve and Preserve category. I trust that you  23 guys are aware that it's right next to the  24 Lautenberg Train Station. Secaucus has supported  25 development of a parking facility there because it</p>	<p style="text-align: center;">61</p> <p>1 zoning there and the ability to have a high-volume  2 trucking going in and out does create concerns for  3 Secaucus from a traffic perspective. So really our  4 concern relates to the ingress and egress. So all  5 of the impact will be in Secaucus.  6 We're not worried about obviously the  7 ratables, not ours, but Home Depot is there and we  8 have had a personal visit by the owner of the  9 Hilton Gardens, which abuts it, also with some  10 similar concerns. So we just ask you to please  11 take those into consideration when making the final  12 determination on that site and the impact that  13 traffic would have to the town, specifically the  14 truck traffic in that area.  15 Just on a simple note, The Harper. The  16 Harper is a residential community and I am sure I  17 can probably -- your final designation is there.  18 It seems to be indicated on your map as a  19 commercial center but it is a neighborhood center,  20 just a sliver, The Harper, and the industrial area.  21 The floodplain management, Secaucus has  22 great concern on floodplains. We have been doing a  23 whole lot on flood protection. In the master plan  24 you indicate that Floodplain Management Plan is  25 expected to completed in October 2022. Our main</p>



<p style="text-align: center;">62</p> <p>1 concern is that would it make more sense to try to  2 complete that plan in conjunction with this. It's  3 probably not possible at this point in time, but  4 just so all the land use designations are being  5 most properly set to minimize -- or to maximize all  6 flood protection.</p> <p>7 Transportation. Secaucus lives and dies on  8 transportation. We trust you're aware how Route 3  9 is impacted, specifically our main arteries in and  10 out of town. People from Secaucus morning and  11 afternoon rush cannot get out of town. With the  12 opening of American Dream we certainly are  13 concerned about the worsening of these conditions,  14 and we just want to ensure that master plan is  15 thoroughly looking at all the issues related to  16 this, integrated rail, integrated bus, and the time  17 frames on updating the transportation plan. A good  18 example of this would be American Dream.</p> <p>19 In 2004 when the master plan was done,  20 American Dream was almost here and we had millions  21 of dollars in upgrades to systems and rail  22 transportation. Secaucus is very disappointed, not  23 that it has to do with you, that now New Jersey  24 Transit can't run a train to American Dream or is  25 not willing to or, if they are, it would be done</p>	<p style="text-align: center;">64</p> <p>1 should have some say in control over the complex.  2 What is developed there impacts on the community.  3 We think there should be some language in the  4 master plan laying out that if there is further  5 development within the American Dream complex or  6 the Sports and Entertainment District, that the  7 mayors of the communities will have a direct say in  8 that. We would love to have that control to have  9 remained fully with the NJSEA so that the Mayors'  10 Committee and whatnot would be able to protect  11 their communities really from the impacts. So if  12 there is any way to put in the master plan that if  13 there is to be further development and what the  14 developments are, that there would be significant  15 involvement from all the area mayors so they can  16 control the greatest impacts on their communities.</p> <p>17 Thank you for your time and again thanks for  18 all work on the plan.</p> <p>19 MS. SUNDELL: Thank you Mr. Jeffas.  20 I think the last person that we have signed up is  21 Jim Kirkos.</p> <p>22 MR. KIRKOS: Good morning. Jim  23 Kirkos, president/CEO of Meadowlands Regional  24 Chamber of Commerce. So before I address and read  25 some comments, I think what I'd like to do is offer</p>
<p style="text-align: center;">63</p> <p>1 very sporadically because the rail system seems to  2 not be able to accommodate a continuous train going  3 back and forth. So another 40 million people not  4 being able to use mass transit as we had hoped is  5 concerning to us.</p> <p>6 Just as a matter of note, the town promotes  7 electric vehicle usage. We encourage our business  8 owners during zoning review to consider EV usage,  9 how they can do that. We think it may be -- in  10 fact, our Environmental Director, Amanda Nesheiwat,  11 worked with the NJTPA and mapped out the town, the  12 high demand area for EVs. We just think maybe  13 something in the master plan could put in to  14 promote EV use that may be in zoning reviews and  15 stuff like that. We push, we push for that to  16 happen.</p> <p>17 On a final note, I am trying to stick to my  18 five minutes and hit quick. The Sports and  19 Entertainment District, what we call the American  20 Dream, that's essentially removed not from the  21 district but from the NJSEA as far as oversight.  22 This project is going to have a significant impact  23 on our district, everybody in the Meadowlands  24 District, including Secaucus significantly.</p> <p>25 It is our opinion in Secaucus that the mayor</p>	<p style="text-align: center;">65</p> <p>1 a little bit of prelude to my comments.  2 I have been at this podium or microphone a  3 number of times over the last 17 years, as I have  4 led this organization, and I come here today as  5 both an individual that built a business and raised  6 a family right here in the Meadowlands, in  7 Lyndhurst, and I still live in Lyndhurst, someone  8 that runs an organization who is responsible for  9 almost 1,200 company members within the region, and  10 my comments have been crafted by a Master Plan  11 Committee that you were gracious to allow us to  12 participate as a stakeholder. One of the proud  13 moments for me is that while that Master Plan  14 Committee was made up of a very diverse group of  15 land use attorneys and property owners and other  16 business stakeholders that had long experience and  17 investment in the region, I asked them to check all  18 their own self-interests at the door and to come  19 and help me evaluate and review the Master Plan  20 Update from a subjective experience and they did  21 just that. And I think -- I hope you feel the same  22 way that our conversations during the process were  23 pointed and meant to be helpful for both parties  24 concerned.</p> <p>25 So the Meadowlands Regional Chamber since</p>

<p style="text-align: center;">66</p> <p>1 the '70s has acknowledged the special significant  2 importance of a comprehensive master plan in the  3 Meadowlands District. Over the five decades that  4 the chamber has worked in collaborative partnership  5 with the HMDC, the New Jersey Meadowlands  6 Commission and now the NJSEA, that open and candid  7 dialogue has, we are certain, fostered and  8 furthered the interests of not only the citizens of  9 New Jersey but most importantly the interests of  10 the New Jerseyans that reside in the 14 constituent  11 municipalities that apprise the district. Those  12 municipalities are also home to many hundreds, if  13 not thousands, of businesses ranging in size from  14 small local mom-and-pop businesses to very large  15 internationally based ventures.</p> <p>16 The initial Master Plan, a product that was  17 born of rigorous academic and practical planning  18 experience, resulted in a well-deserved national  19 recognition of the high quality of the planning  20 effort. The results throughout the decades  21 following the '70s confirmed that the initial  22 accolades of that plan itself, functioning under  23 the leadership of committed commissioners and  24 dedicated staff, furthered the planning objectives  25 of a true regional planning entity. Regulatory</p>	<p style="text-align: center;">68</p> <p>1 document. The Chamber believes it is essential the  2 NJSEA enjoy the full support of the current  3 administration in Trenton now and in the coming  4 years. Of course, full support of both houses of  5 the legislature is also critical in providing the  6 financial commitment and resources necessary to  7 empower the NJSEA and the staff to accomplish the  8 full implementation of the plan.</p> <p>9 The plan in our opinion requires and calls  10 for the continued collaboration from the Chamber  11 leadership and business stakeholders. The  12 Chamber's 1,200 members afford all the interested  13 parties both a practical and political reality of a  14 large membership base with many tens of thousands  15 of employees who work and in many instances reside  16 in the constituent municipalities and the immediate  17 surrounding area. We are convinced that the  18 interests of those employees, wherever they reside,  19 are coincident with the goals and objectives of the  20 Chamber and its members.</p> <p>21 In recent years the Chamber's affiliate, the  22 Meadowlands Regional 2040 Foundation, an economic  23 development based foundation, advanced a 2040  24 Vision Plan. Over 12 months of engaging public and  25 private entities to formulate a broad vision, whose</p>
<p style="text-align: center;">67</p> <p>1 changes in the '70s and '80s as well as economic,  2 political occurrences did not compel an immediate  3 reworking of the 1970 plan.</p> <p>4 As we know, the plan was revised in a  5 comprehensive manner for the first time in 2004.  6 The current draft plan, as staff has stated, is  7 really a review update of the 2004 Master Plan.  8 And as such, it reiterates much of the initial  9 planning perspective.</p> <p>10 The focus of the Chamber's comments,  11 therefore, recognize the shared history of the  12 district, the Meadowlands Commission, now the  13 NJSEA, and the Chamber. Over last decade the  14 Chamber has continually and consistently advocated  15 for a reexamination, updating of the master plan,  16 so we can leverage every single opportunity to grow  17 the economy and improve the quality of life in the  18 greater Meadowlands. As such, the Chamber greatly  19 acknowledges the commission's response and the  20 efforts of the staff in presenting the Hackensack  21 Meadowlands District Master Plan Update 2020.</p> <p>22 The comprehensive nature of the master plan  23 review presents much to think about. There is a  24 great deal to discuss and a substantial challenge  25 as we address the issues identified in the</p>	<p style="text-align: center;">69</p> <p>1 goals and objectives were very similar to that of  2 the original master plan. The 2040 Vision Plan was  3 endorsed by over a dozen local mayors and public  4 officials as well as the leadership of both the  5 2040 Foundation trustees and the Chamber's Board of  6 Advisors.</p> <p>7 Of the top three priorities outlined in that  8 Vision Plan we call for a repurpose of the NJSEA  9 into a next generation regional planning authority.  10 We recognize that the merger of the NJMC into the  11 NJSEA presented challenges but it also presented  12 opportunities. We are at a moment in time when the  13 confluence of investments in projects like American  14 Dream, Kingsland redevelopment, among others, can  15 be leveraged to maximize positive regional impact  16 but only if we carefully plan out the  17 implementation and only if we have the authority  18 and a road map that can lead us into the next 25  19 years of sustained economic growth.</p> <p>20 The Draft Master Plan updates a wealth of  21 data and examines changes since the 2004 Master  22 Plan. Given the constraints of the statutory  23 deadline for this review, it appears that detailed  24 plans to address the challenges facing the district  25 will need to be developed through future studies.</p>

<p style="text-align: right;">70</p> <p>1 It is urgent that there is a commitment to  2 undertake these studies in a timely manner, and the  3 focus of those studies should encompass the  4 following:</p> <p>5 Number one priority for the Chamber is  6 transportation. The Draft Master Plan indicates an  7 updated transportation plan is underway. This  8 effort is essential especially with the advent of  9 American Dream. As a regional planning entity the  10 NJSEA has a critically important role. The plan  11 should be comprehensive, going beyond the potential  12 expansion of the MASSTR system and include the  13 following: One, how the district affects and is  14 affected by regional transportation system and  15 connection to New York and continued improvement  16 plans and investments.</p> <p>17 Two, how to support and effect an Amtrak  18 stop at Secaucus Junction and implementation of the  19 Bergen BRT.</p> <p>20 Three, the role of major transit hubs in the  21 district and improving access to and from them.</p> <p>22 Four, strengthening the Secaucus Junction as  23 a regional multimodal transit center, including bus  24 routes and the phase two loop.</p> <p>25 Five, improving mobility intra-district for</p>	<p style="text-align: right;">72</p> <p>1 new look at current data will allow for better  2 planning.</p> <p>3 Review options for legislative action that  4 can encourage housing production by reducing the  5 mandated 20 percent set-aside that is being  6 achieved in district municipal settlements.  7 Consistent requirements on both sides of the  8 boundary.</p> <p>9 Three, examine zoning regulations for  10 amendments that can foster a range of housing types  11 and densities.</p> <p>12 Four, replace the interim policy on  13 affordable housing with a permanent policy and  14 review whether site suitability analysis is still  15 necessary for zoning compliant nonresidential  16 applications.</p> <p>17 Five, review how new residential  18 developments can be supported and integrated with  19 existing communities.</p> <p>20 Flood controls and resiliency. The draft  21 cites updates to the Hackensack Meadowlands  22 Floodplain Maintenance Plan, which was developed in  23 2005, and is a requirement for participation in the  24 flood insurance program ratings. An updated plan  25 to be truly comprehensive may need to go beyond the</p>
<p style="text-align: right;">71</p> <p>1 destination patrons, employees, employment centers  2 and the surrounding communities and identifying  3 potential strategies including shuttle routes and  4 mini BRTs.</p> <p>5 Six, identification of funding alternatives  6 for MASSTR to free up fees for other projects.</p> <p>7 Seven, identification of strategies for last  8 mile access to employment centers.</p> <p>9 And, eight, a reexamination of the  10 development fee formula.</p> <p>11 The Meadowlands Transportation Planning  12 District Board should be reconstituted and used as  13 a resource for transportation solutions and  14 interagency coordination.</p> <p>15 Housing. A housing study that results in a  16 long-term policy should be advanced. Again  17 American Dream and other significant developments  18 exacerbate the need for this. Given the projected  19 level of employees and the desirability of  20 minimizing commuter travel and traffic congestion,  21 the study should, one, examine the provision of  22 affordable housing and the obligations and  23 settlements that have been achieved by district  24 municipalities, including the location of proposed  25 affordable housing and planning implications. A</p>	<p style="text-align: right;">73</p> <p>1 scope of the CRS requirements. The potential for  2 continued sea level rise and flooding from weather  3 events are a major concern for existing property  4 owners as well as a disincentive for new  5 investment.</p> <p>6 One, we should clarify and strengthen the  7 statutory authority as may be necessary for the  8 NJSEA to manage flood control in the district.</p> <p>9 Two, develop a plan for protection of  10 existing developed areas and critical facilities,  11 recognizing the need to plan on a drainage basin  12 basis.</p> <p>13 Three, develop an institutional strategy for  14 ongoing repair and maintenance of flood control  15 structures.</p> <p>16 And, four, identify the potential for  17 effective coordination with Rebuild By Design  18 projects and the Bergen County Parks master plan  19 study for locating structural and nonstructural  20 flood control and mitigation measures.</p> <p>21 Economic development and tourism  22 development. The draft does not contemplate a  23 substantial role in overall economic development.  24 A comprehensive economic development strategic plan  25 should be prepared and a detailed review of the</p>

<p style="text-align: center;">74</p> <p>1 role tourism will play as a component of an overall 2 economic development must take place. Elements to 3 be addressed could include: Identify strategies to 4 attract and retain business investments and 5 relocations.</p> <p>6 Target surplus revenues from hotel 7 surcharges over the needed requirements for tax 8 sharing to be allocated to promote and market the 9 Meadowlands region as a primary destination. This 10 element will have a great impact on local main 11 street businesses throughout the district.</p> <p>12 Outline the role of the NJSEA in 13 collaborating with area groups to identify 14 development sites. Inventory underutilized assets 15 and brownfields and develop strategies and 16 incentives to encourage that development.</p> <p>17 Examine economic trends and identify 18 industry targets for attraction. Example, how to 19 use entertainment and sports as a generator to 20 foster related business activities and leverage the 21 investment that's taking place already in the 22 district.</p> <p>23 Communicate with businesses to identify 24 needs and obstacles on an ongoing basis.</p> <p>25 Regulatory modernization. This is a study</p>	<p style="text-align: center;">76</p> <p>1 Revise redevelopment regulations for more 2 consistency with state, local redevelopment and 3 housing law. And review procedural changes to 4 improve efficiency of minor applications without 5 the need for full zoning certificate applications 6 and utilize LSRP-style elements that have been very 7 successful where implemented.</p> <p>8 In closing, while this Master Plan Update 9 offers an excellent summary of existing conditions 10 and attempts to build in the flexibility needed to 11 advance plan initiatives, while taking a deeper 12 dive into specific studies, it is clear 13 collaborative work must be continued.</p> <p>14 The Chamber stands ready to work with and 15 support the NJSEA on these initiatives to help 16 achieve a vibrant and prosperous future and great 17 quality of life in the Meadowlands, and I thank you 18 for allowing me this time.</p> <p>19 MS. SUNDELL: Thank you.</p> <p>20 Are there any other members of the public 21 who wish to provide a comment today?</p> <p>22 MR. FREUDENBERG: Good morning, 23 everyone. My name is Rob Freudenberg. I am the 24 Vice President of Energy &amp; Environment at Regional 25 Plan Association. Thank you for the opportunity to</p>
<p style="text-align: center;">75</p> <p>1 of action that most immediately affects the 2 constituents closest to land use and development in 3 the district. The draft identifies trends in the 4 data. For example, the growth of e-commerce and 5 the role of logistics and distribution in 6 generating jobs, but the plan does not propose how 7 the regulations will address evolving physical 8 designs and technology. Similarly, the objective 9 of efficiency and customer services are noted but 10 actions to further those goals need to be 11 identified and implemented into the daily process.</p> <p>12 We should examine and revise zoning 13 regulations to reflect evolving business needs as 14 evidenced by similar zoning variance and waiver 15 requests to determine new zoning district 16 designations.</p> <p>17 Where needed, address support uses for new 18 residential communities.</p> <p>19 Incorporate flexibility in use and reuse of 20 buildings to address innovative business concepts.</p> <p>21 Determine if amendments are needed to 22 support flood control measures on individual 23 properties.</p> <p>24 Review parking and bulk standards in 25 connection with the recent use and reuse requests.</p>	<p style="text-align: center;">77</p> <p>1 provide our comments on this important plan.</p> <p>2 RPA is America's oldest urban research and 3 advocacy organization working to improve the 4 health, equity, sustainable and prosperity of the 5 New Jersey-New York-Connecticut metropolitan 6 region. We pursue these goals by conducting 7 independent research, planning, advocacy and 8 vigorous public engagement efforts.</p> <p>9 In our 2017 4th Regional Plan we highlighted 10 a portion of the Meadowlands as an environmental 11 treasure worthy of continued protection, 12 restoration and remediation, a network of 13 communities where hundreds of thousands of 14 residents live, a major industrial and commercial 15 employment center and tourist attraction and a 16 critical convergence of transportation, energy and 17 water infrastructure that literally keeps the 18 region moving, powered and thriving.</p> <p>19 So it is with great respect that we provide 20 our comments on the Draft 2019 Hackensack 21 Meadowlands District Master Plan Update:</p> <p>22 Respect for those who worked for decades to 23 make this place the success it is today, and 24 respect for those who continue to work to ensure a 25 strong resilient future ahead. These are certainly</p>

<p style="text-align: right;">78</p> <p>1 not mutually exclusive parties.</p> <p>2       So we stand before you today in</p> <p>3 unfortunately uncertain times. In decades past we</p> <p>4 could have some reasonable assurance that the</p> <p>5 goings-on of everyday life today would be similar</p> <p>6 to the goings-on of everyday life in the future.</p> <p>7 But because of a very tenuous and toxic political</p> <p>8 atmosphere and a climate crisis that threatens</p> <p>9 every aspect of our communities, environment and</p> <p>10 economy, we cannot plan for the future today the</p> <p>11 way we have planned for the future in the past.</p> <p>12 We have entered uncharted territory.</p> <p>13       So after a thorough review of the draft 2019</p> <p>14 plan we commend the Sports &amp; Exposition Authority</p> <p>15 for advancing the planning process after many years</p> <p>16 of not advancing. The draft 2019 plan is</p> <p>17 comprehensive and effective in covering all of the</p> <p>18 relevant elements and the addition of a section on</p> <p>19 resiliency was a necessary and welcome decision.</p> <p>20       RPA offers the following comments largely</p> <p>21 focused on threats that climate change presents to</p> <p>22 the Meadowlands and the need for more proactive</p> <p>23 planning and policies.</p> <p>24       In general we need to face the climate</p> <p>25 crisis today. We commend the inclusion of this</p>	<p style="text-align: right;">80</p> <p>1 other sections of the plan. Future land use,</p> <p>2 development, housing, environmental and economic</p> <p>3 and circulation decisions must factor in the</p> <p>4 threats from climate change and the final master</p> <p>5 plan should address that.</p> <p>6       Studying the exact approaches to resiliency</p> <p>7 and adaption can be done in the future, but a</p> <p>8 master plan's purpose is to set the framework for</p> <p>9 decision making, and the decisions made today, from</p> <p>10 where additional development is encouraged to which</p> <p>11 wetlands are at risk and should be protected, will</p> <p>12 certainly be influenced by climate change.</p> <p>13       We also urge the New Jersey Sports &amp;</p> <p>14 Exposition Authority to consider the creation of a</p> <p>15 climate resilient park. RPA's 4th Regional Plan</p> <p>16 advanced the idea of the park that expands its</p> <p>17 boundaries as sea levels rise. The park would also</p> <p>18 serve to educate about climate change and its</p> <p>19 impacts. Given the importance of the Meadowlands</p> <p>20 and the degree of climate impacts that it will</p> <p>21 face, we recommend that this concept be pursued</p> <p>22 more broadly. With its unique governance</p> <p>23 structure, strong communities, thriving businesses</p> <p>24 and protected wetlands ecosystems, the Meadowlands</p> <p>25 has the opportunity to showcase itself as an</p>
<p style="text-align: right;">79</p> <p>1 section on the draft 2019 plan focused on the</p> <p>2 threats posed by climate change, including the</p> <p>3 permanent flooding from sea level rise. We feel</p> <p>4 that it falls far short of what is needed at this</p> <p>5 time. The right time to start comprehensively</p> <p>6 planning for climate impact has already passed but</p> <p>7 the next best time to start is now, and this plan</p> <p>8 offers the best mechanism to do that in addition to</p> <p>9 the upcoming Floodplain Management Plan.</p> <p>10       Adaption is difficult because it is</p> <p>11 literally changing what we are currently doing.</p> <p>12 State and local leaders have a critical</p> <p>13 responsibility to advance these challenging</p> <p>14 conversations, take action, and find a better</p> <p>15 future than the path we're currently on.</p> <p>16       So we think that climate resilience should</p> <p>17 be better integrated through the plan and beyond.</p> <p>18 The impacts of climate change in particular from</p> <p>19 flooding precipitation, storm surge and sea level</p> <p>20 rise present an existential threat to many</p> <p>21 Meadowlands communities, businesses, infrastructure</p> <p>22 and ecology. Rather than single out resilience and</p> <p>23 adaption as a separate section of the plan, we</p> <p>24 recommend that the Sports &amp; Exposition Authority</p> <p>25 should integrate climate resilience into all the</p>	<p style="text-align: right;">81</p> <p>1 innovative leader in climate resilience. The final</p> <p>2 master should highlight that opportunity and take</p> <p>3 steps in that direction.</p> <p>4       We also think that the Sports &amp; Exposition</p> <p>5 Authority should work with the Port Authority to</p> <p>6 phase out Teterboro Airport. Our 4th Regional Plan</p> <p>7 also calls for the closure of Teterboro Airport due</p> <p>8 to the strong vulnerability to permanent flooding</p> <p>9 from sea level rise. While this is the</p> <p>10 jurisdiction of the Port Authority itself, we think</p> <p>11 that NJSEA should factor in the potential of the</p> <p>12 airport's closure in what it does in the master</p> <p>13 plan and work closely with the Port Authority to</p> <p>14 develop a phased approach.</p> <p>15       RPA also strongly recommends that the Army</p> <p>16 Corps of Engineers reject permits to fill in</p> <p>17 wetlands to allow for the expansion of the airport.</p> <p>18 Not only does the airport have a limited shelf life</p> <p>19 that would make taxpayer investments into the</p> <p>20 expansion wasteful, removing critical wetland areas</p> <p>21 would likely exacerbate flooding in surrounding</p> <p>22 neighborhoods. The limited benefits of expansion</p> <p>23 are not worth the cost.</p> <p>24       We also think there is an opportunity to</p> <p>25 expand the intermunicipal tax sharing to develop an</p>

<p style="text-align: center;">82</p> <p>1 adaption fund. The tax-sharing approach in the  2 Meadowlands District has been an innovative and  3 effective way of balancing out benefits and costs.  4 In order to adapt the district's communities,  5 businesses, infrastructure and environment to  6 current and future climate impacts, a significant  7 amount of funding will be required, which currently  8 doesn't exist. The final master plan should  9 address this to consider expanding the current  10 tax-sharing structure to raise additional funds to  11 be spent on adaption. NJSEA should work closely  12 with the DEP and municipal leaders to determine the  13 criteria for which projects should be funded.  14 In conclusion, we're thrilled that the  15 Sports &amp; Exposition Authority is advancing this  16 update to the master plan. Given the crisis of  17 climate change, we think an integrated and more  18 certain approach around climate adaption is  19 necessary. Climate change threatens the viability  20 of this critical part of our region. Planning that  21 finds the right approach to growth, and in some  22 cases retreat, is necessary, and it is critical  23 that this plan lay out that approach. With the  24 right approach, further investment and growth in  25 the Meadowlands can be achieved, while ensuring the</p>	<p style="text-align: center;">84</p> <p>1  2  3  4 I, MARY BAUMANN, License Number XIO1271, a  5 Certified Court Reporter, a Registered Professional  6 Reporter and Notary Public of the State of New  7 Jersey, certify that the foregoing is a true and  8 accurate transcript of the proceedings at the place  9 and on the date hereinbefore set forth.  10 I further certify that I am neither attorney  11 nor counsel for, nor related to or employed by, any  12 of the parties to the action in which this  13 deposition was taken, and further that I am not a  14 relative or employee of any attorney or counsel  15 employed in this case, nor am I financially  16 interested in the action.  17  18  19  20 _____  21 A Notary of the State of New Jersey  22 Notary No. 3782  23 My Commission Expires 3/7/24  24  25</p>
<p style="text-align: center;">83</p> <p>1 continued protection and expansion of the important  2 wetlands habitat.  3 Thanks again for the opportunity to submit  4 these comments. We look forward to working closely  5 with the NJSEA to consider any of the approaches  6 we've described above. Thank you.  7 MS. SUNDELL: Thank you,  8 Mr. Freudenberg.  9 Are there any other members of the public  10 who wish to provide a comment at this time? We'll  11 close the public comment period. At this time we  12 will close the morning session of the public  13 hearing.  14 I thank everyone for attending this  15 morning's public hearing and providing us with your  16 insightful comments.  17  18 (The meeting adjourns at 11:50 a.m.)  19  20  21  22  23  24  25</p>	

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<p style="text-align: right;">1</p> <p>1 STATE OF NEW JERSEY NEW JERSEY SPORTS &amp; 2 EXPOSITION AUTHORITY</p> <p>3 IN THE MATTER OF:</p> <p>4 SP-755 MASTER PLAN UPDATE HACKENSACK MEADOWLANDS DISTRICT</p> <p>5 PUBLIC HEARING 6 TUESDAY, SEPTEMBER 10, 2019 One DeKorte Park Plaza 7 Lyndhurst, New Jersey</p> <p>8 COMMENCING AT 6:00 PM</p> <p>9 BEFORE:</p> <p>10 SARA SUNDELL, Director of Land Use Management and Chief Engineer</p> <p>11 SHARON MASCARO, Deputy Director of 12 Land Use Management and Deputy Chief Engineer</p> <p>13 MIA PETROU, Principal Planner</p> <p>14 CHERYL REZENDES, Principal Planner</p> <p>15</p> <p>16 ALSO PRESENT:</p> <p>17 ADAM LEVY, ESQ., 18 Vice President of Legal and Regulatory Affairs</p> <p>19</p> <p>20 STENOGRAPHICALLY REPORTED BY:</p> <p>21 BETH CALDERONE 22 Certified Court Reporter 75 Ottawa Avenue 23 Hasbrouck Heights, New Jersey (201) 982 5157</p> <p>24</p> <p>25</p>	<p style="text-align: right;">3</p> <p>1 August 5, 2019 and ends on Monday, September 16, 2 2019 is being provided by the NJSEA to receive 3 comments from the public on the Draft Master Plan 4 update.</p> <p>5 Pursuant to N.J.S.A.5:10A-7(b), the 6 NJSEA introduced the Draft Master Plan Update on 7 August 5th, 2019. In addition to viewing at NJSEA 8 offices, the draft plan and public notice of this 9 hearing has been made available for download on the 10 NJSEA website, and was hand-delivered to the clerk 11 of each constituent District municipality.</p> <p>12 Notice of this public hearing 13 appeared in the August 5th 2019 edition of the New 14 Jersey Register. Public notices were also 15 published in the Record, the Jersey Journal, and 16 the Star Ledger newspapers.</p> <p>17 At this time, NJSEA staff will be 18 providing a brief presentation on the proposed 19 draft master plan update. At the conclusion of the 20 presentation, we will open the floor to receive 21 public comment. If you have not already done so, 22 please sign in at the table located just outside of 23 the auditorium if you'd like to make a comment, and 24 we will work down the list at that time.</p> <p>25 MIA PETROU: Good evening everybody.</p>
<p style="text-align: right;">2</p> <p>1 SEPTEMBER 10, 2019 6:00 PM</p> <p>2 MS. SARA SUNDELL: Good evening 3 everyone. My name is Sara Sundell. I'm the 4 Director of Land Use Management and the Chief 5 Engineer of New Jersey Sports and Exposition 6 Authority. Seated with me this evening are Adam 7 Levy, Vice President of Legal and Regulatory 8 Affairs; Sharon Mascaro, Deputy Chief Engineer and 9 Deputy Director of Land Use Management; Mia Petrou, 10 Principal Planner; and Cheryl Rezendes, Principal 11 Planner.</p> <p>12 The NJSEA is the Authority of the 13 State of New Jersey responsible for the regional 14 planing and zoning of the Hackensack Meadowlands 15 District, a 30.3-square mile area encompassing 16 portions of 14 municipalities in two counties, 17 including Carlstadt, East Rutherford, Little Ferry, 18 Lyndhurst, Moonachie, North Arlington, Ridgefield, 19 Rutherford, South Hackensack, and Teterboro in 20 Bergen County; and Jersey City, Kearny, North 21 Bergen, and Secaucus in Hudson County.</p> <p>22 We are here today to obtain comment 23 on the proposed "Draft Hackensack Meadowlands 24 District Master Plan update 2020." A six-week 25 public comment period which started on Monday,</p>	<p style="text-align: right;">4</p> <p>1 I am Mia Petrou. I'm principal planner of Land Use 2 Division of the NJSEA. I will be joined this 3 evening at various times by my colleagues, Sharon 4 Mascaro, Deputy Director of Land Use, Deputy Chief 5 Engineer and Cheryl Rezendes, Principal Planner.</p> <p>6 I'm going to get right into it. We 7 have a lot of ground to cover.</p> <p>8 The New Jersey Sports and Exposition 9 Authority, more commonly associated with managing 10 sports and entertainment facilities in the State is 11 also responsible for the planning and zoning of the 12 30-square-mile Hackensack Meadowlands District, 13 consisting of parts of 14 towns in two Counties, as 14 you heard Sara mention in the opening statement. 15 These land management responsibilities were 16 assigned to the NJSEA upon its merger with the New 17 Jersey Meadowlands Commission in 2015 pursuant to 18 the Hackensack Meadowlands Agency Consolidation 19 Act, where the NJSEA absorbed the operations of the 20 NJMC.</p> <p>21 The mandates for the stewardship of 22 the Hackensack Meadowlands District, originally 23 established in 1968, remain unchanged by the 24 merger, and the NJSEA is therefore charged with 25 three main responsibilities to protect the</p>



<p style="text-align: center;">5</p> <p>1 environment, to promote economic development, and  2 to provide for the solid waste needs of the region.  3         The Consolidation Act also requires  4 the adoption of a new master plan for the  5 Meadowlands District within five years of the  6 merger date, by February 5, 2020. This master plan  7 does not apply to the Meadowlands Sports Complex  8 property per the Act, as it is State-owned property  9 that is not subject to District zoning regulations.  10 However, the plan recognizes that development on  11 the Sports Complex site must be taken into  12 consideration as an influence on surrounding areas.  13         The Master Plan itself serves as a  14 policy guide by establishing a vision for the  15 future of the Meadowlands District and crafts a  16 pathway for realizing this vision through a  17 recommended course of actions, to further our  18 founding mandates.  19         The year 2020 will mark the 50th  20 anniversary of the original master plan for the  21 Meadowlands District, which is the 1970  22 Comprehensive Land Use Plan. We have copies of our  23 master plan here on the table if you want to take a  24 look at them later.  25         This plan envisioned development of</p>	<p style="text-align: center;">7</p> <p>1 in cooperation with other divisions of the NJSEA,  2 including our Executive, Natural resources, Solid  3 Waste and finance divisions with support from the  4 Rutgers Meadowlands Environmental Research  5 Institute, the Meadowlands Conservation Trust, and  6 our demographics consultant 4Ward Planning, to  7 prepare the plan we are presenting and receiving  8 comment on tonight.  9         During staff research, it became  10 increasingly apparent that the principles of the  11 2004 Master Plan are, for the most part, still  12 valid, and that's its implementation has been  13 largely effective. However, we recognized that  14 updates certainly need to occur to address current  15 issues and challenges facing the District, and that  16 more in-depth studies of certain sectors are  17 required that, for timing and resource reasons, are  18 not included in this draft; issues such as  19 flooding, transportation, housing, open space and  20 the environment that require strategic planning.  21         In many cases, as you'll hear  22 planning efforts are already underway to address  23 these important concerns. But in order to plan for  24 the future, we first had to evaluate where we've  25 been.</p>
<p style="text-align: center;">6</p> <p>1 the Meadowlands within large specially planned  2 areas, which, in many cases were located primarily  3 on wetlands.  4         Over the years, increasing awareness  5 and appreciation of wetlands and the valuable  6 benefits they provide, not only for fish and  7 wildlife, but for people too, resulted in a  8 landmark change to the vision for the future of the  9 Meadowlands.  10         This new vision was set forth in the  11 2004 plan NJMC Master Plan, which was the first new  12 master plan adopted for the District in more than  13 30 years. The 2004 plan eliminated Specially  14 Planned area designations, and instead targeted  15 remaining wetlands in the District for  16 preservation. The plan also provided for additional  17 development potential on upland areas, particularly  18 through redevelopment. Although the 2004 master  19 plan had established a 25 to 30 year vision, the  20 Consolidation Act requirements prompted a review of  21 the 2004 plan. The NJSEA's Land Use Management  22 staff are responsible for the day-to-day land  23 management activities including zoning reviews,  24 occupancy certifications, and the preparation of  25 zoning regulations and redevelopment plans, worked</p>	<p style="text-align: center;">8</p> <p>1         The first six chapters of the draft  2 plan, shown on the slide before you, contain the  3 research and evaluation that went into the 2004  4 Master Plan relating to current conditions in the  5 District.  6         The final three chapters contain the  7 master plan update, which provides a policy  8 perspective for the District for the next ten  9 years, building on the 2004 plan.  10         As part of the update, a new chapter  11 on sustainability and resiliency is proposed and  12 you will hear more about that later.  13         We start with the goals and  14 objectives of the draft plan, which establish the  15 principals on which the plan is based, expanding  16 upon those of the 2004 Plan. They include  17 safeguarding and restoring the district's natural  18 and historic resources; promoting a suitable array  19 of land uses that promote the public health, safety  20 and general welfare while supporting the  21 Meadowlands economy, accommodating regional housing  22 needs in suitable locations, promoting an effective  23 transportation network, and increasing resiliency  24 and promoting the use of sustainable energy in the  25 District. One of the most common challenges we</p>

<p style="text-align: center;">9</p> <p>1 face here in the District is balancing these</p> <p>2 seemingly competing objectives.</p> <p>3 In terms of Land use in the</p> <p>4 District, the map before you portrays the colorized</p> <p>5 patchwork of existing land uses on a</p> <p>6 parcel-by-parcel basis. The Hackensack River</p> <p>7 bisects the District in the middle. And on either</p> <p>8 side the green colors represent our natural areas,</p> <p>9 composing approximately 40 percent on the</p> <p>10 District's land area, the largest presence in the</p> <p>11 district.</p> <p>12 The largest active land use is our</p> <p>13 transportation category in dark grey on the map,</p> <p>14 representing twenty percent of the District Land</p> <p>15 area, which is indicative of the extensive</p> <p>16 transportation network that traverses the District,</p> <p>17 and it is followed by industrial uses in light</p> <p>18 grey, which are established in the District due in</p> <p>19 large part to its transportation network.</p> <p>20 The plan update classifies</p> <p>21 properties as natural areas, developed areas, and</p> <p>22 other areas, which prompted the creation of a new</p> <p>23 category for the Meadowlands Sports Complex site,</p> <p>24 formerly designated as Recreational Land, since the</p> <p>25 amount of impervious surfaces it contains, did not</p>	<p style="text-align: center;">11</p> <p>1 About 1.2 million square feet of new</p> <p>2 commercial development has also occurred primarily</p> <p>3 within the two NJSEA redevelopment areas, including</p> <p>4 Teterboro Landing and the Harrison Avenue Retail</p> <p>5 Center in Kearny. American Dream development is</p> <p>6 not included in this estimate.</p> <p>7 The office market has remained</p> <p>8 stagnant, which is not an issue isolated to the</p> <p>9 Meadowlands District. The total estimate office</p> <p>10 development includes approximately 4 million square</p> <p>11 feet of development approved under Allied specially</p> <p>12 planned area approvals at Secaucus Junction dating</p> <p>13 back to the 1990s, which has not materialized to</p> <p>14 date. The vacancy rate for office in the District,</p> <p>15 approximately 18 percent in 2018, has actually been</p> <p>16 declining in recent years. However, this is</p> <p>17 primarily due to less availability as office space</p> <p>18 is being demolished to make way for other uses,</p> <p>19 which in the district, is largely industrial</p> <p>20 development.</p> <p>21 Industrial development does continue</p> <p>22 to be the predominant land use presence in the</p> <p>23 District, benefitting from proximity to New York</p> <p>24 City and surrounding regions. Approximately 4.7</p> <p>25 million square feet of new industrial development</p>
<p style="text-align: center;">10</p> <p>1 fit into a natural area classification. This</p> <p>2 designation excludes Walden Swamp, which remains</p> <p>3 classified as a Wetland land use.</p> <p>4 This plan also designates a new</p> <p>5 transitional land category, shown in orange, to</p> <p>6 account for sites under development that do not</p> <p>7 currently have an active land use. Transitional</p> <p>8 lands constitute almost 750 acres of the District,</p> <p>9 indicating a strong Meadowlands economy.</p> <p>10 The plan reviews Meadowlands market</p> <p>11 trends and analyzes the 2004 Plan's build-out</p> <p>12 estimates over a 25-year time frame in relation to</p> <p>13 development that's actually occurred through today</p> <p>14 with approximately 10 years remaining on that</p> <p>15 build-out estimate.</p> <p>16 This build-out analysis includes</p> <p>17 only new buildings and building footprint</p> <p>18 expansions that have occurred since 2004 and have</p> <p>19 received occupancy certification. It does not</p> <p>20 include buildings currently under construction.</p> <p>21 Almost 4,000 housing units have been</p> <p>22 developed in the District to date, surpassing the</p> <p>23 2004 estimates, largely due to NJSEA Affordable</p> <p>24 Housing policies that have facilitated housing</p> <p>25 construction in the District.</p>	<p style="text-align: center;">12</p> <p>1 has been occupied in the district since 2004, not</p> <p>2 including mezzanines or other investment such as</p> <p>3 raising the roof of an existing building. Another</p> <p>4 5.5 million square feet of new industrial</p> <p>5 development is currently under review by this</p> <p>6 office primarily within redevelopment areas.</p> <p>7 Therefore, we can expect to make more progress on</p> <p>8 our development goals in the next ten years.</p> <p>9 Finally, hotel development has</p> <p>10 resulted in 436 new hotel rooms since 2004, with</p> <p>11 more under development, particularly in Secaucus</p> <p>12 due to its proximity to New York City and along</p> <p>13 Paterson Plank Road in Carlstadt and East</p> <p>14 Rutherford in anticipation of the American Dream</p> <p>15 opening.</p> <p>16 MS. SHARON MASCARO: Since the</p> <p>17 adoption of the 2004 Master Plan, the NJSEA has</p> <p>18 taken a more active role in affordable housing</p> <p>19 within the district.</p> <p>20 In 2007, the courts affirmed that</p> <p>21 the NJMC, as predecessor to the NJSEA, had greater</p> <p>22 responsibility to plan and zone for affordable</p> <p>23 housing. To that end, in 2008, Interim Policies</p> <p>24 governing affordable housing development in the</p> <p>25 District were created by this agency and have been</p>

<p style="text-align: right;">13</p> <p>1 utilized to determine the suitability of specific  2 properties for housing, so as not to lose  3 opportunities for affordable housing.</p> <p>4         These policies include a 20 percent  5 affordable set-aside for new residential projects,  6 based on the requirements of the 2008 amendments to  7 the Fair Housing Act, commonly known as A500. The  8 Interim Policies will continue to remain in effect  9 until legislation or new regulations are enacted.</p> <p>10         The draft master plan also provides a  11 summary of the housing plans prepared by our  12 constituent municipalities' including their current  13 obligations and their plans/strategies to implement  14 affordable housing development sites located within  15 the district that are referred to in the municipal  16 plans.</p> <p>17         MS. PETROU: Meanwhile there are  18 several environmental accomplishments achieved  19 since 2004. In 2004, the district had  20 approximately 2,500 acres of wetland sites  21 preserved, restored, or within mitigation banks.</p> <p>22         Since that time, 1,050 acres of  23 wetlands have been gained, within 44 total sites as  24 shown on the map. This represents an increase of  25 more than 40 percent in the last 15 years alone and</p>	<p style="text-align: right;">15</p> <p>1 the functionality of all 29 tide gates and pump  2 stations and 15 major drainage ditch systems in the  3 Meadowlands District on an annual basis, in  4 association with municipal and county public works  5 divisions.</p> <p>6         We also work with MERI to actively  7 monitor water levels along waterways in the  8 District and issue flood warning alerts so that  9 emergency management personnel and residents in the  10 District are prepared to address imminent flooding  11 events.</p> <p>12         In addition to structural measures,  13 the NJSEA along with the Meadowlands Conservation  14 Trust, actively pursue opportunities to fund the  15 acquisition, restoration and maintenance of  16 wetlands in the District. According to the USEPA,  17 an acre of wetland can store between one and 1.5  18 million gallons of floodwater, which reinforces the  19 value of our natural areas for all, not only for  20 wildlife.</p> <p>21         Speaking of wildlife, the health of  22 the District's ecosystem has been steadily  23 improving over the years. Since the early 1990s,  24 sampling of the District's waterways has indicated  25 significant improvements in water quality. The</p>
<p style="text-align: right;">14</p> <p>1 is one of the largest successes of the 2004 plan.</p> <p>2         A major player in these  3 accomplishments has been the Meadowlands  4 Conservation Trust, established in 1999. The  5 hydrology of the District is not limited to wetland  6 areas. Approximately three quarters of the  7 district is located within a FEMA-designated  8 special flood hazard area, more commonly known as  9 the 100 year floodplain, which are the areas shown  10 in blue on the map. Therefore flooding, as many of  11 you know is one of the largest issues we face in  12 the district.</p> <p>13         Floodplain management is one of the  14 core functions of the NJSEA. In addition to the  15 preparation of a floodplain management plan, the  16 NJSEA administers regulations for floodplain  17 development, just updated this past August. The  18 NJSEA is currently working on an updated floodplain  19 management plan, scheduled to be adopted in 2021.</p> <p>20         The NJSEA also participates in  21 FEMA's community rating system. Because of NJSEA's  22 floodplain management activities, property owner  23 within the district currently receive a 15 percent  24 discount on their flood insurance premiums.</p> <p>25         These activities include inspecting</p>	<p style="text-align: right;">16</p> <p>1 level of dissolved oxygen in the water has been  2 steadily increasing and the presence of fecal  3 coliforms has decrease by half. These improvements  4 in water quality have supported increased diversity  5 of species in the District, including several  6 threatened and endangered species, such as the bald  7 eagle, and the diamondback terrapin, with the  8 photos provided by M.E. Raine.</p> <p>9         This increase in species diversity  10 is supported by improvements at the bottom of the  11 food chain due to better water quality. These  12 charts show on the left the diversity of benthic  13 organisms, which are those that live in the mud  14 layer at the bottom of the District's waterways and  15 wetlands and, on the right, fish.</p> <p>16         These charts evidence a significant  17 decrease in species that proliferate in more  18 polluted environments on the benthic chart shown in  19 red and orange, and on the fish chart, shown in  20 black with more recent samples showing organisms  21 typical of balanced and less disturbed  22 environments.</p> <p>23         The topic of clean and renewable  24 energy is currently at the forefront of the  25 planning concerns. Supported by NJSEA Green</p>

<p style="text-align: right;">17</p> <p>1 Building Regulations implemented in 2007 that  2 incentivize sustainable development in the  3 District, as well as the agency's 2008 Energy  4 Master Plan, more than 50 megawatts of solar energy  5 installations have been approved and over 42  6 megawatts installed through June 2019. This is  7 more than double the NJSEA's 2008 goal of 20  8 megawatts by 2020. The collection of solar energy  9 has become a more widespread use for portions of  10 closed landfills, utilizing the top and /or south  11 facing slope areas and allowing for wildlife  12 habitat on the remainder. In 2012, the largest  13 photovoltaic system in the District, totaling 3,000  14 kilowatts was installed on the NJSEA's 1A Landfill  15 as you can see on the picture here on the other  16 side. (Indicating)</p> <p>17           Regarding our solid waste mandate,  18 the Hackensack Meadowlands District is the State's  19 22nd Solid Waste Management District in addition to  20 each of the State's 21 counties, and operates  21 pursuant to a separate Solid Waste Management Plan.</p> <p>22           The proliferation of unregulated  23 dumping and landfills in the region was the main  24 impetus for the creation of the Hackensack  25 Meadowlands District in 1968, as a public health</p>	<p style="text-align: right;">19</p> <p>1 district. Since 2004, there have been several  2 significant transportation planning initiatives  3 that are described in the draft plan.</p> <p>4           In 2005, the Hackensack Meadowlands  5 Transportation Planning District Act was enacted by  6 the legislature, establishing the NJSEA as a  7 Transportation Planning District. The TPD Act  8 allows for assessment of fees on new developments  9 that contribute to the travel demand burdens on the  10 transportation system, and the utilization of those  11 fees for transportation infrastructure projects  12 that benefit the region.</p> <p>13           As a result of the TPD Act, the  14 Meadowlands District Transportation Plan was  15 prepared and adopted in 2007. One major  16 achievement of the TPD Act is the installation of  17 the Meadowlands Adaptive Signal System for traffic  18 reduction or MASSTR which was deployed in five  19 phases between 2013 and 2017. Funded by a \$10  20 million TIGER 11 Grant from the USDOT and using  21 \$2.5 million in TPD funds as the required NJSEA  22 match, the project is an adaptive traffic control  23 system, installed on 124 traffic signals in the  24 region. It integrates adaptive traffic signal  25 control software, vehicle image detection, and</p>
<p style="text-align: right;">18</p> <p>1 mandate to provide for appropriate solid waste  2 facilities. At the time the District was created,  3 5,000 tons of garbage per day were being dumped in  4 the Meadowlands. Many landfills became orphan  5 landfills after NJDEP required closure funding in  6 1982. Appropriate closure of landfills is  7 important to collect gases and leachate that would  8 otherwise impact the environment. Former landfill  9 areas include the 1-A Landfill, now home to a  10 photovoltaic system, the 1E Landfill, which has  11 become passive open space supporting a diverse  12 uplands habitat, and as you can see in the picture,  13 the before and after of our own Dekorte Park, built  14 on a former landfill.</p> <p>15           MS. MASCARO: The extensive roadway  16 system that traverses the District is among the  17 most heavily traveled in the nation, so it is no  18 surprise that transportation is the largest active  19 land use in Meadowlands District.</p> <p>20           The circulation Chapter of the  21 Master Plan reviews different modes of  22 transportation utilized by people in the district,  23 not just roads, but mass transit, pedestrian,  24 bicycles and air transportation. The chapter also  25 discusses the movement of goods through the</p>	<p style="text-align: right;">20</p> <p>1 wireless and fiber communication technologies to  2 operate signals using real-time data.</p> <p>3           This network of self-adaptive  4 traffic signals efficiently reduce roadway  5 congestion, delay, travel time, fuel consumption  6 and airborne emissions. The MASSTR System is  7 expanded as new traffic signals are installed in  8 the region.</p> <p>9           As noted in the Master Plan, the  10 2007 District Transportation Plan is currently  11 being updated and is expected to identify and  12 address current transportation network challenges,  13 as well as future opportunities and improvements.</p> <p>14           MS. PETROU: Now we get into the  15 Plan sections of the document. The Systems Plan  16 provides updated objectives for the various systems  17 identified in the 2004 plan, for each of the  18 categories you see here on the slide.</p> <p>19           The Systems Plan provides a  20 framework of strategic action items that serve as  21 the implementation strategy for the goals and  22 objectives established by this Master Plan; in some  23 cases, requiring additional study to formulate a  24 comprehensive and effective response to the issues  25 facing the District identified in this Update. For</p>

<p style="text-align: center;">21</p> <p>1 example, our Natural Environment Systems Plan  2 includes Strategic Action Plans to update the NJSEA  3 Wetlands Program Plan, to prepare a new District  4 Wildlife Management Plan and a Natural Resources  5 Strategic Plan to preserve, protect and restore the  6 Meadowlands ecosystem. We also plan to update the  7 District Green Map to highlight recreational  8 activities in the District and enhance ecotourism.  9               The Economic Development Systems  10 Plan includes the preparation of amendments to  11 District zoning regulations to respond to current  12 conditions in the District and evolving uses, as  13 well as changes to the official zoning map to  14 implement the 2020 Land Use Plan.  15               The NJSEA is also in the process of  16 preparing an updated Floodplain Management Plan for  17 the District, as mentioned earlier, which is the  18 basis for the Community Rating System. Resiliency  19 Strategies are evaluated within a new plan to  20 enhance protection of properties for both residents  21 and businesses. The Transportation Systems Plan  22 provides for an update to the Meadowlands District  23 Transportation System Plan to identify and address  24 current transportation network issues, challenges  25 opportunities and improvements that are needed.</p>	<p style="text-align: center;">23</p> <p>1 District appearing in their municipal housing  2 plans.  3               Our Community Facilities Systems  4 Plan recommends formulating an updated  5 Comprehensive Emergency Response Plan to ensure  6 adequate reasons to natural and other hazards.  7               And finally, we would like to  8 highlight our historic sites in the district  9 through interactive mapping of past and present  10 historically-significant sites.  11               Area plans of the master plan  12 updates constitute the Land Use Plan for the  13 Hackensack Meadowlands District. Whereas the  14 existing Land Use Plan contains detailed,  15 site-specific information, the Land Use Plan is  16 much broader in scope and classifies properties  17 into various categories based on existing or  18 planned conditions. Area Plans also provide  19 area-specific planning objectives.  20               The Land Use Plan Map is not a  21 zoning map, and does not change the zoning on any  22 property. However, the Land Use Plan does form the  23 basis for future regulatory processes that may  24 include changes to zones or the Official Zoning Map  25 to implement the Land Use Plan. In most cases the</p>
<p style="text-align: center;">22</p> <p>1 Staff is finalizing an RFP for the preparation of  2 this plan, which we expect will be released  3 imminently.  4               One or more significant challenges  5 we face relates to our Housing System Plan, due to  6 lack of availability of Meadowlands-specific  7 housing data, as census tracts are not contiguous  8 to District boundaries. In many cases, our  9 demographics are skewed by the large population of  10 Jersey City, the majority of which is located  11 beyond District borders. The plan recommends the  12 creation of a District-specific demographic and  13 housing market study, which will result in a  14 Meadowlands Housing Plan to identify and recommend  15 an implementation pathway to accommodate housing  16 needs in the district.  17               Upon completion of a Meadowlands  18 Housing Plan, we will work with stakeholders to  19 enact regulations to codify affordable housing  20 requirements in the District. In the interim  21 period, we will continue to utilize our Interim  22 Policies to ensure no opportunities are lost for  23 the provision of affordable housing in suitable  24 locations, and we will work with our constituent  25 municipalities to address properties in the</p>	<p style="text-align: center;">24</p> <p>1 Area Plans continue the 2004 categories, although  2 the map may have changed where some of those areas  3 are designated.  4               For example, the Commercial Center  5 Area Plan has expanded to include new retail  6 centers since developed in Teterboro and Kearny.  7 The plan also proposes a new Area plan category  8 termed Sustainable Uplands Reserve. This  9 classification applies to former landfill areas  10 many of which were previously located in the  11 Preserve planning area applicable to wetlands.  12 This area plan envisions that some of these former  13 landfills could be used for environmentally sound  14 development, such as sustainable energy parks like  15 the 1A Landfill photovoltaic installation, or being  16 reserved as passive open space to provide for  17 scarce uplands habitat in proximity to wetlands  18 areas. As opposed to the Preserve Planning Area  19 designation, which corresponds to the Environmental  20 Conservation Zone, the proposed Reserve area would  21 allow some use of properties for which vertical  22 development is limited or unlikely, in order to  23 promote landfill closure.  24               Overall, the plan provides for an  25 expanded Preserve classification over the 2004</p>

<p style="text-align: right;">25</p> <p>1 plan. The 2004 Master Plan included 7,129 acres  2 and 2020 Land Use Plan includes 7,563 acres, an  3 increase of approximately 434 acres. The Area Plan  4 also addresses consistency with plans from our  5 stakeholders, including municipal and county master  6 plans and the Meadowlands Regional Chamber 2040  7 vision Plan.</p> <p>8 As I mentioned earlier, there's a  9 new Sustainable Meadowlands Component Plan, Cheryl  10 will be speaking about that.</p> <p>11 MS. CHERYL REZENDES: The concept of  12 resiliency has come to the forefront in the wake of  13 flood damage resulting from Hurricane Irene in 2011  14 and Superstorm Sandy in 2012.</p> <p>15 However, the NJSEA has long made the  16 region more resilient through enforcement of its  17 regulations which effectuate provisions of the  18 Master Plan, and its work over the past five  19 decades. The Agency has a long history of adapting  20 to changing circumstances and will continue to do  21 so as climate change and sea level rise threaten  22 both the natural and built environment of the  23 District.</p> <p>24 Highlights of the NJSEA's ongoing  25 resiliency and environmental stewardship efforts</p>	<p style="text-align: right;">27</p> <p>1 infrastructure with grant funding from the National  2 Disaster Resilience Grant Competition.</p> <p>3 The resulting construction of new  4 stormwater infrastructure in the project area will  5 require a multi-jurisdictional approach to  6 operations and maintenance.</p> <p>7 New Jersey's climate is changing.  8 Over the last century, New Jersey has experienced  9 rising temperatures, increased rainfall, more  10 frequent extreme weather events, and rising sea  11 levels. Increases in local sea level result from a  12 combination of global, regional and local changes,  13 which are a consequence of activities, such as  14 burning of fossil fuels, agriculture, and land  15 cleaning.</p> <p>16 In 2014 Rutgers University, on  17 behalf of the New Jersey Climate Adaption Alliance,  18 convened a Science and Technology Advisory panel,  19 to help identify alternatives for practitioners to  20 enhance New Jersey's resilience to regional sea  21 level rise, coastal storms and flood risk.</p> <p>22 The 2016 STAP report presented a  23 range of estimates of sea level rise magnitude for  24 New Jersey, as well as the probability of those  25 estimates occurring. The table on the screen</p>
<p style="text-align: right;">26</p> <p>1 include, among others, finished floor elevation  2 requirements for structures, FEMA CRS participation  3 resulting in flood insurance rate discounts,  4 floodplain management activities and wetlands  5 acquisition and management.</p> <p>6 Superstorm Sandy came ashore on  7 October 29, 2012. Sandy wreaked havoc on Bergen and  8 Hudson Counties with surges that registered  9 approximately four to five feet above average high  10 tide. The map on the screen shows water elevation  11 levels and storm surge depths as recorded by the  12 MERI sensor at the Barge Club Marino monitoring  13 station in the Hackensack River in Carlstadt.</p> <p>14 Widespread damage and destruction resulted from the  15 storm.</p> <p>16 The Rebuild by Design Competition  17 was launched in 2013 to develop ideas to improve  18 resilience in regions affected by Superstorm Sandy.  19 In 2014, a design for the Meadowlands region was  20 selected as a winner of the competition.</p> <p>21 Construction of stormwater improvements is  22 scheduled to begin in Spring of 2020.</p> <p>23 NJDEP is also developing an  24 Operations and Maintenance Toolkit of best  25 practices for managing regional stormwater</p>	<p style="text-align: right;">28</p> <p>1 summarizes two of these estimates, measured in  2 feet. The central estimate equates to a 50 percent  3 probability and the likely range to a 67 percent  4 probability. Two greenhouse gas emissions scenarios  5 are represented in this table as well. A high  6 emissions scenario is anticipated to accelerate  7 climate change, and thus speed the rate of sea  8 level rise.</p> <p>9 The maps on the screen detail the  10 projected inundation footprints in the District in  11 2050 and 2100 at a potential sea level rise of two  12 foot and three foot, respectively, which roughly  13 corresponds to the projections at the upper end of  14 the likely scenario in the previous table. The  15 color gradient reflects the level of projected  16 inundation and is based on land elevation.</p> <p>17 The STAP report, SLR estimates are  18 being used by NJDEP to develop its climate change  19 and resiliency programs.</p> <p>20 The master plan provides a review of  21 potential strategies available to address sea level  22 rise. Strategies that are deemed to have potential  23 utility in the District will be recommended for  24 future in-depth study. The potential strategies  25 include the following: Comprehensive planning,</p>

<p style="text-align: center;">29</p> <p>1 overlay zones, floodplain regulations, construction 2 codes, setbacks and buffers.</p> <p>3           The NJSEA recognizes the importance 4 of planning for resiliency in the face of sea level 5 rise. It is recognized that not every strategy will 6 be feasible for implementation by the NJSEA, but it 7 is important to explore all strategies that may be 8 applicable. Planning for resiliency cannot be 9 conducted in a vacuum and it is essential that the 10 NJSEA coordinate with its public and private 11 partners to best prepare the District for the 12 climate-related challenges ahead.</p> <p>13           MS. PETROU: In Summary, this plan 14 serves as an update of the 2004 plan for the 15 District, which has been implemented with great 16 success. Development has been occurring as planned 17 on upland areas, primarily through redevelopment, 18 and more wetlands have been preserved, restored or 19 mitigated. Improvements in water quality have 20 promoted an ever-increasing diversity of fish and 21 wildlife. We have been able to balance clean energy 22 objectives with wildlife habitat creation on former 23 landfills.</p> <p>24           We have facilitated the creation of 25 affordable housing within our district boundaries,</p>	<p style="text-align: center;">31</p> <p>1 then forwarded to the HMMC, which is the Hackensack 2 Meadowlands Municipal Committee, who will have 120 3 days to convey its position. Thereafter, the final 4 plan will be placed on the agenda of the Board of 5 Commissioners meeting for adoption in January 2020, 6 in order to meet the statutory adoption deadline of 7 February 5, 2020.</p> <p>8           At this time we would like to invite 9 public comment. Staff is here to receive your 10 comments on the draft plan. However, we will not 11 be answering questions as the format for this 12 hearing is not a Q &amp; A session. We ask that oral 13 comments be limited to no more than five minutes to 14 ensure that everyone here who would like to make a 15 comment is heard. Comments may also be submitted 16 in writing, as I said mentioned before, through 17 September 16th. And we're going to work down the 18 list. Stephen Pellino.</p> <p>19           PUBLIC COMMENT 20           STEPHEN PELLINO, ESQ: Stephen 21 Pellino. I happen to serve as the Borough Attorney 22 to the Borough of Ridgfield, and I'm here on behalf 23 of my Mayor and Council and the residents of 24 Ridgefield, and I have comments in two areas. 25           First of all, I assume you folks as</p>
<p style="text-align: center;">30</p> <p>1 and have increased the efficiency of our regional 2 transportation network through our MASSTR adaptive 3 signal program. Overall, we feel the Master Plan 4 accomplishes the balancing act inherent in 5 fulfilling our varied objectives, and sets a path 6 for the future. As the plan recognizes, we know 7 there is a lot of work left to do to ensure the 8 District is well-positioned to thrive 9 environmentally, economically, and socially in the 10 coming years, particularly in light of the 11 challenges we are facing in relation to climate 12 change.</p> <p>13           We look forward to continue working 14 with our stakeholders as we take the next steps in 15 the process and continue to work on our strategic 16 planning initiatives to implement the goals and 17 objectives of our 2020 Master Plan Update. Thank 18 you.</p> <p>19           MS. SUNDELL: As far as our master 20 plan schedule, we're still within our six week 21 public comment period which extends through 22 September 16th. After the comment period closes, 23 the NJSEA will evaluate all of the public comments 24 that were received, and incorporate resulting 25 modifications into the Plan. The final plan will be</p>	<p style="text-align: center;">32</p> <p>1 planners and engineers know that there is a foot 2 and has been for some time, a plan to build an 3 electric generating station in the Meadowlands 4 District in the upper end of North Bergen, from 5 what I understand, near Bellmans Creek. Very close 6 to the border of Ridgefield and Farview, which is 7 not in your district.</p> <p>8           From what I understand, your master 9 plan, both previously and the new one, would 10 accommodate this development. And although it is 11 proposed to be a state-of-the-art plant, it's gas 12 fired, from what I understand, it would be one of 13 the largest polluters in the State of New Jersey. 14 And I think the real key of understanding it, is 15 the fact that not one kilowatt of power is going to 16 go to New Jersey. It is all going to go to New 17 York. So from our point of view, we think this is 18 inimical to your goals. It certainly is not in the 19 best interest of the Town of Ridgefield. Quite 20 frankly, other than the dollars that it will 21 generate, it is not in the best interest of North 22 Bergen there either. And every environmental group 23 that we know of is opposed to this plan, and I 24 would on behalf of Ridgefield and its residents and 25 its Mayor &amp; Council, and all of the environmental</p>

<p style="text-align: center;">33</p> <p>1 groups, implore you to look at that in terms of  2 your master plan, and in terms of the zoning, which  3 I assume has to coincide. It's crazy. It has no  4 place here. There is no benefit to anything in New  5 Jersey, to anyone in New Jersey, and it's again, I  6 think contrary to your goals of conservation and  7 preservation. So, a strong message from Ridgefield  8 for you to consider. We don't need that, and do  9 whatever you need to do is our urging, I say this  10 respectfully, from a zoning and planning standpoint  11 to make sure that this doesn't happen.  12           The second comment may be a little  13 bit off point, because I recognize that you folks  14 are planners and engineers from what I understand.  15 But if I could convey a message that perhaps you  16 could convey to your Commissioners, as I think this  17 has been pointing out, the Meadowlands' concept has  18 been in place since 1969. It is a concept that  19 recognizes that we have a unitary system of  20 planning and zoning. That's why we're here for the  21 updated master plan. But essentially, to that  22 system, is the fact that we share both the benefits  23 and the detriments, and that's why, again, you  24 folks our planners and engineers, but I think you  25 know there is a tax sharing formula so that</p>	<p style="text-align: center;">35</p> <p>1 plan, we share the benefits and the detriments.  2 And in 2015, they changed the funding formula,  3 created all kinds of problems and continued to roll  4 forward. That's my second message, and again  5 that's the message for you to bring, to kick  6 upstairs to your Commissioners that they should be  7 proactive in this and make sure that we share all  8 the benefits and the detriments. Thank you.  9           MS. SUNDELL: Thank you for joining  10 us. Are there any other members of the public who  11 wish to provide a comment this evening?  12           NO RESPONSE  13           MS. SUNDELL: The public comment  14 portion of this hearing is closed. And actually we  15 are going to close the entire hearing right now  16 because there are no public comments.  17           I want to thank everyone for  18 listening to our presentation, and presenting  19 comments. Have a good evening. The public hearing  20 is now closed.  21           (HEARING CLOSED @6:40 PM)  22  23  24  25</p>
<p style="text-align: center;">34</p> <p>1 municipalities like Ridgefield who have little  2 development, gets what is called Meadowlands  3 Adjustment payments, we get some money in return  4 for not developing most of our property in the  5 Meadowlands. And for the last three years, I'd say,  6 Ridgefield hasn't gotten and the other receiving  7 towns, Kearny and Jersey City to some extent, but  8 Ridgefield is a big one, hasn't gotten what they  9 are supposed to get. And we were involved in  10 litigation, and it got made up later on, we're out  11 \$385,000 for 2018, we filed a litigation. Again,  12 recognizing that you're planners and engineers, my  13 message is, the failure to share this on a regular  14 basis, it's a timely basis, it is mandated by  15 statute, undermines the whole mission.  16           And I also recognize the NJSEA, you  17 don't generate the funds, it is a pass-through  18 organization. You get the money from the State and  19 you hand it out. But what I am asking is, to send a  20 message to the Commissioners that they need to be  21 proactive. They need to tell the governor, they  22 need to tell the legislatures that they got to take  23 care of this from a funding point of view, because  24 the failure to do so, undermines the whole concept  25 of, we are all in this together, we have a unitary</p>	<p style="text-align: center;">36</p> <p>1           CERTIFICATE  2  3           I, BETH CALDERONE, License No. XIO1409, a  4 Certified Court Reporter and Notary Public of the  5 State of New Jersey, certify that the foregoing is  6 a true and accurate transcript of the meeting at  7 the place and on the date hereinbefore set forth.  8  9  10           A Notary Public of the State of New Jersey  11 BETH CALDERONE, Certified Court Reporter.  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>



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## Mia Petrou

---

**From:** Mia Petrou  
**Sent:** Thursday, August 8, 2019 3:33 PM  
**To:** Master Plan  
**Subject:** Comments - Krishna Murthy EZ Ride  
**Attachments:** 19\_0808\_NJSEA Plan\_Edits.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

---

**From:** Nadereh Moini  
**Sent:** Thursday, August 8, 2019 3:20 PM  
**To:** Krishna Murthy  
**Cc:** Mia Petrou  
**Subject:** FW: Thank You

Hello Krishna,  
Thank you for your time as well!  
Also, thanks for your attention, reviewing, and editing the EZ ride section of Master plan! Mia is cc on this email for future follow up questions, and comments.  
Cheers,  
Nady

---

**From:** Krishna Murthy [<mailto:kmurthy@ezride.org>]  
**Sent:** Thursday, August 8, 2019 2:51 PM  
**To:** Nadereh Moini  
**Subject:** Thank You

Caution: This is an External Email. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Nadereh,

Thank you for taking the time to meet with me today - greatly appreciated!

I did get to review the page about EZ Ride in the draft NJSEA master plan and have taken the liberty to make a few edits.  
Please review and let me know what you think.

Best,

Krishna

---

Krishna Murthy  
President & CEO  
EZ Ride  
144 Park Pl East

Wood-Ridge, NJ 07075  
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Fax : (201) 939-2630  
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Check out  
our [2018 Annual Report](#)  
**Rides that Change Lives**

#### 4. Ridehailingsharing

Alternatives to private passenger vehicles are gaining in popularity, due to vehicle and fuel costs, traffic delays, and changing demographics, resulting in higher interest in such services, particularly among millennials. Trip reductions have been achieved with some measure of success through alternate work hours, telecommuting, ride-hailing, [ridesharing](#), carpooling [and vanpooling](#), as well as online shopping. More people utilize ride-hailing/[ridesharing](#) services to complete their trips at the first and last miles. It is predicted that these services will continuously decrease the dependence on private passenger cars, particularly in urban and suburban communities.

#### 5. Shuttle Service

The Meadowlands Transportation Brokerage Corporation, the first Transportation Management Association (TMA) in the state of New Jersey that, ~~since 2005~~, operates under the brand name “EZ Ride” (formerly known as “Meadowlink”), is a non-profit organization established in 1983 [as a public-private partnership by through a joint venture of](#) the New Jersey Turnpike Authority (NJTA), NJSEA (as the former HMDC/NJMC), the Port Authority of New York and New Jersey (PANYNJ), NJDOT, and the Meadowlands Regional Chamber of Commerce. [EZ Ride operates from three different offices at Wood-Ridge, Newark and Eatontown.](#) The main objective of EZ Ride is to ~~coordinate transportation access for public and private establishments and to~~ reduce traffic congestion in northern New Jersey through the implementation of vehicle trip reduction measures, such as carpooling, vanpooling, shuttle programs, transportation for older adults and people with disabilities, bike and pedestrian programs, and direct-link services to major employers in the service area. EZ Ride also assists corporations with the preparation of Transportation Demand Management (TDM) plans in an effort to analyze employees’ transportation needs, and works with the public on planning projects that identify new public transit services and pedestrian access. It also uses innovative and creative public-private partnership to achieve local ~~and/or~~ regional transportation goals.

Today, EZ Ride manages New Jersey’s largest carpool, vanpool and shuttle services for businesses, colleges, universities, and municipalities. EZ Ride operates a mixed fleet of minibuses, vans, and sedans that provide more than 700,000 passenger trips each year.

EZ Ride’s ~~operates a~~ shuttle program ~~that is funded by about includes~~ 20 private and public partners. Its 34 minibuses transport [more than](#) 2,000 commuters on a typical workday, linking them with local train stations in Rutherford and Lyndhurst, as well as [major](#) transit hubs such as Newark Penn Station, [Harrison](#) and Secaucus Junction. The shuttles operate 24 hours daily, seven days per week, serving workers on the night and off-hours shift.

The shuttles ~~operate on~~ ~~program currently has~~ 20 routes, five of which serve the District. The five routes [are served by a fleet of 14 mini-buses and transport about 800-1,000 commuters daily and](#) include the following:

- The Harmon Cove Shuttle operates between Secaucus Junction and businesses located in the Harmon Cove area in Secaucus.

- The Harmon Meadow Shuttle and Harmon Meadow Express provide free shuttle services in Secaucus (funded by Hartz Mountain Industries) between Secaucus Junction and businesses in the Harmon Meadow area, as well as residents of the Harper Apartments at 100 Park Plaza Drive and Osprey Cove at 45 Meadowlands Parkway.
- The Route 3 Shuttle ~~(funded by American Landmark Properties)~~ -links businesses located at the Meadows Office Complex in Rutherford on the Route 3 Corridor with Secaucus Junction.
- The Rutherford-Lyndhurst Shuttle links businesses and residential communities with Kingsland Station in Lyndhurst and Rutherford Station in Rutherford.
- The Monarch Shuttle, funded by BNE Management to serve the residents at The Monarch in East Rutherford, links the residential complex with Secaucus Junction.

-EZ Ride currently operates 25 vanpools, servicing 200 vanpoolers, and their carpool program serves about 30,000 riders. ~~Their carpooling program has coordinated 14,000 rides for 36,000 riders.~~ In 2017, it added ~~about~~most 3,000 people to the state-wide rideshare its Rideshare database, which matches commuters to a common destination, many of them recruited at more than 70 employer outreach events.

-EZ Ride also offers two additional programs for those with specialized needs. The Flex-T program helps individuals with disabilities with their daily transportation needs in Bergen and Monmouth counties. ~~within a New Jersey Sports and Exposition Authority Circulation 6-13 service area that includes Bergen, Hudson, Essex, Union and Monmouth counties.~~ “Ryde4Life” is an on-demand state-wide transportation ride-sharing program, started in 2017 to provide assistance to older adults who do not have smart phones to access ~~on-demand and ridesharing~~ transportation services ~~from such as~~ Lyft and Uber. The program later was expanded to serve include low income adults and to provide affordable transportation for accessing jobs, medical, and social services.

Formatted: Indent: Left: 0.75", No bullets or numbering

## Mia Petrou

---

**From:** Sidhom, Emad <emad.sidhom@suez.com>  
**Sent:** Thursday, August 22, 2019 10:58 AM  
**To:** Fell, Elizabeth; Mia Petrou  
**Subject:** RE: SUEZ RE: Draft Hackensack Meadowlands District Master Plan Update 2020

Caution: This is an External Email. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Many thanks Liz and Mia

Best regards,

Emad Sidhom, PE  
Director of Engineering  
New Jersey Operations

**SUEZ**  
200 Lake Shore Drive  
Haworth, NJ 07641  
Tel: 201-986 2726  
Cell: 201-538 0364

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*Please think twice before printing this email.*

---

**From:** Fell, Elizabeth <elizabeth.fell@suez.com>  
**Sent:** Thursday, August 22, 2019 10:36 AM  
**To:** Mia Petrou <mpetrou@njsea.com>  
**Cc:** Mckoy, Mark <mark.mckoy@suez.com>; O'connor, Kevin <kevin.oconnor@suez.com>; Sidhom, Emad <emad.sidhom@suez.com>; Vicente, Antonio <tony.vicente@suez.com>; Master Plan <MasterPlan@njsea.com>  
**Subject:** RE: SUEZ RE: Draft Hackensack Meadowlands District Master Plan Update 2020

Mia,

Thank you for your quick reply and additional explanation below!

Feel free to contact us anytime and thank you, Liz

---

**From:** Mia Petrou <[mpetrou@njsea.com](mailto:mpetrou@njsea.com)>  
**Sent:** Thursday, August 22, 2019 10:20 AM  
**To:** Fell, Elizabeth <[elizabeth.fell@suez.com](mailto:elizabeth.fell@suez.com)>  
**Cc:** Mckoy, Mark <[mark.mckoy@suez.com](mailto:mark.mckoy@suez.com)>; O'connor, Kevin <[kevin.oconnor@suez.com](mailto:kevin.oconnor@suez.com)>; Sidhom, Emad

<[emad.sidhom@suez.com](mailto:emad.sidhom@suez.com)>; Vicente, Antonio <[tony.vicente@suez.com](mailto:tony.vicente@suez.com)>; Master Plan <[MasterPlan@njsea.com](mailto:MasterPlan@njsea.com)>

**Subject:** SUEZ RE: Draft Hackensack Meadowlands District Master Plan Update 2020

Good morning,

Thank you very much for your comments.

In response to your first comment, the Draft Master Plan categorizes a variety of land uses, which are defined in the document and then depicted graphically by category on the Existing Land Use Map (Map 3). Utilities, which may be owned by public/quasi-public entities, are excluded from the definition of Public/Quasi-Public Services (which includes uses such as police and fire stations) within the existing land use category classifications, because the plan provides a separate definition/existing land use category for Utilities. We will clarify this in the document.

We will also make the remaining updates and corrections you provided, and appreciate the timely and comprehensive review.

Sincerely,



Mia A. Petrou, PP, AICP, CFM

*Principal Planner*

**New Jersey Sports and Exposition Authority**

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---

**From:** Fell, Elizabeth [<mailto:elizabeth.fell@suez.com>]

**Sent:** Thursday, August 22, 2019 9:00 AM

**To:** Mia Petrou

**Cc:** Mckoy, Mark; O'connor, Kevin; Sidhom, Emad; Vicente, Antonio

**Subject:** RE: Draft Hackensack Meadowlands District Master Plan Update 2020

**Caution: This is an External Email. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good Morning Mia,

Thank you for providing us with the Draft Hackensack Meadowlands District Master Plan Update 2020 for our review. We have circulated the documents for internal review and provide the following comments/questions on pages 45, 46 and 117 from the Master Plan & Utility Map:

- Master Plan Pages 44 & 59: Question provided on pages 1 & 2 of attached pdf and described below:
  - Utilities are excluded from what? It is not clear.
- Master Plan Page 117 - Comment provided on page 4 of attached pdf and described below:
  - Please update the Comment Section of Figure 5.10 to identify Jersey City as being "Operated by Suez Water Environmental Services Inc."
- Master Plan Utility Map – Comments are provided on page 5 of attached PDF and described below:
  - On the Water Provider Service Areas Sheet, Rutherford should be in light blue for SWNJ

- On the Water Provider Service Areas Sheet, the legend should be updated from “Suez Water” to “Suez Water New Jersey”

Please feel free to contact anytime with questions or if you require additional information.

Thank you again,

**Elizabeth A. Fell, P.E.**  
Project Manager  
New Jersey Operations

**SUEZ**  
60 DeVoe Place, Hackensack, NJ 07601  
Tel: 201-525-4588



*Please think twice before printing this email.*

---

**From:** Mia Petrou <[mpetrou@njsea.com](mailto:mpetrou@njsea.com)>  
**Sent:** Tuesday, August 6, 2019 3:12 PM  
**To:** kevin.o'conner@suez.com  
**Cc:** Sidhom, Emad <[emad.sidhom@suez.com](mailto:emad.sidhom@suez.com)>  
**Subject:** Draft Hackensack Meadowlands District Master Plan Update 2020

Good afternoon,

The NJSEA has released the Draft Hackensack Meadowlands District Master Plan Update 2020. The draft plan and maps can be viewed on the NJSEA website at <https://www.njsea.com/2020-master-plan-update/>. I am also attaching a copy of the public notice which provides additional detail.

The NJSEA is providing a 6-week public comment period, which ends on September 16, 2019. Two public hearings will be held to receive comments on the Draft Plan on Tuesday, September 10, 2019, at 10:00 am and 6:00 pm at NJSEA offices.

Please don't hesitate to contact me with any questions or if you'd like to schedule a meeting to discuss the plan in more detail.

Sincerely,



**Mia A. Petrou, PP, AICP, CFM**  
*Principal Planner*

**New Jersey Sports and Exposition Authority**  
a: 1 DeKorte Park Plaza, PO Box 640, Lyndhurst, NJ 07071  
p: 201-460-4672 f: 201-372-0161  
w: [www.njsea.com](http://www.njsea.com) e: [mpetrou@njsea.com](mailto:mpetrou@njsea.com)

- **INDUSTRIAL** uses are comprised of land uses where manufacturing, assembly or processing of products, or warehousing and distribution takes place. Light industrial, heavy industrial, bus and truck terminals, and auto and truck repair facilities are included. Power generation has been reclassified within the Utilities category.
- **INDUSTRIAL & COMMERCIAL COMPLEXES** include industrial and commercial facilities where both classifications of uses are present and typically occur together or in close proximity, which may include a mix of light manufacturing; administration offices; research and development facilities; computer systems companies; and facilities for warehousing, wholesaling, retailing and distributing. No heavy industries are present. Many facilities within this category provide retail sales of products stored and/or manufactured within the industrial portion of the building.
- **MEADOWLANDS SPORTS COMPLEX** contains the Meadowlands Sports Complex properties, including the American Dream Meadowlands site, MetLife Stadium, and the Meadowlands Racetrack, but excluding the area containing Walden Swamp, which is included under the Wetlands category. Although these properties are located within District boundaries and classified within this Master Plan and on land use maps, this Master Plan does not apply to the Meadowlands Sports Complex site, pursuant to N.J.S.A. 5:10A-10. Lands within this classification are owned by the NJSEA and are exempt from District zoning regulations.
- **PUBLIC/QUASI-PUBLIC SERVICES** are owned by governmental agencies or quasi-public entities. Uses are intended to serve the public and include post offices, public and private educational institutions at all levels, municipal buildings and other government centers, hospital and other major health institutions providing direct health care to the public (excluding urgent care clinics and doctor's offices), correctional institutions, military installations, religious research facilities, social clubs associated with established organizations, and Transportation, communication, utility, and recreational facilities are excluded, even where the owner is a public or quasi-public entity.
- **RECREATIONAL LAND** consists of areas that have been specifically developed for recreational activities open to the general public. This use includes picnic areas, marina and boat launches, community recreation areas, parks, beaches, formal lawns, arboretums and landscaped areas, stadiums, and the Meadowlands Sports Complex properties, excluding the American Dream Meadowlands site. Such uses that are not open to the general public are classified as commercial uses.
- **RESIDENTIAL** includes all dwelling types, including single-family residences, multiple-unit dwellings, mobile homes, and other miscellaneous residential types. Residential areas that are integral but minor parts of other land uses are included in the dominant land use category.
- **TRANSITIONAL LAND** includes previously developed but inactive properties, properties undergoing preparation for development or redevelopment, and/or properties pending construction pursuant to permit applications or approvals. This category is a new classification in this Master Plan to address properties that are undergoing development and/or in the process of transition from one land use to another.
- **TRANSPORTATION** includes transportation routes, railroad facilities, park-and-ride lots, airports, and port facilities. Bus garages and truck terminals have been reclassified as industrial uses in this Master Plan update.
- **UTILITIES** include power generating stations; the course of transmission lines; cell towers and antennas; water treatment facilities; sewage treatment facilities; radio, radar, and television antennas; microwave stations; power lines; power substations; and water towers. Towers include the land enclosed by guide wires.

Excluded from what

What is included in this utility that is different from "Utilities" below?



**10. Utilities**

Utility uses represent three percent, or approximately 580 acres, of the District’s land area. The Bergen County Utilities Authority (BCUA) sewerage treatment facility in Little Ferry and a natural gas storage facility in Carlstadt owned and operated by Transcontinental Gas & Pipeline Corp. (Transco), a subsidiary of the Williams Companies Inc., are prominent Utility land uses, as is the District’s extensive network of Public Service Enterprise Group’s (PSEG) power generation and transmission facilities. The District’s expanse of wide open spaces is also favored by media and telecommunications industries for placement of radio and cell towers. In many cases, wetlands are present on properties within the Utility classification.

Utility companies have recently embarked on several improvements to regional infrastructure to increase capacity and improve resiliency in the event of natural disasters, such as Superstorm Sandy and Hurricane Irene. These improvements include PSEG’s “Energy Strong” initiatives to upgrade substations and switching stations, replace transmission lines and towers, and protect metering stations.

Advances have also been made in the provision of clean, renewable energy sources through the installation of photovoltaic systems by both public entities and private property owners throughout the District. Since the implementation of new green building regulations in 2006, photovoltaic systems generating 42.25 MW of clean energy have been installed in the District as of June 2019.

**C. OTHER AREAS**

Other areas, consisting of altered, transitional, and vacant lands, comprise 1,874.1 acres, 3.9 percent of the District. (See Figure 3.8 “Other Areas.”)

**FIGURE 3.8 OTHER AREAS**

2004 ACRES	2004 PERCENT	2018 ACRES	2018 PERCENT	CHANGE (ACRES)	CHANGE (%)
1,804.4	9.2%	1,874.1	9.7%	69.7	3.9%

**1. Altered Land**

Altered lands account for 1,067.6 acres of the District’s land area and are primarily comprised of solid waste disposal areas. In many cases, altered lands contain the vestiges of the District’s historic landfilling operations.

**2. Transitional Land**

Transitional lands are a fairly large category, representing 3.9 percent of the District’s land area, or 748.7 acres that are currently within the development and/or pre-development process. Many of these transitional lands are located within redevelopment areas, including the Koppers Coke Peninsula and Kingsland Redevelopment Areas. The size of this category is indicative of the robust economic health of the District and its appeal as an area for major investment.

**3. Vacant Land**

Due to the developed character of the District, there is very little vacant land remaining within its boundaries. Vacant lands represent the smallest category of land uses in the District, comprising only 57.7 acres, or 0.3 percent, of the land area within the District.

Private solid waste facilities are also present at various locations throughout the District. Generally, they consist of solid waste transfer stations, recycling facilities, and composting facilities. State and/or Federal regulation of solid waste management facilities preempt local zoning authority, although they must be built to comply with State building and fire codes. Accordingly, new solid waste facilities and/or changes to the operations of existing solid waste facilities are required to be included in the NJSEA's Solid Waste Management Plan, as the Hackensack Meadowlands District, along with the State's 21 counties, comprises the State's 22 Solid Waste Management Districts.

Closed landfills provide vast expanses of upland areas located near environmentally-sensitive lands. As stated above, the NJSEA has creatively repurposed areas of former landfills that had, in many ways, scarred the Meadowlands environment. Old landfills are now the site of solar arrays that generate renewable energy, thereby reducing dependence on energy sources that contribute to greenhouse gas emissions. Other landfills provide upland passive open space, which provides for wildlife habitat in the District. In specific cases, closed landfills can play a critical role in the region's economic development through site development, such as proposed warehouse development and sustainable energy parks within the Kingsland Redevelopment Area.

## VIII. WATER AND WASTEWATER TREATMENT

Safe drinking water and effective sewerage systems are essential components of public health. There are over 151,000 public water systems in the United States. The EPA classifies water systems according to the number of people they serve, the source of their water, and whether they serve the same customers year-round or on an occasional basis. All 14 municipalities in the District are served by public water systems of the same classification, Community Water System (CWS), which is a public water system that supplies water to the same population year-round.

Drinking water requires treatment to remove contaminants that can cause illness. The Federal Safe Drinking Water Act (SDWA) sets standards for drinking water quality and arranges for oversight of the water providers who implement those standards. Water providers serving the District's municipalities are summarized in Figure 5.10 "Water Providers Serving District Municipalities."

Treatment of wastewater is necessary to avoid the pollution of surface waters and groundwater and to avoid wastewater contact with insects that transmit disease. Wastewater from a home, business, or other source enters a sanitary sewer, which is a system of pipes that collect the wastewater. From the sanitary sewer, the waste enters a treatment plant where it undergoes a series of processes ending in chlorine treatment before release into a water body such as a river or stream. An overview of the four wastewater treatment facilities serving District municipalities appears in Figure 5.11 "Wastewater Treatment Facilities Serving District Municipalities."

A map of water and wastewater service areas is provided as [Map 9 – Utility Service Areas](#).

Please revise to "Suez Water Environmental Services Inc."

**FIGURE 5.10 WATER PROVIDERS SERVING DISTRICT MUNICIPALITIES**

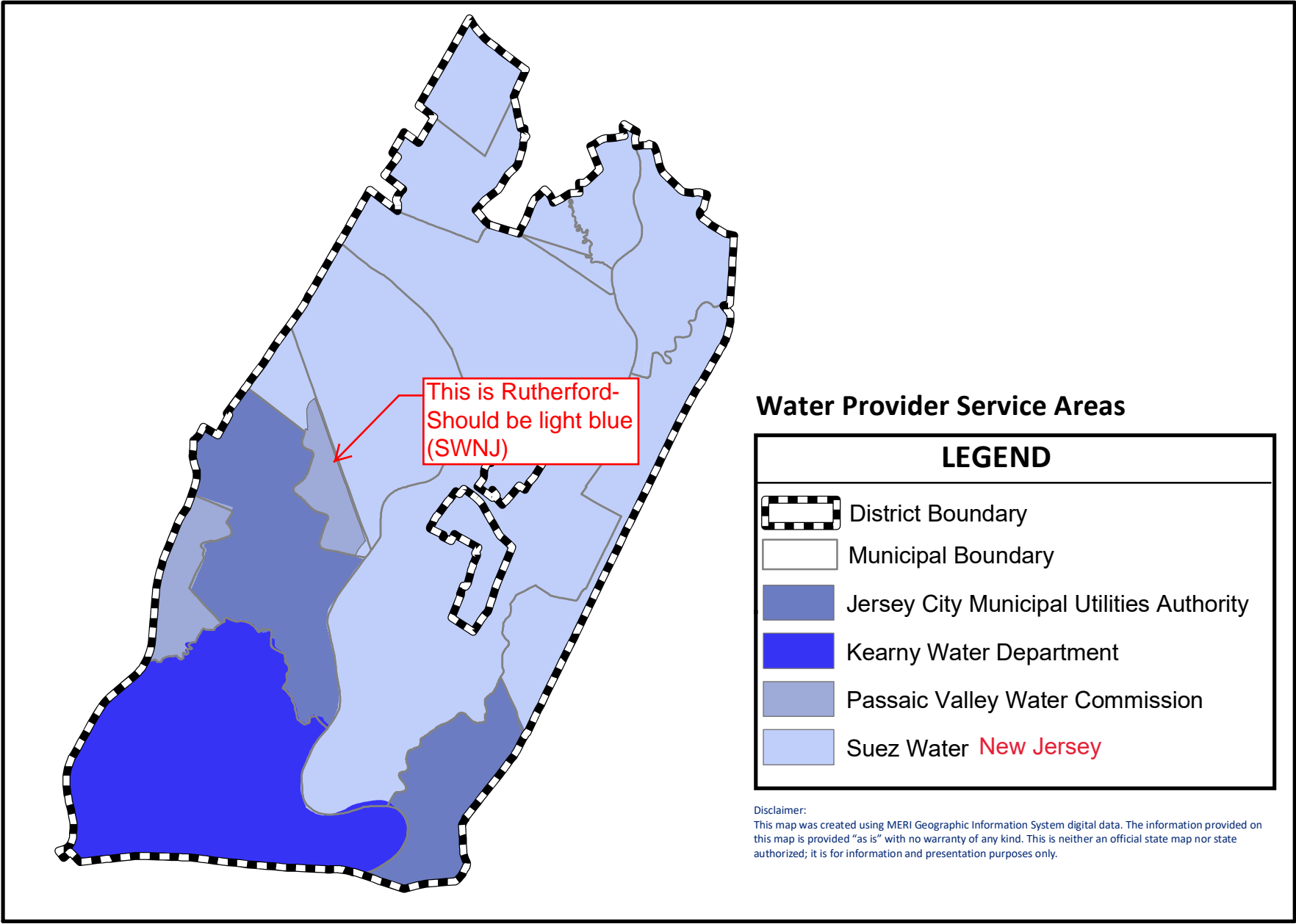
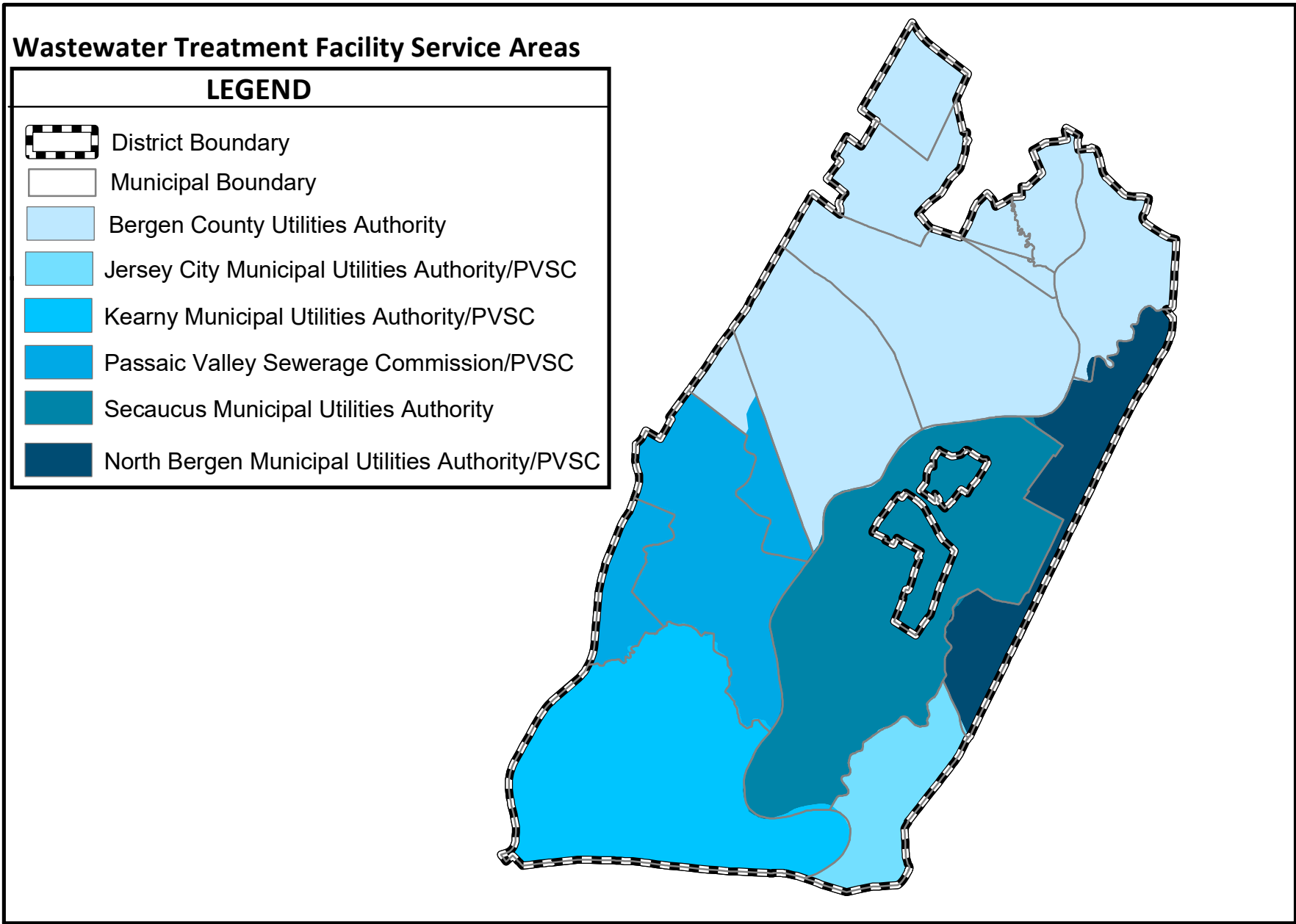
PROVIDER	MUNICIPALITIES SERVED	COMMENTS
Suez Water New Jersey	Carlstadt, East Rutherford, Little Ferry, Moonachie, North Bergen, Ridgefield, Rutherford, Secaucus, South Hackensack, and Teterboro	Operates the Oradell Reservoir and the Haworth Treatment Plant.
Jersey City Municipal Utilities Authority	Jersey City	Operated by <u>Suez Water New Jersey</u> . Water flows from the Boonton Reservoir to Jersey City and Lyndhurst via a 26-mile aqueduct system.
Kearny Water Department	Kearny	
Passaic Valley Water Commission	North Arlington and Lyndhurst	

**FIGURE 5.11 WASTEWATER TREATMENT FACILITIES SERVING DISTRICT MUNICIPALITIES**

FACILITY	MUNICIPALITIES SERVED	RECEIVING ENTITY	CAPACITY (MGD*)
Bergen County Utilities Authority	Ridgefield, Little Ferry, Moonachie, South Hackensack, Teterboro, Carlstadt, East Rutherford, and Rutherford	Hackensack River	109
North Bergen Municipal Utilities Authority	North Bergen	Hudson River (3 MGD) and Passaic Valley Sewerage Commission (7 MGD)	10
Passaic Valley Sewerage Commission	Kearny**, Lyndhurst, North Arlington, North Bergen, East Rutherford, and Jersey City <i>**Kearny Municipal Utilities Authority sends to PVSC for treatment</i>	Newark Bay	400
Secaucus Municipal Utilities Authority	Secaucus	Mill Creek	5.1

*\*Millions of gallons per day*

UTILITY SERVICE AREAS



## Master Plan

---

**From:** Marshall Dworkin <mdworkin@sillscummis.com>  
**Sent:** Monday, September 9, 2019 5:18 PM  
**To:** Master Plan  
**Subject:** Comments and Objections to the Draft Master Plan 2020  
**Attachments:** LT NJSEA re\_ Comments to Master Plan.PDF

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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Ms. Petrou,

Attached are the comments and objections to the Draft Master Plan on behalf of Towers Associates, Ltd. We will appear on behalf of, and along with, Towers Associates at tomorrow's Public Hearing and our voiced comments and objections at that hearing will rely, in part, on these written objections. Please let us know if you have any questions or comments.

Sincerely,

**Marshall O. Dworkin**  
Associate



[website](#) | [vCard](#) | [newsroom](#) | [email](#)

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September 10, 2019

Ms. Mia Petrou  
Principal Planner  
New Jersey Sports and Exposition Authority  
One DeKorte Park Plaza  
Lyndhurst, New Jersey 07071

Re: Draft Hackensack Meadowlands District Master Plan Update 2020

Dear Ms. Petrou:

We represent Towers Associates, Ltd. ("Towers"), the owner of property designated on the tax maps of the Town of Secaucus as Lots 1.02 and 7 in Block 155 ("Towers' Property"). This letter and the Traffic and Planning Reports and other exhibits attached hereto constitute written objections by Towers to the Draft Hackensack Meadowlands District Master Plan Update 2020 ("Draft Master Plan") currently being considered by the New Jersey Sports and Exposition Authority ("NJSEA").<sup>1</sup> Towers reserves all rights with respect to the matters set forth herein.

While the Draft Master Plan generally meets accepted planning practices, there are portions of the Draft Master Plan which grossly deviate from good planning practices and should be amended prior to adopting the Draft Master Plan. Next to the Towers Property is property owned by MEPT Lincoln Crossing, LLC ("MEPT") and designated on the tax map of Secaucus as Lots 1.03, 1.04 and 6 in Block 155 and on the tax map of North Bergen as lot 14.011 in Block 451.05

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<sup>1</sup> Enclosed with this letter are four (4) exhibits that accompany Towers' written objection to the Draft Master Plan: (1) An Analysis of the Draft Hackensack Meadowlands District Master Plan Update 2020 by Burgis Associates, Inc. ("Planning Report"), (2) a September 4, 2019 Traffic Analysis by Bowman Consulting ("Traffic Report"), (3) an August 30, 2019 Letter from Sills Cummis & Gross, P.C. to NJSEA, and (4) a September 6, 2019 email correspondence between NJSEA, counsel and Len Gero, a principal of Towers.

September 10, 2019

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(“MEPT Property”). Previously, the NJSEA Board of Commissioners granted MEPT a use variance to construct a proposed massive warehouse distribution facility not currently permitted in the zone and completely inconsistent with the 2004 Master Plan. Towers filed a Notice of Appeal to the Superior Court of New Jersey, Appellate Division, on or about November 29, 2018, appealing the NJSEA Board of Commissioners’ resolutions granting the use variance and refusal to allow Towers to appeal its decision to grant the use variance to the Office of Administrative Law, which appeal remains pending without decision. *See In the Matter of a Use Variance Application Submitted As Part of File No. 17-239 MEPT Lincoln Crossing, LLC/Lincoln Gateway – New Bldg / Variance Block 451.01, Lot 14.011, In the Township of North Bergen and Block 155, Lots 1.03, 1.04 & 6, in the Town of Secaucus*, Docket No. A-001391-18 (the “Appeal”). In part, the basis of Towers’ appeal is that the use variance granted to MEPT for the construction of a massive warehouse distribution facility is antithetical and detrimental to the goal of the 2004 Master Plan, which was to increase the commercial corridor in that area and promote retail, which comprised only 1.2% of the total property in the Meadowlands District at the time. The construction of a massive high-volume warehouse distribution facility will, among other things, create significant traffic issues in a highly-congested area and prevent neighboring properties from developing their lands for commercial use, as intended in the 2004 Master Plan. Importantly, the 2004 Master Plan expanded areas where warehouses would be permitted in the overall Meadowlands zone, but expressly removed warehouses from the commercial zone where the MEPT Property is located.

The current Draft Master Plan also intends to promote commercial retail opportunities, as the majority of land in the Study Area<sup>2</sup> is designated as a Commercial Center. Nonetheless, the isolated designation of the MEPT Property as an Employment Center is a clear attempt by NJSEA staff to re-designate the MEPT Property in a manner that moots Towers’ appeal, thereby circumventing good planning practices and violating Towers’ appeal and due process rights. Respectfully, the proposed Draft Master Plan is therefore being used to attempt to circumvent an issue which is in current litigation between Towers and the NJSEA, which we submit is not a proper goal for such a plan.

Indeed, in discussions with counsel the NJSEA has admitted that the inclusion of the MEPT Property in the Employment Center designation was a blatant attempt to effectuate the decision below in the Appeal (i.e., the NJSEA indicated it used its knowledge of the MEPT Property use variance in putting the MEPT Property in an Employment Center), and thereby obviate the Appeal. The Draft Master Plan designates the MEPT Property in a manner, as described below and in the accompanying reports, that is different and not complementary to the surrounding land use

---

<sup>2</sup> The “Study Area” is defined in the Planning Report as certain selected properties located in both the Town of Secaucus and the Township of North Bergen. The Study area is south of Paterson Plank Road, west of Route 3 and north of Route 495.

September 10, 2019

Page 3

designations and will materially detract and injure the character and development potential of the surrounding properties, including the Towers Property. The attempt by the NJSEA staff to obviate the Appeal should caution the NJSEA from proceeding with inclusion of the MEPT Property in an Employment Center, and it should instead allow the Appellate Division to address the Appeal.

Further, in response to two separate OPRA requests submitted on behalf of Towers that, in essence, sought all documents, correspondence or communications regarding the MEPT Property in relation to the Draft Master Plan, NJSEA stated that there were “no responsive documents.” The admissions by the NJSEA staff that it simply utilized its knowledge of the MEPT Property use variance, and that it has no memorandum, reports, or other documentation to support its decision to designate the MEPT Property as an Employment Center, unequivocally show a clear lack of good planning practices, and that the decision was arbitrary and capricious. Such lack of support also suggests that these improper land use designations were made in support of the private interests of a particular property owner (MEPT) to the detriment of surrounding property owners, the overall Draft Master Plan and Towers’ due process rights.

In addition to the procedural and legal improprieties of designating the MEPT Property as an Employment Center, there are substantial substantive issues, as well. As noted above, Towers submits a Planning Report and Traffic Report in addition to this letter which provide detailed reasons why the NJSEA should amend its Draft Master Plan, particularly in relation to its designation of the MEPT Property. A brief summary of those two reports are provided below:

#### Planning Report

While the majority of the Study Area designates the land use as Commercial Center there are small portions of the Study Area, significantly the MEPT Property, which are designated as an Employment Center land use. This designation does not fall within one of the traditional use group categories utilized for preparing land use maps, such as offices, health care, retail or industrial. The Employment Center designation is far too broad and encompasses so many different land uses<sup>3</sup> that it is essentially carte blanche for properties that fall within this designation to build and develop essentially anything, ranging from industrial to residential. The result is that one property in the Employment Center designation could develop both residential use and industrial use, causing significant issues for both the residents who would reside there and the industrial and distribution facilities which would neighbor them.

Furthermore, the Draft Master Plan’s isolated designation of the MEPT Property as an Employment Center will thwart the Draft Master Plan’s intent to promote free-flowing traffic.

---

<sup>3</sup> These uses include, but are not limited to, “office, warehouse and distribution facilities and light industrial facilities...also supports flex space and research facilities...housing development.” Draft Master Plan pg. 8-4.



September 10, 2019

Page 4

Large numbers of trucks, both large and small, will be drawn to this development, particularly since it is not located near any freight system. Finally, the result of designating a portion of the Study Area as an Employment Center will be negative impacts on economic development, particularly the existing and contemplated hotels and retail centers in the Study Area. As noted by the New Jersey Department of Community Affairs, 1 job is created with every 1,000 square feet of warehouse space, whereas 2.8 jobs are created with every 1,000 square feet of retail development. The shortsightedness of designating the MEPT Property an Employment Center to encourage the development of a large distribution center will have negative long-term effects on job creation in the Study Area.

#### Traffic Report

The designation of the MEPT Property as an Employment Center will significantly increase the number of large trucks utilizing Daffy's Way, a small and narrow road that provides ingress and egress from Paterson Plank Road. Additionally, since Daffy's Way terminates at Paterson Plan Road, all the truck traffic to and from the MEPT Property must flow off of, and then back onto, Paterson Plank Road. This area of Paterson Plank Road is adjacent to the intersection of Paterson Plank Road and the Exhibit 16E off-ramp from the N.J. Turnpike, as well with Route 3, and as such is already a very high traffic area. This increase in truck traffic is not compatible with the adjacent commercial uses and consumer traffic to and from neighboring properties. The result will be increased traffic congestion and hazards, increased negative impacts on air quality, noise, vibrations and safety risks, as well as inconsistency with the Draft Master Plan's goals to promote access, circulation, and roadway capacity.

In sum, the Draft Master Plan's designation of the MEPT Property as an Employment Center thwarts the goals of the Draft Master Plan and fails to follow good planning policies. Rather, it's an improper attempt to violate Towers' due process rights by encouraging the development of a massive warehouse distribution facility while Towers' appeal remains pending and to the detriment of neighboring property owners.

Respectfully submitted,

Sills Cummis & Gross P.C.

*/s/ Joseph B. Fiorenzo*

Joseph B. Fiorenzo

September 10, 2019  
Page 5

Enclosures

# Exhibit A



COMMUNITY PLANNING  
LAND DEVELOPMENT AND DESIGN  
LANDSCAPE ARCHITECTURE

PRINCIPALS:  
*Joseph H. Burgis PP, AICP*  
*Edward Snieckus, Jr. PP, LLA, ASLA*

## PLANNING REPORT

# AN ANALYSIS OF THE DRAFT HACKENSACK MEADOWLANDS DISTRICT MASTER PLAN UPDATE 2020.

Prepared for Tower Associates  
BA#: 3504.XX

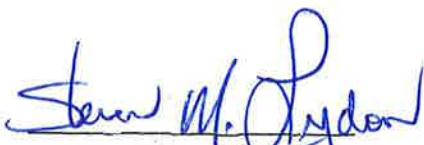
September 2019

## PLANNING REPORT

# AN ANALYSIS OF THE DRAFT HACKENSACK MEADOWLANDS DISTRICT MASTER PLAN UPDATE 2020

BA#: 3504.xx

The original document was appropriately signed and sealed on September 9, 2019 in accordance with N.J.A.C. 13:41-1.2.



Steve Lydon, P.P., AICP  
Professional Planner #3972

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## INTRODUCTION

Burgis Associates, Inc. has been retained by Tower Associates to prepare a planning report reviewing the Draft Hackensack Meadowlands District Master Plan Update 2020 ("Draft Master Plan") especially as applied to certain selected properties ("Study Area"). The Study Area is located in both the Town of Secaucus and the Township of North Bergen. The Study Area is south of Paterson Plank Road, west of Route 3 and north of Route 495.

This planning analysis will examine current land uses, existing conditions and prior master plan recommendations to determine if recommendations offered for the Study Area in the Draft Master Plan are consistent with goals and objectives recommended in the Draft Master Plan and if such recommendations are supportive of the public interest and further the general welfare of the Meadowlands District and the greater region of which the Meadowlands District is a part.

The Draft Master Plan generally speaking is a well written document containing though out goals and strategies well suited to the particular planning issues confronting the Meadowlands District. However, with regard to a portion of the Study Area, the recommendations reflected on the Land Use Map diverge from the previously enunciated planning strategies and goals and therefore our analysis reveals that the support and endorsement offered the Draft Master Plan can't be extended to the Land Use Map

Our analysis reveals that the currently designated land use classification for a portion of the Study Area should be modified from its currently proposed "Employment Center" classification to the land use classification, "Commercial Center" proposed for the remained of the Study Area.

This analysis presents the planning basis for altering the Draft Master Plan Land Use Map in several sections. The first two sections of the report include an introduction and brief description of the Study Area. The following section reviews relevant past planning and zoning documents adopted to promote the District's public health, safety, morals, and general welfare.

Specifically, the analysis contained herein offers the following for consideration:

1. The proposed Draft Master Plan recommendations meet generally accept planning practices. However, for a limited portion of the Study Area this is not so. Any subsequent rezoning consistent with this Land Use Plan recommendation for the southern portion of the Study Area are contrary to past Meadowlands District planning practice, the goals and strategies articulated in the Draft Master Plan and good planning practices. Instead of addressing the planning and zoning needs of the Study Area as a unified whole as in past planning efforts, the proposed Land Use Plan adopts different land use classifications for a limited portion of the Study Area, apparently not based on sound planning principles but rather on which municipality the property is located. A single property and a small

portion of a second vacant lot in the Study Area have been designated to be in a different and not complementary land use classification from the remaining Study Area.

2. The proposed land use classification and anticipated subsequent rezoning of one lot and a small portion of another within the Study Area will materially detract from and injure both the character and development potential of the balance of the Study Area.
3. The Land Use Plan recommendation pertaining to one lot and a portion of another in the Study Area fails to advance, and in fact is contrary, to the proposed goals and objectives established by the District for this Draft Master Plan.
4. The proposed land use classification boundaries in the Study Area seem not to have been drawn with due care. In one instance, a Study Area property has been included in the “Commercial Center” despite having a use more similar to those described as “Employment Center”. In a second instance, a relatively small lot has been split between the Commercial Center and Employment Center classifications apparently only because a municipal boundary line traverses through the lot.
5. The properties comprising the Study Area share a unique location that continues to benefit from investments made to and in public infrastructure. The Study Area occupies a key location where efforts to capitalize on past infrastructure investments can be promoted through creative redevelopment planning integrated into the existing fabric of the surrounding retail centers while simultaneously promoting Smart Growth commercial development.

In summary, the land use classifications proposed in the draft Land Use Plan and as applied to one Study Area property and a portion of a second fail to adequately consider the locational setting of the Study Area to the detriment of the public good and long-term viability of the Hackensack Meadowlands. Adoption of the alternative land use classification recommended herein offers to enhance and strengthen future land uses in the Study Area as well as the adjacent retail environment of which the Study Area could continue to play a vital role.

The analysis and conclusions herein provide the basis for the proposed alternate land use recommendation a which has been drawn with reasonable consideration to the character of this particular area and its peculiar suitability for particular uses. It also reveals that the alternate proposal affirmatively encourages an appropriate and efficient use of the Study Area in whole, to the benefit of residents both within and without of the Meadowlands District.



## DESCRIPTION OF STUDY AREA

The Study Area is physically located in both the Town of Secaucus and the Township of North Bergen. Tables 1 and 2 below identify the various properties comprising the Study Area, with Table 1 providing information on Study Area lots in Secaucus, while Table 2 provides the same information for Study Area lots in North Bergen.

Table 1  
Study Area Properties,  
Town of Secaucus

Block	Lot	Classification*	Location	Property Size	Owner
155	1.02	1 (Vacant)	1055 Rear of Paterson Plank Rd.	1.97 ac.	Towers Associates
155	1.03	1 (Vacant)	1 Daffy's Way	0.7 ac.	MEPT Lincoln Crossing, LLC
155	1.04	1 (Vacant)	1 Daffy's Way	0.6 ac.	MEPT Lincoln Crossing, LLC
155	4	4B (Industrial)	850 Paterson Plank Rd.	2.5 ac.	Mack Affiliates
155	5	4A (Commercial)	875 Paterson Plank Road	4.63 Ac.	Vee Jay Int. Corp.
155	6	1 (Vacant)	895 Paterson Plank Rd.	0.2	MEPT Lincoln Crossing, LLC
155	7	4A (Commercial)	1055 Paterson Plank Rd.	7.9 ac.	Towers Associates
				<b>Total 18.5 ac.</b>	

Source: Open Public Search System

\* NJ tax classification system

Table 2  
Study Area Properties,  
Township of North Bergen

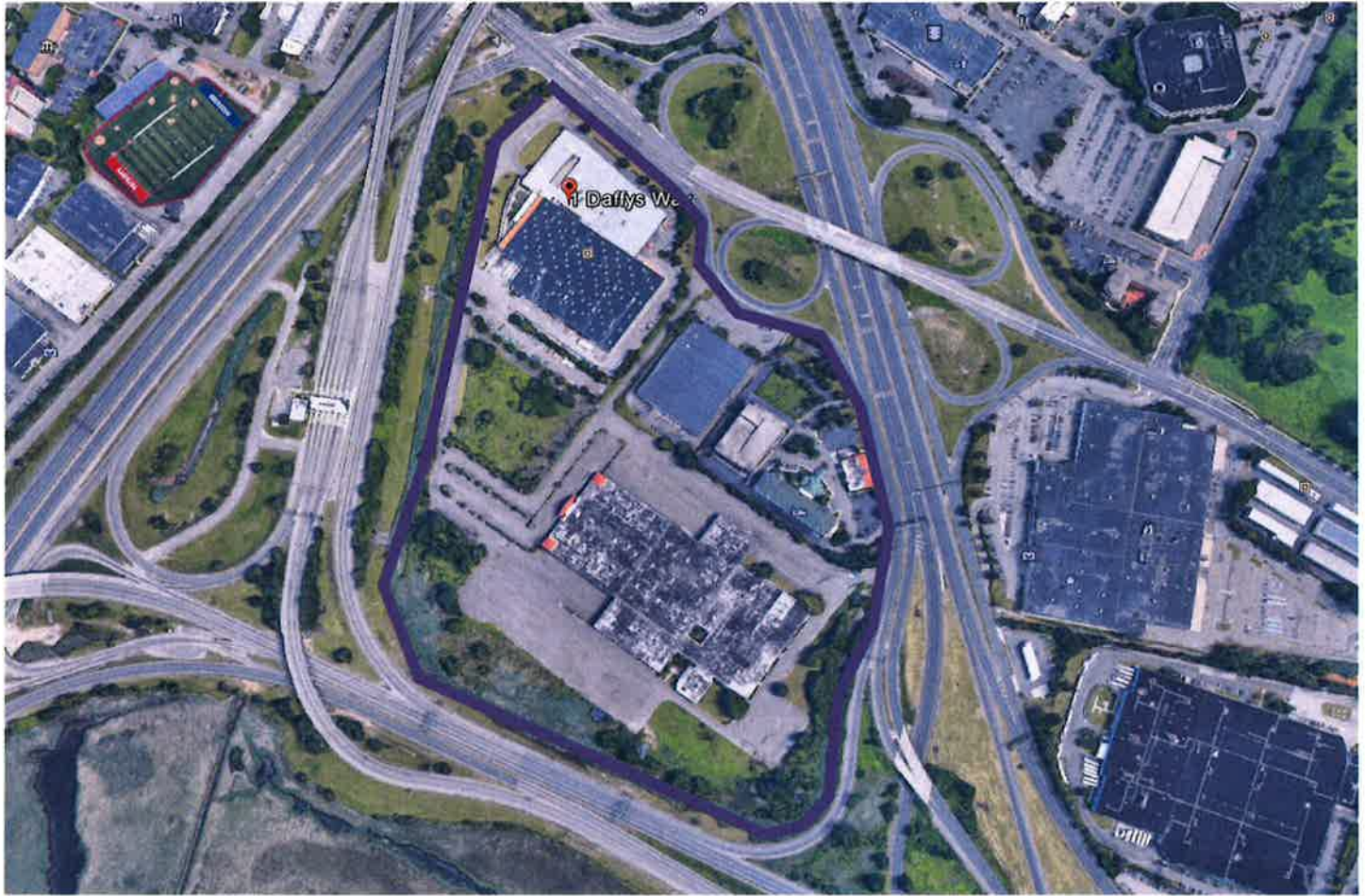
Block	Lot	Classification*	Location	Property Size	Owner
451.05	14.011	4B (Industrial)	2701 Rt. 3 East	19.6	MEPT Lincoln Crossing, LLC
451.05	14.011	4A (Commercial)	2701 Rt. 3 East	0	MEPT Lincoln Crossing, LLC
				<b>Total 19.6 ac.</b>	

Source: Open Public Search System

\* NJ Tax classification system

Based on information compiled from the Open Public Search System, slightly more of the Study Area is in North Bergen than is in Secaucus. The second listing in Table 2 is in response to a commercial billboard that was erected on the property in 2016. No land area is assigned to the billboard despite the fact the billboard is attached to the ground through its foundation and electrical system.

The Google image on the next page depicts the Study Area and its surrounding road network.



Source: Google

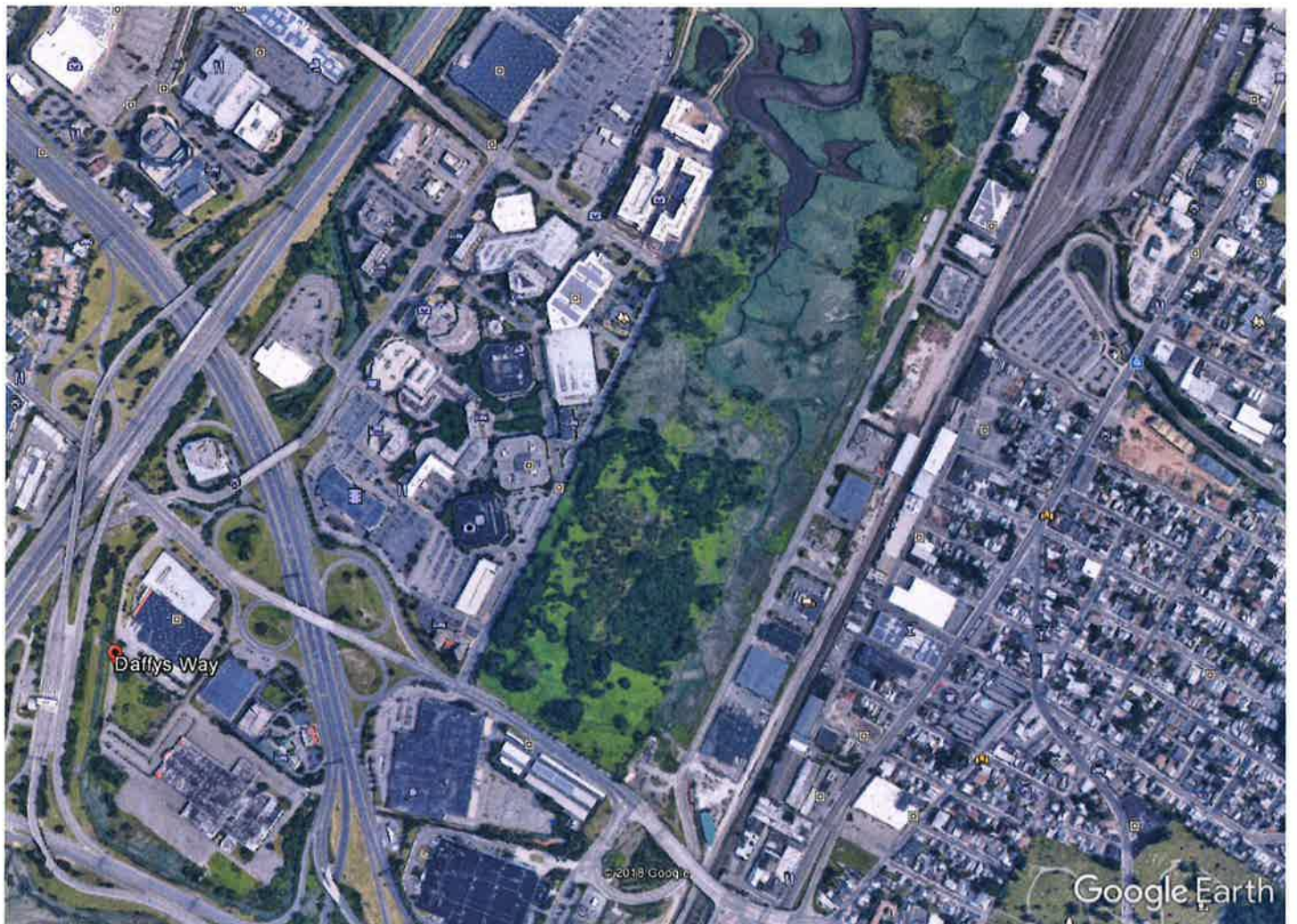
The Study Area in the above image, with north to the top, is bounded by the solid purple line. Although most readers are assumed to be familiar with the Study Area, the Secaucus Home Depot, owned by Towers Associates, is located in the center at the very top of the image. The vacant, partially treed area south of Home Depot is also owned by Towers Associates. The building adjacent to Home Depot is an older one-story warehouse building owned by Mack Affiliates. East of the Mack building is the Hilton hotel with garage and freestanding restaurant building owned by Vee Jay International Corporation. The building toward the southern boundary is owned by MEPT and is the former Daffy's headquarters building. This building when operating functioned as a mixed-use development containing corporate offices, retail space and a warehouse from which other Daffy store stocks were replenished. Roads and ramps under the jurisdiction of the New Jersey Turnpike Authority are west of the Study Area. Route 3 is east of the Study Area.

The vacant Towers Associates parcel and the parcel owned by MEPT have access only by means of long driveways constructed in easements and passing alongside other properties of the Study Area. In fact, the

vacant Towers property is notable for having one MEPT driveway on its eastern side and another MEPT driveway along its western boundary. Future development of the MEPT site will have significant ramifications upon both Towers properties.

The image on the following page places the Study Area in a regional context depicting more of the regional infrastructure serving the Study Area and regionally significant adjacent land uses. Among the regionally significant land uses are Harmon Meadow, various big box retail, large format electronics and home furnishing stores and numerous retail operations along Route 3. In addition to these non-residential developments, it is noted that the NJSEA recently adopted a redevelopment plan for a portion of the Harmon Meadow site which includes 469 units of housing. Construction of these units was recently completed.





# HACKENSACK MEADOWLANDS PLANNING AND ZONING DOCUMENTS

Hackensack Meadowlands Reclamation and Development Act. In 1969, the Hackensack Meadowlands Development Commission was created by passage of the Hackensack Meadowlands Reclamation and Development Act. The first Meadowlands District master plan was adopted in October 1970.

The Hackensack Meadowlands District Official Zoning Map adopted in November 1972, depicted the Study Area in the Light Industrial and Distribution A zone. The purpose of this zone was "to accommodate on large lots a wide range of industrial, distribution, commercial and business uses..."

Permitted uses in the Light Industrial and Distribution A zone included: business offices, scientific research and development, business providing supplies and or services to industrial and manufacturing entities, production, processing, manufacture, fabrication, cleaning, servicing, testing, repair or storage of goods, materials or products, wholesale establishments and facilities and light public utility uses.

Interestingly, both the Meadowlands District master plan Land Use Map and the Meadowlands Zoning Map treated the Study Area as a single, uniform, comprehensive entity, meaning despite the varied ownership interests, each of the lots in the Study Area was placed in the same land use classification and placed in the same zoning district. Earlier Meadowlands planning and zoning documents disregarded the municipal boundary line.

The 1972 Meadowlands District Official Map is reproduced on the following page.



STATE OF NEW YORK  
LEGISLATIVE BUDGET COMMISSION  
FISCAL YEAR 2011  
BUDGETARY IMPACT STATEMENT

Master Plan 2004. The first revision to the 1970 Meadowlands master plan was adopted in 2004 as the NJMC Master Plan. The 2004 Master Plan included a Vision Statement. A key component articulated by the Commission in the Vision Statement was the need *"to foster a sustainable regional economy."* (2004MP pg.1-4). A key means of achieving the Meadowlands Vision Statement was through the establishment of *"an integrated multi-modal transportation network;"* (2004MP pg.1-4).

The 2004 Master Plan noted that *"Strip/Highway commercial development is prevalent along the major highways and arterial roads throughout the District."* (2004MP pg. 3-9). A second plan observation noted *"The heaviest concentration of strip/highway commercial development in the District is located along the Route 3 corridor in Secaucus."* (2004MP pg. 3-9). Despite the above-noted observations Figure 3.2 of the 2004 Master Plan indicates just 1.2% of the land area in the 30.4 square mile Meadowlands District was used for Commercial Retail purposes. Typically, one would expect to see a dramatically higher percentage of retail development in a district with characteristics similar to the Meadowlands.

Seven goal statements were the foundation for the 2004 Master Plan. These goals were to be achieved through the application of Smart Growth planning principles and through the implementation of the seven (7) Transportation Systems Strategies identified in the NJMC Master Plan and expanded upon within Meadowlands Mobility 2030, a technical study adopted as part of the Meadowlands master planning process. This technical study, also adopted in 2004, is premised upon, *"successful realization of enhanced mobility is a primary key to unlock the promise of the Master Plan."* (Mobility2030 pg. 1). Meadowlands Mobility 2030 was a necessary planning document as the 2004 NJMC Master Plan recognizes that *"the roadways that traverse the District are among the most heavily traveled in the nation."* (2004MP pg.6-1). References is made to the Mobility 2030 document as it continues in full force and effect.

Several of the Transportation Systems Strategies that are particularly relevant to this analysis include:

Strategy 2: Improve the inter-relationship between land use and the transportation system through the NJMC's policies and regulations. Under this strategy all projects, both public and private, will be implemented only if mobility is assured.

Strategy 3: Promote vehicular free-flow throughout the District. Under this strategy, the Meadowlands Commission pledged to alleviate congestion and assure that conditions for the traveling and commuting public remain tolerable (Mobility 2030 pg. 2).

Strategy 6: Foster the development of an integrated intermodal freight system.

A key element of the NJMC Master Plan is the Land Use Map. The Land Use Map is described as *"the blueprint that guides the District's form."* (2004MP pg. 11-1). The Land Use Map depicts the entire Study Area in the Commercial Corridor land use classification. Other nearby properties this classification was applied to include Harmon Meadows, Mill Creek and other properties along both sides of Route 3.

The NJMC Master Plan Land Use Map has been reproduced on the following page.

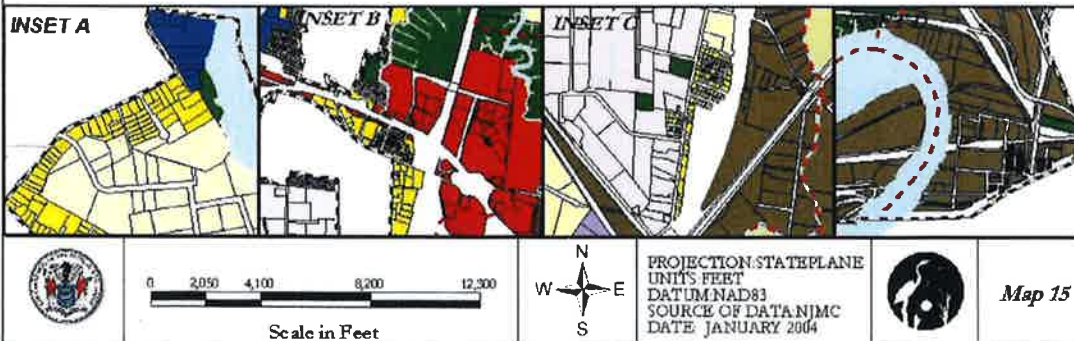
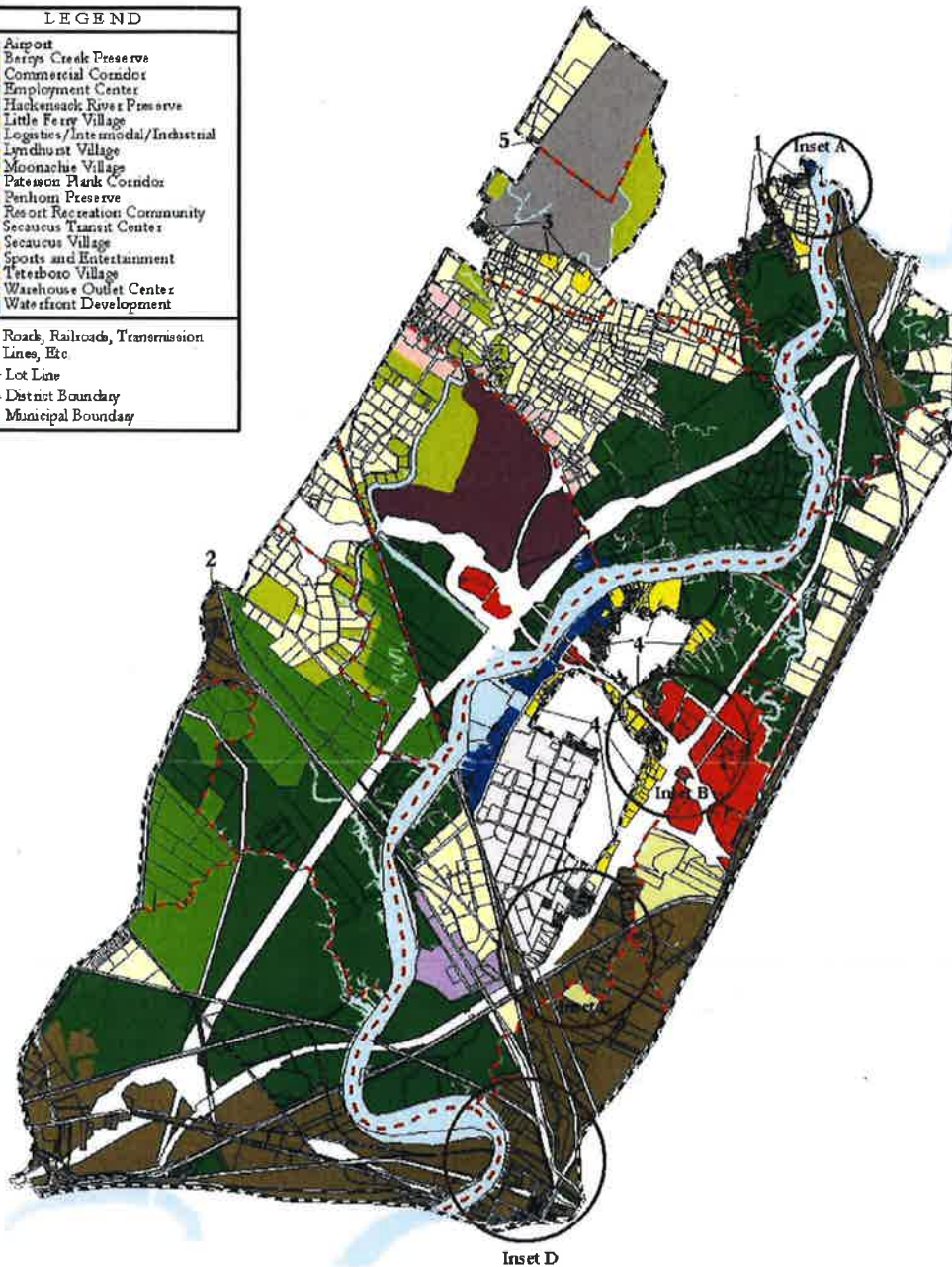


# MASTER PLAN

# LAND USE PLAN

## New Jersey Meadowlands Commission

LEGEND	
	Airport
	Barry's Creek Preserve
	Commercial Corridor
	Employment Center
	Hackensack River Preserve
	Little Ferry Village
	Logistics/Intermodal/Industrial
	Lyndhurst Village
	Moonachie Village
	Paterson Park Corridor
	Penhryn Preserve
	Resort Recreation Community
	Secaucus Transit Center
	Secaucus Village
	Sports and Entertainment
	Teterboro Village
	Warehouse Outlet Center
	Waterfront Development
	Roads, Railroads, Transmission Lines, Etc.
	Lot Line
	District Boundary
	Municipal Boundary



The NJMC Master Plan describes the intent of the Commercial Corridor to be:

*"The Commercial Corridor takes advantage of commercial retail opportunities along major transportation corridors. In addition to recognizing existing commercial centers, the Commercial Corridor designation promotes a range of commercial development uses, including community commercial centers, highway commercial development, big box retail, theme retail, commercial recreation facilities and office/hotel development."*

*The corridor includes the land adjacent to Route 3 in East Rutherford and Secaucus. Mill Creek Mall in Secaucus is a retail area already located in the corridor. The individual commercial uses with highway frontage along Route 3 in Secaucus are part of this district. Also added to this designation is the Sheraton Plaza area in East Rutherford which is in proximity to Interchange 16W of the New Jersey Turnpike. The commercial development of this area may be influenced by the redevelopment of the New Jersey Sports and Exposition property."*

The designation of the Study Area as an integral portion of the Commercial Corridor land use classification supports and implements the Smart Growth planning principles endorsed by the NJMC Master Plan. The NJMC Master Plan observes, *"Sprawl results when new development takes place in undeveloped area, removed from existing infrastructure."* (2004MP pg. 1-5).

The Study Area is in a location the master plan has acknowledged has some of the most congested roadways in the nation. Commercial developments draw a high percentage much of their traffic flow from the existing traffic stream. Consequently, retail use generates limited amounts of new traffic. When retail uses congregate as they do in shopping centers, and offer a wide mix of uses, one vehicle trip can have multiple trip ends. This bundling of trips promotes trip efficiency, reduces vehicle miles traveled, reduces automobile generated pollution loads and reduces uses of carbon energy sources.

Development of a fulfillment center within the Study Area would be generating new traffic to an already congested area. Introduction of new truck operations will negatively impact levels of service of nearby intersections. Since freight lines do not traverse the Study Area, introduction of a fulfillment center at this location would have the same impact as sprawl, new types of traffic being drawn to an area where such traffic does not already exist.

**District Zoning Regulations of the Hackensack Meadowlands District.** The Hackensack Meadowlands District Office Zoning Map, adopted on January 30, 2009, depicts the Study Area in the Regional Commercial zone district. This zone district *"is designed to accommodate commercial mixed used developments in compact*

*centers designed to be interrelated to provide a mitigating effect upon peak hour traffic that would normally be generated from single commercial users."*

Permitted uses in the Regional Commercial zone include each of the following uses:

1. Banks;
2. Business services;
3. Commercial recreation, indoor;
4. Commercial recreation, outdoor;
5. Convention centers;
6. Cultural facilities;
7. Day care facilities;
8. Health care centers;
9. Hotels and motels;
10. Movie theaters;
11. Offices;
12. Parks or recreation facilities;
13. Personal services;
14. Public utility uses, light;
15. Restaurants;
16. Retail;
17. Self- storage facilities; and
18. Social services.

Permitted special exception uses in the Regional Commercial zone district include:

1. Communications transmission towers;
2. Essential public services; and
3. Helistops.

Reviewing the list of permitted uses and special exception uses it is clear this zone designation advances the NJMC Master Plan goal of encouraging consistent and compatible land uses while also fostering Smart Growth principles.

The Regional Commercial zone designation represented a significant departure from the previously established Light Industrial and Distribution A zone. The earlier zone permitted a wide range of uses from offices to fabrication to manufacture facilities. The new Regional Commercial designation is more focused on meeting the retail sales and service needs of consumer already in the traffic flow.

Significantly, the 2004 NJMC Master Plan and the 2009 Official Zoning Map consistently apply planning principals to the entirety of the Study Area. This is critical as these properties are tightly bound together. Specifically, access is available from Paterson Plank Road, so properties in the northern portion of the Study Area potentially could be significantly impacted depending by the quality and quantity of traffic generated by southern Study Area properties.

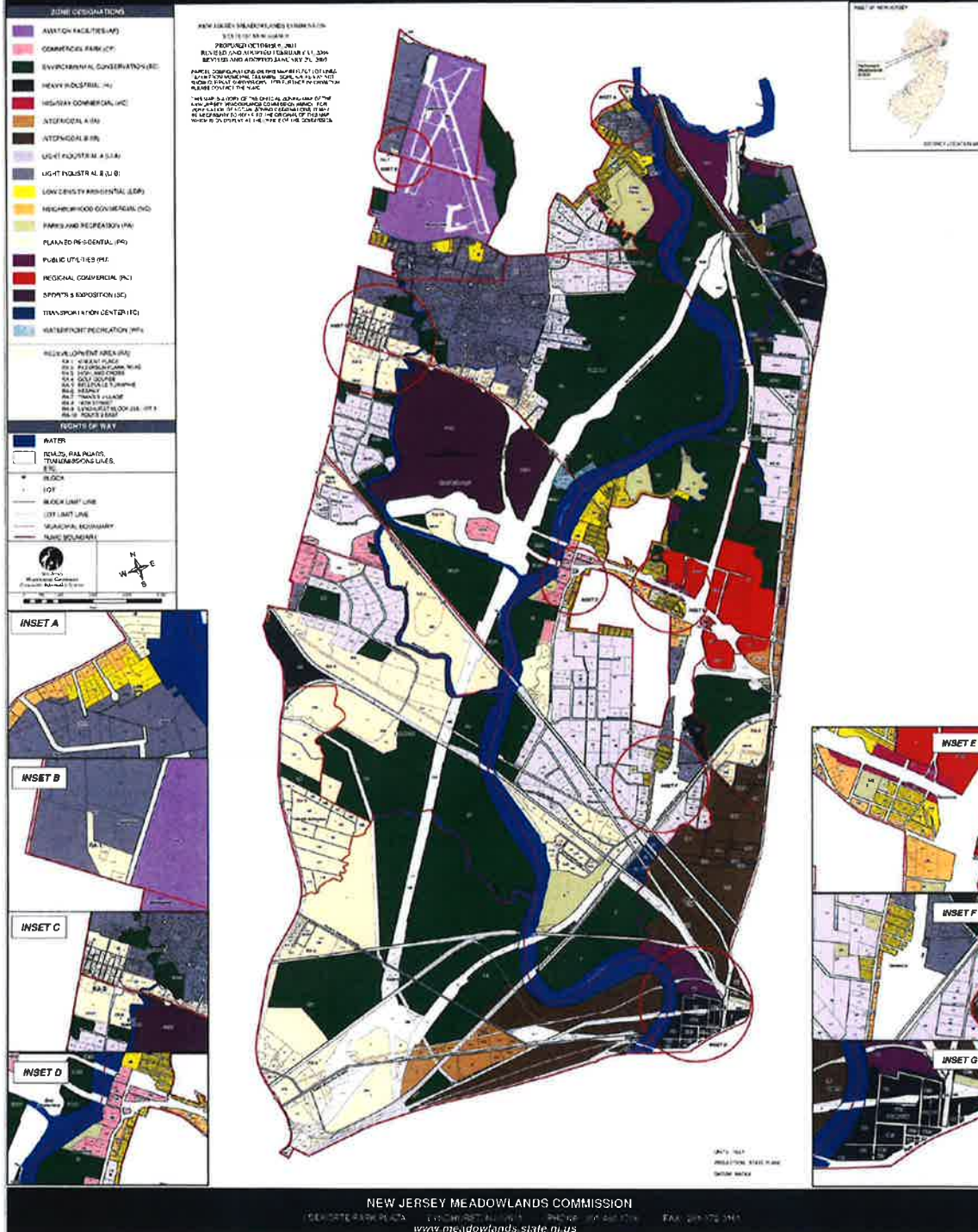
In addition, the size of the Study Area, when viewed as a whole, is of a size to achieve the diversity of complementary uses the planning and zoning documents are seeking. Furthermore, this large massing of property is necessary to take advantage of economies of scale and to encourage development of commercial centers designed to be interrelated to mitigate peak hour traffic. Diverse ownership of property in the Study Area is not a bar to achieving the desired land use results.

Adopted NJSEA planning and zoning documents when viewed in their totality are remarkably supportive in their treatment of the properties comprising the Study Area. These documents through the application of Smart Growth planning principles authorize the development and redevelopment of properties in a compatible fashion, seeking to establish a retail community designation along the Paterson Plank Road/Route 3 corridor and achieve these results in a manner faithful to the goals and objectives contained in Meadowlands Mobility 2030.

A copy of the current Official Zoning Map for the Hackensack Meadowlands District is on the following page.



# Hackensack Meadowlands District Official Zoning Map



Draft Hackensack Meadowlands District Master Plan Update 2020. A draft master plan has been prepared for the Meadowlands District. To guide the preparation of later sections of this plan, 11 goal statements are offered for adoption. The goals statements relevant to this analysis include:

1. To promote a suitable array of land uses that encourages economic vitality with job creation and support the public health, safety, and general welfare. This goal statement pledges the "NJSEA will promote a diversity of uses to support the well-being of people and places in the District." and in addition, "Infill development will consider the character of the existing built environment in and around the area it proposes to occupy. Buffers between uses of differing intensities will continue to be utilized to minimize impacts to existing land uses." (Draft Master Plan pg. 1-7).
2. To foster the Meadowland economy in a manner that stimulate job growth and prosperity. The goal statement indicates the NJSEA will seek to provide "high quality employment opportunities through prudent land use policies." (Draft Master Plan pg. 1-7).
3. To promote a regional transportation network that improves the mobility of people and freight, fuels economic development, and minimizes negative impacts upon the environment. The NJSEA in the Draft Master Pan commits to "Consider the impacts of its lands use policies and decisions upon the transportation network and requires mitigation of those impact to the fullest extent practical." In addition, the NJSEA states it is committed to "promote the efficiency and safety of the region's transportation network." (Draft Master Plan pg. 1-9).

The Draft Master Plan's Land Use Plan, also known as "Area Plans" segments the District into a dozen Planning Areas. Planning Areas of heightened interest in this planning analysis include "Commercial Center" and "Employment Center". Commercial Centers are those that "accommodates regional commercial retail opportunities, generally along major transportation corridors." (Draft Plan pg. 8-3). The Land Use Plan identifies 4 locations where this designation is applied: East Rutherford, Kearney, Teterboro and Secaucus in the vicinity of Route 3. It is notable that most but not all of the Study Area has been included in the Commercial Center land use classification. The MEPT property and a small portion of the vacant Towers property have been removed from the Commercial Center land use designation. Reasons for the removal include, "visibility, access and/or circulation constraints..." (Draft Plan pg. 8-3). It is noted that much if not most of the Harmon Meadow properties also share the lack of visibility, access and/or circulation constraints, yet the draft Land Use Plan maintains these properties in the Commercial Center designation.

"Employment Center" is described as providing a large number of jobs. Employment Centers include "land uses such as office, warehouse and distribution facilities and light industrial facilities... also supports flex space and research facilities. The Area Plan calls for centers with a concentration of industrial and warehouse

*distribution businesses, business and professional services and the continuation of office development.”* (Draft Plan pg. 8-4). It is further noted that some properties in the Employment Center have been “*deemed suitable to accommodate housing development...*” (Draft Plan pg. 8-4).

The following page contains a copy of the Hackensack Meadowlands District Master Plan Update 2020 Land Use Plan.



# HACKENSACK MEADOWLANDS DISTRICT MASTER PLAN 2020

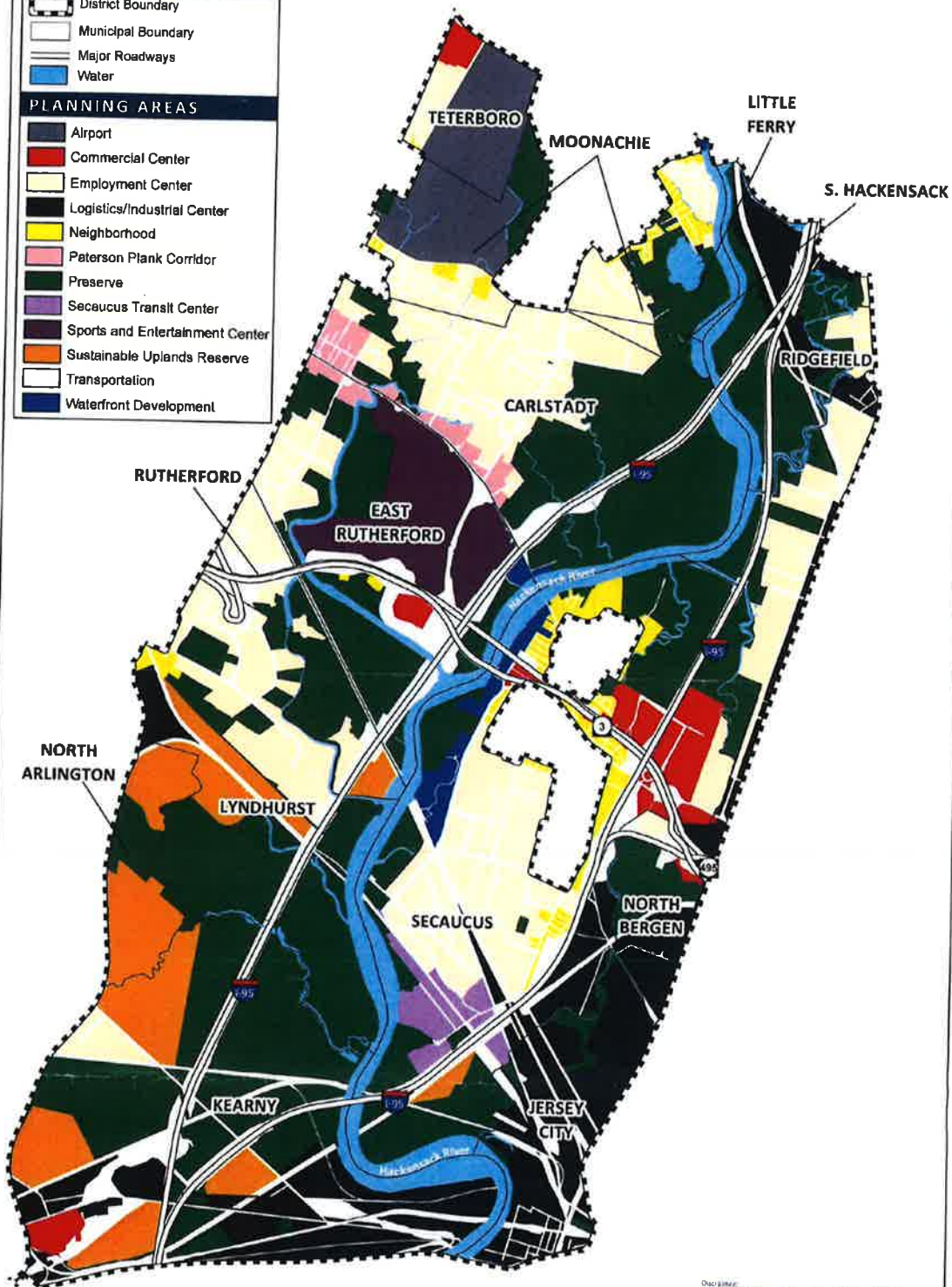
## LAND USE PLAN

### LEGEND

- District Boundary
- Municipal Boundary
- Major Roadways
- Water

### PLANNING AREAS

- Airport
- Commercial Center
- Employment Center
- Logistics/Industrial Center
- Neighborhood
- Peterson Plank Corridor
- Preserve
- Secaucus Transit Center
- Sports and Entertainment Center
- Sustainable Uplands Reserve
- Transportation
- Waterfront Development



Disclaimer:  
This map was created using GIS data. The information provided on this map is provided "as is" with no warranty of any kind. This is neither an official state map nor state endorsement, it is for information and planning purposes only.



Units: US Survey Feet  
Datum: North American Datum 1983  
Coordinate System: NJ State Plane  
Data Source(s): MERI, NJDEP, NJDOT



**LAND USE  
PLAN**

**Map 16**

Prepared By: Meadowlands Environmental Research Institute (MERI) Geographic Information Systems (GIS)



# ANALYSIS OF HACKENSACK MEADOWLANDS DISTRICT MASTER PLAN UPDATE 2020

Our analysis of the proposed Land Use Plan supports and endorses the Commercial Center land use designation for the majority of the Study Area. This designation supports existing nearby retail centers and will draw its customer base from those already on the area's roadways. This designation will also lead to employment gains for the Meadowlands District.

Unfortunately, we can't support or endorse the Employment Center designation on a portion of the Study Area. In our planning opinion this designation at this location does not represent good planning or zoning practices. In addition, we believe this designation is contrary to many of the Draft Master Plan's goals and strategies. The reasons for this planning conclusion are detailed below.

1. We first point out "Employment Center" does not fall within one of the traditional use group categories that have typically been used when preparing land use maps. Example of typical use group categories include but are not limited to the following: offices, health care, retail, industrial and residential. Employment Center is too general a term and if one reviews the Draft Master Plan one sees it encompasses many different land uses, land uses with different operating characteristics. As just one example, offices typically have much different operating characteristics than distribution facilities. The physical plant of these uses is much different as well. This hinders one in the preparation of a well-designed zoning regulation.

In addition to the lack of focus associated with Employment Center, residential use and development is called out as a permitted use in this classification. There are several obvious concerns with this. Typically, one would expect a distribution facility to operate long hours, perhaps around the clock. Truck traffic in and around distribution centers is very high, creating noise, light glare, elevated particulate pollution loads and safety concerns. Typically, distribution centers have very high percentages of impervious surfaces and little in landscape or other amenities. These concerns are heightened when residential development is permitted in the midst of a distribution center.

Late arriving residents can be expected to make trouble for industrial or distribution facilities to the point of trying to force them to curtail operations, or even to the point of trying to force the relocation of the industrial user. Permitting and locating residential developments in a land use classification similar to the one described in the Employment Center compromises both the non-residential as well as residential land use, and for this reason these uses are typically not mingled but separated.

2. Past and current planning practice in the Meadowlands District has stressed concern over mobility and implementation of Smart Growth planning principles. The Draft Master Plan is true to these past and current planning practices. A goal contained in the Draft Master Plan is to promote a regional transportation network that improves mobility of people and freight, fuels economic development and minimizes negative impacts upon the environment. Additional examples include Mobility 2030's

strategy to improve the inter-relationship between land use and the transportation system and promoting vehicular free-flow throughout the District. Another example of integrating mobility concerns with land use designations is the strategy of fostering the development of an integrated intermodal freight system. These strategies were adopted since Mobility 2030 recognized “successful realization of enhanced mobility is a primary key to unlock the promise of the Master Plan.” (Mobility 2030 pg.1).

Encouraging development of a distribution center on a portion of the Study Area is contrary to each of the above noted goals and strategies. Freight rail lines traverse the Meadowlands District, but notably they are absent in, or adjacent to, the Study Area. To achieve the adopted strategy of fostering integrated intermodal freight systems, all new distribution and fulfillment centers should be developed at or near freight rail lines. Developing a fulfillment center in the Study Area is contrary to and defeats the adopted Mobility 2030 strategy of developing an integrated intermodal freight strategy.

Development of a large-scale fulfillment center in the Study Area will thwart implementation of the strategy promoting free-flow of traffic through the District. Large numbers of trucks, both large and small, will be drawn to such a development in the Study Area. As this particular section of the District is well known for its congestion, introduction of a distribution center will be the catalyst for additional truck traffic since each of these trucks represent new traffic to the area. The facts and figures upon which this statement is based have already been provided to the NJSEA as part of a development application submitted on behalf of MEPT and we reference them here so this data and the conclusions drawn from them can be included in the record of these proceedings. Additional trucks heading to and coming from a distribution center will also without doubt lead to additional car/truck accidents and elevated levels of particulate pollution generated by truck diesel engines. Instead of fueling economic development, the negative impacts of such a use will hinder economic development, especially of the existing and contemplated hotels in the Study Area.

Placing a portion of the Study Area in the Employment Center deviates in a negative way from these past practices. Creating a commercial corridor to develop and flourish where Paterson Plank Road and Route 3 come together allows for mutually beneficial compatible and consistent land uses. Land uses which do not overtax the carrying capacity of circulation infrastructure since much of the traffic is pass-by traffic, that is, traffic already on the roads. In addition, in large-scale commercial centers, one trip often leads to multiple shopping or dining experiences without the need to drive on public roadways to get from site to site.

3. Development of a distribution center within the Study Area is contrary to the Draft Master Plan recommendation to promote a suitable array of land uses that encourages economic vitality with job creation. A distribution center will have significant negative impacts on the Hilton Garden hotel and the contemplated hotel planned for the vacant Towers Associates site. In fact, development of a distribution center on the MEPT site may well prevent development of a hotel on the vacant Towers Associates site.

Job creation is a goal of the Draft Master Plan. New Jersey's Department of Community Affairs estimates that 2.8 jobs are created by every 1,000 square feet of retail development. The same department estimates that only 1 job is created with every 1,000 square feet of warehouse space. Thus, development of a distribution center on a portion of the Study Area will reduce employment opportunities in the District, in direct conflict with the above stated Draft Master Plan goal. Since a goal of the NJSEA is to provide "high quality employment opportunities" in the District, continuing past planning practices of designating the entire Study Area in the Commercial Center land use classification should be continued.

4. Land use boundaries proposed for the Study Area do not seem to have been properly vetted. In the Study Area the boundary between the Commercial Center and Employment Center appears to have been created by use of the municipal boundary between Secaucus and North Bergen, this creates some peculiar results. The Mack building is a warehouse building located in Secaucus. The Land Use Plan designates this property in the Commercial Center with the boundary between land use classifications running along its rear property line. Likewise, the small portion of the Towers Associates vacant lot in North Bergen upon which construction of a hotel is contemplated is designated in the Employment Center. The balance of this property located in Secaucus is in the Commercial Center land use classification. Since this lot is relatively small and access will be from Towers Drive (AKA Daffy's way) there seems to be no valid planning principle for placing this property in two land use classifications based upon which municipality the property is located.
5. Rather than advancing legitimate Meadowlands District goals and strategies to further the general welfare, the designation of the MEPT parcel in the Employment Center classification seems designed to advance the development goals of a private entity to the significant detriment of legitimate public interest goals. This is not a valid purpose of planning and zoning authority.

## CONCLUSION

The planning analysis set forth herein reveals that the Draft Master Plan is a well-crafted document with many aspects worth celebrating. The same can not be said for the proposed Land Use Map. An improved planning outcome for the Study Area can be achieved and the public welfare advanced through a revision to the Land Use Plan. Careful consideration of District planning goals and strategies strongly support the conclusion that the Commercial Center land use classification should be applied to the entirety of the Study Area, not just the portion in Secaucus. The recommendation to designate the North Bergen portion of the Study Area in an Employment Center should be deleted. The proposed master plan amendment recommendation contained herein represents an appropriate, desirable and sustainable use of the Study Area to the benefit of the Meadowlands District and will further the general welfare, not just the private corporate interests of one property owner. The basis for these conclusions is set forth in the body of this report.

# Exhibit B

September 4, 2019

Joseph B. Fiorenzo, Esq.  
Sills, Cummis & Gross, PC  
One Riverfront Plaza  
Newark, New Jersey 07102

**RE: Draft Hackensack Meadowlands  
District Master Plan Update 2020  
Proposed Zone Plan Amendment  
Block 451.05, Lot 14.011 North Bergen  
Block 155, Lots 1.03, 1.04 & 6 Secaucus  
BCG File No. 080905-C2-001**

Dear Mr. Fiorenzo:

As requested, we have reviewed the Draft Hackensack Meadowlands District Master Plan Update 2020 with specific focus to the transportation aspects of changing the land use designation for the above referenced parcels from Commercial Corridor to Employment Center. These referenced parcels and the other four adjacent parcels are set apart as they are bounded by Paterson Plank Road, Route 3 and the NJ Turnpike ramp system. We find the proposed zone and land use change to an employment center from commercial to be inconsistent and incompatible from a transportation perspective with the adjacent uses and in a broader context given the setting of these parcels. The basis for this conclusion is set forth in the following paragraphs.

The applicable goals and objectives of the Hackensack Meadowlands District Master Plan are as follows:

6. To promote a regional transportation network that improves the mobility of people and freight, fuels economic development, and minimizes negative impacts upon the environment.
7. To increase the security and resiliency of the District and its neighboring areas by mitigating hazards and risks.

The proposed land use and zone change for the above referenced parcels does not support these goals of the Master Plan for the following reasons:

- An employment center use, in this specific case a fulfillment center, will have a significant negative impact on mobility on the adjacent roadways as all of the traffic will be new to the highway network. In addition, a much larger percentage of this traffic will be truck traffic, including the largest tractor trailers permitted on NJ highways, which have a disproportionate impact on traffic operations.
- Peak hour traffic will range from 230 AM trips to 440 PM trips and over 2700 trips daily
- As an employment center, the access and circulation system for the subject lot would need to be segregated from the adjacent commercial uses as the character of traffic would not be compatible with the adjacent uses, particularly given the high truck traffic.
- Negative impacts on the environment, particularly air quality, would increase with the higher truck traffic and attendant congestion caused by the level of activity generated by a fulfillment center.
- A commercial development on the subject parcel could be integrated with the adjacent uses and have a more symbiotic relationship with other similar land uses within this area as compared to introducing a completely different land use.
- The increased truck traffic and the constrained access to the subject site will increase traffic hazards and not provide for safe and efficient traffic movements.
- The increased truck traffic will negatively impact air quality, noise, vibrations and create greater safety risks by mixing disparate traffic streams in an already congested roadway network.

The Circulation Plan (Section 6) identifies that Route 3 is one of the most heavily traveled roads in the region and in the nation. The subject site is located directly adjacent to an interchange between Paterson Plank Road and Route 3. This interchange was also identified in the 2007 Meadowlands District Transportation Plan as needing improvements. The increase in truck traffic will exacerbate operational conditions at the intervening intersections, at the interchange ramp junctions and along the mainline roadways.

The trips generated by the fulfillment center will all be new trips to the highway network, specific destination with no pass-by trips and no internal trips within the surrounding commercial area. This is exacerbated by the types of vehicles associated with a fulfillment center, with a high percentage of truck traffic from single unit trucks to large tractor trailers.

The Systems Plan (Section 7) addresses the interrelationship among various categories affecting the District as a whole, of which Transportation is one of these categories. Objective 2 of the Transportation category is to "Improve the inter-relationship between land use and the transportation system through the NJSEA's policies and regulations". This proposal to amend the zoning to permit an employment center within the commercial corridor runs counter to this objective. The commercial corridor is comprised of retail shopping uses, restaurants, hotels, the Meadowlands Exposition Center and office space. The introduction of a fulfillment center, with its attendant truck traffic and constant flow of traffic is inconsistent from a traffic operations and flow characteristics perspective.



This proposed land use change will have a greater impact on the capacity of the transportation network as the larger percentage of truck traffic will decrease operating speeds and negatively impact the general flow of traffic. The development proposal also does not promote safe and efficient on-site circulation, not only within the project but along Daffy's Way, by separating truck and passenger vehicles. Daffy's Way is currently the sole access for the Home Depot and this will be used as a primary route for truck traffic to enter and exit the proposed parcels to be zoned for an employment center. Further, internal circulation within the subject site does not provide separation between trucks and passenger vehicles due to the access arrangement.

Objective 5 includes the encouragement of appropriate spatial orientation of structures in relation to the surrounding streetscape and to promote "Complete Streets" principles by creating dedicated pedestrian areas and safe pedestrian linkages among various uses. The proposed building is surrounded by parking areas, loading facilities and trailer storage spaces. There is no orientation of the building to the streetscape or pedestrian environment. The only pedestrian accommodation is a sidewalk along the curb line of Daffy's Way placing pedestrian directly against the truck traffic and other traffic traveling to and from the proposed fulfillment center.

Therefore, from a transportation planning perspective, the introduction of an employment center, particularly for a fulfillment center, is inconsistent with the goals and objectives of the Draft Hackensack Meadowlands District Master Plan Update 2020. This proposal is inconsistent from the perspective of traffic operations, access, circulation, roadway capacity, the inter-relationship of land uses and Complete Streets principles. This amendment would introduce an incompatible land use, with incompatible traffic and transportation demands, into the Commercial Corridor Zone negatively impacting the existing uses within this area.

Very truly yours,  
BOWMAN CONSULTING GROUP, LTD.



Eric L. Keller, P.E., P.P., LEED AP  
Vice President  
[ekeller@bowmanconsulting.com](mailto:ekeller@bowmanconsulting.com)

cc: L. Gero  
T. Brennan



# Exhibit C

# Sills Cummis & Gross

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August 30, 2019

## **Via Email**

Ms. Cathy Vonk  
NJSEA  
One DeKorte Park Plaza  
PO Box 640  
Lyndhurst, NJ 07071

Re: Summary of the August 28, 2019 Phone Conversation with NJSEA

Dear Ms. Vonk:

We write as a follow-up to the telephone conversation held August 28, 2019 regarding Sills Cummis & Gross P.C.'s ("Sills") Open Public Records Act ("OPRA") requests originally submitted on July 11, 2019 ("July OPRA Request"). The telephone conversation was between myself, Adam Levy ("Levy"), Sharon Mascaro ("Mascaro") and Cathy Vonk ("Vonk"). The intent of our telephone conversation was to resolve certain requests made in the July OPRA Request which NJSEA stated were not "identifiable government records" since NJSEA deemed them "overly broad."

Originally, on July 24, 2019, NJSEA responded to our July OPRA Request and claimed that almost all requested items were denied on the grounds that the requested documents were "draft/consultative/deliberative and are therefore not public records" ("Deliberative Privilege"). After our office objected to the broad use of the Deliberative Privilege on August 13, 2019 ("August Letter"), the NJSEA responded on August 22, 2019 and stated that it would review records responsive to Requests 2 and 3 and produce any records exempt from the Deliberative Privilege, but that the remaining requests were not "identifiable government records" because the requests were "overly broad."

August 30, 2019

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During our phone call yesterday, Mr. Levy acknowledged that the NJSEA's blanket claim of the Deliberative Privilege in its July 24, 2019 response to the July OPRA Request "probably didn't apply" to a number of the requested documents. As such, NJSEA was going to produce non-privileged documents responsive to requests 2 and 3. Mr. Levy also acknowledged that NJSEA initially only claimed the Deliberative Privilege to the July OPRA Request. It was only after Sills submitted its August Letter that NJSEA claimed requests 1, 5 and 6 were "overly broad." Mr. Levy also acknowledged they are likely required to provide a privilege log for documents redacted or withheld under the Deliberative Privilege and would do so upon our request, though they would likely produce the log after documents have been produced.

Thereafter, I tried to clarify what information Sills sought and to determine how to amend our July OPRA Request to include requests that would not be "overly broad." Specifically, I stated we were seeking, in part, information regarding Towers' property and neighboring MEPT Lincoln Crossing's ("MEPT") property in relation to the Draft Hackensack Meadowlands District Master Plan Update 2020 ("Draft Master Plan"). I stated we were seeking information about why there was certain land use changes in the Master Plan related to these two properties, including communications with MEPT regarding those land use changes.

In response, Ms. Mascaro discussed how the Draft Master Plan was created. Ms. Mascaro said the creation of the Draft Master Plan was very "fluid" and that the NJSEA staff that worked on it would not have many emails, correspondences, reports or memorandum documenting their changes or decision-making. Rather, the NJSEA staff often discussed modifications orally, usually at once-a-week meetings, and many changes were made based on the "institutional knowledge" of the NJSEA staff. For example, Ms. Mascaro acknowledged that the NJSEA staff that worked on the Draft Master Plan were aware of the use variance NJSEA granted to MEPT and the ensuing litigation that has occurred between MEPT and Towers. Ms. Mascaro stated that NJSEA's staff "utilized" their knowledge of the use variance granted to MEPT when suggesting new land uses on MEPT's property and surrounding properties. Ms. Mascaro stated that the Draft Master Plan was not a property-by-property study but a summary of what the NJSEA staff believes has occurred in the area since the 2004 Master Plan was released and what was projected to occur in the future, including recommendations for future studies.

In discussing how to modify the July OPRA Requests so that they are not "overly broad," Ms. Vonk suggested tailoring the requests to the specific property or the specific sections of the Draft Master Plan. Today, we submitted three new OPRA requests that were drafted based on the suggestions and advice provided during the conference call. These narrower searches should be sufficient to constitute an "identifiable government record" and allow NJSEA to respond – either producing documents or stating that no responsive documents exist.

Please let me know if you have any questions or concerns, or seek to clarify any of the points above. We also request that a privilege log, or Vaughn Index, be provided for any

August 30, 2019

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documents redacted or withheld on the basis of a privilege.

Sincerely

Sills Cummis & Gross P.C.

*/s/ Marshall Dworkin*

Marshall Dworkin

# Exhibit D

**Archived:** Monday, September 9, 2019 4:59:00 PM

**From:** OPRA

**Sent:** Fri, 6 Sep 2019 15:47:42

**To:** Leonard Gero

**Cc:** Adam Levy; Marshall Dworkin

**Subject:** RE: OPRA response

**Sensitivity:** Normal

---

Len,

To clarify the NJSEA's responses to your recent requests:

In response to your 8/23/19 request for "all the 2018 and 2019 correspondence of the new 2020 Master Plan regarding all communications of any kind relating to the MEPT site, North Bergen," we have no responsive documents.

In response to your 9/5/19 request for "all correspondence relating to the proposed rezoning of the Mori Tract...for the 2020 Master Plan," we have no responsive documents.

Thank you

Cathy

---

**From:** Leonard Gero [mailto:lgero@andovercompany.com]

**Sent:** Friday, September 06, 2019 2:17 PM

**To:** OPRA

**Subject:** OPRA response

**Caution: This is an External Email. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Cathy,

Regarding your email response today.

Just to set the record straight, so I understand it clearly, NJSEA is responding that there were no communications or discussions regarding the change of zoning for the MEPT site for 2018 or 2019, correct?

Len

---

**From:** OPRA <OPRA@njsea.com>

**Sent:** Friday, September 6, 2019 10:18 AM

**To:** Leonard Gero <lgero@andovercompany.com>

**Subject:** RE:

We have no documents responsive to this request.

---

**From:** Leonard Gero [mailto:lgero@andovercompany.com]

**Sent:** Thursday, September 05, 2019 2:45 PM

**To:** OPRA

**Subject:**

Caution: This is an External Email. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please acknowledge receipt of this request.

Len Gero

**Mia Petrou**

---

**From:** Don Torino <greatauk4@gmail.com>  
**Sent:** Monday, September 9, 2019 9:21 PM  
**To:** Master Plan; Mia Petrou  
**Subject:** Master Plan comments ATTN Mia Petrou

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Caution: This is an External Email. Do not click links or open attachments unless you recognize the sender and know the content is safe.

**As A lifelong resident of the NJ Meadowlands and President of Bergen County Audubon Society (local chapter of national Audubon Society) I was deeply disappointed on the lack of acknowledgement and protections of the many threatened and endangered species of wildlife that are present in the meadowlands . Case in point is the selling off of the Kingsland and Avon landfills with absolute disregard for the nesting Savannah Sparrows (NJ State threatened species) and the American Kestrels, Northern Harriers and peregrine falcons that depend on that area and the others like to survive .**

**Sadly I see more of the report concerned about development and where the so called economic growth will be rather than being concerned about what the Meadowlands commission(Now the NJSEA) was created to do , protect the unique wildlife of the meadowlands for future generations**

**Personally it hurts me to view a plan for the future that I could have expected from the Old "Development Commision" and as I now can see not much has changed**

**Don Torino  
6 Helen drive, Moonachie NJ 07074**



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September 10, 2019

## VIA HAND DELIVERY

Mia Petrou  
Principal Planner  
New Jersey Sports and Exposition Authority  
One DeKorte Park Plaza  
Lyndhurst, New Jersey 07071

Re: Secaucus Brownfields Redevelopment LLC  
Block 7, Lot 4, and Block 3, Lot 4, Town of Secaucus  
Comments to Draft Hackensack Meadowlands District Master Plan Update 2020

Dear Ms. Petrou:

On behalf of Secaucus Brownfields Redevelopment LLC, please accept this letter and its enclosures as a formal submission of comments to the draft Hackensack Meadowlands District Master Plan Update 2020.

Enclosed please fifteen (15) copies of the following documents:

1. Planning Report Providing Comments on the August 2019 Draft Hackensack Meadowlands District Master Plan Update 2020, prepared by George D. Cascino, PE, PP, dated September 9, 2019;
2. Redlined version of the draft Hackensack Meadowlands District Master Plan Update 2020 containing proposed revisions; and
3. Proposed revisions to the draft Hackensack Meadowlands District Master Plan Update 2020, containing only the proposed revisions.

*Received  
9/10/19  
4pm  
Kelly King*

Ms. Mia Petrou, Principal Planner  
September 10, 2019  
Page 2

These documents are being submitted in addition to the oral comments made by Greg Allen of Secaucus Brownfields Redevelopment LLC at the NJSEA public hearing number 1.

The comments to the draft Hackensack Meadowlands District Master Plan Update 2020 relate to property owned by Secaucus Brownfields Redevelopment LLC, and designated on the Secaucus Tax Maps as Block 7, Lot 4, and Block 3, Lot 4. The property is also known as the former Malanka landfill site.

If you have any questions, please do not hesitate to call. Thank you.

Respectfully submitted,



Adam J. Faiella

AF

Enclosures

**PLANNING REPORT**  
**PROVIDING COMMENTS ON**  
**THE AUGUST 2019 DRAFT**  
**HACKENSACK MEADOWLANDS DISTRICT**  
**MASTER PLAN UPDATE 2020**

**PREPARED FOR**  
**SECAUCUS BROWNFIELDS REDEVELOPMENT, LLC**  
**11 Birch Street**  
**Midland Park, NJ 07432**

**PREPARED BY**  
George D. Cascino, P.E., P.P.  
Professional Engineer & Professional Planner  
2 East Greenbrook Road  
North Caldwell, NJ 07006

Project #08-11

The original document was appropriately signed and sealed on September 9, 2019 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners

George D. Cascino, P.P.  
Professional Planner No. 1096

## TABLE OF CONTENTS

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III	Current Zoning	3
IV	Zoning History of Subject Sites	4
V	Proposed 2020 Master Plans	5
VI	Comments/Requests for Plan Modifications	7

## LIST OF EXHIBITS

Exhibit 1	Google Aerial, circa 2008 depicting Block 7, Lot 4 & Block 3, Lot 4 & Adjacent Land Uses
Exhibit 2	Subject property depicted on current 1/20/09 Zoning Map as Environmental Conservation.
Exhibit 3	Subject property depicted on current Jan. 2004, Master Plan.
Exhibit 4	Subject properties depicted on proposed 2020 Master Plan.
Exhibit 5	Secaucus resolutions in support of rezoning.

## SELECTED BIBLIOGRAPHY

Hackensack Meadowlands Master Plan, Dated 5/1/70

N.J. Meadowlands Commission Master Plan, Dated 2/17/04.

NJSEA Proposed Master Plan, Dated August 2019

N.J. Meadowlands Commission District Zoning Regulations NJSC 19:4-1.1, Et Seq., Revised Through 3/6/06, With Updates Through 1/20/09.

Boundary Survey, Block 3, Lot 4, Town Of Secaucus, Prepared By T&M Associates, Dated 10/10/08, Revised 11/17/08.

Boundary Survey, Block 7, Lot 4, Town Of Secaucus, Prepared By T&M Associates, Dated 10/10/08, Revised 11/17/08.

Planning Report In Support Of A Petition To Amend The Official Zoning Map Of The New Jersey Sports And Exposition Authority, Block 3 Lot 4 & Block 7, Lot 4, Secaucus, Prepared By George D. Cascino, P.E.,P.P., Dated 9/5/19.

Site Suitability Determination In Accordance With Interim Policies Governing Affordable Housing Development In The Meadowlands District, Block 3, Lot 4 & Block 7, Lot 4 Secaucus, Prepared By George D. Cascino, P.E., P.P., Dated 9/5/19.

Overall Aerial Plan With Landfill Access Prepared By Michael R. Thomas, P.E., of T&M Associates, Dated 4/27/16.

## **SECTION I INTRODUCTION**

I have been retained by Secaucus Brownfields Redevelopment, LLC, to provide comments on their behalf in relation to the Draft August 2019 Hackensack Meadowlands District Master Plan Update 2020 in regards to its potential impact on their two properties in Secaucus, identified on the current tax maps as Block 7, Lot 4 and Block 3, Lot 4, sites of 30.42 acres and 36.6 acres, respectively.

By way of history, beginning in the late 1960's, and extending until 7/1/78, the properties were utilized as sanitary landfills.(AKA Malanka) At the time the landfills stopped accepting solid waste the properties had been filled to elevations approximately 50' and 70' on the northerly and southerly sites, respectively.

This Report will first briefly describe the history of the zoning of the subject properties beginning with the Hackensack Meadowlands Comprehensive Land Use Plan of October 1970, continuing through the NJMC Zoning Map of 1/20/09, up to the drafted Master Plan Update 2020.

## SECTION II Property Description

The subject properties are comprised of two separate tax lots, a northern site and a southern site. These two tax lots are adjacent, by virtue of connecting access easements, and generally separated only by the Boonton Rail Line. The northern site (30.42 acres) is generally bounded by the former PSE&G power plant property\* to the east, the Boonton rail line to the south, and the high speed Amtrak railroad tracks on the northwest, with the NJ Turnpike just beyond. The southern site (36.6 acres) is generally bounded by the former PSE&G power plant property to the east, the Hackensack River to the south, wetlands to the west with the high speed Amtrak less than 400 feet beyond, while a rail line (Boonton line - NJ Transit) is directly adjacent on the north. (See Aerial Exhibit 1). Presently both sites have historic roadway access by easements to public streets.

Both parcels are currently zoned by the NJSEA as Environmental Conservation. **There are no wetlands located on either parcel.** Both parcels are located in a Zone X Flood Zone as shown on FEMA Map #34003CO264 H, dated 8/28/19. As such, it is in an area outside of a 500 year flood plain.

\*Portions of this property are presently (August 2019) undergoing an evaluation by NJSEA as to whether or not the portion east of Penhorn Creek lying in Jersey City is in need of redevelopment.

### **SECTION III Current Zoning**

On 2/17/04 the NJMC revised the zoning for the subject parcels changing them from a previous Research Park Zone to an Environmental Conservation Zone. At that time Secaucus Brownfields expressed their objections to this rezoning, but to no avail. The current Environmental Conservation Zoning continues to be applicable to the present day.

The District Master Plan Update 2020 contains a Land Use Plan which depicts the northerly site in a Planning Area identified as “Sustainable Uplands Reserve”, and the southerly site as in Planning Area “Preserve.” **The purpose of this report is to express the concerns of Secaucus Brownfields as to the impact of such designations on the subject properties,** as they understand that the Master Plan lays the ground work for an ultimate formulation of amended District zoning regulations.



## **SECTION IV   Zoning History Of Subject Sites**

**Hackensack Meadowlands Comprehensive Land Use Plan - October 1970.** This first Master Plan produced by the HMDC depicted both subject parcels in an area planned for uses associated with rail terminals.

**HMDC Zoning Map - Adopted 11/8/72.** The HMDC's first zoning map depicted both sites to be in a Research Park Zone.

**NJMC Zoning Map - Revised and Adopted 9/27/78.** This revised zoning map continued to depict both sites in a Research Park Zone.

**NJMC Zoning Map - Revised through 5/13/03.** This revised zoning map continued to depict both sites in a Research Park Zone.

**NJMC Zoning Map - Adopted 2/17/04.** This zoning map was enacted so as to be ostensibly consistent with the adoption in January of 2004 by the NJMC of an updated Master Plan. For the first time since the original 11/1/72 Zoning Map, this revised Zoning Map **changed the zoning for both subject parcels from the Research Park Zone to the Environmental Conservation Zone.**

**NJMC Zoning Map - Adopted 1/20/09.** This revised and current zoning map reflected several zoning changes enacted since the 2/17/04 version. The zoning changes enacted during this timeframe did not affect either subject site which remained in an Environmental Conservation zone.

**Summary of Zoning History** - The 40 year history of the zoning of the subject sites began in 1970 with Rail Terminal, became Research Park in 1972, and only became Environmental Conservation in 2004.

## **SECTION V Proposed 2020 Master Plans**

The NJSEA has recently released for public comment an August 2019 Draft of an update to their 2004 Master Plan to become effective in 2020. Section 3 (Land Use) of the Plan, at Page 3-1, states “This analysis lays the groundwork for the formulation of an updated land use plan and, **ultimately, amended District zoning regulations.**” Furthermore, Section 7 (Systems Plan) at Page 7-8, contains a Strategic Action Plan – Economic Development System. Sub-Section 1 thereof states “Prepare amendments to District Zoning Regulations to implement the goals and objectives of this Master Plan, including changes to the official zoning map to implement the 2020 Land Use Plan.”

Map #16 within the 2020 Plan changes the proposed Land Use Designation for the subject parcel from “Hackensack River Preserve” (as it is depicted in the 2004 Master Plan) to “Sustainable Upland Reserve” for the northerly site and retains a similar “Preserve” designation for the southerly site (2020 Plan).

**Northerly Site-** Sustainable Uplands Reserve Planning Area is defined at Section 8(1)(A)(10) as a planning area associated with landfill areas, including the Malanka Landfills. It describes the principal objectives of this area classification calling for the proper closure of the landfills using techniques that are proven to protect the environment, and thereafter, to allow for uses that promote economic development in a manner that avoids negative impacts to the environment. Furthermore, it describes that landfills in this planning area may be utilized for uses including certain forms of environmentally sound development that can reasonably be accommodated on landfill areas given the site constraints while preserving the integrity of remedial/closure measures. Finally, it suggests that these landfill areas be repurposed to benefit the Meadowlands environment and economy.

**Southerly Site** – The Master Plan depicts this site as in a “Preserve”. The Plan at Page 8-6 states this Planning Area “... permits uses that are consistent with the preservation of open space and habitat protection and enhancement.”

## **SECTION VI Comments/Requests For 2020 Plan Modifications**

Secaucus Brownfield Redevelopment, LLC, requests the following multi-step actions for the former Malanka landfill sites (Block 3, Lot 4 and Block 7, Lot 4, Secaucus, NJ):

1. Re-zone the properties now from Environmental Conservation Zone to the current Transportation Center Zone;
2. Re-classify the properties to the Planning Area that is currently named “Secaucus Transit Center”;
3. Rename the “Secaucus Transit Center” planning area to “Meadowlands Tourism and Transit Center” planning area to more appropriately reflect the intended future uses and express the regional impact of the area;
4. Revise the guidelines for the “Meadowlands Tourism and Transit Center” to encourage convention centers and supporting development such as hotels, extended stay facilities, retail space, office space, film studios, and transportation centers; and
5. Eventually re-zone the property to reflect the appropriate zoning district for the planning area and permit the above-stated uses.

Currently, both parcels are zoned “Environmental Conservation (EC).” The most recent draft 2020 Land Use Plan proposes to include Block 7, Lot 4 in the “Sustainable Uplands Reserve” planning area and Block 3, Lot 4 in the “Preserve” planning area.

Please note that the proposed suggested revisions to the Master Plan are separate and distinct from the comments that will be listed below in this Planning Report. In addition to the Planning Report, we will be submitting redlined versions of the Master Plan that incorporates our proposed revisions.

**In support of the requested actions, Secaucus Brownfield Redevelopment, LLC offers: (i) this Planning Report providing comments on the August 2019 Draft Hackensack Meadowlands District Master Plan Update 2020, prepared by George D. Cascino PE, PP**

**dated September 9, 2019, and (ii) proposed suggested revisions to the Draft Hackensack Meadowlands District Master Plan Update 2020.** Also, in support of and under separate cover for the proposed re-zoning from Environmental Conservation Zone to the current Transportation Center Zone, Secaucus Brownfields Redevelopment, LLC offers: (iii) the Site Suitability Determination, prepared by George D. Cascino, PE, PP, dated February 5, 2009 and revised September 5, 2019, and (iv) the Planning Report in Support of a Petition to Amend the Official Zoning Map of the New Jersey Sports & Exposition Authority, prepared by George D. Cascino, PE, PP, dated September 5, 2019.

In addition, Secaucus Brownfields Redevelopment, LLC offers the following comments on the Draft Hackensack Meadowlands District Master Plan Update 2020.

- Chapter 1, Section IV., pages 1-6 through 1-11.
  - The requested re-classification furthers the following goals and objectives for the Hackensack Meadowlands District: “2. To promote suitable array of land uses that encourages economic vitality with job creation and supports the public health, safety, and general welfare”; “3. To foster the Meadowlands economy in a manner that stimulates job growth and prosperity”; “4. To create a sense of place that captures the character and identity of the Meadowlands”; “6. To promote a regional transportation network that improves the mobility of people and freight, fuels economic development, and minimizes negative impacts upon the environment”; and “11. To deliver the vision of this Master Plan in solidarity with other District stakeholders.”
  - “2. To promote suitable array of land uses that encourages economic vitality with job creation and supports the public health, safety, and general welfare.” The proposed re-classification to the planning areas aligns with the description of this goal on page 1-7. Specifically, the re-classification would “incorporate smart growth policies” to “encourage redevelopment within compact, walkable centers with access to transit . . . recreational amenities . . . and promote transportation options to reduce automobile traffic and dependency.” This proposed infill development will “consider the character of the existing built environment in and

around the area it proposes to occupy,” and “support a sustainable Meadowlands population and economy.”

- “3. To foster the Meadowlands economy in a manner that stimulates job growth and prosperity.” The proposed re-classification furthers the goal to “build upon the District’s economic foundation and continue to generate quality tax ratables for the District’s constituent municipalities through . . . attracting new businesses to the District, and providing high quality employment opportunities through prudent land use policies.” Further, the requested re-classification fits into the “exception opportunities for new development to sustain the expansion of the Meadowlands economy” in one of the scarce vacant, developable land. A world-class convention center will also “attract a growing number of visitors to the Hackensack Meadowlands District.”
- “4. To create a sense of place that captures the character and identity of the Meadowlands.” Permitting the proposed uses would further the creation of a “Meadowlands identity as a place of exemplary quality where people live, work, play, and visit.”
- “6. To promote a regional transportation network that improves the mobility of people and freight, fuels economic development, and minimizes negative impacts upon the environment.” A transportation center at the former Malanka site and the proposed roadway improvements will meet each of the components of this goal, including mitigating impacts on the transportation network, promoting a wider range of transportation choices, expanding mass transit opportunities, and easing congestion on the roads.
- “11. To deliver the vision of this Master Plan in solidarity with other District stakeholders.” If the former Malanka site is re-zoned to “Secaucus Transit Center,” then development on the property can further the solidarity of the Master Plan with other Meadowlands District stakeholders by taking advantage of the District being a hub for commercial development with easy access to major highways, rail, and mass transportation.

- Chapter 2, Section V., page 2-17.
  - The proposed re-classification of the planning area fits into the goals of various incentive programs, including but not limited to E. Film and Digital Media Tax Credit Program, and F. Brownfields Programs.
- Chapter 3, Section II.B.1., page 3-12.
  - As stated in the draft Master Plan, the amount of lands dedicated to transportation use has decreased. This decrease needs to be considered in light of the increase to demands for transportation uses. The requested re-classification of the former Malanka site to permit a transportation center will help counter the decrease in land dedicated to transportation uses and meet the needs for transportation uses.
- Chapter 3, Section V., page 3-29.
  - As shown in Figure 3.11, the 2004 Master Plan Estimate predicted and planned for more non-residential use than what has been completed through December 2018, especially the amount of commercial, office, and hotel use. The proposed re-classification will assist the District with its goal of meeting the 2004 Master Plan Estimate.
- Chapter 5, Section II., pages 5-3 through 5-5.
  - We request that the former Malanka site is removed from Figures 5.1 and 5.2, assuming that it is included in these figures. Alternatively, the classification of the property should be revised to reflect that the site is being restored in accordance with NJDEP regulations for landfill closure.
- Chapter 6, page 6-1.
  - The requested re-classification of the planning area to permit a transportation center, as well as office, hotels, extended stay facilities, retail, film studios, and a convention center, meets all of the goals stated in the introduction of the Circulation Chapter. A transportation center will “facilitating the safe and

efficient movement of people and goods,” “provide a safe and secure transportation system for motorized and non-motorized users and increase mobility for all including people with disabilities,” and help increase the capacity to meet the challenges with new development. The mix of the transportation center with the other proposed use will provide the right balance of creating new development and growing commerce and jobs with “maintaining and improving the transportation network serving the Meadowlands District and the greater region.”

- Chapter 6, Section II.A., pages 6-3 and 6-9.
  - The proposed transportation center will assist in meeting the challenges described in the draft Master Plan to the roadway network. In particular, the proposed transportation center and improvements to the roadways to Secaucus Junction will increase access to public transit. Access to public transit is especially needed as such access is described as limited in many parts of the region and the District on page 6-3.
  - Further, the proposed transportation center and roadway improvements will help meet the continuing challenges to traffic management stated on page 6-9, which include “increased travel demands, the deterioration of existing roadway infrastructure, and the integration of emerging technologies into legacy systems used for traffic operations, planning, and management.”
- Chapter 6, Section II.B., pages 6-10 and 6-11.
  - The proposed transportation center will also help meet the challenges to the mass transit network. As noted on page 6-10, “Secaucus Junction remains among the busiest transit stations, with average weekday boarding of over 26,000 passengers in 2017.” Secaucus Junction is in desperate need of additional parking for the massive amount of passengers, and the transportation center will help meet this need.

- The proposed transportation center will create a new park-and-ride facility. Privately-operated commercial parking facilities are described on page 6-11 as having “allowed more passenger vehicle commuters to park and utilize the rail station at Secaucus Junction, and created a weekend market for ‘day trippers’ who park and take the train to New York City.” As suggested in our proposed revisions to the Master Plan, additional park-and-ride facilities and transportation centers can help alleviate traffic and congestion in the District, and these are particularly needed as traffic demands continue to increase, especially as new development such as the American Dream is constructed.
- Chapter 6, Section II.C.2., page 6-15.
- The draft Master Plan describes the proposed construction of New Road which is designed to reduce congestion and traffic on the existing roadways. The proposed transportation center will provide synergies to the proposed New Road by providing additional parking spaces and roadway improvements and further reducing congestion and traffic.
- Chapter 6, Section IV., pages 6-23 and 6-24.
- An additional transportation will increase the interconnectivity and capacity to meet current and future traffic demands of the District’s transportation network, which the Conclusion of the Circulation Chapter states are required for the District.
- The draft Master Plan describes the underutilization and challenges for public mass transit at the top of page 6-24. The proposed transportation center and roadway improvements will increase the use of public mass transit and increase the availability to use public mass transit. The proposed development near Secaucus Junction offers better comprehensive planning than the current situation of employment centers lacking access to transit.



- Chapter 7, System 1, Objective 3, page 7-3.
  - The proposed development of the former Malanka landfill site meets this objective by creating a transit-oriented development, infill development, mixed-use development, additional parking, and enhancing mass transit as an alternative to automobile travel.
- Chapter 7, System 2, pages 7-5 through 7-8.
  - The requested re-classification of the planning area and proposed development perfectly aligns with the goal to improve the economic development system. As the draft Master Plan states, emphasis will be placed upon redevelopment and infill development, which is what is being proposed here.
  - The proposed convention center meets objective number 1, to cultivate a sense of place unique to the District. The proposed development includes a world-class convention center that will attract visitors from all over the world. The proposed convention center will also create a greater place recognition for the District; further cement the District as a desirable location to live, play, and work; and improve connectivity among the commercial, entertainment, and transit uses in the District.
  - The requested re-classification also meets objective 2 by promoting the redevelopment of properties in the District. Re-classifying the former Malanka landfill site will allow the redevelopment of the site to improve the tax base, attract businesses, create jobs, and promote the cleanup of a former landfill site. This will also utilize the regulatory process to incentivize development.
  - The proposed re-classification and roadway improvements should also strengthen partnerships to support the District's economic base, meeting objective number 3, by working with Secaucus, the New Jersey Transit, and the New Jersey Turnpike Authority.

- The first part of the Strategic Action Plan for the Economic Development System is being requested here – to amend the District zoning regulations and Official Zoning Map to implement the goals and objectives of the Master Plan.
- Chapter 7, System 3, pages 7-8 through 7-11.
  - The proposed development furthers the first four objectives to improving the transportation system.
  - Objective 1. The roadway improvements enhance coordination and cooperation among local and regional transportation agencies, including coordination with the New Jersey Transit and the New Jersey Turnpike Authority. The roadway improvements and the development as a whole meets the goals that are stated for updating the Meadowlands District Transportation Plan 2045 by promoting economic vitality; increasing mobility, safety, and security for motorized and non-motorized users by increasing mass transit use; and improving the quality of life for residents in the District.
  - Objective 2. Re-classifying and re-zoning the property will utilize the NJSEA's policies and regulations to improve the inter-relationship between land use and the transportation system. Changing the zoning will expand transit oriented development through a mix of supportive uses, promote a safe and efficient circulation for vehicles, and would support investment in regional transportation improvements without the need to assess additional transportation mitigation impact fees.
  - Objective 3. The proposed transportation center will provide additional efficient transportation options for residents within the District and will support public transit, an efficient mode of transportation. It will also expand access to transit facilities, thereby improving mobility at critical links in the transportation system, reducing traffic, improving traffic flow, and increasing safety.

- Objective 4. The proposed transportation center and roadway improvements will promote transportation interconnectivity, create a new park-and-ride facility for rail access, and encourage the use of alternative transportation such as public transit.
- The request here is similar to the second part of the Strategic Action Plan for the Transportation System. We are requesting the NJSEA to review and revise the District zoning regulations and Official Zoning Map to utilize and encourage better transportation methods and developments.
- Chapter 8, Section I.A., page 8-1, and Section I.B.8., page 8-7.
- We have incorporated our proposed change to the name of the “Secaucus Transit Center” planning area to “Meadowlands Tourism and Transit Center” planning area. However, we did not move the location of this planning area to keep the planning areas in alphabetical order because doing so could confuse the proposed substantive changes to the planning area description. Once the substantive description is finalized, then the location of the planning area could be moved if the proposed name change is accepted.
- Chapter 8, Section I.B.8., page 8-7.
- The requested re-classification fits perfectly with the description of the “Secaucus Transit Center,” which is proposed to be re-named to the “Meadowlands Tourism and Transit Center.” The former Malanka site is positioned to connect to the Secaucus Junction and promote commercial development near the Secaucus Junction. This would help create a true transit village. The potential development would take special consideration of traffic and its potential impacts to the capacity of the local and regional street network by making roadway improvements and constructing a transportation center, both of which will relieve traffic on the local and regional street network. The convention center will use the area’s mass transit infrastructure as a destination, rather than as a starting point, which the draft Master Plan states is preferred.

- Chapter 8, Section II.H., page 8-17.
- The requested re-classification and development furthers the following goals and opportunities of Meadowlands Vision 2040: “1. Promote a diversified economy that capitalizes on the location and assets of the Meadowlands, providing jobs for a range of skill levels in the regional workforce that support the development of new businesses built on innovation and advanced technology as well as the traditional industries of the district”; “2. Provide the framework for a balance of complementary land uses that maintains fiscal stability, a high quality of life, and efficient mixed uses that focus density around accessible centers and thus leverage infrastructure investments”; “4. Support the provision of an efficient, user friendly (parking, bike, pedestrian facilities to transit) network of bus, rail and highway facilities that provide connection within the District and to the metropolitan area, supporting access to jobs, tourism/entertainment, residential and freight movements”; and “7. Create an identity for the New Jersey Meadowlands as a unique destination for business, recreation, shopping and entertainment as well as reinforcing its unique economic significance and linkages with New York City and the Northeast region.”







# Hackensack Meadowlands District Official Zoning Map

## ZONE DESIGNATIONS

- AVIATION FACILITIES (AF)
- COMMERCIAL PARK (CP)
- ENVIRONMENTAL CONSERVATION (EC)
- HEAVY INDUSTRIAL (HI)
- HIGHWAY COMMERCIAL (HC)
- INTERMODAL A (IA)
- INTERMODAL B (IB)
- LIGHT INDUSTRIAL A (LI-A)
- LIGHT INDUSTRIAL B (LI-B)
- LOW DENSITY RESIDENTIAL (LDR)
- NEIGHBORHOOD COMMERCIAL (NC)
- PARKS AND RECREATION (PA)
- PLANNED RESIDENTIAL (PR)
- PUBLIC UTILITIES (PU)
- REGIONAL COMMERCIAL (RC)
- SPORTS & EXPOSITION (SE)
- TRANSPORTATION CENTER (TC)
- WATERFRONT RECREATION (WR)

- REDEVELOPMENT AREA (RA)
- RA-1 VINCENT PLACE
- RA-2 PATTERSON PLANK ROAD
- RA-3 HIGHLAND CROSS
- RA-4 GOLF COURSE
- RA-5 BELLEVILLE TURNPIKE
- RA-6 KEARNY
- RA-7 TRANSIT VILLAGE
- RA-8 16TH STREET
- RA-9 LYNCHURST BLOCK 228, LOT 3
- RA-10 ROUTE 3 EAST

## RIGHTS OF WAY

- WATER
- ROADS, RAILROADS, TRANSMISSION LINES, ETC.
- 10' BLOCK
- LOT
- BLOCK LIMIT LINE
- LOT LIMIT LINE
- MUNICIPAL BOUNDARY
- NJMC BOUNDARY



NEW JERSEY MEADOWLANDS COMMISSION  
STATE OF NEW JERSEY  
PROPOSED OCTOBER 6, 2003  
REVISED AND ADOPTED FEBRUARY 17, 2004  
REVISED AND ADOPTED JANUARY 20, 2009

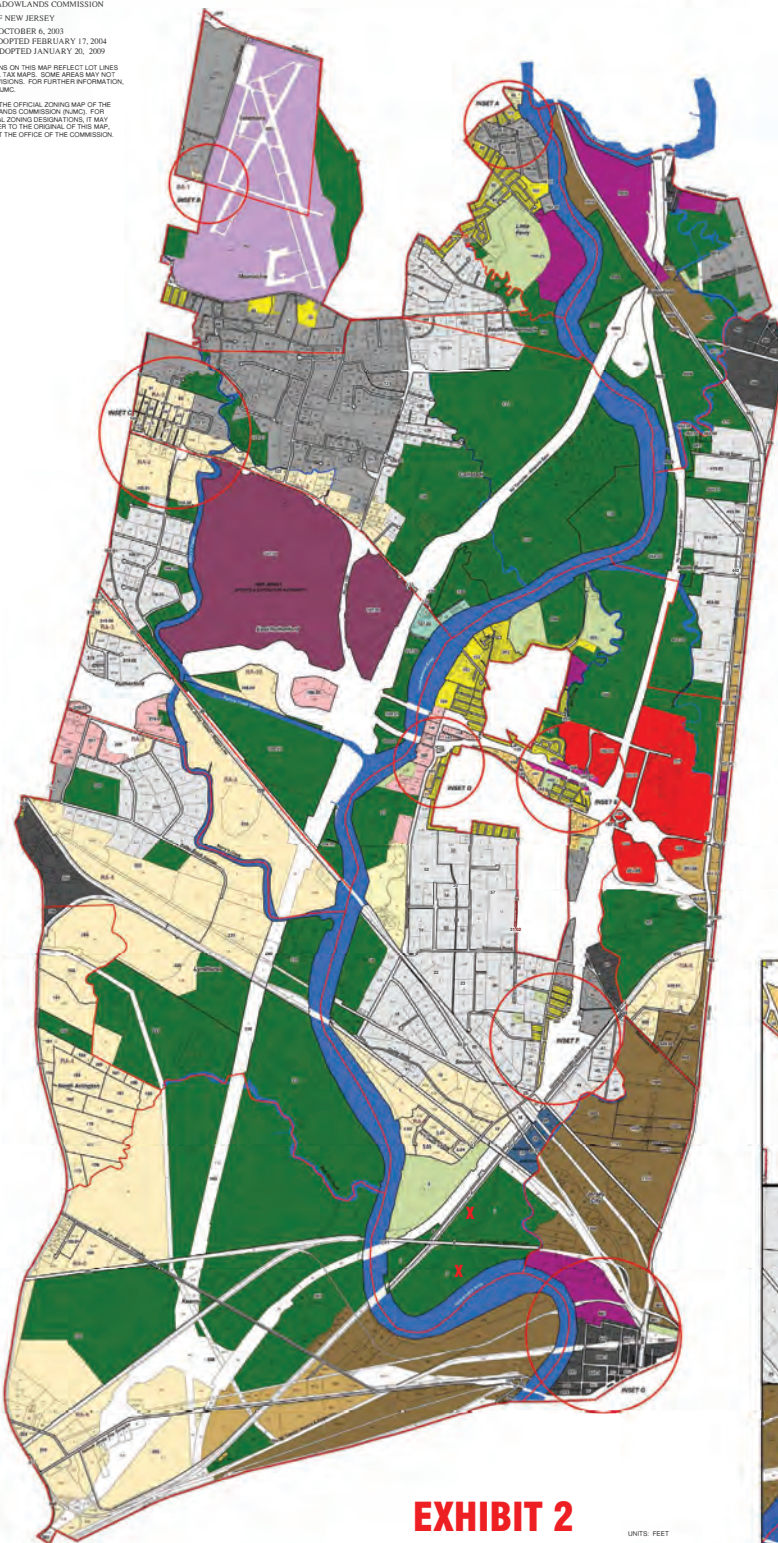
PARCEL CONFIGURATIONS ON THIS MAP REFLECT LOT LINES TAKEN FROM MUNICIPAL TAX MAPS. SOME AREAS MAY NOT SHOW CURRENT SUBDIVISIONS. FOR FURTHER INFORMATION, PLEASE CONTACT THE NJMC.

THIS MAP IS A COPY OF THE OFFICIAL ZONING MAP OF THE NEW JERSEY MEADOWLANDS COMMISSION (NJMC). FOR VERIFICATION OF ACTUAL ZONING DESIGNATIONS, IT MAY BE NECESSARY TO REFER TO THE ORIGINAL OF THIS MAP, WHICH IS ON DISPLAY AT THE OFFICE OF THE COMMISSION.

## INSET OF NEW JERSEY



DISTRICT LOCATION MAP



**X-SITE**



**EXHIBIT 2**

UNITS: FEET  
PROJECTION: STATE PLANE  
DATUM: NAD83

## NEW JERSEY MEADOWLANDS COMMISSION

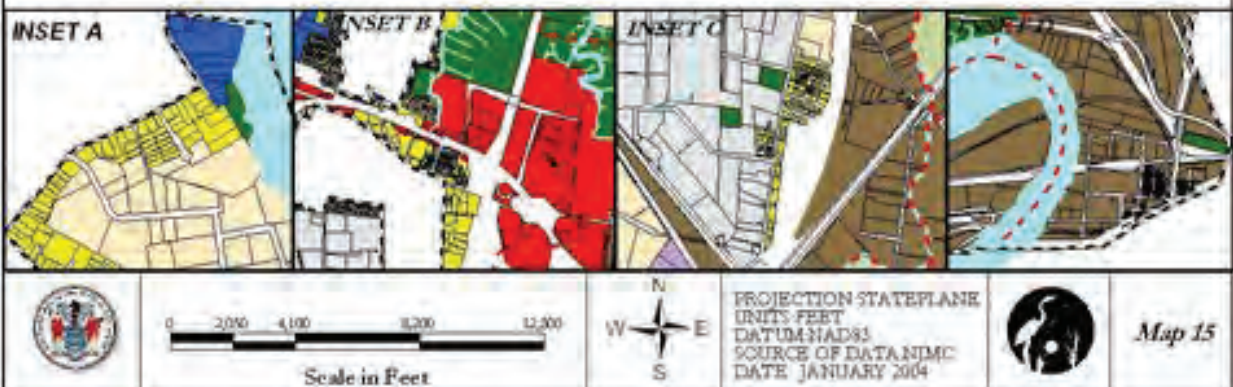
1 DEKORTE PARK PLAZA LYNDHURST, NJ 07071 PHONE: 201-460-1700 FAX: 201-372-0161  
[www.meadowlands.state.nj.us](http://www.meadowlands.state.nj.us)









**X-SITE**

**EXHIBIT 3**




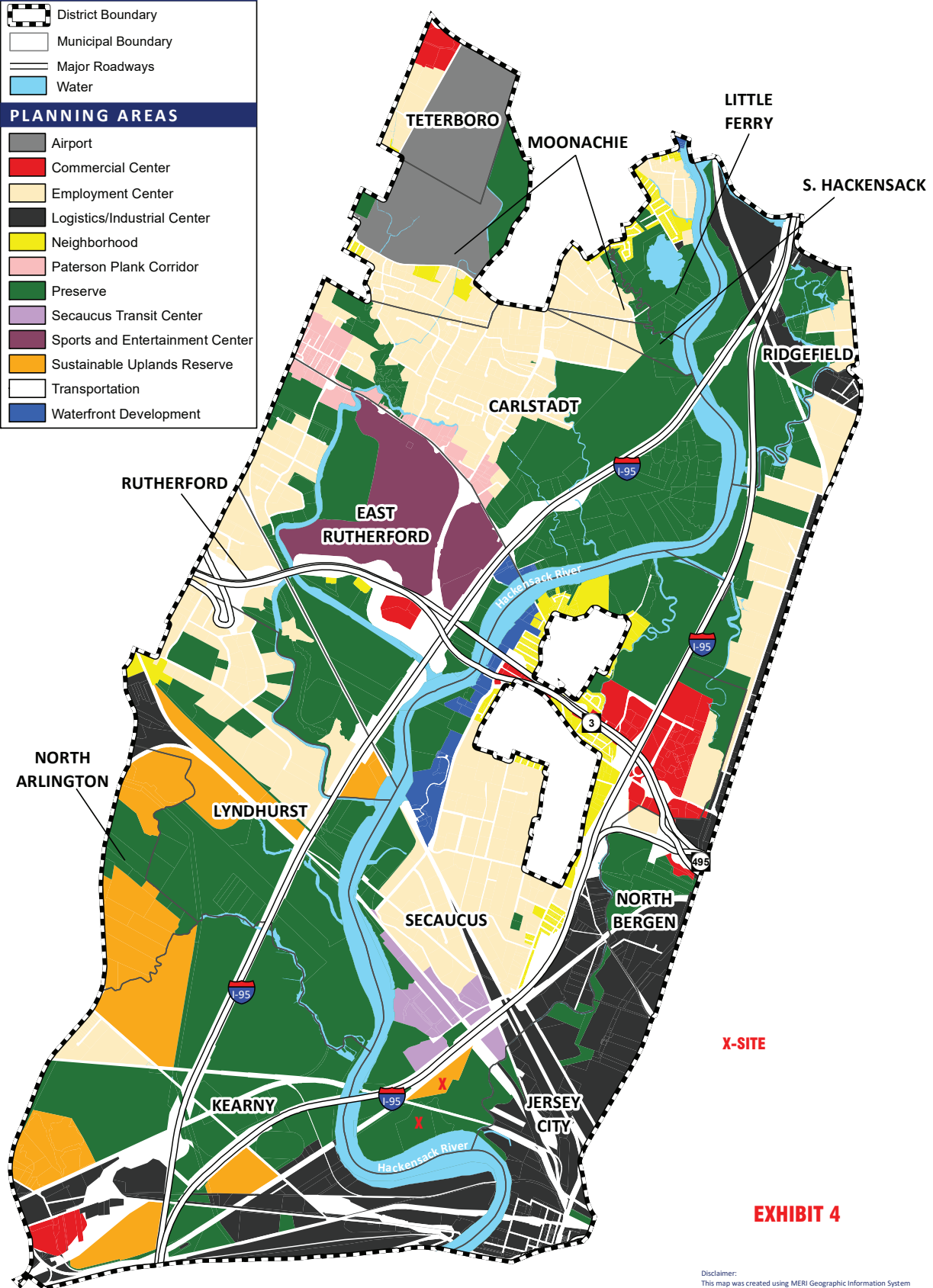
## LAND USE PLAN

### LEGEND

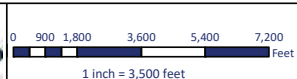
-  District Boundary
-  Municipal Boundary
-  Major Roadways
-  Water

### PLANNING AREAS

-  Airport
-  Commercial Center
-  Employment Center
-  Logistics/Industrial Center
-  Neighborhood
-  Paterson Plank Corridor
-  Preserve
-  Secaucus Transit Center
-  Sports and Entertainment Center
-  Sustainable Uplands Reserve
-  Transportation
-  Waterfront Development



Disclaimer:  
This map was created using MERI Geographic Information System digital data. The information provided on this map is provided "as is" with no warranty of any kind. This is neither an official state map nor state authorized; it is for information and presentation purposes only.



Units: US Survey Feet  
Datum: North American Datum 1983  
Coordinate System: NJ State Plane  
Data Source(s): MERI, NJDEP, NJDOT



**LAND USE  
PLAN**

**Map 16**



2015-209

**RESOLUTION IN SUPPORT OF SECAUCUS BROWNFIELDS  
REDEVELOPMENT LLC, APPLICATION FOR ZONE CHANGE  
FOR BLOCK 7, LOT 4, BLOCK 3, LOT 4, FORMER MALANKA  
AND MALL LANDFILLS IN THE TOWN OF SECAUCUS**

---

**WHEREAS**, the Town of Secaucus consists of approximately 4,196 acres, and approximately 3,752 acres are located within the Hackensack Meadowlands District which is under the jurisdiction of the New Jersey Sports and Exposition Authority (previously the New Jersey Meadowlands Commission) ("NJSEA"); and,

**WHEREAS**, the Town of Secaucus has the largest percentage (89.4%) of land located in the Hackensack Meadowlands District of any of the fourteen municipalities that are under the jurisdiction of the NJSEA; and,

**WHEREAS**, there are very few remaining parcels of vacant land located in the Town of Secaucus eligible for development or redevelopment; and

**WHEREAS**, there is a large tract of land, identified as Block 7, Lot 4, and Block 3, Lot 4 on the Tax Maps of the Town of Secaucus, consisting of 65 acres of land, formerly known as the Malanka Landfill and Mall Landfill (hereinafter collectively "the Malanka and Mall Property") which is located in the Hackensack Meadowlands District; and,

**WHEREAS**, Secaucus Brownfields Redevelopment LLC (the "Redeveloper") is the owner of the Malanka and Mall Property; and

**WHEREAS**, the Malanka and Mall Property is currently undeveloped and vacant and has been dormant for greater than 25 years and falls under the term "Altered Lands", as defined by the NJSEA; and,

**WHEREAS**, the Malanka and Mall Property is located adjacent to the Frank R. Lautenberg Train Station at Secaucus Junction and the New

Jersey Turnpike Interchange 15X and the Secaucus Junction connects virtually all NJ Transit rail lines serving northern New Jersey, enabling commuters to transfer from the Main, Bergen, Port Jervis and Pascack Valley Lines to all Northeast Corridor, North Jersey Coast Line and Mid-Town Direct trains; and,

**WHEREAS**, in accordance with the NJSEA's 2004 Master Plan for the Hackensack Meadowlands District ("2004 Master Plan") it was determined that "the influence of the Frank R. Lautenberg Station at Secaucus Junction will be directed to the entire south Secaucus area for purposes of economic development and to the entire District in terms of transportation services"; and,

**WHEREAS**, the Redeveloper of the Malanka and Mall Property has provided the Town of Secaucus with a report prepared by Rutgers University entitled "Feasibility and Size Analysis for a Convention Center at the 15X Site in Secaucus, NJ" and the analysis concludes that:

- a) "... the 15X site could support a convention center of 350,000 to 400,000 square feet with a 1,200 room hotel and that the construction and operation of such a facility would have significant positive economic impacts for the State";
- b) "It is estimated that annual spending in New Jersey by convention center attendees at the new facility and hotel would total \$399.3 million"
- c) Site 15X represents one of the most valuable economic development sites in New Jersey and the broader region. It is uniquely positioned in terms of transportation, accessibility, particularly public transportation accessibility."
- d) "This is the result of substantial public transit Infrastructure investments made over the past decade. These investments have made 15X a premier location to implement the States "Smart growth" plan of placing high density and high end land use activities at points of

**high public transit accessibility”.**

**WHEREAS**, the Redeveloper has expressed a desire to properly close and remediate the former municipal solid waste landfill facilities located at the Malanka and Mall Property; and

**WHEREAS**, the proper closure of the landfill will require the expenditure of substantial sums of money by the Redeveloper which cannot be generated from any future development of the Malanka and Mall Property because the zoning of the Malanka and Mall Property was unilaterally changed from Research Park Zone to Environmental Conservation Zone in 2004 by the predecessor to the NJSEA; and

**WHEREAS**, the cost of the proper closure of the landfill can and should be funded from revenues generated from an appropriate redevelopment of Malanka and Mall Property through a change in the zoning for the site that will permit a use that will complement the existing uses of the surrounding area and provide benefits to the citizens of Secaucus by having historic landfills properly closed converted to beneficial uses; and

**WHEREAS**, it is in the best interest of the residents of the Town of Secaucus, and the environment that the landfill be properly closed and that safeguards be installed to protect the environment; and,

~~**WHEREAS**, Secaucus, like many New Jersey communities is facing difficulties in developing and maintaining its tax ratable base which allows it to maintain stable taxes and quality services for its taxpayers; and~~

**WHEREAS**, it is in the best interest of the residents of the Town of Secaucus and the residents of Hudson County, that the Malanka and Mall Property be considered for appropriate redevelopment and for the property to be returned to the tax ratable base of the Town of Secaucus; and,

**WHEREAS**, in accordance with the 2004 Master Plan, in order to mitigate the environmental impacts from former landfills, these sites must be capped, contained with a cut-off wall and leachate collection

system and a landfill gas recovery system. These activities are known as "closure" measures, allowing them to be recognized as potential brownfields sites; and,

**WHEREAS**, the 2004 Master Plan states that *"Redevelopment of underutilized or poorly utilized areas, some of which may include "brownfields," is critical to the future of the District. New investment and selected redevelopment will be both orderly and environmentally compatible. New development will take into consideration the capacity of the transportation system, the availability of public services, and the impact on the natural environment."*; and,

**WHEREAS**, the 2004 Master Plan states that the Malanka Landfill site *"may have redevelopment potential due to its proximity to Secaucus Junction"*; and,

**WHEREAS**, the New Jersey Legislature adopted P.L. 2015, C. 19 which consolidated the New Jersey Meadowlands Commission into the New Jersey Sports and Exposition Authority (the "Act"); and

**WHEREAS**, Section 11 of the Act authorizes the Town of Secaucus to adopt the 2004 Master Plan and upon the adoption of the 2004 Master Plan, the Town shall have the authority to approve or reject land use or zoning applications, except for use variances which still must be approved by the NJSEA; and

**WHEREAS**, the Town of Secaucus has adopted the 2004 Master Plan and the NJSEA is required by Section 8 of the Act to meet and consult with the Town of Secaucus in connection with any change in zoning or in the preparation of development or redevelopment plans; and

**WHEREAS**, the Town of Secaucus is considered a constituent community of the NJSEA and as such has the ability to request that the NJSEA conduct a redevelopment study; and,

**WHEREAS**, Developer has secured agreements from the County of Hudson, the New Jersey Turnpike Authority, and New Jersey Transit, providing among other things, support for a new access and

transportation infrastructure system from Seaview Drive onto the Malanka and Mall Property which will facilitate the closure of the landfills and redevelopment of the Malanka and Mall Property; and,

**WHEREAS**, the Redeveloper will require property from certain adjacent property owner(s) in order to properly close the landfill, redevelop the Malanka and Mall Property, and create new access and transportation infrastructure and these activities will result in the need for the assistance and support of the Town of Secaucus for acquisition (including but not limited to the use of eminent domain for public purposes), legal, planning, engineering and other professional costs and expenses (hereinafter "Municipal Assistance");

**WHEREAS**, the Redeveloper has agreed to fund any and all of the costs associated with the Municipal Assistance.

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Town of Secaucus hereby support the Developer's application to the NJSEA to amend the zoning of the subject property, Block 7, Lot 4, and Block 3, Lot 4, to the "Transportation Zone".

**BE IT FURTHER RESOLVED** the Mayor and Council of the Town of Secaucus requests that the NJSEA amend the zoning of Block 7, Lot 4, and Block 3, Lot 4 from its current zone to "Transportation Zone".

**BE IT FURTHER RESOLVED**, the Mayor and Council of the Town of Secaucus will require public participation and the opportunity to comment upon any proposed action arising out of this request or in response to an application submitted by the Redeveloper to the NJSEA, in accordance with the NJSEA's regulations; and

**BE IT FURTHER RESOLVED**, the ~~Borough~~ Town Administrator is hereby authorized and directed to prepare an agreement with the Redeveloper, for approval and execution by the Mayor to memorialize the Redeveloper's obligations under this resolution including but not limited to the Redeveloper's obligation to fund the costs and expenses for the Municipal Assistance as set forth above.

I, Michael Marra, Town Clerk of the Town of Secaucus, County of Hudson, do hereby certify that the above is a true copy of a resolution approved by the Mayor and Council on May 26, 2015.

Town Clerk

Mayor

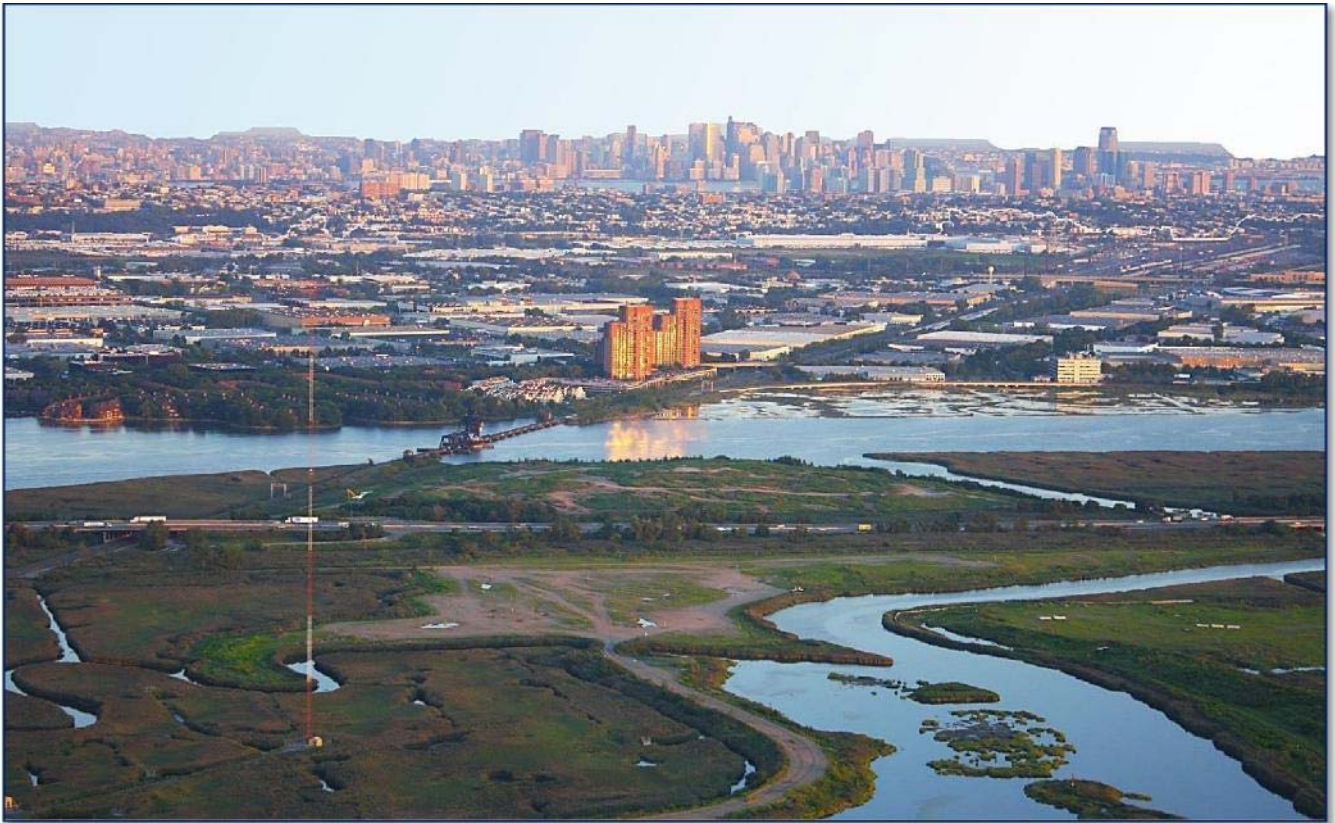
Motion: SP	Yes	No	Abstain	Absent
Second: MD				
Councilman Jeffas	✓			
Councilman Costantino	✓			
Councilman McKeever	✓			
Councilman Clancy	✓			
Councilwoman Piro	✓			
Councilman Dehnert	✓			
Mayor Gonnelli	✓			





**\*DRAFT\***

# HACKENSACK MEADOWLANDS DISTRICT MASTER PLAN UPDATE 2020



AUGUST 2019

An Update to the 2004 Master Plan



## NEW JERSEY SPORTS & EXPOSITION AUTHORITY

1 DeKorte Park Plaza  
Lyndhurst, NJ 07071

[www.njsea.com](http://www.njsea.com)

### *Chairman*

John Ballantyne

### *Vice Chairman*

Joseph Buckelew

### *President/CEO*

Vincent Prieto

### *Board Members*

John Ballantyne

Joseph Buckelew

Robert J. Dowd

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Michael H. Gluck

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Elizabeth Maher Muoio

Steven Plofker, Esq.

Andrew Scala

Anthony Scardino

Louis J. Stellato

Robert B. Yudin

**\*DRAFT\***

## HACKENSACK MEADOWLANDS DISTRICT MASTER PLAN UPDATE 2020

**AUGUST 2019**



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**AUGUST 2019**

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*Note: Demographic and market data utilized to prepare the DRAFT Hackensack Meadowlands District Master Plan Update 2020 was provided, in part, by 4Ward Planning, Inc.*

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# ACRONYMS & ABBREVIATIONS

<b>AADT</b>	Annual Average Daily Traffic	<b>MIMAC</b>	Meadowlands Interagency Mitigation Advisory Committee
<b>AHA</b>	Affordable Housing Alliance	<b>MP</b>	Mile Post
<b>APTA</b>	American Public Transportation Association	<b>MRC</b>	Meadowlands Regional Chamber
<b>AVID</b>	Advanced Identification	<b>MSA</b>	Metropolitan Statistical Area
<b>BAC</b>	Business Action Center	<b>MTPD</b>	Meadowlands Transportation Planning District
<b>BCSA</b>	Berry's Creek Study Area	<b>NAICS</b>	North American Industry Classification System
<b>BCUA</b>	Bergen County Utilities Authority	<b>NAR</b>	National Association of Realtors
<b>BEA</b>	Bureau of Economic Analysis	<b>NAVD 88</b>	North American Vertical Datum of 1988
<b>BFE</b>	Base Flood Elevation	<b>NEC</b>	Northeast Corridor
<b>BLS</b>	Bureau of Labor Statistics	<b>NEPA</b>	National Environmental Policy Act
<b>Btu</b>	British thermal unit	<b>NFIP</b>	National Flood Insurance Program
<b>CMP</b>	Comprehensive Management Plan	<b>NJDEP</b>	New Jersey Department of Environmental Protection
<b>COAH</b>	Council on Affordable Housing	<b>NJDOT</b>	New Jersey Department of Transportation
<b>CPI</b>	Consumer Price Index	<b>NJDOL</b>	New Jersey Department of Labor
<b>CRS</b>	Community Rating System	<b>NJEDA</b>	New Jersey Economic Development Authority
<b>CWA</b>	Clean Water Act	<b>NJEMP</b>	New Jersey Energy Master Plan
<b>CWS</b>	Community Water System	<b>NJGIN</b>	New Jersey Geographic Information Network
<b>CZM</b>	Coastal Zone Management	<b>NJMC</b>	New Jersey Meadowlands Commission
<b>CZMA</b>	Coastal Zone Management Act	<b>NJSEA</b>	New Jersey Sports and Exposition Authority
<b>CZMP</b>	Coastal Zone Management Program	<b>NJTA</b>	New Jersey Turnpike Authority
<b>DCA</b>	Department of Community Affairs	<b>NJTPA</b>	North Jersey Transportation Planning Authority
<b>DMA 2000</b>	Disaster Mitigation Act of 2000	<b>NOAA</b>	National Oceanic and Atmospheric Agency
<b>DO</b>	Dissolved Oxygen	<b>NTD</b>	National Transit Database
<b>DPW</b>	Department of Public Works	<b>NYMTC</b>	New York Metropolitan Transportation Council
<b>ECG</b>	East Coast Greenway	<b>NYS &amp; W</b>	New York Susquehanna and Western Railroad
<b>EIS</b>	Environmental Impact Statement	<b>PANYNJ</b>	Port Authority of New York and New Jersey
<b>FEMA</b>	Federal Emergency Management Act	<b>PATH</b>	Port Authority Trans Hudson
<b>FHA</b>	Fair Housing Act	<b>PIA</b>	Project Impact Assessment
<b>FHWA</b>	Federal Highway Administration	<b>PSEG</b>	Public Service Enterprise Group
<b>FIRM</b>	Flood Insurance Rate Maps	<b>RBDM</b>	Rebuild by Design Meadowlands
<b>FMP</b>	Floodplain Management Plan	<b>ROD</b>	Record of Decision
<b>FSHC</b>	Fair Share Housing Center	<b>ROW</b>	Right of Way
<b>FTA</b>	Federal Transit Administration	<b>RPA</b>	Regional Plan Association
<b>GDP</b>	Gross Domestic Product	<b>SAMP</b>	Special Area Management Plan
<b>GIS</b>	Geographic Information Systems	<b>SDRP</b>	State Development and Redevelopment Plan
<b>GSP</b>	Gross State Product	<b>SDWA</b>	Safe Drinking Water Act
<b>HBLR</b>	Hudson-Bergen Light Rail	<b>SFHA</b>	Special Flood Hazard Area
<b>HDSRF</b>	Hazardous Discharge Site Remediation Fund	<b>SIC</b>	Standard Industrial Classification
<b>HMDC</b>	Hackensack Meadowlands Development Commission	<b>SOV</b>	Single Occupant Vehicle
<b>HMMC</b>	Hackensack Meadowlands Municipal Committee	<b>SPA</b>	Specially Planned Area
<b>HMP</b>	Hazard Mitigation Plan	<b>STEM</b>	Science, Technology, Engineering, and Math
<b>HRE</b>	Hudson Raritan Estuary	<b>STVRP</b>	Secaucus Transit Village Redevelopment Plan
<b>HUD</b>	Housing and Urban Development	<b>TDM</b>	Transportation Demand Management
<b>IAWG</b>	InterAgency Working Group	<b>TEA-21</b>	Transportation Equity Act for the 21 <sup>st</sup> Century
<b>IRT</b>	Interagency Review Team	<b>TEU</b>	Twenty Cubic Foot Equivalent Container Unit
<b>ITE</b>	Institute of Transportation Engineers	<b>TIGER</b>	Transportation Investment Generating Economic Recovery
<b>LEED</b>	Leadership in Energy and Environmental Design	<b>TOD</b>	Transit Oriented Development
<b>LRHL</b>	Local Redevelopment and Housing Law	<b>TPD</b>	Transportation Planning District
<b>MASSTR</b>	Meadowlands Adaptive Signal System for Traffic Reduction	<b>UEZ</b>	Urban Enterprise Zone
<b>MCRIP</b>	Meadowlands Comprehensive Restoration Implementation Plan	<b>USACE</b>	United States Army Corps of Engineers
<b>MCT</b>	Meadowlands Conservation Trust	<b>USEPA</b>	United States Environmental Protection Agency
<b>MDTP</b>	Meadowlands District Transportation Plan	<b>USGBC-NJ</b>	US Green Building Council of New Jersey
<b>MEC</b>	Meadowlands Environment Center	<b>USGS</b>	United States Geological Survey
<b>MERI</b>	Meadowlands Environmental Research Institute	<b>USFWS</b>	United States Fish and Wildlife Service
<b>MESIC</b>	Meadowlands Environmental Site Investigation Compilation	<b>VPD</b>	Vehicles Per Day
		<b>WQX</b>	Water Quality Exchange

# 1. INTRODUCTION

The New Jersey Sports and Exposition Authority (NJSEA) is an authority of the State of New Jersey, created in 1971. The NJSEA is responsible for the management of various sports and entertainment facilities in the State of New Jersey, including the Meadowlands Sports Complex in East Rutherford, Monmouth Racetrack in Oceanport, and the Wildwood Convention Center in Wildwood.

On February 5, 2015, the *Hackensack Meadowlands Agency Consolidation Act* (P.L. 2015, c.19) (“Consolidation Act”), merged the former New Jersey Meadowlands Commission (NJMC) and its core functions into the NJSEA. The NJSEA continues the NJMC’s role as the regional planning and zoning agency for the Hackensack Meadowlands District (District), which consists of portions of 14 towns in Bergen and Hudson Counties. The Hackensack Meadowlands District was originally established by the *Hackensack Meadowlands Reclamation and Development Act* in 1968.

The fundamental mandates for the District are unchanged since the merger. The NJSEA is charged with providing for the orderly development of the District, providing facilities for the sanitary disposal of solid waste, and protecting the delicate balance of nature. The preparation of this Master Plan will outline the NJSEA’s policy objectives in relation to these mandates.

Pursuant to the Act, the Hackensack Meadowlands District Master Plan is required to be adopted by February 5, 2020, which is five years from the date of the merger of the former NJMC with the NJSEA. The Act also requires a master plan examination and revision be conducted by the NJSEA every 10 years, after the adoption of this Master Plan Update. Per N.J.S.A. 5:10A-10, this master plan does not apply to the Meadowlands Sports Complex, although the property is in within the District boundaries.

## I. HACKENSACK MEADOWLANDS DISTRICT

The Hackensack Meadowlands District is a unique landscape, composed of an amalgam of natural and developed areas bisected by the Hackensack River and crisscrossed by major transportation corridors.

The 30.3-square-mile District is located approximately five miles west of New York City in northern New Jersey and encompasses portions of fourteen municipalities in two counties, Bergen and Hudson, as shown in Figure 1.1 “Constituent Municipalities within the Hackensack Meadowlands District.”

The District’s general boundaries are constituted by Route 46 to the north; Routes 1 and 9 (Tonelle Avenue) and the freight rail line owned by Norfolk Southern and CSX Corp. (the former Conrail main line) to the east; the Port Authority Trans Hudson (PATH) commuter rail lines and Pulaski Skyway to the south; and, Route 17, the Pascack Valley rail line, and the Kingsland rail line to the west. The District’s geographic location is presented as **Map 1 – Regional Location** in the map section at the end of this document. **Map 2 – District Municipalities** identifies the boundaries of the political jurisdictions within the District.



**FIGURE 1.1**      **CONSTITUENT MUNICIPALITIES WITHIN THE HACKENSACK MEADOWLANDS DISTRICT**

BERGEN COUNTY	HUDSON COUNTY
Carlstadt	Jersey City
East Rutherford	Kearny
Little Ferry	North Bergen
Lyndhurst	Secaucus
Moonachie	
North Arlington	
Ridgefield	
Rutherford	
South Hackensack	
Teterboro	

The NJSEA holds zoning jurisdiction over the portions of each municipality within its boundaries. The Consolidation Act allows constituent municipalities to administer the majority of the zoning requirements of the NJSEA, upon adoption of an “opt-out” resolution agreeing to follow the land use provisions of the District’s zoning regulations. Any applications for use variances, subdivisions, and regulatory amendments are retained for review by the NJSEA, as are any applications that are deemed to be vital projects. To date, the Towns of Secaucus and Kearny have chosen to become “opt-out” municipalities.

**II. NJSEA STRUCTURE**

The NJSEA is an Authority of the State of New Jersey established within the Department of State. It is headed by a Board of Commissioners, which is supported by various divisions responsible for the implementation of the NJSEA’s statutory responsibilities, as follows:

**A. BOARD OF COMMISSIONERS**

The NJSEA Board of Commissioners is composed of 16 Commissioners (11 members appointed by the Governor with the advice and consent of the Senate, one member appointed by the President of the Senate, and one member appointed by the Speaker of the General Assembly, appointed for four-year terms, plus three ex officio members, including the State Treasurer). The Board meets monthly and votes on resolutions related to the operations and policies of the NJSEA. The Board includes a Chairman and Vice Chairman. The President and Chief Executive Officer (CEO) of the NJSEA serves as Secretary of the Board of Commissioners.

**B. EXECUTIVE**

The Executive division of the NJSEA, headed by the President and CEO, directs the agency’s operations and formulates the policies governing agency actions. The NJSEA’s legal and regulatory affairs, public relations, human resources, and ethics personnel are members of this division.

**C. FINANCE**

The Finance division of the NJSEA is responsible for administering the Intermunicipal Tax Sharing Fund, maintaining escrow funds, as well as the accounts payable and receivable functions of the NJSEA. The NJSEA conducts an annual independent audit of its finances.

#### **D. SOLID WASTE**

The NJSEA administers the Hackensack Meadowlands District Solid Waste Management Plan and ensures the proper control, closure, and remediation of landfills throughout the District. In 1969, there were nearly 1,900 acres of unregulated landfills in the region. Today most of those landfills have been closed and remediated under the jurisdiction of the New Jersey Department of Environmental Protection (NJDEP) and the NJSEA as the administrator of the Hackensack Meadowlands Solid Waste Management District.

#### **E. NATURAL RESOURCES**

Improvements to the Meadowlands' unique urban ecosystem are supported by the work of the Natural Resources Management Department. The Department conducts surveys on area wildlife and looks for ways to enhance and preserve the environment by protecting wetlands and native plants and animals, and by finding ways to eliminate or reduce invasive flora and nuisance fauna. The research performed by the Natural Resources Management Department furthers the NJSEA's ongoing commitment to exploring ways to improve and protect vital natural resources in the Meadowlands District.

The Natural Resources Management Department also oversees the stormwater management functions of the NJSEA, as more fully explained in Chapter 5 – Environment, including preparation of the NJSEA's Floodplain Management Plan, maintaining the District's Community Rating System reporting requirements, inspecting stormwater management facilities in the District, and assisting District property owners, residents and businesses with flooding concerns. These activities are performed in conjunction with NJSEA Land Use Management staff.

#### **F. LAND USE MANAGEMENT**

The NJSEA maintains a professional staff of engineers, planners, and construction code officials within the Division of Land Use Management (LUM) to administer land use and construction code regulations within the District. The LUM division is responsible for the District's master planning, redevelopment planning, rezoning, and the maintenance of the Official Zoning Map for the District. The staff also conducts site plan and subdivision reviews to evaluate consistency with the District's applicable land use regulations. A zoning certificate must be obtained prior to the improvement or filling of a site, the construction of, or addition to, any structure, and/or changes of use within existing buildings. Additionally, the NJSEA issues occupancy certification prior to any change of tenancy in the District to certify the proposed use or occupancy complies with the applicable regulations. Prior to the start of any new construction or alterations to existing structures, the NJSEA conducts a construction code plan review in accordance with the State building code. The NJSEA partners in the building code review process with the constituent municipalities' construction officials, who are responsible for issuing construction permits upon approval by the NJSEA. LUM reviews approximately 500 to 600 applications annually.

#### **AFFILIATES**

The NJSEA also collaborates closely with the following affiliated entities to accomplish its

environmental preservation and scientific research objectives:

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**1. Meadowlands Conservation Trust**

The Meadowlands Conservation Trust (MCT) was formed in 1999 to acquire and preserve environmentally valuable land; to provide for open space and public outdoor passive recreational opportunities; and to enhance the environment of the Hackensack Meadowlands District and the Hackensack River Watershed. The MCT has been instrumental in the acquisition and management of significant wetland parcels in the District, including the 587-acre Richard P. Kane wetland site in Carlstadt and South Hackensack. The MCT is supported in part by the NJSEA through the use of staff and facilities.

**2. Meadowlands Environmental Research Institute**

The Meadowlands Environmental Research Institute (MERI) was created in 1998 to provide the knowledge and conduct the research necessary to understand, conserve, protect, and manage the District's ecosystems, and to promote sharing of information and resources. In 2014, MERI became a part of Rutgers University, and remains closely affiliated with the NJSEA. MERI is organized around four operational units:

- a. Analytical Laboratory: Provides chemical analytical services to support environmental research and monitoring programs and assist state and federal agencies in addressing the legacy environmental pollution issues in the District.
- b. Environmental Monitoring: Maintains a network of field monitoring stations to continuously capture water and air quality, the water levels in District waterways and marshes, sea level rise, and carbon sequestration levels within the District waterways and open lands.
- c. Geographic Information System (GIS): Provides NJSEA and the 14 District municipalities with property information along with a suite of maps, tools, and training to share and access a variety of District-specific geographic information. This group oversees the acquisition of land cover images by drone and updated topography information. It maintains online platforms to share this information with NJSEA staff, local government, state, and federal agencies. This information can be used to manage public assets, plan for improvements, and prepare for emergencies.
- d. Library and Environmental Data: The library serves as the principal repository for Meadowlands District documents and reports. The library is responsible for holding the collective environmental and institutional memory of the Hackensack Meadowlands District.

### III. CONSTITUENT MUNICIPALITIES

**A. HACKENSACK MEADOWLANDS MUNICIPAL COMMITTEE**

In recognition of the need to maintain public input and interaction with local governments, the 1969 Act established the Hackensack Meadowlands Municipal Committee (HMMC), which consists of the chief executive of each constituent municipality or his/her alternate. The HMMC may review all proposed codes and standards, master plans or amendments, development and redevelopment or improvement plans, and other major decisions of the NJSEA. The HMMC also has the authority to veto proposed master plans, regulations, rezonings, and redevelopment plans. The NJSEA Board of Commissioners may override any such veto with an affirmative vote of the majority of the members of the Board.

## B. INTERMUNICIPAL TAX SHARING

Tax sharing is a mechanism through which the constituent municipalities of the District equitably share in the financial benefits and new costs resulting from the development of the Meadowlands District as a whole. The Meadowlands District Intermunicipal Tax Sharing Program (“tax sharing”) was enacted by the New Jersey Legislature in 1972. The intent of the program is to moderate competition for tax ratables by ensuring that each municipality receives a fair share of the property tax generated by new development within the District as a whole, regardless of the amount of land slated for development versus preservation per municipality.

Properties in the Meadowlands portion of each municipality are taxed in exactly the same manner as all other properties. Each municipality pays its county taxes, and the remaining taxation, minus the amount collected on ratables existing in 1970, is subject to tax sharing. The NJSEA then calculates the Meadowlands Adjustment Payment based on a number of factors. The Meadowlands Adjustment Payment is determined by the average of the three preceding years’ calculations.

The constituent municipalities directly retain 60 percent of the revenues remaining after payment of county taxes and the deduction of base-year 1970 ratables. Each municipality then receives an adjustment equal to the per pupil cost of education for school pupils in excess of base-year 1970 enrollment living within the District. Each municipality also receives an additional adjustment reflecting the percentage of property it has within the Meadowlands District. Those municipalities whose total credits are larger than the amount subject to tax sharing are receivers from the Intermunicipal Account. Prior to 2015, those municipalities whose total credits were smaller than the amount subject to tax sharing were contributors to the Intermunicipal Account.

In 2015, the Consolidation Act altered the funding structure of the tax sharing program by authorizing the levy of a tax on hotels within the Meadowlands District boundaries to fund the Intermunicipal Account, thus eliminating the payment requirements of the contributor municipalities. Receiver municipalities continue to receive funds through the Intermunicipal Account. In 2018, this funding structure was amended to include a tax on all hotels within the District’s 14 constituent municipalities (P.L. 2018, Chapter 52), and other transient accommodations, such as AirBnB (P.L. 2018, Chapter 49). In addition, P.L. 2018, Chapter 130 added a 1.25 percent levy on the net amounts received from sports betting at the Meadowlands Racetrack to be remitted into the Intermunicipal Account.

The NJSEA serves only as a conduit for the municipal payments and does not benefit in any way from the formula. Every January, the NJSEA certifies to the Chief Financial Officer of each District municipality the amount of the municipality’s adjustment payment for receiving municipalities

so that the municipality may reflect the amount in its budget.

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## IV. GOALS AND OBJECTIVES

This Master Plan serves as the NJSEA's primary policy and planning document for the Hackensack Meadowlands District. This document guides future decision-making; serves as the basis for the implementation of policies, including future amendments to the NJSEA's regulations codified at N.J.A.C. 19:3-1.1, *et seq.*; and promotes the creation of additional studies and plans with a more refined focus.

This Master Plan was developed to achieve the following goals and objectives for the Hackensack Meadowlands District:

1. To safeguard and restore the Hackensack Meadowlands' irreplaceable heritage of natural and historical resources.
2. To promote a suitable array of land uses that encourages economic vitality with job creation and supports the public health, safety, and general welfare.
3. To foster the Meadowlands economy in a manner that stimulates job growth and prosperity.
4. To create a sense of place that captures the character and identity of the Meadowlands.
5. To facilitate the creation of housing opportunities in suitable locations to accommodate the needs of the region's population.
6. To promote a regional transportation network that improves the mobility of people and freight, fuels economic development, and minimizes negative impacts upon the environment.
7. To increase the security and resiliency of the District and its neighboring areas by mitigating hazards and risks.
8. To encourage the development and use of reliable, responsible, low-carbon and alternative energy sources while reducing energy consumption.
9. To direct the NJSEA's policies and practices toward a sustainable Meadowlands.
10. To provide excellence in public service.
11. To deliver the vision of this Master Plan in solidarity with other District stakeholders.

The goals and objectives of this Master Plan build upon those established in 2004. A vision statement containing assumptions, standards, and principles is provided below that further refines each goal and objective in order to address current conditions:

### **1. To safeguard and restore the Hackensack Meadowlands' irreplaceable heritage of natural and historical resources.**

The Hackensack Meadowlands constitute the largest remaining complex of brackish tidal wetlands in the New York and New Jersey Harbor Estuary. Despite the historical filling of wetlands that has occurred, starting with the land reclamation efforts of the region's early European settlers, followed by the years of abuse and neglect caused by pollution and dumping that pre-dated the formation of the District, the ecological landscape has been dramatically transformed for the better under the stewardship of the NJSEA and its predecessors. The Meadowlands now supports a wide diversity of animal and plant life, including endangered or threatened species, such as the northern harrier and the yellow-crowned night heron. A total of approximately 3,500 acres of wetlands have been preserved, restored, and/or mitigated in the District, an increase of more than 1,000 acres since the 2004 Master Plan.

Although much has been accomplished, more work lies ahead. Ongoing initiatives to promote biological diversity and to remediate contaminated conditions are necessary for the Meadowlands to become an even more productive ecosystem and to enhance its magnificent



scenic beauty. The NJSEA remains committed to preserving the District's remaining wetlands

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and waterways and, in partnership with the MCT, will pursue the acquisition of additional environmentally sensitive sites as opportunities and funding for site acquisition and property maintenance become available. The NJSEA will also continue its implementation of enhancement activities to restore the function of degraded wetlands to provide quality fisheries, wildlife habitat, and water quality improvements. The District's network of preservation areas, trails, and other green elements will continue to grow to benefit both eco-tourists and wildlife.

In addition, the District's unique historical, architectural, and archaeological resources should be preserved and protected to the extent possible.

**2. To promote a suitable array of land uses that encourages economic vitality with job creation and supports the public health, safety, and general welfare.**

The land use planning efforts of the NJSEA promote a diversity of uses to support the well-being of people and places in the District. The management of how these uses interact with each other and the various systems of the Meadowlands (as further detailed in Chapter 7 – Systems Plan) is one of the principal functions of the NJSEA.

As a designated smart growth area within the State, the NJSEA recognizes that the realization of the vision plan for the future of the Meadowlands District, as established in this master plan, must incorporate smart growth policies. These policies encourage redevelopment within compact, walkable centers with access to transit, open space, and recreational amenities, protect open space, conserve natural resources, and promote transportation options to reduce automobile traffic and dependency. Land use policies will be directed toward the development and redevelopment of upland areas within the capacity of the land, infrastructure, and community services. These development objectives will be advanced to ensure the preservation of environmentally-sensitive lands and the facilitation of restoration efforts.

Infill development will consider the character of the existing built environment in and around the area it proposes to occupy. Buffers between uses of differing intensities will continue to be utilized to minimize impacts to existing land uses.

Zoning and land use policies will support a sustainable Meadowlands population and economy through implementation of the planning objectives provided in the Systems, Area, and Sustainable Meadowlands Plans, found in Chapters 7 through 9 of this Master Plan.

**3. To foster the Meadowlands economy in a manner that stimulates job growth and prosperity.**

The Meadowlands District offers employers a prime location to interface with the global marketplace, a diverse economic base, and access to a highly skilled labor pool and higher education institutions. The NJSEA seeks to build upon the District's economic foundation and continue to generate quality tax ratables for the District's constituent municipalities through helping existing businesses thrive, attracting new businesses to the District, and providing high quality employment opportunities through prudent land use policies.

Although vacant, developable land is very scarce, the District's brownfields offer exceptional opportunities for new development to sustain the expansion of the Meadowlands economy. As an example, the 1,363-acre Kingsland Redevelopment Area will facilitate the proper closure

of eight former landfills and promote the creation of a nexus where industrial development, alternative energy companies, and other commercial enterprises thrive in tandem with the natural environment. [As another example, re-zoning the approximately 65-acre former Malanka landfill site will create opportunities for development of a world-class convention center and supporting development such as hotels, extended stay facilities, retail space, office space, film studios, and/or transportation centers.](#) In addition, outdated warehouse buildings throughout the District are regularly remodeled into modern, high-tech distribution centers to respond to market requirements.

The NJSEA also seeks to attract a growing number of visitors to the Hackensack Meadowlands District through the incorporation of land use policies that complement the thriving sports and entertainment facilities in the region. Although outside of the scope of this Master Plan, the NJSEA's Meadowlands Sports Complex property contains American Dream Meadowlands, which is slated to be the largest retail and entertainment complex in the nation, as well as MetLife Stadium, the home of the New York Jets and the New York Giants and a premier entertainment venue, which draws visitors to the region throughout the year and hosted global events such as the World Cup, the Papal Visit, and the National Football League's Super Bowl in 2014. Both of these facilities, in addition to the Meadowlands Racetrack, continue to spur development interest in surrounding areas and will contribute to the region's economic growth.

Moreover, the NJSEA recognizes that economic development means more than just bricks and mortar. Since the adoption of the 2004 Master Plan, the NJSEA has pursued a number of business development and outreach strategies in partnership with the business community. For example, the Meadowlands Liberty Convention and Visitors Bureau, a joint venture between the Meadowlands Regional Chamber (MRC) and the NJSEA, markets the region to draw visitors and jobs to the area.

The NJSEA will also seek to promote advances in the region's eco-tourism sector to provide an enhanced experience to visitors' enjoyment of the natural wonders of the Meadowlands.

#### **4. To create a sense of place that captures the character and identity of the Meadowlands.**

The NJSEA is striving to create a Meadowlands identity as a place of exemplary quality where people live, work, play, and visit. The District's outstanding natural areas, public spaces, facilities, and services offer prime opportunities for physical activity and recreation. Creative design elements and the establishment of key gateways to the District should be pursued.

A means of establishing the identity of the Meadowlands is to foster environmental education. The NJSEA will continue to be a leader in providing innovative, high quality educational programs for all ages to convey an understanding of the District's natural environment and unique historic and archaeological heritage. Such programs will reinforce the vision of this Master Plan and introduce and impart the role of environmental stewardship to participants.

#### **5. To facilitate the creation of housing opportunities in suitable locations to accommodate the needs of the region's population.**

New jobs will bring new residents into the region, increasing the numbers of households requiring housing that meets their needs. New housing will continue to be located adjacent to

compatible land uses with suitable access to infrastructure, employment opportunities, community facilities, and public transportation. Strategies to spur the development of housing will remain cognizant of the limits of community facilities, especially public schools, emergency services, and road capacity. Moreover, land use provisions will balance the need

for housing with other needs, particularly the needs for environmental preservation. The creation of new housing in the District must also address the housing affordability needs of the region's population, within a framework of security and resiliency.

**6. To promote a regional transportation network that improves the mobility of people and freight, fuels economic development, and minimizes negative impacts upon the environment.**

The District serves as a key geographic component of northern New Jersey's transportation system, and is a destination in its own right. The NJSEA promotes those improvements, inclusive of innovative technologies, that enhance and optimize the current network and its ability to meet future demands. Additionally, the NJSEA considers the impacts of its land use policies and decisions upon the transportation network and requires mitigation of those impacts to the fullest extent practicable. The Meadowlands Transportation Planning District (MTPD) will continue to respond to emerging issues, including aging infrastructure and the improvements needed for successful redevelopment. While the MTPD boundaries are coterminous with the District, the NJSEA is committed to working cooperatively with those entities with jurisdiction beyond its borders to promote the efficiency and safety of the region's transportation network.

The NJSEA's activities will also continue to promote a wider range of transportation choices, particularly the expansion of mass transit opportunities, to ease congestion on the roads and greenhouse gas emissions. Pedestrian and bicycle circulation improvements are also encouraged through the NJSEA's planning activities.

**7. To increase the security and resiliency of the District and its neighboring areas by mitigating hazards and risks.**

Safe and healthy environments promote personal security and are critical to a high quality of life. Human exposure to harmful substances is regulated through the proper disposal of hazardous substances, the remediation of brownfields, and land use controls. Such controls include, but are not limited to, requirements for adequate drainage and water quality, flood-proof design, and environmental standards regulating air quality, noise, vibrations, glare, hazardous and radioactive substances, wastewater, and imported soils.

The potential for sudden events, including flooding, wildfires, or other threats, must be minimized through resilient design. In addition, the District's transportation and utility networks must be properly maintained to provide safe and efficient networks to serve the District's population and support the region's economy.

**8. To encourage the development and use of reliable, responsible, low-carbon and alternative energy sources while reducing energy consumption.**

The NJSEA is committed to promoting the use of renewable energy and reductions in fossil fuel consumption. The NJSEA promotes the reduction of energy consumption through conservation and energy efficiency, and the use of renewable energy resources. As a result, the region will have a more reliable energy system with lower contributions to air pollution. The substantial cost savings to business and industry can fuel economic growth.

The use of renewable energy sources that reduce negative impacts on the natural environment and human health is essential. By adopting energy efficiency technologies and practices, cost savings can be achieved while minimizing adverse impacts to the environment. Through the development process, enormous opportunities abound for applying modern building techniques to new buildings and renovation projects alike. Sustainable practices that decrease the consumption of energy, electricity, and water; reduce the emission of greenhouse gases; boost the re-use of materials; and enhance indoor environmental quality are encouraged.

#### **9. To direct the NJSEA's policies and practices toward a sustainable Meadowlands.**

The concept of sustainability or sustainable development was brought into widespread use by the United Nations' World Commission on Environment and Development in 1987 in a report entitled, "Our Common Future." The report defined sustainable development as development that "meets the needs of the present without compromising the ability of future generations to meet their own needs."

As a regional planning entity, the NJSEA has the authority to make key decisions and implement policies that affect sustainability on a District-wide basis. Progress toward a sustainable future for the Hackensack Meadowlands District requires a multi-faceted approach. Policies that tie the built environment to the capacity of the land and promote suitable land use patterns sustained by an effective transportation network are the cornerstone principles of this Master Plan.

The foundation of sustainability for the Meadowlands is the preservation and/or restoration of the remaining wetlands in the District. Every remaining parcel of wetlands in the District, in many cases inclusive of adjoining upland areas, incontrovertibly contains value, not only for wildlife habitat, but also for their functionality to accommodate floodwater storage and projected marsh migration.

As we address the sustainability of our built environment, we must also make provisions for green infrastructure and meaningful open spaces.

#### **10. To provide excellence in public service.**

Interaction with constituents, such as Meadowlands District residents, government officials, business and property owners, environmentalists, developers, and visitors, is part of the NJSEA's daily activities. The NJSEA applies a customer service approach to disseminate information about our services and products. Main sources of public information include professional staff contacts, the NJSEA website, Geographic Information Systems (GIS), educational programs, press releases, the NJSEA Annual Report, and the ongoing coordination with the municipalities through the HMMC.

In the administration of its regulatory responsibilities, the NJSEA seeks to minimize the public's costs, maximize efficiency, and provide timely responses, while observing the highest ethical standards. The NJSEA rules are rooted in protecting the public health, safety and welfare, and the staff regularly meets with members of the public to provide information about regulations and/or processes in order to streamline and promote predictability about the agency's various review processes.





The NJSEA also continues to contribute to greater economies and efficiencies among constituent municipalities through continuation of value added services, such as the maintenance and operation of an equipment pool.

**11. To deliver the vision of this Master Plan in solidarity with other Meadowlands District stakeholders.**

The NJSEA will continue to foster cooperation among the District's many stakeholders: the constituent municipalities; County, State, and Federal officials; the business community; developers; nonprofit organizations; other environmental stewards; higher educational institutions; and private citizens. In some instances, the involvement of local jurisdictions beyond the District borders should be sought to realize common goals.

Since its formation in 1969, the agency has achieved much success in the implementation of its founding mandates, having closed more than 50 orphaned landfills, preserved more than 3,500 acres of environmentally sensitive wetlands, and contributed to the region's remarkable environmental renaissance. The Meadowlands, once scarred by blight and pollution, today is teeming with wildlife and natural beauty, and is a nationally-recognized birding destination.

At the same time, the agency has successfully attracted economic growth to the District, establishing the region as a major economic engine in northern New Jersey. The District is a hub for industrial and commercial development due to the District's prime location within the New York/New Jersey metropolitan area, only 5 miles from New York City, with easy access to major highways, rail, air and sea ports, and mass transportation.

The NJSEA is steadfastly committed to furthering its core mandates within the Hackensack Meadowlands District. This Master Plan sets forth a pathway to continued study of District conditions to ensure the District remains at the forefront of its environmental and economic growth objectives, continuing a half-century's planning legacy and corresponding achievements, detailed in the following "The Meadowlands Plan: A 50-Year Retrospect".



# THE MEADOWLANDS PLAN: A 50-YEAR RETROSPECT

The year 2020 marks the 50<sup>th</sup> anniversary of the first Comprehensive Land Use Plan for the Hackensack Meadowlands District. In recognition of this milestone, the NJSEA has compiled a brief summary of the significant historical District planning initiatives and noteworthy accomplishments achieved by this agency and its predecessors, as they form the foundation of this Master Plan update.

## **HACKENSACK MEADOWLANDS RECLAMATION AND DEVELOPMENT ACT (1968)**

The Hackensack Meadowlands District was created by an Act of the New Jersey State Legislature in 1968 to control the indiscriminate dumping and rampant, uncoordinated development occurring in the Meadowlands region. Highlights of the 1968 Act, spearheaded by Assemblyman Richard DeKorte and Senator Fairleigh Dickinson, include the assignment of local planning and zoning powers in portions of 14 municipalities in Bergen and Hudson counties to a State agency, the Hackensack Meadowlands Development Commission (HMDC), formed in 1969.

The Act outlined the agency's founding mandates as follows:

- To protect the delicate balance of nature;
- To provide for orderly development; and
- To provide facilities for the disposal of solid waste.

The legislation also established the Hackensack Meadowlands Municipal Committee (HMMC), a committee consisting of the 14 mayors of each constituent Meadowlands District municipality, which may provide input and wield veto power over certain Authority actions.

This Act also created the Meadowlands Inter-municipal Tax Sharing Fund, instituted in 1973, which established a system of payers and receivers among Meadowlands municipalities, allowing municipalities with a large presence of environmentally-sensitive lands to benefit from development in other parts of the Meadowlands District.

## **HACKENSACK MEADOWLANDS FIRST STAGE MASTER PLAN (1969)**

The First Stage Master Plan for the Meadowlands District, dated November 1969, outlined the complex master plan and regulatory processes to be undertaken during the early days of State regulation. The First Stage Master Plan discussed development issues within the Meadowlands District, and set forth Second Stage Master Plan initiatives, including the creation of several plans, such as a Comprehensive Land Use Plan, District Zoning Regulations, Solid Waste Disposal Plan, and Transportation Plan.

## **HACKENSACK MEADOWLANDS SUBDIVISION REGULATIONS AND BUILDING CODE (1969)**

Resolutions adopting preliminary subdivision requirements and adopting the State of New Jersey's building code were adopted in 1969, while the District's Interim Zoning Regulations were being formulated. The subdivision regulations included provisions for the subdivision of land and the creation of roads and drainage facilities. The resolution adopting the State's building code included procedures for coordinating with constituent municipalities, as well as a specific foundation code taking into consideration the unusual soils conditions and resulting foundation requirements in the District.



#### **HACKENSACK MEADOWLANDS MASTER PLAN INTERIM ZONING REGULATIONS (1970)**

The first set of zoning standards for the regulation of development within the Meadowlands District became effective May 1, 1970. The interim regulations were intended to be in effect for a two-year period, instituted to control development while a Master Plan was being formulated to define the future of the Meadowlands. These regulations contained the first Official Zoning Map for the Hackensack Meadowlands District, creating six zones: General Residence (R-1), Office-Residence (R-2), Business Commercial (B-C), Light Industrial (M-1), Heavy Industrial (M-2), and Planning Area (P-A).

#### **HACKENSACK MEADOWLANDS COMPREHENSIVE LAND USE PLAN (1970)**

The Hackensack Meadowlands Comprehensive Land Use Plan, dated October 1970, is the first Master Plan created for the Hackensack Meadowlands District, and was adopted in 1972. The Plan included a grand vision for the development of the Meadowlands in large specially-planned area (SPA) developments. New communities and employment centers were envisioned to result in the development of 70,000 new residential units, 10,000 hotel rooms, and 20 million square feet of office space, as well as the conservation of 1,500 acres of marshland. Much of the SPA development was planned on wetlands and landfill areas, and never materialized. Notable locations where some degree of development was achieved include the Harmon Cove townhomes and residential towers within the Island Residential SPA, and the Allied Junction approvals within the Transportation Center SPA. The plan also sought to improve water and air quality in the Meadowlands District.

#### **HACKENSACK MEADOWLANDS SANITARY LANDFILL REGULATIONS (1971)**

The 1971 sanitary landfill regulations to control landfill operations were adopted by the HMDC and became the first of their kind in the State of New Jersey.

#### **HACKENSACK MEADOWLANDS DISTRICT REGULATIONS (1972)**

The first comprehensive zoning regulations implementing the 1970 Comprehensive Land Use Plan became effective on November 9, 1972. These regulations included the establishment of various zones throughout the District, the incorporation of subdivision regulations, and the provision of a specific set of review procedures for specially planned areas. Notably, these regulations pre-date the 1975 adoption of the New Jersey Municipal Land Use Law, which does not apply to lands within the Hackensack Meadowlands District.

#### **HACKENSACK MEADOWLANDS SOLID WASTE MANAGEMENT DISTRICT (1976)**

The New Jersey Solid Waste Management Act, originally adopted in 1970, was amended to designate the Hackensack Meadowlands District as the state's 22<sup>nd</sup> Solid Waste Management District, and also designates each of the state's 21 counties as a Solid Waste Management District. The Meadowlands District Solid Waste Management Plan was adopted in 1979.

#### **HACKENSACK MEADOWLANDS TRANSPORTATION STUDY (1978)**

The Hackensack Meadowlands Transportation Study, prepared with the Port Authority of New York and New Jersey (PANYNJ), proposed various improvements to the area's transportation network. The study recommended improving connections between area highways and increasing public transportation options among the planned centers in the 1970 Comprehensive Land Use Plan. The study also sought to minimize adverse impacts on the environment, and particularly on air quality.

#### **SPECIAL AREA MANAGEMENT PLAN MEMORANDUM OF UNDERSTANDING (1988)**

The HMDC entered into a Memorandum of Understanding with the US Environmental Protection Agency (USEPA), US Army Corps of Engineers (USACE), National Oceanic and Atmospheric Agency (NOAA) and the NJ Department of Environmental Protection (NJDEP) to prepare a Special Area

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Management Plan (SAMP) pursuant to the federal Clean Water Act (CWA). The effective 1970 Hackensack Meadowlands District Master Plan, which planned development on large swaths of wetlands, was not consistent with federal environmental regulations that were enacted in later years, such as the CWA and the Coastal Zone Management Act (CZMA). The HMDC issued a Draft Environmental Impact Statement regarding the proposed SAMP in 1994. The SAMP was intended to streamline permit review in the Meadowlands District, while establishing stringent wetland protections. This controversial initiative spanned over a decade, until participation in the SAMP by this agency was withdrawn in 2002, and a new policy direction promoting the conservation of remaining wetlands in the District had begun to take root.

#### **HACKENSACK MEADOWLANDS TRANSPORTATION STUDY (1990)**

The Hackensack Meadowlands Transportation Study, prepared for the HMDC by Ebasco Services, Inc. in 1990, evaluated the District's transportation network in preparation for a then-forthcoming Master Plan revision. The study developed a Meadowlands Transportation Model; provided recommendations for transportation improvements, including increased public transit; advocated a more compact development pattern within centers; and discussed funding strategies.

#### **FEDERAL EMERGENCY MANAGEMENT AGENCY COMMUNITY RATING SYSTEM (1992)**

Participation in the Federal Emergency Management Agency's (FEMA's) voluntary Community Rating System (CRS) program began in 1992, affording property owners located within a FEMA-designated floodplain a discount on insurance premiums as a result of the agency's floodplain planning and management activities. The District currently holds a CRS Class 7 rating, resulting in a 15 percent discount on flood insurance for District property owners.

#### **KEARNY MARSH ACQUISITION (1999)**

The HMDC purchased the 316-acre Kearny Freshwater Marsh in 1999, providing permanent preservation of a significant wetlands parcel hosting a diverse ecosystem.

#### **MEADOWLANDS CONSERVATION TRUST (1999)**

The Meadowlands Conservation Trust (MCT), an agency in but not of the then-HMDC, was established in 1999. The MCT's mission is to acquire land and permanently preserve wetlands, waterways, and open space in the Hackensack River Watershed.

#### **NEW JERSEY MEADOWLANDS COMMISSION (2001)**

The HMDC was renamed the New Jersey Meadowlands Commission in 2001, which, by removing the word "development" from the agency's name, better reflected the agency's role in the region as a State agency and its commitment to the Meadowlands as whole.

#### **NJMC MASTER PLAN AND REGULATIONS (2004)**

The NJMC Master Plan was adopted in 2004, representing the first new master plan for the District since 1970. The 2004 Master Plan represented a transformative change in the District's land use policy through the planned preservation of the remaining 8,400 acres of wetlands in the District. Many of these wetlands were located in areas that had previously been zoned for development within specially planned areas. As of 2019, approximately 3,500 acres of the District's wetlands have been preserved.

The District's zoning and subdivision regulations were also completely overhauled in 2004 to implement the policies of the new Master Plan. In order to balance the environmental preservation objectives of the new plan with economic development goals, zoning regulations were revised to permit additional

development potential on upland and brownfield areas, and comprehensive redevelopment regulations were codified.

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### **HACKENSACK MEADOWLANDS FLOODPLAIN MANAGEMENT PLAN (2005)**

The Hackensack Meadowlands Floodplain Management Plan (FMP) was adopted on October 26, 2005, creating a new mechanism for assessing, identifying, and addressing flood hazards in the District. The plan includes a series of measures to mitigate flood impacts within the District, including flood incident and water level monitoring, drainage system maintenance and improvements, and flood warning systems. Since 2012, the number of repetitive loss properties in the District increased from 10 to 119 properties as a result of the impacts of Superstorm Sandy. The increase in the number of repetitive loss properties necessitates an audit of the NJSEA's FMP every 5 years. The NJSEA is currently developing a new comprehensive FMP, to be finalized by October 2022.

### **HACKENSACK MEADOWLANDS TRANSPORTATION PLANNING ACT (2005)**

The Hackensack Meadowlands Transportation Planning Act established the District as a Transportation Planning District (TPD) in 2005. This Act resulted in the creation of a comprehensive District-wide Transportation Plan in 2007 that identified transportation improvements and funding mechanisms needed to sustain future economic growth. The Transportation Plan authorized the collection of fees on District development projects based upon a technical analysis of their projected impacts upon the transportation system.

The agency was awarded a \$10 million Transportation Investment Generating Economic Recovery (TIGER) grant by the Federal Highway Administration (FHWA) in 2010 to implement the Meadowlands Adaptive Signal System for Traffic Reduction Project (MASSTR). The initiative entailed upgrading 124 signalized intersections throughout the Meadowlands region through an intricate network of technology to continuously adjust traffic signal timings based upon the changing flows of traffic in real-time. MASSTR was the first adaptive signal system of its kind in New Jersey and the largest system to be implemented at one time in the country, and was the recipient of the Institute of Transportation Engineers (ITE) Metropolitan Section of New York and New Jersey Project of the Year award in 2013.

### **GREEN BUILDING REGULATIONS (2006)**

Green building regulations promoting the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) guidelines were enacted in 2006 to incentivize sustainable development in the District.

In 2008, the NJSEA's Center for Environmental and Scientific Education (Science Center) and William D. McDowell Observatory at DeKorte Park opened to the public. The Science Center is the first public building in New Jersey to achieve LEED Platinum status, the highest rating, from the USGBC.

### **NJMC ENERGY MASTER PLAN (2008)**

The NJMC adopted the first District-specific Energy Master Plan on November 24, 2008. Developed in association with the Center for Energy, Economic & Environmental Policy at the Rutgers Bloustein School of Planning and Public Policy, the plan's goals included maximizing energy conservation and efficiency to reduce energy consumption, and the installation of 20,000 kW of renewable energy in the District by 2020. As of 2019, the NJSEA approved approximately 50,000 kW of photovoltaic installations within the District, far exceeding its 20,000 kW goal.

### **INTERIM POLICIES GOVERNING AFFORDABLE HOUSING DEVELOPMENT (2008)**

The "Interim Policies Governing Affordable Housing Development in the Meadowlands District" (Interim Policies) were adopted July 24, 2008, and last revised July 27, 2011, to facilitate the development of affordable housing in the District. The Interim Policies include a site suitability review procedure wherein

sites not zoned for residential use may be deemed suitable sites to accommodate inclusionary housing development based on specific criteria.

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#### **HACKENSACK MEADOWLANDS AGENCY CONSOLIDATION ACT (2015)**

Legislation signed by Governor Chris Christie in 2015 merged the NJMC with the NJSEA, which assumed the former NJMC's departments and responsibilities, including Land Use Management and Solid Waste and Natural Resources. The core mission and mandates for the Hackensack Meadowlands District remain unchanged by the merger.

#### **HACKENSACK MEADOWLANDS DISTRICT MASTER PLAN (2020)**

This Master Plan is intended to serve as an update the 2004 Master Plan, which had described a vision for potential economic development and environmental objectives over the ensuing three decades that remains largely relevant today. This Master Plan will evaluate the existing conditions in the District, discuss significant changes since 2004, and highlight the accomplishments, as well as the challenges, to implementing the vision. This Master Plan will also set forth new policy objectives and provide recommendations for future comprehensive planning studies that will continue to promote the environmental preservation and economic development objectives for the Hackensack Meadowlands District over the next decade.



## 2. POPULATION AND ECONOMY

This chapter shall serve as an overview of the Hackensack Meadowlands District’s (District) defining demographic and economic characteristics.

Figure 2.1 “Land within the Hackensack Meadowlands District, by Municipality” identifies the total acreage of each municipality, its portion within the District, and its relative portion of the District’s total acreage. [Map 2 – District Municipalities](#) in the appendices shows the relationships of the constituent municipalities to the District’s boundaries.

**FIGURE 2.1** LAND WITHIN THE HACKENSACK MEADOWLANDS DISTRICT, BY MUNICIPALITY

Municipality	Total Acres	District Acres	% of Municipality	% of District
<b>BERGEN COUNTY</b>				
Carlstadt	2,690	2,307.6	85.7%	11.9%
East Rutherford	2,572	1,940.1	75.4%	10.0%
Little Ferry	1,070	424.6	39.6%	2.2%
Lyndhurst	3,178	1,935.2	60.8%	10.0%
Moonachie	1,115	831.8	74.5%	4.3%
North Arlington	1,619	456.7	28.1%	2.4%
Ridgefield	1,835	987.5	53.7%	5.1%
Rutherford	1,850	570.5	30.8%	2.9%
South Hackensack	476	91.3	19.1%	0.5%
Teterboro	718	483.8	67.4%	2.5%
<b>HUDSON COUNTY</b>				
Jersey City	11,534	937.3	8.1%	4.8%
Kearny	6,520	3,370.9	51.7%	17.4%
North Bergen	3,454	1,313.2	38.0%	6.8%
Secaucus	4,214	3,745.4	88.9%	19.3%
<b>TOTAL</b>	<b>42,845</b>	<b>19,396</b>	<b>45.3%</b>	<b>100.0%</b>

Source: MERI GIS

Since 2004, the NJSEA's Geographic Information Systems (GIS) service, provided by the Meadowlands Environmental Research Institute (MERI), has converted its platform to utilize the State of New Jersey Geographic Information Network (NJGIN) metadata. This conversion has resulted in some discrepancies in property boundaries between 2004 data and the current system. For example, the calculated number of acres in the District changed from 19,485 acres in 2004 to 19,396 acres, a net difference of approximately 89 acres. Therefore, analyses in this Master Plan that include comparisons to 2004 data inherently do not permit an exact assessment due to this variation in data.

However, along with the challenges resulting from an update in technology came opportunities to further refine the District's land use data. Advancements in technology have resulted in higher-resolution aerial mapping, which has enabled a more accurate categorization of land uses in the Meadowlands District, particularly within natural areas.

## I. POPULATION

The background information in this section contributes to a baseline from which planning strategies can be devised to guide the future of the District. Established land use patterns and the demographic fundamentals of population, housing, employment and economy are key components of the baseline condition. Shifts in these demographic areas create pressures for changes in land use and contribute towards the development of a framework for the future. Where data specific to the portion of a municipality within the District is not available, it is presented at the municipal, county, or regional level. The demographic and market analyses herein were prepared for the NJSEA by 4ward Planning, Inc.

### A. POPULATION CHARACTERISTICS

As of 2018, there are approximately 496,790 residents in the District's 14 municipalities, with 80 percent (395,990 persons) of this population residing in the four municipalities located within Hudson County and 20 percent (100,790 persons) residing in the 10 municipalities located within Bergen County. The actual in-District population is much less due to the relatively small amount of land area occupied by residential uses within the District boundaries. The data is also heavily influenced by the comparatively larger population of Jersey City located outside of the District, with just 8 percent of its land area located inside the District. (See Figure 2.2 "Population of Meadowlands District Municipalities.")

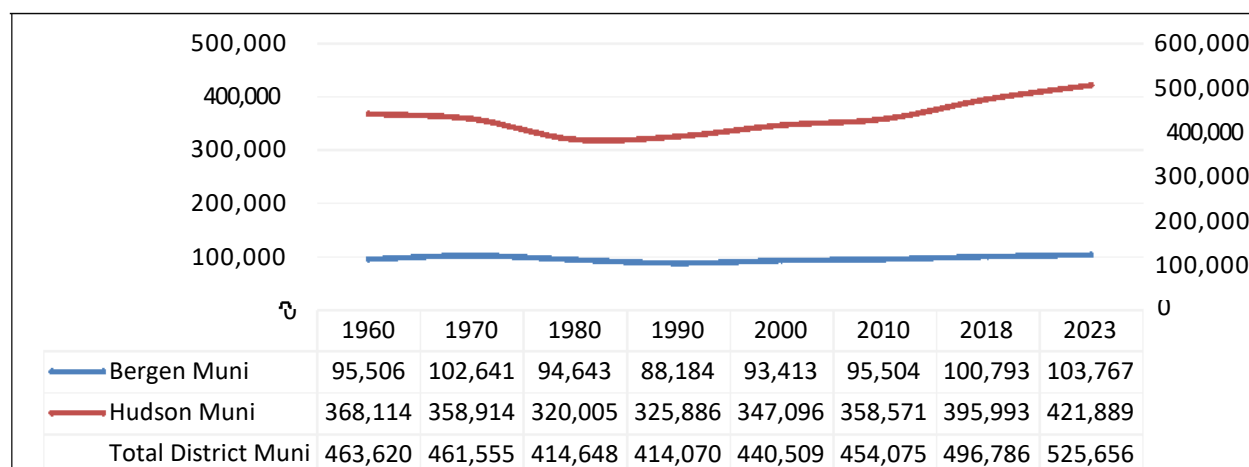
Between 2010 and 2018, the District's municipalities experienced modest population growth, increasing by approximately 42,710 residents (1.2 percent per year). The breakdown by county corresponds with overall population trends in each county. Bergen County grew by 0.6 percent per year from 2010-2018, which matched the growth rate for Bergen in-District municipalities. Hudson County in-District municipalities grew slightly faster at 1.3 percent per year than Hudson County as a whole, at 1.2 percent.

Over the next five years, a continuation of the modest population growth is projected in the District's municipalities, with an increase in population of 28,870 residents (1.2 percent per year) by 2023. The breakdown by county again closely corresponds with overall trends in each county, with Bergen County growth projected at 0.6 percent per year (0.6 percent for Bergen constituent municipalities), and Hudson County's growth projected at 1.1 percent per year (1.3 percent for Hudson constituent municipalities). As noted previously, Jersey City's sizeable area outside the District (92 percent) influences the population data. Increases in population in Bergen County, Hudson County, and in the State of New Jersey have been attributed to immigration, the revitalization of urban areas, and sustained economic development in the region. (See Figure 2.3 "Population Changes of Meadowlands District Municipalities.")

**FIGURE 2.2 POPULATION OF MEADOWLANDS DISTRICT MUNICIPALITIES**

	1960	1970	1980	1990	2000	2010	2018	2023
Lyndhurst	21,867	22,729	20,326	18,262	19,340	20,539	22,063	22,887
East Rutherford	7,769	8,536	7,849	7,902	8,558	8,908	10,008	10,555
Carlstadt	6,042	6,724	6,166	5,510	5,917	6,127	6,328	6,451
Moonachie	3,052	2,951	2,706	2,817	2,754	2,708	2,749	2,773
Teterboro	22	19	19	22	64	67	67	67
South Hackensack	1,841	2,412	2,229	2,106	2,200	2,378	2,509	2,596
Little Ferry	6,175	9,064	9,399	9,989	10,800	10,621	11,057	11,304
Ridgefield	10,788	11,308	10,294	9,996	10,819	11,026	11,751	12,185
North Arlington	17,477	18,096	16,587	13,790	15,149	15,371	15,739	15,976
Rutherford	20,473	20,802	19,068	17,790	17,812	17,759	18,522	18,973
<b>BERGEN MUNICIPALITIES</b>	<b>95,506</b>	<b>102,641</b>	<b>94,643</b>	<b>88,184</b>	<b>93,413</b>	<b>95,504</b>	<b>100,793</b>	<b>103,767</b>
Jersey City	276,101	260,350	223,532	228,537	236,678	244,754	275,666	296,888
Secaucus	12,154	13,228	13,719	14,061	15,001	15,514	18,289	19,382
North Bergen	42,387	47,751	47,019	48,414	57,424	60,189	62,557	64,607
Kearny	37,472	37,585	35,735	34,874	37,993	38,114	39,481	41,012
<b>HUDSON MUNICIPALITIES</b>	<b>368,114</b>	<b>358,914</b>	<b>320,005</b>	<b>325,886</b>	<b>347,096</b>	<b>358,571</b>	<b>395,993</b>	<b>421,889</b>
<b>Total District Munis</b>	<b>463,620</b>	<b>461,555</b>	<b>414,648</b>	<b>414,070</b>	<b>440,509</b>	<b>454,075</b>	<b>496,786</b>	<b>525,656</b>

Source: 4ward Planning, Inc. (NJ Department of Labor & Workforce Development/Esri)

**FIGURE 2.3 POPULATION CHANGES OF MEADOWLANDS DISTRICT MUNICIPALITIES**

Source: 4ward Planning, Inc. (NJ Department of Labor & Workforce Development/Esri)

Demographic trends, particularly the aging of the Baby Boomers (the generation born between 1946 and 1964), the maturing of the Millennials (the generation born between 1981 and 1996), and immigration will continue to influence economic and housing trends in the coming years.



## B. HOUSEHOLD INCOME

Figure 2.4 “Household income Profile (2000-2018)” compares the median household income for Bergen and Hudson Counties with the median income for the State of New Jersey for 2000, 2010, and 2018. It also looks at per capita income for the same timeframes, comparing Bergen and Hudson Counties to the State of New Jersey. This table also details annualized percentage growth of median household income and per capita income from 2000 to 2018.

While Bergen County had the highest median income and per capita income for all timeframes, Hudson County had the highest annualized growth rate for median household income at 3.3 percent per year, as well as per capita income, growing 4.4 percent per year from 2000 to 2018. Bergen County’s median income grew at the same rate as the State, 2.3 percent, from 2000 to 2018. However, the State’s per capita income increased by 2.7 percent per year, while Bergen County’s grew at 2.4 percent per year. These numbers reflect the growth that Hudson County experienced from 2010-2018, a time during which urban areas experienced a surge in population and job growth.

**FIGURE 2.4 HOUSEHOLD INCOME PROFILE (2000-2018)**

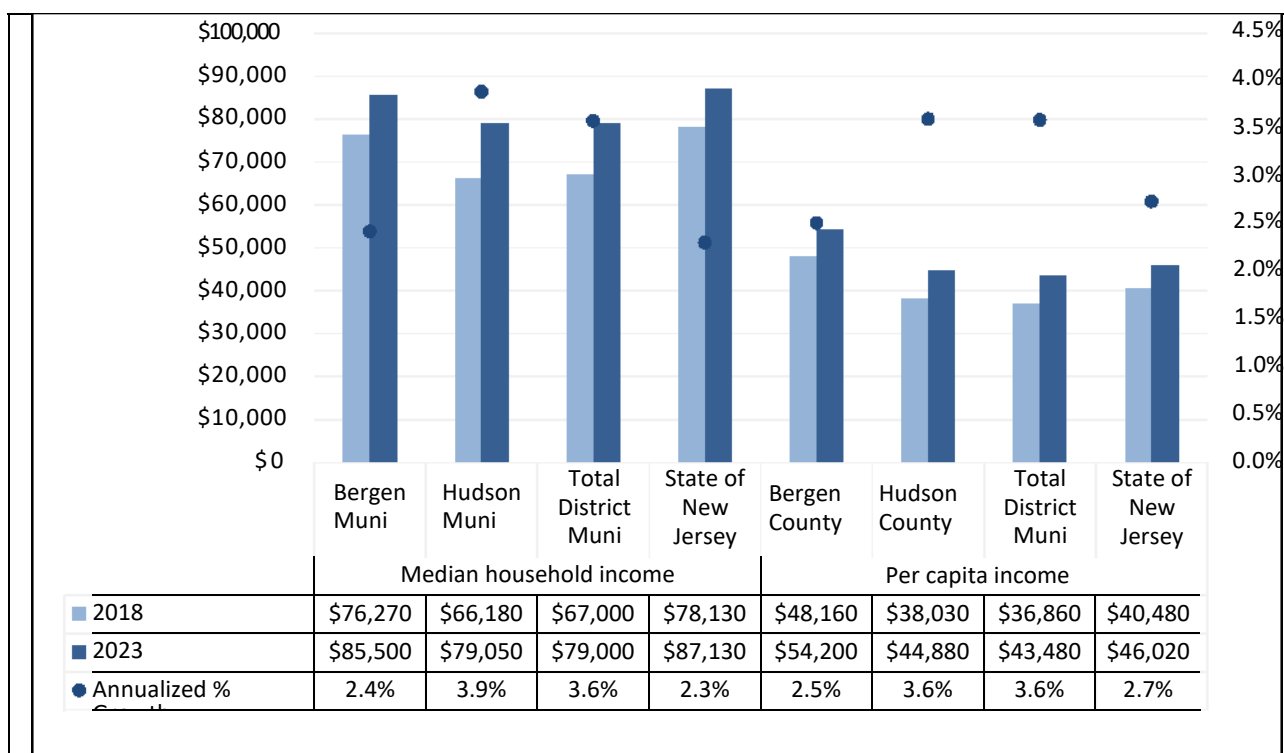
	2000	2010	2018	Change 2000-2018	Annualized % Growth
<b>MEDIAN HOUSEHOLD INCOME</b>					
Bergen County	\$65,241	\$81,708	\$92,940	\$27,699	2.3%
Hudson County	\$40,293	\$55,275	\$64,510	\$24,217	3.3%
State of New Jersey	\$55,146	\$69,811	\$78,126	\$22,980	2.3%
	2000	2010	2018	Change 2000-2018	Annualized % Growth
<b>PER CAPITA INCOME</b>					
Bergen County	\$33,638	\$42,006	\$48,159	\$14,521	2.4%
Hudson County	\$21,154	\$31,024	\$38,027	\$16,873	4.4%
State of New Jersey	\$27,006	\$34,858	\$40,482	\$13,476	2.7%

*Source: Award Planning, Inc. (Esri)*

Figure 2.5 “Median Household and Per Capita Income (2018 and 2023)” below compares the 2018 median household incomes for Bergen and Hudson County municipalities with the median incomes of the total District municipalities and the State of New Jersey. It also looks at per capita income for the same timeframes, comparing Bergen and Hudson Counties to District municipalities and the State of New Jersey.

As of 2018, both median household and per capita incomes in the District municipalities (\$67,000 and \$36,860, respectively) are lower than those within the State (\$78,130 and \$40,480 respectively). The municipalities located within Bergen County reported a median household income of \$76,270 compared to the municipalities in Hudson County which reported median incomes of \$66,180.

Between 2018 and 2023, median household and per capita income growth in the District municipalities are both expected to increase at a rate of 3.6 percent per year, faster than the same metrics within the State (2.3 and 2.7 percent, respectively). Near-term median household income growth in the District municipalities is expected to be particularly strong among the four municipalities located within Hudson County (growing by 3.9 percent per year).



**FIGURE 2.5** MEDIAN HOUSEHOLD AND PER CAPITA INCOME (2018 AND 2023)

Source: Award Planning, Inc. / Esri

### C. EDUCATIONAL ATTAINMENT

The District municipalities have a relatively well-educated labor force. Figure 2.6 “Educational Attainment (2010-2018)” below shows the percentages of residents, by county, who have attained various educational levels, with comparisons to the state and the nation. As of 2018, approximately 41 percent of adult residents 25 years of age and older in the District municipalities possessed a bachelor’s degree or higher and 16 percent had obtained a graduate or professional degree, compared to just 32 and 12 percent, respectively, nationally.

The share of educational attainment among adult residents has been increasing in recent years within all geographies examined, but particularly within the District municipalities. For example, while the share of adult residents with a bachelor’s degree or higher within the state and nation increased by nine and eight percentage points, respectively, from 2000 to 2018, the share of adult residents with a bachelor’s degree or higher within the District municipalities increased by 16 percentage points over the same period.



**FIGURE 2.6 EDUCATIONAL ATTAINMENT (2010 – 2018)**

	Jurisdiction	2000	2010	2018	Change 2000-2018
<b>HIGH SCHOOL GRADUATE OR HIGHER</b>	Bergen Municipalities	82%	89%	91%	9%
	Hudson Municipalities	72%	82%	86%	14%
	Total District Municipalities	74%	83%	87%	13%
	State of New Jersey	82%	87%	89%	7%
	United States	80%	85%	88%	8%
<b>BACHELOR'S DEGREE OR HIGHER</b>	Bergen Municipalities	26%	33%	40%	14%
	Hudson Municipalities	25%	35%	41%	16%
	Total District Municipalities	25%	34%	41%	16%
	State of New Jersey	30%	35%	39%	9%
	United States	24%	28%	32%	8%
<b>GRADUATE/ PROFESSIONAL DEGREE</b>	Bergen Municipalities	8%	11%	14%	6%
	Hudson Municipalities	9%	13%	16%	7%
	Total District Municipalities	9%	12%	16%	7%
	State of New Jersey	11%	13%	15%	4%
	United States	9%	10%	12%	3%

*Source: Award Planning, Inc. (U.S. Census Bureau, Center for Economic Studies)*

## II. EMPLOYMENT

Data regarding labor force, which measures persons employed and unemployed by place of residence, is provided by the New Jersey Department of Labor and Workforce Development. Bergen and Hudson counties offer Meadowlands employers a sizeable labor pool (see Figure 2.7 “Labor Force by Employment Status”). Employers may also draw workers who reside in the nearby New Jersey counties of Essex, Passaic, Union, Morris, and Sussex and the southern counties of New York State.

In 2016, with approximately 394,440 working age persons 16 years and older and 267,210 persons in the labor force (those working and persons who are unemployed but seeking employment), the District municipalities had a participation rate of 67.7 percent and an unemployment rate of 8.2 percent.

While the unemployment rate in District municipalities is 0.9 points lower than it was in 2010 (9.1 percent), it remains higher than the unemployment rate observed within the State (7.9 percent) and higher than the five-percent level generally considered full employment by economists. Furthermore, the participation rate within the District municipalities (the number of people working or actively

seeking work as a percentage of the working age population) has declined by 0.1 point, over the same period.

**FIGURE 2.7     LABOR FORCE BY EMPLOYMENT STATUS**

	2010				2016				Change 2010-2016	
	POPULATION 16 YEARS AND OLDER	LABOR FORCE	PARTICIPATION RATE	UNEMPLOYMENT RATE	POPULATION 16 YEARS AND OLDER	LABOR FORCE	PARTICIPATION RATE	UNEMPLOYMENT RATE	PARTICIPATION RATE	UNEMPLOYMENT RATE
<b>BERGEN MUNICIPALITIES</b>	78,493	51,426	65.5%	6.6%	82,726	54,585	66.0%	7.0%	0.5%	0.3%
<b>HUDSON MUNICIPALITIES</b>	290,610	199,091	68.5%	9.7%	311,713	212,625	68.2%	8.5%	-0.3%	-1.2%
<b>TOTAL DISTRICT MUNICIPALITIES</b>	369,103	250,517	67.9%	9.1%	394,439	267,211	67.7%	8.2%	-0.1%	-0.9%
<b>STATE OF NEW JERSEY</b>	6,893,087	4,597,689	66.7%	7.8%	7,143,654	4,700,524	65.8%	7.9%	-0.9%	0.1%

Sources: Award Planning, Inc.

(U.S. Census Bureau, 2006-2010 and American Community Survey 5-Year Estimates, 2012-2016)

According to 2018 data provided by the U.S. Census Bureau's Center for Economic Studies, illustrated by Figure 2.8 "Paid Employees in Bergen and Hudson Counties by NAICS Code" below, there are approximately 725,800 jobs within Bergen and Hudson Counties, an increase in 13,615 jobs from 2010 (when there were approximately 712,180 jobs). The health care and social assistance sector compose the largest sector by employment share within the two counties (14.5 percent of total jobs).

From 2000 to 2018, the number of jobs within Bergen and Hudson counties decreased by approximately 13,620. An increase in jobs in Bergen County (30,620) over that time period was offset by a decrease in jobs in Hudson County (17,000). During this time period, the nation, including New Jersey, suffered from the Great Recession of 2007-2009, largely fueled by a collapse of the housing market due to sub-prime lending. Since 2013, the regional economy has rebounded.





FIGURE 2.8

PAID EMPLOYEES IN BERGEN AND HUDSON COUNTIES BY NAICS CODE

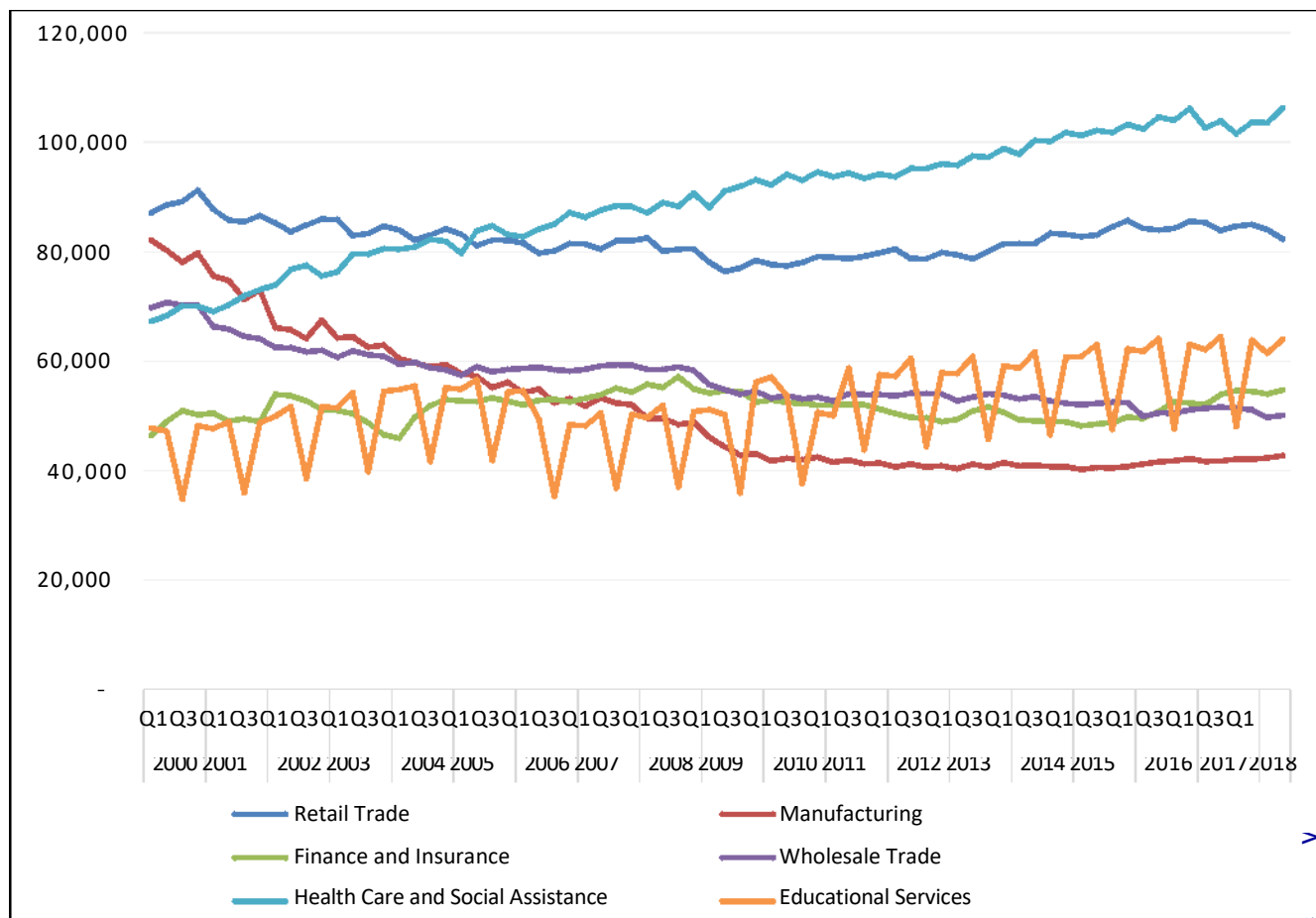
NAICS Description	2000			2018			Employee Change (2000-2018)		
	Bergen County	Hudson County	Combined Bergen & Hudson	Bergen County	Hudson County	Combined Bergen & Hudson	Bergen County	Hudson County	Combined Bergen & Hudson
Health Care and Social Assistance	21,628	47,311	<b>68,939</b>	29,467	75,432	<b>104,899</b>	7,840	28,121	<b>35,960</b>
Educational Services	17,676	26,803	<b>44,479</b>	23,861	38,866	<b>62,727</b>	6,186	12,063	<b>18,249</b>
Accommodation and Food Services	10,991	21,629	<b>32,620</b>	18,571	32,215	<b>50,786</b>	7,580	10,586	<b>18,166</b>
Professional, Scientific, and Technical Services	9,963	32,601	<b>42,564</b>	16,239	32,279	<b>48,518</b>	6,275	-322	<b>5,954</b>
Finance and Insurance	28,352	20,770	<b>49,121</b>	40,022	14,330	<b>54,352</b>	11,670	-6,440	<b>5,230</b>
Administrative & Support, Waste Management and Remediation Services	15,600	34,800	<b>50,400</b>	19,003	34,040	<b>53,043</b>	3,403	-760	<b>2,643</b>
Real Estate and Rental and Leasing	4,354	7,573	<b>11,927</b>	5,928	7,972	<b>13,900</b>	1,574	399	<b>1,973</b>
Arts, Entertainment, and Recreation	1,102	8,883	<b>9,985</b>	2,912	8,507	<b>11,419</b>	1,810	-377	<b>1,433</b>
Public Administration	11,970	13,809	<b>25,779</b>	14,360	12,816	<b>27,176</b>	2,390	-994	<b>1,397</b>
Other Services (except Public Administration)	5,591	14,889	<b>20,480</b>	6,056	14,716	<b>20,772</b>	465	-173	<b>292</b>
Management of Companies and Enterprises	3,348	14,870	<b>18,217</b>	3,181	15,326	<b>18,507</b>	-167	457	<b>289</b>
Utilities	1,140	1,362	<b>2,502</b>	1,215	1,490	<b>2,705</b>	75	129	<b>204</b>
Mining, Quarrying, and Oil and Gas Extraction	13	0	<b>13</b>	85	28	<b>113</b>	72	28	<b>100</b>
Agriculture, Forestry, Fishing and Hunting	29	327	<b>356</b>	29	221	<b>250</b>	0	-106	<b>-106</b>
Transportation and Warehousing	26,130	16,024	<b>42,154</b>	25,277	15,955	<b>41,231</b>	-854	-69	<b>-923</b>
Construction	6,800	17,110	<b>23,909</b>	5,092	16,536	<b>21,627</b>	-1,708	-574	<b>-2,282</b>
Retail Trade	26,972	62,043	<b>89,015</b>	28,391	54,797	<b>83,188</b>	1,419	-7,246	<b>-5,827</b>
Information	9,680	19,794	<b>29,474</b>	8,402	9,745	<b>18,147</b>	-1,279	-10,049	<b>-11,328</b>
Wholesale Trade	17,856	52,360	<b>70,216</b>	14,380	35,525	<b>49,904</b>	-3,476	-16,836	<b>-20,312</b>
Manufacturing	22,296	57,738	<b>80,034</b>	9,639	32,900	<b>42,538</b>	12,658	-24,839	<b>-37,496</b>
<b>Total Employees</b>	<b>241,488</b>	<b>470,693</b>	<b>712,181</b>	<b>272,104</b>	<b>453,692</b>	<b>725,796</b>	<b>30,616</b>	<b>-17,001</b>	<b>13,615</b>

Source: 4ward Planning, Inc. (U.S. Census Bureau, Center for Economic Studies, LEHD)

A. COUNTY AND STATE EMPLOYMENT TRENDS

According to 2018 data provided by the U.S. Census Bureau’s Center for Economic Studies (illustrated by Figure 2.9 “Top Six Industries by Total Primary Jobs within Bergen and Hudson Counties”), there are approximately 725,800 jobs within Bergen and Hudson Counties, an increase in 13,615 jobs from 2010 (when there were approximately 712,180 jobs). The health care and social assistance sector compose the largest sector by employment share within the two counties (14.5 percent of total jobs). Over the same period, while the number of jobs within Bergen County increased by 30,620 jobs, the number of jobs within Hudson County decreased by 17,000. With the exception of health care and social assistance jobs and the seasonal fluctuation of educational services, all sectors showed a decrease in jobs starting in 2008, reflecting the Great Recession that had just begun. As of 2018, Manufacturing, Finance and Insurance, and Wholesale Trade had not recovered the lost jobs. Retail jobs have largely recovered.

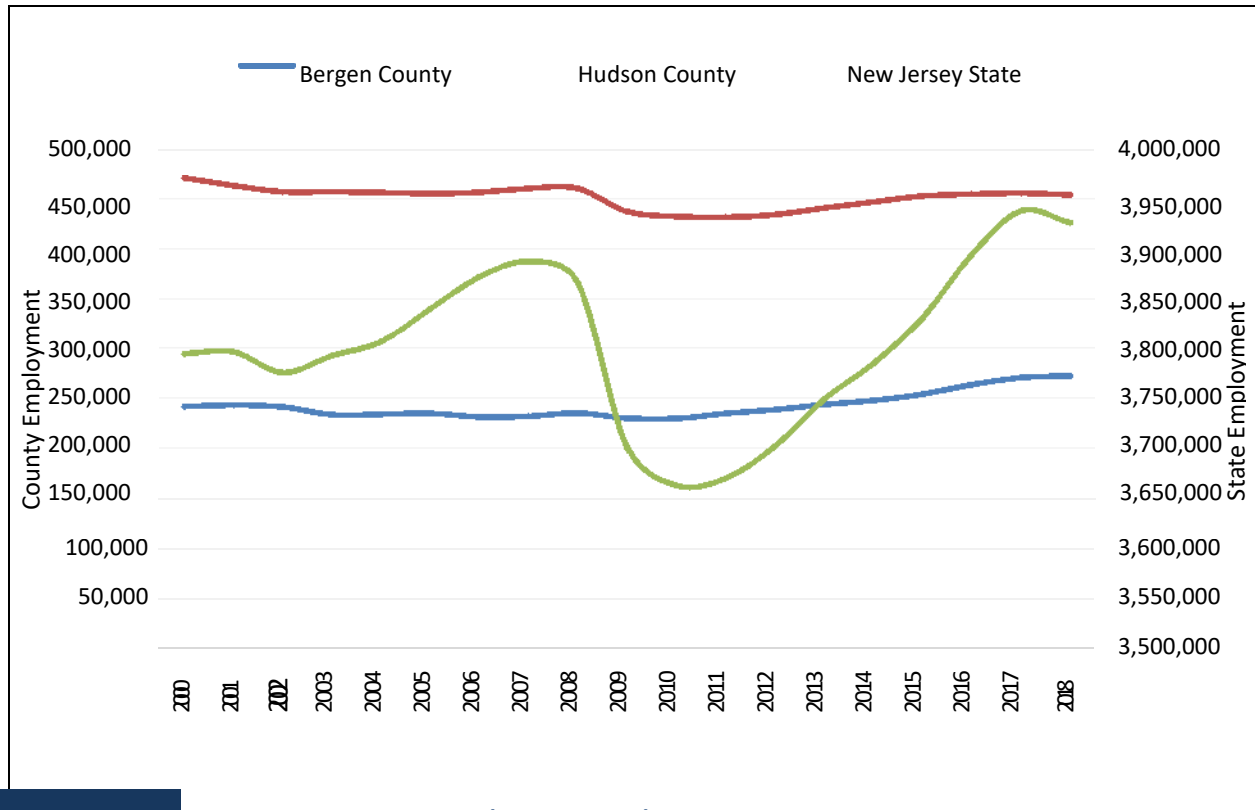
FIGURE 2.9 TOP INDUSTRIES WITHIN BERGEN AND HUDSON COUNTIES (2000 – 2018)



Source: 4ward Planning, Inc. (U.S. Census Bureau, Center for Economic Studies)

Figure 2.10 "Employment Trends (2000-2018)" illustrates Bergen and Hudson County employment vs. State of NJ employment. While Bergen County employment as a whole remained relatively stable and saw steady growth, the graph shows that Hudson County employment experienced a dip during the Great Recession in 2008. As of 2018, Hudson County job totals have not risen to pre-Recession levels.

The New Jersey curve shows a dramatic increase in the early 2000's, followed by a dramatic drop in 2008. New Jersey's 2018 job numbers have surpassed all previous totals.



**FIGURE 2.10** EMPLOYMENT TRENDS (2000 – 2018)

Source: 4ward Planning, Inc. (U.S. Census Bureau, Center for Economic Studies, LEHD)

### III. ECONOMY

According to the Wells Fargo *New Jersey Economic Outlook: September 2018*, New Jersey's economy gained momentum going into 2018, as stronger U.S. economic growth has fueled growth in the state's transportation and distribution sector. Overall employment growth is rising roughly in line with the nation, and the unemployment rate had fallen half a percentage point since the fall of 2017.

New Jersey continues to experience sluggish population growth, with a 0.45% annualized growth rate projected between 2019 and 2024, according to the NJ Department of Labor and Workforce Development. The minor increases in population that New Jersey has seen in recent years are primarily due to immigration. New Jersey continues to lose more than 50,000 residents a year to net domestic migration. With the labor market tightening up, slow population growth will make it harder for New Jersey businesses to find the skilled workers they need, which will increasingly limit job growth. Nonfarm payrolls are expected to rise 1.5 percent in 2019, after a 1.6 percent rise in 2018. The majority of that growth will come from New Jersey's service sector, particularly healthcare and education.

According to James Hughes of Rutgers University (*New Jersey Business*, "2019 Industry Forecasts"), three employment sectors will lead the 2019 New Jersey economic expansion. Professional and business services will continue to be a vital engine of growth, along with health services. They will again be

2-10

joined in 2019 by the trade and transportation sector, as distribution and fulfillment centers continue their rapid growth. Manufacturing will continue to rebound, with 2019 marking its third straight year of employment growth.

Stronger consumer spending and e-commerce-fueled supply chain expansions have strengthened demand for logistics services, warehouses and distribution facilities. This is evident in the District, where e-commerce-related uses continue to grow. Transportation and logistics has long been a key economic driver in the District and throughout New Jersey. Payrolls in New Jersey's transportation and warehousing sector have grown faster than any other major sector, accounting for approximately 31 percent of all new jobs created over the past year, and expanding 9 percent year-over-year nearly every month in 2018.

Higher cargo volumes at the Port of New York and New Jersey have bolstered nearby industrial markets in North Jersey, driving demand for warehouses and distribution facilities, and pulling vacancy rates down to near all-time lows. The recent raising of the Bayonne Bridge to accommodate larger post-Panamax container ships should keep cargo volumes growing and continue to attract new investment.

The resurgence in manufacturing activity that began in 2016 is another welcome development and appears to be gaining momentum. Manufacturing employment growth accelerated to 3.4 percent year-to-year in July 2018, on a three-month moving average basis, the fastest rate of growth seen since the 1990's. Computer and electronic parts, food manufacturing and chemicals have seen notable gains. Manufacturing payrolls are up in every New Jersey metro area, and this improvement is helping to bolster the transportation and logistics sectors.

Access to New York City and Philadelphia remains a key competitive advantage for New Jersey. Increased rail congestion and aging infrastructure, however, have potential ramifications for all New Jersey commuters. The proposed Gateway Program infrastructure improvements are designed to improve service and create capacity to double the number of passenger trains running under the Hudson River. Updates to tracks, bridges, stations and tunnels will ultimately create four mainline tracks between Newark and Penn Station, New York. The multiple levels of public funding needed to fund this ambitious project have added to its complexity, and its future remains uncertain.

Tax revenues have not recovered as quickly as originally anticipated, given the subdued nature of the state's economic recovery. In response, the state's already high tax burden was recently raised even further. Legislators passed a new budget agreement that increased the corporate business tax to 11.5 percent, the second highest in the country.

Tax reform at the federal level may also hinder New Jersey's housing market. The cap of \$10,000 on state and local tax (SALT) deductions enacted under the federal 2017 Tax Cuts and Jobs Act may negatively impact home sales and price appreciation of homes more than what would have otherwise occurred. Over 40 percent of New Jersey residents claim a SALT deduction, at an average amount of \$17,850, which provides some relief from the high property taxes in the state.

The lowering of the mortgage limit for the mortgage interest deduction from \$1 million to \$750,000 enacted under the Tax Cuts and Jobs Act may also have a negative impact on home sales and appreciation of home prices. Given the high concentration of homes in the price range of \$750,000 to \$1.5 million, the Garden State's housing market may be particularly impacted. These limitations may induce residents to relocate and exacerbate New Jersey's current demographic losses.





## A. ECONOMIC INDICATORS

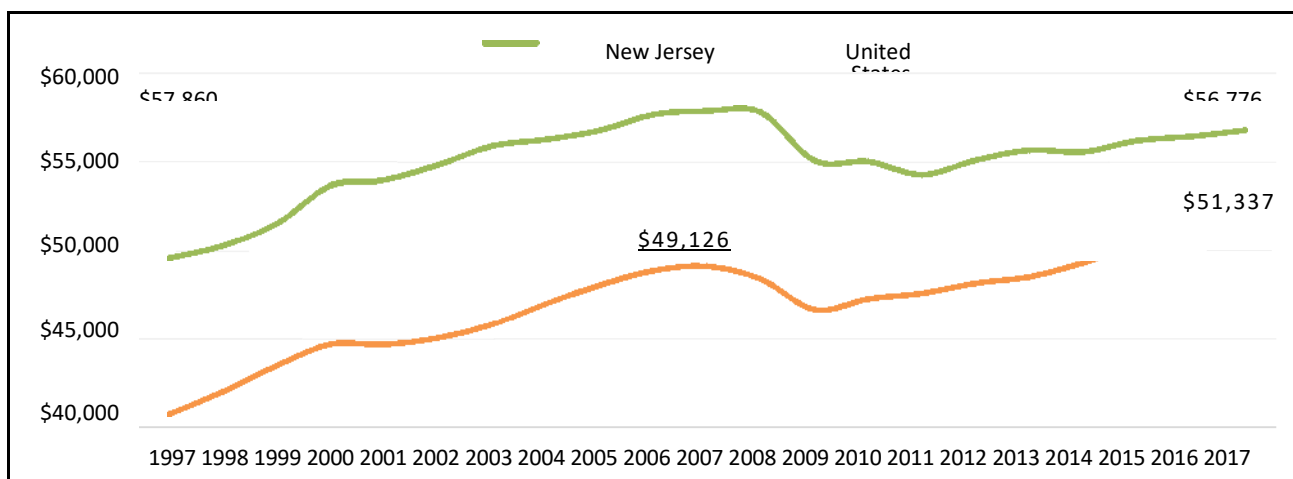
The United States Census Bureau conducts the Economic Census every five years (in years ending in “2” and “7”). The Economic Census is the official measure of the Nation’s businesses and economy. Economic Census data is used as the statistical benchmark for current economic activity such as the Gross Domestic Product and the Producer Price Index. Comprehensive information is generated for nearly one thousand industries and thousands of geographic areas. Information collected from individual businesses includes location, type of business, employment, payroll, and revenue by type of service or product.

Gross Domestic Product (GDP) and the Consumer Price Index (CPI) are two of the most important aspects of a healthy economy. CPI measures inflation and GDP measures the monetary value of all final goods and services produced. The GDP excludes imports, while the CPI includes anything purchased by consumers, including foreign goods.

Real Gross Domestic Product (GDP) per capita is a measurement of all economic activity (e.g. personal consumption, business investment, government spending, and net exports) of a given area adjusted for inflation and divided by the number of people. The data is compiled and analyzed by the United States Bureau of Economic Analysis (BEA) and results are released quarterly. According to BEA data, in 2017, New Jersey’s per capita Real GDP amounted to \$56,776 in 2009 dollars.

As shown in Figure 2.11 “Per Capita Real GDP (Chained 2009 Dollars),” while New Jersey’s Real GDP per capita is currently \$5,440 higher than that within the nation (\$51,337), overall, it remains \$1,085 lower than it was in 2007 (\$57,860).

**FIGURE 2.11 REAL GDP (CHAINED 2009 DOLLARS)\***



\*Chained dollars is a method of adjusting real dollar amounts for inflation over time, so as to allow comparison of figures from different years. The U.S. Department of Commerce introduced the chained-dollar measure in 1996. Chained dollars generally reflect dollar figures computed with 2009 as the base year (Wikipedia).

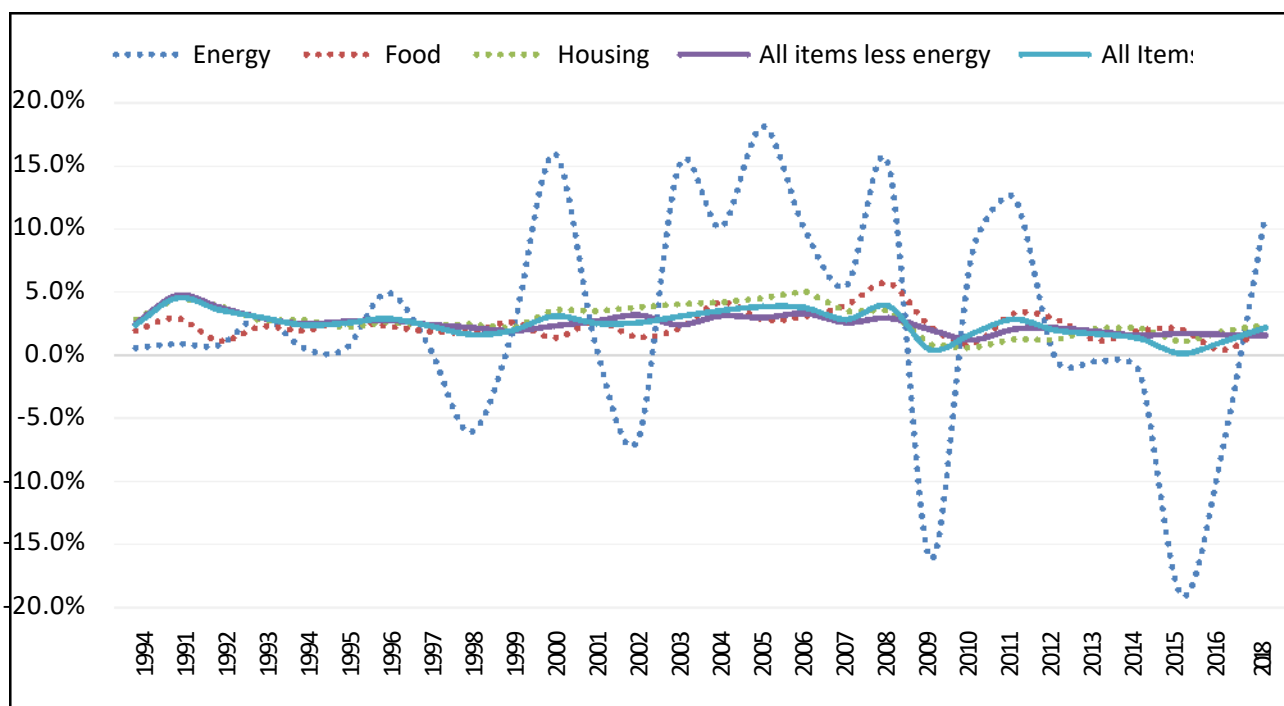
Source: 4ward Planning, Inc. (United States Bureau of Economic Analysis)

The CPI is a measure of the average change in prices over time in a fixed market basket of goods and services (e.g. energy, food, housing, etc.). This data is compiled by the United States Bureau of Labor Statistics (BLS) and is released monthly. According to the BLS, the CPI is the most



widely used measure of inflation and is sometimes viewed as an indicator of the effectiveness of government economic policy. When wages and salaries fail to keep up with increases in the CPI, the buying power of consumers is diminished. Per Figure 2.12 “Year Over Year Percent Changes in CPI-U for Urban Consumers: New York MSA,” as of May 2018, the all items CPI Index for All Urban Consumers (CPI-U) in the New York Metropolitan Statistical Area (MSA) increased by 2.2 percent over the previous year (compared to a 2.8 percent increase within the nation).

In comparison, the index for all items less energy (a typically less volatile index which excludes prices for household and transportation fuels) in the New York MSA increased by 1.6 percent over the previous year (compared to a 2.1 percent increase within the nation).



**FIGURE 2.12** YEAR OVER YEAR PERCENT CHANGES IN CPI-U FOR URBAN CONSUMERS: NEW YORK MSA\*\*

\*\*The New York-Newark-Jersey City, N.Y.-N.J.-Pa., Core Based Statistical Area includes Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, and Westchester Counties in New York; Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, and Union Counties in New Jersey; and Pike County in Pennsylvania.

Source: 4ward Planning, Inc.

(U.S. Department of Labor, Bureau of Labor Statistics, includes all Items not seasonally adjusted, as of May 2018)

The Employer Value of Sales, Shipments, Receipts, Revenue, or Business is also generated by Economic Census data (see Figure 2.13 “Employer Value of Sales, Shipments, Receipts, Revenue or Business Done in District Municipalities”). In 2012 (the year of the latest available Economic Census data), District municipalities had nearly \$51 million in employer sales, shipments, receipts, revenue, or business done by domestic establishments (excludes foreign subsidiaries), with 60 percent of this value (nearly \$30.3 million) occurring within the wholesale trade sector. Furthermore, 70 percent of the District municipalities’ employer sales, shipments, receipts, revenue, or business (nearly \$36 million) is occurring within Hudson County municipalities.

From 2007 to 2012, employer sales, shipments, receipts, revenue, or business done within the District municipalities increased by 20 percent (by \$42.2 million or 1.4 percent per year), with employer sales, shipments, receipts, revenue, or business increasing in Hudson County municipalities (3.0 percent per year) but decreasing within Bergen County municipalities (-1.0 percent per year).

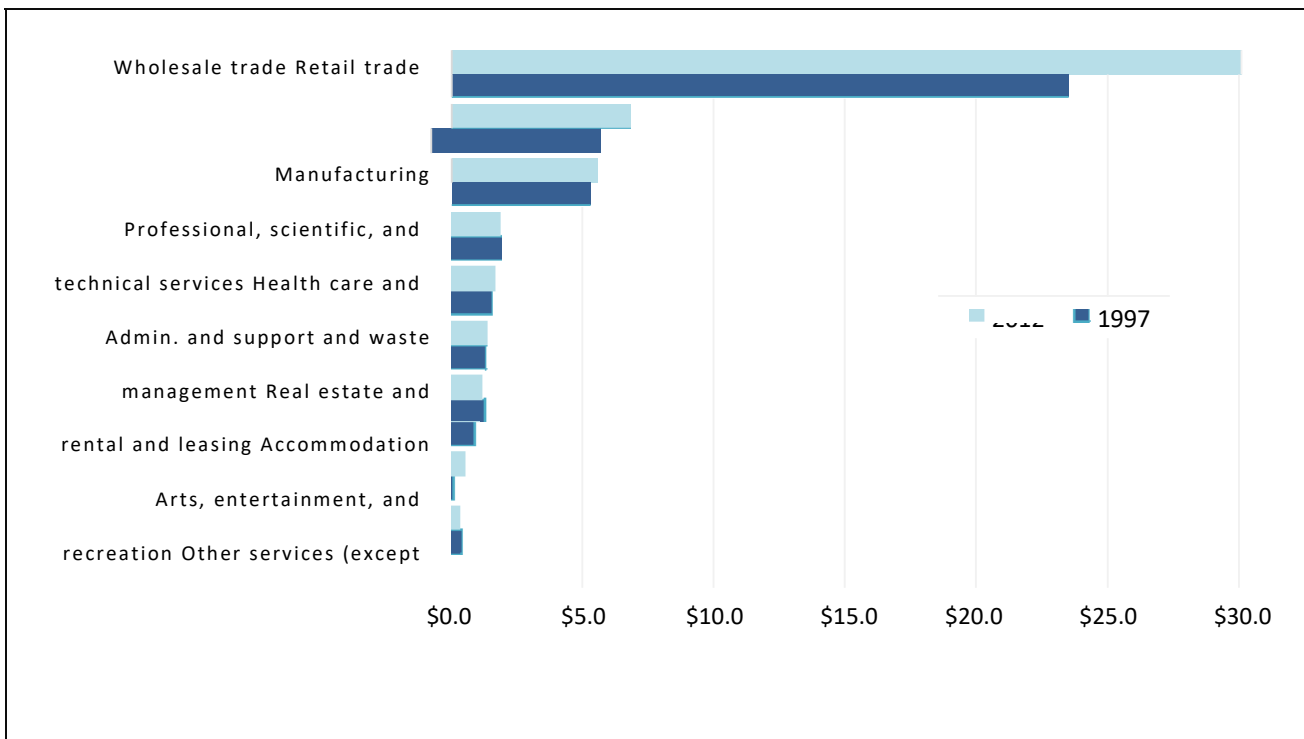


FIGURE 2.13

**EMPLOYER VALUE OF SALES, SHIPMENTS, RECEIPTS, REVENUE, OR BUSINESS DONE IN DISTRICT MUNICIPALITIES (MILLIONS OF DOLLARS)**

Source: 4ward Planning, Inc. (US Bureau of the Census, 1997 and 2012 Economic Census)

## IV. REAL ESTATE TRENDS

### A. INDUSTRIAL MARKET

Cushman and Wakefield prepares market trend reports for a number of local markets, including Northern New Jersey. According to first-quarter 2018 data, provided in Figure 2.14 “Industrial Market Inventory, Lease and Vacancy Rates,” there is nearly 160 million square feet of industrial space (including high-tech, manufacturing, and warehouse/distribution space) within Bergen and Hudson Counties combined, with 4.5 percent of this space currently vacant (7.1 million square feet).

From the first quarter of 2012 through the first quarter of 2018, the total square footage of industrial space in the combined two-county region remained relatively flat (increasing by just 3.6 million square feet or 0.4 percent per year), while the average vacancy rate declined sharply (by 5.7 percentage points). During the same period, asking rents for warehouse/distribution

space rose significantly within both Bergen County (by \$3.04 per square foot) and Hudson County (by \$3.38 per square foot).

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**FIGURE 2.14 INDUSTRIAL MARKET INVENTORY, LEASE AND VACANCY RATES**

County	1st Qtr. 2012	1st Qtr. 2013	4th Qtr. 2014	1st Qtr. 2016	1st Qtr. 2018	2012-2018 Change
<b>Total Inventory (SF)</b>						
Bergen County	86,380,628	86,453,644	86,889,387	86,489,616	86,529,265	148,637
Hudson County	69,948,294	70,595,608	72,942,755	73,674,849	73,454,136	3,505,842
Total	156,328,922	157,049,252	159,832,142	160,164,465	159,983,401	3,654,479
Northern New Jersey	284,538,379	285,695,117	289,371,238	289,024,393	285,915,667	1,377,288
<b>Overall Vacancy Rate</b>						
Bergen County	11.2%	10.3%	7.1%	5.9%	4.7%	-6.5%
Hudson County	9.0%	8.8%	9.3%	4.8%	4.2%	-4.8%
Total	10.2%	9.6%	8.1%	5.4%	4.5%	-5.7%
Northern New Jersey	10.3%	9.3%	7.5%	5.9%	6.2%	-4.1%
<b>Direct Weighted Average Net Rental Rate</b>						
<b>Bergen County</b>						
High Tech	\$10.15	\$10.74	\$10.67	\$10.97	\$10.20	\$0.05
Manufacturing	\$5.22	\$4.74	\$6.62	\$6.75	\$7.06	\$1.84
Warehouse/Distribution	\$5.68	\$5.92	\$6.50	\$7.72	\$8.72	\$3.04
<b>Hudson County</b>						
High Tech	\$17.19	\$17.19	NA	\$14.32	\$14.19	-\$3.00
Manufacturing	\$4.57	\$4.45	NA	\$5.40	\$5.40	\$0.83
Warehouse/Distribution	\$5.87	\$6.17	\$5.97	\$7.74	\$9.25	\$3.38

Source: 4ward Planning, Inc.

Cushman & Wakefield, Marketbeat: Northern & Central New Jersey

## B. OFFICE MARKET

According to second-quarter 2018 data provided by Cushman & Wakefield, provided in Figure 2.15 "Office Market Inventory, Lease and Vacancy Rates," there is over 6.6 million square feet of office space within the Meadowlands office submarket, with 18.2 percent of this space currently vacant (1.2 million square feet). The Meadowlands office submarket consists of nine municipalities (Carlstadt, East Rutherford, Hasbrouck Heights, Lyndhurst, Rutherford, Teterboro, North Bergen, Secaucus and Union City), seven of which are constituent District municipalities that have portions of their land areas within the District.

From the second quarter of 2012 through the second quarter of 2018, the total square footage of office space in the submarket decreased by 408,900 square feet (1.0 percent per year). During the same period, while average vacancy rates decreased significantly (by 6.0 percentage points), they remained generally higher than vacancy rates in the combined two-county region. Furthermore, over the same six-year period, asking rents remained relatively flat within the submarket (just over \$24 per square foot for all classes of office space) and generally lower than office rents in the region.





**FIGURE 2.15 OFFICE MARKET INVENTORY, LEASE AND VACANCY RATES**

County	2nd Qtr. 2012	4th Qtr. 2015	3rd Qtr. 2016	4th Qtr. 2017	2nd Qtr. 2018	2012-2018 Change
<b>Total Inventory (SF)</b>						
Meadowlands	7,052,622	6,643,698	6,643,718	6,643,718	6,643,718	-408,904
Bergen County	26,175,579	26,503,762	25,911,015	26,025,548	25,978,970	-196,609
Hudson County	23,896,786	24,892,643	24,657,469	24,606,797	24,606,797	710,011
Total	50,072,365	51,396,405	50,568,484	50,632,345	50,585,767	513,402
Northern New Jersey	108,523,931	111,075,521	109,975,844	110,233,260	108,794,140	270,209
<b>Overall Vacancy Rate</b>						
Meadowlands	24.2%	21.7%	17.8%	20.7%	18.2%	-6.0%
Bergen County	18.1%	18.4%	17.9%	18.0%	17.8%	-0.3%
Hudson County	8.9%	14.5%	12.8%	16.0%	15.3%	6.4%
Total	13.7%	16.5%	15.4%	17.0%	16.6%	2.9%
Northern New Jersey	17.9%	23.2%	18.8%	18.4%	19.8%	1.9%
<b>Asking Lease Rate (per SF) All Classes</b>						
Meadowlands	\$24.51	\$25.94	\$24.33	\$24.81	\$24.38	-\$0.13
Bergen County	\$25.99	\$24.62	\$26.57	\$27.13	\$28.99	\$3.00
Hudson County	\$28.60	\$34.51	\$35.63	\$40.18	\$45.28	\$16.68
Northern New Jersey	\$25.36	\$20.84	\$27.94	\$29.84	\$35.48	\$10.12

Source: Award Planning, Inc. (Cushman & Wakefield, Marketbeat: Northern & Central New Jersey)

Additional detail regarding development activity and land use trends in the District is provided in **Chapter 3 – Land Use**.

## V. STATE OF NEW JERSEY ECONOMIC DEVELOPMENT INCENTIVES

The State of New Jersey offers many programs to assist businesses of all types and sizes. The New Jersey Business Action Center (NJBAC) is a business advocacy team within the New Jersey Department of State (NJDOS) that serves as the “one stop” resource for all business-related services. The State of New Jersey Business Portal at <https://www.nj.gov/njbusiness/> offers a multitude of information for business owners and employees. Several of the many financial incentive programs offered by the State in certain areas of the District are highlighted below:

### A. OPPORTUNITY ZONES

The Opportunity Zones program was enacted as part of the federal Tax Cuts and Jobs Act of 2017 and is administered by the New Jersey Department of Community Affairs (DCA). The program was designed to spur economic development and job creation in economically distressed communities through tax benefits to private investors in Qualified Opportunity Funds. Qualified Opportunity Funds are investment vehicles that are set up to invest in eligible properties in Qualified Opportunity Zones. A total of 169 census tracts have been designated as Opportunity Zones throughout New Jersey. There are four Opportunity Zone census tracts that are located in the District, one in Teterboro, one in Kearny, and two in North Bergen.

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**B. URBAN ENTERPRISE ZONE PROGRAM**

The Urban Enterprise Zone (UEZ) Program, enacted in 1983 and administered by the New Jersey DCA, is an economic development program designed to encourage businesses to locate and create jobs in designated urban communities. Tax and financial incentives available through the UEZ program include the ability to reduce the standard sales tax rate charged to consumers (3.3125 percent effective January 1, 2018), tax credits for certain investments, and one-time tax credits for full-time, permanent employees. There are 32 active zones in 37 municipalities in New Jersey. In the District, zones are located in Kearny, North Bergen and Jersey City in Hudson County.

**C. GROW NJ**

Grow NJ is a job creation and retention incentive program administered by the New Jersey Economic Development Authority (NJEDA). Grow NJ offers tax credits for employers that create or retain jobs in eligible project locations throughout the State.

**D. ECONOMIC DEVELOPMENT AND GROWTH PROGRAM**

The Economic Development and Growth (ERG) program is an NJEDA incentive grant program for developers and businesses to address revenue gaps in proposed development projects. The funding is available for residential, commercial, and mixed-use parking projects in eligible project locations.

**E. FILM AND DIGITAL MEDIA TAX CREDIT PROGRAM**

The Film and Digital Media Tax Credit Program was established to encourage production companies to film and create digital content in New Jersey. The program, administered by the NJEDA, provides tax credits for certain costs incurred during production of films and digital content.

**F. BROWNFIELDS PROGRAMS**

Given the extensive history of environmental degradation within the Meadowlands, it is not surprising that certain properties remain idle or underutilized. These sites may contain factories, warehouses, landfills, former service stations, or other facilities. Such sites may be deemed in need of redevelopment.

The Brownfield and Contaminated Site Remediation Act (N.J.S.A. 58:10B-1 et seq.) defines brownfields as any former or current commercial or industrial sites, currently vacant or underutilized and on which there has been, or there is suspected to have been, a discharge of a contaminant.

The State of New Jersey offers a plethora of resources to municipalities, property owners, and prospective developers of brownfields in the State. Several New Jersey State agencies offer regulatory and financial assistance to those interested in developing brownfield sites, including the following:

**1. Hazardous Discharge Site Remediation Fund**

The Hazardous Discharge Site Remediation Fund (HDSRF) provides loans and/or grants to parties that remediate and/or clean up contaminated and underutilized sites. This program is administered jointly by the NJEDA and the New Jersey Department of Environmental Protection (NJDEP).



## 2. The New Jersey Brownfields Redevelopment Task Force

The New Jersey Brownfields Redevelopment Task Force (Task Force) was created in 1998 under Section 5 of the New Jersey Brownfield and Contaminated Site Remediation Act (N.J.S.A. 48:10B-23). The 13-member Task Force consists of seven representatives from the State agencies and six public members. The Task Force, with the support of its Brownfields Redevelopment InterAgency Team (BRIT), coordinates State policy on brownfields. The BRIT is comprised of representatives from NJ State agencies and programs, and is responsible for streamlining the redevelopment process, promoting communication between the State, municipality and developer, and conducting outreach to brownfields stakeholders. The BRIT also produces the “New Jersey Brownfields Redevelopment Resource Kit,” a guide to the NJ State agencies involved in brownfields redevelopment.

The Task Force is also required to prepare an inventory of Brownfield sites in the State and actively market these sites to prospective developers. The inventory is called the NJ Brownfields Site Mart (<https://www.njbrownfieldsproperties.com>).

According to the NJ Brownfields SiteMart, the website serves as:

- A multiple listing service for prospective buyers/developers;
- An important planning tool for municipalities, counties, regional entities and state agencies;
- An archive for Brownfields redevelopment successes;
- A tool for verifying site status as a Brownfields for certain incentives offered by state agencies; and
- A link to multiple additional sources of Brownfields information.

## 3. New Jersey Brownfields InterAgency Working Group (IAWG)

Recognizing the role that Federal agencies often play in the brownfields redevelopment, the NJBAC’s Office for Planning Advocacy (within the NJDOS) has partnered with the United States Environmental Protection Agency (US EPA) Region II Brownfields Program, the NJDEP, and the Center for Creative Land Recycling (CCLR) to form the New Jersey Brownfields InterAgency Working Group (IAWG). CCLR is a national non-profit whose focus is the cleanup and reuse of brownfields. CCLR serves as the USEPA’s Technical Assistance to Brownfield Communities (TAB) provider in several states, including New Jersey.

Using a proactive team approach, the IAWG offers assistance, guidance and resources to municipalities and any their redevelopment partners as they navigate the process to assess, remediate and redevelop Brownfields. The IAWG is made up of State and Federal agencies whose mission is to support the State of New Jersey's Brownfields redevelopment policies and the USEPA's Brownfields Economic Development Initiative.



## 3. LAND USE

The Land Use element of the 2020 Master Plan update provides an analysis of land use patterns in the Hackensack Meadowlands District through April 2019. The NJSEA has undertaken a review of the existing land usage in the District in order to evaluate significant changes in land use patterns since 2004. This analysis lays the groundwork for the formulation of an updated Land Use Plan and, ultimately, amended District Zoning Regulations.

### I. EXISTING LAND USES

Land uses in the District reflect development existing prior to 1970 as well as those developed under the District's regulations. Established land use patterns are, in many places, the result of historic indiscriminate dumping and unregulated landfilling practices that have heavily influenced the location, type, and intensity of land usage in the District. The categorization of the District's lands provides the basis for identifying existing development patterns, evaluating trends over time, and formulating a plan for the implementation of a desired array of land uses for the future.

The following 16 categories describe the various land use classifications in this Master Plan update:

- **ALTERED LAND** includes areas that have been changed due to these human activities: solid waste disposal areas, dredge material disposal, stone quarries, sand and gravel pits, other extractive mining, and abandoned mining sites.
- **COMMERCIAL OFFICES** house administrative and support staff for large corporations or small businesses, including professional offices. They do not provide goods and services for direct consumer use. Commercial office parks, consisting of several commercial office buildings that exist together and share common driveways, parking lots and lawns, are included in this category. Buildings consist of single buildings or clusters of buildings that are not part of a commercial strip or a well-defined central business district. Accessory office space is classified according to the dominant land use of the property, and is not included in this category.
- **COMMERCIAL RETAIL** contains structures predominantly used for the direct sale of products and services to the consumer. The main building, secondary structures and supporting areas such as parking lots, driveways, and landscaped areas are also included. This category includes retail, dining, personal service, urgent care clinics, and day care facilities, but excludes hotels and motels and mixed commercial/industrial facilities, which appear in different categories herein. Auto repair facilities, previously classified as a retail use, have been reclassified within the Industrial land use category.

- **HOTELS AND MOTELS** contain over-night accommodations. They may also contain related amenities, such as dining facilities, services and recreational activities. Amenities such as tennis courts and pools are included with the hotel or motel category since they are private and not accessible to non-paying guests; these uses are not categorized separately as recreational land.

- **INDUSTRIAL** uses are comprised of land uses where manufacturing, assembly or processing of products, or warehousing and distribution takes place. Light industrial, heavy industrial, bus and truck terminals, and auto and truck repair facilities are included. Power generation has been reclassified within the Utilities category.
- **INDUSTRIAL & COMMERCIAL COMPLEXES** include industrial and commercial facilities where both classifications of uses are present and typically occur together or in close proximity, which may include a mix of light manufacturing; administration offices; research and development facilities; computer systems companies; and facilities for warehousing, wholesaling, retailing and distributing. No heavy industries are present. Many facilities within this category provide retail sales of products stored and/or manufactured within the industrial portion of the building.
- **MEADOWLANDS SPORTS COMPLEX** contains the Meadowlands Sports Complex properties, including the American Dream Meadowlands site, MetLife Stadium, and the Meadowlands Racetrack, but excluding the area containing Walden Swamp, which is included under the Wetlands category. Although these properties are located within District boundaries and classified within this Master Plan and on land use maps, this Master Plan does not apply to the Meadowlands Sports Complex site, pursuant to N.J.S.A. 5:10A-10. Lands within this classification are owned by the NJSEA and are exempt from District zoning regulations.
- **PUBLIC/QUASI-PUBLIC SERVICES** are owned by governmental agencies or quasi-public entities. Uses are intended to serve the public and include post offices, public and private educational institutions at all levels, municipal buildings and other government centers, hospital and other major health institutions providing direct health care to the public (excluding urgent care clinics and doctor's offices), correctional institutions, military installations, religious institutions, research facilities, social clubs associated with established organizations, and cemeteries. Transportation, communication, utility, and recreational facilities are excluded, even where the owner is a public or quasi-public entity.
- **RECREATIONAL LAND** consists of areas that have been specifically developed for recreational activities open to the general public. This use includes golf courses, picnic areas, marina and boat launches, community recreation areas, parks, swimming pools and beaches, formal lawns, arboretums and landscaped areas, stadiums, cultural centers, zoos, and the Meadowlands Sports Complex properties, excluding the American Dream Meadowlands site. Such uses that are not open to the general public are classified as commercial uses.
- **RESIDENTIAL** includes all dwelling types, including single-family residences, multiple-unit dwellings, mobile homes, and other miscellaneous residential types. Residential areas that are integral but minor parts of other land uses are included in the dominant land use category.
- **TRANSITIONAL LAND** includes previously developed but inactive properties, properties undergoing preparation for development or redevelopment, and/or properties pending construction pursuant to permit applications or approvals. This category is a new classification in this Master Plan to address properties that are undergoing development and/or in the process of transition from one land use to another.
- **TRANSPORTATION** includes transportation routes, railroad facilities, park-and-ride lots, airports, and port facilities. Bus garages and truck terminals have been reclassified as industrial uses in this Master Plan update.



- **UTILITIES** include power generating stations; the course of transmission lines; cell towers and antennas; water treatment facilities; sewage treatment facilities; radio, radar, and television antennas; microwave stations; power lines; power substations; and water towers. Towers include the land enclosed by guide wires.

- **VACANT LAND** consists of undeveloped, open areas that are not associated with active uses, have no indication of past activities, no apparent site preparation, and no active development.
- **WATER** includes all areas periodically water covered, except areas in an obvious state of flood. Examples are streams, rivers, creeks, canals and other linear water bodies; lakes (both artificial and natural); reservoirs; bays; and, estuaries. Some areas designated as water existing on a defined tax parcel (i.e., containing a block and lot designation) have been reclassified as wetlands.
- **WETLANDS** are those areas that are inundated or saturated by surface or ground water, either permanently or at varying durations throughout the year, including areas supporting vegetation, organisms, and wildlife adapted for life in saturated soil conditions. This classification has been updated to include properties, such as tidal mudflats, previously classified as water in 2004. Significant drainage facilities are also included in this classification.

Figure 3.1 “Existing Land Uses within the Hackensack Meadowlands District” summarizes each land use classification by its approximate acreage and percent of the District’s total land area. The Existing Land Use Map showing the location and arrangement of land uses in the District can be found in the appendices as **Map 3 – Existing Land Use**.

**FIGURE 3.1****EXISTING LAND USES WITHIN THE HACKENSACK MEADOWLANDS DISTRICT**

CATEGORY	ACRES	PERCENT
<b>Wetlands</b>	6,212.1	32.0%
<b>Transportation</b>	3,974.4	20.5%
<b>Industrial</b>	3,151.0	16.2%
<b>Water</b>	1,397.5	7.2%
<b>Altered Land</b>	1,067.6	5.5%
<b>Transitional Lands</b>	748.7	3.9%
<b>Utilities</b>	580.3	3.0%
<b>Meadowlands Sports Complex</b>	580.0	3.0%
<b>Residential</b>	400.6	2.1%
<b>Public/Quasi Public Services</b>	335.2	1.7%
<b>Commercial Retail</b>	286.6	1.5%
<b>Recreational Land</b>	190.1	1.0%
<b>Commercial Office</b>	164.2	0.8%
<b>Industrial &amp; Commercial Complex</b>	163.0	0.8%
<b>Hotels and Motels</b>	86.9	0.4%
<b>Vacant Land</b>	57.7	0.3%

TOTAL ACRES	19,396.0	100.0%
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*Sources: MERI GIS and NJSEA Staff Inspections*

## II. LAND USE TRENDS

The NJSEA staff has analyzed changes in the District's land use that have occurred since the adoption of the 2004 Master Plan, and has identified some notable changes that have occurred over this time period. The change in the acres and percentage of land occupied by the various land uses is portrayed in Figure 3.2 "Land Use Changes within the District Since 2004."

District land uses can be classified within three broadly defined areas, as follows:

- **NATURAL AREAS** consist of the District's waterways, wetland areas, and parklands. Properties classified as Natural Areas are categorized as Wetlands, Water, and Recreational Land;
- **DEVELOPED AREAS** consist of lands improved with buildings, pavement, or other structures, and include the Residential, Commercial Office, Commercial Retail, Hotels and Motels, Industrial, Industrial/Commercial Complex, Meadowlands Sports Complex, Public/Quasi Public Services, Transportation, and Utility categories; and
- **OTHER AREAS** consist of lands that cannot be classified as either a Natural or Developed Area, and include the Vacant Land, Altered Land, and Transitional Land categories.

**FIGURE 3.2 LAND USE CHANGES WITHIN THE DISTRICT SINCE 2004**

CATEGORY	LAND USE	2004 ACRES	2004 PERCENT	2018 ACRES	2018 PERCENT	CHANGE (acres)
NATURAL AREAS	Wetlands	5,783.6	29.7%	6,212.1	32.0%	428.5
	Water	1,869.7	9.6%	1,397.5	7.2%	-472.2
	Recreational Land	756.6	3.9%	190.1	1.0%	-566.5
DEVELOPED AREAS	Transportation	4,018.4	20.6%	3,974.4	20.5%	-44.0
	Industrial	2,793.3	14.3%	3,151.0	16.2%	357.7
	Utilities	261.5	1.3%	580.3	3.0%	318.8
	Meadowlands Sports Complex	-	0.0%	580.0	3.0%	580.0
	Residential	291.4	1.5%	400.6	2.1%	109.2
	Public/Quasi-Public Services	965.0	5.0%	335.2	1.7%	-629.8
	Commercial Retail	231.4	1.2%	286.6	1.5%	55.2
	Commercial Office	209.8	1.1%	164.2	0.8%	-45.6
	Industrial & Commercial Complex	419.7	2.2%	163.0	0.8%	-256.7
	Hotels and Motels	80.7	0.4%	86.9	0.4%	6.2
	Altered Land	1,444.0	7.4%	1,067.6	5.5%	-376.4
OTHER AREAS	Transitional Land	-	0.0%	748.7	3.9%	748.7
	Vacant Land	360.4	1.8%	57.7	0.3%	-302.7
TOTAL ACRES		19,485.4	100.0%	19,396.0	100.0%	-89.4

*Source: MERI GIS*

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As noted in Chapter 2, changes to the MERI GIS platform do not permit an exact comparison of conditions since 2004. For example, the total number of acres in the District varies in size, from approximately 19,485 acres in 2004 to 19,396 acres as determined by current GIS metadata, a difference of over 89 acres. Still, these figures provide an acceptable basis to evaluate the land use changes that have occurred in the District since the adoption of the 2004 Master Plan. This analysis is useful both in determining the degree of effectiveness of the 2004 Master Plan in the course of its implementation, and in identifying matters that require the formulation of new policies to respond to current and anticipated future conditions.

### A. NATURAL AREAS

Natural areas constitute approximately 7,800 acres, or 40.2 percent of the District’s land area, an approximate 7.3 percent decrease in area from 2004, largely attributed to the reclassification of properties identified as Recreational Lands in 2004 to other uses, such as the Meadowlands Sports Complex being classified within its own land use category. (See Figure 3.3 “Natural Areas.”) Although it continues to provide recreational functions, the extent of land within the Meadowlands Sports Complex covered by structures and pavement does not qualify the site as a natural area. While the Recreational Lands category currently comprises 190 acres of land in the District, there are approximately 460 acres of parks, detailed in the Recreational Land summary below, which includes portions of properties classified as Wetlands.

**FIGURE 3.3** NATURAL AREAS

2004 ACRES	2004 PERCENT	2018 ACRES	2018 PERCENT	CHANGE (ACRES)	CHANGE (%)
8,409.9	43.2%	7,799.8	40.2%	-610.1	-7.3%

The predominant land use category in the District is the Wetland category, constituting almost one-third of the District’s land area. Properties classified as Wetlands and Water collectively comprise 7,609.6 acres, a 0.6 percent decrease from the 2004 calculated total of 7,653.3 acres. This category is not inclusive of all wetlands within the District, as areas of wetlands do exist on properties classified within other uses, particularly within utility rights-of-way (ROWs). The prevalence of these natural areas within the District continues to be the leading influence on the NJSEA’s land use policies. Additional detail regarding wetlands and waterways in the District can be found in Chapter 5 – Environment.

#### 1. Wetlands and Water

Lands classified as Water comprise 1,397.5 acres, or 7.2 percent, of the District’s land area. The District’s key water attribute is the Hackensack River, which separates the eastern and western portions of the District, and its network of tributaries. The primary function of the Hackensack River and its tributaries is to provide hydrologic support to the adjoining wetland areas and their diverse flora and fauna. The waterways offer opportunities for observation, education, recreational, and scientific activities relative to the Meadowlands environment.

The 2004 Master Plan estimated that 8,400 acres of wetlands remained in the District, even though 5,783.6 acres were actually classified as wetlands in the 2004 existing land use inventory. Wetlands are currently classified on 6,212 acres of the District's land area. Although Figure 3.2 indicates an increase in the area of wetlands in the District since 2004, this gain is offset by the reduction of areas designated within the Water category. The

following explains the methodology and circumstances that comprised this updated analysis of natural areas within the District.

- **RECLASSIFICATION:** Many areas designated as Water within the 2004 Existing Land Use Map have been reclassified to the Wetland category, primarily due to the presence of tidally-influenced lands, such as mudflats, within designated tax lots. Exceptions to this classification include areas where there are definitive edges to the shoreline, such as a bulkhead. It should be noted that the land use category of Wetlands in this Master Plan may include properties that are not officially defined as wetlands by State and Federal permitting authorities.
- **TECHNOLOGY:** Advances in technological tools, such as higher-resolution aerial mapping and drone technology, have permitted improved identification of wetland areas within the District since 2004. These advances have allowed for a more refined analysis of land use throughout the District. For example, a single property containing wetlands on a portion of the site, classified in 2004 as a land use category within the Developed Land array, may now hold a split classification between the Wetlands category and another land use category. This dual-classification methodology has resulted in both gains and losses to wetlands categorization on a per-property basis.
- **SITE REMEDIATION:** Some sites consisting of altered lands or brownfield areas that had contained a portion of wetland areas on the property were classified in 2004 as wetlands in their entirety. Since 2004, many of these properties were subject to remediation, which may or may not have required impacts to existing wetlands depending on the location and extent of the remediation. The 2004 Land Use Plan did account for the remediation of several of these wetland properties, as they were not designated as a Preserve in 2004.
- **SITE DEVELOPMENT:** In some cases, portions of sites classified as wetlands contained upland portions that may have undergone site development since 2004. Development in many instances did not result in an actual loss of wetlands, but more accurately, a reduction in the number of acres classified as wetlands in the existing land use inventory between 2004 and the present. It is a formidable challenge to definitively calculate the area of wetlands present within the District due to the changing nature of wetlands, particularly within a tidal environment such as the Hackensack Meadowlands.

In the 2004 Master Plan, a total of 7,653.3 acres of land were classified as either Wetlands or Water in the existing land use analysis, whereas 7,609.6 acres were classified as such in the current land use analysis herein, a difference of 43.7 acres (see Figure 3.2). A total of 7,128.7 acres were classified in the Preserve Planning Area of the 2004 Land Use Plan, with the intention to protect wetlands remaining in the District. The Preserve Planning Area also included some upland areas.

Of the 43.7 acres reduction in Wetland classified, approximately 27.7 acres of reduced Wetland area resulted from development actions on properties located within a Preserve Planning Area in 2004, i.e., properties intended to remain classified as wetlands. The specific properties appear in Figure 3.4 “Development Sites Classified as Wetlands or Water Land Use in 2004.”



MUNICIPALITY	BLOCK	LOT	ADDRESS	ACRES RECLASSIFIED FROM WETLANDS/WATER
Carlstadt <sup>1</sup>	84	5	ETHEL BLVD	1.5
Carlstadt <sup>2</sup>	131	5.01	725 WASHINGTON AVE	4.8
East Rutherford <sup>3</sup>	108.04	4	ROUTE 3 E (SERVICE ROAD)	2.0
East Rutherford <sup>4</sup>	108.04	5.02	40-80 SCHINDLER CT	4.7
Jersey City <sup>5</sup>	3101	33	HACKENSACK RIVER, ETC.	1.7
Moonachie <sup>6</sup>	22	1	140 STATE ST	4.0
North Bergen <sup>7</sup>	451	20.01, 21, 29.01	2400 PENHORN AVE/ROUTE 3 E	9.0

**FIGURE 3.4 DEVELOPMENT SITES CLASSIFIED AS WETLANDS OR WATER LAND USE IN 2004**

<b>TOTAL ACRES</b>	<b>27.7</b>
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1. .0192 wetland acres in District disturbed for outfall per USACE permit.
2. USACE Jurisdictional Determination dated July 13, 2009 delineated on-site wetlands. NJMC approval for 20,000 cy of fill for site grading (2010) - no wetlands fill.
3. 0.1 acres wetlands fill per USACE Nationwide Permit #18 (2012).
4. 0.898 acres wetlands fill per USACE permit on 4.25 acre development footprint (38 acres wetland remaining) (2004).
5. 1.7 acres of 17.26-acre lot reclassified from Wetland to Transportation due to NJ Turnpike Interchange 15X construction.
6. Rezoning of site from Environmental Conservation to Light Industrial A, with parallel rezoning of Block 22, Lot 3 (4.8 acres) from Parks and Recreation to Environmental Conservation zone (2010). USACE Jurisdictional Determination dated March 11, 2010 delineated on-site wetlands. NJMC approval for 35,000 cy of fill - no wetlands fill.
7. Rezoning of site from Environmental Conservation to Highway Commercial (2016).

In summary, although properties that were located in the Preserve Planning Area in 2004 are no longer classified as wetland sites within the current land use survey, the actual amount of wetlands fill that occurred for the purposes of site development is minimal in comparison to the total area of reclassified acres, and was generally utilized to fill a portion of a property that contained developable uplands that had been placed in the Wetlands classification in 2004.

More than 3,500 acres of the District's wetland areas have been restored, mitigated, and/or preserved; however, environmentally-sensitive areas continue to face development pressures, particularly in wetland areas adjacent to uplands. This Master Plan continues the land use planning goals of the 2004 Master Plan to direct development away from "greenfields" and toward suitable upland sites, particularly those characterized as brownfields.

## 2. Recreational Land

Approximately 190 acres of the District are classified as Recreational Land. The largest land area dedicated to recreational features within the District can be found within the Richard W. DeKorte Park, inclusive of the Sawmill Creek Wildlife Management Area in Lyndhurst, including a network of trails and educational facilities. The NJSEA's River Barge Park and Marina in Carlstadt, dedicated in September 2011, provides a relatively new location for public access to the Hackensack River from Bergen County, and features a boat ramp, paddling and rowing launch points, and a 30-slip marina.

While the number of acres classified as recreational land in this Master Plan has decreased in the District since 2004, from 756.6 to 190.1 acres, the number of public parks and recreation areas in the District has increased, including the new Skeetkill Creek Marsh Park in Ridgefield. The significant decrease in the Recreational Land category can be attributed chiefly to the reclassification of approximately 560 acres of the Meadowlands Sports Complex site in East Rutherford to its own existing land use category. In addition, the reclassification of a former golf driving range in Carlstadt and East Rutherford along the Hackensack River waterfront to the Transitional Land category and the relocation of the Lyndhurst Ballfields on Valley Brook Avenue to the Lyndhurst Recreation Center site at Valley Brook and Polito Avenues contributed to reductions in this classification.

A list of public parks in the District appears as Figure 3.5 “Public Parks and Recreation Areas in the Meadowlands District,” with their locations shown on [Map 4 – Public Parkland](#).

**FIGURE 3.5****PUBLIC PARKS AND RECREATION AREAS IN THE MEADOWLANDS DISTRICT**

MUNICIPAL OWNERSHIP		
Map ID	Location/Name	Amenities
<b>Little Ferry, Bergen County (2)</b>		
1.	Birch Street Park	Open area
2.	Losen Slote Park	Football, baseball/softball, soccer, hockey
<b>Lyndhurst, Bergen County (1)</b>		
3.	Lyndhurst Recreation Center	Baseball/softball, soccer fields, track, restrooms, indoor recreation
<b>Moonachie, Bergen County (1)</b>		
4.	Concord Street Park	Playground/tot lot, picnic area
<b>Ridgefield, Bergen County (1)</b>		
5.	Meadowlands Field	Baseball/softball field
<b>North Bergen, Hudson County (1)</b>		
6.	North Bergen Municipal Pool	Swim complex
<b>Secaucus, Hudson County (12)</b>		
7.	Buchmuller Park	Little League, baseball/softball fields, basketball, tennis, ice rink, bocce courts, picnic area, handball, shuffle board, ADA compatible rest rooms and playground, kiddie shower
8.	Duck Pond	Picnic area, ADA accessible decks
9.	Eckle Park-9 <sup>th</sup> Street Playground	Pocket park with picnic area, basketball, ADA compatible playground
10.	Farm Road Park	ADA compatible playground, Secaucus Greenway
11.	Ivanoski Park	Picnic area, ADA compatible playground, kiddie shower

*(Figure continued on next page)*

FIGURE 3.5 (cont'd)

12.	Kane Stadium	Baseball, football fields, ADA compatible restrooms, nighttime lighting
13.	Mill Creek Park (Pocket Park)	Buffer
14.	Mill Ridge Field	Baseball/softball fields, nighttime lighting, soccer, chip & putt
15.	Mill Creek Point	Dog park, picnic area, playground, canoe launch
16.	Secaucus High School Athletic Field	Baseball/softball fields, tennis, basketball, running track, nature trail
17.	Secaucus Recreation Center	Basketball court, indoor track, Olympic-size swimming pool, fitness center
18.	Shetik Field	Soccer, basketball, street hockey
19.	Smit Park	ADA compatible playground, picnic area
20.	Trolley Park (Pocket Park)	Playground, Secaucus Greenway access
<b>COUNTY OWNERSHIP</b>		
<b>Location/Name</b>		<b>Amenities</b>
21.	Hudson County Park at Laurel Hill, Secaucus, Hudson County	Boat ramp, walking trails, gazebo, baseball/softball, soccer, cricket field, Snake Hill (a 16-acre rock outcropping)
22.	Mehrhof Pond Wildlife Observation Area, Little Ferry, Bergen County (owned by Bergen County Utilities Authority)	Passive recreation area, benches, bird blind
<b>NJSEA OWNERSHIP</b>		
<b>Location/Name</b>		<b>Amenities</b>
23.	DeKorte Park, Lyndhurst, Bergen County	Environmental Center, walking trails, gazebo
24.	Snipes Park, Secaucus, Hudson County	Passive recreation, picnic area, playground
25.	River Barge Park, Carlstadt, Bergen County	Marina, boat ramp, picnic area, fishing
<b>MCT OWNERSHIP</b>		
<b>Location/Name</b>		<b>Amenities</b>
0.	Skeetkill Creek Marsh Park, area Ridgefield	Marsh observation
<b>TOTAL ACRES</b>		

*Note: The list above originally included the 587-acre Richard P. Kane Natural Area as a recreational facility, which is classified in this master plan as a wetland area.*

Today, there are approximately 460 acres of publicly-accessible park facilities in the Meadowlands District, including the portion of DeKorte Park in Lyndhurst that is accessible to the public. Although the acreage of parks exceeds the acreage of the Recreational Lands category, Figure 3.6 includes properties that are classified in the Wetland or Public/Quasi

Public categories. The Meadowlands District's municipalities offer additional park and recreation facilities at locations outside the District.

The Hackensack River remains an important asset for educational and recreational purposes. Within the District, the Hackensack River contains a 5-mile river course and a number of shorter “Blue Water” trails for human-powered watercraft. Public boat launches are available at the River Barge Park and Marina in Carlstadt, Hudson County Park at Laurel Hill, and Mill Creek Point in Secaucus (canoe only). Several private boating facilities are located in the District’s portions of Carlstadt, Little Ferry, and Secaucus. These facilities offer a range of amenities, such as boat slips, storage, repair facilities, and public launch areas.

#### a. Richard W. DeKorte Park

The NJSEA’s administrative offices and education facilities are located within the boundaries of Richard W. DeKorte Park in Lyndhurst. A major stop for migratory birds along the Atlantic Flyway, much of the site was originally an open, tidally-influenced mud flat. Impacted by former landfill operations, the reclamation of the site and its evolution into a park involved habitat restoration and conservation. The park provides 3.5 miles of walking trails, panoramic views, and opportunities to view birds and wildlife.

The Meadowlands Environment Center serves as an ecotourism/visitor center, education facility and information resource for ecological and scientific data.

The most recent additions to the DeKorte Park complex are the Center for Environmental and Scientific Education and the William D. McDowell Observatory. The Science Center and Observatory opened in 2008 and provide expanded education and outreach opportunities for the nearly 20,000 residents and students who participate in Meadowlands Environment Center public programming each year. The Observatory’s state-of-the-art telescope is housed under a six-meter retractable dome and features an advanced optical guidance system to cut through light pollution.

The 10,000-square-foot Science Center was the first public building in New Jersey to attain LEED (Leadership in Environmental and Energy Design) Platinum status, the U.S. Green Building Council’s highest ranking for achievement of environmental and energy-efficiency standards. The Science Center’s green features include rooftop solar panels, ceiling solar tubes, and energy-efficient lighting, heating and cooling systems. Recycled building materials and Forest Stewardship Council-certified wood were used throughout the center’s construction.

Individual park elements within Richard W. DeKorte Park include:

- **KINGSLAND OVERLOOK:** Built in 1990, this portion of the park transformed six acres of a Bergen County Utilities Authority (BCUA) sanitary landfill into a series of native plant communities, illustrating the process of natural succession. The landfill closure required the following improvements: a leachate collection system, methane vents, and an impervious synthetic cap partially manufactured from recycled plastic soda bottles.
- **LYNDHURST NATURE RESERVE:** This project involved the reclamation of a 3.5-acre, illegally filled area into wetland and upland habitats, educational facilities, and other site amenities. The project also involved the restoration of a brackish wetland ecosystem and the establishment of an upland northeast woody plant community.





- **MARSH DISCOVERY TRAIL:** A boardwalk trail connects a series of dredge spoil islands within the Kingsland Impoundment. The trail traces the route of Kingsland Creek and provides access to rare wildlife habitats as well as educational and recreational opportunities for bird watchers and nature lovers.
- **TRANSCO TRAIL:** Creation of the dual purpose Transco Trail involved the transformation of a service road for a natural gas pipeline into a self-guided nature trail. The Transco Trail links the various open space components found within Richard W. DeKorte Park. The AMVETS Carillon at the North Arlington end of the trail is a living memorial to our deceased veterans.
- **SAW MILL CREEK TRAIL:** The Saw Mill Creek Trail brings visitors along the vast mudflat of the Saw Mill Creek Wildlife Management Area, providing a unique sense of wide-open space. The base of the Trail was initially built in the 1920's and 1930's as an access road for what are now high tension electric transmission lines. It was reconstructed as a walking trail in 2001.
- **THE COVE (WORLD TRADE CENTER MEMORIAL):** The World Trade Center Memorial is located on the edge of the marsh looking out toward the Lower Manhattan Skyline. It consists of a sinuous freeform wooden deck with two projecting piers, suggesting shadows of the fallen towers. A silhouette of the pre-9/11 skyline, cut from steel, is visible from the deck. NJSEA partnered with Ducks Unlimited to fund the project.
- **JILL ANN ZIEMKIEWICZ MEMORIAL BUTTERFLY GARDEN:** This garden was built to honor the memory of District resident Jill Ann Ziemkiewicz, the youngest member of the flight crew assigned to TWA flight 800, which fell into the ocean off Long Island on July 17, 1996. Jill's Garden was designed as a teaching garden; a living classroom where students can observe butterfly habitat.
- **AMVETS CARILLON:** A 40-foot carillon featuring three bells that toll several times an hour was constructed in 2007 by AMVETS Post 20 in Lyndhurst with assistance from the NJSEA. Benches surround the towers at the site overlooking the open water.

#### **b. Meadows Path**

All of the aforementioned trails represent portions of Meadows Path, planned as a 25.5-mile District-wide trail system. When complete, the Meadows Path system will follow the western bank of the Hackensack River from Losen Slote Creek Park in Little Ferry to West Hudson Park in Kearny to connect population centers and provide access to wildlife areas, scenic overlooks, ballfields, bus stops, boating facilities, and restaurants. Completed portions include the following:

- 0.5 miles through Losen Slote Creek Park in Little Ferry;
- 2.25 miles through DeKorte Park in Lyndhurst;
- 1.5 miles along Valley Brook Avenue between DeKorte Park and Meadowlands Corporate Center in Lyndhurst; and
- 1.1 miles along the Saw Mill Creek Trail in Lyndhurst.



**c. Secaucus Greenway**

The District’s other major trail route is the Secaucus Greenway, planned as a 15-mile waterfront greenway through Secaucus and Jersey City. Upon completion, the Secaucus Greenway will allow public access along the eastern bank of the Hackensack River while providing a continuous pedestrian trail linking the Secaucus retail, office, commercial, and residential districts, including the Hudson County Park at Laurel Hill, Mill Creek Marsh, ~~and~~ Mill Creek Point Park, and the former Malanka landfill site.

**B. DEVELOPED AREAS**

Developed areas comprise approximately half of the District’s land area, an almost five percent increase from 2004. (See Figure 3.6 “Developed Areas.”) The increase in the Developed Areas category can be chiefly attributed to the reclassification of the Meadowlands Sports Complex site from the Recreational Land category. Otherwise, this classification would have remained similar in acreage to the 2004 land area. This indicator does not signify a stagnant development economy in the Meadowlands. Rather, this number is evidence the District’s land use objectives, which encourage redevelopment and reuse of available upland and brownfield properties, are being achieved. There are also a large number of transitional properties in the development process, totaling almost 750 acres, which will eventually be classified within the developed land category.

**FIGURE 3.6      DEVELOPED AREAS**

2004 ACRES	2004 PERCENT	2018 ACRES	2018 PERCENT	CHANGE (ACRES)	CHANGE (%)
9,271.2	47.6%	9,722.1	50.1%	450.87	4.9%

**1. Transportation**

Transportation-related land uses comprise 20.5 percent of the District’s land area, representing the dominant active land use category within the District. Teterboro Airport is located in the northwestern section of the District, encompassing approximately 827 acres (284 acres of which are classified as natural areas) in the municipalities of Teterboro and Moonachie. Major state and interstate highways traverse the Meadowlands region, including the New Jersey Turnpike (I-95), I-495, Route 3, Route 17, Route 46, Route 120, Route 280, and Routes 1 & 9. The District also contains nine rail lines serving commuters, long-distance passengers, and freight companies, as well as intermodal rail yards proximate to these lines. A minor 1.1 percent decrease in lands dedicated to transportation use has resulted since 2004, largely due to the identification and reclassification of wetlands within transportation ROWs.

**2. Industrial**

Industrial uses comprise the largest active land use category, covering 3,151 acres, or 16.2 percent, of the District’s land area. The network of major transportation routes through the District, as well as its proximity to New York City, the Port of New York and New Jersey, Newark Liberty International Airport, and various freight rail facilities, establish the District as a mecca for the Industrial sector, particularly for warehouse and distribution facilities. Industrial warehouse and distribution tenants in the Meadowlands submarket have access

to over 1.5 million people within a 30-minute drive, and command among the highest rents in the northern New Jersey industrial market, particularly for Class A industrial space.

These characteristics contributed to a 12.8 percent increase in land area dedicated to industrial uses in the District since 2004, a total increase of approximately 358 acres. As the predominant active land use presence in the District, warehouse and distribution uses comprise the majority of land use applications. The District's excellent roadway network access and availability of intermodal connections are a key asset and point of attraction. Companies continue to relocate from New York in search of larger and/or more affordable spaces, spaces with higher ceilings, and automation capabilities.

Major warehouse product categories include garment and food distribution, and Bergen Logistics and Goya Foods are prominent warehouse occupants in the District. Light industrial and manufacturing companies are also flourishing in the District, including product manufacturing and food processing facilities. The most notable decline since 2004 has been in the commercial printing industry due to expanded technology that has reduced demand for printed materials.

The strength of the industrial market is being fueled largely by the rapidly changing e-commerce industry and last mile logistics. Last mile logistics refers to the final step of the delivery process from a distribution facility to the end user. Often this step involves small parcel carriers delivering products to consumers. Last mile logistics facilities are popular in urban areas where they are closer to their customer base. Since 2004, FedEx has developed a new 300,000-square-foot distribution center in Jersey City, UPS has occupied a 150,000-square-foot distribution center in Lyndhurst, and Amazon has occupied a 75,000-square-foot facility in Moonachie.

New warehouse space is also proposed to be developed or expanded at various locations throughout the District, including approximately 5 million square feet proposed within the Kingsland and Koppers Coke Peninsula Redevelopment Areas. A number of existing warehouse facilities have optimized their buildings in recent years by raising their ceilings to provide additional storage volume. Additionally, many properties classified in this Master Plan as Transitional Lands are in the process of being redeveloped as industrial uses. Therefore, the share of District land area occupied by industrial uses is anticipated to increase in the coming years.

### **3. Industrial and Commercial Complex**

Industrial and Commercial Complex uses are present on 163 acres of land in the District, and include both retail outlets and stand-alone retail within mixed use buildings. This category of land use has declined by more than 250 acres, a decrease of more than 60 percent, since the 2004 Master Plan, currently representing a minimal 0.8 percent of land area at scattered locations within the District. This decline is most evidenced by the transformation of the once-thriving retail outlet center in the Town of Secaucus, in the vicinity of American Way and Enterprise Avenue, to a predominantly industrial center with few remaining sites offering accessory retail sales of products stored within the on-site warehouse.

### **4. Commercial Retail**

Retail, restaurants, and similar commercial/service uses have expanded their presence within the District and currently occupy approximately 287 acres within the District, 1.5 percent of the District's total land area. In 2004, retail uses within the District were

principally located at the Harmon Meadow complex in Secaucus, which contained multiple retail sites, a movie theater, and fitness center, as well as office space. Since that time,

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large-scale commercial retail centers have been developed in the District, including Teterboro Landing, anchored by Costco, Wal-Mart and several restaurants, as well as the Wal-Mart Supercenter retail complex in Kearny, contributing to a 24 percent increase in the land area of the District dedicated to retail use. Both the Teterboro and Kearny retail centers were developed on brownfields sites pursuant to NJSEA redevelopment plans.

## 5. Commercial Offices

Commercial office uses represent a comparatively small component of the District's footprint, occupying 164.2 acres, or 0.8 percent of the District, but they are still an important component of the District's economy. Primary office space in the District can be found in East Rutherford, Secaucus, and Lyndhurst, principally within 2,000 feet of the Route 3 corridor. The land area of office use in the District has decreased by 44.3 acres, or approximately 20 percent since 2004, reflecting the general decline in the stagnant office market.

In many cases, offices have been demolished to respond to market demand in the industrial sector. For example, in Secaucus, the former Panasonic office headquarters was demolished, and a new 300,000-square-foot warehouse occupied by a beer distributor was constructed in its place. An office on Palmer Terrace in Carlstadt was also demolished to accommodate a new 53,000-square-foot warehouse. In Lyndhurst, a 117,000-square-foot vacant office building on Clay Avenue is currently being demolished, and is to be replaced by a 90,000-square-foot warehouse. Despite these losses, some investment in existing office buildings in the District has materialized through the purchase and renovation of office space by new owners, including facilities within Lyndhurst and the Harmon Meadow complex in Secaucus. The largest potential for new office development remains at the Allied site at Secaucus Junction.

## 6. Hotels and Motels

The District is home to approximately 4,000 hotel rooms, as detailed in Figure 3.7 "Hotels in the Meadowlands District." Hotel and motel uses constitute 86.9 acres, or 0.4 percent, of the District's land area. Hotels and motels are principally located along Route 3 and within the Harmon Meadow Complex in Secaucus, as well as along the Paterson Plank Road corridor in Carlstadt and East Rutherford. These locations offer convenient access to New York City and the various venues at the Meadowlands Sports Complex, as well as serving numerous area businesses. A number of new hotels have been developed in the District since 2004 in these areas.

Heightened interest in hotel development and redevelopment in the District has been evident in the past few years, presumably in anticipation of the opening of American Dream Meadowlands. Hotel development is planned along the Paterson Plank Road corridor in Carlstadt, with a 149-room Springhill Suites under construction and a 140-room Hilton Garden Inn under review. There has been a continued expansion of hotel development in the Harmon Meadow complex in Secaucus, with the approval of the 175-room Aloft boutique hotel, which is nearing completion, the 154-room Residence Inn by Marriott, which opened in 2015, and a proposed 168-room Hampton Inn. Hotel development is also in the planning stages in Lyndhurst.





**FIGURE 3.7 HOTELS IN THE MEADOWLANDS DISTRICT**

MUNICIPALITY	HOTEL NAME	# ROOMS
Carlstadt	Holiday Inn Express	98
Carlstadt	Hampton Inn Hotel	160
Carlstadt	EconoLodge	75
East Rutherford	Fairfield Inn	141
East Rutherford	Residence Inn	133
East Rutherford	Hilton Meadowlands	425
East Rutherford	Extended Stay America	140
Lyndhurst	Courtyard Marriott	219
Lyndhurst	Quality Inn	165
Rutherford	Extended Stay America	127
Rutherford	Renaissance Hotel	167
Secaucus	Candlewood Suites	82
Secaucus	Red Roof Inn	172
Secaucus	Meadowlands Plaza Hotel	176
Secaucus	Rodeway Inn Meadowlands	55
Secaucus	Hilton Garden Hotel	115
Secaucus	Extended Stay America	158
Secaucus	Royal Motel	50
Secaucus	La Quinta Inn and Suites	151
Secaucus	Residence Inn	154
Secaucus	Extended Stay America	132
Secaucus	Holiday Inn Hotel	160
Secaucus	Embassy Suites Hotel	261
Secaucus	Courtyard Marriott Hotel	165
Secaucus	Hyatt Place Hotel	159
Secaucus	Meadowlands River Inn	150
<b>TOTAL</b>		<b>3,990</b>

## 7. Residential

Residential lands cover approximately 400 acres, or 2.1 percent of the District's land area. The majority of residential uses are centered within established residential neighborhoods in Little Ferry, Moonachie, and Secaucus, which existed prior to the formation of the District.

The growth of residential uses within the District has been one of the dominant land use trends over the last decade, with a total of 3,895 new residential units occupied in the District since 2004. The rise in demand for multi-family mid-rise housing has occurred primarily in locations with access or connections to mass transit, principally geared to New York City commuters. The largest residential development in the District, the Xchange at Secaucus Junction, is located within the Secaucus Transit Village Redevelopment Area and has been developed with 1,584 units. Additional multifamily residences have been constructed along the Route 3 Service Road in East Rutherford (The Monarch), in Lyndhurst

(Avalon/Union, Vermella, The Station at Lyndhurst and The Winston at Lyndhurst), and in Secaucus (Osprey Cove I & II and The Harper at Harmon Meadow).

The ability to accommodate regional growth in housing demand has been assisted by the NJSEA's "Interim Policies Governing Affordable Housing Development in the Meadowlands District," adopted by the New Jersey Sports and Exposition Authority (NJSEA) on July 24, 2008, and last revised on July 27, 2011, which allows the NJSEA to review sites that may be deemed suitable locations to accommodate housing in zones where residential uses are not specifically permitted, in order to expand the supply of affordable housing. Additional detail regarding housing in the District is provided in [Chapter 4 – Housing](#).

## 8. Meadowlands Sports Complex

The Meadowlands Sports Complex site in East Rutherford, which is owned and controlled by the NJSEA, is the largest recreational facility within the District, serving the New York/New Jersey metropolitan region. While this Master Plan is not applicable to the Meadowlands Sports Complex site, pursuant to N.J.S.A. 5:10A-10, the operations on the site do have planning influences on the District, and, therefore, must be evaluated accordingly. The complex includes the following:

- MetLife Stadium, constructed in 2010, is home to two professional National Football League (NFL) football teams, the New York Giants and the New York Jets, and host to several major events including international soccer, entertainment, and other attractions. The Stadium area includes ancillary development and the Giants Training Facility.
- The Meadowlands Racetrack offers both thoroughbred horse and harness racing, along with a state-of-the-art grandstand building constructed in 2013.
- The Izod Center, which closed in 2015, is currently used as a rehearsal venue for performers, and also houses facilities for NJSEA emergency medical services and the NJ State Police.
- American Dream Meadowlands is located within the Meadowlands Sports Complex site. Upon its opening, it will be one of the largest and most unique shopping, entertainment, and tourism centers in the world. The three million-square-foot facility will include a mix of entertainment and retail experiences, including amusement and water parks, shops, a movie theater, and dining.

## 9. Public/Quasi-Public Services

Public/quasi-public services in the District include a diverse variety of facilities, including schools and governmental facilities, and represents 1.7 percent of the District's land area. Governmental uses include two federally-owned bulk mail facilities located in Kearny and Jersey City, a State of New Jersey motor vehicle inspection station in Secaucus, and numerous municipal government facilities.

A number of new public and quasi-public uses have moved into the District since 2004. The Frank J. Gargiulo Campus of the Hudson County Schools of Technology (as known as Hudson County High Tech High School), located in Secaucus, was completed in 2018. The campus achieved LEED Gold Certification for its environmentally sustainable design and was awarded the 2019 US Green Building Council of New Jersey (USGBC-NJ) Leadership in Energy and Environmental Design (LEED) Education Project of the Year. The Town of Secaucus also expanded the Secaucus Middle/High School facility by more than 90,000 square feet beginning in 2015, and constructed a new 32,000-square-foot recreation center on Koelle Boulevard, which opened in 2009.



## 10. Utilities

Utility uses represent three percent, or approximately 580 acres, of the District's land area. The Bergen County Utilities Authority (BCUA) sewerage treatment facility in Little Ferry and a natural gas storage facility in Carlstadt owned and operated by Transcontinental Gas & Pipeline Corp. (Transco), a subsidiary of the Williams Companies Inc., are prominent Utility land uses, as is the District's extensive network of Public Service Enterprise Group's (PSEG) power generation and transmission facilities. The District's expanse of wide open spaces is also favored by media and telecommunications industries for placement of radio and cell towers. In many cases, wetlands are present on properties within the Utility classification.

Utility companies have recently embarked on several improvements to regional infrastructure to increase capacity and improve resiliency in the event of natural disasters, such as Superstorm Sandy and Hurricane Irene. These improvements include PSEG's "Energy Strong" initiatives to upgrade substations and switching stations, replace transmission lines and towers, and protect metering stations.

Advances have also been made in the provision of clean, renewable energy sources through the installation of photovoltaic systems by both public entities and private property owners throughout the District. Since the implementation of new green building regulations in 2006, photovoltaic systems generating 42.25 MW of clean energy have been installed in the District as of June 2019.

## C. OTHER AREAS

Other areas, consisting of altered, transitional, and vacant lands, comprise 1,874.1 acres, 3.9 percent of the District. (See Figure 3.8 "Other Areas.")

**FIGURE 3.8 OTHER AREAS**

2004 ACRES	2004 PERCENT	2018 ACRES	2018 PERCENT	CHANGE (ACRES)	CHANGE (%)
1,804.4	9.2%	1,874.1	9.7%	69.7	3.9%

### 1. Altered Land

Altered lands account for 1,067.6 acres of the District's land area and are primarily comprised of solid waste disposal areas. In many cases, altered lands contain the vestiges of the District's historic landfilling operations.

### 2. Transitional Land

Transitional lands are a fairly large category, representing 3.9 percent of the District's land area, or 748.7 acres that are currently within the development and/or pre-development process. Many of these transitional lands are located within redevelopment areas, including the Koppers Coke Peninsula and Kingsland Redevelopment Areas. The size of this category is indicative of the robust economic health of the District and its appeal as an area for major investment.

### 3. Vacant Land

Due to the developed character of the District, there is very little vacant land remaining within its boundaries. Vacant lands represent the smallest category of land uses in the District, comprising only 57.7 acres, or 0.3 percent, of the land area within the District.

Vacant lands are predominantly small parcels scattered throughout the District. A reduction of 679 acres of lands formerly categorized as altered or vacant lands has been realized since 2004. This includes lands that have been developed for active land uses, as well as lands that may have been reclassified as transitional lands and wetlands.

### III. REDEVELOPMENT

The redevelopment process has proven to be a valuable tool in the implementation of the NJSEA's land use policies for the District, directing development to underutilized brownfield areas and, in the process, remediating contaminated sites and improving the District's built environment. Since 2004, much of the economic growth in the District has been the result of the NJSEA's redevelopment planning efforts.

Amendments to certain existing redevelopment plans are being contemplated to better respond to market conditions with the ultimate goal to enable redevelopment of challenging sites in a manner that can be accommodated without adverse impacts to existing development, neighborhoods, or the environment. In addition, future redevelopment areas are also under consideration in other locations in the District, including the former PSE&G Hudson Generating facility in Jersey City.

In response to the 2004 District Master Plan, the NJSEA codified its redevelopment standards within its District Zoning Regulations. The criteria for establishing areas as in need of redevelopment were based on the criteria of the NJ Local Redevelopment and Housing Law (LRHL). Since that time, the LRHL criteria have been amended, and an evaluation of amendments to the District's redevelopment regulations to promote consistency with State-wide redevelopment policy is warranted. To date, approximately 2,956.8 acres are located within designated redevelopment areas throughout the District, as detailed in Figure 3.9 "Redevelopment Areas in the Hackensack Meadowlands District," also delineated on [Map 6 – Redevelopment Areas](#). A summary of each redevelopment area is provided below Figure 3.9.





**FIGURE 3.9****REDEVELOPMENT AREAS IN THE HACKENSACK MEADOWLANDS DISTRICT**

ZONE NAME DESIGNATION		MUNICIPALITY	SIZE (acres)
RA-1	Vincent Place	Teterboro	2.2
RA-2	Paterson Plank Road	Carlstadt, East Rutherford	252.8
RA-3	Highland Cross	Rutherford	28.1
RA-4	Kingsland	Rutherford, Lyndhurst, North Arlington, Kearny	1,362.5
RA-5	Belleville Turnpike	Kearny	77.7
RA-6	Kearny Area	Kearny	444.6
RA-7	Secaucus Transit Village	Secaucus	209.1
RA-8	16th Street	North Bergen	82.6
RA-9	Block 228, Lot 3, Lyndhurst	Lyndhurst	6.0
RA-10	Route 3 East	East Rutherford	44.3
RA-11	Teterboro/Industrial Avenue	Teterboro	63.2
RA-12	Koppers Coke Peninsula	Kearny	367.1
RA-13	Hartz Carpet Center	Secaucus	13.5
RA-14	Schmitt Realty	Secaucus	3.1

**RA-1 VINCENT PLACE REDEVELOPMENT AREA - TETERBORO**

The Vincent Place Redevelopment Area encompasses 2.2 acres of land within Teterboro, which are located on municipally-owned property. The plan, adopted in 1997, resulted in the construction of 18 dwelling units in two phases, which increased the available housing stock within the Borough. The plan also includes landscaped buffer requirements to minimize conflict with adjacent industrial uses. In addition to medium-density residential, permitted accessory uses include recreational facilities, day care facilities, and maintenance and utility facilities.

**RA-2 PATERSON PLANK ROAD REDEVELOPMENT AREA – CARLSTADT & EAST RUTHERFORD**

The Paterson Plank Road Redevelopment Area consists of approximately 250 acres along the Paterson Plank Road corridor in Carlstadt and East Rutherford, extending from the NJ Transit Pascack Valley Rail line near Route 17 to the west and Michele Place to the east. The redevelopment area also includes some properties along Washington Avenue in Carlstadt. The plan was originally adopted in 2003, and was amended in 2004 to include the properties along Washington Avenue and Michele Place. The plan was last amended in 2012 to provide more flexibility in the plan's implementation to support the existing industrial base located in the redevelopment area, and to provide additional development potential to properties along Paterson Plank Road. The redevelopment plan divides the area into three zones: Commercial

Gateway Center, Light Industrial Center, and Environmental Preservation Area. The plan is intended to redevelop the Paterson Plank Road corridor with uses complementary to the

adjacent Sports Complex site, supportive of the industrial neighborhoods in the vicinity of the Paterson Plank Road corridor, and protective of wetlands within the redevelopment area.

Large-scale redevelopment of the area is challenged by the number and extent of nonconforming properties with diverse ownership. The redevelopment area contains a concentration of sites with known or suspected contamination, including three Superfund sites. The Scientific Chemical Processing Superfund site, now owned by the Borough of Carlstadt, will be the site of a 1.55-MW photovoltaic array. The Universal Oil Products (UOP) site in East Rutherford, including land both within and outside the District boundaries, is in various stages of remediation. A portion of the UOP site beyond the District boundary line in East Rutherford has been redeveloped with big-box and strip-commercial retail. The portion of the UOP site within the District contains the NJ Transit Meadowlands rail spur, which serves the Sports Complex, and wetlands that are currently the subject of remedial investigation and interim remedial measures under the oversight of the USEPA. In addition, the redevelopment area contains two sections, Upper Berry's Creek and Middle Berry's Creek, of the Berry's Creek Study Area (BCSA), which is Operable Unit 2 (OU2) of the Ventron/Velsicol Superfund site located just north of the redevelopment area in Wood-Ridge.

The redevelopment area was the recipient of a 1999 USEPA Brownfields Demonstration Pilot Grant, which resulted in the completion of Preliminary Assessment (PA) reports for a total of 121 acres in the District. In 2005, a USEPA Brownfields Assessment Grant was awarded to conduct environmental assessments of priority sites and to conduct outreach to property owners within the redevelopment area.

Despite these challenges, properties within the redevelopment area have been the subject of increased development interest since the adoption of the redevelopment plan, primarily in the form of new hotel development in anticipation of the opening of American Dream Meadowlands at the Meadowlands Sports Complex site, as well as new warehouse development.

### **RA-3 HIGHLAND CROSS REDEVELOPMENT AREA – RUTHERFORD**

The Highland Cross Redevelopment Area contains approximately 28 acres in the District, with an additional two acres located beyond the District boundary, in the Borough of Rutherford. The redevelopment area is located in the vicinity of Highland Cross and Borough Street to the east of Route 17. The area was a brownfield site that formerly housed the Joint Meeting Sewer Plant. The redevelopment plan for the area was adopted in 1998, and amended in 2001 and 2014.

Zoning approvals for a 216-room hotel and two office buildings totaling approximately 923,000 square feet were issued in 2001 and 2002, respectively. However, due to market conditions, site development did not materialize.

In 2004, a portion of the redevelopment area was redeveloped with a new public works facility for the Borough of Rutherford. The property owner and designated redeveloper of the remaining in-District properties within the redevelopment area, Linque-H.C. Partners, LLC, submitted a petition to the NJSEA in 2017 for a redevelopment plan amendment to redevelop the site with industrial uses. This petition is currently under review by NJSEA staff.



#### **RA-4 KINGSLAND REDEVELOPMENT AREA – RUTHERFORD, LYNTHURST, NORTH ARLINGTON & KEARNY**

The Kingsland Redevelopment Area is the largest redevelopment area in the District, and includes approximately 1,363 acres of land in four different municipalities (Lyndhurst, Rutherford, North Arlington, and Kearny). The site is bordered to the north by the NJ Transit Bergen Rail Line, to the south by Belleville Turnpike, to the east by the Saw Mill Creek Wildlife Management Area, and to the west by the NJ Transit Kingsland Rail Line. The purpose of this plan is to facilitate the environmental closure of landfills, as the area is home to eight former landfills.

The Kingsland Redevelopment Plan was last amended in 2011, and supersedes the Meadowlands Golf Course Redevelopment Plan that had been in place on properties within the redevelopment area prior to 2009. The Kingsland Redevelopment Plan intends to create a Sustainable Energy Park on former landfill areas that are not suitable for vertical development, promoting their intended reuse for renewable energy facilities, and also seeks to accommodate mixed-use development, including warehouse and distribution, industrial, and commercial uses, while providing for wetlands preservation. This plan encourages sustainable design and high standards of creative layout, design, and construction in the development and use of the land, as well as the provision of public recreation trails as part of the Meadows Path trail system.

In 2015, a partnership of developers Russo Development and Forsgate Industrial Partners successfully bid to purchase and redevelop a portion of the redevelopment area, and acquired 718 acres of former landfill areas from the NJSEA in June 2019, which includes the Avon, Kingsland, Lyndhurst, Rutherford East, Rutherford West, and Northern Node landfills. The partnership submitted a proposal for the phased development of approximately 3 million square feet of warehouse and distribution facilities in the vicinity of Valley Brook Avenue in Lyndhurst. The redeveloper is responsible for the implementation of final landfill closure measures on their properties. The Avon, Kingsland, and Rutherford East landfills have been formally closed. The Erie and 1-E Landfills continue to be owned by the NJSEA.

#### **RA-5 BELLEVILLE TURNPIKE REDEVELOPMENT AREA – KEARNY**

The Belleville Turnpike Redevelopment Area encompasses 78 acres of land situated in the vicinity of Barszcewski Street in the Town of Kearny. The Redevelopment Area is bounded by the 1-E Landfill and Belleville Turnpike to the north, the NJ Transit Boonton Rail Line and Kearny Freshwater Marsh to the south, and a mix of industrial land uses located beyond the inactive Harrison-Kingsland Rail Line along the Meadowlands District boundary to the west.

The Belleville Turnpike Redevelopment Plan, originally adopted in 1996, was revised on September 28, 2011. The plan is designed to accommodate uses that support the efficient movement of products to the market given the redevelopment area's proximity to Port Newark/Elizabeth Marine Terminal. Since the inception of the plan, Barszcewski Street has been reconstructed, and three new warehouse and light industrial buildings totaling approximately 367,000 square feet have been constructed to date, with approximately 70,000 square feet of additional development potential available on a remaining 3.3-acre vacant parcel. The plan accommodates large-sale distribution facilities, as well as a variety of related land uses.



#### **RA-6 KEARNY AREA REDEVELOPMENT AREA – KEARNY**

Last amended in 2014, the Kearny Area Redevelopment Area contains approximately 445 acres of land in Kearny in the southwestern corner of the District. The redevelopment area is situated to the south of the inactive Harrison-Kingsland Rail Line and Kearny Freshwater Marsh, to the north of the Port Authority Trans-Hudson (PATH) Rail Line, and to the west of the New Jersey Turnpike Western Spur. In addition, the redevelopment area is bisected by several ROWs, including Interstate 280, Newark-Jersey City Turnpike (Route 508), a Conrail freight line, and PSE&G electric transmission lines. The redevelopment area includes the presence of a USEPA Superfund site (Diamond Head Oil Refinery) and three landfills, including the Keegan Landfill, which is owned and operated by the NJSEA. Natural features, including wetlands and Frank's Creek, are also present within the redevelopment area.

The Kearny Area Redevelopment Plan, originally adopted in 2000 and last revised on June 25, 2014, encourages the development of industrial and commercial ratables, the creation of renewable energy facilities, the environmental closure of former landfills, the promotion of recreational opportunities, and the preservation of wetlands. The plan divides the redevelopment area into six zones to accomplish these objectives: (1) Harrison Avenue Retail Center; (2) Light Industrial Center; (3) Heavy Industrial Center; (4) Keegan Landfill Center, (5) Landfill Reclamation Area, and (6) Environmental Preservation Area.

Since the adoption of the redevelopment plan, the area has been highly successful in accomplishing the plan's redevelopment efforts, particularly within the Harrison Avenue Retail Center, which was redeveloped with a 163,200-square-foot Wal-Mart Super Center, completed in 2007, and an additional 22,000 square feet of retail and restaurant development, including a Wawa convenience store and a Taco Bell.

The plan also enabled the construction of 320,687 square feet of warehouse and distribution facilities off of Bergen Avenue, along with the improvement of Bergen Avenue and its extension between Harrison Avenue and Schuyler Avenue to promote better access to points within and beyond the redevelopment area.

#### **RA-7 SECAUCUS TRANSIT VILLAGE REDEVELOPMENT AREA – SECAUCUS**

The Secaucus Transit Village Redevelopment Area encompasses approximately 209 acres in the Town of Secaucus, in the vicinity of the Frank R. Lautenberg Rail Station at Secaucus Junction. The subject redevelopment area is generally bounded by the Hackensack River to the west, Paul Amico Way (formerly New County Road) and the New Jersey Turnpike to the southeast, Jersey City Water Supply line to the north, and the NJ Transit Main Line and light industrial properties along Castle Road and Seaview Avenue to the north. Located to the southwest of the area is the 104-acre Hudson County Park at Laurel Hill and the newly-constructed Frank J. Gargiulo Campus of the Hudson County Schools of Technology (also known as Hudson County High Tech High School). In addition, wetlands exist in the western portion of the redevelopment area adjacent to the Hackensack River.

The Secaucus Transit Village Redevelopment Plan, adopted in 2004 and last revised on July 20, 2017, provides for a mix of uses, including residential, hotel, commercial, and office development, within four zones: (1) Station Square, (2) Transition, (3) Riverfront Landing, and (4)

Passive Recreation. The adjacent rail station is the focal point for the area's redevelopment efforts, supporting the concept of creating a transit village in the subject area. Excellent

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recreational opportunities also exist, given the redevelopment area's proximity to the Hackensack River and adjacent Hudson County Park at Laurel Hill.

Substantial progress has been made toward the redevelopment of the area, including the phased construction of 1,548 dwelling units, including 188 affordable units, at the Xchange at Secaucus residential development within the Riverfront Landing zone. As part of this project, a new portion of the Secaucus Greenway system has been established to provide public access along the Hackensack River within the Riverfront Landing zone of the redevelopment area.

Significant circulation improvements have been made in the area, including the opening of New Jersey Turnpike Interchange 15X in 2005, the extension of Seaview Drive, County Road/Paul Amico Way (New County Road)/County Avenue improvements and signalization, and the grade separation of vehicular, rail, and pedestrian traffic along Paul Amico Way. Additionally, the plan's environmental preservation goals have been effectuated through the NJSEA's acquisition of the 34.8-acre Hawk Marsh in the Passive Recreation zone.

In addition to build-out of the Riverfront Landing zone, future development in the area is anticipated to occur within the Transition and Station Square zones, with a main goal to encourage property containing interim commuter surface parking lots to accommodate mixed-use vertical development of transit-oriented uses to realize the plan's goals of creating a true transit village at this location. The Town of Secaucus submitted a petition to the NJSEA in 2018 for a redevelopment plan amendment to include additional residential units within the Riverfront Landing and Transition zones. This petition is currently under review by NJSEA staff.

#### **RA-8 16TH STREET REDEVELOPMENT AREA – NORTH BERGEN**

The 16<sup>th</sup> Street Redevelopment Plan, originally adopted in 1999 and last revised in March 2001, encompasses 82.6 acres of land in the vicinity of 16<sup>th</sup> Street in North Bergen. The 16<sup>th</sup> Street Redevelopment Area is bounded by the Northeast Corridor Rail Line to the north and northwest, Secaucus Road to the southwest, and the NYS&W Rail Line to the east. The plan provides for redevelopment of the site for intermodal usage. The NJSEA staff is reviewing a petition for a redevelopment plan amendment submitted by the property owner, National Retail Systems, Inc., to permit an increase in the permitted ratio of trailer parking areas.

#### **RA-9 LYNDHURST BLOCK 228 LOT 3 REDEVELOPMENT AREA – LYNDHURST**

The Lyndhurst Block 228 Lot 3 Redevelopment Area totals approximately six acres in area, and is bounded by Wall Street West to the south, east and west, and New Jersey State Route 3 and Route 17 interchange ramps and Service Road to the northwest. The redevelopment area, which is the site of the former DeMassi Cadillac dealership, had sat vacant for more than 20 years before being developed with a 328-unit residential complex, which was completed in April 2008.

#### **RA-10 ROUTE 3 EAST REDEVELOPMENT AREA – EAST RUTHERFORD**

The Route 3 East Redevelopment Area is comprised of approximately 44.3 acres along the Route 3 East Service Road in East Rutherford. The redevelopment area is located east of the NJ Transit Bergen Line Rail Line, west of the New Jersey Turnpike Authority's 16W Interchange, and directly adjacent to the Berry's Creek Canal to the southwest of the area. The only vehicular



access to the redevelopment area is via the Route 3 East Service Road along the north side of the redevelopment area boundary.

The goal of the redevelopment plan is to allow development of the upland portion of the redevelopment area with minimal to no impact to the existing wetlands, which constitute the majority of the redevelopment area.

The redevelopment area has been developed with a 316-unit midrise residential development on a 4.25-acre development footprint. The project involved the filling of 0.898 acre of wetland to square off the existing upland development footprint and the preservation of the remaining 38 acres of wetlands on the site.

#### **RA-11 TETERBORO/INDUSTRIAL AVENUE REDEVELOPMENT AREA – TETERBORO**

The Teterboro/Industrial Avenue Redevelopment Area is located on the former Honeywell site in the northwesterly corner of the District in Teterboro opposite Teterboro Airport, and totals 63.2 acres in area. The redevelopment area is bound by the NJ Transit Pascack Valley Rail Line to the west, New Jersey State Highway US Route 46 to the north, Industrial Avenue to the east, and Malcolm Avenue to the south. A principal goal of the redevelopment plan is to encourage business opportunity and economic growth.

The redevelopment plan for this area permits a variety of uses such as office, retail, commercial, industrial and passive and active recreation. The redevelopment plan has enabled the transformation of the area from industrial brownfields into a thriving commercial center through the construction of Teterboro Landing, a mixed-use development featuring approximately 378,000 square feet of retail and restaurant development, anchored by Costco and Wal-Mart big box developments. A warehouse building of approximately 150,000 square feet was constructed for Lindenmeyr Munroe, a paper distributor, within the redevelopment area, and additional commuter parking spaces have been provided to promote increased usage of NJ Transit's adjacent Teterboro rail station along the Pascack Valley Line and the NJ Transit bus routes along Route 46.

#### **RA-12 KOPPERS COKE PENINSULA REDEVELOPMENT AREA – KEARNY**

The Koppers Coke Peninsula Redevelopment Area is comprised of 74 properties and totals 367.1 acres in area in the Town of Kearny. The area is heavily industrial in character, and generally bounded by the Hackensack River to the north and east, Route 7 (Belleville Turnpike and Newark/Jersey City Turnpike) to the south, and the Kearny Brackish Marsh to the west. The area also includes properties on Cross Pike Drive and Fish House Road.

Numerous properties in the redevelopment area contain evidence of soil, groundwater and/or surface water contamination, with many properties in various stages of remediation. The historic usage of several of these properties contributed to the current environmental contamination present in the area. These brownfield properties include, but are not limited to, the contiguous sites of Koppers Coke, Diamond Shamrock, and Standard Chlorine, a designated USEPA Superfund Site, within Block 287, which together comprise almost two thirds of the redevelopment area.



The Koppers Coke Redevelopment Plan was adopted in February 2013, and permits a variety of land uses, primarily industrial in nature, while also providing opportunities for services to support planned new industry within the redevelopment area. The NJSEA is currently reviewing a proposal for the development of approximately 2 million square feet of warehouse and distribution facilities within four buildings on 168 acres along the Hackensack River.

#### **RA-13 HARTZ CARPET CENTER REDEVELOPMENT AREA – SECAUCUS**

The Hartz Carpet Center Redevelopment Area, totaling approximately 13.5 acres, is located in the Harmon Meadow commercial center and is the former site of two structures that housed carpet wholesale facilities. A portion of Cromakill Creek and associated wetlands are present in the northerly portion of the site within a designated wetland preservation area, which also includes a walking path for passive recreation. The redevelopment plan for the area was adopted in May 2016 to permit multifamily residential use, given the site's location allowing both buffering from, yet proximity to, supportive commercial uses within Harmon Meadow, and access to passive recreation and open space afforded by the marshland. The goals of the Hartz Carpet Center Redevelopment Plan include promoting affordable housing supply and restoring opportunities for passive recreation. The area has been redeveloped with a 469-unit multifamily development, including a 20 percent affordable housing set-aside, by the property owner, Hartz Mountain Industries.

#### **RA-14 SCHMITT REALTY REDEVELOPMENT AREA – SECAUCUS**

The Schmitt Realty Redevelopment Area is a 3.1-acre site located along the Hackensack River at the westerly terminus of Paterson Plank Road within the Town of Secaucus. The redevelopment area is the site of a defunct concrete plant located in the midst of an established residential neighborhood.

The redevelopment plan, adopted in 2018, encourages the redevelopment of the site with multifamily housing, which provides for an appropriate infill use consistent with the developed character of the surrounding neighborhood, including other multifamily and townhome developments. The plan also requires the provision of a public waterfront walkway along the Hackensack River as part of the Secaucus Greenway.

The site's redeveloper has submitted an application for the development of 116 total residential units, including 23 affordable units, which is currently under review by the Town of Secaucus pursuant to the District's opt-out provisions.



## IV. HISTORIC RESOURCES

Historic resources offer a glimpse into the history of the Meadowlands, from their formation over 10,000 years ago as glaciers retreated north at the end of the last Ice Age, through settlement by Native Americans and European settlers, to the Age of Industrialization and modern times.

Various historic surveys completed to date reveal that the Meadowlands District has historic resources dating from the initial human occupation of the region approximately 8,000 years ago. Such surveys include the following:

- Cultural Resource Reconnaissance (1989);
- Stage 1A Archeological and Historical Sensitivity Evaluation of the Hackensack Meadowlands (1992); and
- Hackensack Meadowlands Archaeological and Historical Sensitivity and Impact Evaluation (1994).

The NJ State Office of Historic Preservation assists in identifying and preserving the State's historic and archaeological resources, including a number of District resources. Figure 3.10 "Historic Resources in the Hackensack Meadowlands District" provides an inventory of historically-significant resources in the Meadowlands District, whose locations also appear on [Map 5 – Historic Resources](#) in the appendices of this document.





FIGURE 3.10

## HISTORIC RESOURCES IN THE HACKENSACK MEADOWLANDS DISTRICT

MAP #		RESOURCE LOCATION
1	Outwater Cemetery	West side of Washington Avenue/South of Commerce Road, Carlstadt
2	Former Paterson Plank Road Bridge	East Rutherford
3	Bergen County Rail Line	East Rutherford
4	Canadian Car & Foundry Company	East of Valley Brook and Polito Avenues, Lyndhurst
5	Kingsland Railroad Repair Shops	South of Valley Brook Avenue, East of Orient Way, Lyndhurst
6	(unnamed)	10 Berger Street, Moonachie
7	Phillip Mehrhof House	29 Riverside Avenue (Mehrhof Lane), Little Ferry
8	Ferry Landing & Trading Post	Foot of Riverside Avenue (Mehrhof Lane), Little Ferry
9	Jared De Peyster House	17 Riverside Avenue (Mehrhof Lane), Little Ferry
10	Jared De Peyster Stag House	21 Riverside Avenue (Mehrhof Lane), Little Ferry
11	(unnamed)	37 Riverside Avenue (Mehrhof Lane), Little Ferry
12	(unnamed)	41 Treptow Street, corner of Washington Ave., Little Ferry
13	Roika House	113 Washington Avenue, Little Ferry
14	(unnamed)	141 Washington Avenue, Little Ferry
15	(unnamed)	113 Mehrhof Road, Little Ferry
16	(unnamed)	34 Lafayette Street, Little Ferry
17	(unnamed)	16 Lincoln Street, Little Ferry
18	(unnamed)	26 Lincoln Street, Little Ferry
19	(unnamed)	30 Lincoln Street, Little Ferry
20	(unnamed)	22 Dietrichs Street, Little Ferry
21	Inactive Railroad Track Bridge	NJ Transit Harrison Branch over NJ7, Kearny
22	Bridge for East Bound NJ 3	NJ 3 East Bound over Hackensack/Grace Street, Secaucus
23	Clay Pits of Brick Making Industry	Little Ferry
24	Airport Tower & Hanger, 1945 (now Aviation Hall of Fame & Museum)	Teterboro Airport near Industrial Avenue, Teterboro
25	Atlantic Aircraft Factory, 1930's	Teterboro Airport near Industrial Avenue, Teterboro
26	Bendix Factory Complex	US Route 46 and Industrial Avenue, Teterboro
27	(unnamed)	North Arlington
28	Viaduct, 6-lane divided highway	NJ Route 3 over Berry's Creek, East Rutherford
29	2-lane collector road and sidewalks	Ridgefield
30	Public Service Gas and Electric Company	57-31 Charlotte Avenue, Jersey City

31	(unnamed)	472-518 St. Pauls Avenue, Jersey City
32	Jacob Stouff Property	32 Lewis Avenue, Jersey City

*(Figure continued on next page)*

FIGURE 3.10 (cont'd)

MAP #		RESOURCE LOCATION
33	Peoples Gas and Light Company	444-500 St. Pauls Avenue, Jersey City
34	Public Service Energy and Gas Corp.	460-468 St. Pauls Avenue, Jersey City
35	(unnamed)	472-518 St. Pauls Avenue, Jersey City
36	(193) Kingsland Tunnel	Newark Avenue and Orient Way, Lyndhurst
37	Covert/Larch Historic District	Jersey City
38	Portal Bridge, Pennsylvania, New Jersey and New York Railroad Co.	Northeast Corridor Rail Line across Hackensack River, Kearny
39	Erie Marion Main Line Historic District	Jersey City
40	West End Interlocking Tower	Jersey City
41	Portal Tower	Secaucus
42	HX Drawbridge Bergen County Line	East Rutherford/Secaucus
43	Secaucus Potter's Field	15X Interchange, New Jersey Turnpike, Secaucus
44	Snake Hill	Secaucus
45	Pulaski Skyway	Jersey City and Kearny
46	U.S. Routes 1 & 9	Jersey City and Kearny
47	Lower Hack Draw Bridge	NJ Transit Morristown Line, Milepost 2.52 through 2.64, Jersey City
48	Old Main Line of the Delaware, Lackawanna & Western Rail Road Historic District	Jersey City and Kearny
49	Wittpenn Bridge	Belleville Turnpike/NJ Route 7 over Hackensack River, Jersey City and Kearny
50	Hudson Tower	Kearny
51	(unnamed)	Kearny
52	Pennsylvania Railroad New York to Philadelphia Historic District	Kearny and Secaucus
53	Hudson & Manhattan Railroad	Kearny
54	WMCA 570 Radio Station Relay/Transmitter Building	Belleville Turnpike at New Jersey Turnpike, Kearny
55	Substation 4 (Amtrak Substation 41)	Northeast Corridor at New Jersey Turnpike, Kearny
56	Jersey City Waterworks Pipeline	Jersey City, Lyndhurst, North Arlington, Secaucus
57	Former Edison Battery Property	Belleville Turnpike, Kearny

Source: MERI GIS/NJ Historic Preservation Office (2019)



## V. BUILD-OUT

The 2004 Master Plan estimated the amount of new development potential that would occur within a 25-year time period. Figure 3.11 “Development Completed Compared to 2004 Master Plan Estimate” compares this estimate to the amount of development actually completed by December 2018, which is just past the halfway mark for the full build-out period. The build-out analysis takes into account only new buildings and building footprint expansions that have received occupancy certification between January 2004 and December 2018. No building renovations, mezzanine additions, or other building improvements have been included in this analysis.

**FIGURE 3.11 DEVELOPMENT COMPLETED COMPARED TO 2004 MASTER PLAN ESTIMATE**

Development Type	2004 Master Plan Estimate (2029 Build-Out)	Completed through December 2018
Residential	3,741 units	3,895 units
Commercial	4,493,326 sq. ft.	1,172,274 sq. ft.
Office	7,439,369 sq. ft.	165,550 sq. ft.
Industrial/Warehouse	12,106,359 sq. ft.	4,737,105 sq. ft.
Hotel	1,750 rooms	436 rooms

*Note: Excludes American Dream development at NJSEA-owned property in East Rutherford*

An additional 400,000 square feet of industrial space, 58,000 square feet of commercial use, and 355 hotel rooms are approved and/or under construction but have not received occupancy certification as of January 2019.

The majority of unrealized development that was projected in the 2004 Master Plan to be built by 2029, was anticipated to be constructed at Allied Junction in Secaucus and within the following three redevelopment areas: Highland Cross, Kingsland, and Paterson Plank Road. The current status of development plans for these locations is as follows:

- Specially Planned Area approvals were granted for over 4.6 million square feet of mixed use development at Allied Junction in 1992. No definitive development plans are forthcoming, and the approvals issued pursuant to the SPA process remain valid. However, any change to the approved SPA plans will require a new zoning review pursuant the NJSEA’s Transportation Center zone requirements within the District Zoning Regulations, at N.J.A.C. 19:4-5.117 through 5.122.
- The redevelopers of the Highland Cross Redevelopment Area are evaluating various development scenarios for the property. The prior approval for an office and hotel at the site has lapsed. Redevelopment of this property is subject to access and traffic constraints, which will impact future development plans at the site.
- The rights to acquire and redevelop a portion of the 1,362-acre Kingsland Redevelopment Area have been awarded by the NJSEA through a competitive bid process to a partnership of Russo Development and Forsgate Industrial Partners, which plans to develop approximately 3 million square feet of new warehouse development on former landfill property.

- The Paterson Plank Road Redevelopment Area has been the subject of increased development interest as American Dream Meadowlands nears opening, and as the Meadowlands Sports Complex continues to draw world-class sporting and entertainment events to the area. This development interest has primarily materialized in the hotel sector, with 462 new rooms constructed or planned to be constructed along the Paterson Plank Road corridor since 2004. Approximately 252,000 square feet of new warehouse and light industrial facilities have received zoning approval within the redevelopment area between February 2018 and May 2019.

The NJSEA is also currently reviewing multiple applications for new development in the District that are not accounted for in the build-out analysis above, which evaluates only projects that have received occupancy certification since 2004. The largest of these applications under review include proposals for approximately 3 million square feet of industrial development within the Kingsland Redevelopment Area, discussed above, and 2 million square feet of new industrial development within the Koppers Coke Peninsula Redevelopment Area.



## 4. HOUSING

Housing constitutes only 2.1 percent of land area within the Hackensack Meadowlands District (District). This very small percentage can be attributed to the perception of the Meadowlands as a wasteland that was suitable primarily for uses such as industry and solid waste dumps that people did not want located near established neighborhoods. Although new housing was a significant component of the District's original 1970 Comprehensive Land Use Plan, that housing was intended for wetland areas that are no longer deemed suitable for development. Still, since the adoption of the 2004 NJMC Master Plan, the District has witnessed a significant expansion in housing development in upland areas of the District. This chapter explores the general characteristics of households and housing within the District's municipalities, the challenges associated with housing development within the District, and the resources available to further the creation of housing with an affordable component.

The NJSEA contracted with 4ward Planning, Inc. to provide demographic and housing data where noted herein. Where data specific to the portion of a municipality within the District is not available, it is presented at the overall municipal, county, or regional level. Detailed population characteristics are provided in Chapter 2 – Population and Economy. In some cases, five-year projections are provided to anticipate future trends. Data projections utilize a five-year window, as data beyond this time period are not reliable and, therefore, are not utilized by the NJSEA in this evaluation. The data is also heavily influenced by the characteristics of Jersey City, where the vast majority of its comparatively larger population and associated housing is located outside of the District.

### I. HOUSEHOLD PROFILES

As of 2018, there are approximately 496,790 residents in the District's 14 municipalities, with 80 percent (395,990) of this population residing in the four municipalities located within Hudson County and 20 percent (100,790) residing in the ten municipalities located within Bergen County. The actual in-District population is much less due to the relatively small amount of land area occupied by residential uses within the District boundaries.

Pursuant to Figure 4.1 "Number of Household in District Municipalities," as of 2018, the District's municipalities contain approximately 192,380 households, with 80 percent of these households located in the District's four Hudson County municipalities. From 2010 to 2018, the District's municipalities added approximately 15,930 households, a slight increase. Over the next five years, household growth in the District's constituent municipalities is projected to continue to increase at a



similar rate, with an increase of 10,370 households expected by 2023.

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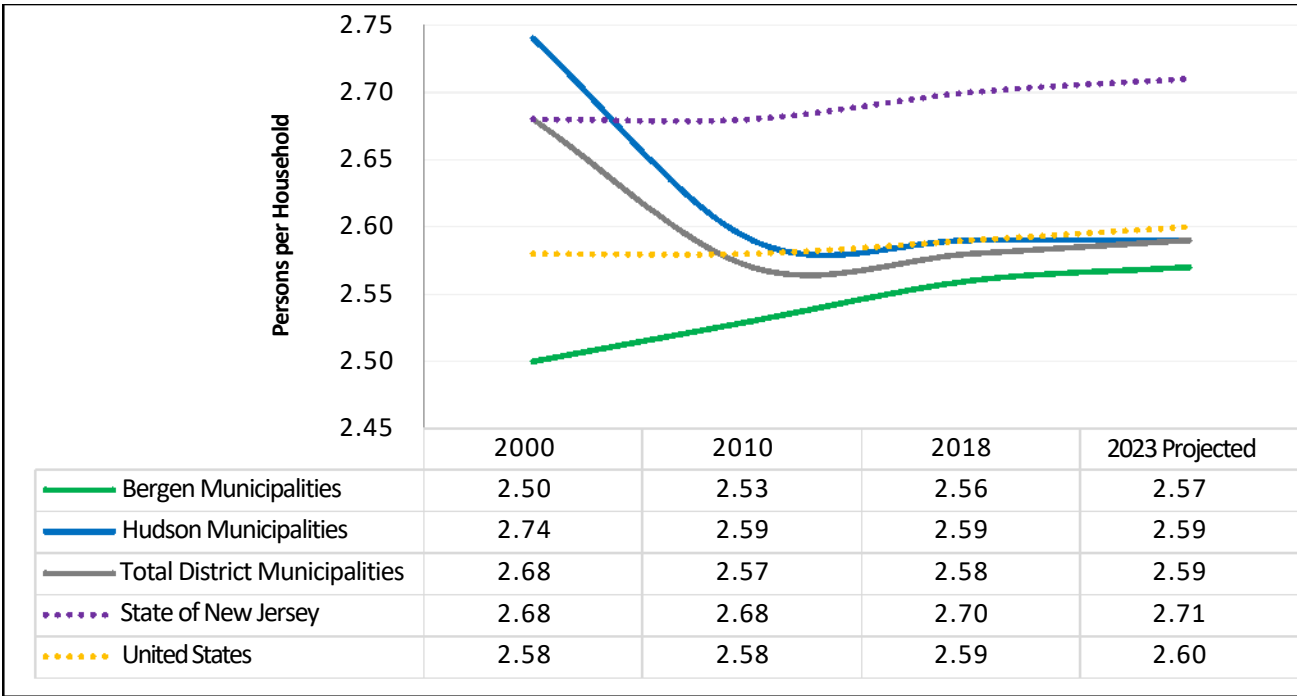
**FIGURE 4.1**    **NUMBER OF HOUSEHOLDS IN DISTRICT MUNICIPALITIES**

2000		2010	2018	2023 projected
	Bergen Municipalities	37,602	37,770	40,307
	Hudson Municipalities	129,621	138,680	162,994
<b>Total District Municipalities</b>		<b>167,223</b>	<b>192,381</b>	<b>203,301</b>

*Source: 4ward Planning, Inc./Esri*

As depicted in Figure 4.2 “Average Household Size in District Municipalities,” the District’s municipalities have an average household size of 2.58 persons, a number lower than the State average of 2.70, but comparable to the nation’s average size of 2.59. Average household size in the District’s municipalities in Bergen County experienced an increase since 2000, while in-District municipalities in Hudson County experienced a decrease in average household size. Household configurations are affected by overall population trends, as more fully explained in [Chapter 2 – Population and Economy](#), and changes in household size could potentially be attributed to a variety of factors including reduced birth rates, divorce, and an aging population. Average household size is

**FIGURE 4.2**    **AVERAGE HOUSEHOLD SIZE IN DISTRICT MUNICIPALITIES**



expected to remain relatively stable within the District through 2023.

*Source: 4ward Planning, Inc./Esri*

Approximately two-thirds of households in District municipalities are comprised of family households, which consist of two or more persons who are related either by birth, marriage, or some other legal construct, such as adoption (see Figure 4.3 “Households by Family Type”). As of

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2016, 65 percent of households in the District's 14 municipalities are identified as family households, slightly less than the 69 percent statewide.

**FIGURE 4.3** HOUSEHOLDS BY FAMILY TYPE

	2016			
	District Munis	Bergen Munis	Hudson Munis	New Jersey
<b>Total households *</b>	<b>169,088</b>	<b>37,566</b>	<b>141,778</b>	<b>3,195,014</b>
Percent of total households:				
<b>Family households</b>	65.2%	69.2%	64.1%	69.3%
Married couple family	42.8%	52.1%	40.8%	51.0%
Female householder, no husband present	16.4%	11.6%	17.3%	13.4%
With own children under 18 years	33.0%	30.6%	33.4%	33.5%
<b>Nonfamily households</b>	34.8%	30.8%	35.9%	30.7%
Householder living alone	27.0%	25.5%	27.3%	25.7%
Householder living alone age 65 years and over	7.8%	9.0%	7.6%	10.8%

*\*Table does not include all sub-categories of Family Households and Nonfamily Households. Source: Award Planning, Inc. (US Census Bureau / American Community Survey)*

## II. HOUSING STOCK CHARACTERISTICS

Pursuant to Figure 4.4 “Housing Units in District Municipalities,” as of 2018, there are 212,576 housing units within the District’s constituent municipalities. The largest percentage increases in housing between 2000 and 2018 have occurred in Teterboro, which witnessed a more than 230 percent increase in the number of housing units, and Secaucus and Jersey City, each of which experienced over a 30 percent increase.

In terms of total unit increases, Hudson County constituent municipalities generally received the largest total number of units. Within Bergen County constituent municipalities, Lyndhurst and East Rutherford experienced the largest total amount of growth. Moonachie was the only municipality to experience a decrease in total units, which is likely attributed to the effects of Superstorm Sandy.



**FIGURE 4.4 HOUSING UNITS IN DISTRICT MUNICIPALITIES**

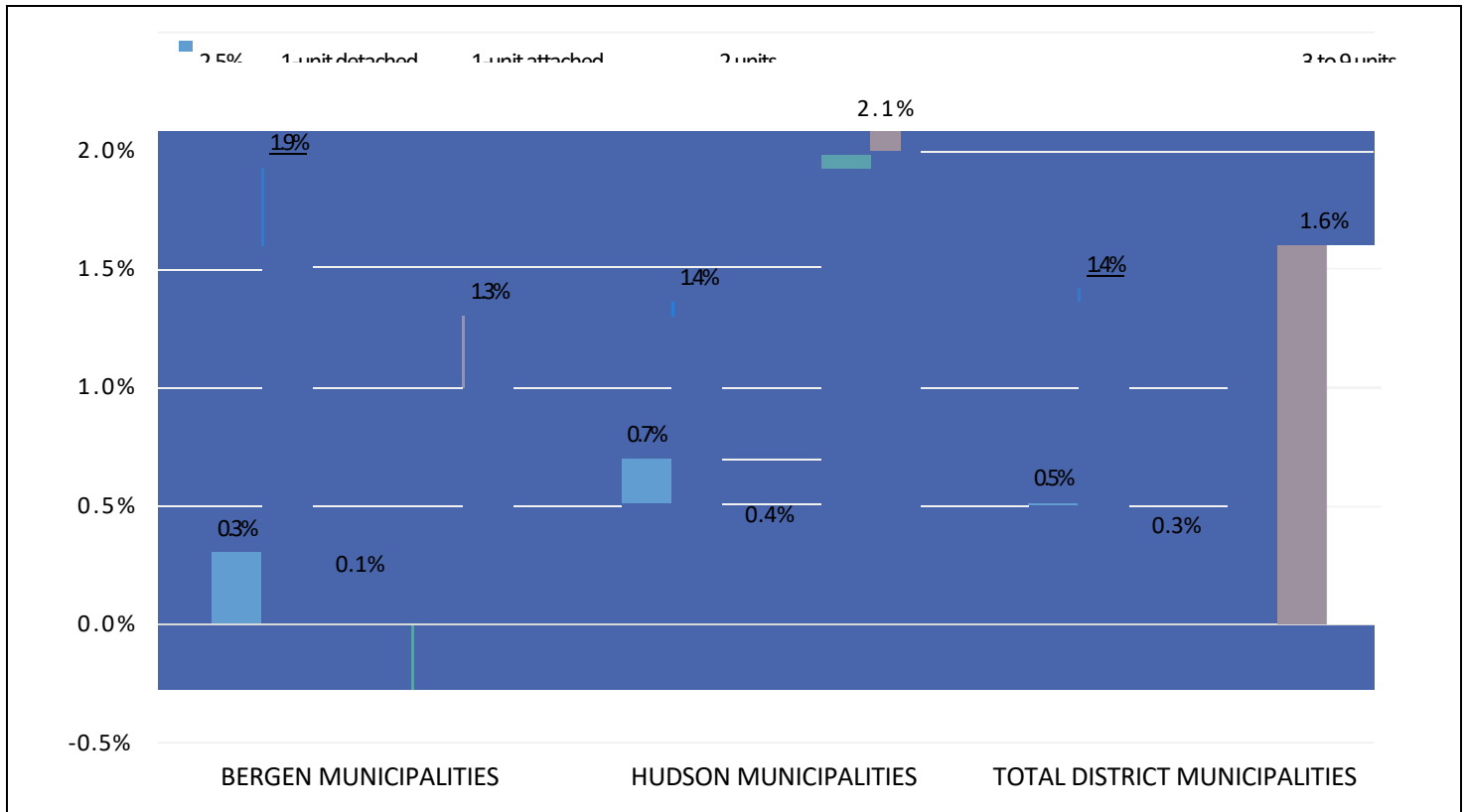
Change MUNICIPALITY	2000	2010	2018	2000-2018	% Change 2000-2018	2023 Projected
Carlstadt	2,473	2,495	2,549	76		3.1% 2,572
East Rutherford	3,771	4,018	4,414	643		17.1% 4,605
Little Ferry	4,449	4,439	4,533	84		1.9% 4,612
Lyndhurst	8,103	8,787	9,356	1,253		15.5% 9,654
Moonachie	1,074	1,053	1,056	-18	-1.7%	1,060
North Arlington	6,529	6,573	6,678	149		2.3% 6,749
Ridgefield	4,120	4,145	4,431	311		7.5% 4,582
Rutherford	7,214	7,278	7,522	308		4.3% 7,671
South Hackensack	830	879	920	90	10.8%	947
Teterboro	8	27	27	19	237.5%	27
<b>Bergen Municipalities</b>	<b>38,571</b>	<b>39,694</b>	<b>41,486</b>	<b>2,915</b>	<b>7.6%</b>	<b>42,479</b>
Jersey City	93,648	108,720	123,318	29,670	31.7%	132,159
Kearny	13,872	14,180	14,691	819	5.9%	15,247
North Bergen	22,009	23,912	24,651	2,642	12.0%	25,278
Secaucus	6,385	6,846	8,430	2,045		32.0% 9,019
<b>Hudson Municipalities</b>	<b>135,914</b>	<b>153,658</b>	<b>171,090</b>	<b>35,176</b>	<b>25.9%</b>	<b>181,703</b>
<b>Total District Municipalities</b>	<b>174,485</b>	<b>193,352</b>	<b>212,576</b>	<b>38,091</b>	<b>21.8%</b>	<b>224,182</b>

Source: 4Ward Planning, Inc. / New Jersey Data Book (2000) / Esri

The number of housing units by type was also evaluated as part of this analysis in Figure 4.5 “Change in Housing Units, by Type (2000-2016),” with current data available through 2016 (which may vary from data in Figure 4.4, current through 2018). Between 2000 and 2016, the number of housing units within the District municipalities increased by 21,735 units (0.89 percent per year). As of 2016, there were approximately 196,180 housing units within the District municipalities, with single-family detached dwellings composing the largest share of housing within in-District Bergen County municipalities (41 percent) and duplexes composing the largest share of housing within in-District Hudson County municipalities (25 percent). Despite relatively flat housing growth, over the same period in-District Bergen County municipalities experienced relatively modest growth in single-family attached units (1.9 percent per year) and mobile homes, boats, and other unit types (1.3 percent per year). However, within the District, new housing development has been primarily in the form of multifamily mid-rise rental units of 10 or more units.

**FIGURE 4.5 CHANGE IN HOUSING UNITS, BY TYPE (2000-2016)**

Unit Type	2000			2016		
	Bergen Co. Municipalities	Hudson Co. Municipalities	Total District Municipalities	Bergen Co. Municipalities	Hudson Co. Municipalities	Total District Municipalities
1-unit, detached	15,513	17,545	33,058	16,262	19,510	35,772
1-unit, attached	983	8,928	9,911	1,286	10,874	12,160
2 units	11,261	36,442	47,703	11,523	38,570	50,093
3 or 4 units	3,345	19,476	22,821	3,318	20,295	23,613
5 to 9 units	1,228	13,570	14,798	1,350	14,547	15,897
10 to 19 units	2,437	10,037	12,474	1,980	10,447	12,427



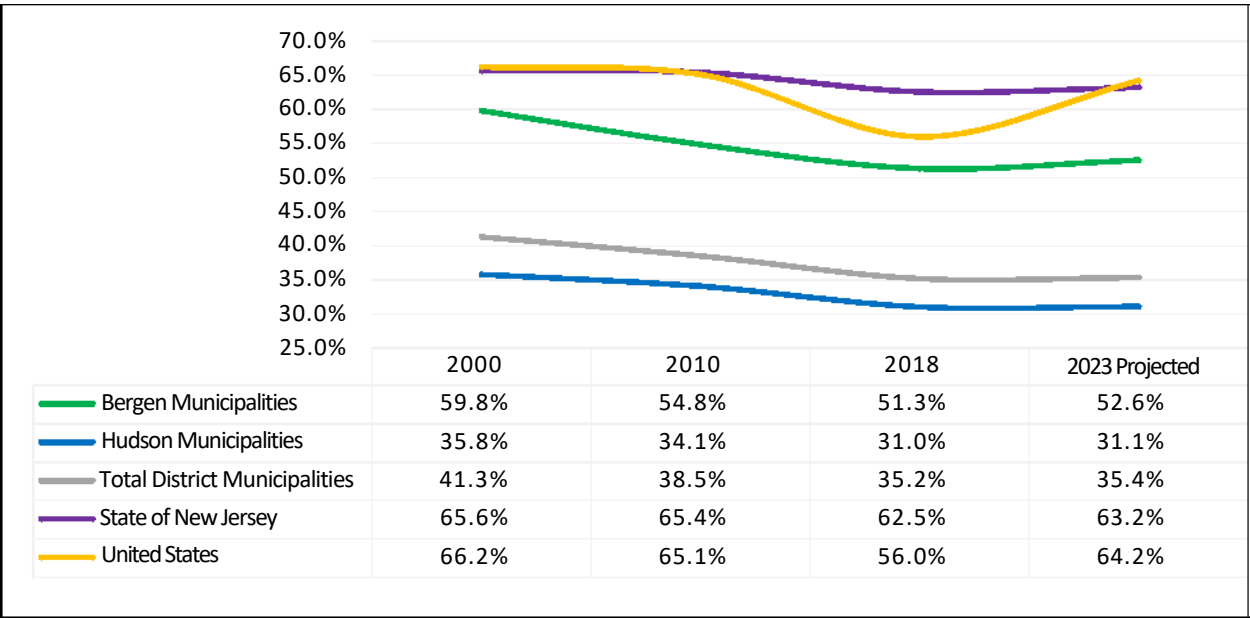
20 or more units	3,380	29,612	32,992	3,577	41,778	45,355
Mobile home	413	199	612	495	289	784
Boat, RV, van, etc.	10	62	72	16	59	75
<b>Total Units</b>	<b>38,570</b>	<b>135,871</b>	<b>174,441</b>	<b>39,807</b>	<b>156,369</b>	<b>196,176</b>

Source: 4ward Planning, Inc./US Census (2000) and American Community Survey (2012-2016)

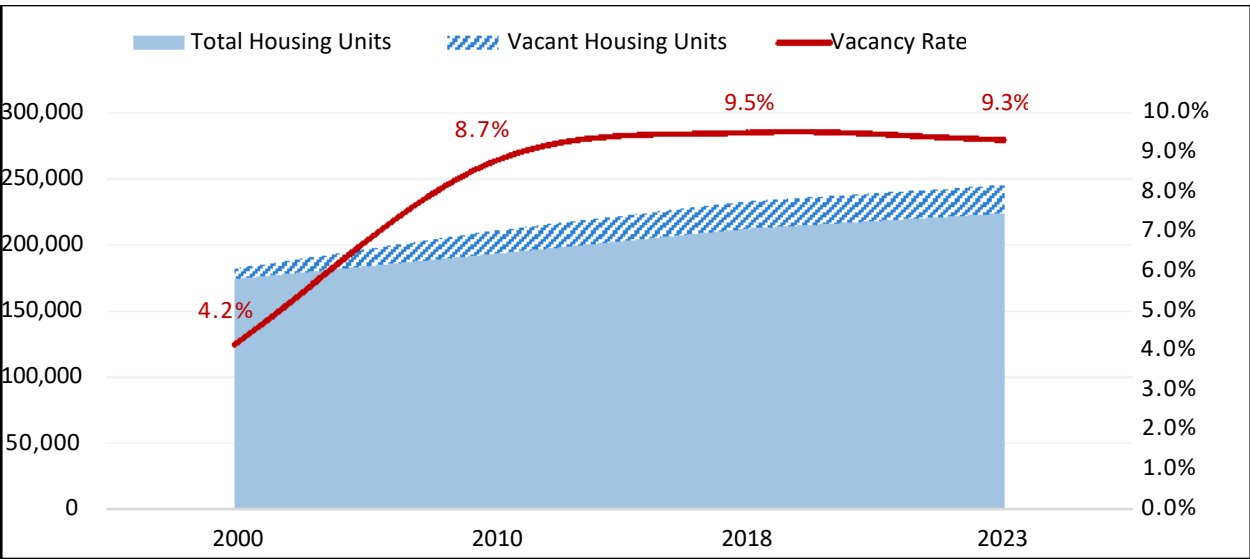


On average, the percent of housing units that are owner-occupied within the District municipalities (35.2 percent) is much lower than the State (62.5 percent) and the nation (56 percent) in 2018. The share of owner-occupied housing has been decreasing within the District, State, and country; however, homeownership rates are projected to remain relatively stable over the next five years as seen in Figure 4.6 “Homeownership Rates.”

**FIGURE 4.6** HOMEOWNERSHIP RATES (HOUSING TENURE: OWNER- VS. RENTER-OCCUPIED UNITS)



**FIGURE 4.7** HOUSING VACANCY RATES IN DISTRICT MUNICIPALITIES



Source: 4ward Planning, Inc./US Census/Esri (2010-2023)

Source: 4ward Planning, Inc. / New Jersey Data Book (2000) / Esri

Housing vacancy rates within District municipalities are provided in Figure 4.7 “Housing Vacancy Rates in District Municipalities.” Approximately 9.5 percent (20,200 units) of units within District municipalities are vacant, with 89 percent of the vacant units located within Hudson County municipalities. Since 2000, vacancy rates in the District’s Bergen County

municipalities (ranging from 2.5 percent in 2000 to 5.2 percent in 2018) have been consistently lower than those within Hudson

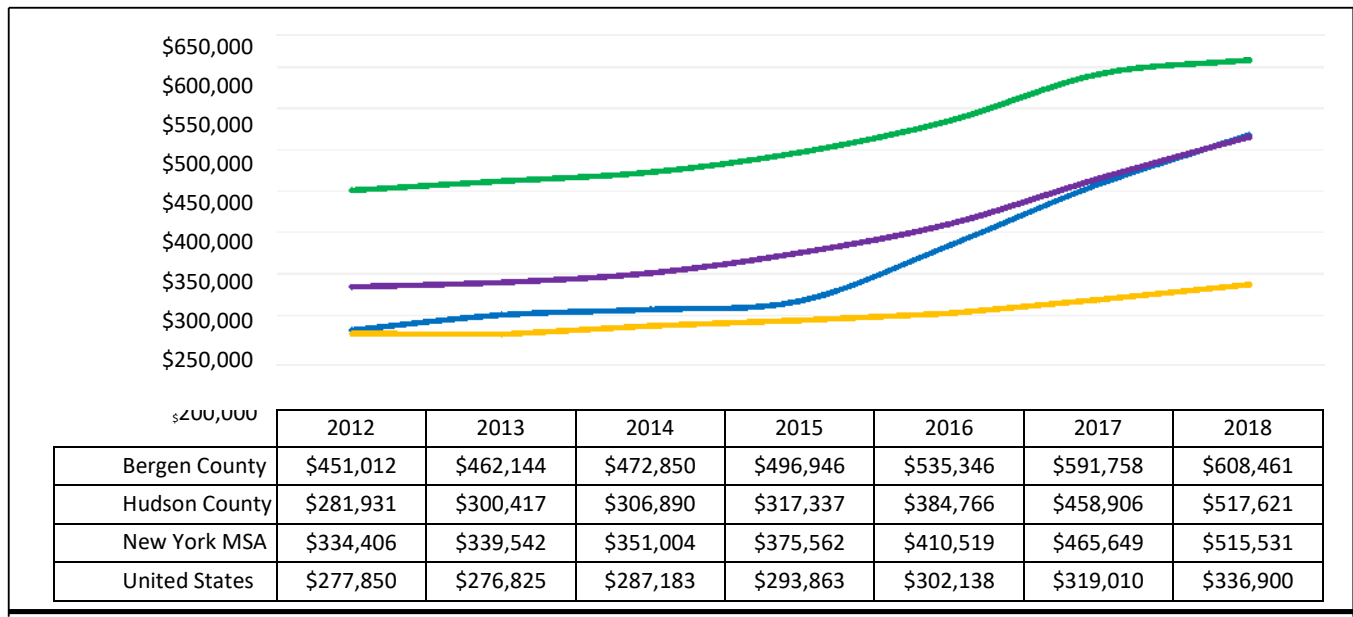
County municipalities (ranging from 4.6 percent in 2000 to 10.5 percent in 2018). While overall \_\_\_\_\_

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vacancy rates within the District's municipalities have increased between 2010 and 2018 (from 8.7 to 9.5 percent), vacancy rates within the District's municipalities are projected to decline slightly over the next five years (to 9.3 percent by 2023). This information appears somewhat high in relation to in-District housing occupancy as it relates to mid-rise rental apartments in the District, which underscores the need for specific Meadowlands housing data to accurately assess the state of Meadowlands housing and population.

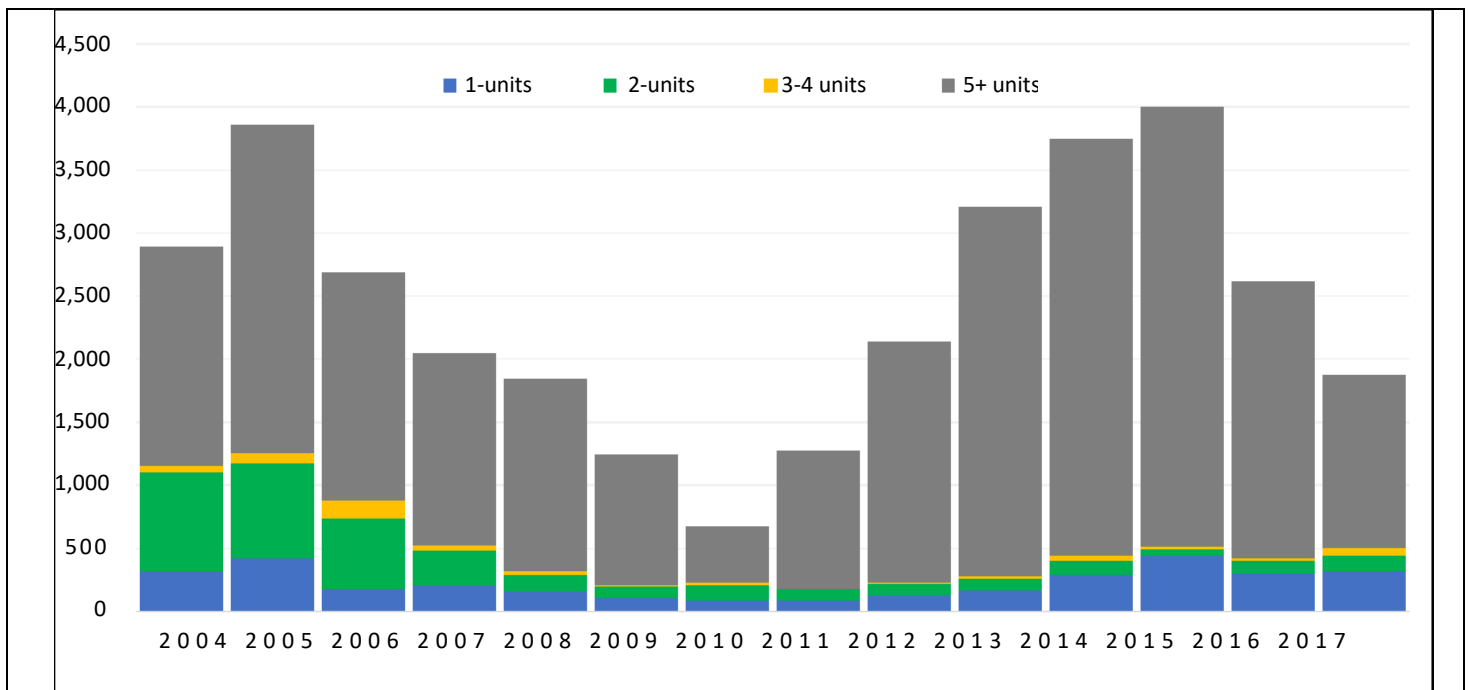
Home prices have also decreased steadily, as depicted in Figure 4.8 "Median Sale List Prices for All Homes." According to the National Association of Realtors, the sale list price refers to the values of houses being put up for sale and does not reflect housing value trends for the entirety of the housing stock in any given geography. The average median list price of homes for sale located in the District's municipalities differs significantly between Bergen County (\$608,461) and Hudson County (\$517,621), as well as from the New York-Newark-Jersey City, NY-NJ-PA Metropolitan Statistical Area (New York MSA) (\$515,531). Between 2012 and 2018 the average median sale list price for homes increased by 13.9 percent per year in Hudson County, 5.8 percent per year in Bergen County, and 9 percent per year in the New York MSA.

**FIGURE 4.8**     **MEDIAN SALE LIST PRICES FOR ALL HOMES**



Source: 4ward Planning, Inc. / National Association of Realtors

Following the burst of the U.S. housing bubble and the onset of the Great Recession (December 2007 to June 2009), the District municipalities experienced a decline in residential building permits issued after 2005, with a recovery beginning in 2011. As depicted in Figure 4.9 “Residential Building Permits Authorized in District Municipalities,” the number of residential building permits issued in 2015 peaked at nearly 4,000 permits issued, which surpassed the 2005 pre-housing-bubble level. However, this peak was followed by a decline in residential permit activity in 2016 and 2017. In 2017, a total of 1,878 residential permits were issued in the District’s municipalities, with 85 percent located in Jersey City. Almost three-quarters of those permits issued were for units located within buildings of five or more units.



**FIGURE 4.9** RESIDENTIAL BUILDING PERMITS AUTHORIZED IN DISTRICT MUNICIPALITIES

*Source: 4ward Planning, Inc. / US Census Bureau*

### III. HOUSING AFFORDABILITY

Affordability is typically measured for prospective homeowners through the ratio of housing value to income, where a ratio at or below three-to-one is considered affordable. Pursuant to Figure 4.10 “Housing Affordability Profile,” statewide median housing value, when compared to the median household income, exhibits a ratio of 4.3, which is well above an ideal affordability threshold. Both Bergen and Hudson counties have even higher median housing value to median household income ratios; Bergen County has a ratio of 5.0 and Hudson County has a ratio of 5.6. The data provide solid evidence that housing valued at the median level is not affordable to the median-income household in these geographies. Between 2000 and 2016, the ratio of median household value to median annual income increased by one percentage point in Bergen County, and 1.4 percentage points in Hudson County, indicative of an increasingly unaffordable housing market.



**FIGURE 4.10 HOUSING AFFORDABILITY PROFILE**

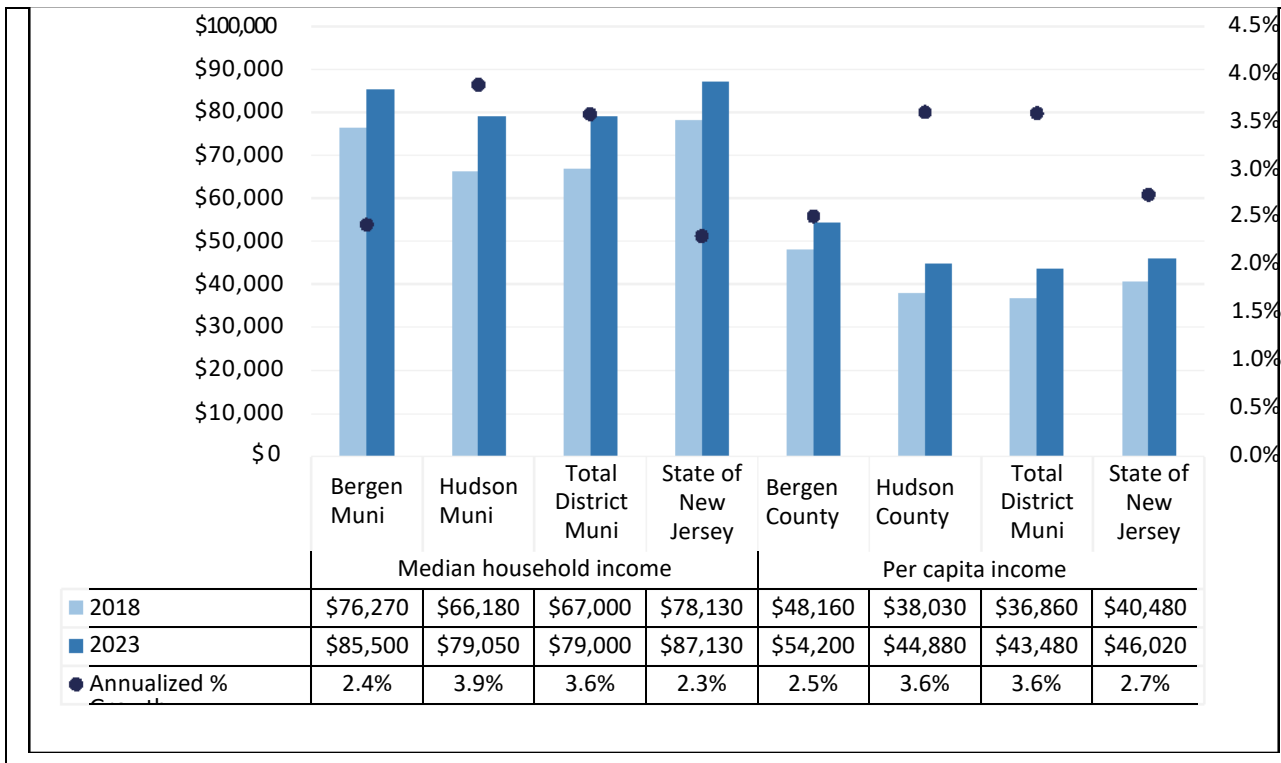
	2000			2016			Change 2000-2016		
	Bergen County	Hudson County	State of New Jersey	Bergen County	Hudson County	State of New Jersey	Bergen County	State of Hudson New County Jersey	
All households									
Median household income	\$61,925	\$37,189	\$54,226	\$88,487	\$60,894	\$73,702	\$26,562	\$23,705	\$19,476
Monthly median household income	\$5,160	\$3,099	\$4,519	\$7,374	\$5,075	\$6,142	\$2,214	\$1,976	\$1,623
Owner affordability									
Median housing costs for owners with a mortgage	\$1,911	\$1,549	\$1,559	\$2,926	\$2,661	\$2,374	\$1,015	\$1,112	\$815
% median housing costs to median income for owners with mortgage	37.0%	50.0%	34.5%	39.7%	52.4%	38.7%	2.7%	2.4%	4.2%
% owners with mortgage having monthly housing costs at 30% or more of income	35.3%	46.2%	30.8%	42.0%	46.8%	39.8%	6.7%	0.6%	9.0%
% owners without mortgage having monthly housing costs at 30% or more of income	23.0%	31.5%	20.8%	30.6%	32.9%	26.9%	7.6%	1.4%	6.1%
Median housing value	\$245,538	\$154,460	\$171,988	\$443,400	\$341,300	\$316,400	\$197,862	\$186,840	\$144,412
Ratio median housing value to median annual income	4.0	4.2	3.2	5.0	5.6	4.3	1.0	1.4	1.1
Renter affordability									
Median rent	\$869	\$737	\$763	\$1,380	\$1,247	\$1,213	\$511	\$510	\$450
% households with gross rent > 30% or income	37.8%	41.7%	39.5%	50.1%	47.9%	53.2%	12.3%	6.2%	13.7%

Source: 4ward Planning, Inc./US Census (2000) and American Community Survey (2016)

By the same token, as of 2018 both median household and per capita incomes in the District municipalities (\$67,000 and \$36,860, respectively) were lower than those within the State (\$78,130 and \$40,480, respectively). The municipalities located within Bergen County reported a median household income of \$76,270 compared to those in Hudson County, which reported a median income of \$66,180. From 2018 through 2023, median household and per capita income growth in the District municipalities (both metrics increasing by 3.6 percent per year) are expected to increase at a flat rate, faster than the same metrics within the State (2.3 and 2.7 percent, respectively). Near-term median household income growth in the District municipalities is expected to be particularly



strong among the four municipalities located within Hudson County (growing by 3.9 percent per year). (See Figure 4.11 “Median Household Income.”)



**FIGURE 4.11** MEDIAN HOUSEHOLD AND PER CAPITA INCOME (2018 AND 2023)

Source: 4ward Planning, Inc. / Esri

#### IV. FAIR HOUSING ACT

In 1985, the State enacted the NJ Fair Housing Act (FHA) in response to the “Mount Laurel” decisions of the New Jersey Supreme Court. Per Mount Laurel, each municipality has a constitutional obligation to establish a “realistic opportunity” for providing a “regional fair share of current and future need” for affordable housing. According to the rules of the New Jersey Department of Community Affairs (DCA) governing FHA compliance, affordable units must satisfy the following criteria:

- Units must be sold or rented at prices affordable to income-eligible households, where total housing costs, including rent, mortgage payment, utility costs, taxes, insurance, and association fees, do not exceed 30 percent of gross monthly income for renters and 28 percent of gross monthly income for homeowners.
- Income-eligible households are categorized as moderate, low, and very-low income. Households earning from 50 to 80 percent of the regional median income are categorized as moderate-income; households earning below 50 percent of median income are categorized as low-income households; and households earning below 30 percent of median income are categorized as very low-income households. Figure 4.11 “Affordable Housing Regional Income Limits” provides the income limits for each these classifications for Region 1, which includes Bergen, Hudson, Passaic, and Sussex Counties.

- Units must be made available to all income-eligible households within the region through affirmative marketing and a selection by lottery.

- Units must be restricted to occupancy by income-eligible households for a minimum of 30 years, or 10 years in high-poverty census tracts.

**FIGURE 4.12****AFFORDABLE HOUSING REGIONAL INCOME LIMITS**

HOUSEHOLD SIZE Very Low	HOUSEHOLD INCOME LIMITS			
		Low	Moderate	Median
1-person	\$19,079	\$31,798	\$50,878	\$63,597
2-person	\$21,805	\$36,341	\$58,146	\$72,682
3-person	\$24,530	\$40,884	\$65,414	\$81,767
4-person	\$27,256	\$45,426	\$72,682	\$90,853
5-person	\$29,436	\$49,060	\$78,497	\$98,121
6-person	\$31,617	\$52,695	\$84,311	\$105,389
7-person	\$33,797	\$56,329	\$90,126	\$112,657
8-person	\$35,978	\$59,963	\$95,940	\$119,926

*Source: NJ Department of Community Affairs (2018)*

Since the adoption of the 2004 Master Plan, the NJSEA has taken on an increasingly proactive role in the provision of affordable housing within the District. In a decision dated May 21, 2007, the Appellate Division determined that the NJSEA has a greater responsibility to plan and zone for affordable housing to ensure that constituent municipalities of the District are able to meet their affordable housing obligations.

Additionally, P.L. 2008, Chapter 46, enacted into law on July 17, 2008, states that “regional planning entities are appropriately positioned to take a broader role in the planning and provision of affordable housing based on regional planning considerations.” Regional planning areas, including the Hackensack Meadowlands District, are required to “identify and coordinate regional affordable housing opportunities in cooperation with municipalities in areas with convenient access to infrastructure, employment opportunities, and public transportation.” In addition, new residential development within the District must include at least 20 percent of the units as affordable units, “to the extent this is economically feasible.”

The NJSEA has responded to these mandates in a number of ways, including the implementation of *Interim Policies Governing Affordable Housing Development in the Meadowlands District*, effective July 24, 2008, and last revised July 27, 2011 (Interim Policies). The Interim Policies, among other things, halt development on sites deemed suitable for residential use unless the applicant meets specified affordable housing requirements; allow increased residential densities and other bonuses to compensate for the lower sale prices or rents required for the affordable units; and ensure that residential development is consistent with all applicable State requirements for affordable housing development. These policies are intended to remain in effect until new legislation is enacted or new administrative rules are adopted that impact affordable housing requirements in the District or otherwise necessitate the reevaluation of the policies, the NJSEA proposes its own rules governing affordable housing, or the policies are withdrawn or rescinded.

## V. HACKENSACK MEADOWLANDS DISTRICT FAIR HOUSING MILESTONES

Prior to 2004, constituent municipalities had been assigned an affordable housing obligation by the NJ Council on Affordable Housing (COAH) under “Prior Round” rules for the time period 1987 to 1999. COAH adopted “Third Round” rules in 2004, which employed a growth-share methodology in calculating affordable housing obligations. The following provides a review of affordable housing policy milestones applicable within the District since the adoption of the 2004 NJMC Master Plan:

- On January 11, 2007, the then-NJMC adopted regulations pursuant to the 2004 Master Plan to assist constituent municipalities with meeting their affordable housing obligations under the COAH Third Round rules, whereby petitions for rezoning from municipalities seeking to rezone land within the District to meet their COAH requirements would be accepted, as would applications for variances to allow density increases sought by developers to make affordable housing more economically feasible.
- In a decision dated January 25, 2007 (A-1960/2665/2674/2706-04T3), the Appellate Division of the New Jersey Superior Court affirmed in part, reversed in part, and remanded portions of COAH’s Third Round rules back to COAH for rulemaking. The remanded portions included elements upon which the newly adopted affordable housing rules for the District had been based.
- In a separate decision [IMO Adoption of N.J.A.C. 19:3, 393 N.J. Super. 173 (App.Div.2007)], issued May 21, 2007, the Appellate Division affirmed that the NJMC is authorized to affirmatively plan for affordable housing in the District.
- On August 22, 2007, the NJMC responded to these court decisions by adopting Resolution No. 07-74, which instituted guidelines entitled, *Emergency Restraints upon Further Development in the Meadowlands District* (with subsequent amendments in 2008). These guidelines were implemented to govern the review of and restraints upon applications for further development in the District until new affordable housing regulations could be developed consistent with COAH’s Third Round rules, which were in the process of being revised at that time. COAH subsequently proposed new rules in the New Jersey Register on January 22, 2008, to address the Appellate Division decision dated January 25, 2007. On May 6, 2008, COAH adopted these new rules, with an effective date of June 2, 2008, and, in addition, proposed amendments to the adopted rules.
- Assembly Bill No. 500/Senate Bill No. 1783 (A-500), an act concerning affordable housing, revising and supplementing various parts of the statutory law, was signed into law on July 17, 2008, by Governor Jon S. Corzine. The law (P.L. 2008, Chapter 46) mandates a 20 percent set-aside for housing development in the State’s regional planning areas, including the Hackensack Meadowlands District.
- The NJMC adopted the *Interim Policies Governing Affordable Housing Development in the Meadowlands District* (effective July 24, 2008, last revised July 27, 2011) (Interim Policies) to replace the *Emergency Restraints* in order to avoid losing opportunities for the development of affordable housing in the District while the courts were evaluating the Third Round Rules.
- In a decision issued on October 8, 2010, the Appellate Division invalidated a number of provisions of COAH’s Third Round rules, including its central component, the “growth share” methodology. This decision was later upheld by the New Jersey Supreme Court on September 26, 2013. COAH again drafted revised Third Round rules, based on methodologies used in Round 1 and Round 2, which were to apply to a period commencing on November 17, 2014. However, these rules failed to be adopted.



- Effective August 29, 2011, the statutory powers and duties for administration of the FHA have been consolidated within the DCA, eliminating the 12-member NJ Council on Affordable Housing (COAH). The DCA Office of Local Planning Services facilitates the day-to-day operations of administering the FHA.
- On March 10, 2015, following COAH's unsuccessful efforts to adopt this third iteration of its Third Round regulations, the New Jersey Supreme Court decided that the judiciary would take jurisdiction over the administration of the FHA and would be the entity responsible for evaluating municipal compliance with Mount Laurel obligations (termed Mount Laurel IV). Participating municipalities were instructed to file declaratory judgments by July 8, 2015, in order to secure temporary immunity from exclusionary housing lawsuits while housing plans were being prepared.
- Municipalities must adopt a municipal Master Plan Housing Element and Fair Share Plan to receive a Judgment of Compliance and Repose from the Court. The Fair Share Plan is required to include detailed implementation strategies, such as the specific ordinances, plans, timetables, and resolutions needed to carry out the plan.

Most District municipalities are still in the process of determining municipal affordable housing obligations within the judicial system. Within the District, the Interim Policies remain in effect and all development applications are reviewed for compliance with the Interim Policies.

## VI. NJSEA INTERIM POLICIES AND SITE SUITABILITY GUIDELINES

The NJSEA has made significant strides in the provision of affordable housing since the 2004 Master Plan, particularly through the implementation of its Interim Policies. The Interim Policies provide a procedure wherein properties that are not zoned for residential use could potentially be deemed suitable sites to accommodate inclusionary housing on a case-by-case basis, in an effort to expand the supply of affordable housing in the District.

Properties located in certain zones, including those regulating the heavier industrial sites and environmentally-sensitive areas of the District, are deemed unsuitable for housing development. Applications for zoning approval in other zones (including new buildings and additions), petitions for rezoning, and new or amended redevelopment plans are subject to evaluation by a review team consisting of NJSEA Professional Planners and Professional Engineers, with optional attendance by a Professional Planner representing the municipality in which the project is located. The review team evaluates each proposal to ensure a potential opportunity for the accommodation of affordable housing is not lost, and prepares a report recommending whether or not the site is deemed suitable for housing for final determination by a vote of the NJSEA Board of Commissioners.

In accordance with the Interim Policies, a site may be deemed suitable for residential development in the District only if it meets all of the following criteria:

1. The site is adjacent to compatible land uses and has access to appropriate streets;
2. The site has access to water and sewer infrastructure with sufficient capacity;
3. The site can be developed consistent with the rules of the NJSEA;
4. 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;
5. The size, shape, or layout of any existing structures that shall remain, or other physical limitation(s) not listed previously, do not preclude residential use; and
6. The site is suitable for residential use pursuant to sound planning principles.





The Interim Policies also provide that an applicant may request that the Board of Commissioners evaluate the suitability of a particular site for housing in a zone that does not permit residential dwellings as a principal use. The request must include an assessment of the characteristics of the property in question to demonstrate that the site could be suitable for housing. The NJSEA staff recommendation is forwarded to the Hackensack Meadowlands Municipal Committee (HMMC) for review prior to consideration and a vote by the NJSEA Board of Commissioners.

In addition to the regulatory flexibility applied to the location of housing in the District, the Interim Policies allow for inclusionary housing through an increase in the maximum permitted residential density and density bonuses as an incentive to encourage the development of affordable housing in the District.

The Interim Policies have been implemented with great success, and the expansion of both market rate and affordable housing has been realized in the District as a result. Figure 4.13 “Housing Development within the Meadowlands District (2004-2018)” lists the housing development forming the basis of the 2004 NJMC Master Plan build-out scenario in [Chapter 3 – Land Use](#).

The 2004 NJMC Master Plan build-out scenario had anticipated the development of 3,741 housing units through 2029, of which 416 units were planned to be designated affordable, at approximately 11 percent. This scenario includes housing approved prior to 2004 but not occupied until after 2004 (highlighted in yellow in Figure 4.13), which do not provide affordable units. The build-out goals of the 2004 plan regarding housing have been met by the development of 3,895 units, of which 511, an average of 13 percent, are designated as affordable. Slightly more than half of the affordable units developed in the District since 2004 have been the result of the Interim Policies on sites that were not zoned for residential use (highlighted in blue in Figure 4.13).

The NJSEA remains committed to expanding the availability and affordability of housing in suitable locations in the District, and working in concert with District constituent municipalities to achieve housing goals for the Meadowlands region. Additional evaluation and study are required to prepare a comprehensive housing plan to accommodate the future housing needs of the District. District-specific demographic and housing market data is needed to accurately assess housing needs to develop housing policy and regulations for the District. In the intervening time period, the NJSEA’s Interim Policies and the requirements of A-500 will ensure that no realistic opportunities will be lost for the accommodation of affordable housing in the District.



FIGURE 4.13

## HOUSING DEVELOPMENT WITHIN THE MEADOWLANDS DISTRICT (2004-2018)

PROJECT NAME	MUNICIPALITY	MARKET UNITS	AFFORDABLE UNITS	TOTAL UNITS	% AFFORDABLE
The Monarch 40-80 Schindler Court	East Rutherford	284	32	316	10.1%
Vermella 340 Orient Way	Lyndhurst	236	60	296	20.3%
The Station at Lyndhurst 240 Chubb Avenue	Lyndhurst	153	39	192	20.3%
The Winston at Lyndhurst 120 Chubb Avenue	Lyndhurst	174	44	218	20.0%
City View Townhomes 734 County Avenue	Secaucus	12	2	14	14.3%
Xchange (Fraternity Meadows) Bldg. A 1000 Riverside Station Boulevard	Secaucus	140	38	178	21.3%
Xchange (Fraternity Meadows) Bldg. C 3000/5000 Riverside Station Boulevard	Secaucus	240	64	304	21%
Xchange (Fraternity Meadows) Bldg. D 7000/9000 Riverside Station Boulevard	Secaucus	270	48	318	15.1%
Xchange (Fraternity Meadows) Bldg. I & J 8000 Riverside Station Boulevard	Secaucus	588	0	588	0.0%
Xchange (Fraternity Meadows) Bldg. K 200 Riverside Station Boulevard	Secaucus	122	38	160	23.75%
Osprey Cove 45 Meadowland Parkway	Secaucus	92	24	116	20.7%
Secaucus Housing Authority 158 County Avenue	Secaucus	0	8	8	100.0%
The Harper at Harmon Meadow 100 Park Plaza Drive	Secaucus	375	94	469	20.0%
Osprey Cove II 34 Meadowland Parkway	Secaucus	49	13	62	20.0%
Axis Development Townhouses* 845 First Street	Secaucus	28	7	35	20.0%
The Union (Avalon Bay) t 1301 Wall Street West	Lyndhurst	328	0	328	0.0%
Sussex Green 1625 Paterson Plank Road	Secaucus	26	0	26	0.0%
Riverside Court Townhomes Riverside Drive	Secaucus	212	0	212	0.0%
Liberty Court Townhomes 250 Flanagan Way	Secaucus	12	0	12	0.0%
City Homes at Creekside Manor Creekside Court	Secaucus	43	0	43	0.0%
<b>TOTAL UNITS</b>		<b>3,384</b>	<b>511</b>	<b>3,895</b>	<b>AVERAGE 13.11%</b>

\* Zoning approvals issued / not yet constructed

Housing Constructed Pursuant to Site Suitability Approval

Use Variance to Permit Housing Zoning approval issued pre

2004 with occupancy certification received post-2004



## VII. CONSTITUENT MUNICIPALITY HOUSING PLANS

A summary of each District municipality's housing plan and regulatory status as of April 2019 is provided herein. The summary also notes any in-District sites identified within a municipal plan as a potential site to accommodate future affordable housing.

Figure 4.14 "Affordable Housing Obligations by Constituent Municipality" provides the Present Need, Prior Round obligation, Third Round obligation, and total affordable unit obligation for each constituent municipality, based on municipal master plans, fair share plans, and publicly available court filings.

- Present Need quantifies deficient housing units occupied by low and moderate income households as of July 1, 2015.
- Prior Round refers collectively to the First Round (1987 to 1993) and Second Round (1994 to 1999) obligations calculated by COAH. The unfulfilled portion of these obligations continues to apply.
- Third Round obligations are composed of a Gap Period from 1999 to 2015, and a Prospective Need period from 2015-2025.

The "Compliance Period" for municipalities to satisfy need generated under all of these categories is July 1, 2015 to June 30, 2025, matching the ten year period defined in the Fair Housing Act. The Fourth Round begins July 2025. Qualifying Urban Aid municipalities, including Jersey City and North Bergen in the District, are exempt from affordable housing allocations, based on factors including population density, level of low and moderate housing deficiency, and population density, and, therefore, are not included in Figure 4.14.

**FIGURE 4.14**

### **AFFORDABLE HOUSING OBLIGATIONS BY CONSTITUENT MUNICIPALITY\***

MUNICIPALITY (1987-1999)	PRESENT NEED	OBLIGATION	PRIOR ROUND THIR D ROUND (1999- 2025)	TOTAL
Carlstadt	6	6	69	81
East Rutherford	85	90	120	295
Little Ferry	42	28	8	78
Lyndhurst	143	100	1,482	1,725
Moonachie	1	77	11	89
North Arlington	23	14	162	199
Ridgefield	52	0	115	167
Rutherford	96	95	65	256
<b>South Hackensack</b>	<b>35</b>	<b>50</b>	<b>170</b>	<b>255</b>
Teterboro	0	0	5	5
Kearny	442	211	221	874

<b>Secaucus</b>	<b>57</b>	<b>590</b>	<b>1266</b>	<b>1,913</b>
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*\* Only those municipalities marked in bold have received certification of their fair share housing obligation and should be considered final. All other municipal obligations are subject to change.*

## A. CARLSTADT

On March 27, 2017, the Borough of Carlstadt approved its 2013 Master Plan Reexamination Report. This report addresses the changes in the municipality's affordable housing obligation since the Borough's 2010 Housing Element and Fair Share Plan, which was adopted April 26, 2010. According to the 2013 Reexamination Report, which utilizes the 2010 Housing Element, the Borough's affordable housing obligation is assumed to be:

- Present Need: 6 units
- Prior Round Obligation (1987-1999): 6 units
- Third Round (1999-2025): 69 units
- Total Obligation: 81 units

The Borough has made progress in fulfilling its affordable housing obligation. However, pursuant to a builder's remedy litigation filed by the Tomu Development Company, regarding a site located partially in Carlstadt and partially in East Rutherford, the Borough of Carlstadt was assigned a Mount Laurel Implementation Monitor, or "Special Master." The Special Master speaks on behalf of the municipality on all applications for development, requests for land use or building permits, requests for interpretations and appeals. These restrictions are required to remain in effect until further order of the court. The NJSEA also works with the Special Master in reviewing development applications within the in-District portion of Carlstadt.

In 2008, the Borough enacted an ordinance creating three affordable housing overlay zones (AHO-1, AHO-1A and AHO-2) in out-of-District portions of the municipality. A 20 percent inclusionary housing set-aside is required in each overlay district. In addition, a senior citizen housing zone (SCH), also out-of-District, has been established requiring all units within this zone to be affordable. The overlay zones and the SCH zone are included in the Borough's 2010 Housing Element and Fair Share Plan and 2013 Reexamination Report.

## B. EAST RUTHERFORD

On May 13, 2019, the Borough of East Rutherford adopted its 2018 Housing Element and Fair Share Plan. This report addresses the municipality's affordable housing obligation in accordance with the terms of an agreement reached between the Borough and the Fair Share Housing Center (FSHC) on July 12, 2015. Through the adoption and implementation of the 2018 Housing Element, the Borough satisfies the municipal housing obligations for the Prior Round (1987-1999) and Third Round (1999-2025), as follows:

- Present Need Obligation: 6 units
- Prior Round Obligation (1987-1999): 90 units
- Third Round Obligation (1999-2025): 656 units (per Kinsey report, as adjusted through the settlement agreement)
- Total Obligation: 752 units

The Borough of East Rutherford, along with Carlstadt, was party to builder's remedy litigation filed by the TOMU Development Company, regarding a site located partially in each municipality. As a result, the Borough was assigned a Mount Laurel Implementation Monitor, or "Special Master." The Special Master speaks on behalf of the municipality on all applications for development, requests for land use or building permits, requests for interpretations, and appeals. These restrictions are required to remain in effect until further order of the court. The





NJSEA also works with the Special Master in reviewing development applications within the In-District portion of East Rutherford Borough applications within the District.

The Borough of East Rutherford's Housing Element has addressed the Prior Round Obligation of 90 units with two family rental inclusionary projects, as well as associated bonus credits. The unbuilt Tomu Development project will account for 60 units and a bonus 23 units. In addition, the existing Monarch residential development will account for 7 units. Both projects are located within the Hackensack Meadowlands District and are under the NJSEA jurisdiction.

#### **C. JERSEY CITY**

Jersey City is a designated Urban Aid Municipality, which is exempt from affordable housing allocations. In March 2019, the City released its "Housing Element Update," which provides a review of the City's demographic and housing characteristics.

#### **D. KEARNY**

In 2008, the Town of Kearny adopted a Housing Element and Fair Share Plan and a Master Plan Reexamination Report. Both documents addressed the Town's affordable housing obligation and plans for implementation. According to the 2008 Housing Element and Fair Share Plan and 2008 Master Plan Reexamination Report, Kearny estimates its affordable housing obligation to be:

- Present Need Obligation: 442 units
- Prior Round Obligation (1987-1999): 211 units
- Third Round Obligation (1999-2025): 221 units
- Total Obligation: 874 units

The Township discusses working with the NJSEA to determine if sites within the Hackensack Meadowlands District may be suitable for inclusionary residential development. In particular, the Town recommends evaluating sites east of the Township's Transit-Oriented District along Bergen Avenue within the Schuyler Avenue Redevelopment Plan. Kearny also proposes using rehabilitation through participation in the Hudson County rehabilitation program, an affordable housing ordinance, and development fee ordinance to address its affordable housing obligation.

#### **E. LITTLE FERRY**

The Borough of Little Ferry adopted a Housing Element and Fair Share Plan in 2011 addressing the Borough's affordable housing obligation. Pursuant to a court order dated October 22, 2015, the Borough submitted a "Summary of Plan" outlining the municipality's Third Round obligation and plan to satisfy it. Pursuant to the Borough's 2011 Housing Element and Fair Share Plan, 2016 Master Plan Reexamination Report, and the 2015 "Summary of Plan," the Borough's affordable housing obligation is as follows:

- Present Need Obligation: 42 units
- Prior Round Obligation (1987-1999): 28 units
- Third Round Obligation (1999-2025): 8 units
- Total Obligation: 78 units

The Borough's Housing Element and Fair Share Plan, together with its Development Fee Ordinance, Affirmative Marketing Plan, Affordable Housing Ordinance, and River Front Overlay

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Zone Ordinance, are being utilized to address Little Ferry's affordable housing obligation. The overlay zone, created in response to a builder's remedy lawsuit in 2006, is located in an out-of-District portion of the Borough, which permits mixed use development with a mandatory residential component at a density of 25 to 60 units per acre, where 20 percent of units for sale and 15 percent of units for rent must be reserved as affordable.

#### **F. LYNDHURST**

In 2015, the Township of Lyndhurst adopted a new Housing Element and Fair Share Plan. The plan was developed as a direct result of the March 2015 New Jersey Supreme Court decision regarding all municipalities affordable housing obligation and requiring the submission of a "Summary of Plan" by November 2015. In a 2015 "Summary of Plan" prepared by Eric M. Bernstein & Associates, the Township's affordable housing obligation is stated as follows:

- Present Need Obligation: 143 units
- Prior Round Obligation (1987-1999): 100 units
- Third Round Obligation (1999-2025): 1,482 units
- Total Obligation: 1,725 units

The Township has been making progress on their affordable housing obligation, including the addition of a provision in their 2014 Reexamination Plan stating that new residential projects under municipal jurisdiction are to have a 10 percent "set-aside" for affordable units.

#### **G. MOONACHIE**

In 2006, the Borough of Moonachie adopted its 2005 Housing Element and Fair Share Plan. The purpose of this Plan is to establish the municipality's affordable housing obligation and guidelines and criteria for implementation. According to the 2006 Housing Element and Fair Share Plan and 2007 Master Plan Reexamination Report the Borough estimates the affordable housing obligation to be:

- Present Need Obligation: 1 units
- Prior Round Obligation (1987-1999): 77 units
- Third Round Obligation (1999-2025): 11 units
- Total Obligation: 89 units

#### **H. NORTH ARLINGTON**

In 2016, the Borough of North Arlington adopted the most recent Master Plan Reexamination Report; however, its most recent Housing Element and Fair Share Plan, which was adopted in 2003, was included as part of the 2016 Master Plan Reexamination Report. In addition, the State of New Jersey prepared a "Pre-Mediation Report" in 2006 in response to the Borough's petition for substantive certification. This 2016 report estimates the Borough's affordable housing obligation to be as follows:

- Present Need Obligation: 23 units
- Prior Round Obligation (1987-1999): 14 units
- Third Round Obligation (1999-2025): 162 units
- Total Obligation: 199 units



The 2006 Pre-Mediation Report addresses the Borough's compliance plan for affordable housing. Unfortunately, this plan references two projects that did not come to fruition. Additionally, the Borough intends to use a "development fee ordinance" and Affordable Housing Ordinance to help with the affordable housing obligation.

#### **I. NORTH BERGEN**

Adopted in 2009 by the Township of North Bergen, the Housing Element and Fair Share Plan was written to address its affordable housing policy. According to this document, the Township has estimated the following affordable housing needs:

- Present Need Obligation: 962 units
- Prior Round Obligation (1987-1999): 0 units
- Third Round Obligation (1999-2025): 247 units
- Total Obligation: 1,209 units

The Township will satisfy this obligation by seeking credit for an existing age-restricted and inclusionary development, future inclusionary development, and through a project mixing supportive housing with family units.

#### **J. RIDGEFIELD**

The Borough of Ridgefield adopted its Housing Element and Fair Share Plan in 2005 and the Master Plan Reexamination Report in 2009. Both documents address the Borough's affordable housing obligation and plans for implementation. According to the 2005 Housing Element and Fair Share Plan and 2009 Master Plan Reexamination Report, the Borough estimates its affordable housing obligation to be:

- Present Need Obligation: 52 units
- Prior Round Obligation (1987-1999): 0 units
- Third Round Obligation (1999-2025): 115 units
- Total Obligation: 167 units

The Borough is using the Overpeck Creek Redevelopment Area as a potential area to address affordable housing needs. The redevelopment area does not fall within the jurisdiction of the NJSEA.

#### **K. RUTHERFORD**

In 2015, the Borough of Rutherford adopted its Housing Element and Fair Share Plan. This Plan addresses the Borough's affordable housing obligation for Present Need, Prior Round and Third Round. In addition, this plan addresses implementation of affordable housing and a plan for action. According to the 2015 Housing Element and Fair Share Plan, the Borough's obligation is as follows:

- Present Need Obligation: 96 units
- Prior Round Obligation (1987-1999): 95 units
- Third Round Obligation (1999-2025): 65 units
- Total Obligation: 256 units



The Borough is making progress towards its affordable housing obligation through a number of means, including redevelopment areas. The Plan identifies The Maples and the Highland Cross and Kingsland redevelopment areas as sites addressing the obligation. Highland Cross and Kingsland are redevelopment areas located within the jurisdiction of the NJSEA; however, these two redevelopment areas were deemed by the NJSEA to be unsuitable for residential use. In addition to redevelopment, the municipality plans to utilize rent control ordinances, market to affordable program, and rehabilitation programs to further address their obligation.

#### **L. SECAUCUS**

Adopted in 2017, the Town of Secaucus' Fair Share Housing Plan addresses the municipality's Fair Share Housing obligation and plans for implementation. On June 15, 2017, the Town and FSHC entered into a Settlement Agreement to establish the Towns' Present Need, Prior Round Obligation, and Third Round Obligation. A fairness hearing on the Settlement Agreement held on June 15, 2017, confirmed that Secaucus' obligation was as follows:

- Present Need Obligation: 57 units
- Prior Round Obligation (1987-1999): 590 units
- Third Round Obligation (1999-2025): 1,266 units (per Kinsey report, as adjusted through the settlement agreement)
- Total Obligation: 1,913 units

The Housing Element and Fair Share Plan identified land within the Xchange at Secaucus Junction development, located near the Secaucus Junction Train Station, as potential land for affordable housing. This parcel is within the NJSEA Secaucus Transit Village Redevelopment Plan (STVRP) and was included as a site with realistic development potential because of continuing efforts made by its parent owners, Atlantic Realty, to secure an increase in total number of units permitted on-site from the NJSEA. Several amendments to the STVRP would be required for the inclusion of 350 total units, including 70 affordable, in the Transition Area, and an additional 500 units, including 100 affordable, in the Riverfront Landing Zone. Further, the plan proposes an additional 125 affordable units within a 625 unit development at the Frank R. Lautenberg Rail Station.

#### **M. SOUTH HACKENSACK**

On November 1, 2017, a settlement agreement was signed by the Mayor of South Hackensack and Kevin Walsh, Esq. representing FSHC. The agreement sets forth the extent of South Hackensack's affordable housing obligation and the compliance mechanism by which South Hackensack proposes to address those obligations. In addition to the agreement, the Township adopted a Housing Element and Fair Share Plan in 2017 which confirms the affordable housing obligation. The 2017 settlement agreement and the 2017 Housing Element state the Township's affordable housing obligation is as follows:

- Present Need Obligation: 35 units
- Prior Round Obligation (1987-1999): 50 units
- Third Round Obligation (1999-2025): 170 units
- Total Obligation: 255 units

According to the Housing Element, the Township plans on addressing their obligation through the Bergen County housing rehabilitation program and proposed developments such as the





Madeline/BCUW 100 percent affordable housing development, which is located out-of-District. The Township will implement an affordable housing inclusionary overlay zoning on select sites within the municipality, which are also outside of the District.

#### **N. TETERBORO**

On September 27, 2017, the Borough of Teterboro adopted its 2017 Housing Element and Fair Share Plan. This plan was approved by a Superior Court Judge on April 17, 2017, and was issued a judgment of repose. The purpose of this report was to address the Borough's affordable housing obligation, specifically the Third Round Obligation and the plan for meeting its obligation. According to its 2017 Housing Element and Fair Share Plan, the Borough's obligation is as follows:

- Present Need Obligation: 0 units
- Prior Round Obligation (1987-1999): 106 units
- Third Round Obligation (1999-2025): 5 units
- Total Obligation: 111 units

The Borough has made progress in fulfilling their affordable housing obligation. The construction of Vincent Place, located within the NJSEA jurisdiction, generated five units towards the municipality's obligation. Additionally, Teterboro has implemented an affordable housing plan where 20 percent of the housing stock is deed restricted to low-income households.

The NJSEA addresses strategies to develop a comprehensive housing plan for the District in **Chapter 7- System Plans**.



## 5. ENVIRONMENT

The Hackensack Meadowlands, once a wasteland of unregulated dumps and industrial pollution, have staged a remarkable revival since the adoption of the Hackensack Meadowlands Reclamation Act in 1968.

The Environment element of the Master Plan addresses the conditions of the District's defining attribute – the lower Hackensack River watershed and its ecosystem. Together, the District's natural features, including the Hackensack River, its tributaries, and adjoining wetlands comprise approximately 7,590 acres, representing 40 percent of the District's total land area.

Information and updates regarding the following topics are provided in this chapter:

- Waterways
- Wetlands
- Coastal Zone Management
- Floodplains
- Water Quality
- Biota
- Solid Waste
- Water and Wastewater Treatment
- Energy

Although the NJSEA has many successes in preserving and enhancing the natural environment of the District, the Meadowlands remains an ecologically fragile area.

### I. WATERWAYS

The Hackensack River originates in Rockland County, New York, and flows approximately 50 miles into Newark Bay at Kearny Point, where the Passaic River also terminates. The Hackensack River is divided by the Oradell Dam at the Oradell Reservoir, which supplies potable water to northern New Jersey communities. The Upper Hackensack River, located to the north of the dam, is freshwater, whereas the Lower Hackensack River, south of the dam, is tidally-influenced brackish water. The Hackensack River watershed totals approximately 197 square miles, of which 137.5 square miles are located in Bergen and Hudson Counties.

Within the District, a number of tributaries flow into the Hackensack River, including but not limited to the following (listed from north to south): Overpeck Creek, Losen Slote, Doctors Creek, Bellmans Creek, Paunpeck Creek, Cromakill Creek, Mill Creek, Moonachie Creek, Bashes Creek, Berry's Creek Canal, Berry's Creek, Kingsland Creek, Sawmill Creek, and Penhorn Creek.

The Meadowlands District includes a number of small freshwater ponds, the largest of which is Mehrhof Pond in Little Ferry, owned by the Bergen County Utilities Authority (BCUA). Mehrhof Pond was formerly a clay pit for a brick manufacturing company that occupied the property until the 1940's. Since the closure of the clay pit, the pond filled in with water and the surrounding areas became naturalized with a mix of native and non-native plant species.

Surface water features of the District are characterized by the many streams, creeks and smaller channels and ditches that drain the area. The quantity and quality of surface water in the Meadowlands is influenced by such factors as tidal flow, precipitation, permitted discharges, and the release or detainment of freshwater from the Oradell Reservoir. Tidal flow in the Meadowlands is such that the system is never completely flushed. By the time the tide in the upper reaches begins to recede, the next incoming tide has begun to enter the lower reaches. In a typical estuary, the freshwater flow maintains a net seaward movement of water mass and any pollutant load. The Hackensack River, however, has a disturbed flow regime; it acts as a trough in which the tidal waters slosh back and forth, only slowly getting flushed to the sea. Open waters and wetlands receive special protection because of Federal and State regulations pertaining to the federal Clean Water Act.

## II. WETLANDS

Federal regulatory agencies define wetlands as “those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.” (33 CFR Section 328.3 and 40 CFR Section 230.3) Most of the wetlands in the District are brackish and tidally inundated.

Wetlands have important values and perform beneficial functions. Wetlands are “natural capital” that provide benefits to humans in various ways, including Fish and Wildlife values, Environmental Quality values and Socio-Economic values.

The Fish and Wildlife values of wetlands include:

- Fish and shellfish habitat and nutrient sources;
- Waterfowl and other bird feeding and nesting habitat; and
- Furbearer and other wildlife habitat.

The Environmental Quality values of wetlands include:

- Aquatic productivity;
- Water quality improvement;
- Filter pollution;
- Sediment trapping;
- Oxygen production;
- Nutrient recycling;
- Chemical and nutrient absorption;
- Biogeochemical processes;
- Shoreline erosion protection;
- Flood peak reduction;
- Velocity reductions;
- Atmospheric processes; and
- Carbon sequestration.

The Socio-Economic values of wetlands include:

- Flood control;
- Wave damage protection;
- Groundwater recharge;
- Water supply;
- Timber and other natural products;
- Fishing/shellfishing;
- Hunting/trapping;
- Recreation;
- Aesthetics and scenic viewsheds; and
- Education and scientific research.

The dominant wetland type found throughout the Meadowlands and the subject of preservation, mitigation and restoration efforts is tidal brackish marsh, dominated either by common reed (*Phragmites australis*) or smooth cordgrass (*Spartina alterniflora*). These brackish marshes are subject to a wide range of salinity levels. The largest concentration of these wetlands is located in Carlstadt and Lyndhurst. Freshwater wetlands also exist within the District, particularly within the 286-acre Kearny Freshwater Marsh.

The 2004 Master Plan was a landmark achievement in environmental preservation policy for the District. The 2004 plan reclassified large parcels of wetlands, which had been earmarked for development within large specially planned areas, to environmental preservation areas. The 2004 plan approximated 8,400 acres of wetlands and waterways were present in the District, based on an advanced identification (AVID) study of the District begun in the late 1980's. The plan's existing land use analysis classified 7,653 acres as wetlands and waterways, with the balance of wetland areas assumed to be located within parcels classified as other uses. The 2004 plan also indicated 1,800 acres of wetlands were acquired for preservation, and set a goal for the acquisition of 2,600 acres of wetlands with the intent of full public ownership.

The NJSEA's commitment to the preservation, restoration, and management of the District's wetlands and natural areas has resulted in several accomplishments since the adoption of the 2004 plan, including improvements in water quality, habitat creation, and property acquisition for the purposes of preservation, restoration, and mitigation. Pursuant to Figure 5.1 "Acres of Wetland Restoration, Mitigation, and Preservation Sites in the Meadowlands District," a total of approximately 3,528 acres of wetlands in the District has been conserved for preservation, restoration and/or mitigation purposes to date, an increase of 1,050 acres, representing a gain of 42.4 percent since adoption of the 2004 Master Plan. These figures are based on the inventory of wetlands located in the District, including preserved, restored, and mitigated wetlands, found in Figure 5.2 "Wetland Restoration, Mitigation, and Preservation Sites in the Meadowlands District." **Map 7 – Wetland Restoration, Mitigation, and Preservation Sites** depicts the location of each site appearing in Figure 5.2.

The NJSEA coordinates with a number of organizations and agencies in preserving, restoring and managing the Meadowlands' wetland resources, including its chief partner in these endeavors, the Meadowlands Conservation Trust (MCT). The MCT was established in 1999 to acquire and preserve ecologically valuable lands and to enhance the environment of the Hackensack River watershed. Within the District, the MCT owns and manages the Richard P. Kane Natural Area and Mitigation Bank in Carlstadt and South Hackensack, Western Brackish Marsh in Secaucus, Eastern Brackish Marsh in North Bergen, and the Skeetkill Marsh in Ridgefield. The MCT also owns and/or manages a number of other environmentally sensitive properties outside the District boundaries. The NJSEA



and/or the MCT hold ownership, lease, or management rights to more than three quarters of these sites, totaling approximately 2,688 acres.

**FIGURE 5.1 ACRES OF WETLAND RESTORATION, MITIGATION, AND PRESERVATION SITES IN THE MEADOWLANDS DISTRICT**

WETLAND SITE CATEGORY	PRE-2004* TOTAL ACRES	2019 TOTAL ACRES	ADDITIONAL WETLAND ACRES SINCE 2004
Restoration/Mitigation Sites	499.7	600.8	101.1
Mitigation Banks	208.7	481.3	272.7
Preservation Sites	1,769.5	2,445.8	676.3
<b>TOTAL ACRES</b>	<b>2,477.9</b>	<b>3,527.9</b>	<b>1,050.0</b>

\*Includes area of Secaucus High School Wetland Enhancement Site (#16), Kearny Freshwater Marsh (#31), and Kearny Brackish Marsh (#32) in Figure 5.2. Although restoration and/or acquisition was completed post-adoption of the 2004 NJMC Master Plan, these sites were designated as wetland enhancement sites in the 2004 plan.

**FIGURE 5.2 WETLAND RESTORATION, MITIGATION, AND PRESERVATION SITES IN THE MEADOWLANDS DISTRICT**

Size Restoration/Mitigation Sites	Location	(Acres)	Year Restored
1. Vince Lombardi Mitigation Site	Ridgefield	12.8	1983
2. Western Brackish Marsh Mitigation Site +	Secaucus	68.1	1985-1987
3. Eastern Brackish Marsh Mitigation Site +	North Bergen	61.6	1985-1987
4. Hartz Mountain - Bellman's Creek Mitigation Site	North Bergen	6.5	1988
5. Hartz Mountain - Mill Creek Mitigation Site	Secaucus	4.0	1988
6. Hartz Mountain - Cromakill Creek Mitigation Site	North Bergen	28.1	1988
7. Hartz Mountain - Carpet Mountain Mitigation Site	Secaucus	3.9	1988
8. Bellmead Mitigation Site +	Lyndhurst	24.6	1989-1990
9. Hess Mitigation Site	Secaucus	2.8	1995
0. Russo Ponds Mitigation Site	Carlstadt	3.3	1996
1. Skeetkill Creek Marsh Mitigation Site +	Ridgefield	17.0	1998
2. Harrier Meadow Wetland Enhancement Site +	North Arlington	68.4	1998
3. Eighty Associates Wetland Mitigation Site	East Rutherford	3.1	1999
4. Mill Creek Marsh Wetland Enhancement Site +	Secaucus	139.6	1999-2000
5. WLIB Radio Towers Wetland Mitigation Site	Lyndhurst	1.1	~2001
6. EnCap Wetland Mitigation Site +	Rutherford	32.4	2004-2005
7. FD&P Mitigation Site	Secaucus	30.8	2006
8. Secaucus High School Wetland Enhancement Site*	Secaucus	43.0	2007
9. Richard P. Kane Freshwater Wetland Mitigation Site +	Carlstadt & South Hackensack	19.5	2010
10. Global Terminals Wetland Mitigation Site	Carlstadt	15.2	2012
11. NYS&W RR Mitigation Site	Jersey City	2.0	2013
12. Hurricane Associates - Frank's Creek Mitigation Site	Kearny	1.2	2014

13.	Pan-Am Freshwater Wetland Mitigation Site	Teterboro	11.7	1990
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*(Figure continued on next page)*

FIGURE 5.2 (cont'd)

Size Wetland Mitigation Banks		Location	(Acres)	Year Restored
24.	Marsh Resources Inc. Meadowlands Mitigation Bank - Phase I and II	Carlstadt	208.6	1999-2001
25.	Richard P. Kane Tidal Wetland Mitigation Bank+	Carlstadt & South Hackensack	223.0	2010-2012
26.	Evergreen Environmental - MRI Phase III Wetland Mitigation Bank	Carlstadt	49.7	2012
Size Wetland Preservation Sites		Location	(Acres)	Year Acquired
27.	Riverbend Wetland Preserve +	Secaucus	54.0	1996
28.	Anderson Creek Marsh +	Secaucus	54.3	1976
29.	Oritani Marsh +	East Rutherford	221.9	1998
30.	Lyndhurst Riverside Marsh Preserve +	Lyndhurst	27.8	1999
31.	Kearny Freshwater Marsh +	Kearny	285.7	2004
32.	Kearny Brackish Marsh +	Kearny	110.2	2005
33.	Kingsland Impoundment +	Lyndhurst	80.5	1990
34.	Walden Swamp +	East Rutherford	143.6	1972
35.	Berry's Creek Marsh +	Rutherford	77.2	2011
36.	Hawk Marsh +	Secaucus	34.8	2008
37.	North Bergen Wetlands +	North Bergen	18.9	2006
38.	Richard P. Kane Wetland Site +	Carlstadt	334.8	2005
39.	Sawmill Creek Wildlife Management Area**	Kearny & North Arlington	757.2	1974/1998
40.	Meadowlark Marsh +	Ridgefield	92.9	2004
41.	Metromedia Marsh +	Carlstadt	99.6	2003
42.	Murray Hill Parkway Properties +	East Rutherford	12.3	2004
43.	Losen Slote Park*	Little Ferry	25.9	1975
44.	Snipes Park Wetlands+ (jointly owned with Town of Secaucus)	Secaucus	14.1	1977
TOTAL ACRES				3,527.9
+ Owned by NJSEA or Meadowlands Conservation Trust				
* Leased to NJSEA for a 99 year period				
** NJSEA granted management rights for a 30 year period				

Source: NJSEA and MERI GIS

There are also a number of significantly-sized wetland parcels that are held under private ownership, or are owned wholly or in part by other public or quasi-public entities within the District, that do not appear in Figure 5.2, as they are not under NJSEA or MCT ownership. A total of 6,212 acres of the

District's land area has been classified within the Wetland category in the existing land use analysis in [Chapter 3 – Land Use](#), although additional wetlands are present on portions of land

classified within other land use categories, such as those located within transportation and utility rights-of-way.

The need for wetlands mitigation stems from the Federal Clean Water Act, which stipulates that there must be compensation for the loss of any wetlands. For example, if a project proposes the filling of wetlands, other wetlands are required to be created or existing wetlands are required to be restored or ecologically enhanced as a condition of receiving a permit for the wetlands fill. Mitigation ratios are set by the USACE and may be based on the quantity of mitigation required and the quality of mitigation offered. Wetland mitigation, restoration, and enhancement efforts involve restoring a former or degraded wetland's physical, chemical, or biological characteristics to assist recovery of its natural function. These efforts may include restoring tidal flow, removing fill, creating open water areas, and controlling invasive species.

The NJSEA works with the Meadowlands Interagency Mitigation Advisory Committee (MIMAC), which was established in 1997 to provide for interagency reviews of mitigation requirements for projects impacting wetlands within the Meadowlands District. MIMAC, now known as the Meadowlands Interagency Review Team (IRT), includes representatives of the US Army Corps of Engineers (USACE) and the New Jersey Department of Environmental Protection (NJDEP) – the principal environmental permitting agencies – along with representatives of the NJSEA, the USEPA, the US Fish and Wildlife Service (USFWS), and the National Oceanic and Atmospheric Administration (NOAA) Fisheries, also known as the National Marine Fisheries Service. The IRT provides a framework for interagency review of Meadowlands wetland mitigation proposals, including the use of mitigation banks, to ensure that regulatory requirements concerning compensatory mitigation within the Meadowlands District are carried out.

The NJSEA has also participated as a local sponsor of USACE's Hudson Raritan Estuary (HRE) Ecosystem Restoration Study. Since the Meadowlands represents the largest brackish tidal wetland complex remaining within the HRE, the Meadowlands was identified as a priority area. The purpose of the HRE study was to identify and document water resource related problems, existing conditions, and factors contributing to environmental degradation within the estuary to develop potential solutions aimed at ecosystem restoration. The overall objective of the HRE is to restore ecological function and diversity that have been lost or degraded as a result of human activities. An early product of the restoration study for the Hackensack Meadowlands was the May 2004 Meadowlands Environmental Site Investigation Compilation (MESIC), an annotated bibliography of studies and literature pertaining to the Meadowlands and the specific sites within the Meadowlands that were being considered as candidates for restoration. Another product of these efforts was the August 2005 Draft Meadowlands Comprehensive Restoration Implementation Plan (MCRIP). The MCRIP included a review of existing conditions, a screening of alternative restoration measures, and an implementation plan for use in restoring Meadowlands wetlands. The Final MCRIP was published by the USACE in December 2010. In August 2012, the Hackensack Meadowlands study was merged with the overall HRE Feasibility Study. The Final HRE Comprehensive Management Plan was published in June 2016, and includes two planned USACE restoration sites in the Meadowlands, the Metromedia Marsh in Carlstadt and the Meadowlark Marsh in Ridgefield.

The NJSEA coordinates with a number of other governmental groups, including the NJDEP Division of Science and Research, as a member of the NJ Tidal Wetland Monitoring Network; the NY-NJ Harbor and Estuary Program, as a member of the Restoration Working Group; and with The Waterfront Alliance, as a member of the Resilience Task Force. The NJSEA also works with a number of environmental stakeholders including non-profit organizations such as the Bergen County Audubon Society, Hackensack Riverkeeper, and NY-NJ Baykeeper, and with a number of universities

including Rutgers University, Ramapo College of NJ, Montclair State University, and New Jersey City University. These collaborations are important to coordinate efforts in the mutual endeavor to preserve and protect the Meadowlands environment.

### III. COASTAL ZONE MANAGEMENT

In 1972, the Federal Coastal Zone Management Act (16 U.S.C. 1450) (CZMA) was passed to address development within coastal areas and to ensure coastal area's natural resources are properly managed. The National Coastal Zone Management Program (CZMP), which fosters cooperation in the planning and management of coastal areas between coastal states and the Federal government, is administered by NOAA.

Pursuant to the CZMA, the District is identified by New Jersey's Coastal Management Program (CMP) as a Geographic Area of Particular Concern. New Jersey's CMP is administered by the NJDEP. The NJDEP and the NJSEA coordinate the review of proposed development and other activities within the District through the process outlined in N.J.A.C. 7:7-9.43 and a Memorandum of Agreement between the two agencies dated November 9, 2005.

As specified in the State's CZM rules, the District's Master Plan serves as an element of the State of New Jersey's CMP for areas within the Hackensack Meadowlands District. Pursuant to these rules, the NJSEA is the lead planning and management agency within the District, a coastwide special area, and coastal activity or development in the District must be consistent with the District's Master Plan.

### IV. FLOODPLAIN MANAGEMENT

The floodplains of the Meadowlands are low-lying areas generally located adjacent to waterways and wetlands in the District. Because these areas are low in elevation, flooding is in one of the prevailing concerns impacting District property owners. Flooding in the District can be characterized as fluvial, tidal, and pluvial:

- Fluvial, also known as riverine, floods are caused by excessive precipitation over an extended time period that causes a river to exceed its capacity.
- Tidal flooding results in temporary inundation of lands which may occur on a more frequent basis than riverine flooding, based on the high tide cycle. The mean range from low tide to high tide measured at the Portal Bridge, which spans the Hackensack River between Kearny and Secaucus, is approximately 5.27 feet. When tide levels are high and significant rainfall occurs, tidal flooding can impact the effectiveness of urban drainage systems.
- Pluvial, surface water floods occur when excessive precipitation creates a flood event unrelated to a water body, such as when the rate of precipitation exceeds the capacity of a drainage system to accommodate the volume of precipitation.

The Federal Emergency Management Agency (FEMA) produces Flood Insurance Rate maps (FIRMs) which provide the base flood elevations (BFE) for properties within a designated FEMA Special Flood Hazard Area (SFHA). Properties in the District have BFEs ranging from 5 to 10 feet pursuant to the effective FIRM dated September 30, 2005, which uses the National Geodetic Vertical Datum of 1929 (NGVD29). (See [Map 8 – FEMA Special Flood Hazard Areas](#).)

More than three-quarters of the District is located within a designated FEMA SFHA, defined as an area that will be inundated by a flood event having a one percent chance of being equaled or exceeded in any given year. The one-percent annual chance flood is also referred to as the base flood or 100-year

flood. Based on the 2005 FIRMs, approximately 14,728 acres of the District are located within a 100-year floodplain within FEMA Zones A and AE, with another 263 acres within the



500-year floodplain (having a 0.2 % annual chance of flood). The District is located within FEMA Region II, along with the rest of New Jersey, New York, Puerto Rico, the US Virgin Islands, and eight Tribal Nations.

FEMA published new Preliminary FIRMs as of August 29, 2014, which included updated elevations that accounted for coastal storm surge elevations. In many cases, the BFE increased for properties in the District. FEMA's 2014 Preliminary FIRMs also changed the datum of the maps to the more-accurate North American Vertical Datum of 1988 (NAVD 88).

The City of New York appealed the Preliminary FIRMs designations in 2015. FEMA announced this appeal was successful on October 17, 2016, and, as a result, the new FIRMs will not be adopted until the coastal flood maps have been revised. FEMA has estimated that these 2014 Preliminary FIRMs will be adopted in 2024.

As an interim measure to bring Bergen County and the Meadowlands District into conformance with the rest of the state in regards to the vertical datum, another set of Preliminary FIRMs has been published. These maps maintain the current BFE from the 2005 Effective FIRMs and simply update the datum from NGVD29 to NAVD 88. These 2019 FIRMs also include updated riverine modeling of Overpeck Creek at the northeast corner of the District. These maps will be adopted and become effective on August 28, 2019.

The District's zoning regulations require that all structures located in a SFHA have a finished floor elevation at a minimum of one foot above the FIRM's established base flood elevation. Where the BFE on the Preliminary FIRM differs from the BFE on the Effective FIRM, the NJSEA utilizes the best available flood hazard data, i.e., whichever elevation is more restrictive, plus one foot, to establish the minimum finished floor elevation.

The NJSEA participates in FEMA's National Flood Insurance Program (NFIP) Community Rating System (CRS). The CRS was implemented in 1990 as a voluntary program for recognizing and encouraging community floodplain management activities exceeding the minimum standards by reducing flood insurance premiums for the community's property owners. The NJSEA has participated in the CRS since 1992, and the District is certified as a Class 7 community, which qualifies flood insurance policy holders in a SFHA within the Hackensack Meadowlands District to a 15 percent discount in their flood insurance rates. In order to maintain the discount, the NJSEA is required to administer, and to verify annually with the NFIP, activities in the District, which include, but are not limited to, flood data maintenance (such as elevation certificates), open space preservation, community outreach projects, map information services, upholding stormwater management standards, and drainage system maintenance.

Figure 5.3 "Water Control Methods for the Hackensack River and its Tributaries within the Hackensack Meadowlands District" lists the flood control method for the waterways in the District.



FIGURE 5.3

**WATER CONTROL METHODS FOR THE HACKENSACK RIVER AND ITS TRIBUTARIES  
WITHIN THE HACKENSACK MEADOWLANDS DISTRICT**

WATERWAY	WATER CONTROL METHOD
Hackensack River	Dam (at Oradell Reservoir)
Penhorn Creek	Tide gate
Losen Slote	Pump Station
Anderson Creek	Open to the tides
Sawmill Creek	Open to the tides
Kingsland Creek	Tide gate
Berry's Creek Canal	Open to the tides
Bashes Creek	Tide gate
Moonachie Creek	Tide gate
Mill Creek	Open to the tides
Cromakill Creek	Open to the tides
Bellman's Creek	Open to the tides
Overpeck Creek	Tide gates
Berry's Creek	Open to the tides
Peach Island Creek	Tide gate (limited functionality)
DePeyster Creek	Tide gate/Pump Station
West Riser Ditch	Tide gate
East Riser Ditch	Tide gate

*Source: NJSEA*

The following is a summary of activities implemented to mitigate flood impacts in the District:

**A. Collection and Assessment of Flooding Incidents**

The NJSEA continues to actively collect, log and assess flooding complaints on individual properties, including inspecting the District for flood impacts following severe storms. NJSEA staff engineers regularly meet with property owners for on-site inspections and to discuss drainage options.

**B. Drainage System Maintenance (Tide Gates, Pump Stations, Waterways)**

The NJSEA annually inspects the functionality of all 29 tide gates and pump stations and 15 major drainage ditch systems in the Meadowlands District. Seven of the tide gates are monitored on a continuous basis through the use of pressure transducers located immediately upstream and downstream of the tide gates. These transducers provide data on the water depth on both sides of the tide gates which is transferred via 4G LTE telemetry to NJSEA servers. The field units are self-contained and are solar/battery powered. Since the District is tidally influenced, routine inspection of tide gates and pump stations is important to identify issues that could impact flood protection for upstream areas. The NJSEA inspects tide gates during various tide conditions in order to accurately identify problems or determine maintenance that

may be required. Pump stations are inspected with the respective municipality's Department of Public Works (DPW) to ensure the systems are operating properly. Additionally, waterways and ditches are inspected throughout the District to ensure adequate stormwater conveyance capacity. The NJSEA also coordinates with municipal and county DPWs to remove stream debris. These inspections and maintenance activities have assisted in lessening the effect of several major storms.

#### **C. Municipal Equipment Pool**

The maintenance of storm sewer systems is critical to ensure adequate stormwater carrying capacity. The NJSEA provides and maintains equipment for use by municipal workers to assist municipalities in the District with maintenance issues that, if neglected, could exacerbate flooding. A jet vac-truck, root cutter, portable automatic self-priming pump systems, and trailer-mounted light tower are available to municipalities free of charge to encourage maintenance of storm sewer systems.

#### **D. Monitoring Water Levels in the District**

The NJSEA, in conjunction with MERI, continuously monitors water levels in the District via state-of-the-art data collection instruments stationed at tide gates, in the marshes, and in the Hackensack River, including a total of 17 water level sensors. MERI and the NJSEA also maintain, update, and upgrade the monitoring equipment as needed. Data collected from the monitoring stations are relayed to the NJSEA/MERI via 4GLTE telemetry. The information gathered is relayed to international servers to ensure that data is available to the public in real time, even during power outages in the Meadowlands area. The active monitoring of water levels allows municipalities and the general public to be alerted of potential flooding events through MERI's Flood Warning Systems. This ensures that timely warning can be provided to first-responders and residents when water levels rise during tidal events, heavy rains, and storms.

#### **E. Flood Warning Systems**

Through the Meadowlands Environmental Research Institute (MERI), the NJSEA offers a water alert system and flood maps to first responders and the public. The email and text-based alerts for municipalities in the Meadowlands District are issued when water levels reach 5.5 feet (NAVD88) above sea level and continue to be relayed as the levels rise. The interactive, web-based flood prediction maps illustrate the portions of the Meadowlands District which may flood at sea surge levels ranging from 4 to 8 feet above sea level. The system includes an automated warning to all emergency responders in the District in the advent of a major, six-foot flood.

#### **F. Palmer Terrace Tide Gate and Asia Place Ditch Cleanout (2007)**

This flood control project included the restoration of several drainage systems in Carlstadt and Moonachie between Washington Avenue and Gotham Parkway. NJSEA engineers designed the improvements, including a new tide gate on Palmer Terrace in Carlstadt and 4,500 linear feet of ditch cleanout in the Asia Place ditch system. This \$340,000 project serves to better manage tidal impacts on industrial and commercial properties west of Washington Avenue.

#### **G. Route 17 Project (2009-2010)**

This flood control project, which was undertaken to relieve flooding on Route 17 in East Rutherford and Rutherford, was a joint effort involving the NJSEA, County of Bergen, and the New Jersey Department of Transportation (NJDOT). The first phase of the project included the installation of a dozen culverts, and the installation of new tide gates (Rutherford and East Rutherford tide gates) to better control flow to and from the Hackensack River via Berry's Creek.



The project also included the clearing of a drainage ditch that conveys runoff from Route 17 and adjacent properties to the new tide gates. Another phase of the project included the NJDOT installation of drainage pipes at the Route 17 low point and upgrading the existing roadway stormwater system. These collective improvements, at a cost of \$5.5 million, help to minimize tidal flooding and storm surges from flowing upstream to the highway and from impacting commuters, businesses, and residents in the area.

#### **H. Moonachie and Bashes Creek Tide Gates (2010)**

This flood control project included the installation of two new tide gates in Carlstadt located near the Hackensack River at the Bashes Creek and Moonachie Creek culverts that cross under the New Jersey Turnpike's Western Spur. These improvements, at a cost of \$414,000, help to address tidal surges from impacting the industrial area located east of Washington Avenue. The tide gates were outfitted with solar-powered sensors that allow remote monitoring of the gates' operations.

#### **I. West Riser Tide Gate (2014)**

This flood control project, located along the West Riser Ditch on the border of Moonachie and Wood-Ridge, included the installation of a new tide gate structure with a trash rack system to replace the original 1977 structure. The \$1,249,800 project was partially funded by a \$551,800 grant from the Port Authority of New York and New Jersey (PANYNJ), with the NJSEA funding the remaining balance. This project helps to better protect residential, commercial, and industrial properties in Moonachie, Carlstadt, Wood-Ridge and Teterboro, including Teterboro Airport, from daily tidal flooding from the Hackensack River via Berry's Creek.

#### **J. Wetland Acquisition**

To accommodate floodwater storage and maintain natural buffer areas between the river and the developed areas, the NJSEA and the MCT continue to acquire critical tracts of wetlands. To date, approximately 3,500 acres of wetlands have been preserved and/or restored to help dissipate storm events and tidal flows. According to the US EPA, an acre of wetland can store between 1 and 1.5 million gallons of floodwater. The NJSEA has expended tens of millions of dollars acquiring, preserving, and maintaining wetland properties.

In 2005, the NJMC adopted the Hackensack Meadowlands Floodplain Management Plan (FMP), which provided multi-step, coordinated initiatives to be undertaken by the agency to address flooding in the District. The projects implemented in accordance with the FMP have made demonstrable progress in effectively addressing flooding in the District. The FMP is currently being updated for adoption in 2022.

This Master Plan recognizes that climate change and rising sea levels will translate into an increase in the severity and frequency of flooding in the District. Prior to 2012, there were fewer than 10 repetitive loss properties in the District. After Superstorm Sandy in October 2012, the number of repetitive loss properties in the District increased to 119, when the storm's sea surge inundated the District after water levels exceeded the top of bank and flood control berms by over 3 feet in areas. The NJSEA is providing additional detail about the prospective effect of climate change and resiliency methods in **Chapter 9 – Sustainable Meadowlands: A Guide to Resiliency**.





## V. WATER QUALITY

Water quality in the District is influenced significantly by urbanization and industrialization. The lower Hackensack River is not as well flushed as other estuaries because of its limited freshwater inflow and indirect link with the open ocean.

Consequently, the District's water quality is susceptible to pollutants introduced into the watershed. There are many existing point and non-point sources of pollution, which affect the present water quality. Point sources of pollution tend to come from activities such as sewage treatment plants and industrial discharges. Non-point sources of pollution cannot be pinpointed to the initial discharging source and include storm sewers, landfills, leachate, and surface runoff.

The NJDEP provides standards for surface water quality and criteria required to meet these standards. The NJDEP has classified different reaches of the Hackensack River according to the surface water quality standards. The classifications are summarized in Figure 5.4 Hackensack River Network Surface Water Classification in the District.

FIGURE 5.4

HACKENSACK RIVER NETWORK SURFACE WATER CLASSIFICATION IN THE DISTRICT

RIVER SEGMENT	CLASSIFICATION
Overpeck Creek to Routes 1 & 9 Bridge	SE2
Tributaries joining the main stem downstream of Overpeck Creek	FW2-NT/SE2

### CLASSIFICATION TERMS

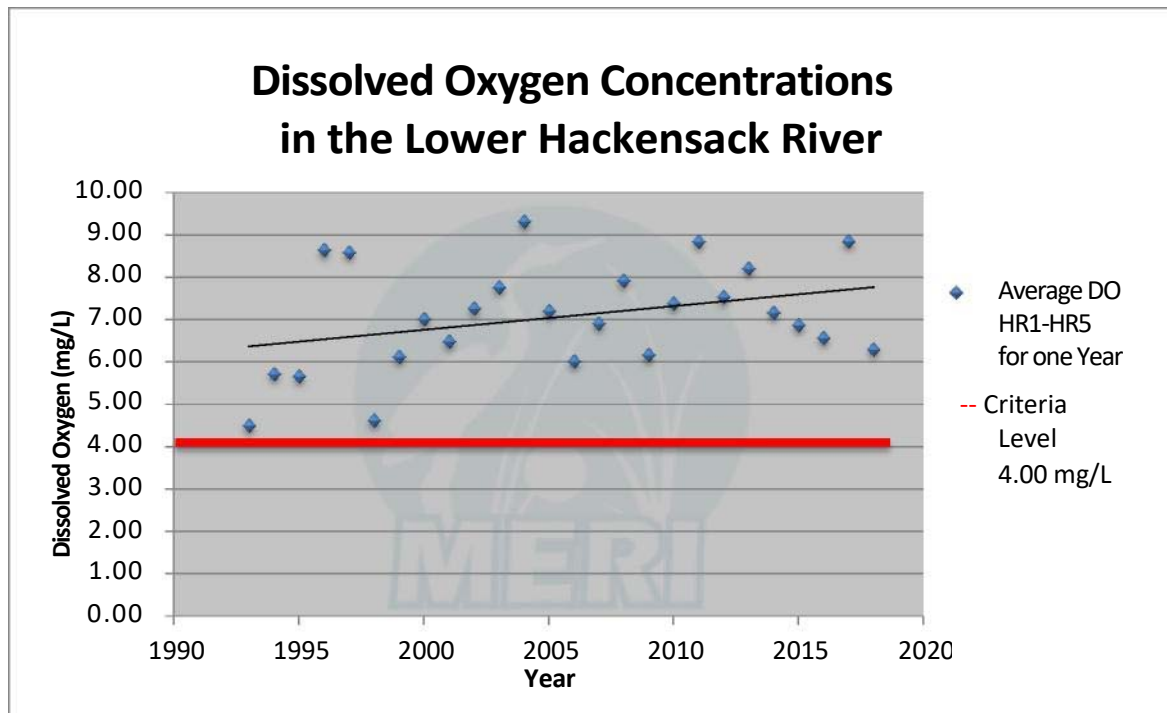
- SE = Saline Estuaries  
This general surface water classification applies to saline waters of estuaries.
- SE2 = Saline Estuaries 2  
These are waters designated for the following uses: maintenance, migration, and propagation of the natural and established biota; migration of diadromous fish; maintenance of wildlife; secondary contact recreation; and any other reasonable uses.
- FW = Fresh Water  
This general surface water classification applied to fresh waters.
- FW1 = Fresh Water 1  
Correspond to fresh waters that are to be maintained in their natural state of quality (set aside for posterity) and not subjected to any man-made wastewater discharges or increases in runoff from anthropogenic activities.
- FW2 = Fresh Water 2  
This general surface water classification applies to those fresh waters that are not designated as FW1 or Pinelands Waters.
- NT = Nontrot waters

Source: NJ Surface Water Quality Standards, N.J.A.C. 7:9B

Since 1993, water quality within the District has been monitored seasonally (four times per year) from fourteen sites in the District, including five sites along the Hackensack River. The NJSEA works in close partnership with the Meadowlands Environmental Research Institute (MERI) to conduct research on various environmental characteristics of the Hackensack River estuary, including water quality monitoring. The data that results from this monitoring program is submitted to NJDEP and becomes part of the NJ Water Quality Summary Report (Clean Water Act, 305b and 305d). It is also shared with the USEPA through the Water Quality Exchange system (WQX).

Samples are analyzed for the levels of dissolved oxygen, pH, temperature, and salinity; the presence of heavy metals, including cadmium, chromium, copper, iron, lead, nickel, and zinc; nutrients; suspended solids; and bacteria. Although concentrations vary widely among seasons and from year to year, sampling results over the past 25 years show consistently improving trends in overall water quality.

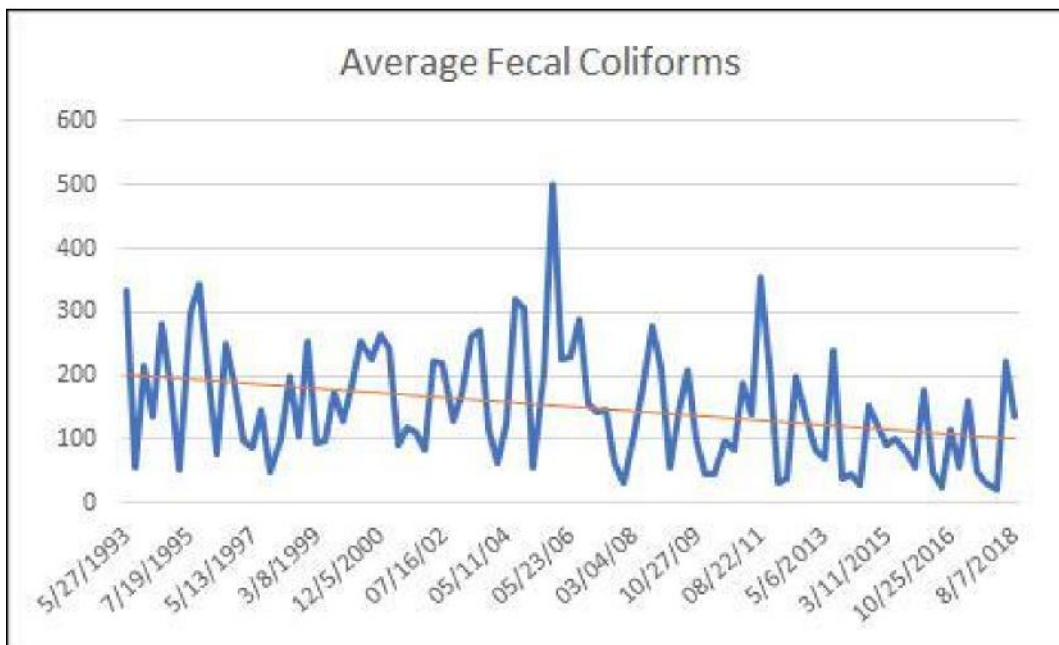
The level of dissolved oxygen (DO) is an important indicator of water quality, as proper DO levels in the water are necessary to support the maintenance, migration and propagation of the natural and established biota. For instance, wet years with increased run-off produce lower concentrations of DO. DO readings collected during the NJSEA's seasonal monitoring (1994-2018) showed that 80 percent of the measurements were above the minimum standard of 4.0 mg/L since 1997, and continue to improve. The trendline in Figure 5.5 "Dissolved Oxygen Concentrations in the Lower Hackensack River" indicates a steadily increasing average DO concentration, signifying steady improvements to water quality in the District.

**FIGURE 5.5****DISSOLVED OXYGEN CONCENTRATIONS IN THE LOWER HACKENSACK RIVER***Source: MERI, December 2018*



Likewise, the presence of fecal coliforms, indicators of untreated sanitary waste, has decreased over time. The trendline in Figure 5.6 “Average Fecal Coliforms” shows that fecal coliform concentrations have decreased by half, from 200 to 100 fecal colonies/100 mL within this time period.

**FIGURE 5.6** AVERAGE FECAL COLIFORMS



Source: MERI, December 2018

Heavy metals are by-products of industrial processes, power generation and the transportation arteries throughout the District and are mainly deposited in the sediments of the estuary. A study of heavy metals in the sediments on the bottom of the Hackensack River entitled “Chemical Characteristics of Sediment Collected as Part of the Fishery Resource Inventory of the Lower Hackensack River within the Hackensack Meadowlands District: A Comparative Study 2001-2003 & 1987-1988” (Konsevick, E., and Bragin, A. B.), released in 2007, examined sediment at locations throughout the Upper, Lower and Middle portions of the Hackensack River and its tributaries. Samples of surface mud were collected at 26 locations, following the methodology of a previous study done by the then-HMDC in 1987. The samples were analyzed for cadmium, chromium, copper, lead, nickel and zinc. Additional to the original study, sediment concentrations of mercury, arsenic, and iron were also examined. The texture of bottom sediments had not changed greatly during the 15-year interval between studies and the sediment quality had clearly improved. Between 1987 and 2003, the average sediment concentration of cadmium, chromium, copper, lead and nickel was reduced by between 22 percent and 71 percent. Criteria established to measure the adverse biological effects of the metals on an ecosystem revealed chromium, copper and nickel had shifted from hazardous to acceptable levels since 1987. Mercury was the only metal remaining at a high concentration level; however, no significant difference in mercury concentration was reported at different points along the river.



In a forthcoming study by MERI, due to be released in late 2019, the Secaucus High School wetlands enhancement site, a closed site that was subsequently reopened to the tides, was monitored for a period of ten years to determine if contaminants in area waterways would migrate and re-contaminate restored tidally-influenced wetlands. Sampling data indicates that point-source pollution in the Hackensack River and adjoining waterways remains stable, and that there has been no significant migration of existing contaminants in area waterways to the restored site as a result of the tides. This indicates that overall heavy metal concentrations in the sediments of the estuary have not significantly increased or decreased between 2007 and 2018. Metal contaminants move closer to the surface in wet years and deeper into the sediments during drought years. This movement creates what appear to be spikes in concentration during rainy years that are then offset by drought years. The only contaminant that appears to have increased over time is mercury on surface sediments, which results mainly from aerial deposition.

## VI. BIOTA

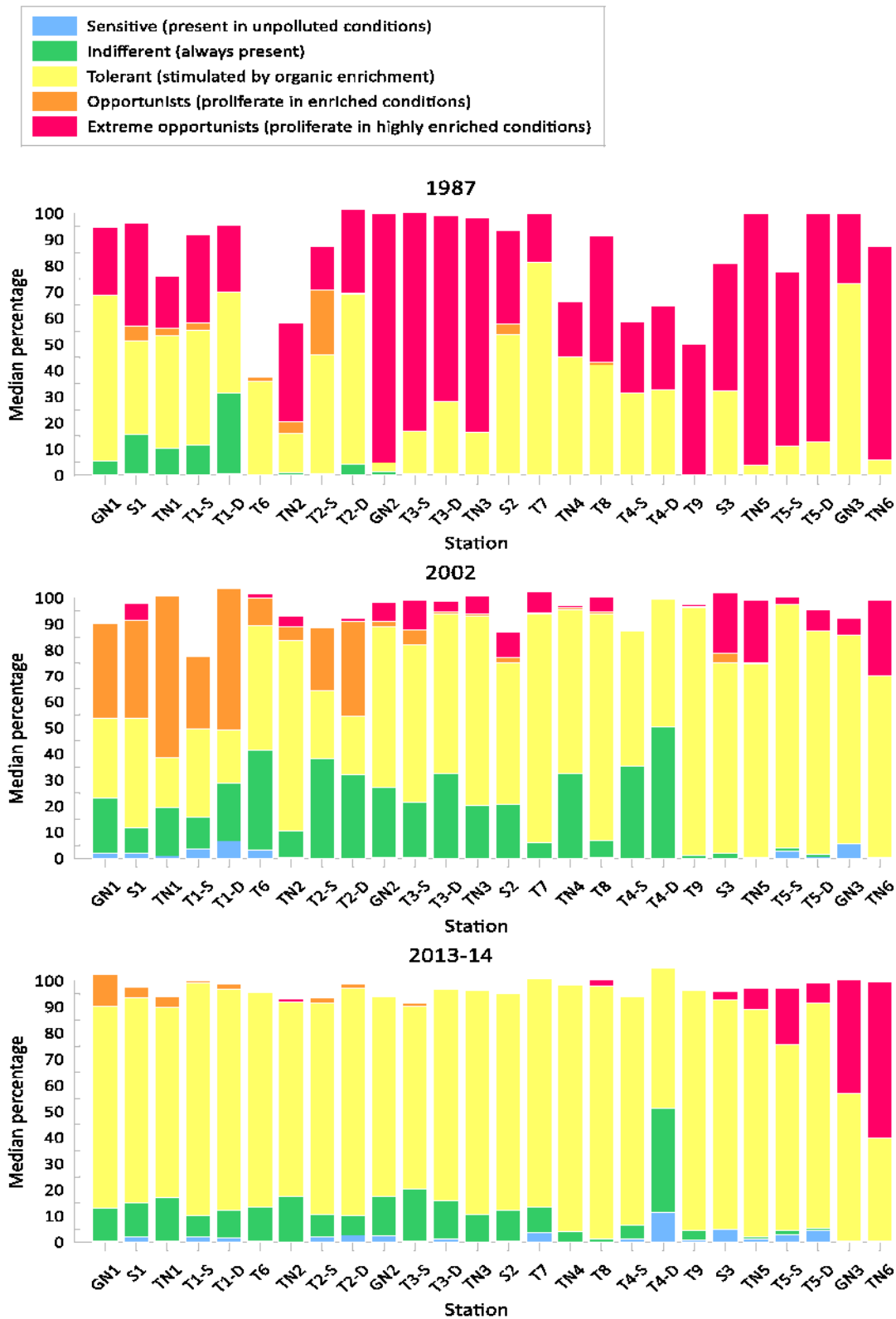
The wetlands and waterways of the District support an extensive ecosystem of biodiversity in the District. Water quality improvements in the District are contributing to the improved overall health of the District's ecosystem, as are the wetland and other habitat restoration efforts that the NJSEA has undertaken. Numerous biological studies conducted in the Meadowlands since the 1970's show that the various habitats found within the District support more than 470 species of vascular plants, approximately 114 species of benthic macroinvertebrates, four species of amphibians, 12 species of reptiles, over 50 species of fish, approximately 288 species of birds, and 27 species of mammals.

Evidence of water and sediment quality improvements can also be seen in District fish and benthic community composition studies. Figure 5.7 "Benthic Community Composition" shows that between 1987 and 2014 the benthic community composition has steadily changed in a positive way. Extreme opportunistic species generally associated with highly disturbed environment and abundant organic matter in the late 1980's (shown in red), gave way to more sensitive community compositions with organisms typical of balanced and less disturbed environments in 2014 (shown in blue).



FIGURE 5.7

BENTHIC COMMUNITY COMPOSITION

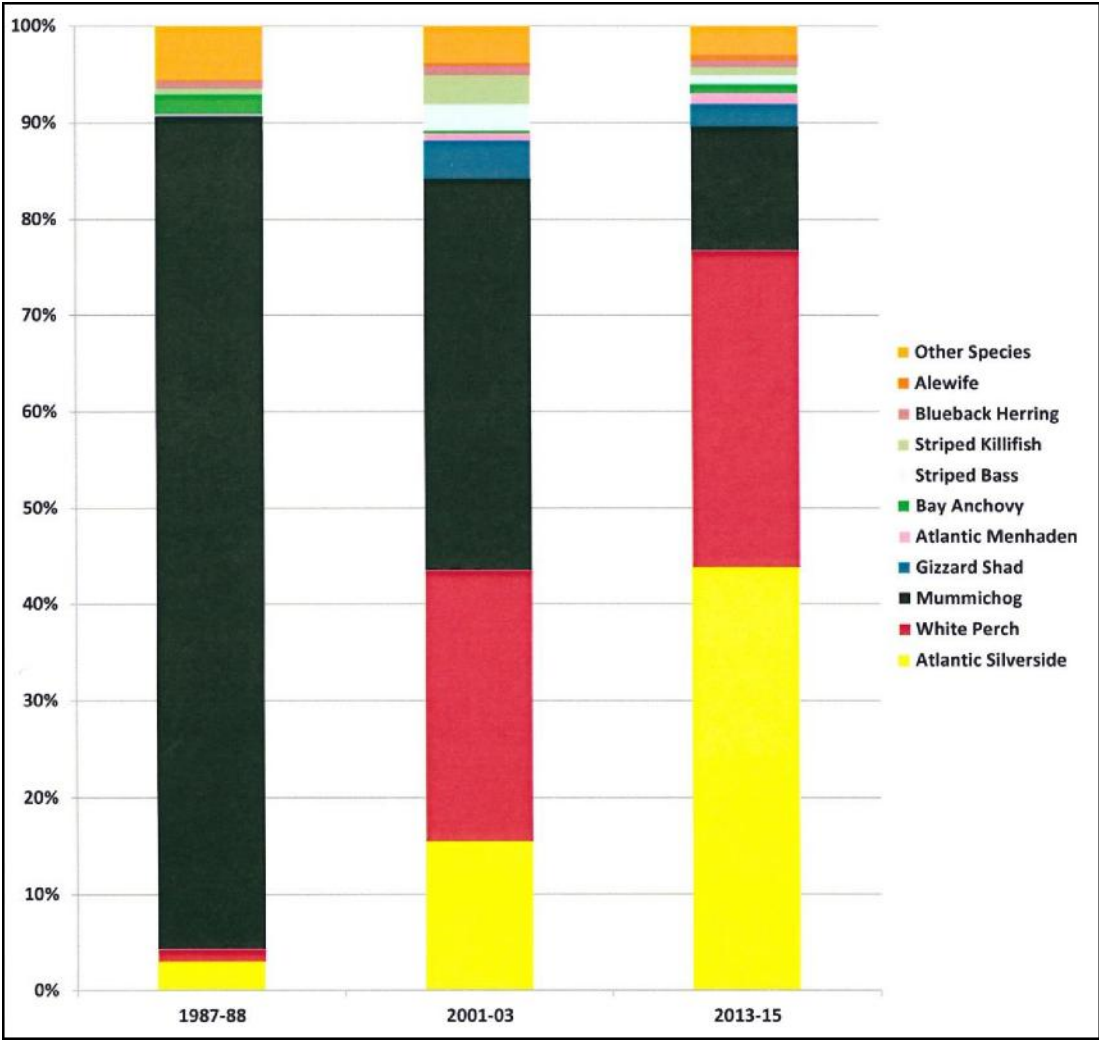


Source: Gary L. Taghon, Rutgers University Department of Marine and Coastal Sciences  
Based on data provided by: NJSEA and MERI



In March 2019, the NJSEA released a study entitled “Report on Three Fishery Resource Inventories of the Lower Hackensack River within the Hackensack Meadowlands District.” Results from the NJSEA’s fish community composition study, in which fish were seasonally sampled throughout the water column in the years 1987-1988, 2001-2003, and again in 2013-2015, found that, as habitat and water quality improved, so did the number and diversity of fish. In the 1987-1988 study, mummichogs dominated the sampling effort, comprising approximately 90 percent of the catch. In 2001-2003, the river and its tributaries were found to contain a more diverse assemblage of fish, with more predators, such as striped bass and bluefish, and less opportunistic types. In the 2013-2015 study, it was observed that the fish populations were similar to those sampled in the 2001-2003 study. Figure 5.8 “Comparison of Relative Abundance of Fish Species” depicts the ten species most frequently occurring within sample collections over the three study periods.

**FIGURE 5.8**      **COMPARISON OF RELATIVE ABUNDANCE OF FISH SPECIES**



Source: NJSEA



The true testament to the improved health of the District's environment is evidenced by the growth in avian and wildlife diversity, and particularly threatened and endangered species that use the Meadowlands for foraging and nesting. A variety of invertebrates, amphibians, reptiles, fish, birds and mammals are found in the Meadowlands. For example, annual diamondback terrapin (*Malaclemys terrapin*) surveys undertaken by NJSEA indicate that the Meadowlands support a thriving population of terrapins and provides suitable habitat for nesting. Between 2009 and 2013, the NJSEA performed a mark-recapture study of diamondback terrapins in the lower Hackensack River. Over that five-year period, a total of 1,027 terrapins were tagged, with 209 being recaptured on subsequent sampling dates.

The Meadowlands is the largest remaining brackish wetland complex in the NY/NJ Harbor Estuary. Approximately five miles west of Manhattan, the Meadowlands supports a remarkable diversity and abundance of fish and wildlife. Birds migrating along the Atlantic Flyway feed and rest throughout the Meadowlands. Given its location amidst a highly urbanized landscape, its importance as an oasis for wildlife cannot be overlooked. The Meadowlands consists of a diverse mosaic of habitats that include tidal, brackish, and freshwater emergent wetlands, forested wetland, upland deciduous forest and early successional habitats (e.g., deciduous scrub/shrub). A diversity of habitats usually results in a diversity of avian species, and the Meadowlands are no exception. In the late 1960's, a study of the birds of the Hackensack Meadowlands reported 205 species. Observations made by the HMDC/NJMC/NJSEA, Audubon Society and many other observers over the ensuing years has increased the number of bird species sighted in the Meadowlands to approximately 288 species.

A 2007 report by the NJ Audubon Society ("Avian Abundance and Distribution in the New Jersey Meadowlands District: The Importance of Habitat, Landscape, and Disturbance") noted that the District is home to many breeding species, several of which, like Pied-billed Grebe (*Podilymbus podiceps*), American Bittern (*Botaurus lentiginosus*), Yellow-crowned Night-Heron (*Nycticorax violaceus*), Black-crowned Night-Heron (*Nycticorax nycticorax*), and Northern Harrier (*Circus cyaneus*), are listed as "endangered" or "threatened" by the state of New Jersey. The District also hosts more than 150 bird species during the migration and winter seasons. Waterfowl, long-legged wading birds (i.e., herons, egrets), raptors, shorebirds, and migrant songbirds, all find refuge and respite in the Meadowlands during passage between their breeding and wintering grounds. For many species, the District is their winter home. NJSEA Natural Resources Management staff are currently researching avian high marsh breeding habitat.

The Meadowlands have also experienced a resurgence in the number of top-level predators, such as the osprey, which are, after a long absence, once again nesting in the Meadowlands, and in the large numbers of bald eagles and cormorants which make the Meadowlands their home. The diets of these three bird species consist mainly of fish, which are once again abundant in the Hackensack River and its tributaries. Another example of the resilience of nature is the peregrine falcon. Once almost driven to extinction due to the effects of organochlorine pesticides, peregrine falcons are now nesting in the Meadowlands.

A variety of mammals also make the Meadowlands their home. The species commonly found in the freshwater wetlands and at higher elevations in the intertidal zone include opossum, shrews, mice, moles, raccoon, weasel, skunk, coyote, fox, chipmunk, squirrel, muskrat, rat, cottontail, and deer. Freshwater marshes also provide the necessary habitat for amphibians and turtles, including the Atlantic Coast leopard frog; snapping and painted turtles; and many aquatic insects.



A list of declining, endangered, and threatened wildlife sighted in the District is maintained by the New Jersey Division of Fish and Wildlife, under the NJDEP's Natural and Historic Resources Group. These species are presented in Figure 5.9 "Endangered, Threatened, and Special Concern Species in the Meadowlands District," which is supplemented by observations provided by the Bergen County Audubon Society.

- **Endangered species** are those whose survival prospects in the State are in immediate danger because of a loss or degradation in habitat, overexploitation, predation, competition, disease or environmental pollution.
- **Threatened species** are those species that may become endangered if conditions begin to or continue to deteriorate.
- **Species of special concern** warrant special attention because of some evidence of decline, inherent vulnerability to environmental deterioration, or habitat modification that would result in their becoming a Threatened species
- **Stable** applies to species that appear to be secure in NJ and not in any immediately foreseeable danger of becoming Endangered, Threatened, or Special Concern.
- **Undetermined** applies to species that cannot be assigned a status of Endangered, Threatened, Special Concern or Stable because not enough information exists on which to base a judgment.

Tidal brackish wetlands are the predominant habitat in the Meadowlands, but a diversity of habitat is found throughout the Meadowlands despite its urban location. Other habitats that are regularly surveyed and mapped by NJSEA include forested wetlands, freshwater tidal marshes, brackish and freshwater impoundments, upland meadows, shrubland, and wooded habitats. Plant species within these habitats are typically a mix of common native and non-native plants, but also include rare, threatened and endangered species.



**FIGURE 5.9** **ENDANGERED, THREATENED AND SPECIAL CONCERN SPECIES  
IN THE MEADOWLANDS DISTRICT**

PLANTS			
Common Name	Scientific Name	State Status	
Floating marsh-pennywort	<i>Hydrocotyle ranunculoides</i>	E	
Wafer-Ash	<i>Ptelea trifoliata</i>	E	
REPTILES			
Common Name	Scientific Name	State Status	
Diamondback Terrapin	<i>Malaclemys terrapin terrapin</i>	U	
BIRDS			
Common Name	Scientific Name	Breeding Status	Non-breeding Status
American kestrel	<i>Falco sparverius</i>	T	-
Bald eagle	<i>Haliaeetus leucocephalus</i>	E	T
Barn owl	<i>Tyto alba</i>	SC	SC
Barred owl	<i>Strix varia</i>	-	T
Black-crowned night heron	<i>Nycticorax nycticorax</i>	T	-
Black-throated blue warbler	<i>Dendroica caerulescens</i>	SC	S
Bobolink	<i>Dolichonyx oryzivorus</i>	T	-
Brown thrasher	<i>Toxostoma rufum</i>	SC	S
Canada warbler	<i>Wilsonia canadensis</i>	SC	S
Cattle egret	<i>Bubulcus ibis</i>	T	-
Common nighthawk	<i>Chordeiles minor</i>	SC	SC
Glossy ibis	<i>Plegadis falcinellus</i>	SC	S
Grasshopper sparrow	<i>Ammodramus savannarum</i>	T	SC
Gray-cheeked thrush	<i>Catharus minimus</i>	N/A	SC
Horned lark	<i>Eremophila alpestris</i>	T	SC
Least bittern	<i>Ixobrychus exilis</i>	SC	SC
Little blue heron	<i>Egretta caerulea</i>	SC	SC
Long-eared owl	<i>Asio otus</i>	-	E
Northern harrier	<i>Circus cyaneus</i>	E	SC
Osprey	<i>Pandion haliaetus</i>	T	-
Peregrine falcon	<i>Falco peregrinus</i>	E	-
Pied-billed grebe	<i>Podilymbus podiceps</i>	E	SC
Salt marsh sparrow	<i>Ammodramus caudacutus</i>	T	-
Savannah sparrow	<i>Passerculus sandwichensis</i>	T	-
Short-eared owl	<i>Asio flammeus</i>	E	SC
Snowy egret	<i>Egretta thula</i>	SC	S
Upland sandpiper	<i>Bartramia longicauda</i>	-	E
Wood thrush	<i>Hylocichla mustelina</i>	SC	S
Yellow-crowned night heron	<i>Nyctanassa violacea</i>	-	T
<b>Notes: E=Endangered; T=Threatened; SC=Special Concern; S=Stable</b>			

**N/A=not applicable; U=Undetermined**

*Sources: NJDEP, Natural Heritage Program, October 2018  
Bergen County Audubon Society, 2019*



## VII. SOLID WASTE MANAGEMENT

When the agency was created by an act of the legislature in 1969, the District was home to more than 50 orphaned landfills. At the time, near daily unregulated, illegal dumping at these sites scarred the region. A 1969 study by the State Department of Health (predecessor to the New Jersey Department of Environmental Protection) found that the District received 5,000 tons of waste per day, six days per week, 300 days per year, from 118 New Jersey municipalities and New York City. In addition, a 1970 study of the District by Zurn Environmental Engineers identified 51 individual locations covering 2,740 acres of the District as past and present solid waste dumping operations. The “present” category consisted of 12 sites totaling 940 acres. These areas were identified as accepting a variety of materials including demolition, commercial, industrial and residential waste. Thanks to the NJSEA and its predecessor agencies, this environmental catastrophe has undergone a remarkable environmental renaissance and today is a thriving urban eco-system that is home to hundreds of species of birds, fish and other wildlife.

One of the agency’s solid waste planning goals has been to remediate many of the larger sites in the District by bringing them up to modern-day standards. Many landfill sites became “orphan” landfills, where the owners abandoned them after operations had ceased, with no plan or funding in place to ensure environmental controls. Some orphan landfills ceased operating prior to 1972, while a few ceased operations prior to January 1, 1982, in order to avoid a State requirement that an escrow fund be established to finance landfill closure. As part of its mandate to provide for the sanitary disposal of solid waste, the then-Hackensack Meadowlands Development Commission took ownership of many of the landfills in the District and installed leachate collection systems and methane gas wells to prevent further environmental damage. The agency today maintains ownership and management of the closed 1E Landfill in Kearny and North Arlington and the Keegan Landfill in Kearny.

As part of its efforts to improve and cleanup landfills, the agency has spent approximately \$33 million to remediate the Keegan Landfill site in Kearny. Remedial measures included the construction of a leachate collection system and containment wall around the entire landfill; acquisition of adjacent land including the Kearny Marsh; and construction of two sewage pump stations to pump leachate from the landfill to the Passaic Valley Sewerage Commission. The agency is currently in the process of constructing and installing a gas collection and control system. The actions taken by the agency have helped rejuvenate the adjacent once heavily-polluted Kearny Freshwater Marsh into a thriving habitat for birds, fish and other wildlife.

In 2011, the agency completed the groundbreaking conversion of its closed 1A Landfill in Kearny into a solar farm. The project marked the first transformation of a State-owned landfill into a renewable energy array. The 3-megawatt installation includes 12,506 ground-mounted photovoltaic panels that supply power directly to the electric grid. This project set an example of how fallow, State-owned property can be repurposed into a productive use that benefits the environment and consumers.

In June 2019, a partnership between Russo Development of Carlstadt and Forsgate Industrial Partners of Teterboro took ownership of a portion of the Kingsland Redevelopment Area, which includes several closed landfills: the Rutherford East and Rutherford West Landfills in Rutherford; the Kingsland Landfill, which spans Lyndhurst and North Arlington; and the Avon and Lyndhurst Landfills in Lyndhurst. The developers plan to construct industrial facilities on portions of the property and preserve other areas for environmental preservation.



Private solid waste facilities are also present at various locations throughout the District. Generally, they consist of solid waste transfer stations, recycling facilities, and composting facilities. State and/or Federal regulation of solid waste management facilities preempt local zoning authority, although they must be built to comply with State building and fire codes. Accordingly, new solid waste facilities and/or changes to the operations of existing solid waste facilities are required to be included in the NJSEA's Solid Waste Management Plan, as the Hackensack Meadowlands District, along with the State's 21 counties, comprises the State's 22 Solid Waste Management Districts.

Closed landfills provide vast expanses of upland areas located near environmentally-sensitive lands. As stated above, the NJSEA has creatively repurposed areas of former landfills that had, in many ways, scarred the Meadowlands environment. Old landfills are now the site of solar arrays that generate renewable energy, thereby reducing dependence on energy sources that contribute to greenhouse gas emissions. Other landfills provide upland passive open space, which provides for wildlife habitat in the District. In specific cases, closed landfills can play a critical role in the region's economic development through site development, such as proposed warehouse development and sustainable energy parks within the Kingsland Redevelopment Area, [and such as proposed development of a world-class convention center and supporting development such as hotels, extended stay facilities, retail space, office space, film studios, and/or transportation centers at the former Malanka landfill site.](#)

## VIII. WATER AND WASTEWATER TREATMENT

Safe drinking water and effective sewerage systems are essential components of public health. There are over 151,000 public water systems in the United States. The EPA classifies water systems according to the number of people they serve, the source of their water, and whether they serve the same customers year-round or on an occasional basis. All 14 municipalities in the District are served by public water systems of the same classification, Community Water System (CWS), which is a public water system that supplies water to the same population year-round.

Drinking water requires treatment to remove contaminants that can cause illness. The Federal Safe Drinking Water Act (SDWA) sets standards for drinking water quality and arranges for oversight of the water providers who implement those standards. Water providers serving the District's municipalities are summarized in Figure 5.10 "Water Providers Serving District Municipalities."

Treatment of wastewater is necessary to avoid the pollution of surface waters and groundwater and to avoid wastewater contact with insects that transmit disease. Wastewater from a home, business, or other source enters a sanitary sewer, which is a system of pipes that collect the wastewater. From the sanitary sewer, the waste enters a treatment plant where it undergoes a series of processes ending in chlorine treatment before release into a water body such as a river or stream. An overview of the four wastewater treatment facilities serving District municipalities appears in Figure 5.11 "Wastewater Treatment Facilities Serving District Municipalities."

A map of water and wastewater service areas is provided as [\*\*Map 9 – Utility Service Areas.\*\*](#)



**FIGURE 5.10 WATER PROVIDERS SERVING DISTRICT MUNICIPALITIES**

PROVIDER	MUNICIPALITIES SERVED	COMMENTS
Suez Water New Jersey	Carlstadt, East Rutherford, Little Ferry, Moonachie, North Bergen, Ridgefield, Rutherford, Secaucus, South Hackensack, and Teterboro	Operates the Oradell Reservoir and the Haworth Treatment Plant.
Jersey City Municipal Utilities Authority	Jersey City	Operated by Suez Water New Jersey. Water flows from the Boonton Reservoir to Jersey City and Lyndhurst via a 26-mile aqueduct system.
Kearny Water Department	Kearny	
Passaic Valley Water Commission	North Arlington and Lyndhurst	

**FIGURE 5.11 WASTEWATER TREATMENT FACILITIES SERVING DISTRICT MUNICIPALITIES**

FACILITY	MUNICIPALITIES SERVED	RECEIVING ENTITY	CAPACITY (MGD*)
Bergen County Utilities Authority	Ridgefield, Little Ferry, Moonachie, South Hackensack, Teterboro, Carlstadt, East Rutherford, and Rutherford	Hackensack River	109
North Bergen Municipal Utilities Authority	North Bergen	Hudson River (3 MGD) and Passaic Valley Sewerage Commission (7 MGD)	10
Passaic Valley Sewerage Commission	Kearny**, Lyndhurst, North Arlington, North Bergen, East Rutherford, and Jersey City <i>**Kearny Municipal Utilities Authority sends to PVSC for treatment</i>	Newark Bay	400
Secaucus Municipal Utilities Authority	Secaucus	Mill Creek	5.1

\*Millions of gallons per day

## IX. ENERGY


Energy is a main focus of current environmental policy concerns. A majority of energy is generated from non-renewable resources, including petroleum products, hydrocarbons, natural gas, and coal. However, both the environment and the economy benefit from the use of clean, renewable and reliable sources of energy. Renewable energy includes solar, geothermal, wind, biomass and hydropower energy sources.

Figure 5.12 “Energy Consumption by Source” summarizes consumption data by source for New Jersey and the United States in 2016, the most recent year for which the data are available. Renewable energy sources comprised only 3.9 percent of the total energy consumed in New Jersey, compared to 10.2 percent for the United States. The State met 80.2 percent of its total energy demands with fossil fuels, including coal, natural gas, and petroleum. In the United States, British thermal units (Btu), a measure of heat energy, is the most commonly used unit for comparing energy sources or fuels.

**FIGURE 5.12 ENERGY CONSUMPTION BY SOURCE**

Source	New Jersey		United States	
	Trillion Btu	Percent	Trillion Btu	Percent
Fossil Fuels:	1,780.1	80.2%	78,716.8	80.9%
Coal	17.5	0.8%	14,227.1	14.6%
Natural Gas	795.1	35.8%	28,438.6	29.2%
Petroleum	967.6	43.6%	36,070.2	37.1%
Nuclear Electric Power	312.6	14.1%	8,426.8	8.7%
Renewable Energy	87.3	3.9%	9,965.5	10.2%
Net Interstate Flow of Electricity/Losses*	38.9	1.8%	-	0.0%
Net Electricity Imports	0.5	0.0%	205.6	0.2%
<b>Total Energy</b>	<b>2,219.4</b>		<b>97,314.7</b>	

\* A positive number indicates more electricity came in to the state than went out of the state during the year. *Source: U.S. Energy Information Administration (2016)*

In 2016, while New Jersey consumed less Btu per capita in total energy than the national average (247.2 million Btu per capita in the State compared to 300.9 in the nation), ranking 38<sup>th</sup> in the nation, the State’s petroleum-dependent transportation sector consumed more energy per capita than any other sector in the State, and more than the national average (94.8 million Btu per capita in the State, compared to 86.0 in the nation). Despite New Jersey’s energy-intensive chemical manufacturing and petroleum refining industries, the State’s industrial sector consumed less energy per capita than the national average (28.6 million Btu per capita in the State compared to 97.3 in the nation). (See Figure 5.13 “Total Energy Consumption Per Capita in New Jersey by Sector (in Btus)”) 

Overall, the State's total energy consumption per capita has been declining in recent years (particularly since 2007), reaching consumption levels lower than those observed in 1994 (310 million Btu per capita), but higher than those observed in 1960 (213 million Btu per capita).

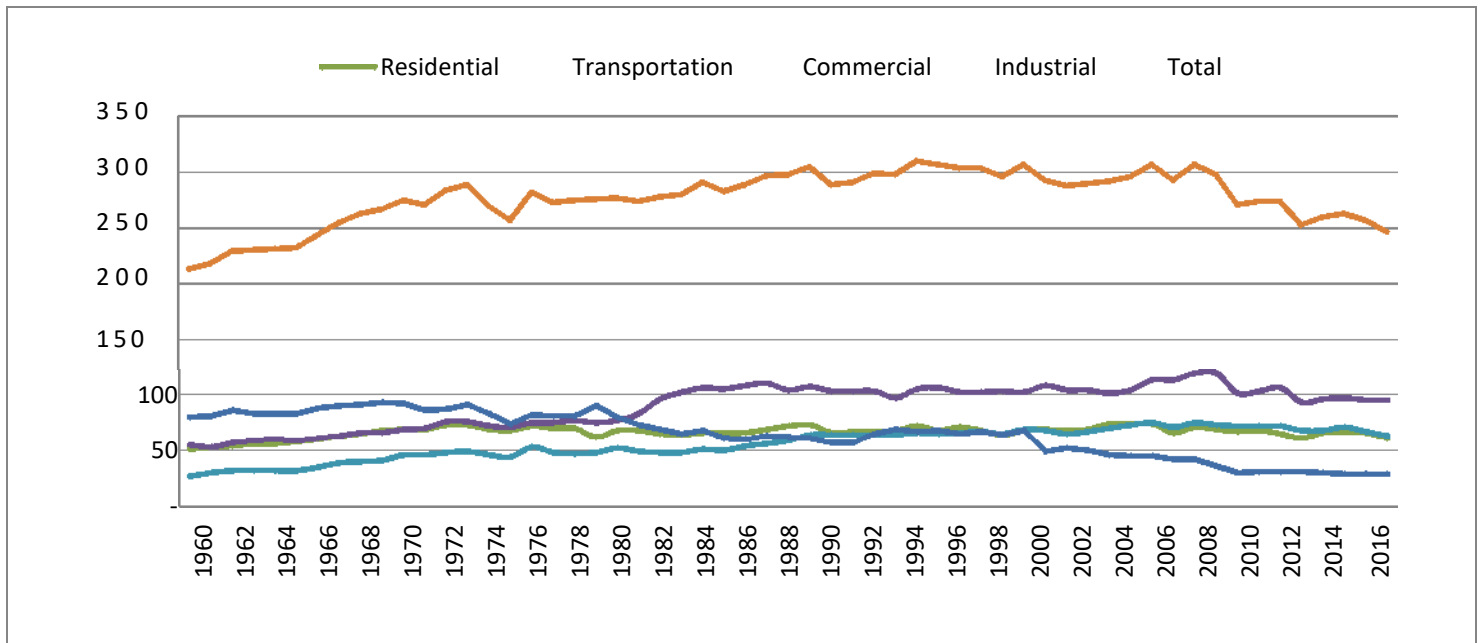


FIGURE 5.13

#### TOTAL ENERGY CONSUMPTION PER CAPITA IN NEW JERSEY BY SECTOR (IN BTUS)\*

Source: 4ward Planning, Inc. / U.S. Energy Information Administration

The reliability of the energy supply and distribution network has been bolstered by several resiliency initiatives undertaken by utility providers in the District, including significant improvements in protecting and securing facilities from storms and other hazards. As part of this initiative, utility equipment located within floodplains throughout the District has been raised to withstand impacts from flooding.

The State of New Jersey's 2019 Energy Master Plan (NJEMP) provides a strategic vision promoting sustainable energy policy within the State. In accordance with Governor Phil Murphy's Executive Order #28 (2018), the NJEMP seeks to set New Jersey on the path to conversion to 100 percent clean energy by 2050. The new NJEMP is predicated on the following new goals:

1. Growing New Jersey's clean energy economy;
2. Ensuring reliability and affordability for all customers;
3. Reducing the state's carbon footprint; and
4. Advancing new technologies for all New Jersey residents.

These goals align with the sustainable energy objectives of this Master Plan. The NJSEA's Energy Master Plan, adopted in November 2008, included a goal to bring 20,000 kilowatts (kW) of new sources of renewable energy to the District by 2020.



To date, the NJSEA has approved more than 50,000 kW of photovoltaic (solar) installations in the District, and 42,250 kW have been installed through June 2019, more than doubling the NJSEA's Energy Master Plan goal. [Map 10 – Photovoltaic Solar Installations](#) shows the locations of solar installations in the District.

The largest photovoltaic system in the District, totaling 3,000 kW, has been installed atop the NJSEA's 1A Landfill. In addition, the NJSEA's administrative facilities in DeKorte Park are home to a 121-kW solar canopy above a parking area, and a 33.3-kW rooftop installation on the Center for Environmental and Scientific Education, which is the first public building in the State of New Jersey to achieve the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) Platinum certification.

Furthermore, the NJSEA facilitated the formation of a solar power purchasing cooperative between the Borough of Little Ferry, the Town of Secaucus and their respective Boards of Education. This initiative resulted in the installation of rooftop solar systems in Little Ferry totaling 76.5 kW and rooftop and ground-mounted systems in Secaucus totaling 770 kW.

The NJSEA also promotes energy efficiency and use of renewable resources throughout the District via Green Building regulations, which incentivize projects that seek to achieve LEED certification through the use of sustainable practices, via increased flexibility in zoning requirements, reduced application fees, and priority reviews.



## 6. CIRCULATION

An efficient, multi-modal transportation network is a vital component of the overall vision for the Hackensack Meadowlands District. The transport system network must have the capacity to meet the challenges associated with balancing several different factors, including new development and planned redevelopment, the retention and growth of commerce and jobs, and the protection of the Meadowlands environment, while facilitating the safe and efficient movement of people and goods. Further, the District's transport network must provide a safe and secure transportation system for motorized and non-motorized users and increase mobility for all including people with disabilities.

This chapter presents a review of the District's transportation system and focuses on three important elements: planning and regulatory framework, mobility, and safety. A review of the agency's transportation planning efforts and achievements since 2004 will be provided. From the mobility perspective, statistics and infrastructure analyses were performed based on different mode choices: roadway, public transit, freight, pedestrian/cyclist, air, and maritime. From the safety perspective, roadway and transit crash data were evaluated. These approaches provide a valuable reference to pinpoint current issues and shortcomings within the District's transport network. **Chapter 7 – Systems Plan** will set forth a series of strategies for maintaining and improving the transportation network serving the Meadowlands District and the greater region.

### I. PLANNING AND REGULATORY FRAMEWORK

Since the adoption of the 2004 NJMC Master Plan, a series of transportation planning and regulatory initiatives have been implemented in the District by this agency:

#### A. TRAFFIC PERFORMANCE STANDARDS

In 2004, the District Zoning Regulations were recodified to implement the objectives of the 2004 Master Plan. This recodification included specific requirements for traffic impact assessments at N.J.A.C. 19:4-7.10. These regulations require the preparation of a Traffic Impact Analysis for specified applications to allow the NJSEA to evaluate the prospective traffic impacts of individual projects on the District's transportation network and require traffic mitigation measures.

**B. HACKENSACK MEADOWLANDS TRANSPORTATION PLANNING ACT**

The Hackensack Meadowlands Transportation Planning Act, effective June 24, 2005, and the Hackensack Meadowlands Transportation Planning District Act of 2015 (TPD Act), effective February 5, 2015, established a Transportation Planning District (TPD) within the Hackensack Meadowlands District. The law requires the creation of a comprehensive District-wide Transportation Plan that designates transportation projects and associated funding needed to sustain future economic growth, and established the Meadowlands Transportation Planning (MTP) Board, a steering committee overseeing the plan's development. The TPD Act empowers

the NJSEA to assess fees on future District development based upon a technical analysis of its projected impact upon the transportation system, excluding costs associated with remedying pre-existing problems.

**C. MEADOWLANDS DISTRICT TRANSPORTATION PLAN**

The Meadowlands District Transportation Plan (MDTP) was adopted in 2007 by both the MTP Board and the NJMC. The objective of the MDTP is to identify transportation needs, recommend specific improvements, and estimate costs of improvements over a time frame that reaches to the year 2030. The MDTP fulfills the requirements of the Act and plays an important role in the MTP Board's mission to improve mobility for passengers and freight throughout the District.

The MDTP considers anticipated growth within the District and identifies the transportation improvements necessary to support such development over the ensuing twenty years. A complete range of candidate transportation improvements are recommended to address existing and future needs and provide reasonable travel conditions within the District. The estimated costs of the recommended improvements are to be partially supported by future development within the District through a fair-share formula based on a collectively supported assessment framework, accounting for credits, exemptions, and waivers where necessary. Ultimately, this will ensure that growth within the District is supported and that resources will be available to mitigate future mobility concerns. The MDTP is currently being updated.

**D. DISTRICT TRANSPORTATION PLAN RULES (N.J.A.C. 19:7-1 ET SEQ.)**

In 2008, the District Transportation Plan Rules were adopted by the NJMC to establish the general provisions for the assessment and collection of development fees pursuant to the Act. A Transportation Development Fee Formula was created to compute a Transportation Development Fee for each land use within a proposed development. Fees collected from proposed developments are maintained in the Meadowlands District Transportation Planning District Fund and are utilized to implement transportation improvements throughout the District and the surrounding roadway system.

## II. MOBILITY

The Meadowlands District is a thriving industrial and commercial center with a dynamic residential component located in the heart of the New York/New Jersey Metropolitan region. The NY/NJ metropolitan region includes some of New Jersey's most densely populated counties (Hudson, Bergen, Essex, and Passaic counties) and their major cities (Jersey City, Newark, and Paterson). According to the 2010/2011 Regional Household Travel Survey by the New York Metropolitan Transportation Council (NYMTC), the volume of persons traveling on a daily basis in Bergen and Hudson counties totaled 6 million trips in 2010. Bergen County experienced 3,962,000 person trips on an average weekday, while Hudson County had 1,996,000 person trips.

The roadways that traverse the District are among the most heavily traveled in the nation. The travel mode choice has not changed significantly since 2000. The principal mode of transportation in the region is the automobile, accounting for nearly 67 percent of all trips, a slight decrease from 68 percent in 2000. Public transit accounts for 14 percent of trips, a slight decrease from 15 percent in 2000. The share of active modes of transportation (walking or biking) rose to 18 percent from 16 percent.

The majority of automobile and transit trips on the District's roads and railways have origins and destinations outside of the District. The District serves as a gateway to New York City through a variety of major roadways, including the New Jersey Turnpike and Route 3. The NYMTC survey found that a total of 77 percent of the transit trips in the region are made to Manhattan, an increase from 63 percent from 2000. Bergen County accounted for 13 percent of the total work trips to Manhattan, while 31 percent of the total trips originated in Hudson County.

Bergen County residents comprise the fourth highest share of commuters using public transit in the region for work trips (after Hudson, Essex, and Union counties). Over 40 percent of public transit work trips use express bus service. The highest percentage of Bergen work trips stay within Bergen County; the second highest percentage of such work trips go into Manhattan, accounting for 13 percent of all work trips.

Hudson County residents make the most use of public transit (20 percent of all trips) and walking (30 percent) among counties in the region, and the fewest auto trips. They also make fewer trips overall than those from most other counties, partially due to fewer auto trips conveying children or other passengers to destinations.

A high proportion of person trips terminate in the county of origin. In Bergen County, 82 percent of the total trips generated within the county remained there, an increase from 79 percent in 1998. In Hudson County, 74 percent of the total trips remained within the county, an increase from 70 percent in 1998.

This section will discuss the mobility infrastructure of the following transport network modes:

- A. Roadway;
- B. Mass Transit;
- C. Goods Movement;
- D. Pedestrian/Cyclist; and
- E. Air Transportation.

#### **A. ROADWAY NETWORK**

The District and surrounding region are largely dependent on the existing roadway system for transporting people and goods. While public transit is more efficient than the automobile in terms of enabling more passengers per vehicle, greater fuel efficiency per passenger, and lower emissions per passenger, access to public transit remains limited in many parts of the region, including the Meadowlands District. The automobile's advantages to the user are perceived independence, convenience, and flexibility compared to other modes of transportation. Commuting data underscore this reliance on the automobile, as 46.2 percent of all weekday trips in the region are by single occupant vehicles (SOVs)<sup>i</sup>. According to the NYMTC survey, data for northern New Jersey alone show that SOVs account for 58.6 percent of weekday travel modes.<sup>ii</sup> While it seems that the automobile will likely continue to be the dominant mode of transportation in the District, many other evolving technologies and factors such as ride-hailing, car-sharing, and "Complete Street" initiatives advocating public safety improvements within the roadway network are changing this trend, particularly for the first and last miles.

The District's roadway network consists of five major road types: freeways/expressways (commonly called highways), principal arterial, minor arterial, major/minor collector, and local:

- EXPRESSWAYS/FREEWAYS/INTERSTATE HIGHWAYS are generally limited access roadways that function as primary arterials consisting of several lanes per direction with no parking



lanes. Highways are designed to operate at higher continuous operating speed limits of 45 mph to 65 mph, are designed to provide for a high degree of mobility, and serve a regional area. Highways that traverse the District include the New Jersey Turnpike/I-95, with major north to south access; I-495, providing east to west access to and from the Lincoln Tunnel via the New Jersey Turnpike and Route 3; and Route I-280, providing east to west access to and from both spurs of the New Jersey Turnpike, the Newark-Jersey City Turnpike, and the Holland Tunnel.

- **PRINCIPAL ARTERIALS** serve major centers of metropolitan areas and provide a high degree of mobility. Principal arterials that travel through or near the District include Route 3, a major east to west highway; Route 120, which connects Route 3 and Paterson Plank Road; Route 17, a major south to north highway providing access from Route 3 to points north; Route 46, a federal highway providing access between western counties and eastern Bergen County; and Routes 1&9/Tonnelle Avenue, a south to north route along the eastern border of the District. These highways provide major regional vehicular access to the District to and from Passaic County and Essex County (to the west), Union County (to the south), other parts of Hudson and Bergen counties, and New York City.
- **MINOR ARTERIALS** provide service for trips of moderate length, serve geographic areas that are smaller than those of principal arterials, and offer connectivity to the higher arterial system. In an urban context, they interconnect and augment the higher arterial system, provide intra-community continuity, and may carry local bus routes. In the District, minor arterials include Paterson Plank Road, West Side Avenue, County Road (CR) 503/Moonachie Road, County Avenue/ Paul Amico Way (formerly New County Road), County Road, Meadowland Parkway, Seaview Drive, Castle Road, CR 36/Moonachie Avenue, CR 43/Redneck Avenue, CR 506 (Belleville Turnpike/Route 7), and the Newark-Jersey City Turnpike.
- **COLLECTORS** are classified as major or minor, and provide access from local roads that connect to residential, commercial and industrial areas. Collector roads lead to arterial roadways that have a greater traffic volume capacity and provide for higher operating speed limits of 35 to 45 mph. Major collectors in the District include Secaucus Road, Gotham Parkway, East Union Avenue, Industrial Avenue, Valley Brook Avenue, Polito Avenue, Murray Hill Parkway, Empire Boulevard, Commerce Boulevard, and others. Minor collectors in the District include American Way, Hartz Way, Enterprise Avenue, Park Plaza Drive, Clay Avenue, and Chubb Avenue.
- **LOCAL ROADS** provide direct access from residential, commercial and industrial areas and are generally short in distance, resulting in lower speed limits and minor traffic volumes compared to the above roadway classifications. Local roads generally provide access to either county roadways or major highways that traverse the District. Local streets in the District also include several private roads maintained by either a property owner or the corresponding municipality. These roads range from shared access roads that provide access to several businesses, to roads with through traffic access between two or more points within the corresponding town that operate as collector roadways.

Additional criteria are included in Figure 6.1 “Functional Classification of Roadways.” The roadway network within the District is presented as **Map 11 – Roadway Network**.

FIGURE 6.1

## FUNCTIONAL CLASSIFICATION OF ROADWAYS

Criterion	Expressway/ Freeways	Principal Arterial	Minor Arterial	Major/Minor Collector	Local Street
Functional Role	Entirely through traffic movement with limited or no direct access to property.	Mobility is primary, access is secondary. Connects Freeways and other Arterials.	Connects Freeways, Principal Arterials and lower-classification roadways. Access is secondary.	Collects traffic destined for the Arterial network. Connects Arterials to Local Streets. Also land access.	Access is primary. Little through movement.
Roadway Continuity	Inter-city, regional and interstate.	Connects Freeways to lower-classification roadways. Connect major activity centers.	Connect Freeways and Principal Arterials to lower-classification roadways.	Continuous between Arterials. May extend across Arterials.	Discontinuous. Connect to Collectors.
Roadway Length	Usually more than 5 miles long	Usually more than 5 miles long	Usually more than 3 miles long	Varies from about 1/2 mile to 2 miles	Generally less than 1 mile long
Traffic Volumes	40,000 Vehicles per Day or more	20,000 to 60,000 VPD	5,000 to 30,000 VPD	1,000 to 15,000 VPD	100 to 5,000 VPD
Desirable Spacing	5 miles or more	2 miles or more	Generally 1/2 mile to 2 miles	Generally 1/4 mile to 1/2 mile	Varies with block length (at least 125 feet between)
Posted Speed	55 to 65 MPH	35 to 55 MPH	30 to 45 MPH	35 MPH or less	20 to 30 MPH
Access	Controlled access. Grade-separated interchanges and frontage/service roads.	Intersect with Freeways, Arterials, Collectors and Local Streets. Restricted driveway access.	Intersect with Freeways, Arterials, Collectors and Local Streets. Limited driveway access.	Intersect with Arterials and Local Streets. Driveways permitted.	Intersect with Collectors and Arterials. Driveways permitted.
On-Street Parking	Prohibited	Restricted	Restricted	Normally permitted	Permitted
Community Relationship	Define neighborhood boundaries.	Define neighborhood boundaries.	Define and traverse neighborhood boundaries.	Internal and traverse neighborhood boundaries.	Internal.
Through Truck Routes	Yes	Yes	Permitted	Limited	Limited
Bikeways	No	Limited	Limited	Yes	Yes

Sidewalks	No	Limited	Yes	Yes	Yes
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## 1. Traffic Volume And Peak

Roadways in and around the District are among the most heavily-traveled in the nation. Traffic volume data concerning annual average daily traffic (AADT) of motorized vehicles on major roadways is provided by the New Jersey Department of Transportation (NJDOT). Figure 6.2 “Traffic Volumes of Major Roadways” provides traffic volume data for the most-heavily traveled roadway segments located in constituent municipalities of the District, both within and outside the District boundaries. The heaviest-traveled routes within the District are Route 3 and Route 495, which lead to and from the Lincoln Tunnel and New York City. Nearby routes close to the District boundaries include Interstate 80, Route 46, Route 1 (Truck), and Routes 1 & 9.

Figure 6.3 “Annual Average Daily Traffic by Municipality” indicates an average of more than 7.5 million vehicle trips occur through District municipalities per day within the 14 constituent municipalities of the District. The District’s Hudson County municipalities experience the highest levels of AADT, representing 70 percent of total traffic or 5.25 million vehicle trips.

Based on a review of traffic studies prepared by public and private transportation planning organizations, the weekday morning peak traffic period in the District starts at 6:00 AM and end at 9:00 AM, with the heaviest traffic volume occurring between 8:00 AM and 9:00 AM. The afternoon peak period starts at 3:30 PM and ends at 7:00 PM, with the greatest afternoon traffic volume occurring between 5:00 PM and 6:00 PM. The Saturday peak period begins at 11:00 AM and ends at approximately 1:30 PM.



FIGURE 6.2

## TRAFFIC VOLUMES OF MAJOR ROADWAYS

ROADWAY	STANDARD ROUTE IDENTIFIER	MILE MARKER	COUNTY	MUNICIPALITY	AADT*	AADT NORTH/ EAST	AADT SOUTH/ WEST	DATA YEAR	DIRECTION
I-80	00000080__	66.2	Bergen	South Hackensack	170,460	81,291	89,169	2010	East/West
Route 3	00000003__	9	Hudson	Secaucus	145,832	75,083	70,749	2013	East/West
Route 495	00000495__	1.09	Hudson	North Bergen	143,806	68,611	75,195	2009	East/West
Route 495	00000495__	1.09	Hudson	North Bergen	143,515	68,062	75,453	2011	East/West
I-80	00000080__	65.84	Bergen	Teterboro	142,365	52,721	89,644	2014	East/West
Route 3	00000003__	5.97	Bergen	Rutherford	136,464	67,750	68,714	2015	East/West
Route 495	00000495__	1.09	Hudson	North Bergen	135,368	62,701	72,667	2012	East/West
I-80	00000080__	66.2	Bergen	South Hackensack	134,867	69,374	65,493	2015	East/West
Route 495	00000495__	1.09	Hudson	North Bergen	130,595	63,116	67,479	2015	East/West
Route 3	00000003__	5.97	Bergen	Rutherford	129,996	64,921	65,075	2014	East/West
I-80	00000080__	66.2	Bergen	South Hackensack	127,696	67,765	59,931	2014	East/West
Route 3	00000003__	6.46	Bergen	Rutherford	121,275	50,161	71,114	2013	East/West
Route 3	00000003__	9.32	Hudson	Secaucus	117,914	63,879	54,035	2012	East/West
Route 3	00000003__	9.32	Hudson	Secaucus	116,928	63,960	52,968	2015	East/West
Route 3	00000003__	7.45	Bergen	East Rutherford	115,986	58,465	57,521	2013	East/West
Route 3	00000003__	9.91	Hudson	Secaucus	115,478	58,411	57,067	2009	East/West
Route 3	00000003__	9.32	Hudson	Secaucus	105,138	60,176	44,962	2009	East/West
I-80	00000080__	65.84	Bergen	Teterboro	98,981	40,063	58,918	2014	East/West
Route 1 Truck	00000001T_	0.93	Hudson	Kearny	95,347	45,775	49,572	2012	North/South
Route 3	00000003__	9.91	Hudson	Secaucus	95,279	47,110	48,169	2012	East/West
Route 495	00000495__	0.56	Hudson	North Bergen	91,024	32,172	58,852	2012	East/West
Route 3	00000003__	9.91	Hudson	Secaucus	88,521	43,277	45,244	2015	East/West
Route 495	00000495__	0.56	Hudson	North Bergen	87,628	31,909	55,719	2015	East/West
I-80	00000080__	65.84	Bergen	Teterboro	87,228	56,447	30,781	2015	East/West
Route 3	00000003E_	9.32	Hudson	Secaucus	84,583	46,443	38,140	2012	East/West
Route 3	00000003E_	9.32	Hudson	Secaucus	83,932	45,055	38,877	2015	East/West
Route 495	00000495__	0.56	Hudson	North Bergen	83,460	35,685	47,775	2009	East/West
Route 1 Truck	00000001T_	1.43	Hudson	Kearny	77,267	36,342	40,925	2012	North/South
Routes 1 & 9	00000001__	53	Hudson	Jersey City	76,999	37,626	39,373	2013	North/South
Route 1 Truck	00000001T_	0.93	Hudson	Kearny	74,531	34,576	39,955	2009	North/South
Routes 1 & 9	00000001__	56.92	Hudson	North Bergen	63,995	34,842	29,153	2010	North/South
Route 1 Truck	00000001T_	1.43	Hudson	Kearny	62,317	30,592	31,725	2009	North/South
Routes 1 & 9	00000001__	55.73	Hudson	Jersey City	59,702	30,834	28,868	2014	North/South

*Source: New Jersey Department of Transportation (2013)*



FIGURE 6.3

## ANNUAL AVERAGE DAILY TRAFFIC BY MUNICIPALITY

MUNICIPALITY	ANNUAL AVERAGE DAILY TRAFFIC	ANNUAL AVERAGE DAILY TRAFFIC (NORTH/EAST)	ANNUAL AVERAGE DAILY TRAFFIC (SOUTH/WEST)
Kearny	1,468,250	762,226	798,265
Jersey City	1,391,728	656,295	716,088
Secaucus	1,299,589	814,759	720,251
North Bergen	1,150,163	655,609	673,764
South Hackensack	573,800	350,129	460,862
Teterboro	475,716	224,683	268,396
Rutherford	435,722	258,897	289,709
Ridgefield	220,190	151,247	147,624
East Rutherford	199,915	174,047	185,343
Little Ferry	104,968	51,884	53,084
Ridgefield Park	88,296	84,561	56,581
North Arlington	65,773	32,607	33,166
Moonachie	39,720	18,890	20,830
Carlstadt	34,776	28,239	25,749
Lyndhurst	14,368	7,531	6,837
<b>TOTAL</b>	<b>7,562,974</b>	<b>4,271,604</b>	<b>4,456,549</b>

*Source: New Jersey Department of Transportation – Traffic Volume Counts (2013)*

Travel demands in the District continue to increase due to the dynamic nature of development in the region. Mobility within the District remains one of the region's biggest challenges, as detailed in the 2004 NJMC Master Plan and 2007 MDTP. The mobility issues stem from the inadequate capacity of major roadways, particularly Routes 3, 17, 46, 120, and the New Jersey Turnpike; limited roadway crossings over the Hackensack River; and insufficient interstate highway access.

However, the NJSEA has implemented significant improvements to facilitate mobility within the District's roadway network. Chief among these initiatives is the implementation of an intelligent transportation system (ITS) that has decreased delays and travel time in surrounding transportation corridors and alleviated congestion in the area.

## 2. MASSTR Project

Following the adoption of the MDTP in 2007, the NJSEA was awarded a United States Department of Transportation (USDOT) Federal Transportation Investment Generating Economic Recovery (TIGER) II grant to improve the efficiency of signalized intersections throughout the District. Deployed in five phases from 2012 to 2017, the Meadowlands Adaptive Signal System for Traffic Reduction (MASSTR) is an ITS that integrates adaptive traffic signal control software, vehicle image detection, and wireless/fiber communication technology to improve the operating efficiency of existing roadway infrastructure. The project incorporates all of the Meadowlands region's traffic signals into a network of self-adaptive traffic signals to efficiently reduce roadway congestion, delay, travel time, fuel consumption, and airborne emissions.

Funded by approximately \$10 million from the TIGER II grant, with an approximately \$2.5 million NJSEA match utilizing TPD funds, this project installed an adaptive traffic control system on 124 traffic signals in Bergen and Hudson counties, including the municipalities of Carlstadt, East Rutherford, Jersey City, Kearny, Little Ferry, Lyndhurst, Moonachie, North Arlington, North Bergen, Teterboro, Ridgefield, Ridgefield Park, Fairview, Hasbrouck Heights, Rutherford, Secaucus, and South Hackensack, on roadways including Route 1&9, Route 46, Route 7, Route 17, and Route 120. Currently, 124 traffic signals operate adaptively throughout the region. A map of the MASSTR system is shown on [Map 12 – MASSTR Adaptive Signal Map](#).

Expansion of the MASSTR signalized intersection network continues, including at the following locations:

- [SECAUCUS ROAD \(FEDEX\) - JERSEY CITY](#): A new adaptive signal was installed in 2017 at the intersection of the FedEx distribution facility (1049 Secaucus Road) site driveway/W.Y. Industries site driveway and Secaucus Road in Jersey City. The new signal was incorporated into the NJSEA MASSTR system upon installation.
- [WASHINGTON AVENUE – CARLSTADT](#): Two new adaptive signals were installed in 2019 at the Washington Avenue/Road A intersection and the Washington Avenue/Barell Avenue intersection in Carlstadt. These two signals will be incorporated into the NJSEA MASSTR system when construction is completed.
- [PAUL AMICO WAY AND CASTLE ROAD – SECAUCUS](#): A new signal is proposed for the intersection of Paul Amico Way and Castle Road in Secaucus as part of the new Edison ParkFast facility at 650 New County Road. The new facility is intended to provide commuter parking for the Frank R. Lautenberg Station at Secaucus Junction. Construction is anticipated to start during Summer 2019 and the new signal will be incorporated into and operated by the NJSEA MASSTR system.

Continuing challenges to traffic management include increased travel demands, the deterioration of existing roadway infrastructure, and the integration of emerging technologies into legacy systems used for traffic operations, planning, and management.



## B. MASS TRANSIT NETWORK

The District's mass transit network includes passenger rail service, bus service, and park and ride facilities offering parking for commuters using either rail or bus service. NJ Transit is the major agency providing both passenger rail and bus services in and around the District. According to the American Public Transportation Association (APTA) 2019 Public Transportation Factbook, NJ Transit is the 7<sup>th</sup> largest transit agency in the nation, carrying approximately 269 million passenger trips across all modes of transit, logging approximately 3.4 billion passenger miles in 2017.

### 1. Passenger Rail Service

The passenger rail system, both within the District and statewide, began as several competing private enterprises. NJ Transit assumed operations of commuter rail facilities in the State on January 1, 1983, after Congress ordered Consolidated Rail Corporation (Conrail) to cease its passenger operations. The passenger rail system shares tracks with freight service and Amtrak. The active passenger rail lines in and around the District include the Northeast Corridor, Morris and Essex, Main/Bergen, Pascack Valley, and Meadowlands Rail Lines, and the Port Authority Trans-Hudson Corporation (PATH). The rail system in the District, including the passenger rail lines and stations, is shown in **Map 13 – Rail System (Passenger and Freight)**.

Both NJ Transit and Amtrak, which provides nationwide passenger rail service, operate on the Northeast Corridor (NEC) Line. The Northeast Corridor is the busiest Amtrak line in the nation, providing service between Boston and Washington, D.C. The NEC traverses the District between Newark and New York; however, Amtrak does not currently stop at the Frank R. Lautenberg Station at Secaucus Junction. However, Secaucus Junction remains among the busiest transit stations, with average weekday boarding of over 26,000 passengers in 2017.

Per NJ Transit's Quarterly Ridership Trends (July to September 2018), NJ Transit's passengers on the NEC make up approximately 38.5 percent of NJ Transit's total weekday average ridership of 320,900 daily passenger rail trips. Average weekday ridership from July to September 2018 on commuter rail lines in the region is as follows:

- Northeast Corridor: 123,450 daily passenger trips;
- Morris & Essex: 59,550 daily passenger trips;
- Main/Bergen Line: 31,050 daily passenger trips; and
- Pascack Valley Line: 8,400 daily passenger trips.

The Meadowlands Rail Line (also known as the Meadowlands Loop) was opened in July 2009. It provides rail service between the Meadowlands Sports Complex and Secaucus Junction, with some services continuing to Hoboken Terminal. The services are offered for major events at the Sports Complex.<sup>iii</sup> The Meadowlands Loop can accommodate up to 8,000 passengers per hour.

Average PATH weekday ridership at New Jersey stations is approximately 150,000 passenger trips as of 2018. PATH set a system-wide annual ridership record with 83 million total passenger trips in 2017, which decreased slightly in 2018.



## 2. Bus Service

Bus service is the major mode of mass transportation to employment opportunities within the District. A total of 23 public bus routes provided by NJ Transit and six private bus routes have designated stops around or within the District. Statewide, NJ Transit operates 236 bus routes, accumulating 72.6 million annual vehicle revenue miles and serving 152 million passengers. The DeCamp Bus Company is the primary private carrier. The inter/intrastate bus routes in the District, with associated bus route numbers, are shown in **Map 14 – Bus Routes & Park and Ride Facilities**.

NJ Transit began offering bus shuttle service from Secaucus Junction to events at MetLife Stadium and the Izod Center in 2009.

## 3. Park and Ride Facilities

The District has three regional park-and-ride facilities for bus passengers and two local park-and-ride facilities for rail passengers. Another regional park-and-ride is located just outside the District near I-495 in Weehawken, en route to the Lincoln Tunnel. In-District public park-and-ride facilities include the following:

- A 1,002-space parking lot at the Vince Lombardi Service Area in Ridgefield for bus service, operated by the NJ Turnpike Authority.
- A 1,334-space parking lot in North Bergen for bus service, operated by NJ Transit and owned by the Port Authority.
- A 27-space parking lot on Green Street in Teterboro, for Pascack Valley Line rail passengers.

In addition to the park-and-ride facilities operated by public transit agencies, there are other privately-operated commercial parking facilities throughout the District, including the 1,094-space Edison ParkFast at Secaucus Junction, which opened in 2009. The opening of this lot allowed more passenger vehicle commuters to park and utilize the rail station at Secaucus Junction, and created a weekend market for “day trippers” who park and take the train to New York City.

**Map 13** shows the locations of the District’s rail stations and rail park-and-ride facilities. **Map 14** shows the locations of bus routes and associated bus park-and-ride facilities. There are also park-and-ride lots associated with four train stations located in municipalities near District boundaries, with a total parking capacity of 906 spaces, including 242 spaces at the Rutherford Station, 136 spaces at Wood-Ridge Station, 19 at Kingsland Station and 509 spaces at the Lyndhurst Station.

[Additional park-and-ride facilities and transportation centers can help alleviate traffic and congestion in the District. These are particularly needed as traffic demands continue to increase, especially as new development such as the American Dream is constructed.](#)

## 4. Ridesharing

Alternatives to private passenger vehicles are gaining in popularity, due to vehicle and fuel costs, traffic delays, and changing demographics, resulting in higher interest in such services, particularly among millennials. Trip reductions have been achieved with some measure of success through alternate work hours, telecommuting, ride-hailing/ridesharing, carpooling, as well as online shopping. More people utilize ride-hailing/ridesharing services to complete their trips at the first and last miles. It is predicted that these services will

continuously decrease the dependence on private passenger cars, particularly in urban and suburban communities.

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## 5. Shuttle Service

The Meadowlands Transportation Brokerage Corporation, the first Transportation Management Association (TMA) in the state of New Jersey that, since 2005, operates under the brand name “EZ Ride” (formerly known as “Meadowlink”), is a non-profit organization established in 1983 through a joint venture of the New Jersey Turnpike Authority (NJTA), NJSEA (as the former HMDC/NJMC), the Port Authority of New York and New Jersey (PANYNJ), NJDOT, and the Meadowlands Regional Chamber of Commerce. The main objective of EZ Ride is to coordinate transportation access for public and private establishments and to reduce traffic congestion in northern New Jersey through the implementation of vehicle trip reduction measures, such as carpooling, vanpooling, shuttle programs, transportation for older adults and people with disabilities, bike and pedestrian programs, and direct-link services to major employers in the service area. EZ Ride also assists corporations with the preparation of Transportation Demand Management (TDM) plans in an effort to analyze employees’ transportation needs, and works with the public on planning projects that identify new public transit services and pedestrian access. It also uses innovative and creative public-private partnership to achieve local or regional transportation goals. Today, EZ Ride manages New Jersey’s largest carpool, vanpool and shuttle services for businesses, colleges, universities, and municipalities. EZ Ride operates a mixed fleet of minibuses, vans, and sedans that provide more than 700,000 passenger trips each year.

EZ Ride operates a shuttle program that includes 20 private and public partners. Its 34 minibuses transport 2,000 commuters on a typical workday, linking them with local train stations in Rutherford and Lyndhurst, as well as transit hubs such as Newark Penn Station and Secaucus Junction. The shuttles operate 24 hours daily, seven days per week, serving workers on the night and off-hours shift.

The shuttle program currently has 20 routes, five of which serve the District. The five routes include the following:

- The Harmon Cove Shuttle operates between Secaucus Junction and businesses located in the Harmon Cove area in Secaucus.
- The Harmon Meadow Shuttle and Harmon Meadow Express provide free shuttle services in Secaucus (funded by Hartz Mountain Industries) between Secaucus Junction and businesses in the Harmon Meadow area, as well as residents of the Harper Apartments at 100 Park Plaza Drive and Osprey Cove at 45 Meadowlands Parkway. The Route 3 Shuttle links businesses on the Route 3 Corridor with Secaucus Junction.
- The Rutherford-Lyndhurst Shuttle links businesses and residential communities with Kingsland Station in Lyndhurst and Rutherford Station in Rutherford.
- The Monarch Shuttle, funded by BNE Management to serve the residents at The Monarch in East Rutherford, links the residential complex with Secaucus Junction.

EZ Ride also operates vanpooling and carpooling services. EZ Ride currently operates 25 vanpools, servicing 200 vanpoolers. Their carpooling program has coordinated 14,000 rides for 36,000 riders. In 2017, it added almost 3,000 people to its Rideshare database, which matches commuters to a common destination, many of them recruited at more than 70 employer outreach events.

EZ Ride also offers two additional programs for those with specialized needs. The Flex-T program helps individuals with disabilities with their daily transportation needs within a



service area that includes Bergen, Hudson, Essex, Union and Monmouth counties. “Ryde4Life” is an on-demand ride-sharing program, started in 2017 to provide assistance to older adults who do not have smart phones to access on-demand and ridesharing transportation services such as Lyft and Uber. The program later expanded to include low-income adults to provide affordable transportation for accessing jobs, medical, and social services.

## 6. Public Transit Infrastructure

As detailed herein, the District is home to a robust public transit network whose infrastructure is vital to the entire region. The following are noteworthy public rail infrastructure projects of significant importance to the District:

- **FRANK R. LAUTENBERG STATION AT SECAUCUS JUNCTION**

NJ Transit’s Frank R. Lautenberg Station at Secaucus Junction opened in 2004 and allowed for greater connectivity among several rail lines, thereby shortening commuter trip miles and expanding transit options. Since that time, the role of the station within the District has changed dramatically. The original concept was limited to rail transfer service between 10 of NJ Transit’s 11 rail lines. Upon the 2005 completion of NJ Turnpike Exit 15X in Secaucus, and the provision of vehicular access to the station, the intended functionality of this station was significantly altered. The first commercial park and ride lot in the vicinity of the station was built by Edison ParkFast in 2009, which allowed additional commuters to use the station and created a weekend market for “day trippers” who park and take the train to New York City. [Additional park-and-ride facilities and transportation centers can help service the increased number of passengers at Secaucus Junction.](#)

Construction of the Xchange residential development, located in the District’s Secaucus Transit Village Redevelopment Area near Secaucus Junction, commenced in 2006, and with a current total of 1,548 residential units, has contributed to the expansion of local rail commuter ridership at the station. Other residential developments and major employment centers in the District also provide shuttle service to Secaucus Junction.

- **PORTAL BRIDGE / GATEWAY**

Amtrak’s Portal Bridge is a swing-span railroad bridge over the Hackensack River between Kearny and Secaucus, located within the Northeast Corridor line just west of Secaucus Junction. The bridge, built in 1910, is the busiest rail span in the Western Hemisphere, carrying between 150,000 and 200,000 passengers and 450 NJ Transit and Amtrak trains per day.

Currently, rail operations on the Portal Bridge are subject to disruption due to its age, condition, and delays caused by opening the span for passage of maritime traffic. Recurring costs to maintain and repair aging and malfunctioning mechanical components are also incurred.

NJ Transit and Amtrak have completed final design and federal environmental review to replace the single, moveable span of the Portal Bridge with two fixed-span bridges. Phase 1 of the project is Portal North Bridge, a two-track replacement bridge, expected to be in

service in 2024. Phase 2 of the project will add the Portal South Bridge, a second, two-track high-level fixed bridge over the Hackensack River parallel to Portal

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North Bridge. At its completion, the project will double train capacity along this section of the Northeast Corridor, creating a total of four tracks over the Hackensack River. The project will also increase rail speeds across the span from 60 to 90 miles per hour, and provide 50-foot-high clearances to accommodate maritime operations without disruption to rail traffic.

The Portal Bridge Replacement Project will dovetail with the Hudson Tunnel Project's proposed construction of a new rail tunnel under the Hudson River. Both projects are included within the Gateway Program, a comprehensive program of strategic rail infrastructure improvements along the Northeast Corridor.

## C. GOODS MOVEMENT NETWORK

The District is home to many warehouse, light industrial, and commercial businesses that serve the largest market for consumer goods in the country. Economic trends show that the greater NY/NJ metropolitan region is expected to experience continued growth in commercial and industrial development. As the economy continues to expand, so will the demand for freight movement and associated capacities of shipping ports, roadways, and railways.

Growth in different sectors of the economy, including e-commerce, has led to changes in consumer demand that impact goods movement patterns. New transportation and freight facilities, including the raising of the Bayonne Bridge roadway to accommodate larger container ships, have and will continue to affect freight delivery choices and operations.

### 1. Freight Rail

Northern New Jersey is served by two Class I railroads—CSX and Norfolk Southern. This freight railway system includes the Conrail Shared Assets Area, a regional railroad, the New York, Susquehanna and Western (NYS&W), extensive on- and near-dock rail operations that serve the Port, and several short line railroads. Overall, the State of New Jersey handled 46.4 million tons of rail freight in 2014.<sup>iv</sup>

The use of freight railways (**Map 13**) has become more vital with the rising demand to move freight more efficiently, accompanied by increases in traffic congestion. Intermodal facilities in the District include:

- Croxton Yard, a 179-acre facility in Jersey City and Secaucus operated by Norfolk-Southern.
- Ridgefield Heights Auto Terminal (aka Bellman's Yard), a 42-acre automotive facility in Ridgefield operated by Norfolk-Southern.
- North Bergen Yard, a facility in North Bergen operated by CSX, ten acres of which are in the District.
- South Kearny Yard, a facility in Kearny operated by CSX, 154 acres of which are located in the District.
- NYS&W Auto/Lumber Intermodal Facility, a 43-acre rail yard in North Bergen operated by NYS&W.
- NYS&W Resources Intermodal Terminal (formerly known as Land Bridge Terminal), a 24-acre private rail/truck facility located on Secaucus Road in North Bergen. This yard, operated by NYS&W, is situated along the NYS&W Railway and the parallel Conrail Northern Running Track.



Little Ferry Yard, a 53-acre rail facility located in Ridgefield, formerly operated by CSX, has closed.

These intermodal facilities have access to major highways and railways that, in turn, provide access to Port Newark-Elizabeth Marine Terminal and Newark Liberty International Airport, located a few miles south of the District. The capacities of Port Newark-Elizabeth Marine Terminal and Newark Liberty International Airport are expected to grow, increasing the need for intermodal facilities.

## 2. Trucking

Trucking moves the most freight in New Jersey and within the region, which is overseen by the North Jersey Transportation Planning Authority (NJTPA), the federally authorized Metropolitan Planning Organization (MPO) for the 13-county northern New Jersey region. According to the New Jersey Statewide Freight Plan, 74 percent of goods moved—over 365 million tons with a value of \$684 billion—were handled by trucks in 2015.<sup>v</sup> Truck terminals provide a link between trucking services and freight facilities. Positioned within the nation's largest metropolitan market area, the District offers a prime location for trucking services and associated land uses. The major truck routes in the District include Routes 1&9/Tonnelle Avenue, West Side Avenue, Route 3, Route 17, Route 46, the New Jersey Turnpike, Paterson Plank Road/Route 120, County Avenue, Belleville Turnpike, and County Road.

Mobility options for freight movement in the District and surrounding communities is anticipated to expand in the future. The NJDOT has proposed the construction of New Road, a proposed 2-mile long roadway project located in Jersey City. The New Road Project begins at the intersection of New Road and St. Pauls Avenue and extends north to the intersection of New Road and Secaucus Road. The New Road project will provide a direct connection to Croxton Yard and other intermodal and industrial areas in the vicinity, thereby reducing port-generated truck traffic on the parallel section of Route 1 & 9. This new roadway link will reduce congestion on Route 1 & 9, especially during peak hours. The proposed installation of two new adaptive signals at the St. Pauls Avenue and County Road intersections, and the modification of the two existing signals along County Road at the entrance of the Norfolk Southern railroad property, are scheduled to take place between 2020 and 2023 and will be operated under the NJSEA MASSTR system.

## 3. Air Cargo

Newark Liberty International Airport (EWR) handled over 847,000 tons of air cargo in 2018, up from 826,000 tons in 2017.<sup>vi</sup> In 2018, EWR's cargo led the region in growth for the fourth consecutive year, with a gain of 3.1 percent. The international sector gained 5.6 percent over 2017 levels, while the domestic sector, which constitutes nearly two-thirds of the airport's total cargo traffic, posted a 1.8 percent gain. The three leading airlines in terms of cargo volume were Federal Express, United, and UPS. In 2017, EWR was the 11<sup>th</sup> ranked air cargo airport in North America and 35<sup>th</sup> in the world.<sup>vii</sup>

## 4. Waterways And Ports

A system of waterways and ports also serves the District. The Hackensack River traverses the center of the District and feeds into Newark Bay where it merges with the Passaic River at the southern tip of Kearny. The Hackensack River is a navigable waterway, with the channel depth between 26 feet and 29 feet from its confluence at Newark Bay to





Hackensack. Route 3, the NJ Turnpike Eastern and Western Spurs, and the Pulaski Skyway (Route 1&9) each cross the Hackensack River on fixed structure bridges. Six movable railroad bridges also cross the Hackensack River within the District, including the Portal Bridge carrying the NEC rail line. The use of the Hackensack River as a commercial waterway has lessened over time as changes in the local economy have redirected land use activity from heavy industrial uses that utilized the river for raw material and product delivery to warehouse/distribution and light industrial uses.

Northern New Jersey is home to the largest container port on the East Coast, and the second busiest port in the nation, as of April 2019. Located just south of the District, the PANYNJ Port Newark-Elizabeth Marine Terminal operates as an integrated marine terminal. The complex provides a full range of maritime commerce activities, including major container handling terminals, automobile processing and storage facilities, liquid and solid bulk terminals, breakbulk facilities, warehousing and distribution buildings, trucking firms, and an on-dock rail terminal. During 2018, the Port of New York and New Jersey handled more than 7 million TEUs (twenty-foot equivalent containers) for the first time in its history, a 6.9 percent increase over 2017.<sup>viii</sup> The growth in part can be attributed to the completion of the Bayonne Bridge Navigational Clearance Project in June 2017, which raised the clearance under the bridge from 151 feet to 215 feet, allowing the world's largest container ships to pass under it and serve port terminals in New York and New Jersey. Since the project was completed, the port has seen an increase in the size of vessels calling on the port, with nearly 30 percent of all containerized cargo at the port now carried on vessels having the capacity to handle 9,000 or more TEUs – the size of vessel which formerly could not navigate under the old Bayonne Bridge.<sup>viii</sup>

In addition to containerized cargo, the port handled 573,035 vehicles shipped as freight in 2018, a slight decrease of 0.7 percent from the 577,223 vehicles handled in 2017, but an increase of 12.6 percent from 2016, when the port handled 505,151 vehicles.

#### D. PEDESTRIAN/CYCLIST NETWORK

Walking and bicycling are healthy and economical modes of transportation that have been gaining in popularity in recent years. Recent studies show that demographic trends and cultural attitudes are shifting in ways that require a renewed focus on the needs of non-motorized transportation users. A series of 2016 studies completed by the University of Michigan's Transportation Research Institute indicated that the nationwide percentage of 16- to 44-year-olds who possess a driver's license has been steadily declining.<sup>ix,x</sup> This is consistent with studies done by the NJTPA<sup>xi</sup> and APTA<sup>xii</sup>, which characterized millennials as a multimodal generation who prefer to live in communities with a range of transportation choices. Relevant demographic and associated transportation behavioral shifts are not limited to millennials. Older adults have expressed a strong desire to age in place and benefit greatly from access to transportation systems that keep them connected without being dependent on car ownership.<sup>xiii</sup>

The pedestrian and bicycle access-ways in the District are limited in number and quality, due to the concentration of industrial and commercial land uses and existing heavily traveled roadways. According to the 2010/2011 NJTPA Regional Household Travel Survey,<sup>ii</sup> walking, biking, and other non-motorized modes of travel account for 7.6 percent of total trips in Bergen County and 30.7 percent in Hudson County. The higher percentage in Hudson County can be



attributed to its urban nature with its greater population density, access to services, sidewalk connectivity, and accessibility to transit that reduces reliance on the automobile, particularly in Hoboken and Jersey City. The District's mode of travel shares for pedestrians or cyclists are likely to be less, given the primarily industrial and commercial nature of the District's principal land uses, and fragmented sidewalk network.

Sidewalks throughout the District vary in condition and location. District Zoning Regulations at N.J.A.C. 19:4-8.12 were instituted in 2004 to mandate that sidewalks be provided and maintained along public streets on which a property fronts. Therefore, newer developments in the District have sidewalks that are in fair condition, while older industrial and warehouse areas are inconsistent in sidewalk availability and condition. As properties are redeveloped, fragmentation of the District's sidewalk network is increasingly reduced. Additionally, the public sector has worked to improve pedestrian and cyclist safety, including a new sidewalk installation by Bergen County along Washington Avenue in Carlstadt, and a newly striped walkway and section of sidewalk by the Township of Lyndhurst, in partnership with a local developer, along Valley Brook Avenue.

The District has a number of designated bike paths, including several that were added in recent years. The bike paths in the District include the following:

- Borough of East Rutherford: a striped bike path runs along East Union Avenue east of Route 17 and Murray Hill Parkway from East Union Avenue north to Paterson Plank Road.
- Town of Secaucus: a designated protected bike path was constructed in 2017 and runs along Meadowland Parkway, between Hudson Regional Hospital and the former home of WWOR TV 9. This bike path, as part of the Secaucus Greenway, is also connected to a walking path that continues to the south along Meadowland Parkway, circles around Hudson Regional Hospital and connects to the residential community at Harmon Cove.
- Lyndhurst Township: a striped bike and pedestrian path, known as Meadows Path, runs along Valley Brook Avenue and Chubb Avenue, improving connectivity and accessibility to NJ Transit bus and EZ Ride shuttle routes in this area. Future plans will extend the bike/pedestrian path along Valley Brook Avenue to the south and connect to the walking trails at Richard W. DeKorte Park.

In general, walkways in the District do not restrict bicycle access. However, interstate highways and several state highways, such as the NJ Turnpike and Route 3, prohibit bicycle access due for safety reasons. There is no bicycle/pedestrian connection available for crossing the Hackensack River within the District. However, a portion of the planned East Coast Greenway (ECG), which is supported by the NJDOT, is proposed within the District. Specifically, the ECG Essex-Hudson Greenway Connector is a planned off-road shared use path between Newark and Jersey City along the Boonton rail line in Kearny, Secaucus, and Jersey City, which would offer pedestrian and bicycling options across the Hackensack River.

Trails and walkways in the District are discussed in more detail in [Chapter 2 – Land Use](#).



## E. AIR TRANSPORTATION NETWORK

Newark Liberty International Airport (EWR) and Teterboro Airport are owned and operated by the PANYNJ and are the main providers of air transportation in and near the District.

EWR is a 2,027-acre facility, located approximately three miles south of the District boundary, providing national and international passenger and freight air transportation. EWR served a total of 46,065,175 passengers in 2018, an all-time record. Freight airlines transported 847,935 tons of cargo and 56,738 tons of mail in 2018. <sup>xiv</sup>

Major roadway access to EWR from District roadways is provided by the NJ Turnpike and Routes 1&9. Alternative access to EWR is provided by AirTrain Newark, the on-premise monorail that connects to the Northeast Corridor rail line in Elizabeth. Passengers may connect to Amtrak and NJ Transit trains to New York City, Philadelphia, and beyond, with connections available through Secaucus Junction or Newark Penn Station, which provides access to PATH trains. In 2018, more than 12 million riders paid to connect to the airport via the Northeast Corridor Rail Link station.

<sup>xiv</sup>

Teterboro Airport is an 827-acre facility located in the northwest section of the District. Services include charter flights, aircraft leasing, cargo/shipping, and medically-oriented flight activities. Scheduled commercial operations are not permitted. It is also designated as a reliever airport for general aviation for the New York-New Jersey region. Teterboro Airport recorded 172,100 airline movements in 2018.

Teterboro Airport can be accessed via NJ Transit's Pascack Valley Rail Line at Teterboro Station on Green Street in Teterboro. Despite the infrequency of rail service on the Pascack Valley Rail Line, which is mostly limited to peak hours, public access to this airport is a relatively minor issue since Teterboro does not provide commercial flights.



### III. SAFETY

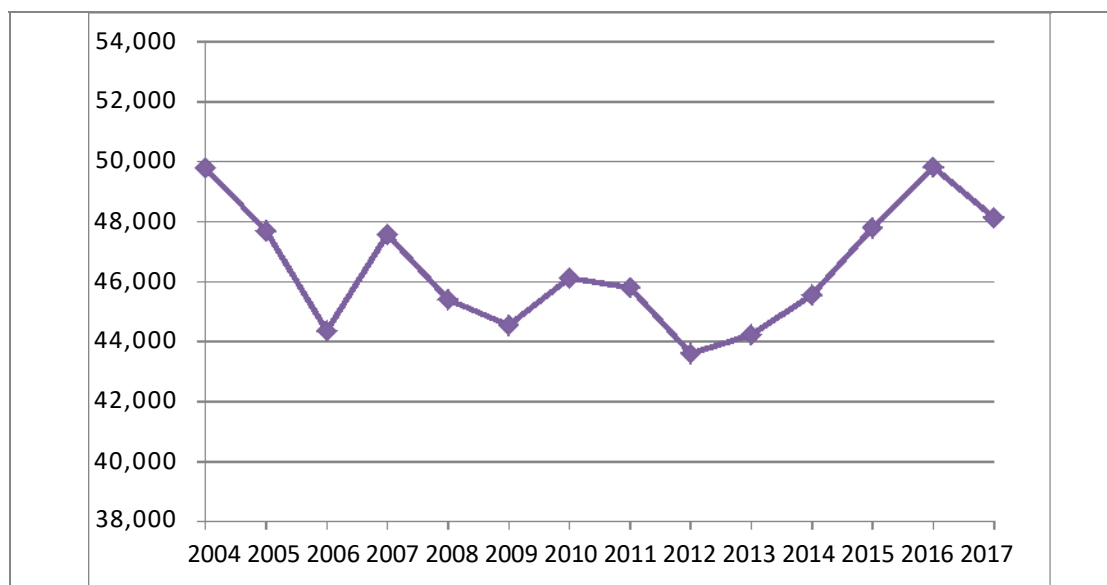
Transportation safety is an important part of the transportation system. One of the NJSEA's goals is to improve overall system safety and reduce serious injuries and fatalities for all travelers on all modes.

#### A. ROADWAY SAFETY

Certain roadways within and/or leading to the District experience higher traffic volumes, as well as a correspondingly greater share of traffic related vehicular crashes. Contrary to popular belief, per NJDOT findings, crashes often occur during clear weather, on dry surfaces, and during daylight hours. Police records show that reckless driving, poor roadway design, and vehicle malfunction are among contributing factors. The concentration of crashes at certain locations suggests the need for further investigation with respect to roadway and intersection configuration and design.

##### 1. Bergen and Hudson Counties Roadway Crash Data

Figure 6.4 "Total Crashes – Bergen and Hudson Counties Combined (2004-2017)" illustrates the trends evidenced by crash statistics, including property damage, injuries, and fatalities, in Bergen and Hudson counties between 2004 and 2017. Approximately 48,000 motor vehicle crashes occurred in Bergen and Hudson counties in 2017, with 48 resulting in fatalities. The District experienced a general trend of decline in crashes from 2004 to about 2013. However, that trend came to an end in 2013-2014 when crashes started to slowly rise at 3 to 4 percent per year. This increase was likely fueled by the improving economy, which prompted increases in vehicle miles traveled, not only in the region, but also across the State and nation. Crashes nationwide jumped 3.8 percent in 2015.<sup>xv</sup> Despite this troubling uptick, fatality-related crashes in the region have declined in recent years, falling from 64 fatalities in 2004 to 48 fatalities in 2017, a 25 percent reduction.



**FIGURE 6.4 TOTAL CRASHES – BERGEN AND HUDSON COUNTIES COMBINED (2004 – 2017)**

Source: NJDOT Crash Data

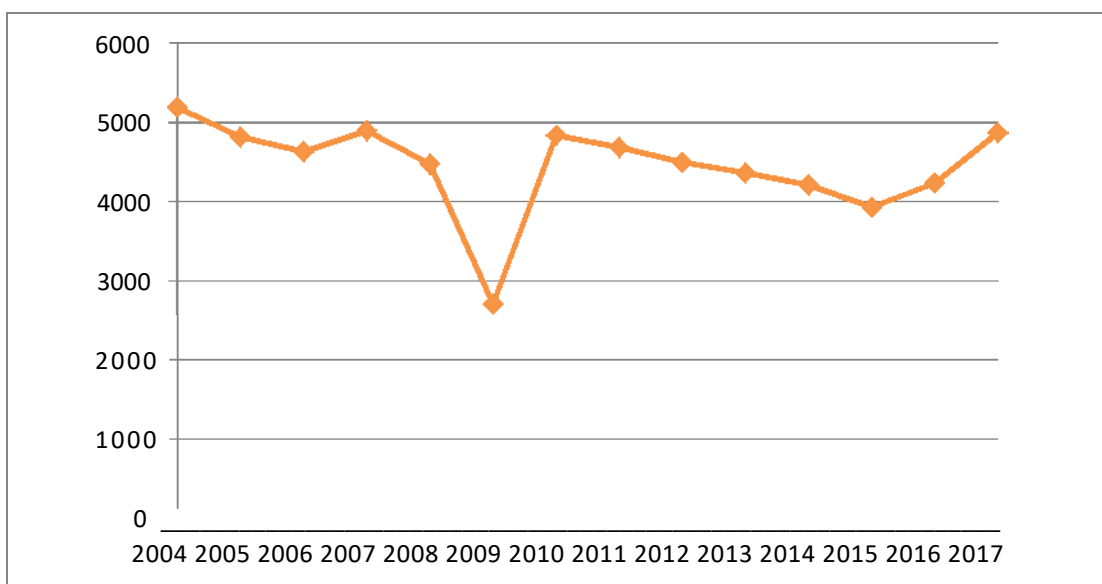




## 2. Statewide Roadway Crash Data

Figure 6.5 illustrates the trends of crashes for several major state highways containing signalized intersections within the area of the Meadowlands District. The highways selected in the analysis are Routes 1&9, Route 17, Route 46, and Route 120, major signalized state roadways in the District.

In general, the trend shows a small decline in total crashes from 2004 to 2017, with a pronounced dip around 2009, likely caused by the economic downturn at the time. Fatality-related crashes on these four highways show a general declining trend throughout the years (with the exception of 2014), from nine fatalities in 2004 to four fatalities in 2017, a 56 percent reduction.



**FIGURE 6.5** TOTAL CRASHES – MAJOR STATE HIGHWAYS (2004 – 2017)

*Source: NJDOT Crash Data*

## 3. District Municipality Roadway Crash Data

Figure 6.6 “Total Crashes in District Municipalities (2010 – 2017)” shows the number of crashes that occurred between 2010 and 2017 in each municipality within the District. The data is excerpted from the NJDOT Safety Voyager, which is a tool accessible to federal, state and local government agencies to facilitate the examination of crashes. As depicted in Figure 6.6, the number of crashes for some years in some municipalities show a drastic decrease compared to other years for that municipality. These years are highlighted and considered as outliers. This inconsistency may result from crashes that are not reported, compiled, or recorded properly.



**FIGURE 6.6 TOTAL CRASHES IN DISTRICT MUNICIPALITIES (2010 – 2017)**

MUNICIPALITY	CRASH YEAR								Total	PERCENT OF CRASHES*
	2010	2011	2012	2013	2014	2015	2016	2017		
Carlstadt	438	532	408	463	451	363	435	449	3539	2%
East Rutherford	874	950	863	708	543	643	751	695	6027	4%
Little Ferry	440	449	408	384	3	32	168	309	2193	2%
Lyndhurst	733	588	635	632	604	492	519	544	4747	3%
Moonachie	129	125	109	100	144	124	108	1	840	1%
North Arlington	345	364	344	323	366	253	335	287	2617	2%
Ridgefield	690	662	721	771	806	843	846	791	6130	4%
Rutherford	878	930	882	898	754	719	726	763	6550	5%
South Hackensack	152	173	149	151	169	190	173	184	1341	1%
Teterboro	130	140	129	122	136	155	198	45	1055	1%
Jersey City	7584	7540	7387	7909	8105	7962	8724	8043	63254	44%
Kearny	1600	1784	1698	1633	1814	1870	1815	1828	14042	10%
North Bergen	2805	2817	2833	2194	2087	2455	2921	2582	20694	14%
Secaucus	1377	1467	1343	1238	1338	1476	1258	1273	10770	7%
Outlier	* Percentage of all crashes in District municipalities									

Source: NJDOT Safety Voyager, June 2019

**Map 15 – NJDOT Crash Data (2015 to 2017)** shows the thematic map of high crash rate locations for four major signalized corridors in the District: Route 1&9, Route 17, Route 46 and Route 120. The crash rates shown are the average value of three years' worth of data from 2015 to 2017, and are also depicted in Figure 6.7 "In-District High Crash Rate Locations." The crash rate is calculated as:

$$R = \frac{C \times 1,000,000}{V \times 365 \times N \times L}$$

Where,

R = Roadway crash rate for the road segment expressed as crashes per 1 million vehicle-miles of travel

C = Total number of roadway crashes in the 3-year study period

V = Traffic volumes using Average Annual Daily Traffic (AADT) volumes

N = Number of years of data (3 years)

L = Length of the roadway segment in miles

**FIGURE 6.7 IN-DISTRICT HIGH CRASH RATE LOCATIONS (2015 – 2017)**

Route No.	Milepost	Total Crashes	Crash Rate
1&9	54.00	176	200.15
	54.61	198	18.80
	59.91	89	11.56
	61.32	27	12.81
	61.79	37	8.98
17	8.27	57	7.11
46	68.51	10	5.41
	70.41	17	9.83
	71.30	2	7.57
120	0.19	6	5.54

*Source: NJDOT Crash Data*

Crashes	
0-15	
15-60	
60+	

The crash rate trend in the District since the adoption of the 2004 NJMC Master Plan reflects a decline between 2004 and 2012, followed by an increase after 2012. The declines were likely caused by the economic downturn within that time period, when exposure to crashes were lower because of fewer vehicles on the roadways.

Statewide crash data indicates that approximately 33 percent of fatal and serious injury crashes occurred on state highways and 57 percent on local roads. The analysis also identified three high-priority crash types (lane departure, at intersections, and pedestrians/bicyclists) and two high-priority, behavior-related crash types (drowsy/distracted driving and aggressive driving).<sup>xvi</sup> A review of the crash data within the area of Meadowlands District indicated that the crash types follow similar patterns as the Statewide crashes.<sup>xvii</sup>

## B. TRANSIT SAFETY

The Federal Transit Administration (FTA) maintains a National Transit Database (NTD) that keeps track of the industry information and statistics of transit systems nationwide. Figure 6.8 “Safety Data for the Northern New Jersey Region (Year 2016-2018)” shows the transit crash data for different modes of public transit in the Northern New Jersey region and the trend over the most recent three years from 2016 to 2018.<sup>xviii</sup>



**FIGURE 6.8****SAFETY DATA FOR THE NORTHERN NEW JERSEY REGION (2016 – 2018)**

Mode	2016			2017			2018		
	Collisions	Fatalities	Injuries	Collisions	Fatalities	Injuries	Collisions	Fatalities	Injuries
CB	16	1	19	18	3	49	10	1	10
DR	37	0	42	22	0	31	21	0	31
DT	0	0	0	0	0	0	0	0	0
FB	9	0	12	1	0	1	3	0	3
LR	25	0	30	35	1	36	29	1	25
MB	322	5	591	322	3	487	289	4	460
VP	0	0	0	0	0	0	0	0	0
YR	7	1	12	10	1	7	6	0	6
TOTAL	416	7	706	408	8	611	358	6	535

Mode Codes	
CB	Commuter Bus
DR	Demand Response - Paratransit
DT	Demand Response - Taxi
FB	Ferry Boat
LR	Light Rail
MB	Motor Bus
VP	Vanpool
YR	Hybrid Rail

*Source: Federal Transit Administration National Transit Database*

#### IV. CONCLUSIONS

Although the region has an extensive and enhanced transportation system, the District faces many persistent transportation challenges. The District's transportation network requires greater interconnectivity and capacity to meet current and future demands. Chapter 7 – Systems Plan will review methodologies to improve and upgrade the transportation system across all modes in the District. The findings with respect to transportation in the District can be summarized as follows:

- Since 2013, the regional economy has rebounded, regaining jobs lost during the recession of 2007-2009. Lower gasoline prices, an improved economy, and other factors are anticipated to result in increased travel demands on our transportation network.

- The roadways that traverse the District are among the most heavily traveled in the nation. The travel mode choice has not changed greatly from 10 years ago, as the automobile is still the principal mode of transportation in the region. The District is expected to face the continuing challenge of severe road congestion and unreliable travel times in many locations.

- Use of public mass transit, including passenger rail and bus service, is low in view of the high degree of urbanization and the overall population density in the region. The lack of transit availability within the District employment centers is a factor that limits its use. Many mass transit facilities are in great need of repair or replacement, including the Portal Bridge, and the North River Tunnel, which runs under the Hudson River between Weehawken, New Jersey, and Penn Station, New York City. The current bus and rail transit network in northern New Jersey is nearing its capacity, and yet certain areas within the District have limited to no bus or rail services. The rise of ride-hailing services such as Uber and Lyft, and the looming changes expected as a result of autonomous vehicles, may change the dynamics of mode share. These emerging trends have the potential to either augment transit or cut into its market share.
- Facilities for pedestrians and bicyclists are limited. More emphasis on “Complete Streets,” a USDOT initiative, is needed in the future to add more facilities for safe walking and biking.
- Missing connections and operational deficiencies contribute to traffic delays. The transportation system includes various routes for travel between New York City and the suburban areas of New Jersey and New York State. However, the system is not fully responsive to intra-District travel, particularly given the presence of significant employment centers in the District or the major sports and exposition venue and future American Dream Meadowlands entertainment and retail facility at the Meadowlands Sports Complex.
- Newark Liberty International and Teterboro Airports have limited land available for growth and expansion. Vehicular access delays to these facilities during peak travel times are caused by high traffic volumes on major roadways.
- As economic growth continues so will the already high demand for freight movement and associated capacities of shipping ports, roadways and railways. Positioned within the nation’s largest metropolitan market area, the Meadowlands District offers a prime location for intermodal services and related land uses. The use of freight railways has become more vital with the rising demand to move freight more efficiently; however, truck access needs to be improved.

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<sup>i</sup> 2010/2011 Regional Household Travel Survey – Final Report (2014) – New York Metropolitan Transportation Council & North Jersey Transportation Planning Authority – pp.152, Table 4-51: Bergen-Passaic 68.5%, Essex-Hudson-Union 68.3%, multiply 67% auto trips – pp.102.

<sup>ii</sup> 2010/2011 Regional Household Travel Survey – Final Report (2014) – New York Metropolitan Transportation Council & North Jersey Transportation Planning Authority – pp.153, Table 4-52.

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<sup>iv</sup> Association of American Railroads.





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## 7. SYSTEMS PLAN

The 2004 Master Plan recognized the intricate interrelationship of several fundamental systems that affect the Meadowlands District as a whole. In this Master Plan Update, the Area Plans (Chapter 8) provide a plan based on the physical character of specific locations within the District, while the Systems Plan addresses the following categories broadly affecting the overall District:

1. Natural Environment
2. Economic Development
3. Transportation
4. Housing
5. Community Facilities
6. Historic Resources

Together, the Systems and Area Plans comprise the core of this Master Plan and provide the strategies to guide the realization of the overall vision for the Meadowlands District.

In developing this Master Plan, it became apparent that the majority of the strategies of the 2004 Master Plan have been effective as implementation of the plan has progressed, as described within the previous chapters of this Master Plan. Accordingly, there are no significant changes to the overall vision for the Systems Plan, which is to preserve the natural resources of the Meadowlands while promoting economic prosperity. Notwithstanding these successes, the plan's objectives must be updated and expanded to reflect current and anticipated conditions. This Master Plan will also provide recommendations for additional studies to be completed to ensure that these objectives remain relevant via Strategic Action Plans following each System Plan. The Strategic Action Plan for each system will provide the strategies proposed to implement the objectives of this Master Plan over the next decade.

### SYSTEM 1: NATURAL ENVIRONMENT

The NJSEA seeks to safeguard the natural resources of the Hackensack Meadowlands District and to provide quality public recreational and educational opportunities, via the following objectives:

1. Preserve and protect existing natural areas, habitats, and other open space.
2. Manage and restore the wetlands, waterways, and other natural resources of the Meadowlands District.
3. Encourage emission reductions of pollutants from mobile and stationary sources to improve the NY/NJ metropolitan area's air quality.



4. Promote environmental education and awareness in the metropolitan area.

**OBJECTIVE 1: PRESERVE AND PROTECT EXISTING NATURAL AREAS, HABITATS, AND OTHER OPEN SPACE.**

- Target and prioritize wetlands and other natural habitats for acquisition, deed restriction, and conservation easements.
- Continue to implement the NJSEA Wetlands Program Plan and prepare regular updates to document the evolving nature of the Meadowlands' natural habitats.
- Maintain the value of the Meadowlands as an urban sanctuary for birds and other wildlife by ensuring the proper management and protection of wildlife habitats in the District, and seeking available funding for land acquisition, protection, and management of wildlife preserves.
- Improve connections among the District's habitats and trails, thereby reducing fragmentation.
- Improve active and passive recreation opportunities, with access available equally to all citizens of the District and surrounding communities.
- Continue collaboration with other agencies and environmental stakeholders in the endeavor to protect the ecology of the Hackensack Meadowlands and the State as a whole.
- Maintain an active role in policy discussion and formulation affecting natural areas in the District.

**OBJECTIVE 2: MANAGE AND RESTORE THE WETLANDS, WATERWAYS, AND OTHER NATURAL RESOURCES OF THE MEADOWLANDS DISTRICT.**

- Preserve, restore, and maintain the ecology of the Meadowlands, including the waterways, shorelines, wetlands and uplands, to maintain and expand the natural capital of the Meadowlands and to maximize the benefits that the surrounding communities receive from these natural resources.
- Target and prioritize restoration sites, with a goal of increasing their natural capital, defined as the renewable and non-renewable resources (plants, animals, water, soil, etc.) that combine to yield a flow of benefits to people.
- Manage natural and open space areas to increase biodiversity and remove invasive species that create species monocultures.
- Re-establish hydrologic flows by removing barriers and impediments that negatively impact hydrologic functions. Ecosystem services that would be improved by these actions include improved water quality, flood water retention and habitat enhancement.

- Create interconnected networks of open spaces along the river network by creating and connecting greenways.
- Develop nature-based flood control strategies and pursue funding to undertake these innovative approaches.
- Facilitate communication and coordination among multi-jurisdictional environmental mitigation endeavors within the District, such as resiliency strategies, flood control projects, and remediation of contaminated sites, to ensure project goals are achieved in a complementary manner to preclude unanticipated or deleterious consequences.
- Minimize the amount of impervious surfaces that contribute to flooding.
- Control water pollution from point and non-point sources through the use of innovative technologies including green infrastructure, best management practices, and constructed wetlands.
- Where possible, assist municipalities and wastewater treatment plants with developing long-term control plans to separate combined sewer systems.
- Continue to coordinate with the Meadowlands Environmental Research Institute on environmental monitoring and research on the Meadowlands environment, including analyzing data to determine trends, document improvements, and assess the need for additional or more stringent measures to protect the environment.
- Promote cost-effective resource management and pursue diverse funding sources.

**OBJECTIVE 3: ENCOURAGE EMISSION REDUCTIONS OF POLLUTANTS FROM MOBILE AND STATIONARY SOURCES TO IMPROVE THE NY/NJ METROPOLITAN AREA'S AIR QUALITY.**

- Monitor regional air quality to determine trends and the need for additional or more stringent actions.
- Perform traffic analyses to determine trends and recommend additional actions.
- Permit types of land development in patterns that will influence the choices of travel modes available through zoning, planning for areas in need of redevelopment, and design guidelines.
- Implement smart growth transportation initiatives to enhance the viability of future projects.
- Consider other strategies for the District including transit-oriented development, infill development, brownfield redevelopment, mixed-use development, shared parking, and promoting employer incentives for employee transit use.
- Facilitate and promote alternatives to automobile travel, such as mass transit, bicycling, and walkable communities in cooperation with local, State and Federal governments, public interest groups, and the private sector.

- Promote the use of clean and renewable energy sources.

#### OBJECTIVE 4: PROMOTE ENVIRONMENTAL EDUCATION AND AWARENESS IN THE METROPOLITAN AREA.

- Promote programs of the Meadowlands Environment Center for school children and the general public. The NJSEA will continue to work with its partner in this endeavor, Ramapo College, to build on its past successes in environmental education and awareness.
- Continue to work with MERI – Rutgers University to undertake innovative research that further protects and restores the District’s natural resources, producing credible and salient science and information that increases the biodiversity and adaptive capacity of the District’s natural resources.
- Continue to work with local stakeholder groups such as the Meadowlands Conservation Trust, Bergen County Audubon Society, Hackensack Riverkeeper, and NY/NJ Baykeeper, to encourage public environmental stewardship and increased use of citizen science.
- Update media resources to easily provide information to school groups and the general public, including lesson plans available for downloading from the NJSEA website for educators’ use in the classroom; information on Meadowlands citizen science resources; and links to the Meadowlands nature blog and other local resources.
- Position the NJSEA as a clearinghouse for Meadowlands-related information, including information developed through NJSEA’s research efforts, such as baseline data, findings, and reports available to the general public via the NJSEA website and the MERI library.
- Share long-term monitoring results pertaining to the natural resources to demonstrate environmental impacts and trends in the District.

#### + STRATEGIC ACTION PLAN – NATURAL ENVIRONMENT SYSTEM

1. Update the NJSEA Wetlands Program Plan for the time period from 2019 to 2023 to provide a framework for analyzing, assessing, preserving and protecting the wetlands and open water in the District.
2. Prepare a new District Wildlife Management Plan to effectively protect and manage Meadowlands habitats.
3. Prepare a Natural Resources Strategic Plan to provide specific strategies to accomplish natural resources goals in the District.
4. Provide the District’s monitoring data to the New Jersey Tidal Wetland Monitoring Network to coordinate the development of a statewide network of wetland condition assessments.
5. Update the District Green Map to identify and promote active and passive recreational





opportunities in the District, including revitalizing Meadows Path and enhancing the Hackensack River Greenway through the District.

6. Investigate and devise various methods to promote wetlands acquisition and to seek funding for maintenance and restoration of wetland sites in the District.
7. Study air quality and conduct monitoring to identify and address air quality impacts in the District.
8. Review NJSEA zoning regulations to ensure that current environmental performance standards are utilized and investigate other opportunities for potential amendments to address the goals of the Natural Systems Plan.

## SYSTEM 2: ECONOMIC DEVELOPMENT

The NJSEA will foster a vibrant economy for the District while enhancing the environment of the Meadowlands and promoting the well-being of its constituent municipalities. Emphasis will be placed upon redevelopment and infill development and avoiding impacts to environmentally sensitive lands.

The objectives for the Economic Development System Plan are as follows:

1. Cultivate a sense of place unique to the District.
2. Promote the redevelopment of properties in the District.
3. Strengthen partnerships to support the District's economic base.
4. Promote the use of innovative technology in buildings and business operations.
5. Continue to make the development review process more efficient and effective.
6. Promote stakeholder involvement in protecting District properties from losses due to natural and other hazards.
7. Ensure that economic development occurs in sync with other Systems.

### OBJECTIVE 1: CULTIVATE A SENSE OF PLACE UNIQUE TO THE DISTRICT.

- Promote greater place recognition of the Meadowlands District as a desirable location to work, play, and live.
- Establish clearly defined boundaries, including the use of coordinated signage at exit points from primary roadways, to publicize the presence of the District and direct visitors to various area attractions in an effort reinforce the value of the District's unique natural and cultural resources.
- Promote the continued maintenance and enhancement of the District's public areas, including



well-planned streetscapes, parks, other landscaped areas, and aesthetically-pleasing building and site design.

- Continue, along with the NJSEA's educational partner, Ramapo College, the mission to educate the public, and particularly school children, about the importance of the Meadowlands.
- Continue to partner with environmental stakeholders to showcase the natural resources of the District by sponsoring special events and activities in public areas, such as Butterfly Day and the World Series of Birding, and promoting eco-tourism through activities such as boat tours and nature walks.
- Improve connectivity among commercial, educational, and cultural facilities and activities, including the Meadowlands Sports Complex, and improve accommodation of pedestrians, bicyclists, and transit users.

#### OBJECTIVE 2: PROMOTE THE REDEVELOPMENT OF PROPERTIES IN THE DISTRICT.

- Promote the redevelopment of substandard sites in the District to improve the tax base, attract businesses, create jobs, preserve open space, and prevent sprawl.
- Promote the cleanup of contaminated sites in the District.
- Incentivize development by utilizing the regulatory process, where applicable, to upgrade properties meeting the criteria to be deemed in need of redevelopment.
- Implement redevelopment plans in accordance with the uses designated for the Planning Area in which the site is located pursuant to the District Land Use Plan.
- Assist redevelopers by coordinating technical assistance and identifying financial incentives potentially available from State and federal agencies and other entities.

#### OBJECTIVE 3: STRENGTHEN PARTNERSHIPS TO SUPPORT THE DISTRICT'S ECONOMIC BASE.

- Continue partnerships with the Meadowlands Regional Chamber (MRC) and other representatives of the business community to market the many benefits of conducting business in the Meadowlands District.
- Maintain the NJSEA website as a central promotional tool, including links to the governments of Bergen and Hudson counties; Meadowlands municipalities; the MRC; and State, Federal, and private non-profit entities offering economic assistance programs, including the New Jersey



**OBJECTIVE 4: PROMOTE THE USE OF INNOVATIVE TECHNOLOGY IN BUILDINGS AND BUSINESS OPERATIONS.**

- Promote the use of “green building” design elements, such as the Leadership in Energy and Environmental Design (LEEDTM) Green Building sustainable design, construction, and operations guidelines developed by the US Green Building Council, to increase production, lower overhead, and encourage more efficient business practices and a better standard of living.
- Encourage the use of clean and renewable energy sources.
- Incorporate green roofs to minimize impervious coverage.

**OBJECTIVE 5: CONTINUE TO MAKE THE DEVELOPMENT REVIEW PROCESS MORE EFFICIENT AND EFFECTIVE.**

- Ensure an effective regulatory framework is in place to accommodate current and future land use trends.
- Sustain sufficient staffing levels and the employment of accredited specialists to ensure timely and professional development review and planning activities.
- Further inter-agency collaboration by coordinating with other State, local, and Federal agencies to streamline the permitting process where possible.
- Continue to expand the role of technology as a public information and development review tool.

**OBJECTIVE 6: PROMOTE STAKEHOLDER INVOLVEMENT IN PROTECTING DISTRICT PROPERTIES FROM LOSSES DUE TO NATURAL AND OTHER HAZARDS.**

- Encourage property owners to floodproof existing structures located below the base flood elevation.
- Work to reduce the number of repetitive loss properties in the District.
- Effectuate the preservation of existing natural areas on developed lands.
- Encourage the minimization of impervious coverage areas on sites in the District.
- Encourage property maintenance activities by property owners, including regular inspection and maintenance of stormwater drainage systems, elimination of outdoor storage, provisions for refuse and recycling, maintenance of vegetation for fire prevention purposes, and

maintenance of site improvements, including sidewalks and pavement, for public safety.

7-7

- Encourage coordination of site-specific activities in relation to regional initiatives in an effort to ensure no adverse impacts result from unanticipated circumstances. This objective is of particular importance within the Berry's Creek Study Area, where regional flood control/resiliency initiatives and environmental remediation activities should be coordinated to achieve project goals in tandem.

#### OBJECTIVE 7: ENSURE THAT ECONOMIC DEVELOPMENT OCCURS IN SYNC WITH OTHER SYSTEMS.

- Accommodate economic development within the carrying capacity of the land and its surrounding environment.
- Promote both the economic and societal benefits associated with open space protection.
- Ensure the highest environmental standards continue to be applicable to land development in the Meadowlands District, including the use of clean fill and adherence to performance standards for including, but not limited to, air, water, noise, vibrations, glare, hazardous and radioactive materials, and wastewater, to avoid detrimental impacts to property and its surrounding environs.

#### □ STRATEGIC ACTION PLAN – ECONOMIC DEVELOPMENT SYSTEM

1. Prepare amendments to District zoning regulations to implement the goals and objectives of this Master Plan, including changes to the Official Zoning Map to implement the 2020 Land Use Plan.
2. Prepare an updated Floodplain Management Plan for the District and attempt to obtain a higher-level classification within FEMA's Community Rating System (CRS) to reduce the cost of flood insurance to District property owners.
3. Evaluate recommendations within the "Sustainable Meadowlands: A Guide to Resiliency" plan (see Chapter 9) to promote the long-term viability and enhance the protection of properties in the District.

### SYSTEM 3: TRANSPORTATION

The NJSEA will promote the improvement of the current transportation network and the ability of the Meadowlands District and its surrounding area to meet future demands. The following objectives will foster the availability of various modal choices, particularly public transit, walking, and biking, and will also promote the interconnectivity of the transportation network where necessary and feasible.

1. Enhance coordination and cooperation among local and regional transportation agencies.
2. Improve the inter-relationship between land use and the transportation system through the NJSEA's policies and regulations.
3. Promote efficient and livable communities within the District.





4. Encourage the use of public transit within a cohesive and integrated multi-modal transportation system.
5. Promote safe and efficient pedestrian and bicycle circulation.
6. Foster the development of an integrated intermodal freight system.
7. Increase safety for motorized and non-motorized users of the transportation system.
8. Foster evolving transportation technologies.

**OBJECTIVE 1: ENHANCE COORDINATION AND COOPERATION AMONG LOCAL AND REGIONAL TRANSPORTATION AGENCIES.**

- Develop and implement programs, projects, and plans to improve the regional transportation network in coordination with transportation stakeholders in the District, including the North Jersey Transportation Planning Authority (NJTPA), New York Metropolitan Transportation Council (NYMTC), the Port Authority of New York and New Jersey (PANYNJ), New Jersey Transit (NJ Transit), the New Jersey Department of Transportation (NJDOT), the New Jersey Turnpike Authority (NJTA), Bergen and Hudson counties, the MRC, the District's constituent municipalities, and environmental groups.
- Update the Meadowlands District Transportation Plan (MDTP) 2045 in consultation with regional transportation stakeholders to establish current guidelines on where and how to invest transportation dollars and to evaluate funding alternatives based on the following:
  - 1) Promoting the economic vitality of the District;
  - 2) Increasing mobility, safety and security for all motorized and non-motorized users, with emphasis on user-centric models, such as Mobility-as-a-Service (MaaS), utilizing multi-modal travel approaches including car, transit, bike share, and ride share;
  - 3) Protecting the environment; and
  - 4) Improving the quality of life.
- Coordinate with various entities managing transportation in the region on an ongoing basis in an effort to reduce traffic delays and improve travel time.
- Seek coordination and consistency among local and regional plans and approaches regarding improvements to roadways, railways, bike lanes, sidewalks, trails, and other modes of transportation, including the Regional Transportation Plan prepared by the NJTPA, and the Port Authority's Comprehensive Port Improvement Plan. In addition, support strategic regional transportation projects, including NJDOT's New Road project in Jersey City and NJ Transit's Portal Bridge replacement and Gateway Tunnel projects.
- Ensure that transportation improvements maintain or enhance both the natural environment and public safety.
- Generate and maintain data for use in transportation and traffic studies, land use, and transportation modeling/simulation.



**OBJECTIVE 2: IMPROVE THE INTER-RELATIONSHIP BETWEEN LAND USE AND THE TRANSPORTATION SYSTEM THROUGH THE NJSEA'S POLICIES AND REGULATIONS.**

- Adopt uniform criteria with regard to the following:
  - 1) Identification of land use impacts upon the current capacity of the transportation network, including an assessment of the safety of vulnerable users of the transportation system, such as cyclists and pedestrians;
  - 2) Traffic impact studies prepared in connection with proposed development projects;
  - 3) Site plan design requirements promoting public health, safety, welfare, order, and convenience both on and off site; and
  - 4) Design guidelines to promote safe circulation on roadways, railways, and pedestrian/bicycle facilities within the District.
- Evaluate emerging technologies and initiatives in transportation and assess their impacts to NJSEA land use policies and regulations.
- Continue to support investment in regional transportation improvements through the assessment of transportation mitigation impact fees via an equitable structure, correlating costs to the impacts projected to be generated by individual development projects.
- Promote implementation of “Complete Street” initiatives to enhance public safety and improve connectivity of the District’s pedestrian and bicycle network.
- Expand Transit Oriented Development (TOD) in the District through encouraging a mix of supportive uses proximate to transit services within a high quality walking and biking environment.
- Promote safe and efficient on-site circulation through the separation of truck and passenger vehicles, with provisions for dedicated safe routes within vehicular use areas for pedestrians and cyclists.
- Promote a desirable visual environment through landscape, screening, and buffering requirements.

**OBJECTIVE 3: PROMOTE EFFICIENT AND LIVABLE COMMUNITIES WITHIN THE DISTRICT.**

- Foster a user-centric transportation model that supports all modes of transport, including motor vehicle, walking, biking, and public transit.
- Promote affordable, accessible, and dynamic transport systems responsive to all current and future travelers’ needs.
- Enhance system coordination, efficiency, and safety for people and goods across all modes of travel.



- Improve mobility at critical links in the transportation system by expanding access to transit facilities and implementing innovative technology and methods to reduce traffic, improve traffic flow, and increase safety.
- Reduce fragmentation and enhance system connectivity for all modes of travel within the District's transportation network.
- Create a cohesive transportation system that promotes the resiliency of the transportation network within and around the District.

**OBJECTIVE 4: ENCOURAGE THE USE OF PUBLIC TRANSIT WITHIN A COHESIVE AND INTEGRATED MULTI-MODAL TRANSPORTATION SYSTEM.**

- Promote efficient access to cultural, commercial, environmental, employment, and residential centers in the Meadowlands District.
- Encourage the use of alternative transportation modes, such as public transit (rail and bus), shuttle service, ridesharing services, bike sharing, and walking to reduce traffic within the District.
- Identify transportation network improvements to create seamless links among roadways, railways, and other related facilities within and around the District.
- Promote transit and paratransit enhancements for improved access and mobility by persons with disabilities and reduced mobility.
- Promote transportation interconnectivity measures among the various modes of transportation within and around the District, including the following:
  - 1) Park-and-ride facilities for bus and rail access;
  - 2) Multi-modal and intermodal access centers and transit villages that interconnect with other transit facilities;
  - 3) More efficient bus routing to avoid redundant or unnecessary service;
  - 4) Bus shelters at heavily used bus stops;
  - 5) Coordination with NJ Transit, EZ-Ride, and other bus and shuttle operators to provide more efficient service;
  - 6) Coordination of public transit modes and schedules, especially between bus and rail transfers;
  - 7) Improved and interconnected modal choices, including vehicle, public transit, walking, biking, and other forms of transportation for residents, employees and travelers within and through the District;
  - 8) Employee trip reduction programs that provide incentives to employees to use transit services;
  - 9) Expanding the availability of bike sharing facilities in the vicinity of major transit hubs;
  - 10) Creating and expanding rail and bus terminal drop-off/pickup zones for ridesharing;
  - 11) Advancing Traveler Information System (TIS) for seamless connectivity; and
  - 12) Advancing a unified fare collection payment system across transit systems.



**OBJECTIVE 5: PROMOTE SAFE AND EFFICIENT PEDESTRIAN AND BICYCLE CIRCULATION.**

- Focus on enhancing facilities for pedestrians and cyclists by identifying needs and initiating plans, through the MDTP 2045, to encourage these modes of transportation within the District.
- Coordinate with NJDOT, NJ Transit, Bergen and Hudson counties, and constituent municipalities in the planning, development, and improvement of pedestrian and bicycle trails.
- Encourage appropriate spatial orientation of structures in relation to the surrounding streetscape.
- Promote “Complete Streets” principles within and around the District through the creation of dedicated pedestrian areas and safe pedestrian linkages among public transit, employment centers, housing, services, and open space.
- Uphold requirements for the installation and maintenance of sidewalks along public streets in conjunction with development projects, and encouraging the installation of sidewalks in areas where segments are missing.
- Encourage improved access to and from transit facilities and adjacent land uses.
- Encourage the development of pedestrian walkways and bridges over major roadways to improve pedestrian safety.
- Encourage the development of waterfront esplanades.

**OBJECTIVE 6: FOSTER THE DEVELOPMENT OF AN INTEGRATED INTERMODAL FREIGHT SYSTEM.**

- Investigate freight capacity and expansion options.
- Support the improvement of rail links to expand freight capacity in and through the District in an effort to reduce truck trips.
- Encourage the location of intermodal uses and larger distribution sites near rail and highway infrastructure in accordance with the Industrial/Logistics Planning Area classification in the 2020 Land Use Plan.
- Promote the creation of dedicated truck routes through the District, encouraging use of major roadways and highways and restricting access through local streets and residential areas.
- Encourage freight movement by trucks during non-commuter peak periods.
- Promote the separation of rail and roadway crossings, especially at roadways that have moderate to heavy traffic volumes or pedestrian activity.
- Prepare an intermodal freight study to investigate the relationship of regional freight movement to the District.





- Encourage Foreign Trade Zone designation for appropriate locations in the District.

#### OBJECTIVE 7: INCREASE SAFETY FOR MOTORIZED AND NON-MOTORIZED USERS OF THE TRANSPORTATION SYSTEM.

- Support implementation of the State of New Jersey's and the USDOT's vision for safety as provided in "Toward Zero Deaths: A National Strategy on Highway Safety" ("Toward Zero Deaths"), which calls for a national goal of reducing the number of traffic fatalities by half by the year 2030. New Jersey's crash reduction goal is to reduce serious injuries and fatalities by 2.5 percent annually with the support of all safety partners.
- Develop a Comprehensive Traffic Safety Program (TSP), through in-depth analysis of local, county, and State roadways to identify high-frequency crash locations, and conduct a system-wide risk assessment. The TSP will include pedestrian and bicycle safety measures and travel demand management strategies.

#### OBJECTIVE 8: FOSTER EVOLVING TRANSPORTATION TECHNOLOGIES.

- Embrace new and emerging technologies within the District to improve the movement of people and goods throughout the District.
- Initiate pilot projects in the District to increase safety and mobility for all roadway users.
- Support the implementation of emerging technologies such as connected vehicles (Vehicle to Vehicle - V2V, Vehicle to Infrastructure - V2I, and Vehicle to Pedestrian - V2P) and autonomous vehicles (CV/AV), which allows communication between vehicles and smart traffic systems. Potential technologies include:
  - 1) Signal Phasing and Timing (SPaT): A SPaT message defines the current intersection signal light phases and any active pre-emption or priority. The current state of all lanes at the intersection is reported to drivers equipped with an onboard unit (OBU). This information is reported to the vehicle for speed adoption to eliminate dilemma zones, and reduce crashes.
  - 2) Pedestrian in signalized crosswalk warning (PSCW): This application provides a warning to a vehicle equipped with an onboard unit, including transit vehicles, indicating the possible presence of pedestrians in a crosswalk at a signalized intersection. The application could also provide warning information to the pedestrian regarding crossing status.

#### + STRATEGIC ACTION PLAN – TRANSPORTATION SYSTEM

1. Update the Meadowlands District Transportation Plan to identify and address current transportation network issues, challenges, opportunities, and improvements.
2. Review District zoning regulations to ensure current standards related to traffic impact assessments, circulation and site design, and parking requirements are being utilized.



## SYSTEM 4: HOUSING

The NJSEA will advance a comprehensive Meadowlands District housing policy in collaboration with its constituent municipalities, predicated on the following objectives:

1. Permit the creation of additional housing units within existing residential areas or mixed-use development within the limits of available infrastructure, community facilities, and the natural environment.
2. Encourage the District's municipalities to bring substandard housing to standard condition through a program of code enforcement and rehabilitation.
3. Spur the production of affordable housing in the region.
4. Accommodate demographic shifts to ensure a sufficient range of housing types is available to meet the needs of the region's population.

### OBJECTIVE 1: PERMIT THE CREATION OF ADDITIONAL HOUSING UNITS WITHIN EXISTING RESIDENTIAL AREAS OR MIXED-USE DEVELOPMENT WITHIN THE LIMITS OF AVAILABLE INFRASTRUCTURE, COMMUNITY FACILITIES, AND THE NATURAL ENVIRONMENT.

- Permit residential development in specified Neighborhood Planning Areas in the Hackensack Meadowlands District 2020 Land Use Plan.
- Ensure that prospective housing development assesses each project's impacts to community services and carrying capacity, permitting housing only in suitable locations with access to appropriate roadways, utilities, schools, and emergency services to serve the projected increase in population.
- Collaborate with constituent municipal representatives to assess project impacts and determine mitigating measures.
- Promote the development of clustered or higher density housing, with the exception of infill housing in existing low density residential neighborhoods of the District.
- Accommodate housing in a location that is protective of the public health, safety, morals, and welfare and in a manner that avoids adverse impacts to the environment and natural resources of the District.

### OBJECTIVE 2: ENCOURAGE THE DISTRICT'S MUNICIPALITIES TO BRING SUBSTANDARD HOUSING TO STANDARD CONDITION THROUGH A PROGRAM OF CODE ENFORCEMENT AND REHABILITATION.

- Enforce property maintenance codes in collaboration with municipal officials.
- Investigate programs and funding sources to assist municipalities and property owners to rehabilitate existing substandard housing.



**OBJECTIVE 3: SPUR THE PRODUCTION OF AFFORDABLE HOUSING IN THE REGION.**

- Identify and assess suitable sites to expand the supply of affordable housing in the District in appropriate locations. As there is very limited vacant land remaining in the District that could be suitable for residential development, opportunities for the accommodation of affordable housing will be investigated in the context of redevelopment of existing improved properties.
- Provide technical support to constituent municipalities in the preparation of municipal housing plans and assist in the identification and assessment of sites within the District where municipal affordable housing obligations may be suitably accommodated.
- Maintain regulatory flexibility by accepting requests for zoning changes, including density increases, to accommodate affordable housing development in suitable locations that are protective of the public health, safety, morals, and welfare.
- Promote equity and environmental justice in the accommodation of affordable housing in the District.

**OBJECTIVE 4: ACCOMMODATE DEMOGRAPHIC SHIFTS TO ENSURE A SUFFICIENT RANGE OF HOUSING TYPES IS AVAILABLE TO MEET THE NEEDS OF THE REGION'S POPULATION.**

- Encourage the production of age-restricted housing to accommodate the increasing aging population in Meadowlands communities.
- Expand the supply of housing, and particularly new rental housing, in safe, walkable environments with convenient access to transit and services.
- Combat practices discriminating against age, race, religion, disability, sexual orientation, or family status in housing accommodation.

**+ STRATEGIC ACTION PLAN – HOUSING SYSTEM**

1. Prepare a District-specific demographic and housing market study.
2. Prepare a Meadowlands Housing Plan to identify and provide an implementation pathway to accommodate housing needs in the District.
3. Enact regulations to codify affordable housing requirements in the District upon completion of a Meadowlands Housing Plan.



## SYSTEM 5: COMMUNITY FACILITIES

For the Meadowlands District to realize its full potential as a land resource of incalculable opportunity for new jobs, homes, and recreational sites, a strong supporting system of community facilities must be in place. The NJSEA will support community facilities through the following strategies:

1. Support the District's constituent municipalities in providing a suitable array of community facilities to accommodate anticipated population, employment, and economic growth.
2. Consider the support capacity of community facilities and private utilities when planning or reviewing types and levels of development.
3. Conduct appropriate analyses that support emergency planning.

### OBJECTIVE 1: SUPPORT THE DISTRICT'S CONSTITUENT MUNICIPALITIES IN PROVIDING A SUITABLE ARRAY OF COMMUNITY FACILITIES TO ACCOMMODATE ANTICIPATED POPULATION, EMPLOYMENT, AND ECONOMIC GROWTH.

- Support municipal facilities planning, emergency management, and improvements to operations by continuing to offer access to Geographic Information System (GIS) data, in partnership with MERI, to assist with a myriad of municipal functions, including planning, zoning, fire, police, and public safety.
- Promote and expand the use of shared services where feasible.
- Advance coordination of the development review process with municipal construction offices.
- Increase the use of technology to provide more efficient and convenient public services, including online payments and permitting information.

### OBJECTIVE 2: CONSIDER THE SUPPORT CAPACITY OF COMMUNITY FACILITIES AND PRIVATE UTILITIES WHEN PLANNING OR REVIEWING TYPES AND LEVELS OF DEVELOPMENT.

- Ensure proposed development is coordinated with utility providers to determine whether there is available capacity to service new projects, or if expansion of utilities or service units would be needed.
- Require project impact assessments for projects determined to have a potential impact on System Plan categories.





### OBJECTIVE 3: CONDUCT APPROPRIATE ANALYSES THAT SUPPORT EMERGENCY PLANNING.

- Participate in comprehensive emergency planning to secure public health and safety at State and local facilities.
- Support disaster preparedness and mitigation activities by the District's municipalities, particularly through the use of NJSEA and MERI technological resources.
- Identify risks to the District from flooding and develop mitigation strategies to eliminate or reduce the probability of losses in vulnerable areas.
- Limit public access to site and building plans for sensitive sites, such as chemical manufacturing facilities and schools.

#### + STRATEGIC ACTION PLAN – COMMUNITY FACILITIES SYSTEM

1. Formulate an updated comprehensive emergency response plan to ensure adequate response to natural and other hazards.

## SYSTEM 6: HISTORIC RESOURCES

The NJSEA will strive to preserve, protect and sustain the unique historic and archaeological resources of the Meadowlands District.

### OBJECTIVE: PRESERVE THE DISTRICT'S HISTORIC AND ARCHAEOLOGICAL HERITAGE.

- Consult with the NJ State Historic Preservation Office to refine the inventory of historic resources in the District.
- Assess the potential for preservation of historically-significant sites.

#### + STRATEGIC ACTION PLAN – HISTORIC RESOURCES SYSTEM

1. Prepare an updated inventory of historic sites in the District.
2. Provide an interactive map of past and present historically-significant sites in the District on the NJSEA website.



## 8. AREA PLANS

The Area Plans constitute the Land Use Plan for the Hackensack Meadowlands District. Area Plans present strategies for each of the Planning Areas that compose the Meadowlands District. Planning Areas do not constitute zoning districts; rather, the descriptions of the Planning Areas provide the basis for the development of an updated zone plan and regulations. The zone plan and regulations will be the mechanism by which the policies of the Master Plan are implemented and enforced.

### I. PLANNING AREAS

#### A. PLANNING AREA DESIGNATIONS

The following Planning Areas together comprise the Land Use Plan established by this Master Plan:

1. Airport;
2. Commercial Center;
3. Employment Center;
4. Logistics / Industrial Center;
5. Neighborhoods;
6. Paterson Plank Road Corridor;
7. Preserve;
8. ~~Secaucus~~ Meadowlands Tourism and Transit Center;
9. Sports and Entertainment Center;
10. Sustainable Uplands Reserve;
11. Transportation; and
12. Waterfront Development.

The properties within each Planning Area appear on **Map 16 – Land Use Plan**, which depicts the vision for the location and arrangement of land uses within the District.

The following changes to the Planning Area classifications of the 2004 Land Use Plan have been made to the 2020 Land Use Plan, as follows:

- The Warehouse Outlet Center area classification was eliminated due to the transition of the retail outlet center in Secaucus to a predominantly warehousing and distribution center. While retail uses remain in certain locations, they are present in a more limited scope than had existed in the past, and the characteristics of the area no longer warrant differentiation from other employment centers.
- The Resort Recreation Community area classification has been eliminated to reflect changes to the Kingsland Redevelopment Plan, which changed the vision for the subject area from a golf course community to the continuation of the warehouse employment center that exists in the vicinity of Valley Brook Avenue in Lyndhurst, as well as formulating a new sustainable vision for former landfills that cannot accommodate vertical development. The change was prompted in part by the enactment of State law prohibiting housing on former landfills.

- The “Utility” designation is now included in the Logistics/Industrial Planning Area.
- The residential areas of the District, termed “Villages” in the 2004 Land Use Plan, are now designated “Neighborhood” Planning Areas.
- The 2020 Land Use Plan does not differentiate various subcategories within Planning Area classifications. For example, the Preserve designation is not further delineated into the prior Hackensack, Berry’s Creek, and Penhorn Preserve Areas, as the planning goals and objectives apply to all areas within the category equally.

Figure 8.1 “Planning Areas – 2020 Hackensack Meadowlands District Land Use Plan” provides the acreage and percentage of the District occupied by each Planning Area, in order from largest to smallest.

**FIGURE 8.1****PLANNING AREAS - 2020 HACKENSACK MEADOWLANDS DISTRICT LAND USE PLAN**

PLANNING AREA	ACRES	PERCENT
Preserve	<del>7,533.1</del> <u>7,497.6</u>	<del>38.8</del> <u>38.7</u> %
Employment Center	3,234.3	16.7%
Transportation	2,846.5	14.7%
Logistics/Industrial Center	2,158.1	11.1%
Sustainable Uplands Reserve	<del>1,075.0</del> <u>1,045.5</u>	<del>5.5</del> <u>5.4</u> %
Airport	660.4	3.4%
Sports and Entertainment Center	584.9	3.0%
Neighborhood	407.8	2.1%
Commercial Center	391.4	2.0%
<del>Secaucus</del> <u>Meadowlands Tourism and Transit Center</u>	<del>174.0</del> <u>239.0</u>	<del>0.9</del> <u>1.2</u> %
Paterson Plank Road Corridor	172.7	0.9%
Waterfront Development	157.8	0.8%
<b>TOTAL AREA</b>	<b>19,396.0</b>	<b>100.0%</b>

*Sources: MERI GIS and NJSEA*

The Area Plans provide a broad plan for the District in the context of each area’s dominant land use characteristics. Future development in the District is expected to proceed in accordance with the Area Plans of the 2020 Land Use Plan. There are uses existing within individual planning areas that are not included within the Area Plan description, such as residential uses located within Employment and Commercial Centers, or wetlands within a non-Preserve Planning Area, such as those located within utility rights-of-way. It is not the intention of the Area Plans to suggest that wetlands located outside of a Preserve Planning Area are planned to be developed; it is a principal goal of this plan to preserve remaining wetlands in the District.

## B. PLANNING AREA DESCRIPTIONS

The following summaries provide additional description regarding the locations and characteristics of the Planning Areas, in alphabetical order:

## 1. AIRPORT

The Airport Planning Area encompasses Teterboro Airport, which is owned and operated by the Port Authority of New York and New Jersey (PANYNJ) and subject to Federal Aviation Administration and PANYNJ regulations. The NJSEA has limited jurisdiction in regulating development on property owned by the PANYNJ. The Airport planning area straddles the

municipalities of Teterboro and Moonachie. Uses at the 827-acre airport include paved runways, taxiways, landing strips, and aprons; aircraft storage, service and hangar facilities; lighting, radio and radar facilities; aircraft fueling facilities; and private passenger terminal facilities. A significantly-sized portion of the Airport Planning Area includes forested wetlands.

Teterboro Airport is designated as a reliever airport and therefore does not accommodate scheduled carrier operations. The airport imposes a weight restriction that prohibits use by aircraft with operating weights in excess of 100,000 pounds. The Airport classification assumes Teterboro Airport will continue as a “general aviation reliever” airport along with related uses. All uses on and around the Airport are subject to height restrictions and established noise controls set by the Federal Aviation Administration.

Consistent with smart growth principles, regional considerations of sustainability must be valued over isolated actions. As such, as one of the few locations in the Meadowlands where forested wetland areas can be found, environmentally-sensitive portions of the Airport property must be preserved in their natural state. Properties in the adjoining Employment Center Planning Area are available to accommodate uses supportive of the Airport Planning Area.

## 2. COMMERCIAL CENTER

The Commercial Center Planning Area classification accommodates regional commercial retail opportunities, generally along major transportation corridors. In addition to recognizing existing commercial centers, this designation promotes the development of a range of commercial uses, including community commercial centers, highway commercial development, big box retail, theme retail, commercial recreation facilities, and office/hotel development.

The Commercial Center Planning Area includes the following locations:

- A portion of the Town of Secaucus in the vicinity of Route 3, principally composed of commercial properties in the Harmon Meadow and Mill Creek developments and those containing frontage along Paterson Plank Road. Some properties in this area, which had been within the Commercial Corridor designation in 2004, are reclassified to other planning areas in this Master Plan due to visibility, access, and/or circulation constraints that affect the feasibility of accommodating commercial uses on these properties, and to encourage a mix of uses within the area with varying peak hours of travel in an effort to minimize new traffic impacts.
- The Meadowlands Plaza area in East Rutherford, containing office space and the Hilton Meadowlands hotel development proximate to Interchange 16W of the New Jersey Turnpike.
- A portion of the Town of Kearny in the southwesterly part of the District, containing the site of a Wal-Mart Supercenter and associated strip commercial development, which was developed pursuant to the Kearny Area Redevelopment Plan.
- A portion of the Borough of Teterboro, containing the mixed-use Teterboro Landing development at the intersection of Route 46 and Industrial Avenue, which was developed in the early 2010's pursuant to the Teterboro Industrial Avenue Redevelopment Plan at the former Honeywell site. The property contains Costco and Wal-Mart retail anchors, a warehouse, and a number of restaurants and other retail tenants.



Planning considerations for the Commercial Center Planning Area include the provision of a diverse mix of commercial uses within these areas, careful consideration of circulation impacts, including a safe pedestrian environment, and the provision of adequate parking.

### 3. EMPLOYMENT CENTER

The Employment Center Planning Area contains the workplaces for a relatively large number of the District's employment population. The centers may include a mix of land uses such as office, warehouse and distribution facilities, and light industrial facilities. The planning area also supports flex space and research facilities. The Area Plan calls for centers with a concentration of industrial and warehouse distribution businesses, business and professional services, and the continuation of office development.

Employment Centers are located in the following areas:

- A section of Teterboro in the vicinity of Industrial and Malcolm Avenues, west of Teterboro Airport;
- The portion of Little Ferry in the vicinity of Industrial Avenue and Gates Road;
- Properties in Carlstadt/Moonachie/South Hackensack in the general vicinity of Moonachie Avenue, Moonachie Road, Washington Avenue, and Gotham Parkway;
- The section of East Rutherford in the vicinity of Murray Hill Parkway and East Union Avenue;
- A portion of Lyndhurst in the vicinity of Wall Street West, Valley Brook Avenue, and Polito Avenue;
- A section of Kearny in the vicinity of Barczewski Street;
- The portion of Secaucus generally between Meadowland Parkway and County Avenue;
- Properties in North Bergen and Secaucus along the westerly portion of West Side Avenue and in Secaucus on properties in the vicinity of, but without direct access to, Paterson Plank Road; and
- A section of Ridgefield in the vicinity of Railroad Avenue.

Employment centers have been adept at adapting to current market conditions, where, for example, Bergen Community College has opened a satellite campus within vacant office space. Some properties within the Employment Center classification have also been deemed suitable to accommodate housing development in an effort to promote affordability for residents and workers in the region.

Planning considerations for this classification include maintaining a high level of transit services available to these areas, and providing for limited complementary commercial uses to support the needs of the workforce within this area.

### 4. LOGISTICS/INDUSTRIAL CENTER

The Logistics/Industrial Center Planning Area classification encompasses properties that are traditionally associated with heavy industry in the Meadowlands. They include heavy industrial and logistics facilities, warehouse and distribution facilities, public utility uses, and intermodal rail facilities. Logistics uses involve the combination of transportation, assembly, processing and delivery of goods, and often require multiple transportation modes to get goods from manufacturers to the consumer market. Intermodal uses have a particular reliance on the trucking industry.

The Land Use Plan designates the following locations as Logistics/Industrial Center Planning Areas:

- Portions of Ridgefield including the Little Ferry Intermodal Rail Yard (currently closed), an automotive terminal, and PSE&G's Bergen Generating Station and electrical substation and switching station.
- An area of North Bergen between Bellman's Creek and the easterly border of the District;

- A portion of the Bergen County Utilities (BCUA) property in Little Ferry proximate to the Hackensack River;
- A section of Lyndhurst along the westerly border of the District;
- An area of North Bergen located north of Route 3, between West Side Avenue and the Northern Branch Rail Line, where transload facilities are also present;
- The majority of the in-District portion of Jersey City and adjoining parcels in the vicinity of Secaucus Road in North Bergen and Secaucus; and
- A portion of the Town of Kearny south of Kearny Marsh from the Hackensack River to the western border of the District, including the Koppers Coke Peninsula Redevelopment Area.

The NJSEA will continue to accommodate the heavier industrial and logistics needs of the region in appropriate locations, in balance with the impacts of these uses to the environment and their surroundings.

## 5. NEIGHBORHOODS

The Neighborhood Planning Area encompasses existing residential areas within the municipalities of East Rutherford, Little Ferry, Lyndhurst, Moonachie, Secaucus, and Teterboro. The dominant form of residential development in these areas consists of single- and two-family houses on small lots. This designation also includes two mobile home parks that have been located for many decades on Moonachie Avenue in Moonachie. Most new housing development in the District since 2004 has been in the form of mid-rise rental apartments.

The Neighborhood area classification generally seeks to protect and maintain the existing one- and two-family residential areas and to promote the continuation of this development scale within established residential neighborhoods. Neighborhoods also contain parks and small-scale retail and service establishments intended to principally support the residential uses in the area. Certain locations within Neighborhood Planning Areas may be suitable to support higher-density housing to accommodate the provision of affordable housing.

A newly-classified Neighborhood in the District is comprised of the Monarch residential development and the vacant Eastbound site, zoned for residential use, along the Route 3 East Service Road in East Rutherford. In addition, the Neighborhood Planning Area in Lyndhurst has been expanded to include the Vermella residential development along Orient Way.

It is the intent of this plan to encourage a safe pedestrian environment within these neighborhoods, and to ensure that appropriate buffers from more intense uses are provided to minimize negative impacts to residential uses.

## 6. PATERSON PLANK ROAD CORRIDOR

The Paterson Plank Corridor Planning Area boundary aligns with the District's synonymous redevelopment area in Carlstadt and East Rutherford, along Paterson Plank Road between Route 17 and Washington Avenue, adjacent to the Meadowlands Sports Complex. The entrance to the Gotham Industrial Park in Carlstadt is also located along this corridor.

This planning area is also home to two USEPA Superfund sites, which are in the process of remediation. The Scientific Chemical Processing (SCP) site in the Borough of Carlstadt has been acquired by the Borough and is the site of a planned ballast-mounted photovoltaic installation, which will avoid compromising the site's remedial measures. The Universal Oil Products (UOP) site in East Rutherford has been placed on the Federal Emphasis List of

Superfund sites, which prioritizes the cleanup of the property. The first two phases of the \_\_\_\_\_ 8-5

site's cleanup have been completed, included addressing contaminated soils in the uplands portion of the site and contaminated groundwater. The third phase, which involves addressing contaminants in the sediment of wetlands and Ackerman's Creek, a tributary to Berry's Creek, is currently under investigation. The selected remedial activity for the UOP site will be heavily influenced by the Berry's Creek Study Area (BCSA) (which is part of the Ventron/Velsicol Superfund site), where a consortium of over 100 Potentially Responsible Parties, are working to clean up Berry's Creek tidal waterways and marshes. This location is also the subject of planned flood control projects in association with the Rebuild by Design Meadowlands project, more fully explained in [Chapter 9 – Sustainable Meadowlands](#). Coordination of projects within this Planning Area is essential to ensure that the various projects achieve their goals in a complementary manner, to preclude any unanticipated or deleterious consequences.

The Paterson Plank Road Corridor Planning Area is intended to be redeveloped as a significant destination point for visitors and supportive businesses in conjunction with the sports and entertainment venues and the American Dream development at the Meadowlands Sports Complex site. The planning area currently contains a mix of industrial and commercial uses, with an emergent trend toward hotel development. Development interest in area properties is increasing with the impending opening of the American Dream complex.

The Land Use Plan envisions a combination of commercial and entertainment uses along the frontage of Paterson Plank Road. Residential uses are not contemplated in this Planning Area due principally to environmental concerns, the character and configuration of the roadway network, and the lack of safe connections to supportive uses in the neighborhood core outside the District boundary. Office, retail, and hotel uses are planned in a comprehensive manner to coordinate the various commercial uses and to provide adequate access and parking. Properties within the area that do not contain frontage on Paterson Plank Road are intended to be occupied with light industrial uses, which may also provide support to the sports and entertainment venues and the American Dream development at the Meadowlands Sports Complex. It is anticipated that large-scale development of this area will require the market-driven assembly of properties.

## 7. PRESERVE

The Preserve Planning Area classification is comprised of the Hackensack River, its tributary network, and adjoining lands in the District. The Hackensack River system is recognized as a defining attribute of the Meadowlands District, and this category includes most of the existing wetland areas in the District. Some uplands are also included within this Planning Area, particularly along the Hackensack River where they are important for recreation, habitat, or open space protection.

The Preserve Planning Area permits uses that are consistent with the preservation of open space and habitat protection and enhancement. Wildlife management areas are encouraged. The plan promotes the formulation of a habitat enhancement program for the Preserve Planning Area, as well as edge parks and waterfront park areas for the public. Preserve Planning Areas also accommodate existing public utilities and radio towers. Wetland restoration and/or mitigation is provided in connection with programs and regulations of other State and Federal agencies.

The Preserve area classification will promote the protection of wetlands remaining in the District, with the intent of full public ownership. The 2004 Master Plan had placed 7,128.7 acres of District land area within a Preserve Planning Area. The 2020 Land Use Plan expands this classification to ~~7,533.1~~ 7,497.6 acres, an increase of approximately ~~400~~ 370 acres. The 2004 Master Plan also set a goal for the acquisition of approximately 2,600 acres of wetlands. To date, the NJSEA, the Meadowlands Conservation Trust, and other entities have acquired and/or otherwise enabled the permanent preservation of 3,528 acres of environmentally-sensitive wetlands in the District, an increase of approximately 1,050 acres since 2004. The NJSEA is committed to further expanding implementation of this principal goal for the District as funding becomes available for acquisition, restoration, and maintenance of Preserve lands.

#### 8. ~~SECAUCUS~~ MEADOWLANDS TOURISM AND TRANSIT CENTER

The ~~Secaucus~~ Meadowlands Tourism and Transit Center Planning Area is located in the vicinity of the Frank R. Lautenberg Station at Secaucus Junction and New Jersey Turnpike Interchange 15X. Secaucus Junction connects every major rail commuter line in northeast New Jersey and allows transfers to reach various destinations in the region. Operated by NJ Transit, Secaucus Junction provides direct, interrelated train operations among NJ Transit's Bergen and Main Line, Amtrak, and the Northeast Corridor Line. The Bergen Line carries trains from the Pascack Valley Line and Meadowlands Rail Link. The Northeast Corridor carries trains from the Raritan Valley Line, the Montclair Branch, the Boonton Line, and the Jersey Shore Line via Newark Penn Station. Various bus lines and shuttles also service the transit station.

The transit station is the focal point of a major development node that has served as the impetus for significant redevelopment in the area, including the construction of 1,548 units in a multifamily transit-oriented residential development on the site of a former ash landfill. Permitted uses immediately above, through vertical development, and ~~adjacent to~~ near the Secaucus Junction include retail, office, hotel, parks, extended stay facilities, film studios, convention centers, and residential development. The Planning Area is also home to the newly-constructed Hudson County High Tech High School and Hudson County's Laurel Hill Park. Development approvals issued in the 1990s pursuant to the former Transportation Center Specially Planned Area permit office and other complementary commercial development above the transit station.

Planning goals for this area include supporting the ongoing redevelopment of the area's industrial character into uses consistent with the redevelopment plan for the area, inclusive of promoting vertical development above surface commuter parking lots, as well as promoting commercial development above and near the Secaucus Transfer, to encourage the creation of a true transit village at Secaucus Junction. Potential development in this planning area must take special consideration of traffic and its potential impacts to the capacity of the local and regional street network. Development that favors usage of the area's mass transit infrastructure as a destination, as opposed to a starting point, is preferred. Safe pedestrian and bicycle connections to the transit station must be included as a part of any new development in this area.

#### 9. SPORTS AND ENTERTAINMENT CENTER

The Sports and Entertainment Center Planning Area encompasses the majority of the Meadowlands Sports Complex property, which is owned by the NJSEA. While a portion of

the property is occupied by the Berry's Creek Tidal Marsh, known as Walden Swamp, which is designated as part of the Preserve area classification, the Sports and Entertainment Center classification applies to the site of MetLife Stadium, which opened in 2010 and replaced the former Giants Stadium; the Meadowlands Racetrack, which includes a new

grandstand that opened in 2013; and the American Dream Meadowlands entertainment and retail destination. The former arena at the site ceased operating as a sports and entertainment venue in 2015.

The Sports Complex and its facilities are one of the most readily-recognized features of the Meadowlands, located at the center of the District and visible from various viewpoints in and around its environs. The events held at the Sports Complex are highly attended, each bringing thousands of people into the Meadowlands area. The District Master Plan does not apply to the NJSEA-owned Meadowlands Sports Complex property; however, it recognizes the need to coordinate the complex's planning outcomes with those of this Master Plan, particularly with regard to surrounding land uses and transportation planning efforts.

#### 10. SUSTAINABLE UPLANDS RESERVE

The Sustainable Uplands Reserve Planning Area designation is associated with landfill areas in Rutherford, Lyndhurst, North Arlington, Secaucus, and Kearny, including the Keegan Landfill and the former Viola, Avon, Rutherford, Kingsland, Erie, 1-A, 1-D, and 1-E, ~~and Malanka~~ Landfills.

The principal objectives of this area classification are to properly close the landfills using techniques that are proven to protect the environment, and, thereafter, to allow for uses that promote economic development in a manner that avoids negative impacts to the environment. Landfills in the Sustainable Uplands Reserve Planning Area may be utilized for the installation of renewable energy facilities, such as the NJSEA's photovoltaic installation atop the former 1-A Landfill in Kearny, along with other forms of environmentally sound development that can reasonably be accommodated on landfill areas given site constraints while preserving the integrity of remedial/closure measures.

The plan also envisions the conversion of landfills and adjacent areas to open space and/or recreation areas. Former landfill areas also present an opportunity to create upland habitats in synergy with adjoining wetlands ecosystems. Landfill areas, with their history of scarring the Meadowlands landscape, will be repurposed to benefit the Meadowlands environment and economy.

#### 11. TRANSPORTATION

The Transportation Planning Area classifies roadway and rail rights-of-way (ROW's) throughout the District. The characteristics of the District's roadway and railway network are discussed in detail in **Chapter 6 – Circulation**, and specific objectives for the District's transportation network are provided in **Chapter 7 – Systems Plan**.

The NJSEA recognizes the importance of maintaining and improving the District's transportation network, and the need to coordinate closely with stakeholders and other entities with jurisdiction over District ROWs, including District municipalities, Bergen and Hudson Counties, NJDOT, NJ Turnpike Authority, and NJ Transit. The Meadowlands District Transportation Plan (MDTP), last adopted in 2007, identifies transportation needs, recommends specific improvements, and estimates costs of improvements over a time



frame that reaches to the year 2030. The MDTP is currently being updated.

## 12. WATERFRONT DEVELOPMENT

Waterfront Development Planning Areas are located adjacent to the Hackensack River at the following locations:

- In Secaucus on lands located along the Hackensack River from Harmon Cove Towers in the south to Paterson Plank Road in the north, including Harmon Cove, Hudson Regional Hospital, and a number of office, hotel and residential developments along the riverfront.
- The easterly portions of Carlstadt and East Rutherford located at the foot of Paterson Plank Road along the Hackensack River, including small marina facilities and the site of a former golf driving range that is slated for residential development pursuant to court order.
- In a small portion of Little Ferry containing a mix of industrial and small-scale residential properties at the northern District boundary.

Since most of the Hackensack River frontage is wetland, there are limited locations where upland areas have opportunities to interface with the river. For those locations, comprehensive design planning will maximize the waterfront opportunities for recreation and access to the water. These activities include pedestrian walkways, restaurants, marinas/boat launches, related commercial activities and, in certain portions, residential development. Any development should provide for public access to the waterfront and to pedestrian walkways.

Design standards will require commercial development to be constructed at a scale that will allow the river to play an important visual role in how the buildings are viewed and how the mix of uses are integrated into the water's edge.

## II. PLAN COMPARISONS

The plan comparisons of this section are prepared in an effort to determine the existence of any inconsistencies between the District Master Plan and the plans of associated governmental and regional entities. Comparisons are made with the most recent plans of the District's constituent municipalities, municipalities adjacent to the District boundary, Bergen and Hudson counties, the Regional Plan Association, the North Jersey Transportation Planning Authority, and the State via the New Jersey State Development and Redevelopment Plan and the New Jersey Coastal Management Plan.

### A. NEW JERSEY STATE DEVELOPMENT AND REDEVELOPMENT PLAN

The New Jersey State Development and Redevelopment Plan (SDRP) was adopted by the New Jersey State Planning Commission on March 1, 2001. For lands within the jurisdiction of the NJSEA, the SDRP relies on the District Master Plan to implement the objectives of the SDRP, while recognizing the NJSEA as a nationally and internationally recognized model of integrated regional planning and development review. Although the SDRP does not include the Hackensack Meadowlands in its jurisdiction, lands in the District zoned for development are identified as Smart Growth Areas, pursuant to the Smart Growth Map adopted by the New Jersey Meadowlands Commission (NJMC) on September 21, 2009, in Resolution 09-68. The smart growth principles from the 2004 NJMC Master Plan were utilized to designate the Hackensack Meadowlands District (HMD) as a "Smart Growth Area." The NJMC Master Plan and Smart Growth Map present a comprehensive strategy for coordinated, planned growth and redevelopment opportunities that promote efficient use of land and encourage reinvestment of resources and efficient transportations systems. The Smart Growth Map encompasses all

properties within the HMD boundaries, except the properties within the Sports and Exposition zone.

Both the SDRP and the District Master Plan include policies that direct growth to appropriate areas containing existing infrastructure, while preserving environmentally sensitive lands. The Master Plan embraces the SDRP's key concepts, such as sustainable development, smart growth, strong connections between transportation and land use, and capacity-based planning. The plan comparisons of this chapter address the goal to coordinate planning at all levels of government.

## **B. NEW JERSEY COASTAL MANAGEMENT PLAN**

The State's Coastal Management Program is located within the NJDEP Office of Coastal and Land Use Planning. The Program supports the planning component of the federally-approved National Coastal Zone Management (CZM) Program. The staff is charged with developing and implementing long-range planning projects pertaining to coastal resource issues, inclusive of sustainable and resilient coastal community planning and climate change, and coordinating with related programs.

The NJSEA acts as the lead coastal planning and management agency for the Meadowlands District. Proposed changes in NJSEA plans or policies are reviewed by the NJDEP for incorporation into the Coastal Management Program. The program's emphasis is upon the continued protection of wetlands and other environmental resources.

The NJSEA Master Plan is generally consistent with the above-mentioned strategies of the New Jersey Coastal Management Program and the following eight broad coastal goals upon which the NJ Coastal Management Program and Coastal Zone Management Rules are founded:

1. Healthy coastal ecosystems;
2. Effective management of ocean and estuarine resources;
3. Meaningful public access to and use of tidal waterways and their shores;
4. Sustained and revitalized water-dependent uses;
5. Coastal open space;
6. Safe, healthy and well-planned coastal communities and regions;
7. Coordinated coastal decision-making, comprehensive planning and research; and
8. Coordinated public outreach and education.

## **C. NORTH JERSEY TRANSPORTATION PLANNING AUTHORITY (NJTPA)**

The NJTPA is the federally authorized Metropolitan Planning Organization for the 13-county northern New Jersey region, which includes the District. The NJTPA's current Regional Transportation Plan (RTP), "Plan 2045: Connecting North Jersey," was approved in November 2017 and presents a long-range vision for the transportation system serving the NJTPA region, including Bergen and Hudson counties. The RTP must be updated every four years. The current update is guiding the region to improve and adapt its transportation system to become more competitive, efficient, livable, and resilient. The goals of the RTP include:

- Protect and improve natural ecosystems, the built environment, and quality of life.
- Provide affordable, accessible, and dynamic transportation systems responsive to all current and future travelers.
- Retain and increase economic activity and competitiveness.
- Enhance system coordination, efficiency, overall safety and connectivity for people and goods across all modes of travel.

- Maintain a safe, secure, and reliable transportation system in a state of good repair.

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- Create great places through select transportation investments that support the coordination of land use with transportation systems.
- Improve overall system safety, reducing serious injuries and fatalities for all travelers on all modes.

The Plan provides a framework for how the region can maintain and improves its transportation network through 2045. Through the use of corridor planning areas, the RTP establishes a method to identify critical areas of congestion and areas with safety issues that affect mobility and accessibility in the region, including portions of the District. One of the RTP's main objectives is to preserve and maintain the region's existing highway, bridge, and mass transportation systems by providing enhancements that will accommodate changes to travel demand. The majority of the activities attributed to the RTP are described in the NJTPA's Unified Planning Work Program (UPWP), which outlines the process that the NJTPA will follow in developing broad system wide transportation studies and project analyses.

#### **D. COUNTY OF BERGEN**

Bergen County's "Part I Master Plan of Bergen County, State of New Jersey" was adopted December 10, 1962, with amendments adopted March 14, 1966, as well as a "1978 Generalized Land Use Plan" designating a variety of uses in the District, including public-quasi public, open space, industrial and office, transportation, utilities, communication, residential, commercial, and vacant land. The plans also promoted the protection of open space and streams, particularly in Lyndhurst.

The most recent planning document prepared by Bergen County is from June 2011, entitled "Vision Bergen, The Visioning Component of the Bergen County Master Plan." The document includes an analysis of County demographics, economy, land use, housing, transportation, sewer and water infrastructure, community services, and environmental characteristics. The vision process resulted in suggestions by the public to emphasize open space preservation (including habitats and recreation areas), floodplain management, and redevelopment of brownfields. These suggestions are consistent with the priorities of this Master Plan.

#### **E. COUNTY OF HUDSON**

The 2016 Hudson County Reexamination Report was adopted by Hudson County on February 21, 2017, and serves as a Reexamination and update to the 2002 Hudson County Master Plan and 2008 Reexamination Report. The report's purpose is to "help the County and its municipalities incorporate smart growth and sustainable community approaches into their development plans, regulations, and hazard mitigation goals and objectives, particularly to increase their flood resilience." The report includes an assessment of demographics, housing, land use, transportation, the environment, economy, and other county policy priorities.

Hudson County's planning goals and objectives as they relate to the District, particularly the focus on brownfields redevelopment, resiliency efforts, and environmental efforts align with the goals of this Master Plan. Specific goals of the report that reference the NJSEA include Conservation Goal 2, Objective b: "Assist the NJSEA in providing public access to educational programs, for wetlands and other key environmental areas of the Meadowlands." The report includes recognition of the Hackensack Meadowlands as a "critical ecological and environmental resource for Hudson County," and also seeks to maximize the Hackensack River waterfront as an asset for economic development where appropriate.



## F. MUNICIPALITIES OF THE MEADOWLANDS DISTRICT

### 1. CARLSTADT

The Borough of Carlstadt's 2013 Master Plan Reexamination Report is the fourth reexamination of its 1978 Master Plan; earlier reexaminations were conducted in 1989, 1999, and 2006. The 2013 Reexamination Report states the Borough's location within the Hackensack Meadowlands District is generally responsible for the land use patterns that exist in that part of the Borough. Similar to the District Master Plan, the Borough emphasizes the importance of sustainability and mitigating the effects of development on the environment, including wetland areas. The properties in the Borough adjacent to the District boundary are located between Route 17 and the NJ Transit Pascack Valley rail line, and are zoned Commercial. The 2020 District Land Use Plan classifications of Paterson Plank Road Corridor and Employment Center Planning Areas along the District boundary provide for complementary land uses between the two jurisdictions.

### 2. EAST RUTHERFORD

The Borough of East Rutherford's 2006 Master Plan Reexamination Report contains planning concepts compatible with the goals of the NJSEA in this District Master Plan. The 2006 Reexamination Report identifies the "Paterson Plank Road Redevelopment Project" as an adopted plan in the District. The redevelopment area is located along the border of the District and creates complementary uses in East Rutherford on both sides of the District boundary. The Reexamination Report envisions that future land uses will complement the American Dream project and that Paterson Plank Road will be a main gateway to this destination. Areas along the District boundary line fronting Route 17 are zoned and developed with commercial uses. The 2020 District Land Use Plan classifies areas along the District boundary as Paterson Plank Road Corridor, Preserve, and Employment Center Planning Areas.

### 3. JERSEY CITY

Jersey City's 2000 Master Plan seeks to "coordinate land use policies in sections of the City that are within the Hackensack Meadowlands District" with the NJSEA. The area contains a former Public Service Electric and Gas generating station in the process of being decommissioned, the Croxton rail yard, and a US Postal Service bulk mail facility. Jersey City's Land Use Plan designates the in-District portion for industrial use, consistent with the 2020 District Land Use Plan classification of Logistics/ Industrial Center Planning Area for this area. The City's plan states that "careful site planning is required to adequately screen industrial activity and buffer adjacent residential and commercial districts." The plan further recommends frequent consultation with the NJSEA about planning issues and development within the District. Subsequent plan reexaminations, the most recent occurring in 2016, did not address any changes specific to the District. The 2020 District Land Use Plan classifies areas along the District boundary as Logistics/Industrial Center Planning Area.

### 4. KEARNY

The Town of Kearny's 2008 Master Plan Reexamination Report/Master Plan Revision have a number of District-specific objectives, including the redevelopment of contaminated sites, investment in the regional transportation network, enhancing connections between the Town and the Meadowlands, and the establishment of linkages between Town, Hudson County, and District recreational facilities. In addition, the Kearny Urban Enterprise Zone

(KUEZ) includes areas within the District. Along the District's westerly boundary, the Town's Schuyler Avenue Redevelopment Plan proposes to revitalize the area between the east side

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of Schuyler Avenue and the District's westerly boundary with a combination of new commercial, light industrial, mixed-use residential, and recreational uses. The portion of Kearny to the south of the District boundary is zoned industrial. Areas within the District along the jurisdictional boundary lines are located in the Employment Center, Sustainable Uplands Reserve, Logistics/Industrial Center, and Commercial Center Planning Area classifications within the District's 2020 Land Use Plan. Presently, the municipality does assume control over the zoning and development as permitted by the Hackensack Meadowlands Agency Consolidation Act.

#### 5. LITTLE FERRY

The Borough of Little Ferry adopted a Master Plan Reexamination Report in 2016. Among the recommendations found in the Reexamination Report, the Borough emphasizes the importance of resiliency, including a special review process for building in flood hazard areas; similarly, the NJSEA's planning goals and zoning requirements promote resiliency through robust floodplain management activities. The plan also suggests improving access to the Hackensack River, including the portions of the municipality within the District. In addition, the Borough calls for enhancing "Gateways" to the Borough to create "a sense of arrival," consistent with the NJSEA's Systems Plan objective to cultivate a sense of place unique to the District. Furthermore, the report recommends examining brownfield sites located in the vicinity of the Hackensack River to determine their redevelopment potential and to develop a clean-up plan.

The 2016 Report recommends the Borough coordinate with the NJSEA to eliminate any discrepancies in zoning and future land uses. Additionally, the Borough would like the NJSEA to conduct a preliminary investigation to determine if the Bergen Turnpike area, Hackensack Waterfront, Route 46 Downtown and Tilcon site meet the criteria for an area in need of rehabilitation. Last, the Borough looks to coordinate with the NJSEA on a number of flood-related policies, including the preparation of a regional stormwater management plan, flood protection strategies, and expanded participation in the National Flood Insurance Program's Community Rating System to increase flood insurance discounts. The 2020 District Land Use Plan continues the Waterfront Development, Neighborhood, and Preserve Planning Area classifications within the Borough.

#### 6. LYNDHURST

The Township of Lyndhurst's 2014 Reexamination Report expresses concern over residential development within the District. The municipality identifies the area along the District boundary as disjointed from the existing neighborhoods and shopping centers. Lyndhurst also recommends that industrial, commercial and open space uses be provided in areas under NJSEA jurisdiction, where currently much of the land within the District is zoned industrial and open space/preserve. The 2020 District Land Use Plan designates much of the District's area within Lyndhurst as Employment Center, with former landfill areas not amenable to vertical development as Sustainable Uplands Reserve. In addition, the Lyndhurst Recreation Center and adjoining residential development is placed in the Neighborhood Planning Area, with environmentally sensitive wetland areas placed within a Preserve Planning Area.

#### 7. MOONACHIE

The Borough of Moonachie adopted a 2017 Post-Sandy Master Plan Reexamination Report, which focuses on resiliency. The Reexamination Report promotes buffers from waterways, improved drainage systems for low-lying areas, and additional open space. The Borough

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also identifies the two mobile home parks within the District as providing affordable housing. The 2020 District Land Use Plan continues the 2004 Land Use Plan classifications for Airport, Employment Center, Neighborhood, and Preserve Planning Areas within the Borough.

#### 8. NORTH ARLINGTON

The Borough of North Arlington's 2003 Master Plan and 2016 Master Plan Reexamination Report outlined goals and objectives for the municipality. An express goal of the plan is to provide proper access to the District. In addition, the Borough's Porete Avenue Redevelopment Area is located adjacent to the District boundary, which allows for a variety of light industrial uses that are complementary to the uses within the District. The 2020 District Land Use Plan places adjoining areas within a Sustainable Urban Reserve and Preserve Planning Areas.

#### 9. NORTH BERGEN

The Township of North Bergen's 2009 Reexamination Report of the 1987 Master Plan seeks improvement and redevelopment of the Township's industrial areas, as well as separation and buffers between incompatible land uses. The rail line forming the District's easterly boundary serves as a firm physical demarcation between the thriving industrial and office properties lining West Side Avenue and those areas transitioning to commercial usage in the out-of-District portions of the municipality. The 2020 Land Use Plan for the District classifies the properties within North Bergen along the easterly District boundary line within the Logistics/Industrial Center Planning Area, which is consistent with the adjoining rail and industrial operations along the District boundary line in the Borough.

#### 10. RIDGEFIELD

The Borough of Ridgefield's 2009 and 2003 Reexamination Report of its 1989 Summary Master Plan and 1988-89 Land Use Plan identifies establishing substantial scenic and stream corridors along the Hackensack River frontage area as an objective. Since the land is under the jurisdiction of the NJSEA, the Borough emphasizes the importance of cooperation between the municipality and the agency. In the 2009 Report, the Borough recommended that "remaining vacant lands along the Hackensack River be rezoned for Marshland Preservation, with a 300-foot deep Scenic and River Corridor along the Hackensack River banks." A large area of the Borough in the District is located within a Preserve Planning Area, consistent with this goal.

The properties located along the District boundary include light manufacturing, industrial, commercial, and public/semipublic. The 2020 District Land Use Plan designates lands along the District boundary as Logistics/Industrial Center Planning Area, which is consistent with adjoining uses in the Borough.



#### 11. RUTHERFORD

The Borough of Rutherford's most recent planning document is its 2007 Master Plan. The Borough's Master Plan shares policies similar to the NJSEA's planning objectives, including the encouragement of green buildings, promoting alternate means of transportation, preserving wetlands and open space, and reducing sprawl. In addition, the NJSEA, in cooperation with the Borough, designated properties in the vicinity of Highland Cross as an area in need of redevelopment, encompassing approximately 30 acres of land located within and outside of the District. The 2020 District Land Use Plan places the redevelopment area within the Employment Center Planning Area, which is consistent with existing uses adjoining the District boundary line in the Borough.

#### 12. SECAUCUS

Over 89 percent of the land area of the Town of Secaucus is located within the District. The Town's 2009 Master Plan Land Use Element identifies a number of objectives pertaining to the District. The Plan's goals include the protection of natural resources, including an objective to work with the NJSEA towards restoration of important wetlands areas. The Plan expressed interest in establishing incentives for the creation of public open space amenities including the extension of the Hackensack Riverwalk. These objectives are similar to those established in the District Master Plan, specifically the Preserve Planning Area which seeks to protect and enhance these wetland areas. The Secaucus Land Use Plan map shows the lots located adjacent to the District boundaries contain similar and complementary uses; many of the out-of-District parcels include residential and light industrial uses. The parcels located within the District complement these uses with residential, neighborhood commercial, and industrial uses as well, resulting in a comprehensive plan providing for a variety of uses within distinct areas of the municipality. Presently, the Town has assumed control over the zoning and development as permitted by the Hackensack Meadowlands Agency Consolidation Act.

#### 13. SOUTH HACKENSACK

The Township of South Hackensack's 2018 Master Plan Reexamination Report was adopted in May 2019, updating the Township's 2008 Master Plan Reexamination Report and 2001 Land Use Element of the Master Plan. A specific goal of the plan is "to enhance orderly development of industrial areas by encouraging light industrial uses, by promoting the redevelopment and adaptive re-use of the Township's industrial buildings and sites, and by delineating districts specifically designed to accommodate such uses and related activities that are compatible with the community's overall development pattern." The Township's plans also recognize the need to promote development that takes into consideration and protects environmentally sensitive areas. These policies are consistent with the goals of this District Master Plan. The 2020 District Land Use Plan places existing developed properties in South Hackensack within the Employment Center Planning Area and environmentally-sensitive properties within the Preserve Planning Area.

#### 14. TETERBORO

The Borough of Teterboro adopted the most recent Master Plan Reexamination Report in 2016. As one of the long term, continuous goals, the Borough identified working with the NJSEA to ensure land development regulations adopted by Teterboro for the portions under local planning and zoning jurisdiction is similar to the land development regulations adopted by the NJSEA for the portion of the Borough located within the planning and zoning jurisdiction of the NJSEA. In addition, the Borough has determined that the NJSEA



development regulations represent appropriate and reasonable regulatory controls that result in building arrangements and intensities of use that serve the Borough well. Similar to the NJSEA regulations, the Borough would like to reclaim environmentally damaged sites and mitigate impacts on remaining environmental and natural resources.

The 2020 Land Use Plan for the District includes a new designation as a Commercial Center Planning Area for the Teterboro Landing complex, a Neighborhood Planning Area for Vincent Place, Airport Planning Area for Teterboro Airport, Preserve for Teterboro Woods and wetlands on the airport property, and Employment Center Planning Area for the remainder of the Borough. These classifications are complementary to adjoining land uses beyond the District boundaries.

## G. MUNICIPALITIES ADJACENT TO THE DISTRICT

### 1. HASBROUCK HEIGHTS

In its 1994 and 2011 Master Plan Periodic Reexamination, the Borough of Hasbrouck Heights seeks “to provide an orderly and planned program which shall properly regulate commercial development along the Route 17 corridor in a manner which promotes sound planning and a desirable visual environment.” Areas along Route 17 are designated as B-2 Highway Commercial Zone, which permits various retail uses such as large stores, hotels, motels, and restaurants. The Borough designates an area adjacent to the District boundary, bisected by Industrial Avenue and located to the southwest of Anderson Avenue, as Industrial. The District Land Use Plan designates most of the areas adjacent to Route 17 in Teterboro and Moonachie as Airport Planning Area and Employment Center Planning Area.

### 2. WOOD-RIDGE

The Borough of Wood-Ridge 2016 Master Plan Reexamination Report designates sections of Wood-Ridge adjacent to the District boundary as Light Industrial Park, and a one- and two family neighborhood located to the north. The Light Industrial Park areas abut the Neighborhood, Employment Center, and Preserve Planning Areas of the 2020 District Land Use Plan.

### 3. FAIRVIEW

The 1997 Master Plan and 2005 Master Plan Reexamination Report describes the two small areas of Fairview that share borders with the District:

- The section adjacent to Ridgefield is zoned as a General Business District. A flood hazard and wetland area along Bellman and Wolf Creeks marks the boundary between the two municipalities.
- A section adjacent to North Bergen contains industrial uses.

The 2020 Land Use Plan designates the adjacent areas in the District as Logistics/ Industrial Center.

## H. MEADOWLANDS VISION 2040

The Meadowlands Regional Chamber (MRC) has served as the chamber of commerce and a staunch advocate for Meadowlands area businesses for the past 40 years. The NJSEA (previously the NJMC) has a long history of partnership and cooperation with the MRC. The MRC recently

completed *Meadowlands Vision 2040 - A Roadmap to Economic Success (Vision 2040)*, a strategic plan for continued economic growth in the Greater Meadowlands region.

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Vision 2040 includes 32 communities in the Greater Meadowlands region (including the 14 municipalities in the District), recognizing the economic, population and transportation connections that define the broader North Jersey region.

Vision 2040 identifies broad goals, opportunities and challenges for the region, and it envisions what the Greater Meadowlands can achieve in economic opportunity, job growth, mobility and quality of life. Goals include the following:

1. Promote a diversified economy that capitalizes on the location and assets of the Meadowlands, providing jobs for a range of skill levels in the regional workforce that support the development of new businesses built on innovation and advanced technology as well as the traditional industries of the district.
2. Provide the framework for a balance of complementary land uses that maintains fiscal stability, a high quality of life, and efficient mixed uses that focus density around accessible centers and thus leverage infrastructure investments.
3. Achieve and maintain a healthy estuarine environment in the District, hosting a diversity of terrestrial and aquatic species, protecting critical habitats and remediation of contaminated sites.
4. Support the provision of an efficient, user friendly (parking, bike, pedestrian facilities to transit) network of bus, rail and highway facilities that provide connection within the District and to the metropolitan area, supporting access to jobs, tourism/entertainment, residential and freight movements.
5. Implement a well-maintained system of flood controls protecting existing businesses, neighborhoods and redevelopment/development sites, enabled by an appropriate regulatory framework balancing economic, transportation and environmental concerns.
6. Sustain a region that is attractive, safe and vital for families, youth and seniors, offering educational, recreational and cultural opportunities that enhance the quality of life, and attracting young talent with career opportunities and vibrant places to live.
7. Create an identity for the New Jersey Meadowlands as a unique destination for business, recreation, shopping and entertainment as well as reinforcing its unique economic significance and linkages with New York City and the Northeast region.

These goals align with the vision for the District in this Master Plan update. The NJSEA looks forward to continuing its partnership with the MRC to increase the economic vitality of the District.

#### **I. REGIONAL PLAN ASSOCIATION**

The Regional Plan Association (RPA) is a research organization that engages in planning advocacy in the New York-New Jersey-Connecticut metropolitan region. In November 2017, the RPA released its Fourth Regional Plan entitled “Making the Region Work for All of Us.” This plan recognizes the ecological value of the Meadowlands and offers policy recommendations to support environmental preservation and flood control goals, including the establishment of a national park in the Meadowlands to protect its fragile ecosystem and help educate the public about climate change adaptation by promoting a unified identity for the Meadowlands District.

The NJSEA particularly concurs with the RPA plan’s assertion that “properly managed natural landscapes can help mitigate the impacts of climate change.” The NJSEA establishes a path to implement resiliency objectives in Chapter 9 “Sustainable Meadowlands – a Guide to a Resilient Future for the Hackensack Meadowlands.”



## 9. SUSTAINABLE MEADOWLANDS: A GUIDE TO RESILIENCY

### I. THE HACKENSACK MEADOWLANDS DISTRICT

The Hackensack Meadowlands Reclamation and Development Act (N.J.S.A. 13:17-1 et seq.), effective January 13, 1969, recognized the Meadowlands of the Lower Hackensack River as “a land resource of incalculable opportunity for new jobs, homes and recreational sites.” The Act cited “their strategic location in the heart of a vast metropolitan area with urgent needs for more space for industrial, commercial, residential, and public recreational and other uses.”

The objectives of the 1969 Act, which are incorporated into the Hackensack Meadowlands Agency Consolidation Act of 2015 (N.J.S.A. 5:10A-1 et seq.), included:

- 1) The preservation of the delicate balance of nature;
- 2) The provision of special protection from air and water pollution and a special provision for solid waste disposal; and
- 3) The orderly, comprehensive development of the Hackensack Meadowlands in order to provide more space for industrial, commercial, residential, public recreational, and other uses.

The Hackensack Meadowlands Development Commission (HMDC), as predecessor to the New Jersey Sports and Exposition Authority (NJSEA), was established by the Act to facilitate the cleanup and enhancement of the environment and promote appropriate development. Since the inception of the Act, more than 3,500 acres of wetlands have been preserved and enhanced, leading to an environmental and wildlife renaissance. At the same time, billions of dollars in economic development in the past five decades have been realized through planning that is sensitive to the environment.

The concept of resiliency has come to the forefront in the wake of Superstorm Sandy in 2012. However, the NJSEA has long made the region more resilient through enforcement of its regulations, which effectuate provisions of its Master Plan, and its work over the past five decades. The agency has a long history of adapting to changing circumstances and will continue to do so as climate change and sea level rise threaten both the natural and built environment of the District.

Planning for resiliency cannot be conducted in isolation. The creators of this agency with its District oversight recognized that the three principal NJSEA mandates of environmental preservation, economic development, and solid waste disposal are interrelated and need to be addressed in unison in order to be successful. These seemingly competing policy objectives have been successfully balanced by the agency over the past 50 years, with a demonstrated track record of remarkable achievements across all three sectors.

## II. NJSEA RESILIENCY AND STEWARDSHIP EFFORTS

Highlights of the NJSEA's ongoing resiliency and environmental stewardship efforts include the following:

1. Coastal Zone Management;
2. NJSEA Regulations;
3. Floodplain Management Initiatives;
4. Community Rating System;
5. Collection and Assessment of Flooding Incidents;
6. Drainage System Inspections;
7. Municipal Equipment Pool;
8. Monitoring Water Levels in the District;
9. Wetland Preservation, Mitigation, and Restoration;
10. NJSEA Natural Resources Management Department;
11. Meadowlands Environmental Research Institute;
12. Meadowlands Environment Center; and
13. Regional Stakeholder Coordination.

### A.

#### COASTAL ZONE MANAGEMENT

The District Master Plan serves as an element of the State of New Jersey's Coastal Management Program (CMP) for areas within the Hackensack Meadowlands District (District). Pursuant to State Coastal Zone Management (CZM) rules, the NJSEA is the lead planning and management agency within the District, a coast wide special area, and coastal activity or development in the District must be consistent with the District's Master Plan. The New Jersey Department of Environmental Protection (NJDEP) and the NJSEA coordinate the review of proposed development and other activities within the District, through the process outlined in N.J.A.C. 7:7-9.43 and a Memorandum of Agreement between the two agencies dated November 9, 2005. As such, the NJSEA professional staff provides CZM recommendations to the NJDEP for in-District applications, as necessary.

### B.

#### NJSEA REGULATIONS

The District Master Plan and corresponding zoning regulations direct development to zones within appropriate upland areas, including brownfields and redevelopment areas. Within those zones, open space and coverage regulations balance the intensity of development on a site, and requirements for waterway buffers provide for protection of natural areas along waterways and tributaries. Vertical development is not permitted on properties within the Environmental Conservation zone.

The District zoning regulations also require the preparation of a Project Impact Assessment (PIA) to evaluate impacts of new development with respect to the environment, fiscal, emergency services, municipal services, schools, and transportation.



District zoning regulations set forth elevation and flood proofing requirements for new buildings, additions, and other structures within designated Federal Emergency Management Agency (FEMA) Special Flood Hazard Areas (SFHAs) within the District. The lowest floor elevation is determined by the most restrictive of the following: base flood elevation plus one foot (BFE+1) as published in the approved FEMA Flood Insurance Study/Flood Insurance Rate Map (FIRM) referenced in the District Floodplain Management Regulations at N.J.A.C. 19:4-9.1 *et seq*; the best available flood hazard data elevation plus one foot; or as required by ASCE/SEI 24-14 entitled, Flood Resistant Design and Construction. Floodplain development requires the submission of an elevation certificate to certify compliance with these requirements.

C.

#### **FLOODPLAIN MANAGEMENT INITIATIVES**

Given the unique environmental challenges associated with the low-lying lands of the District, stormwater management is a key consideration with every development application. All development applications are reviewed for conformance with NJSEA stormwater drainage requirements at N.J.A.C. 19:4-8.6, and, as a significant portion of the District lies within FEMA's SFHA, the NJSEA professional staff reviews all development applications for conformance with the District Floodplain Management Regulations. In addition, the District zoning regulations require the submission of an Operations and Maintenance (O & M) Manual for all approved stormwater drainage systems to ensure that systems remain operational.

D.

#### **COMMUNITY RATING SYSTEM**

Since 1992, the NJSEA has participated in the FEMA National Flood Insurance Program (NFIP) Community Rating System (CRS), which is a voluntary program that affords a discount on flood insurance premium rates for property owners, including businesses, tenants, and residents located in a SFHA in the District. It is a point-based system that accumulates credits for certain activities related to flooding mitigation while providing progressively larger discounts on the premium rates. The NJSEA's participation in the CRS program for the 2016 five-year cycle application, maintains the classification of the Meadowlands District as a CRS Class 7 Community, resulting in a 15 percent discount on NFIP policies issued through FEMA.

In order to qualify for the discount, the NJSEA must continue to implement certain activities that meet or exceed the point system established as part of the CRS. The NJSEA has been recognized by FEMA for its actions in areas including flood data maintenance, open space preservation, stormwater management standards, and drainage system maintenance. As part of the CRS program, the District regulations require floodproof development through the elevation of new construction and substantial improvements above the Base Flood Elevation (BFE) established by FEMA Flood Insurance Rate Maps (FIRMs).

Besides the benefit of reduced flood insurance rates, CRS-sanctioned floodplain management activities may enhance public safety, reduce potential damages to property and public infrastructure, avoid economic disruption and losses, reduce human suffering, and protect the environment. Participating in the CRS incentivizes actions performed under a community's floodplain management program in an effort to lessen losses due to floods. The CRS requires annual recertification between the required five-year cycle applications to maintain the discount.

NJSEA's participation in the CRS program also requires the development of a floodplain management plan. The Hackensack Meadowlands Floodplain Management Plan (FMP), adopted in 2005, was developed in cooperation with NJSEA municipalities, county governments, and other stakeholders. The FMP acts as a guide for the NJSEA to implement FEMA policies, and

includes floodplain management initiatives and mitigation strategies within the District. The FMP is currently being updated to be included in the CRS five-year cycle application in 2022.

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#### **COLLECTION AND ASSESSMENT OF FLOODING INCIDENTS**

The NJSEA continues to actively collect, log, and assess flooding complaints on individual properties, including inspecting the District for flood impacts following severe storms. NJSEA professional engineers are available to meet with property owners for on-site inspections and to discuss site-specific stormwater drainage options.

F .

#### **DRAINAGE SYSTEM INSPECTIONS**

NJSEA's participation in the FEMA CRS program requires annual inspections of stormwater infrastructure by NJSEA engineering staff. In addition, the NJSEA regularly evaluates the functionality of all tide gates and pump stations within the District. Since much of the District is tidally impacted, routine inspection of tide gates and pump stations is important to identify issues that could impact flooding in upstream areas. The NJSEA inspects tide gates at various tide conditions in order to accurately identify problems and maintenance that may be required. Pump stations are inspected with the respective municipal or county Department of Public Works (DPW) to ensure each system is operating properly. Additionally, waterways and ditches are inspected throughout the District to ensure adequate stormwater conveyance capacity. The NJSEA coordinates with municipalities and counties for removal of stream debris and tide gate repairs. These inspections and maintenance activities have helped to lessen the damaging effects of several major storms.

G .

#### **MUNICIPAL EQUIPMENT POOL**

The maintenance of storm sewer systems is critical to ensure adequate stormwater carrying capacity. The NJSEA provides and maintains equipment for use by municipal workers to assist municipalities in the District with maintenance issues that, if neglected, could exacerbate flooding. A jet vac-truck, root cutter, portable automatic self-priming pump systems, and trailer-mounted light tower are available to municipalities free of charge to encourage ongoing maintenance of storm sewer systems.

H .

#### **MONITORING WATER LEVELS IN THE DISTRICT**

The NJSEA, in conjunction with MERI, continuously monitors water levels in the District via state-of-the art data collection instruments stationed at tide gates, in the marshes, and in the Hackensack River, including a total of 17 water level sensors. MERI and the NJSEA also maintain, update, and upgrade the monitoring equipment as needed. Data collected from the monitoring stations are relayed to the NJSEA/MERI via 4GLTE telemetry. The information gathered is relayed to international servers to ensure that data is available to the public in real time, even during power outages in the Meadowlands area. This ensures that timely warning can be provided to first-responders and residents when water levels rise during tidal events, heavy rains, and storms.

The active monitoring of water levels allows municipalities and the general public to be alerted of potential flooding events through MERI's Real-Time Water Level Alert System. The general public can subscribe to receive email and text-based early warning flood alerts through the MERI website (<http://meri.njmeadowlands.gov>). These alerts are provided when water levels reach elevation 5.5 feet (NAVD88) and continue to be relayed as the levels rise. The NJSEA and MERI also provide a series of detailed flood maps for the District's constituent municipalities, showing which streets and properties would be flooded by a tidal surge of four to eight feet, depicted at one-foot intervals.



## I.

**WETLAND PRESERVATION, MITIGATION, AND RESTORATION**

The NJSEA has been working to preserve and restore wetlands for decades in an ongoing effort to promote resiliency and habitat protection. In order to maintain natural buffer areas between the Hackensack River watershed and developed areas, the NJSEA continues to acquire critical tracts of wetlands. An additional benefit to such wetland preservation within the floodplains of the Hackensack River is the increased area of wetlands and marshes available to help dissipate the effects of storm events, tidal flows, and sea level rise. According to the US EPA, an acre of wetland can store between 1 and 1.5 million gallons of floodwater. Every remaining parcel of wetlands in the District, in many cases inclusive of adjoining upland areas, incontrovertibly contains value, not only for wildlife habitat, but also for their functionality to accommodate floodwater storage and projected marsh migration. To date, approximately 3,500 acres of wetlands have been preserved and/or restored, three-quarters of which are owned by the NJSEA or the Meadowlands Conservation Trust (MCT), providing significant floodwater storage capacity and habitat protection.

The Meadowlands Conservation Trust Act of 1999 (N.J.S.A. 13:17-87) led to the creation of the MCT, a New Jersey State agency that is in, but not of, the NJSEA. The MCT was formed to acquire and preserve environmentally sensitive land and to enhance the environment of the District and the Hackensack River watershed. The NJSEA provides administrative and technical support to the MCT.

Nearly 1,000 acres of sensitive lands are preserved and managed by MCT, including the 16-acre Skeetkill Creek Marsh Park in Ridgefield, which was donated to the MCT by the New Jersey Meadowlands Commission (NJMC), predecessor to the NJSEA, in 2008, and the 587-acre Richard P. Kane Natural Area (Kane Tract) in Carlstadt and South Hackensack, which was acquired by the MCT in 2005. The MCT also owns and/or manages a number of other environmentally sensitive properties outside the District boundaries.

A mitigation bank was created by the MCT on a 217-acre portion of the Kane Tract, which was designed to establish and maintain aquatic resource habitat through the enhancement of tidal marshes, channels, and mudflats, and the restoration of 0.68 acres of tidal wetlands. Total vegetation coverage has increased on this site from 27 percent in 2014 to 86 percent in 2017.

The District is home to a large number of private and public wetland mitigation projects that were associated with development projects that resulted in wetlands impacts. Most of these projects include actual enhancement, while some only include simple preservation of wetlands (see **Chapter 5 – Environment**, Figure 5.2 “Wetland Restoration, Mitigation, and Preservation Sites in the Meadowlands District”). The mitigation ratios required for wetlands fill permits issued by the USACE typically vary between 3:1 for enhancement, and 27:1 for preservation. Mitigation ratios are used by regulators to adjust the number of acres gained and lost as a result of mitigation trades. The different ratios reflect the differing quality of the wetlands to be enhanced or preserved. The ratio is calculated as the number of acres to be enhanced or preserved for each acre of wetland impacts.<sup>i</sup> Enhancement projects are also paired with the type of wetland impact, and can vary from forested freshwater wetland to brackish emergent marsh.

## I.

**SUSTAINABILITY INITIATIVES**

The NJSEA has been at the forefront in promoting sustainability initiatives that aim to reduce greenhouse gas emissions in the District.



The District zoning regulations encourage the use of clean, renewable and/or sustainable energy, such as energy generated by photovoltaic, wind energy, hydropower, and geothermal installations, and provide flexible zoning requirements for such installations, including reduced setback requirements for ground-mounted photovoltaic structures and a reduction in fees for projects including sustainable energy components.

Since 2006, the NJSEA has approved approximately 50,000 kW of solar projects in the District, inclusive of 3,154 kW of solar installations on NJSEA-owned properties, comprised of a 3,000 kW ballasted solar installation on the NJSEA's 1-A Landfill in Kearny (the largest photovoltaic installation in the District), a 121 kW solar carport at the NJSEA's administrative offices in Lyndhurst, and a 33.3-kW photovoltaic rooftop installation at the NJSEA's Center for Environmental and Scientific Education (CESC). The CESC is the first public building in the State of New Jersey to achieve the United States Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) Platinum certification.

LEED is a Green Building Rating System developed by the United States Green Building Council (USGBC) as a standard for developing high-performance, sustainable buildings. The District zoning regulations encourage sustainable green building practices through the provision of incentives based on achievement of LEED certification. Incentives range from reductions to required zoning fees and priority review of applications, to density bonuses where residential units are permitted.

The NJSEA's Meadowlands Adaptive Signal System for Traffic Reduction (MASSTR), an intelligent transportation system that utilizes adaptive traffic signal control software, wireless and fiber-optic communications, and vehicle detection devices to optimize traffic flow through the region, has resulted in reduced vehicle delays, which corresponds to reductions in gasoline consumption and greenhouse gas emissions that contribute to climate change.

K.

#### PRIVATE SECTOR CONFIDENCE

Despite the prevalence of low-lying floodplains in the District, businesses continue to invest in the Meadowlands region, as the District is strategically located in the NJ/NY metropolitan region, only five miles west of New York City, within a robust multimodal transportation network.

As a result of the desirability of development sites and tenant spaces in the District, properties within the District continue to experience strong demand and high occupancy rates, as evidenced by the NJSEA's receipt of over 500 land use applications annually. The NJSEA's land use policies direct the accommodation of this demand to suitable upland sites and brownfields in order to alleviate development pressure on environmentally sensitive wetlands. Private projects aimed at improving the resiliency of District properties, such as floodproofing structures and wetland enhancement, indicate that the private sector believes the District is worthy of high levels of investment.

L.

#### NJSEA NATURAL RESOURCES MANAGEMENT DEPARTMENT

The NJSEA Natural Resources Management Department supports improvements to the District's unique urban ecosystem through numerous surveys and studies of the region's flora, fauna, and wetlands to help guide protection and restoration of the environment within the Hackensack Meadowlands watershed.

The NJSEA's fishery resource inventory reports and avian studies performed over the past 30 years, discussed in [Chapter 5 – Environment](#), have shown a marked increase in the number and types of species inhabiting the District year-round and during migratory season, providing evidence that the Hackensack River's water quality has greatly improved. Current research in progress includes studies of avian high marsh breeding habitats and diamondback terrapins.

#### **M. MEADOWLANDS ENVIRONMENTAL RESEARCH INSTITUTE**

The NJSEA headquarters houses the Meadowlands Environmental Research Institute (MERI), which was formed in 1998 and is operated through a partnership with Rutgers University. MERI is a premier institution whose scientists perform critical scientific studies that have helped the NJSEA to better understand, manage, and improve the Hackensack River, its wetlands, and the District's unique urban ecosystem.

MERI maintains a clearinghouse of data that is utilized by the NJSEA, including in support of this Master Plan update. Recent MERI work includes studies on carbon sequestration in wetlands, benthic organisms, and sediment accretion; real time water and air quality monitoring and analysis in the MERI Laboratory; the utilization of drones for environmental monitoring, inclusive of wetlands and stormwater structures, tide gates and berms; real time tide gate monitoring, with results published and distributed to the public; and studies regarding flooding and its corollary impacts. In addition, MERI creates, maintains, and updates web-based digital maps and mapping tools for every property within the entirety of each constituent District municipality.

#### **N . MEADOWLANDS ENVIRONMENT CENTER**

The Meadowlands Environment Center (MEC), which is operated through a partnership with Ramapo College of New Jersey, offers school programs for students in Grades K-12 to raise awareness of the importance of environmental conservation and protection at an early age. MEC educators incorporate hands-on and inquiry learning and cross-curricular activities that use DeKorte Park as an outdoor classroom. The MEC is a leader in developing and expanding comprehensive environmental education programs for all ages. MEC classes meet Next Generation Science Standards (NGSS) and NJ Core Curriculum standards that promote STEM (Science, Technology, Engineering and Math) education. In 2018, more than 20,000 students from 81 school districts in New Jersey participated in MEC programs.

#### **O . REGIONAL STAKEHOLDER COORDINATION**

The NJSEA staff regularly coordinates with various federal, state, regional and local agencies, including the U.S. Army Corps of Engineers, the NJDEP, the Bergen and Hudson-Essex-Passaic Soil Conservation Districts, the Port Authority of New York and New Jersey (PANY&NJ), Bergen and Hudson Counties, constituent and neighboring municipalities, and various utilities and municipal utility authorities.

The NJSEA works with the Meadowlands Interagency Review Team (IRT, formerly known as the Meadowlands Interagency Mitigation Advisory Committee, or MIMAC), the federal and state advisory board, with respect to all wetland impacts in the District. Federal and state permit applicants must satisfy an alternatives analysis proving that no upland alternative exists to a proposed wetland impact. The IRT includes representatives of the US Army Corps of Engineers (USACE), NJDEP, NJSEA, USEPA, US Fish and Wildlife Service (USFWS), and the National Oceanic and Atmospheric Administration (NOAA) Fisheries, also known as the National Marine Fisheries Service.



Applicants' proposals typically target the enhancement of emergent low marsh (which is inundated twice daily), as opposed to high marsh (which is inundated infrequently), because high marsh is more likely to be overtaken by nuisance species such as *Phragmites australis*, the common reed. However, in light of sea level rise and climate change, the IRT also requires applicants to consider high marsh and future marsh migration.

The NJSEA is also required by state law to coordinate with the NJDEP Bureau of Tidelands Management with respect to tidelands instruments (grants, licenses and leases) required to release State's riparian interest for formerly flowed tidelands located within the District. Prior to a final decision by the Tidelands Resource Council, tidelands matters in the District require receipt of a recommendation from the NJSEA Board of Commissioners, in coordination with the NJDEP staff at the Bureau of Tidelands Management.

The NJSEA also coordinates with other entities having interest in regional resilience, including the Meadowlands Regional Chamber of Commerce, the Hackensack Riverkeeper, NY/NJ Baykeeper, NJ Audubon, and other environmental advocacy groups, as well as utilities such as PSE&G and Williams Transco.

### III. SUPERSTORM SANDY

Superstorm Sandy (Sandy) came ashore as an immense tropical storm in Brigantine, New Jersey, on October 29, 2012. Although rainfall was limited to less than 2 inches within Bergen County, wind gusts were recorded at up to 76 mph. A full moon made the high tides 20 percent higher than normal and amplified the tidal storm surge. Sandy wreaked havoc on Bergen and Hudson Counties with surges that registered approximately 4 to 5 feet above average high tide. **Map 19 - Superstorm Sandy Inundation (2012)** shows water elevation levels and storm surge depths as recorded by the MERI sensor at the Barge Club Marina monitoring station in the Hackensack River in Carlstadt. Coastal communities in New Jersey sustained significant damage and there was widespread destruction as a result of the storm. Although protected from severe waves, the Bergen County shoreline within the Hudson-Raritan Estuary experienced record storm surge elevations propelled by Sandy's strong winds. Hudson County municipalities in the District also experienced flooding from the tidal surge. Some 2.7 million households within New Jersey lost power. Sandy was estimated to have cost the State of New Jersey over \$36 billion.

MERI maintains sensors at 17 monitoring stations throughout the District that have continuously monitored the region's air, soils and water for more than 15 years. The data,

#### **FLOODING IN THE MEADOWLANDS**

*The Meadowlands region has a long history of flooding. Beginning as early as the late 1600's, farmers began finding ways to remove water from the wetlands in this area. The digging of ditches and canals began in earnest in the early 1900's by the area's Mosquito Commissions, which were charged with the responsibility of preventing standing water as a mosquito control strategy. This effort resulted in the development of a complicated network of "legacy" berms, canals and ditches that, to a limited degree, continued to serve as flood control structures. The berms and flood control structures such as tide gates in the District are located on both private and public (state, county, NJSEA, and municipal) properties. Ownership and responsibility for the maintenance of berms and tide gates varies accordingly and can be difficult to establish.*

collected in real-time, includes measurements of water levels along the Hackensack River and its marshes, as well as the concentration of fresh and salt water and

turbidity. During Sandy, the unprecedented sea surge overtopped all flood control structures, riverbanks, creek banks and berms in the Meadowlands District. MERI lost important field monitoring equipment during the storm; however, three sensors, located at River Barge Park in Carlstadt, East Riser Tide Gate in Berry's Creek, and the Moonachie Tide Gate located in marsh land along the Hackensack River near Exit 18W of the New Jersey Turnpike remained operational. These sensors collected invaluable data that tells the story of Sandy in the Meadowlands District. The NJSEA believes this to be the only monitoring data collected during Sandy within the Meadowlands.

While the sea surge's full force hit shortly after midnight on October 30, it had been building for at least 10 hours beforehand, according to MERI's measurements. On October 29 at 2:00 p.m., the average low tide measured in the District was elevation 3 feet (NAVD88), which is equivalent to an average high tide. As noted previously, the Hackensack River is tidally influenced and is thus impacted by both the ocean's tides and rainfall events. Shortly before 6:30 p.m., MERI sensors measured the water level in the Hackensack River at above elevation 5 feet (NAVD88) and rising. At 8:00 p.m., the NOAA monitoring station at Sandy Hook was seriously damaged and ceased to transmit water levels, making it increasingly difficult to predict and communicate the storm's path. At about the same time that NOAA lost its monitoring equipment, the sea surge began to rapidly increase in strength, bolstered by unrelenting winds of 60 to 80 miles per hour.

The surge lasted six hours, from approximately 8:00 p.m. on October 29 to approximately 2:00 a.m. on October 30. During this time, MERI recorded average water level elevations of 8.6 feet (NAVD88) at River Barge Park Marina and 9.5 feet (NAVD88) at the Moonachie Creek tide gate, with periodic tidal surges measuring well above 10 feet. The water rushing in from the Atlantic Ocean was so high that it overtopped the New Jersey Turnpike, which stands at elevation 10 to 11 feet (NAVD88), from approximately north of Exit 15W in Kearny to just north of Exit 18W in Carlstadt. The eight-foot storm surge inundated the majority of land in the District.

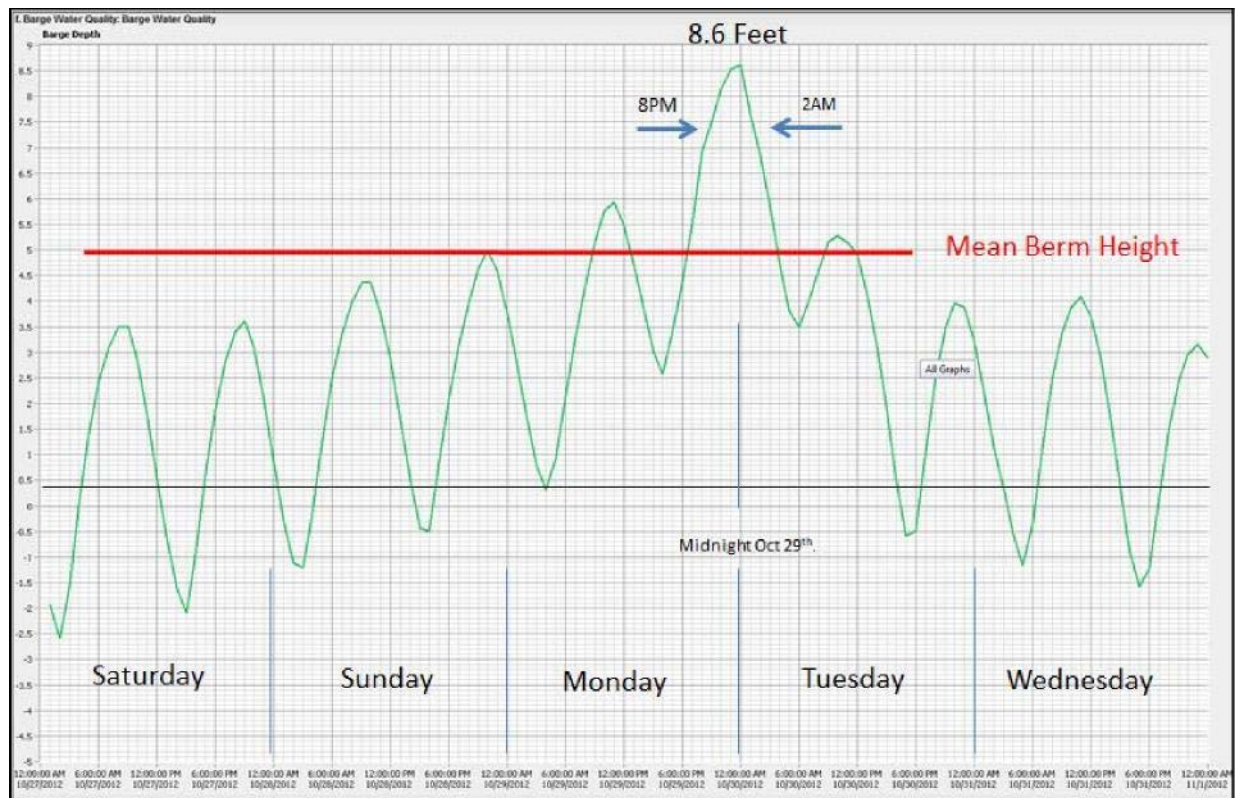
MERI's data further showed that the salinity levels in the Hackensack River almost doubled during the storm, confirming that it was ocean water that caused the Hackensack River to overflow its banks. Turbidity levels, which measure the result of turbulence in the water column on the Hackensack River, were also extremely elevated.



Superstorm Sandy resulted in a churning sea roiling extremely fast through Newark Bay, up the Hackensack River and ultimately into the Meadowlands, where many of the businesses and residential areas along the River are built on land as low as approximately elevation 3 feet (NAVD88). These areas are protected by a 28-mile system of berms (the naturally occurring or manmade mounds or walls of earth or sand) and 29 tide gates and pump stations (structures that prevent tidal water from moving upstream while allowing streams and creeks to flow downstream) that provide flood protection in the range of elevation 5 to 5.7 feet (NAVD88). During Sandy, these flood control structures were overtopped and/or breached by the storm's surging floodwaters. (See Figure 9.1 "Water Levels at Carlstadt River Barge Park Marina during Superstorm Sandy.") While it is not unheard of for berms in the District to be overtopped during high intensity storms, the severity and extent of flooding during Sandy could be considered a warning of future occurrences as climate change results in sea level rise.

FIGURE 9.1

### WATER LEVELS AT CARLSTADT RIVER BARGE PARK MARINA DURING SUPERSTORM SANDY



Source: MERI

#### A. POST-SANDY MAPPING CHANGES

In the months after Sandy, FEMA released Preliminary FIRMs to reflect the most up-to-date scientific data relating to the likelihood of flooding resulting from the 100-year base flood, which is a flood having a one percent chance of being equaled or exceeded in any given year. While revised FIRMs were under development by FEMA prior to Sandy, the extreme events of October 2012 resulted in recognition that the BFE shown on the then-effective FIRMs did not adequately reflect current coastal flood hazard risks. The resulting Preliminary BFE for the areas within Moonachie, Little Ferry, and Carlstadt that sustained among the greatest impacts from the flooding during Sandy is listed as 8 feet (NAVD88).

District zoning regulations require that the minimum lowest floor elevations for structures within the designated 100-year flood zones are established one foot above the applicable 100-year base flood elevations determined by FEMA's FIRM maps. By adhering to rebuilding standards using the more restrictive of either the effective FEMA FIRM maps plus one foot, FEMA's best available flood hazard data (currently the Preliminary FIRM maps) plus one foot, or American Society of Civil Engineers (ASCE) "Flood Resistant Design and Construction," ASCE/SEI 24-14, Table 6-1 (deemed by FEMA to meet or exceed the minimum NFIP requirements for buildings and structures), the NJSEA provides an additional level of flooding protection for future development in the District to help protect District residents, tenants, and property owners from the damaging impacts of flooding.

Most low-lying properties within the floodplain that sustained major damage as a result of Superstorm Sandy in 2012 were constructed prior to the creation of the 1969 Act and its

corresponding zoning regulations. Prior to 2012, there were less than 10 repetitive loss properties within the District. The number of repetitive loss properties in the District has increased to 119 post-Sandy.

**B.**

**POST-SANDY RESILIENCY INITIATIVES**

**1. Rebuild By Design Meadowlands (RBDM)**

In the summer of 2013, the United States Department of Housing and Urban Development (HUD) launched the [Rebuild by Design \(RBD\) competition](#) to develop ideas to improve resilience in regions affected by Superstorm Sandy. The competition sought to develop flexible solutions that would increase regional resilience. On June, 2, 2014, HUD announced that a design concept for the Meadowlands region near the Boroughs of Little Ferry, Teterboro, Moonachie, and Carlstadt was selected as a winner of [HUD's Rebuild by Design competition](#). To fund this project, HUD allocated \$150 million towards the design and construction of a solution that will reduce flooding risks and enhance resiliency in this area.

The Project Area is bounded by the Hackensack River to the east; the southern boundary of the Borough of Carlstadt along Paterson Plank Road (State Route 120) to the south; State Route 17 to the west; and Interstate 80 (I-80) and the northern boundary of the Borough of Little Ferry to the north. In total, the Project Area encompasses approximately 5,405 acres, the majority of which is located within the Meadowlands District.

The Project Area is vulnerable to both coastal flooding from storm surges and systemic inland and riverine flooding from large rainfall events. Coastal flooding results from high tides that are higher than normal high tides (such as storm surges) and can be worsened by onshore winds. Sandy most recently exposed the vulnerability of the Project Area to coastal flooding after low-lying areas were inundated by coastal storm surges. However, within the Project Area, inland flooding, which occurs during high-intensity rainfall/runoff events, is more common and happens more frequently than coastal flooding. These events can include moderate precipitation accumulating over several days, heavy precipitation falling over a short time period, or other circumstances in which ditches, creeks, or rivers overflow as a result of rainfall. Furthermore, the Project Area's existing vulnerabilities to flooding may worsen over time due to the effects of climate change and sea level rise.

Due to the Federal funding involved, the multi-year study was subject to the National Environmental Policy Act (NEPA), which required that an Environmental Impact Statement (EIS) be prepared. Both a Draft and Final EIS were prepared to analyze the potential effects on the physical, natural, cultural, and socioeconomic environment from the proposed Federal action. Following the completion of the EIS public process, a final EIS was prepared. The Record of Decision (ROD) published in December 2018 identified Alternative 3 (Build Plan and Future Plan) as the selected alternative and, ultimately, the Alternative 3 Build Plan as the Project that will be implemented with the \$150 million in allocated HUD funds. Construction is scheduled to begin in 2019. The Alternative 3 Build Plan consists of the following components:

- A new pump station and new force main along Losen Slote in Little Ferry;
- Dredging of Lower East Riser Ditch between the existing tide gate and Moonachie Avenue, with a new pump station installed at the tide gate;
- A system of 41 green infrastructure installations (bioswales, storage trenches, and rain gardens) along various roadways in the Project Area; and



- Three new parks (comprising approximately 7.6 acres in total) and improvements to five existing open spaces/public amenities.

The Alternative 3 Future Plan includes the remaining features identified in the ROD<sup>ii</sup> that could be constructed over time by others as funding sources become available and construction feasibility permits.

HUD requires the development and implementation of an Operations and Maintenance (O&M) Plan for all federally-funded components of the RBDM Project. The O&M Plan will address all requirements necessary to operate and maintain the RBDM Project, train personnel, test equipment, and schedule periodic and post-event inspections and repair work in a timely manner to maximize long-term reliability of the flood risk management measures.

## 2. National Disaster Resilience Grant Competition

HUD's National Disaster Resilience Grant Competition awarded \$1 billion in federal funding to eligible communities for disaster recovery and resilience planning, of which the State of New Jersey received a \$15 million grant in January 2016. Coastal and riverine flooding and other stormwater challenges do not recognize municipal boundaries; they are regional in nature and require corresponding regional solutions. A portion of the HUD funds is being used by the NJDEP to develop a grant program to develop and implement plans to address coastal and riverine flooding.

The NJDEP, in collaboration with local jurisdictions, has also been tasked with developing an Operation and Maintenance Toolkit of best practices for managing regional stormwater infrastructure. The first two modules of the toolkit will focus on operations and maintenance (O&M) and jobs training tools. Five municipalities within the Meadowlands region of Bergen County: Carlstadt, Moonachie, South Hackensack, Teterboro, and Little Ferry, were chosen as the pilot area, as the region is prone to chronic flooding from both tidal storm surges and rainfall events. The area is vulnerable to the effects of sea level rise and faces significant unmet stormwater control and drainage needs.

The National Disaster Resilience Grant Competition and the concurrent Meadowlands Rebuild by Design project will result in construction of new stormwater infrastructure in the project area, which will require a multijurisdictional approach to operations and maintenance.

## IV.

### SEA LEVEL RISE

New Jersey's climate is changing. Over the last century, New Jersey experienced rising temperatures, increased rainfall, more frequent extreme weather events, and rising sea levels.<sup>iii</sup> Increases in local sea level are the result of a combination of global, regional, and local changes. These changes are the result of increasing greenhouse gases in the atmosphere due to human activities, such as the burning of fossil fuels, agriculture, and land clearing.

At the global scale, sea level is rising. Measured at tide gauges on every continent and by satellites in orbit, global average sea level has risen approximately seven to eight inches since 1900, with about three of those inches occurring since 1993.<sup>iv</sup> The observed global increase is the result of several



factors, including the melting of glaciers, ice caps and ice sheets; the thermal expansion of ocean water as it warms; and changes in land water storage. In some regions of the world, land is rising faster than sea level, and the rate of local sea level rise is slowing as a result. In other regions, where land is subsiding, local sea level is increasing faster than the global average.

In New Jersey and the northeastern United States, sea level rise rates are increasing faster than the global average. In Atlantic City, sea level has risen by an average rate of 1.5 inches per decade, which is approximately double the global rate.<sup>v</sup> Sea level rise rates in New Jersey are increased by land

In response to a stakeholder engagement process between 2012 and 2014, Rutgers University, on behalf of the New Jersey Climate Adaptation Alliance, convened a Science and Technology Advisory Panel (STAP) to help identify alternatives for practitioners to enhance New Jersey's resilience to regional sea level rise, coastal storms, and flood risk.<sup>vii</sup> The STAP's goal is to identify and evaluate current science on sea level rise and to provide useful, practical options for public and private sector practitioners. The findings of the STAP panel are described herein.

#### A. SEA LEVEL RISE MAGNITUDE AND RATE

The magnitude of sea level rise is the amount of rise that is projected. The STAP released a report in 2016 entitled, "Assessing New Jersey's Exposure to Sea-Level Rise and Coastal Storms: Report of the New Jersey Climate Adaptation Alliance Science and Technical Advisory Panel," (STAP Report), which presented a range of estimates of sea level rise (SLR) magnitude for New Jersey, as well as the probability of those estimates occurring. Figure 9.2 "Sea Live Rise (SLR) Projections for New Jersey" summarizes two of these estimates, measured in feet. The central estimate is a 50 percent probability, and the likely range is a 67 percent probability. Two greenhouse gas emissions scenarios are presented in this table as well. A high emissions scenario is anticipated to accelerate climate change, and thus, speed the rate of sea level rise.

**FIGURE 9.2** SEA LEVEL RISE (SLR) PROJECTIONS FOR NEW JERSEY

subsidence associated with natural sediment compaction and groundwater [withdrawal](#).<sup>vi</sup>

YEAR	CENTRAL ESTIMATE	LIKELY RANGE
	<i>50% probability SLR meets or exceeds:</i>	<i>67% probability SLR is between:</i>
2030	0.8 ft.	0.6 – 1.0 ft.
2050	1.4 ft.	1.0 – 1.8 ft.
2100 Low emissions	2.3 ft.	1.7 – 3.1 ft.
2100 High emissions	3.4 ft.	2.4 – 4.5 ft.

Source: *Assessing New Jersey's Exposure to Sea-Level Rise and Coastal Storms: Report of the New Jersey Climate Adaptation Alliance Science and Technical Advisory Panel (STAP Report)*, 2016.

Estimates are based on (Kopp et al., 2014)





**Map 11 - Inundation Footprint in 2050 – 2 ft Sea Level Rise Projection** and **Map 10 - Inundation Footprint in 2100 – 3 ft Sea Level Rise Projection** detail the projected inundation footprint in the District in 2050 and 2100 at a potential 2-foot and 3-foot sea level rise, which are the projections at the upper end of the likely scenario in Figure 9.1 above. The color gradient reflects the level of projected inundation and is based on land elevation.

New Jersey Sports and Exposition Authority

The rate of sea level rise involves the timing of the sea level rise, or when a certain level may be reached. This can have a critical impact not only on developed areas, but on wetlands and their ability to adapt to the changes in sea level. This ability to adapt to SLR is dependent upon other local factors, including sediment accretion and organic matter accumulation from plant production.<sup>viii</sup> The STAP Report identified a possible 0.2 to 0.4 inch rise per year between 2010 and 2030. After 2030, the rate of change will depend on future greenhouse gas emissions.

The STAP Report SLR estimates are consistent with those projected by New York State, which were adopted by the New York State Department of Conservation in 2017, as well as the 2012

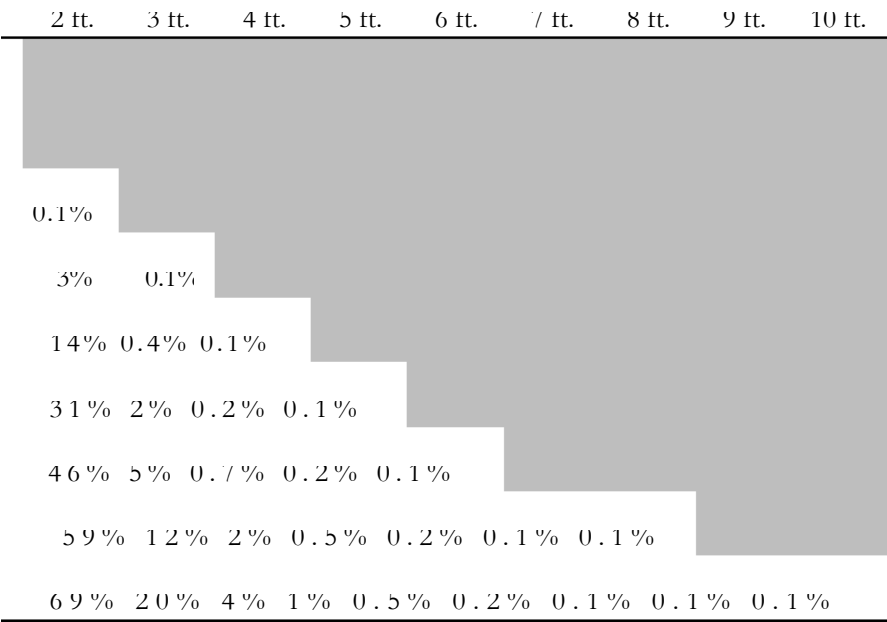
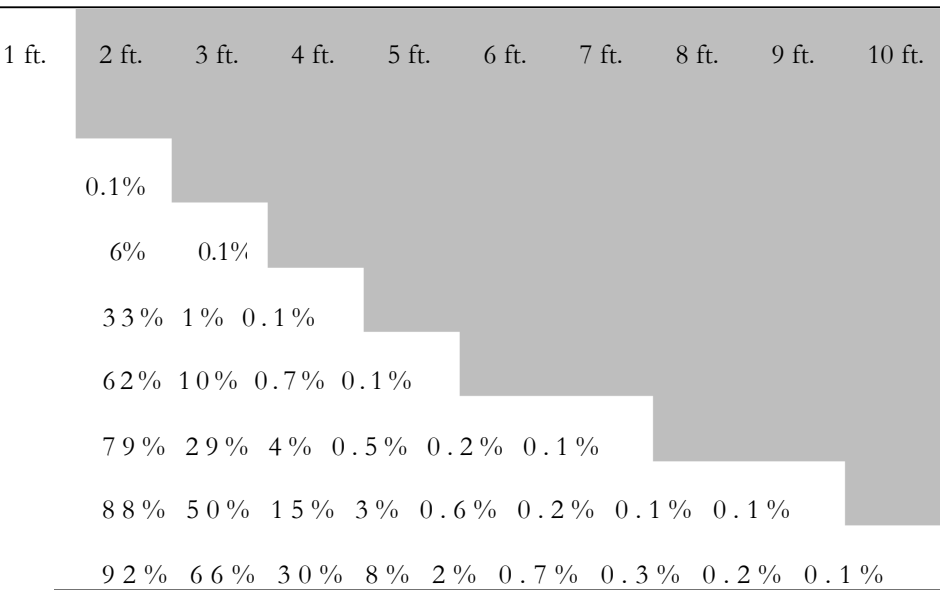
With the projected change in sea level, the impacts of future coastal storms in New Jersey will be magnified. Storm surge combined with higher water levels due to sea level rise will make severe coastal flooding more frequent in the future.<sup>ix</sup> Tidally-influenced areas like the Meadowlands are also likely to experience increased nuisance, or high tide flooding, in low-lying areas. This type of flooding, which is common in certain Meadowlands communities, occurs even in the absence of severe storms.



FIGURE 9.3

PROBABILITY THAT SEA LEVEL RISE AT ATLANTIC CITY WILL MEET OR EXCEED STATED VALUES IN STATED YEARS

High Emissions



2020	0.1%
2030	14%
2040	60%
2050	86%
2060	95%
2070	98%
2080	99%
2090	99%
2100	99%
<hr/>	
<b>Low Emissions</b>	
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	1 ft.
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2020	0.1%
2030	12%
2040	52%
2050	78%
2060	89%
2070	94%
2080	96%
2090	97%
2100	97%

*Source: Assessing New Jersey's Exposure to Sea-Level Rise and Coastal Storms: Report of the New Jersey Climate Adaptation Alliance Science and Technical Advisory Panel (STAP Report), 2016.  
Estimates are based on (Kopp et al., 2014)*

In addition to concerns associated with SLR impacts to developed areas, the ability of the District's natural areas to withstand the effects of climate change is paramount to any planning efforts to address SLR in the District. Natural areas support an increasingly diverse ecosystem in the Meadowlands, and are assumed to be at risk when marshland potentially inundated due to SLR meets developed area boundaries.

In a June 2018 report, "Measuring Elevation Change in Meadowlands Marshes Using Surface Elevation Tables (SETs) and Marker Horizons," MERI monitored the rates of accretion and subsidence at five tidal wetland locations in the District over a period of ten years, which provides an indication as to average elevation change in the District's wetlands. The study found that accretion, resulting from the accumulation of sediment, was the main contributor to elevation increases observed on the wetland sites. The rate of elevation change on the sites was observed within the range of 2.44 to 4.00 mm per year (see Figure 9.4 "Surface Elevation Change of Select Marshes in the District"). The study indicates that the elevation rates observed indicate the District's wetlands are currently generally well adapted to keep up with the rising sea levels, and that accretion and elevation rates can generally be expected to stabilize as time passes, unless there is a large weather event or human impact on the sites. Therefore, it is essential that the District's wetland areas and their ability to support a thriving ecosystem in the face of climate change be addressed as part of resiliency planning initiatives in the District.

**FIGURE 9.4** SURFACE ELEVATION CHANGE OF SELECT MARSHES IN THE DISTRICT

LOCATION		MARSH TYPE	DOMINANT VEGETATION	RATE OF ELEVATION CHANGE - 2008 TO 2018 (MM/YR.)
RBP	Riverbend Patens	High Marsh	<i>Spartina patens</i>	4.00
RBM	Riverbend Mixed	High Marsh	<i>Phragmites australis</i> / <i>Spartina patens</i>	3.67
SM	Sawmill	High Marsh	<i>Spartina alterniflora</i>	3.94
LR	Lyndhurst Riverside	High Marsh	<i>Phragmites australis</i>	2.44
SHS	Secaucus HS	Low Marsh	<i>Spartina alterniflora</i>	3.93

Source: MERI (2018)

## B. PLANNING FOR CLIMATE CHANGE AND SEA LEVEL RISE

Preparing for climate change is not about making a community "climate proof," but making it "climate resilient." A climate resilient community is one that takes proactive steps to prepare for (i.e., reduce the vulnerabilities and risks associated with) projected impacts.<sup>x</sup>

Climate change impacts do not follow jurisdictional boundaries and thus may require new collaborations and/or strengthening of existing partnerships with local, state and federal governments, non-profits and the private sector. It is critical that partnerships are developed and/or strengthened that may reduce vulnerability and risk associated with the impacts of sea level rise.<sup>xi</sup>

Government responses to sea level rise fall into two categories: reactive or proactive, and structural or non-structural. Reactive responses take place after an impact has occurred, and can be structural or non-structural. Reactive responses include non-structural actions, such as

imposing restrictions regarding reconstruction or acquiring properties after impacts have taken place, and structural actions, such as building armoring structures. Proactive responses, which are often non-structural, require effective planning to prevent negative impacts from natural hazards.

In the context of coastal storm risk management, nonstructural measures are defined as those that reduce human exposure to a flood hazard without altering the nature or extent of the hazard. Nonstructural measures are intended, generally, to reduce the consequences from flooding events. Operation and maintenance costs of nonstructural measures are usually low, and such measures are sustainable over the long term. <sup>xi</sup>

Structural responses (or hard armoring) change the nature of the hazard that they protect against and involve engineering solutions to manage flood risk and reduce damage from coastal storms. Typical structural solutions include levees, floodwalls, beaches, and dunes, which are intended to physically limit flood water inundation from causing damage.<sup>xii</sup> Such solutions should be assessed against the potential of exacerbating negative impacts on neighborhood properties.

## V.

### RESILIENCY STRATEGIES

The NJSEA recognizes that existing regulations, policies, and practices may need to be modified in the future to increase resiliency, to allow for reevaluation and adjustment in accordance with changing conditions in a forward-thinking manner, and avoid trends that increase future vulnerabilities or reduce adaptive capacity. Modifications should consider strategies to diversify options with respect to adaptive capacity by providing new “buffers” against climate change impacts. <sup>x</sup>

This plan provides a review of potential strategies available to address sea level rise, and whether these strategies may be appropriate for future NJSEA implementation. The following nonstructural measures, frequently mentioned in current literature on SLR, may or may not be applicable to properties within the District, but form the foundation for continued discussion to address the impacts of SLR in the District. Strategies that are deemed to have potential utility in the District will be recommended for future in-depth study. The potential strategies evaluated in an effort to promote a resilient and sustainable Meadowlands region include the following:

1. Comprehensive Planning;
2. Overlay Zones;
3. Floodplain Regulations;
4. Construction Codes;
5. Setbacks/Buffers;
6. Conditional Development;
7. Rebuilding Restrictions;
8. Hard Armoring;
9. Soft Armoring and Green Infrastructure;
10. Acquisitions;
11. Conservation Easements; and
12. Rolling Conservation Easements.





## A. COMPREHENSIVE PLANNING

Through this Master Plan, the NJSEA is proactively affirming the agency's commitment towards adaptation planning beyond the ongoing measures practiced by the agency over the past several decades. Future NJSEA tasks to increase the resiliency of the District include the following:

1. Study and identify potential impacts from sea level rise;
2. Assess vulnerabilities and select responsive strategies to incorporate within future amendments to the District Zoning Regulations;
3. Identify areas in the District that may be targeted for increased levels of protection;
4. Identify land use tools that are available to the NJSEA; and
5. Discuss a timeline for future implementation.

## B. OVERLAY ZONES

Overlay zoning allows the addition of regulatory requirements upon an existing zone to supplement regulations in areas with special features.<sup>xiii</sup> The existing zone is not disrupted, thereby allowing flexibility in the administration of zoning requirements. Overlay zones are frequently used to protect unique natural or cultural resources. One example of overlay zoning in this context is a "sea level rise overlay zone," in which special regulations would apply only to the designated overlay zone. Overlays can be used to increase freeboard (a factor of safety usually expressed in feet above base flood elevation), increase setbacks, limit new development, and/or require additional floodproofing measures for new structures or additions.

Depending upon goals for a particular location, overlay zones could also include the following:

1. Protection zone: In densely developed areas, require soft armoring techniques wherever feasible;
2. Accommodation zone: In areas that permit new development but limit its intensity, hard armoring could be limited, and retrofits or resilient design could be required;
3. Retreat zone: Hard armoring would be prohibited, rebuilding damaged structures could be prohibited, and inundated structures would be removed or relocated. Retreat zones could be supplemented with incentives for relocation, such as acquisitions, conservation easements, or tax incentives; and
4. Preservation zone: Areas where natural features are preserved and/or enhanced.

## C. FLOODPLAIN REGULATIONS

Floodplain management regulations can be used to implement adaptive measures. A prime example of the effectiveness of floodplain management regulations is FEMA's NFIP, which aims to reduce the impact of flooding on private and public structures. It does this by providing affordable flood insurance to property owners, renters, and businesses and by encouraging communities to adopt and enforce floodplain management regulations. These efforts help mitigate the effects of flooding on new and improved structures.<sup>xiv</sup>

The NFIP's CRS, explained above, is a voluntary program for recognizing and encouraging community floodplain management activities exceeding the NFIP's minimum standards.<sup>xv</sup> Successful implementation of the program by a local community, such as the NJSEA, results in a discount on flood insurance premium rates for residents and businesses in the community. As part of the CRS program, the NJSEA has adopted and enforces certain regulations with minimum design requirements for new construction proposed in SFHAs, where the NFIP's floodplain management regulations must be enforced and the mandatory purchase of flood insurance applies.<sup>xvi</sup>



Floodplain management planning provides many benefits for the District, including the following:

1. Identification of existing and future flood-related hazards and their causes;
2. Ensuring that a comprehensive review of all possible activities and mitigation measures is conducted so that the most appropriate solutions will be implemented to address the hazard;
3. Ensuring that the recommended activities meet the goals and objectives of the NJSEA, are consistent with land use and comprehensive planning goals, do not create conflicts with other activities, and are coordinated so that the costs of implementing individual activities are reduced;
4. Ensuring that the criteria used in NJSEA land use and development programs account for the hazards faced by existing and new development;
5. Education of residents and property owners about the hazards, loss reduction measures, and the natural and beneficial functions of floodplains;
6. Building public and political support for activities and projects that prevent new problems, reduce losses, and protect the natural and beneficial functions of floodplains; and
7. Building a constituency that wants to see the plan's recommendations implemented.

Presently, the NFIP does not account for future impacts from sea level rise. FEMA uses historical data only to assess vulnerability to flooding; however the CRS program encourages communities to impose more stringent regulations pursuant to a FEMA-approved Flood Insurance Study (FIS).

#### **D. CONSTRUCTION CODES**

The NJSEA is responsible for construction code plan review of proposed development within the District in accordance with New Jersey's Uniform Construction Code (NJ UCC). Construction codes can be used to promote resilient design by maximizing the ability of structures to withstand flooding. Design requirements are routinely used to reduce flooding impacts to coastal development. Building retrofit measures can include elevation of the structure or finished floor, dry or wet floodproofing, perimeter ringwalls, relocation, or demolition.

The NFIP has different design requirements for construction in the different designated zones of the SFHAs. Future considerations may include requiring more restrictive construction code requirements in areas at risk from SLR.

#### **E. SETBACKS/BUFFERS**

Setbacks are defined within the District Zoning Regulations as the distance between a structure and the lot line. Structures are not permitted within the required setback, which can be at the front, rear, or side of a property. Buffers are similar to setbacks in that they require adequate distances be maintained in certain areas, generally between uses of varying intensity. Waterway buffers include natural features that may reduce flood impacts, provide water filtration, preserve views, provide recreational opportunities, and serve as crucial habitats. <sup>xiii</sup>

The District zoning regulations specify minimum front, rear and side yard setbacks, as well as minimum buffers that require certain distances be maintained from waterways. <sup>xviii</sup> Fill, fill, structures, and impervious pavements are not permitted within a required waterway buffer. The NJSEA should ensure that ample development setbacks from tidal marshes and open tidal waters are established to accommodate projected marsh migration. <sup>xvii</sup>



## F. CONDITIONAL DEVELOPMENT

Special conditions can be applied when granting certain types of development approvals to mitigate negative impacts. Impact fees, land use restrictions, deed restrictions and dedications are types of conditions that may be imposed on developers or property owners.

## G. REBUILDING RESTRICTIONS

Restrictions on rebuilding can limit a property owners' ability to reconstruct after damage or destruction caused by natural hazards. Restrictions would not apply until after the property has been significantly impacted. In general, there are three categories of rebuilding restrictions that could be applied to limit reconstruction, particularly in areas with repetitive flooding losses:

1. Allow limited rebuilding: Limitations on rebuilding would allow smaller, more resilient structures to be built, and additional setbacks or buffers could also be required.
2. Prohibit rebuilding: Prohibition on rebuilding structures that have been repetitively damaged or are located in flood prone areas.
3. Allow reconstruction with conditions: Conditions on reconstruction could allow properties to be rebuilt while prohibiting or limiting armoring in order to minimize potential detriments to landforms and fish and wildlife habitats associated with such measures, or require that structures be removed when threatened by inundation or erosion.

In certain areas of the New Jersey Shore, there are two categories of post-Sandy building restrictions that have been implemented by FEMA to reduce repetitive losses. The first is limited resilient rebuilding, which requires damaged structures to be replaced by more resilient structures, or else be moved away from the coast.<sup>xii</sup> The second is conditional reconstruction, wherein conditions include, among other things, limits on future rebuilding or the purchase of additional flood insurance.

## H. HARD ARMORING

Hard armoring or protection refers to engineered structures that defend against coastal hazards, including seawalls, tide gates, storm surge barriers, floodwalls, revetments, and bulkheads. While fairly commonplace, such protective measures may result in negative consequences to surrounding properties by shifting the floodwaters and erosion away from the property protected by hard armoring. In the context of sea level rise, these structures form barriers that impede the ability of the natural shoreline and habitats to migrate inland over time.<sup>xviii</sup> Armoring can also have the effect of encouraging development in vulnerable areas, thereby enhancing the risk to people and property in the event of failure.<sup>xiii</sup>

## I. SOFT ARMORING AND GREEN INFRASTRUCTURE

Soft armoring allows the creation or restoration of a natural shoreline system using nature-based shoreline management techniques.<sup>xix</sup> In the District, soft armoring could allow natural inland migration of wetlands as the sea level rises.

In accordance with New Jersey's CZM Rules at N.J.A.C. 7:7-1.5, a living shoreline is "a shoreline management practice that addresses the loss of vegetated shorelines, beaches, and habitat in the littoral zone by providing for the protection, restoration, or enhancement of these habitats."<sup>xx</sup> Such living shorelines can be accomplished through the strategic placement of plants, stone, sand or other structural and organic materials. Natural living shorelines include natural vegetation, submerged aquatic vegetation, fill, and biodegradable organic materials. Hybrid living shorelines incorporate natural vegetation, submerged aquatic vegetation, fill,



biodegradable organic materials, and low-profile rock structures such as segmented sills, stone containment, and living breakwaters seeded with native shellfish.

Green infrastructure, such as bioswales, rain gardens, green roofs, and permeable pavement, refers to environmental solutions designed to reduce flow volumes and peaks (through infiltration and storage) and treat stormwater at its source, while also providing potential social, environmental, or economic benefits.<sup>xxi</sup> Gray infrastructure refers to constructed structures such as treatment facilities, stormwater systems, sewer systems or storage basins.<sup>xxii</sup> In conjunction with gray infrastructure, interconnected networks of green infrastructure can enhance community resiliency by increasing water supplies, reducing flooding, combatting urban heat island effect, and improving water quality.<sup>xxiii</sup>

The RBDM Project will be implementing various green infrastructure concepts in the RBD Meadowlands Study Area, including bioswales, storage trenches, and rain gardens. For a detailed discussion and analysis of these green infrastructure improvements and their locations, please refer to the Rebuild by Design Meadowlands Project Final Environmental Impact Statement at <https://www.nj.gov/dep/floodresilience/rbd-meadowlands-feis.htm>.

## J. ACQUISITIONS

State and local government entities can use public funds to purchase privately held lands for conservation purposes and to promote public health and safety. Property acquisitions in flood-prone areas are not a new concept; typically, such programs are pursued after disaster has occurred, often repeatedly. A pre-emptive approach to acquisitions in the context of sea level rise could be a viable option in the District.

In the face of increasingly frequent and powerful coastal storms anticipated in the New York/New Jersey metropolitan region, buyout programs can be designed and implemented to yield successful outcomes for residents and government entities alike.<sup>xxiv</sup>

The NJDEP Blue Acres Program (within the Green Acres Program) purchases improved residential lots in flood prone areas, or properties that may buffer or protect other lands from such damage, and, once acquired, removes any structures and improvements from the floodplain.<sup>xxv</sup> The voluntary buyout program was expanded after Superstorm Sandy with funding from FEMA, HUD, and the United States Department of Agriculture (USDA).

In New Jersey, neighborhoods are evaluated based on several criteria, including the following:

- Flood damage from Superstorm Sandy, or repeated flood damage from previous storms, such as in the Passaic River Basin;
- Willing sellers. The Blue Acres program is a strictly voluntary program for willing sellers only;
- Support from the local government;
- Clusters of flood-prone homes, or whole neighborhoods;
- Cost-effectiveness of the buyout according to FEMA guidelines under Federal law;
- Opportunity for significant environmental impact and/or improvement to public health, safety, and welfare.

The Blue Acres Program also considers communities with a high concentration of homes that experienced the most severe damage from Superstorm Sandy, as well as communities with homes that have submitted repeated flood insurance claims under the National Flood Insurance



Program.<sup>xxvi</sup> Through a combination of state and federal funding, the Blue Acres Program is able to acquire improved and vacant parcels in order to realize preservation of entire neighborhoods.

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Acquisition programs can be used proactively to target at-risk properties. Sea level rise projection data and mapping enables practitioners to reliably gauge the location and timing of SLR impacts, which can be used to develop acquisition plans for the most vulnerable properties.

The MCT currently owns and manages nearly 1,000 acres of wetlands and environmentally sensitive lands both in the District and in municipalities outside of the District. It is anticipated that with future funding, the MCT will continue to actively seek out environmentally sensitive properties to preserve.

#### **K. CONSERVATION EASEMENTS**

A conservation easement is a voluntary legal agreement between a landowner and a government, land trust or other qualified organization, in which permanent limitations are placed on the use of the owner's property, in exchange for money or a tax incentive, in order to sustain the natural function of the land.<sup>xxvii</sup>

While commonly used to conserve open space and farmland, conservation easements may be a viable strategy for protecting wetlands in the District. This strategy allows for marsh migration as tidal waters encroach upon undeveloped uplands, where tidal marshes may form on these newly submerged lands. In the context of sea level rise, conservation easement provisions could include prohibiting the removal of vegetation and restricting land uses that might contribute to erosion. Because a property will be limited in its use, conservation easements may reduce the value of property, thereby potentially reducing the property tax bill for the owner.<sup>xxviii</sup>

Less common arrangements include future interest agreements that would allow property owners in at-risk areas to receive compensation for their property but permit them to remain until it is no longer viable to do so.

#### **L. ROLLING CONSERVATION EASEMENTS**

A rolling easement is a broad term that refers to any public policy that protects lands in the public trust as the sea level "rolls" inland.<sup>xii</sup> Unlike traditional conservation easements that prohibit development in exchange for compensation, rolling easements can allow for limited development of uplands but prohibit armoring or other development that could interfere with the tide. As the property is inundated, the easement terms would require that all structures be removed. Such easements reduce the exposure to coastal flooding, but also allow for long-term managed coastal retreat and a reduction in repetitive loss properties. While the use of rolling easements for sea level rise is an innovative concept, it is currently untested, so the difficulties involved in their establishment or implementation are unknown at this time.



## VI. CONCLUSION

The NJSEA recognizes the importance of planning for resiliency in the face of sea level rise. This chapter has presented a variety of potential future strategies to enhance the resiliency of the District. It is recognized that not every strategy will be feasible for implementation by the NJSEA, but it is important to explore all strategies that may be applicable.

Moving forward, the RBDM Project, as well as all future resilience projects, should be coordinated with future flood control and environmental mitigation endeavors within the District (i.e. the activities associated with the environmental cleanup of the Berry's Creek Study Area, which is part of the Ventron/Velsicol Superfund site), to ensure that the various projects achieve their goals in a complementary manner, to preclude any unanticipated or deleterious consequences.

Planning for resiliency cannot be conducted in a vacuum, and it is essential that the NJSEA coordinate with its public and private partners to best prepare the District for the climate-related challenges ahead.

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<sup>i</sup> King, Dennis M. and Price, Elizabeth W., Developing Defensible Wetland Mitigation Ratios, University of Maryland Center for Environmental Science, 2004.

<sup>ii</sup> [https://www.nj.gov/dep/floodresilience/docs/rbdlm\\_nepa\\_rod\\_20181220\\_executed.pdf](https://www.nj.gov/dep/floodresilience/docs/rbdlm_nepa_rod_20181220_executed.pdf)

<sup>iii</sup> New Jersey Department of Environmental Protection, <https://www.nj.gov/dep/climatechange/data.html>

<sup>iv</sup> Sweet, W.V., R. Horton, R.E. Kopp, A.N. LeGrande, and A. Romanou, 2017: Sea level rise. In: [Climate Science Special Report: Fourth National Climate Assessment, Volume I](#) [Wuebbles, D.J., D.W. Fahey, K.A. Hibbard, D.J. Dokken, B.C. Stewart, and T.K. Maycock (eds.)]. U.S. Global Change Research Program, Washington, DC, USA, pp. 333-363, doi: 10.7930/J0VM49F2.

<sup>v</sup> New Jersey Department of Environmental Protection, <https://www.nj.gov/dep/climatechange/data.html>

<sup>vi</sup> Miller, K. G., Kopp, R. E., Horton, B. P., Browning, J. V, Kemp, A. C., & Al, M. E. T. (2013). Earth's Future -A geological perspective on sea-level rise and its impacts along the U.S. mid-Atlantic coast Earth's Future, 3–18.

<sup>vii</sup> Kopp, R.E., A. Broccoli, B. Horton, D. Kreeger, R. Leichenko, J.A. Miller, J.K. Miller, P. Orton, A. Parris, D. Robinson, C.P. Weaver, M. Campo, M. Kaplan, M. Buchanan, J. Herb, L. Auermuller and C. Andrews. 2016. Assessing New Jersey's Exposure to Sea-Level Rise and Coastal Storms: Report of the New Jersey Climate Adaptation Alliance Science and Technical Advisory Panel. Prepared for the New Jersey Climate Adaptation Alliance. New Brunswick, New Jersey.

<sup>viii</sup> Haaf, L., Moody, J., Padeletti, A., & Maxwell-Doyle, M. (2015). Factors Governing the Vulnerability of Coastal Marsh Platforms to Sea Level Rise.

<sup>ix</sup> "Understanding New Jersey's Vulnerability to Climate Change," Georgetown Climate Center/Rutgers Climate Institute

<sup>x</sup> *Preparing for Climate Change: A Guidebook for Local, Regional, and State Governments*, Center for Science in the Earth System, University of Washington, 2007

<sup>xi</sup> USACE 2014b

<sup>xii</sup> NJBB CSRM interim Feasibility Study and Environmental Scoping Document, 2019

<sup>xiii</sup> Adaptation Tool Kit: Sea-Level Rise and Coastal Land Use, Georgetown Climate Center, 2011

<sup>xiv</sup> <https://fema.gov/national-flood-insurance-program>

<sup>xv</sup> <https://www.fema.gov/media-library/assets/documents/9998>

<sup>xvi</sup> <https://www.fema.gov/special-flood-hazard-area>

<sup>xvii</sup> Ref (on page 75/100) [https://www.nj.gov/dep/opi/assets/nwf\\_final\\_bescch\\_070517.pdf](https://www.nj.gov/dep/opi/assets/nwf_final_bescch_070517.pdf)

<sup>xviii</sup> California Coastal Commission Sea Level Rise Policy Guidance, 2015.

<sup>xix</sup> Wetlands Watch, [www.wetlandswatch.org](http://www.wetlandswatch.org)



xx N.J.A.C. 7:7-1.5 (CZM), <https://www.nj.gov/dep/opi/living-shorelines.html>

xxi “What is Green Infrastructure?” USEPA, <https://www.epa.gov/green-infrastructure/what-green-infrastructure>

xxii National Green Infrastructure Certification Program, <http://ngicp.org/glossary/gray-infrastructure/>

xxiii Green Infrastructure for Climate Resiliency, USEPA, [https://www.epa.gov/sites/production/files/2015-10/documents/climate\\_res\\_fs.pdf](https://www.epa.gov/sites/production/files/2015-10/documents/climate_res_fs.pdf)

xxiv “Buy-In for Buyouts,” 2016, Lincoln Institute and Regional Plan Association

xxv NJ DEP, <https://www.nj.gov/dep/greenacres/survey/blueacres.html>

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Comparison Details	
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Date & Time	8/30/2019 1:40:35 PM
Comparison Time	44.53 seconds
compareDocs version	v4.3.300.65

Sources	
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Modified Document	[#6618711] [v3] Draft Hackensack Meadowlands District Master Plan Update 2020_Proposed Comments.docx

Comparison Statistics	
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Deletions	4
Changes	14
Moves	0
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Paragraph Style Changes	0
Character Style Changes	0
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Balloons	False

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Character Level	Word	False
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Include Footnotes / Endnotes	Word	True
Include List Numbers	Word	True
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Include Moves	Word	False
Show Track Changes Toolbar	Word	True
Show Reviewing Pane	Word	True
Update Automatic Links at Open	Word	[Yes / No]
Summary Report	Word	End
Include Change Detail Report	Word	Separate
Document View	Word	Print
Remove Personal Information	Word	False
Flatten Field Codes	Word	True



#### **D. SOLID WASTE**

The NJSEA administers the Hackensack Meadowlands District Solid Waste Management Plan and ensures the proper control, closure, and remediation of landfills throughout the District. In 1969, there were nearly 1,900 acres of unregulated landfills in the region. Today most of those landfills have been closed and remediated under the jurisdiction of the New Jersey Department of Environmental Protection (NJDEP) and the NJSEA as the administrator of the Hackensack Meadowlands Solid Waste Management District.

#### **E. NATURAL RESOURCES**

Improvements to the Meadowlands' unique urban ecosystem are supported by the work of the Natural Resources Management Department. The Department conducts surveys on area wildlife and looks for ways to enhance and preserve the environment by protecting wetlands and native plants and animals, and by finding ways to eliminate or reduce invasive flora and nuisance fauna. The research performed by the Natural Resources Management Department furthers the NJSEA's ongoing commitment to exploring ways to improve and protect vital natural resources in the Meadowlands District.

The Natural Resources Management Department also oversees the stormwater management functions of the NJSEA, as more fully explained in Chapter 5 – Environment, including preparation of the NJSEA's Floodplain Management Plan, maintaining the District's Community Rating System reporting requirements, inspecting stormwater management facilities in the District, and assisting District property owners, residents and businesses with flooding concerns. These activities are performed in conjunction with NJSEA Land Use Management staff.

#### **F. LAND USE MANAGEMENT**

The NJSEA maintains a professional staff of engineers, planners, and construction code officials within the Division of Land Use Management (LUM) to administer land use and construction code regulations within the District. The LUM division is responsible for the District's master planning, redevelopment planning, rezoning, and the maintenance of the Official Zoning Map for the District. The staff also conducts site plan and subdivision reviews to evaluate consistency with the District's applicable land use regulations. A zoning certificate must be obtained prior to the improvement or filling of a site, the construction of, or addition to, any structure, and/or changes of use within existing buildings. Additionally, the NJSEA issues occupancy certification prior to any change of tenancy in the District to certify the proposed use or occupancy complies with the applicable regulations. Prior to the start of any new construction or alterations to existing structures, the NJSEA conducts a construction code plan review in accordance with the State building code. The NJSEA partners in the building code review process with the constituent municipalities' construction officials, who are responsible for issuing construction permits upon approval by the NJSEA. LUM reviews approximately 500 to 600 applications annually.

#### **A-G. AFFILIATES**

The NJSEA also collaborates closely with the following affiliated entities to accomplish its

of eight former landfills and promote the creation of a nexus where industrial development, alternative energy companies, and other commercial enterprises thrive in tandem with the natural environment. [As another example, re-zoning the approximately 65-acre former Malanka landfill site will create opportunities for development of a world-class convention center and supporting development such as hotels, extended stay facilities, retail space, office space, film studios, and/or transportation centers.](#) In addition, outdated warehouse buildings throughout the District are regularly remodeled into modern, high-tech distribution centers to respond to market requirements.

The NJSEA also seeks to attract a growing number of visitors to the Hackensack Meadowlands District through the incorporation of land use policies that complement the thriving sports and entertainment facilities in the region. Although outside of the scope of this Master Plan, the NJSEA's Meadowlands Sports Complex property contains American Dream Meadowlands, which is slated to be the largest retail and entertainment complex in the nation, as well as MetLife Stadium, the home of the New York Jets and the New York Giants and a premier entertainment venue, which draws visitors to the region throughout the year and hosted global events such as the World Cup, the Papal Visit, and the National Football League's Super Bowl in 2014. Both of these facilities, in addition to the Meadowlands Racetrack, continue to spur development interest in surrounding areas and will contribute to the region's economic growth.

Moreover, the NJSEA recognizes that economic development means more than just bricks and mortar. Since the adoption of the 2004 Master Plan, the NJSEA has pursued a number of business development and outreach strategies in partnership with the business community. For example, the Meadowlands Liberty Convention and Visitors Bureau, a joint venture between the Meadowlands Regional Chamber (MRC) and the NJSEA, markets the region to draw visitors and jobs to the area.

The NJSEA will also seek to promote advances in the region's eco-tourism sector to provide an enhanced experience to visitors' enjoyment of the natural wonders of the Meadowlands.

#### **4. To create a sense of place that captures the character and identity of the Meadowlands.**

The NJSEA is striving to create a Meadowlands identity as a place of exemplary quality where people live, work, play, and visit. The District's outstanding natural areas, public spaces, facilities, and services offer prime opportunities for physical activity and recreation. Creative design elements and the establishment of key gateways to the District should be pursued.

A means of establishing the identity of the Meadowlands is to foster environmental education. The NJSEA will continue to be a leader in providing innovative, high quality educational programs for all ages to convey an understanding of the District's natural environment and unique historic and archaeological heritage. Such programs will reinforce the vision of this Master Plan and introduce and impart the role of environmental stewardship to participants.

#### **5. To facilitate the creation of housing opportunities in suitable locations to accommodate the needs of the region's population.**

New jobs will bring new residents into the region, increasing the numbers of households requiring housing that meets their needs. New housing will continue to be located adjacent to

**c. Secaucus Greenway**

The District’s other major trail route is the Secaucus Greenway, planned as a 15-mile waterfront greenway through Secaucus and Jersey City. Upon completion, the Secaucus Greenway will allow public access along the eastern bank of the Hackensack River while providing a continuous pedestrian trail linking the Secaucus retail, office, commercial, and residential districts, including the Hudson County Park at Laurel Hill, Mill Creek Marsh, ~~and~~ Mill Creek Point Park, and the former Malanka landfill site.

**B. DEVELOPED AREAS**

Developed areas comprise approximately half of the District’s land area, an almost five percent increase from 2004. (See Figure 3.6 “Developed Areas.”) The increase in the Developed Areas category can be chiefly attributed to the reclassification of the Meadowlands Sports Complex site from the Recreational Land category. Otherwise, this classification would have remained similar in acreage to the 2004 land area. This indicator does not signify a stagnant development economy in the Meadowlands. Rather, this number is evidence the District’s land use objectives, which encourage redevelopment and reuse of available upland and brownfield properties, are being achieved. There are also a large number of transitional properties in the development process, totaling almost 750 acres, which will eventually be classified within the developed land category.

**FIGURE 3.6    DEVELOPED AREAS**

2004 ACRES	2004 PERCENT	2018 ACRES	2018 PERCENT	CHANGE (ACRES)	CHANGE (%)
9,271.2	47.6%	9,722.1	50.1%	450.87	4.9%

**1. Transportation**

Transportation-related land uses comprise 20.5 percent of the District’s land area, representing the dominant active land use category within the District. Teterboro Airport is located in the northwestern section of the District, encompassing approximately 827 acres (284 acres of which are classified as natural areas) in the municipalities of Teterboro and Moonachie. Major state and interstate highways traverse the Meadowlands region, including the New Jersey Turnpike (I-95), I-495, Route 3, Route 17, Route 46, Route 120, Route 280, and Routes 1 & 9. The District also contains nine rail lines serving commuters, long-distance passengers, and freight companies, as well as intermodal rail yards proximate to these lines. A minor 1.1 percent decrease in lands dedicated to transportation use has resulted since 2004, largely due to the identification and reclassification of wetlands within transportation ROWs.

**2. Industrial**

Industrial uses comprise the largest active land use category, covering 3,151 acres, or 16.2 percent, of the District’s land area. The network of major transportation routes through the District, as well as its proximity to New York City, the Port of New York and New Jersey, Newark Liberty International Airport, and various freight rail facilities, establish the District as a mecca for the Industrial sector, particularly for warehouse and distribution facilities. Industrial warehouse and distribution tenants in the Meadowlands submarket have access

Private solid waste facilities are also present at various locations throughout the District. Generally, they consist of solid waste transfer stations, recycling facilities, and composting facilities. State and/or Federal regulation of solid waste management facilities preempt local zoning authority, although they must be built to comply with State building and fire codes. Accordingly, new solid waste facilities and/or changes to the operations of existing solid waste facilities are required to be included in the NJSEA's Solid Waste Management Plan, as the Hackensack Meadowlands District, along with the State's 21 counties, comprises the State's 22 Solid Waste Management Districts.

Closed landfills provide vast expanses of upland areas located near environmentally-sensitive lands. As stated above, the NJSEA has creatively repurposed areas of former landfills that had, in many ways, scarred the Meadowlands environment. Old landfills are now the site of solar arrays that generate renewable energy, thereby reducing dependence on energy sources that contribute to greenhouse gas emissions. Other landfills provide upland passive open space, which provides for wildlife habitat in the District. In specific cases, closed landfills can play a critical role in the region's economic development through site development, such as proposed warehouse development and sustainable energy parks within the Kingsland Redevelopment Area, [and such as proposed development of a world-class convention center and supporting development such as hotels, extended stay facilities, retail space, office space, film studios, and/or transportation centers at the former Malanka landfill site.](#)

## VIII. WATER AND WASTEWATER TREATMENT

Safe drinking water and effective sewerage systems are essential components of public health. There are over 151,000 public water systems in the United States. The EPA classifies water systems according to the number of people they serve, the source of their water, and whether they serve the same customers year-round or on an occasional basis. All 14 municipalities in the District are served by public water systems of the same classification, Community Water System (CWS), which is a public water system that supplies water to the same population year-round.

Drinking water requires treatment to remove contaminants that can cause illness. The Federal Safe Drinking Water Act (SDWA) sets standards for drinking water quality and arranges for oversight of the water providers who implement those standards. Water providers serving the District's municipalities are summarized in Figure 5.10 "Water Providers Serving District Municipalities."

Treatment of wastewater is necessary to avoid the pollution of surface waters and groundwater and to avoid wastewater contact with insects that transmit disease. Wastewater from a home, business, or other source enters a sanitary sewer, which is a system of pipes that collect the wastewater. From the sanitary sewer, the waste enters a treatment plant where it undergoes a series of processes ending in chlorine treatment before release into a water body such as a river or stream. An overview of the four wastewater treatment facilities serving District municipalities appears in Figure 5.11 "Wastewater Treatment Facilities Serving District Municipalities."

A map of water and wastewater service areas is provided as [\*\*Map 9 – Utility Service Areas.\*\*](#)

## 2. Bus Service

Bus service is the major mode of mass transportation to employment opportunities within the District. A total of 23 public bus routes provided by NJ Transit and six private bus routes have designated stops around or within the District. Statewide, NJ Transit operates 236 bus routes, accumulating 72.6 million annual vehicle revenue miles and serving 152 million passengers. The DeCamp Bus Company is the primary private carrier. The inter/intrastate bus routes in the District, with associated bus route numbers, are shown in **Map 14 – Bus Routes & Park and Ride Facilities**.

NJ Transit began offering bus shuttle service from Secaucus Junction to events at MetLife Stadium and the Izod Center in 2009.

## 3. Park and Ride Facilities

The District has three regional park-and-ride facilities for bus passengers and two local park-and-ride facilities for rail passengers. Another regional park-and-ride is located just outside the District near I-495 in Weehawken, en route to the Lincoln Tunnel. In-District public park-and-ride facilities include the following:

- A 1,002-space parking lot at the Vince Lombardi Service Area in Ridgefield for bus service, operated by the NJ Turnpike Authority.
- A 1,334-space parking lot in North Bergen for bus service, operated by NJ Transit and owned by the Port Authority.
- A 27-space parking lot on Green Street in Teterboro, for Pascack Valley Line rail passengers.

In addition to the park-and-ride facilities operated by public transit agencies, there are other privately-operated commercial parking facilities throughout the District, including the 1,094-space Edison ParkFast at Secaucus Junction, which opened in 2009. The opening of this lot allowed more passenger vehicle commuters to park and utilize the rail station at Secaucus Junction, and created a weekend market for “day trippers” who park and take the train to New York City.

**Map 13** shows the locations of the District’s rail stations and rail park-and-ride facilities. **Map 14** shows the locations of bus routes and associated bus park-and-ride facilities. There are also park-and-ride lots associated with four train stations located in municipalities near District boundaries, with a total parking capacity of 906 spaces, including 242 spaces at the Rutherford Station, 136 spaces at Wood-Ridge Station, 19 at Kingsland Station and 509 spaces at the Lyndhurst Station.

[Additional park-and-ride facilities and transportation centers can help alleviate traffic and congestion in the District. These are particularly needed as traffic demands continue to increase, especially as new development such as the American Dream is constructed.](#)

## 4. Ridesharing

Alternatives to private passenger vehicles are gaining in popularity, due to vehicle and fuel costs, traffic delays, and changing demographics, resulting in higher interest in such services, particularly among millennials. Trip reductions have been achieved with some measure of success through alternate work hours, telecommuting, ride-hailing/ridesharing, carpooling, as well as online shopping. More people utilize ride-hailing/ridesharing services to complete their trips at the first and last miles. It is predicted that these services will

service area that includes Bergen, Hudson, Essex, Union and Monmouth counties. “Ryde4Life” is an on-demand ride-sharing program, started in 2017 to provide assistance to older adults who do not have smart phones to access on-demand and ridesharing transportation services such as Lyft and Uber. The program later expanded to include low-income adults to provide affordable transportation for accessing jobs, medical, and social services.

## 6. Public Transit Infrastructure

As detailed herein, the District is home to a robust public transit network whose infrastructure is vital to the entire region. The following are noteworthy public rail infrastructure projects of significant importance to the District:

- **FRANK R. LAUTENBERG STATION AT SECAUCUS JUNCTION**

NJ Transit’s Frank R. Lautenberg Station at Secaucus Junction opened in 2004 and allowed for greater connectivity among several rail lines, thereby shortening commuter trip miles and expanding transit options. Since that time, the role of the station within the District has changed dramatically. The original concept was limited to rail transfer service between 10 of NJ Transit’s 11 rail lines. Upon the 2005 completion of NJ Turnpike Exit 15X in Secaucus, and the provision of vehicular access to the station, the intended functionality of this station was significantly altered. The first commercial park and ride lot in the vicinity of the station was built by Edison ParkFast in 2009, which allowed additional commuters to use the station and created a weekend market for “day trippers” who park and take the train to New York City. [Additional park-and-ride facilities and transportation centers can help service the increased number of passengers at Secaucus Junction.](#)

Construction of the Xchange residential development, located in the District’s Secaucus Transit Village Redevelopment Area near Secaucus Junction, commenced in 2006, and with a current total of 1,548 residential units, has contributed to the expansion of local rail commuter ridership at the station. Other residential developments and major employment centers in the District also provide shuttle service to Secaucus Junction.

- **PORTAL BRIDGE / GATEWAY**

Amtrak’s Portal Bridge is a swing-span railroad bridge over the Hackensack River between Kearny and Secaucus, located within the Northeast Corridor line just west of Secaucus Junction. The bridge, built in 1910, is the busiest rail span in the Western Hemisphere, carrying between 150,000 and 200,000 passengers and 450 NJ Transit and Amtrak trains per day.

Currently, rail operations on the Portal Bridge are subject to disruption due to its age, condition, and delays caused by opening the span for passage of maritime traffic. Recurring costs to maintain and repair aging and malfunctioning mechanical components are also incurred.

NJ Transit and Amtrak have completed final design and federal environmental review to replace the single, moveable span of the Portal Bridge with two fixed-span bridges. Phase 1 of the project is Portal North Bridge, a two-track replacement bridge, expected to be in

## 8. AREA PLANS

The Area Plans constitute the Land Use Plan for the Hackensack Meadowlands District. Area Plans present strategies for each of the Planning Areas that compose the Meadowlands District. Planning Areas do not constitute zoning districts; rather, the descriptions of the Planning Areas provide the basis for the development of an updated zone plan and regulations. The zone plan and regulations will be the mechanism by which the policies of the Master Plan are implemented and enforced.

### I. PLANNING AREAS

#### A. PLANNING AREA DESIGNATIONS

The following Planning Areas together comprise the Land Use Plan established by this Master Plan:

1. Airport;
2. Commercial Center;
3. Employment Center;
4. Logistics / Industrial Center;
5. Neighborhoods;
6. Paterson Plank Road Corridor;
7. Preserve;
8. ~~Secaucus~~ [Meadowlands Tourism and](#) Transit Center;
9. Sports and Entertainment Center;
10. Sustainable Uplands Reserve;
11. Transportation; and
12. Waterfront Development.

The properties within each Planning Area appear on **Map 16 – Land Use Plan**, which depicts the vision for the location and arrangement of land uses within the District.

- The “Utility” designation is now included in the Logistics/Industrial Planning Area.
- The residential areas of the District, termed “Villages” in the 2004 Land Use Plan, are now designated “Neighborhood” Planning Areas.
- The 2020 Land Use Plan does not differentiate various subcategories within Planning Area classifications. For example, the Preserve designation is not further delineated into the prior Hackensack, Berry’s Creek, and Penhorn Preserve Areas, as the planning goals and objectives apply to all areas within the category equally.

Figure 8.1 “Planning Areas – 2020 Hackensack Meadowlands District Land Use Plan” provides the acreage and percentage of the District occupied by each Planning Area, in order from largest to smallest.

**FIGURE 8.1****PLANNING AREAS - 2020 HACKENSACK MEADOWLANDS DISTRICT LAND USE PLAN**

PLANNING AREA	ACRES	PERCENT
Preserve	<del>7,533.1</del> 7,497.6	<del>38.8</del> 38.7%
Employment Center	3,234.3	16.7%
Transportation	2,846.5	14.7%
Logistics/Industrial Center	2,158.1	11.1%
Sustainable Uplands Reserve	<del>1,075.0</del> 1,045.5	<del>5.5</del> 5.4%
Airport	660.4	3.4%
Sports and Entertainment Center	584.9	3.0%
Neighborhood	407.8	2.1%
Commercial Center	391.4	2.0%
<del>Secaucus</del> Meadowlands Tourism and Transit Center	<del>174.0</del> 239.0	<del>0.9</del> 1.2%
Paterson Plank Road Corridor	172.7	0.9%
Waterfront Development	157.8	0.8%
<b>TOTAL AREA</b>	<b>19,396.0</b>	<b>100.0%</b>

*Sources: MERI GIS and NJSEA*

The Area Plans provide a broad plan for the District in the context of each area’s dominant land use characteristics. Future development in the District is expected to proceed in accordance with the Area Plans of the 2020 Land Use Plan. There are uses existing within individual planning areas that are not included within the Area Plan description, such as residential uses located within Employment and Commercial Centers, or wetlands within a non-Preserve Planning Area, such as those located within utility rights-of-way. It is not the intention of the Area Plans to suggest that wetlands located outside of a Preserve Planning Area are planned to be developed; it is a principal goal of this plan to preserve remaining wetlands in the District.

## B. PLANNING AREA DESCRIPTIONS

The following summaries provide additional description regarding the locations and characteristics of the Planning Areas, in alphabetical order:



The Preserve area classification will promote the protection of wetlands remaining in the District, with the intent of full public ownership. The 2004 Master Plan had placed 7,128.7 acres of District land area within a Preserve Planning Area. The 2020 Land Use Plan expands this classification to ~~7,533.1~~ 7,497.6 acres, an increase of approximately ~~400~~ 370 acres. The 2004 Master Plan also set a goal for the acquisition of approximately 2,600 acres of wetlands. To date, the NJSEA, the Meadowlands Conservation Trust, and other entities have acquired and/or otherwise enabled the permanent preservation of 3,528 acres of environmentally-sensitive wetlands in the District, an increase of approximately 1,050 acres since 2004. The NJSEA is committed to further expanding implementation of this principal goal for the District as funding becomes available for acquisition, restoration, and maintenance of Preserve lands.

#### 8. ~~SECAUCUS~~ MEADOWLANDS TOURISM AND TRANSIT CENTER

The ~~Secaucus~~ Meadowlands Tourism and Transit Center Planning Area is located in the vicinity of the Frank R. Lautenberg Station at Secaucus Junction and New Jersey Turnpike Interchange 15X. Secaucus Junction connects every major rail commuter line in northeast New Jersey and allows transfers to reach various destinations in the region. Operated by NJ Transit, Secaucus Junction provides direct, interrelated train operations among NJ Transit's Bergen and Main Line, Amtrak, and the Northeast Corridor Line. The Bergen Line carries trains from the Pascack Valley Line and Meadowlands Rail Link. The Northeast Corridor carries trains from the Raritan Valley Line, the Montclair Branch, the Boonton Line, and the Jersey Shore Line via Newark Penn Station. Various bus lines and shuttles also service the transit station.

The transit station is the focal point of a major development node that has served as the impetus for significant redevelopment in the area, including the construction of 1,548 units in a multifamily transit-oriented residential development on the site of a former ash landfill. Permitted uses immediately above, through vertical development, and ~~adjacent to~~ near the Secaucus Junction include retail, office, hotel, parks, extended stay facilities, film studios, convention centers, and residential development. The Planning Area is also home to the newly-constructed Hudson County High Tech High School and Hudson County's Laurel Hill Park. Development approvals issued in the 1990s pursuant to the former Transportation Center Specially Planned Area permit office and other complementary commercial development above the transit station.

Planning goals for this area include supporting the ongoing redevelopment of the area's industrial character into uses consistent with the redevelopment plan for the area, inclusive of promoting vertical development above surface commuter parking lots, as well as promoting commercial development above and near the Secaucus Transfer, to encourage the creation of a true transit village at Secaucus Junction. Potential development in this planning area must take special consideration of traffic and its potential impacts to the capacity of the local and regional street network. Development that favors usage of the area's mass transit infrastructure as a destination, as opposed to a starting point, is preferred. Safe pedestrian and bicycle connections to the transit station must be included as a part of any new development in this area.

#### 9. SPORTS AND ENTERTAINMENT CENTER

The Sports and Entertainment Center Planning Area encompasses the majority of the Meadowlands Sports Complex property, which is owned by the NJSEA. While a portion of

grandstand that opened in 2013; and the American Dream Meadowlands entertainment and retail destination. The former arena at the site ceased operating as a sports and entertainment venue in 2015.

The Sports Complex and its facilities are one of the most readily-recognized features of the Meadowlands, located at the center of the District and visible from various viewpoints in and around its environs. The events held at the Sports Complex are highly attended, each bringing thousands of people into the Meadowlands area. The District Master Plan does not apply to the NJSEA-owned Meadowlands Sports Complex property; however, it recognizes the need to coordinate the complex's planning outcomes with those of this Master Plan, particularly with regard to surrounding land uses and transportation planning efforts.

#### 10. SUSTAINABLE UPLANDS RESERVE

The Sustainable Uplands Reserve Planning Area designation is associated with landfill areas in Rutherford, Lyndhurst, North Arlington, Secaucus, and Kearny, including the Keegan Landfill and the former Viola, Avon, Rutherford, Kingsland, Erie, 1-A, 1-D, and 1-E, ~~and Malanka~~ Landfills.

The principal objectives of this area classification are to properly close the landfills using techniques that are proven to protect the environment, and, thereafter, to allow for uses that promote economic development in a manner that avoids negative impacts to the environment. Landfills in the Sustainable Uplands Reserve Planning Area may be utilized for the installation of renewable energy facilities, such as the NJSEA's photovoltaic installation atop the former 1-A Landfill in Kearny, along with other forms of environmentally sound development that can reasonably be accommodated on landfill areas given site constraints while preserving the integrity of remedial/closure measures.

The plan also envisions the conversion of landfills and adjacent areas to open space and/or recreation areas. Former landfill areas also present an opportunity to create upland habitats in synergy with adjoining wetlands ecosystems. Landfill areas, with their history of scarring the Meadowlands landscape, will be repurposed to benefit the Meadowlands environment and economy.

#### 11. TRANSPORTATION

The Transportation Planning Area classifies roadway and rail rights-of-way (ROW's) throughout the District. The characteristics of the District's roadway and railway network are discussed in detail in **Chapter 6 – Circulation**, and specific objectives for the District's transportation network are provided in **Chapter 7 – Systems Plan**.

The NJSEA recognizes the importance of maintaining and improving the District's transportation network, and the need to coordinate closely with stakeholders and other entities with jurisdiction over District ROWs, including District municipalities, Bergen and Hudson Counties, NJDOT, NJ Turnpike Authority, and NJ Transit. The Meadowlands District Transportation Plan (MDTP), last adopted in 2007, identifies transportation needs, recommends specific improvements, and estimates costs of improvements over a time

## Mia Petrou

---

**From:** Spach Trahan <strahan@phillipspreiss.com>  
**Sent:** Wednesday, September 11, 2019 2:01 PM  
**To:** Master Plan  
**Cc:** mayorcassella@gmail.com; Richard Preiss; gsalerno@aronsohnweiner.com; dmicci@eastrutherfordnj.net  
**Subject:** Draft 2020 NJSEA Master Plan - Comments  
**Attachments:** NJSEA 2020 MP\_East Rutherford\_Comments\_190911.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Caution: This is an External Email. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Dear Ms. Petrou,

Phillips Preiss Grygiel Leheny Hughes LLC is the planning consultant for the Borough of East Rutherford. We have prepared the attached comment letter on the Draft 2020 NJSEA Master Plan on behalf of the Mayor and members of the Borough Council. Please let me know if you have any questions.

Regards,  
Spach Trahan



**Spach Trahan, AICP / Planner**  
**Phillips Preiss Grygiel Leheny Hughes LLC / Planning & Real Estate Consultants**  
33-41 Newark Street, Third Floor, Suite D / Hoboken, NJ 07030  
Phone 201.420.6262 x30 / Fax 420.6222 / [strahan@phillipspreiss.com](mailto:strahan@phillipspreiss.com) / [www.phillipspreiss.com](http://www.phillipspreiss.com)

## Memorandum

To: Mia Petrou, Principal Planner, NJSEA

From: Richard M. Preiss, P.P.  
Spach Trahan, AICP

CC: James L. Cassella, Mayor, Borough of East Rutherford  
Danielle Lorenc, Clerk, Borough of East Rutherford Council  
Gerald Salerno, Esq., Borough Attorney

Date: September 11, 2019

Re: Draft 2020 NJSEA Master Plan Comments

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Phillips Preiss Grygiel Leheny Hughes LLC is the planning consultant for the Borough of East Rutherford. We have prepared the following comments on the Draft 2020 NJSEA Master Plan on behalf of the Mayor and members of the Borough Council.

### Comments:

- The following sentence should be removed as it is inaccurate:  
*“Every January, the NJSEA certifies to the Chief Financial Officer of each District municipality the amount of the municipality’s adjustment payment for receiving municipalities so that the municipality may reflect the amount in its budget,”* (pp. 1-5)  
  
The State Local Finance Board will not allow a municipality to appropriate a revenue amount greater than the actual amount that was received in the previous year, no matter what the certified adjustment amount should be.
- Please provide a statement confirming that residential uses are not intended for the Commercial Center designation, which is described on pp. 8-3.
- Please update *Map 14 – Bus Routes & Park and Ride Facilities* and provide a description of the new bus route changes proposed by NJ Transit on August 29, 2019.  
[https://www.njtransit.com/tm/tm\\_servlet.srv?hdnPageAction=PressReleaseTo&PRESS\\_RELEASE\\_ID=3330](https://www.njtransit.com/tm/tm_servlet.srv?hdnPageAction=PressReleaseTo&PRESS_RELEASE_ID=3330)
- The Historic Resources element lists the following four resources within the Borough of East Rutherford:
  2. Former Paterson Plank Road Bridge
  3. Bergen County Rail Line
  28. Viaduct, 6-lane divided highway
  42. HX Drawbridge Bergen County Line

The cases in which resources no longer exist in their historic condition should be noted. The identification of these resources on the NJ State Register of Historic Places is important for archaeological purposes to prevent conflicts with future development. However, the Historic Resources chapter as currently written and graphically depicted would lead a reader to believe that these resources still exist, which they do not.

- Please revise the description of bicycle lanes in East Rutherford as follows for clarity and accuracy:

*“Borough of East Rutherford: a stripe bike path runs along both sides of East Union Avenue east of Dubois Street ~~Route 17~~ and along both sides of Murray Hill Parkway between ~~from~~ East Union Avenue and ~~north to~~ Paterson Plank Road,” (pp. 6-17).*

- Please share the existing land use GIS data developed for this Master Plan with the corresponding municipalities for consistency purposes.
- The Utilities section should include mention of the sewer pumps located in the Meadowlands District and East Rutherford. It should be noted that the Borough of East Rutherford Sewer Utility Commission maintains these pumps, which serve the Meadowlands Sports Complex, American Dream, and other parts of East Rutherford.

James Kirkos, CEO  
Meadowlands Chamber  
201 Rt 17 North  
Rutherford, NJ 07070  
201-939-0707  
jkirkos@meadowlands.org

### **Hackensack Meadowlands Development District Master Plan 2020**

The Meadowlands Regional Chamber has, since the early 70's, acknowledged the special and significant importance of a comprehensive Master Plan for the Meadowlands District. Over the 5 decades that the Chamber has worked in a collaborative partnership with the HMDC, the NJMC and now the NJSEA, that open and candid dialogue has, we are certain, fostered and furthered the interests not only of the citizens of the State of New Jersey, but, most importantly, the interests of the New Jerseyans that reside in the 14 constituent municipalities that comprise the District. Those municipalities are also "home" to many hundreds – if not thousands – of businesses ranging in size from small, local "mom-and-pop" businesses to very large, internationally based ventures.

The initial Master Plan, a product that was born of rigorous academic and practical planning experience, resulted in a well-deserved national recognition of the high quality of the planning effort. The result throughout the decades following the 70's, confirmed the initial accolades in that the plan, itself, functioning under the leadership of committed Commissioners and a dedicated Staff, furthered the planning objectives of true regional planning. Regulatory changes in the 1970's and 1980's, as well as economic and political occurrences, did not compel an immediate reworking of the 1970 Plan. As we know, the Plan was revised, in a comprehensive manner, for the first time in 2004. The current draft Plan, as Staff has stated, is really a review update of the 2004 Master Plan and, as such, it reiterates much of the initial planning perspective.

The focus of the Chamber's comments, therefore, recognizes the shared history of the District, the Meadowlands Commission now the NJSEA and the Chamber. Over the last decade, the Chamber has continually and consistently advocated for a re-examination/updating of the Master Plan so we can leverage every single opportunity to grow the economy and improve the quality of life in the greater Meadowlands. As such, the Chamber gratefully acknowledges the Commission's response, and the efforts of the Staff, in presenting the "Hackensack Meadowlands District Master Plan Update 2020".

The comprehensive nature of the Master Plan review presents much to think about, a great deal to discuss, and a substantial challenge as we address the issues identified in the document. The Chamber believes that it is essential that the NJSEA enjoy the full support of the current Administration, now and in the coming years. Of course, full support of both houses of the Legislature is also critical in providing the financial commitment and resources necessary to empower the NJSEA and its Staff to accomplish the full implementation of the Plan.

The Plan, in our opinion, requires – and calls for – the continuing collaboration from the Chamber leadership and its business stakeholders. The Chamber’s 1,100+ members afford all of the interested parties both the practical and the political reality of a large membership base, with many tens of thousands of employees who work – and in many instances reside – in the constituent municipalities and the immediate surrounding region. We are convinced that the interests of those employees – wherever they reside – are coincident with the goals and objectives of the Chamber and its members.

In recent years, the Chamber’s affiliate, the Meadowlands Regional 2040 Foundation, advanced a 2040 Vision Plan. Over 12 months of engaging public and private entities to formulate a broad vision whose goals and objectives were very similar to that of the original Master Plan. The 2040 Vision Plan was endorsed by over a dozen local Mayors and public officials as well as the leadership of both the 2040 Foundation Trustees and the Chamber’s Board of Advisors.

Of the 3 top priorities outlined in that vision plan, we called for the re-purpose of the NJSEA into a “ Next Generation” regional planning authority. We recognized that the merger of the NJMC into the NJSEA presented challenges but also opportunities. We are at a moment in time where the confluence of investments in projects like American Dream and Kingsland Redevelopment among others, can be leveraged to maximize positive regional impact but only if we carefully plan out the implementation...and only if we have an authority and a road map that can lead us into the next 25 years of sustained economic growth.

The draft Master Plan updates a wealth of data, and examines changes since the 2004 Master Plan. Given the constraints of the statutory deadline for this review, it appears that detailed plans to address the challenges facing the District will need to be developed through future studies. It is urgent that there is a commitment to undertake these studies in a timely manner. The focus of those studies should encompass the following:

### **Transportation**

The Draft Master Plan indicates that an updated Transportation Plan is underway. This effort is essential, especially with the advent of American Dream. As a regional planning entity, the NJSEA has a critically important role. The plan should be comprehensive, going beyond the potential expansion of the MASSTR system, and include the following:

1. How the District affects and is affected by the regional transportation system and connection to New York, and current improvement plans and investments
2. How to support and effect an Amtrak stop at Secaucus Junction and implementation of the Bergen BRT
3. The role of major transit hubs in the District and improving access to them
4. Strengthening Secaucus Junction as a regional multi-modal transit center, including bus routes and the Phase II loop
5. Improving mobility intra-District, for destination patrons, employees, employment centers and the surrounding communities, identify potential strategies including shuttle routes, mini-BRTs
6. Identification of funding alternatives for MASSTR, to free up fees for other projects
7. Identification and strategies for last mile access needs to employment centers.
8. Reexamination of the development fee formula

The Meadowlands Transportation Planning District Board should be reconstituted and used as a resource for transportation solutions and interagency coordination.

### **Housing**

A Housing Study that results in a long-term policy should be advanced. Again, American Dream and other significant developments exacerbates the need for this effort, given the projected level of employees and the desirability of minimizing commuter travel and traffic congestion. This study should:

1. Examine the provision of affordable housing and the obligations and settlements that have been achieved by District municipalities, including the location of proposed affordable housing and planning implications. A new look at current data will allow for better planning.
2. Review options for legislative action that could encourage housing production by reducing the mandated 20% set-aside to that being achieved in District municipal settlements – consistent requirements both sides of the boundary
3. Examine zoning regulations for amendments that can foster a range of housing types and densities
4. Replace the Interim Policy on Affordable Housing with a permanent policy, and review whether site suitability analysis is still necessary for zoning-compliant non-residential applications
5. Review how new residential developments can be supported and integrated with existing communities

### **Flood Control & Resiliency**

The Draft cites an update of the Hackensack Meadowlands Floodplain Management Plan, which was developed in 2005 and is a requirement for participation in the Flood Insurance Program Community Rating System. An updated plan, to be truly comprehensive, may need to go



beyond the scope of CRS requirements. The potential for continued sea level rise and flooding from weather events is a major concern for existing property owners, as well as a disincentive for new investment.

1. Clarify and strengthen statutory authority as may be necessary for the NJSEA to manage flood control in the District
2. Develop a plan for protection of existing developed areas and critical facilities, recognizing the need to plan on a drainage basin basis
3. Develop an institutional strategy for ongoing repair and maintenance of flood control structures
4. Identify the potential for effective coordination with Rebuild by Design projects and the Bergen County parks master planning study for locating structural and non-structural flood control and mitigation measures

### **Economic Development & Tourism Development**

The Draft does not contemplate a substantive role in overall economic development. A comprehensive Economic Development Strategic Plan should be prepared, and a detailed review of the role Tourism will play as a component of overall economic development must take place. Elements to be addressed could include:

1. Identify strategies to attract and retain business investment and relocations
2. Target surplus revenues from hotel surcharges over the needed requirements for tax sharing to be allocated to promote and market the Meadowlands Region as a primary destination. This element will have a great impact on local main street businesses.
3. Outline the role of the NJSEA in collaborating with area groups to identify development sites.
4. Inventory underutilized assets and brownfields and develop strategies and incentives to encourage development.
5. Examine economic trends and identify industry targets for attraction, e.g. how to use entertainment and sports as a generator to foster related business activity
6. Communicate with businesses to identify needs and obstacles

### **Regulatory Modernization**

This is the study and action that can most immediately affect the constituents closest to land use and development in the District. The Draft identifies trends in the data, for example the growth of e-commerce, and the role of logistics and distribution in generating jobs, but the Plan does not propose how the regulations will address evolving physical designs and technology. Similarly, the objectives of efficiency and customer service are noted, but actions to further those goals need to be identified and implemented into the daily process.

1. Examine and revise zoning regulations to reflect evolving business needs, as evidenced by similar zoning variance and waiver requests to determine new zoning district designations
2. Where needed, address support uses for new residential communities
3. Incorporate flexibility in use and reuse of buildings to address innovative businesses
4. Determine if amendments are needed to support flood control measures on individual properties
5. Review parking and bulk standards in connection with recent use and reuse requests
6. Revise redevelopment regulations for more consistency with state Local Redevelopment and Housing Law
7. Review procedural changes to improve efficiency of minor applications without need for full zoning certificate applications and utilize LSRP style elements that have been very successful where implemented.

In closing, while this Master Plan Update offers an excellent summary of existing conditions and attempts to build in the flexibility needed to advance Plan initiatives while taking a deeper dive with specific studies, it is clear collaborative work must be continued. The Chamber stands ready to work with and support the NJSEA on these initiatives to help achieve a vibrant and prosperous future and a great quality of life for the Meadowlands.



DEPARTMENT OF THE ARMY  
NEW YORK DISTRICT, CORPS OF ENGINEERS  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NEW YORK 10278-0090

8

SEP 12 2019

Regulatory Branch

SUBJECT: Comments to the Draft "Hackensack Meadowlands District Master Plan Update 2020", New Jersey Sports and Exposition Authority

New Jersey Sports and Exposition Authority  
c/o Ms. Mia Petrou  
Principal Planner  
One DeKorte Park Plaza  
P.O. Box 640  
Lyndhurst, New Jersey 07071

RECEIVED  
NISEA  
SEP 16 2019  
LAND USE MANAGEMENT

Dear Ms. Petrou:

In regards to the subject document entitled draft "Hackensack Meadowlands District Master Plan Update 2020", please note that five (5) additional Department of the Army (DA) permit related compensatory mitigation sites should be included in Section 5, Environment, of the subject document. Specifically, Figure 5.2 and Map 7, entitled "Wetland Restoration, Mitigation, and Preservation Sites". These additional compensatory mitigation sites include the following:

1. the Federal Aviation Administration mitigation site situated along the Losen Slote in the Borough of Little Ferry;
2. the Hudson County Improvement Authority mitigation site situated along the Hackensack River (Kopper's Site) in the Town of Kearny;
3. the New Jersey Meadowlands Commission (New Jersey Sports and Exposition Authority) mitigation site situated around a portion of the Keegan Landfill perimeter and Franks Creek, in the Town of Kearny;
4. the Norfolk Southern Railway Company mitigation site, situated within the Croxton Intermodal Facility, in the City of Jersey City; and
5. the Rockefeller Group Development Corp. mitigation site situated along the trade zone property boundary, off County Road, in the City of Jersey City.


Copies of the Department of the Army permit authorizations and conservation easements regarding these mitigation sites have been attached for your review.

SEP 12 2019

SUBJECT: Comments to the Draft "Hackensack Meadowlands District Master Plan Update 2020", New Jersey Sports and Exposition Authority

If you have any questions concerning the above, please contact Jim Cannon, of my staff, at (917) 790-8412.

Sincerely,

  
For: Stephan A. Ryba  
Chief, Regulatory Branch

Attachments

1. Federal Aviation Administration DA Permit No. NAN-2014-00081
2. Hudson County Improvement Authority DA Permit No. 1998-02120
3. New Jersey Meadowlands Commission (NJSEA) DA Permit No. NAN-2007-00813
4. Norfolk Southern Railway Company DA Permit No. NAN-2008-00193
5. Rockefeller Group Development Corp. DA Permit No. NAN-2006-00299

# DEPARTMENT OF THE ARMY PERMIT

Permittee: Federal Aviation Administration  
ESA Terminal Engineering Center AJW-E11D  
1701 Columbia Avenue  
College Park, Georgia 30337  
(404) 389-8665

RECEIVED  
NOV 11 2014

NOV 11 2014

Permit No.: NAN-2014-00081

Issuing Office: New York District Corps of Engineers

NOV 11 2014

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

## Project Description:

The following work is authorized by this permit to construct and install a new air traffic control tower at the Teterboro Airport:

**New Air Traffic Control Tower:** Discharge approximately 12,800 cubic yards of fill material into approximately 2.66 acres of wetlands and 0.13 acres of other waters of the United States to facilitate the construction and installation of a new 32-foot diameter by 187-foot high air traffic control tower (ATCT); a 98-foot long by 83-foot wide two-story base building with associated paved parking to accommodate 61 vehicles; a 20-foot wide emergency access perimeter road; and two new 24-inch diameter outfall structures with associated concrete headwalls and rock riprap scour protection.

**New Access Road Crossing:** Construct and install a 45-foot long by 38-foot wide vehicular bottomless culvert road crossing over East Riser Ditch.

**Compensatory Mitigation:** Perform compensatory mitigation by establishing 8 acres of non-tidal forested wetlands at a 13.2 acre site situated along the Losen Slote (a tributary of the Hackensack River), in the Borough of Little Ferry, Bergen County, New Jersey, as described in the mitigation plan entitled "Losen Slote Mitigation Site, Borough of Little Ferry, Bergen County, New Jersey, Updated Mitigation Plan", dated January 2014, and revised November 2015.

All work shall be performed in accordance with the attached permit drawings and the following special conditions (A) through (K).

PERMITTEE: Federal Aviation Administration  
PERMIT NO.: NAN-2014-00081

Project Location: IN: East Riser Ditch and the Losen Slote (Hackensack River Watershed)  
AT: Town of Teterboro and Borough of Little Ferry, Bergen County, New Jersey

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on September 19, 2019. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

(A) Prior to or concurrent with implementing the activities authorized by this permit, and to compensate for the 2.79 acres of wetland impacts associated with the project, the permittee shall accomplish the required compensatory mitigation through the successful establishment eight

PERMITTEE: Federal Aviation Administration  
PERMIT NO.: NAN-2014-00081

(8) acres of non-tidal forested wetlands as stipulated in the mitigation plan entitled "Losen Slote Mitigation Site, Borough of Little Ferry, Bergen County, New Jersey, Updated Mitigation Plan", prepared by URS and dated January 2014 - Revised November 2015.

(B) The permittee shall ensure that all proposed mitigation site plantings have an eighty-five (85) percent survival rate and all established wetland areas in conjunction with the wetland mitigation site shall have an eighty-five (85) percent coverage rate of hydrophytic plants (those with a regional indicator status of FAC, FACW, or OBL on the U.S. Army Corps of Engineers National Wetlands Plant List). The permittee shall also ensure that the vegetation in the newly established wetland mitigation does not consist of more than a total of 5% areal coverage of common reed (Phragmites australis), mile-a-minute/asiatic tear thumb (Persicaria perfoliata), purple loosestrife (Lythrum salicaria), reed canary grass (Phalaris arundinacea), Japanese knotweed (Reynoutria japonica), Tartarian honeysuckle (Lonicera tartarica), Eurasian milfoil (Myriophyllum spicata), and or other invasive species.

(C) The permittee shall provide to this office annual monitoring reports on the status of the wetland mitigation activities on the mitigation site in each of the following five (5) years, after initiation of the activities authorized by this permit. These reports shall be submitted no later than October 15 in each of the years. All data for the reports must be collected between the dates of April 15 and October 15 in the same year it is submitted. If this office determines that the success criteria outlined in Special Conditions (A) and (B) above has not been met for at least three consecutive years, this period will be extended and the permittee shall continue to submit monitoring reports every year until this office determines that the success criteria has been met for three consecutive years. These reports shall be submitted to the following address and include the following at a minimum:

Chief, Regulatory Branch  
New York District Corps of Engineers  
Jacob K. Javits Federal Building  
New York, New York 10278-0090

1. A list of dominant plant species, along with their estimated frequency and percent areal cover in each vegetative strata (i.e. tree, shrub, and herbaceous) for each cover type within the mitigation site;
2. Color photographs showing all representative areas of each cover type within the mitigation site, taken at least once each year during the period between June 1 and August 15;
3. A Corps of Engineers approved wetland delineation data sheet for each cover type within the mitigation site;
4. Vegetation cover maps of the mitigation site (depicting the percent aerial cover and percent survival of planted and target species), at a scale of one inch equals 100 feet or larger scale, outlining the extent (in acres) of each cover type within the mitigation site and prepared for each growing season.

5. Well and gauge data showing water elevations within the mitigation site recorded twice a month during April through September of each monitoring year. The location of the monitoring well or gauge shall be shown on the plan view engineering drawing; and

6. A remedial plan, if necessary, outlining all practicable steps taken or proposed to be taken to ensure the success criteria outlined in Special Conditions (A) and (B) above are met by the specified due date of the next monitoring report.

(D) The permittee shall monitor the mitigation site for Canada goose activity, as stipulated in the wetland mitigation plan referenced in Special Condition (A) above, and prevent geese from nesting on the property. The permittee shall additionally be responsible for communicating with Teterboro Airport if goose activity is observed at the site, and shall work with the Teterboro Airport on management options as practical.

(E) Within 60 days of completion of the mitigation activities, the permittee shall provide to the New York District "As-Built" construction drawing(s) depicting all aspects of the final mitigation design. The as-built drawing(s) shall include all aspects of the final grading elevations and planting arrangements of the wetland mitigation site, including a metes and bounds survey depicting the mitigation site boundary limits. The established wetlands located within the mitigation site shall be dedicated solely for the purposes of the compensating for the 2.79 acres of wetland impacts associated with the activities authorized by this permit. This submittal shall be provided to the address indicated in Special Condition (C) above.

(F) The permittee shall secure a conservation easement or deed restriction on the wetland mitigation site to guarantee its preservation for wetland and wildlife resources. Copies of the instrument(s) effecting such easement shall be submitted to the New York District Corps of Engineers for approval prior to execution, and the instrument(s) shall be executed and recorded with the Bergen County Registrar of Deeds within one year following the initial plantings/seedings of the mitigation sites. The instrument(s) shall be provided to the address indicated in Special Condition (C) above.

(G) The permittee shall assume all liability for accomplishing the corrective work should the New York District determine that the compensatory mitigation has not been fully satisfactory. If the New York District does not find the mitigation satisfactory, an extension of monitoring time may be required to cover any necessary remedial work.

(H) The permittee shall restore all temporarily disturbed waters of the United States to preconstruction conditions and plant with native hydrophytic vegetation where appropriate.

(I) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to



PERMITTEE: Federal Aviation Administration  
PERMIT NO.: NAN-2014-00081

remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

(J) The permittee shall comply with all special conditions and stipulations contained within the attached New Jersey Department of Environmental Protection Water Quality Certification (Permit No. 0200-06-0005.1; CDT140002) dated February 17, 2015, and all amendments thereto.

(K) The permittee shall undertake the authorized filling activities in a manner aimed at reducing impacts upon the general environment. In addition, the permittee shall not stockpile fill or other materials in a manner conducive to erosion, or in areas likely to cause high turbidity runoff during storm events. All exposed soils shall be re-vegetated in a timely manner to further reduce potential effects. The permittee shall also fence off all wetlands and other sensitive ecological areas during construction periods to prevent equipment and personnel from entering these areas.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S. Code 403).

(X) Section 404 of the Clean Water Act (33 U.S. Code 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization:

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

PERMITTEE: Federal Aviation Administration  
PERMIT NO.: NAN-2014-00081

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Courtney J. Nolan  
(PERMITTEE)

8/31/2016  
(DATE)

Federal Aviation Administration

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Christopher J. Gallery  
(DISTRICT ENGINEER)

SEP 19 2016  
(DATE)

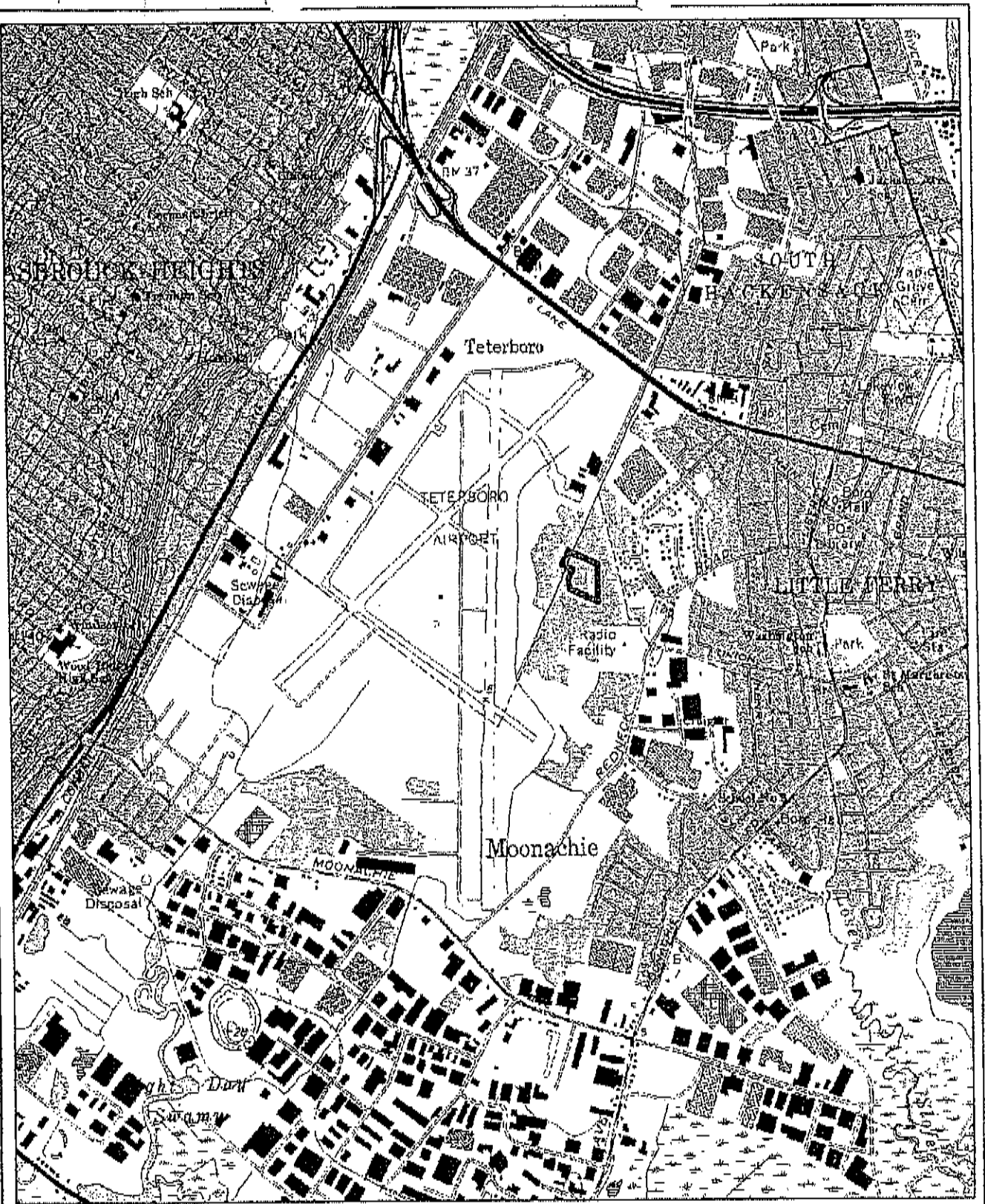
**For and in behalf of**  
David A. Caldwell  
Colonel, U.S. Army  
Commander

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below. A copy of the permit signed by the transferee should be sent to this office.

\_\_\_\_\_  
(TRANSFEREE)

\_\_\_\_\_  
(DATE)

\\projecis\000-One World Project\152900300 (FAA Teterboro)\Maps\GIS\Figures\Tapp.mxd



### Legend

— Proposed Airport Traffic Control Tower Location

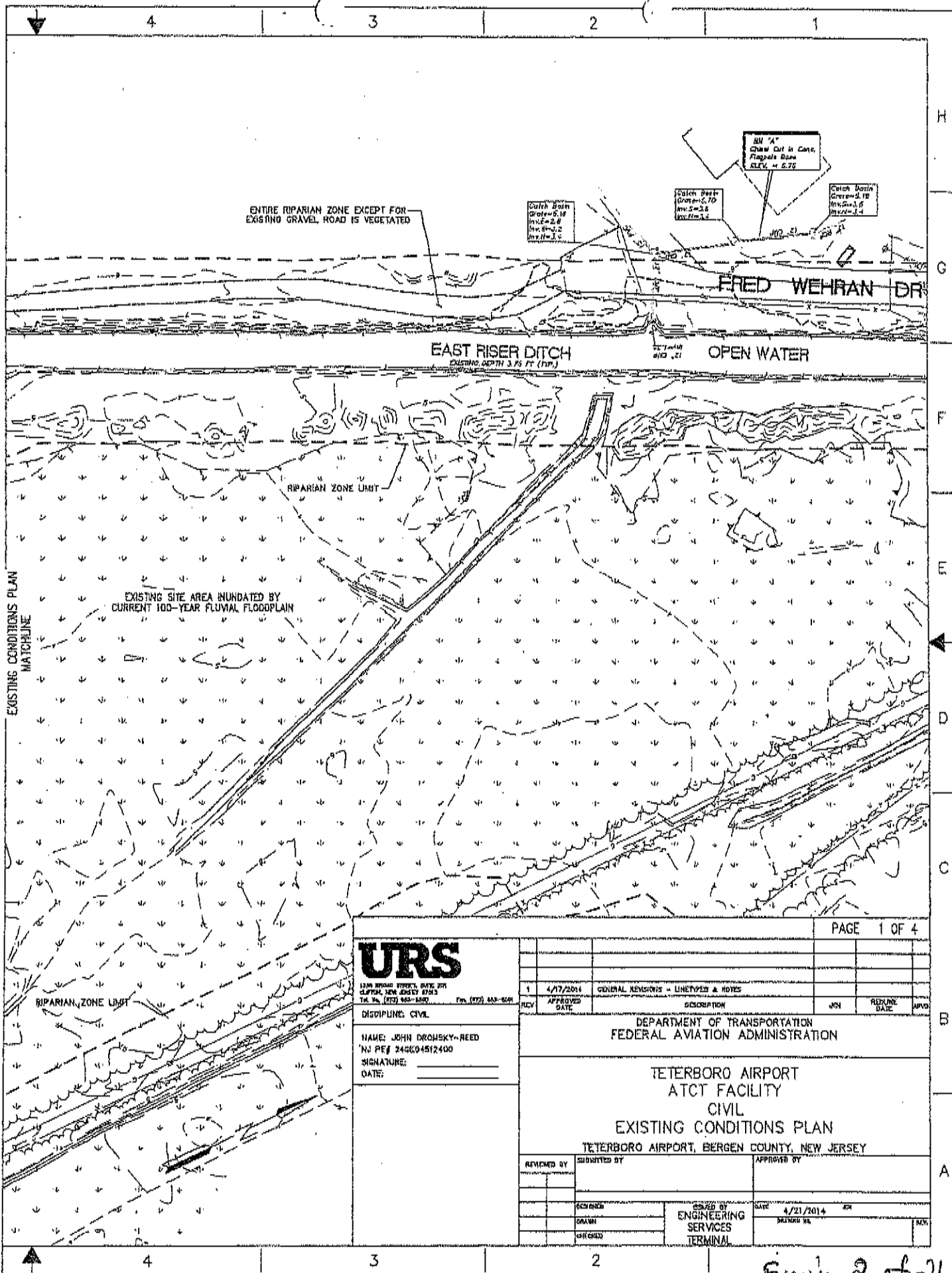
1,700 850 0 1,700 3,400 Feet



USGS Topographic Map  
Teterboro Airport  
Moonachie, Bergen County, New Jersey

Map Source:  
USGS Topographic Quadrangle Weehawken  
NJ-NY

**URS**  
Clinton, New Jersey



**URS**

1300 BROAD STREET, SUITE 200  
CLIFTON, NEW JERSEY 07013  
TEL. 973.462-3500 FAX 973.462-3501

DISCIPLINE: CIVIL

NAME: JOHN DROHSKY-REED  
NJ REG. NO. 24504512400  
SIGNATURE: \_\_\_\_\_  
DATE: \_\_\_\_\_

1		4/17/2014	GENERAL REVISIONS - LINES/TEXT & NOTES	REV	DATE	DESCRIPTION	BY	REVIEW DATE	APPROVED
DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION  TETERBORO AIRPORT ATCT FACILITY CIVIL EXISTING CONDITIONS PLAN TETERBORO AIRPORT, BERGEN COUNTY, NEW JERSEY									
REVIEWED BY		SUBMITTED BY		APPROVED BY					
CHECKED		DRAWN		CHECKED		DESIGNED BY		DATE: 4/21/2014	
						ENGINEERING SERVICES TERMINAL		BY: _____	

H

G

F

E

D

C

B


A


8


7

5


## LEGEND

 Catch Basin


 Deciduous Tree


 Gas Gate

 Hydrant

 Light Pole

 Sign

 Utility Pole

 Water Gate

 Manhole

 Fence


 Gas Line

 Upland Area

 Wetland Line


 Wetland Flag and Number

 Wetland area

 Wetland area impacted (permanently)

 Approximate open water fill

 Approximate Riparian Zone Disturbed

 Riparian Zone Limit

 Edge of Water/Ordinary High Water Mark

 Limits of Disturbance
100-YR FLUVIAL  
FLOODPLAIN BOUNDARY

RIPARIAN ZONE LIMIT

EXISTING GRAVEL ROAD

 RW 75'  
 RW 50' to 100'  
 Face of 22" DIA  
 DAY = 0.37

RIPARIAN ZONE LIMIT

EXISTING SITE AREA INUNDATED BY  
CURRENT 100-YEAR FLUVIAL FLOODPLAINMATCHLINE  
EXISTING CONDITIONS PLAN

## NOTES

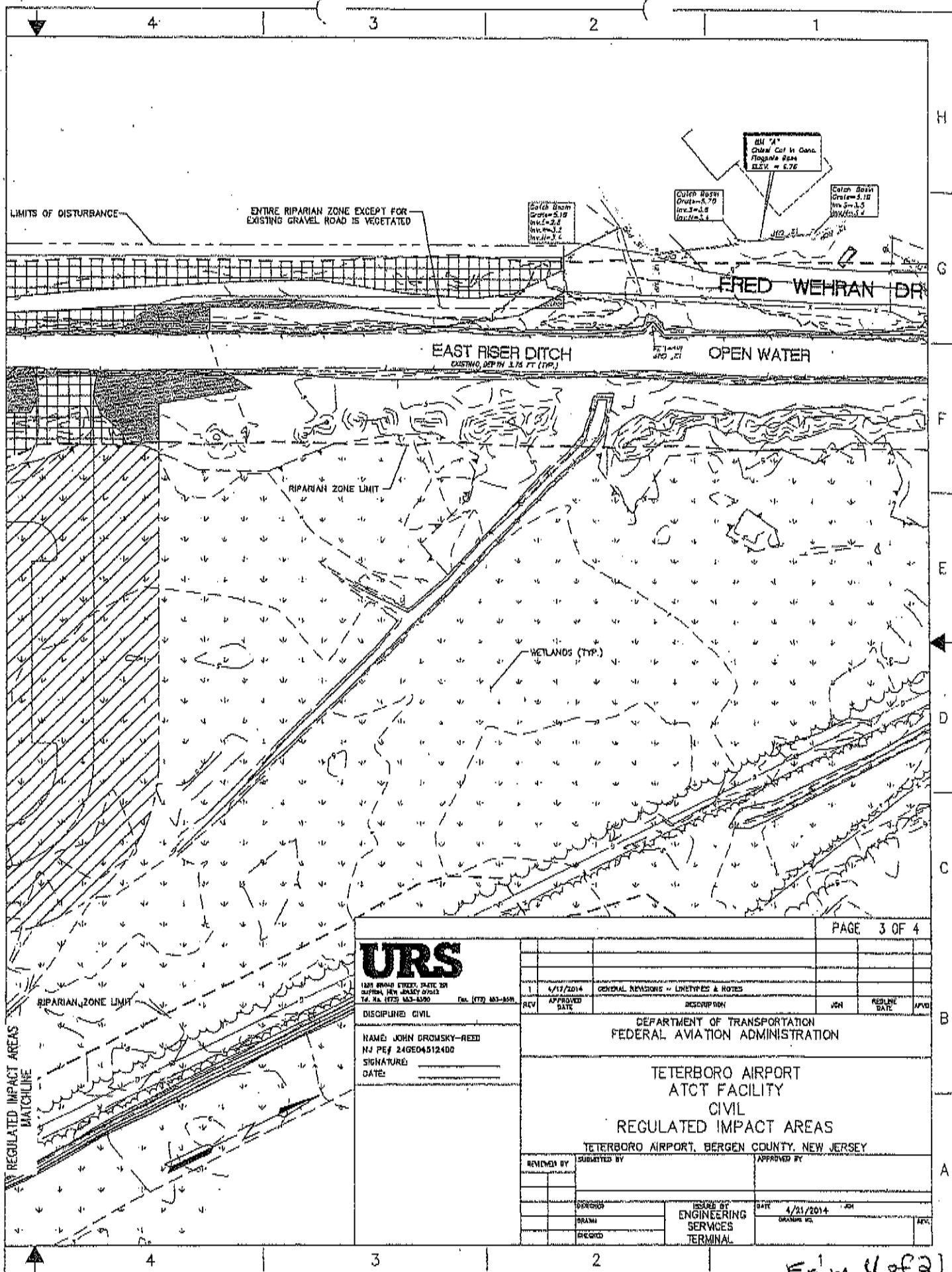
1. 100-YR FLOOD ELEVATION (FLUVIAL) = 5.7 FT NAVD88
2. 100-YR FLOOD ELEVATION (TIDAL) = 8.0 FT NAVD88. THE FLOOD HAZARD AREA COVERS THE ENTIRE AREA SHOWN ON THE DRAWING. THIS IS AN AREA OF TIDAL INUNDATION - NO FLOODWAY IS SHOWN.
3. THE FLOOD HAZARD AREA DESIGN FLOOD ELEVATION WAS DETERMINED USING METHOD 2, IN ACCORDANCE WITH N.J.A.C. 7:13-3. THE FHA DESIGN FLOOD ELEVATION IS BASED ON THE LATEST FEMA COASTAL WORK MAPS PUBLISHED IN 2013.
4. ALL OR A PORTION OF THIS SITE LIES IN A FLOOD HAZARD AREA. CERTAIN ACTIVITIES IN FLOOD HAZARD AREAS ARE REGULATED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SOME ACTIVITIES MAY BE PROHIBITED ON THIS SITE OR MAY FIRST REQUIRE A PERMIT. CONTACT THE DIVISION OF LAND USE REGULATION AT (609) 292-0060 FOR MORE INFORMATION PRIOR TO ANY CONSTRUCTION ON SITE.
5. CONTOUR ELEVATIONS ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). TO CONVERT ELEVATIONS TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD29), ADD 1.0 FOOT.
6. WETLANDS DELINEATED BY URS MARCH 2011.

8

7

6

Figure 3 of 21



H

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5

## LEGEND

- Catch Basin
- Deciduous Tree
- Gas Gate
- Hydrant
- Light Pole
- Sign
- Utility Pole
- Water Gate
- Manhole
- Fence
- Gas Line
- Upland Area
- Wetland Line
- Wetland
- Wetland Impact (permanent)
- Open water fill (permanent)
- Riparian Zone Impact (temporary)
- Riparian Zone Impact (permanent)
- Riparian Zone Limit
- Edge of Water/Ordinary High Water Mark
- Limits of Disturbance

## NOTES

1. 14,360 SQUARE FEET BUILDING
2. 2-STORY FOOTPRINT = 7,180 SQUARE FEET
3. 9.0 NAVD - FINISHED FLOOR
4. 58 STANDARD PARKING SPACES
5. 3 HANDICAP PARKING SPACES
6. 1.61 ACRES IMPERVIOUS AREA INCREASE  
1.74 ACRES TOTAL IMPERVIOUS  
0.13 ACRES EXISTING IMPERVIOUS (GRAVEL RD)  
1.61 ACRES NEW IMPERVIOUS
7. 4.37 ACRES PROJECT AREA (LIMITS OF DISTURBANCE)
8. 0.00 ACRES OF TEMPORARY WETLAND DISTURBANCE
9. 2.66 ACRES OF PERMANENT WETLAND DISTURBANCE
10. 0.00 ACRES OF TEMPORARY OPEN WATER DISTURBANCE
11. 0.13 ACRES OF PERMANENT OPEN WATER DISTURBANCE (FILL)
12. 0.38 ACRES OF TEMPORARY VEGETATED RIPARIAN ZONE DISTURBANCE
13. 1.14 ACRES OF PERMANENT VEGETATED RIPARIAN ZONE DISTURBANCE
14. TEMPORARILY IMPACTED RIPARIAN ZONE WILL BE REVEGETATED WITH PERMANENT SEEDING AND PROTECTED BY STANDARD EROSION AND SEDIMENT CONTROL MEASURES.
15. DISTURBED WETLAND AREA THAT OVERLAPS DISTURBED RIPARIAN ZONE = 0.56 ACRES
16. APPROXIMATELY 12,000 CUBIC YARDS OF FILL PLACED IN WETLAND
17. APPROXIMATELY 15,000 CUBIC YARDS OF FILL PLACED ON SITE
18. 100-YR FLOOD ELEVATION (FLUMAL) = 5.7 FT NAVD88
19. 100-YR FLOOD ELEVATION (TIDAL) = 8.0 FT NAVD88. THE FLOOD HAZARD AREA COVERS THE ENTIRE AREA SHOWN ON THE DRAWING. THIS IS AN AREA OF TIDAL INUNDATION - NO FLOODWAY IS SHOWN.
20. THE FLOOD HAZARD AREA DESIGN FLOOD ELEVATION WAS DETERMINED USING METHOD 2, IN ACCORDANCE WITH N.J.A.C. 7:13-3. THE FHA DESIGN FLOOD ELEVATION IS BASED ON THE LATEST FEMA COASTAL WORK MAPS PUBLISHED IN 2013.
21. ALL OR A PORTION OF THIS SITE LIES IN A FLOOD HAZARD AREA. CERTAIN ACTIVITIES IN FLOOD HAZARD AREAS ARE REGULATED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SOME ACTIVITIES MAY BE PROHIBITED ON THIS SITE OR MAY FIRST REQUIRE A PERMIT. CONTACT THE DIVISION OF LAND USE REGULATION AT (609) 292-0090 FOR MORE INFORMATION PRIOR TO ANY CONSTRUCTION ON SITE.

RIPARIAN ZONE LIMIT

100-YR FLUMAL  
FLOODPLAIN BOUNDARY

RIPARIAN ZONE LIMIT

EXISTING GRAVEL ROAD

BM "B"  
AT 30' x 30' x 30'  
Face of 22" Tree  
ELEV. = 6.37

CENTER OF ATCT  
N 73°10'11.73"  
E 81°52'19.17"  
N040° 51' 00"  
N074° 03' 18"

22. CONTOUR ELEVATIONS ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). TO CONVERT ELEVATIONS TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD29), ADD 1.0 FOOT.

23. CENTER OF TOWER MAY NOT MOVE.

24. WETLANDS DELINEATED BY URS MARCH 2011.

25. EROSION AND SEDIMENT CONTROL MEASURES, AS PER NJ STANDARDS, WILL BE DEVELOPED IN THE FINAL DESIGN AND FOLLOWED DURING CONSTRUCTION TO MINIMIZE THE TRANSPORTATION OF SEDIMENT FROM ON-SITE DISTURBANCE ACTIVITIES.

26. AT THE PROPOSED SITE ENTRANCE DRIVE OVER EAST RISER DITCH, A CROSSING STRUCTURE WITH AN OPENING OF 327 SQUARE FEET BELOW ELEVATION 6.0 FT (NAVD) WILL BE CONSTRUCTED.

MATCHLINE  
REGULATED IMPACT AREAS

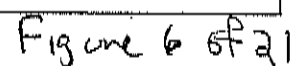
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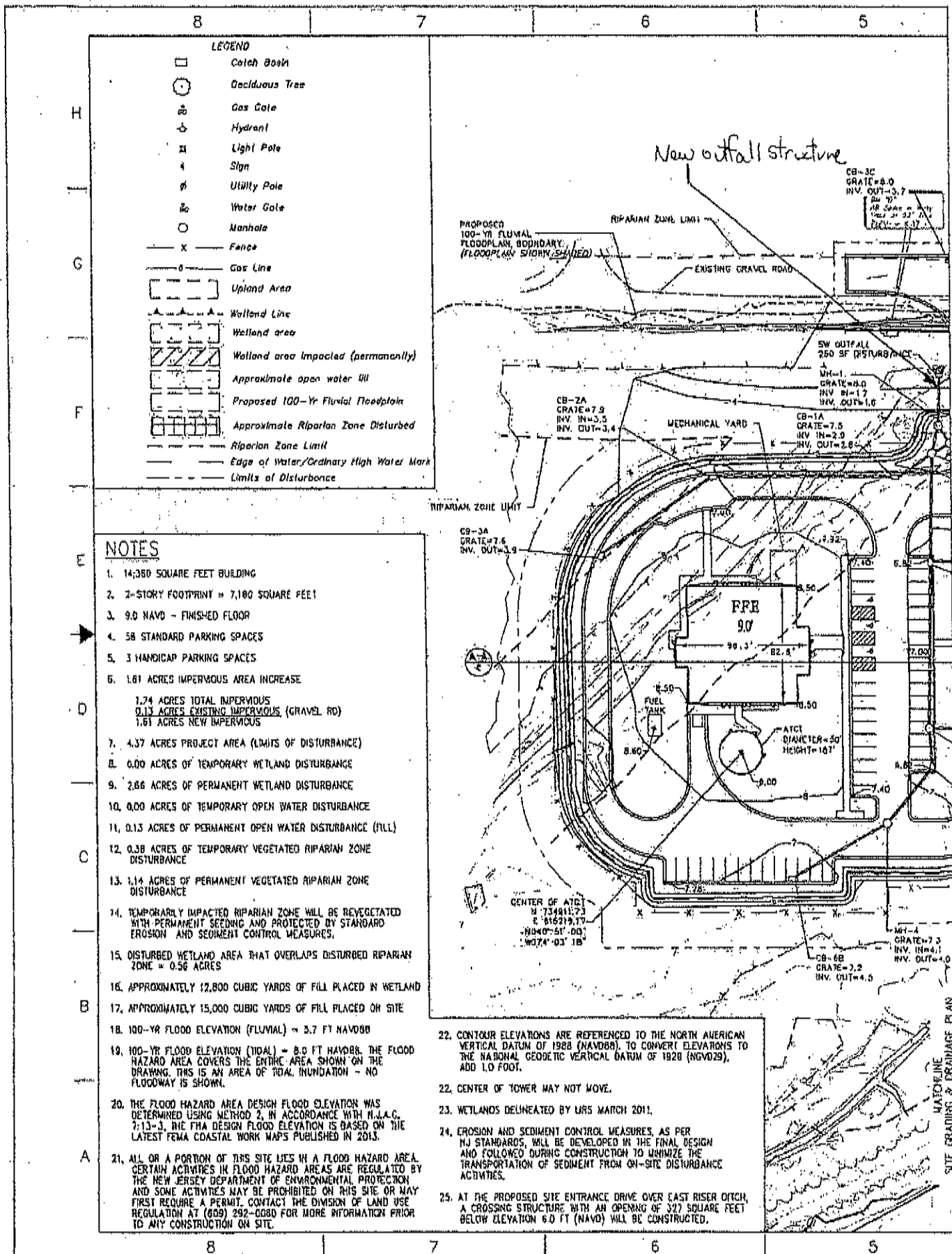
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Figure 5 of 21

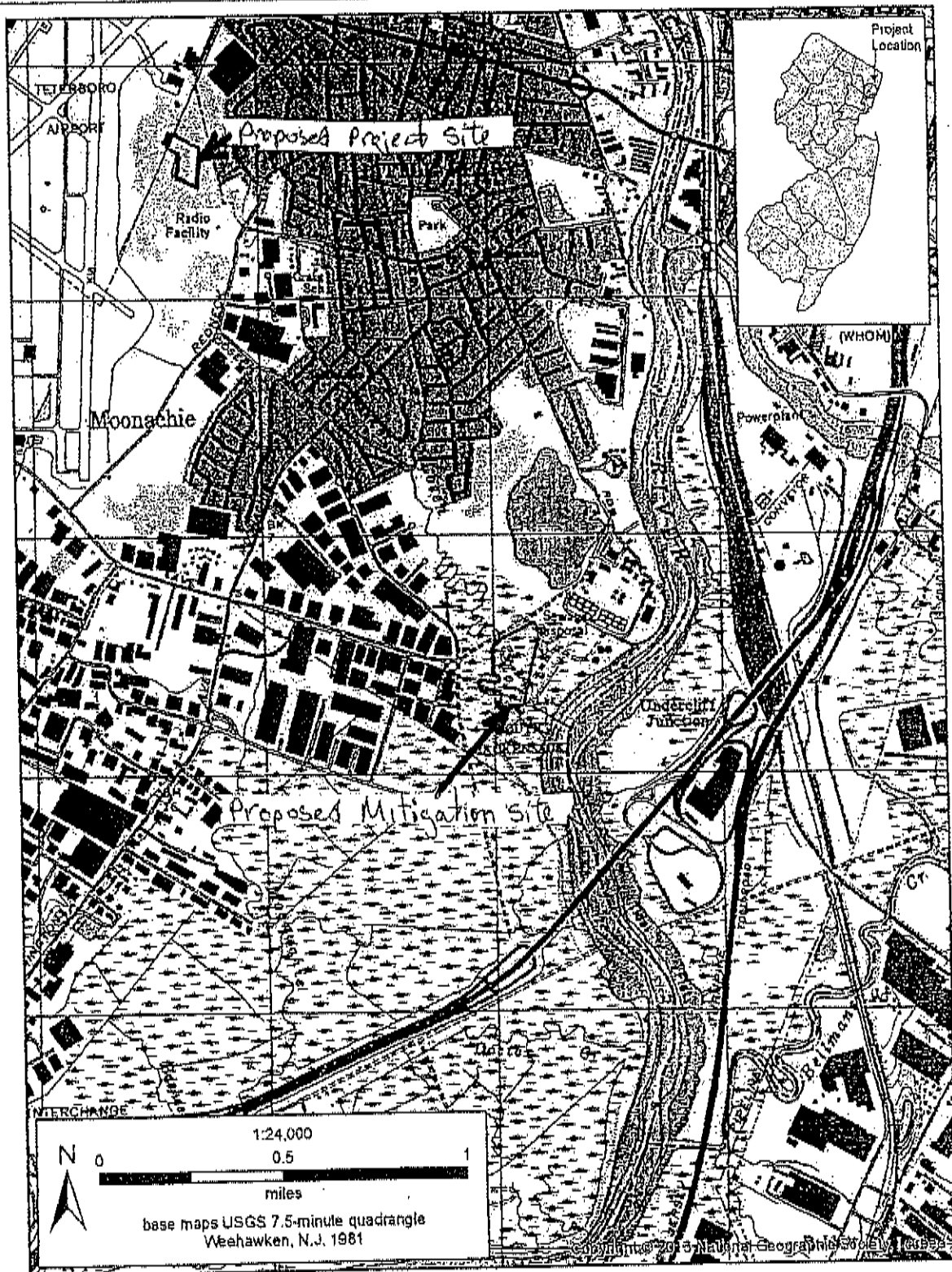






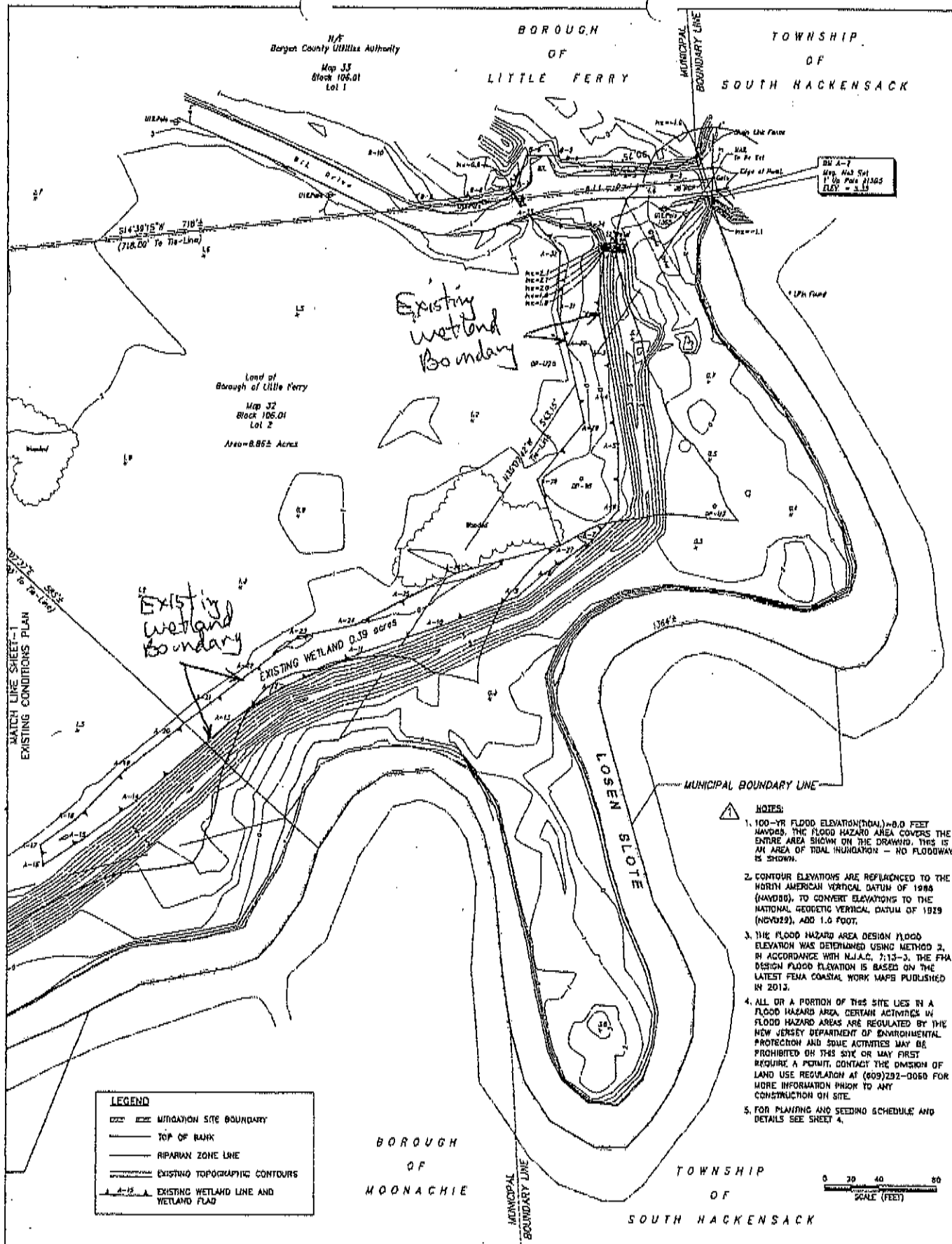


LOSEN SLOTE MITIGATION SITE  
TETERBORO AIRPORT TRAFFIC CONTROL TOWER



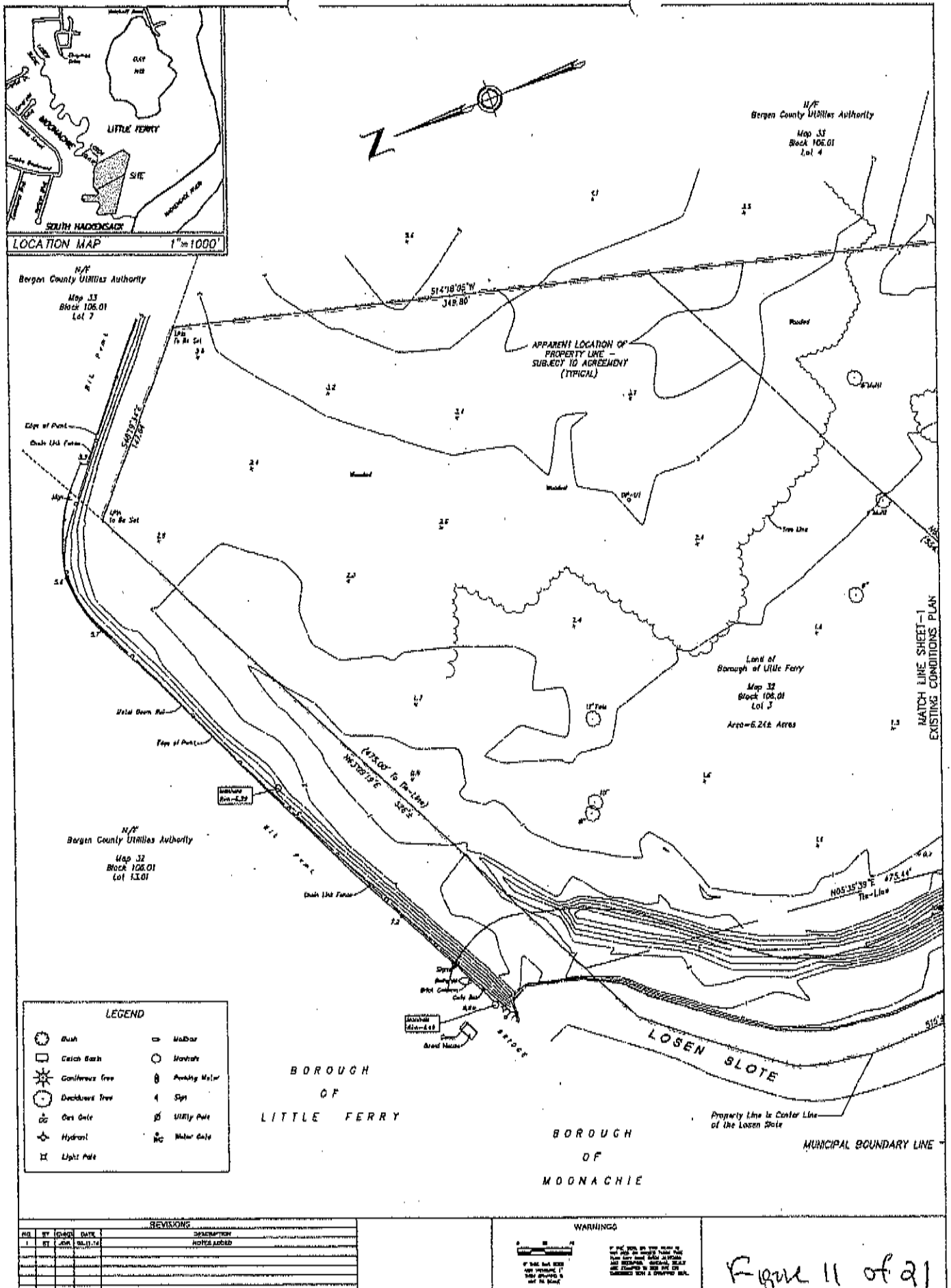
Project location on USGS 7.5-minute quadrangle, Weehawken, N.J.

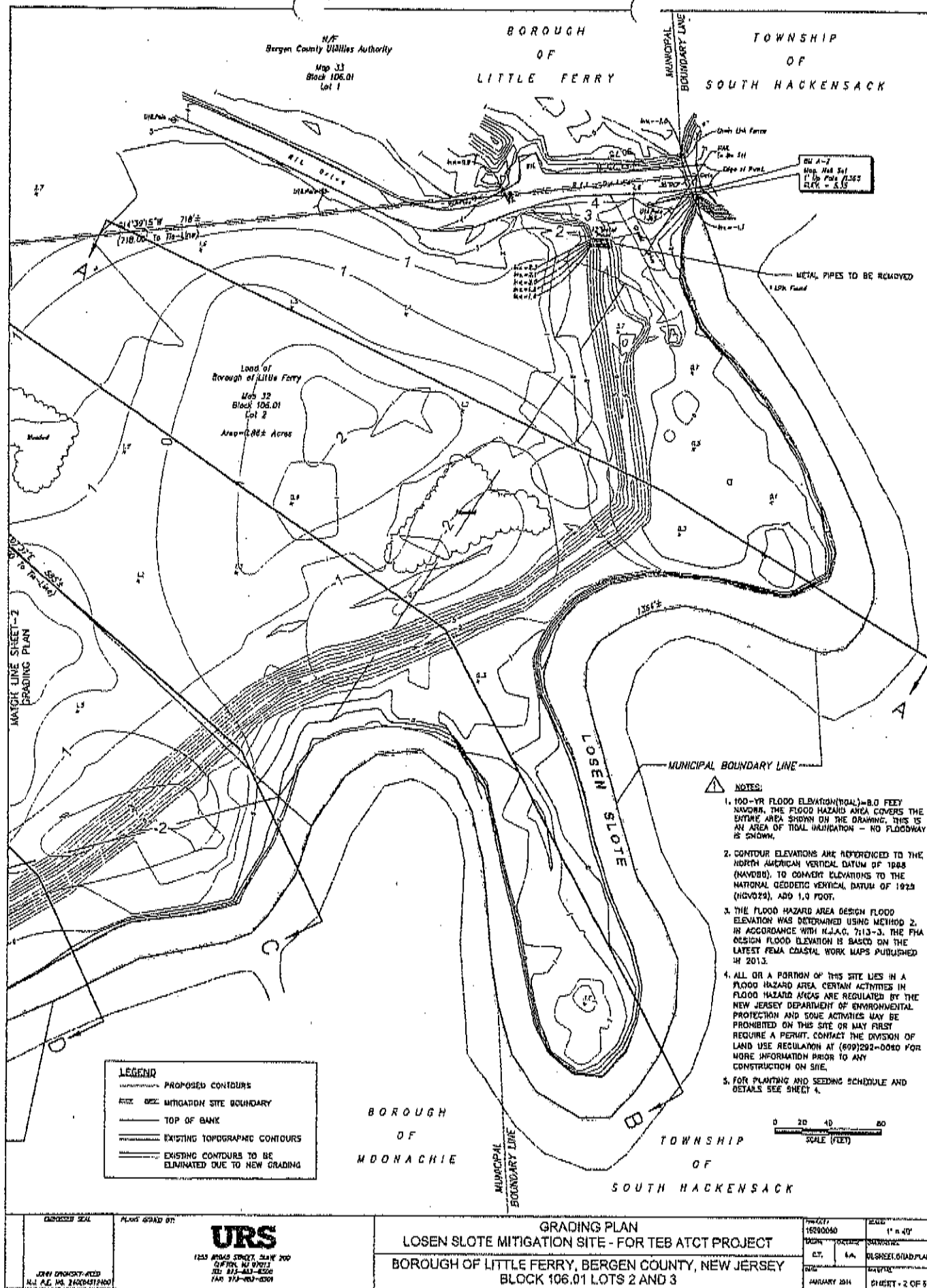
Figure 9 of 21

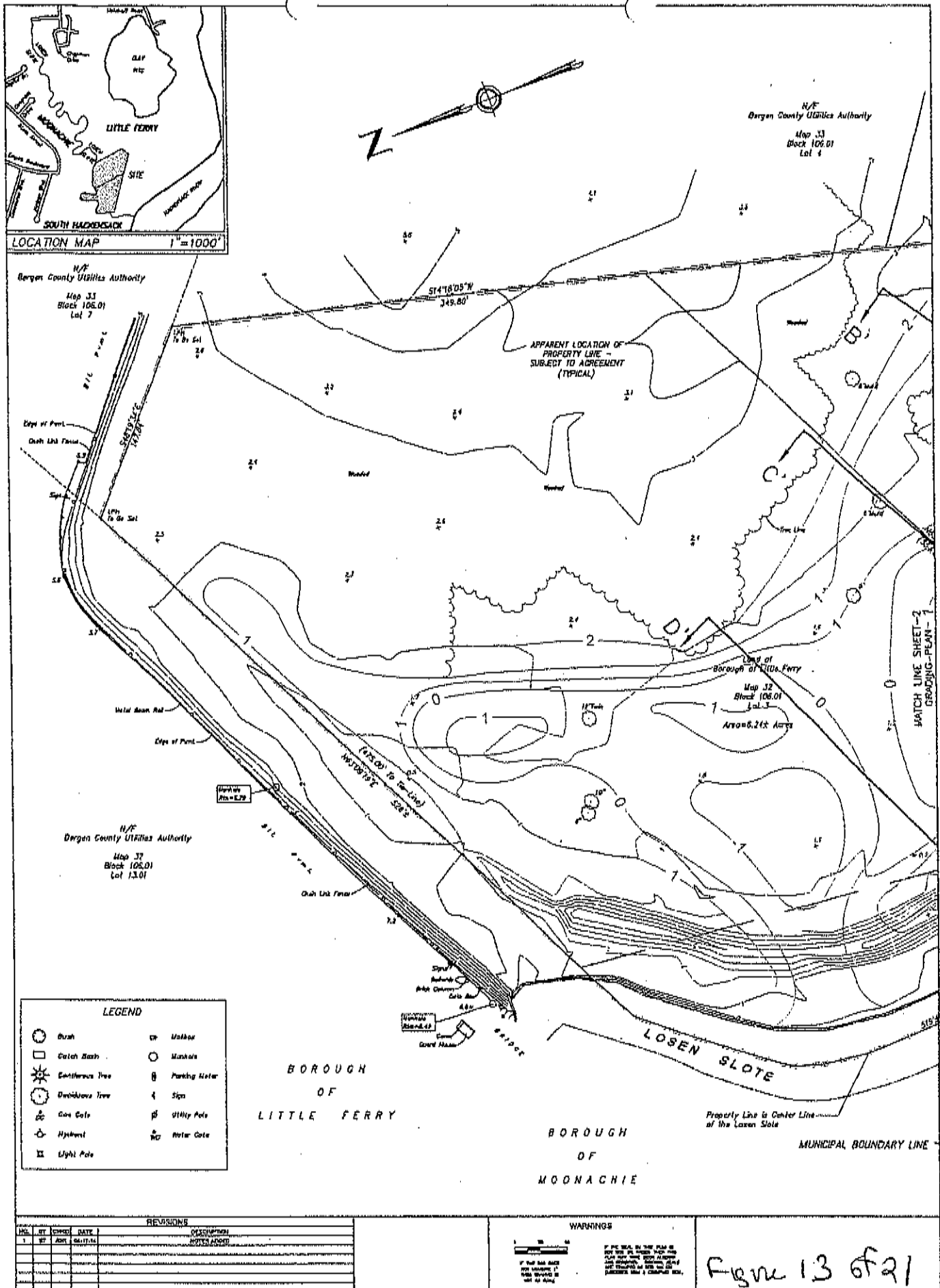


PREPARED BY: <b>URS</b> 1234 5678 STREET, SUITE 200 CLIFTON, NJ 07011 TEL: 973-555-1234 FAX: 973-555-4321	PROJECT NO.: 15230000 DATE: JANUARY 2014 SHEET: 1 OF 5	EXISTING CONDITIONS PLAN LOZEN SOTE MITIGATION SITE - FOR TEB ATCT PROJECT BOROUGH OF LITTLE FERRY, BERGEN COUNTY, NEW JERSEY BLOCK 106.01 LOTS 2 AND 3	SCALE: 1" = 40' DRAWN BY: E.A. CHECKED BY: J.W.
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FIGURE 10 of 21





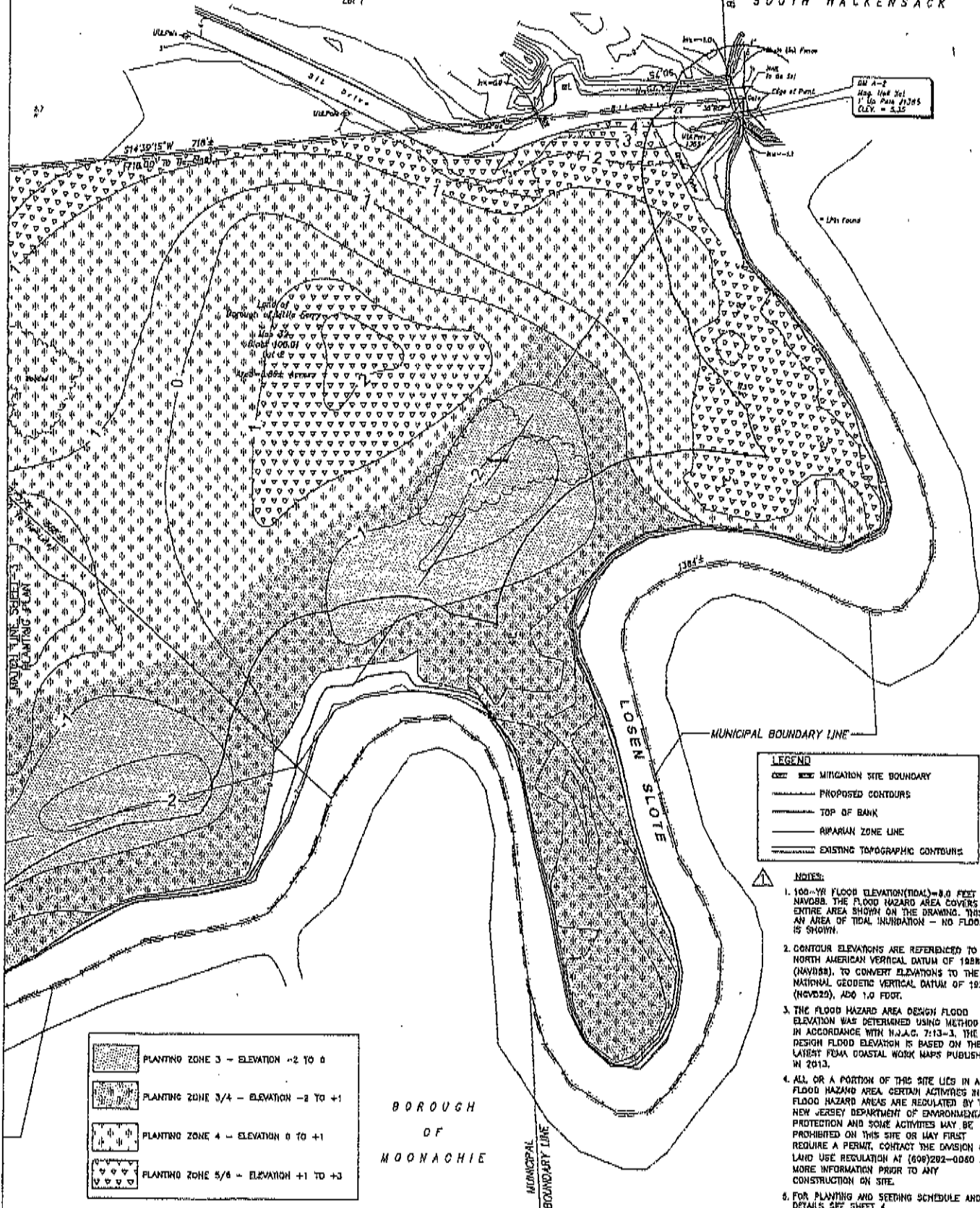




N/T  
Bergen County US/Ida Authority  
Map 33  
Block 106.01  
Lot 1

BOROUGH  
OF  
LITTLE FERRY

TOWNSHIP  
OF  
SOUTH HACKENSACK



**LEGEND**

--- MITIGATION SITE BOUNDARY

--- PROPOSED CONTOURS

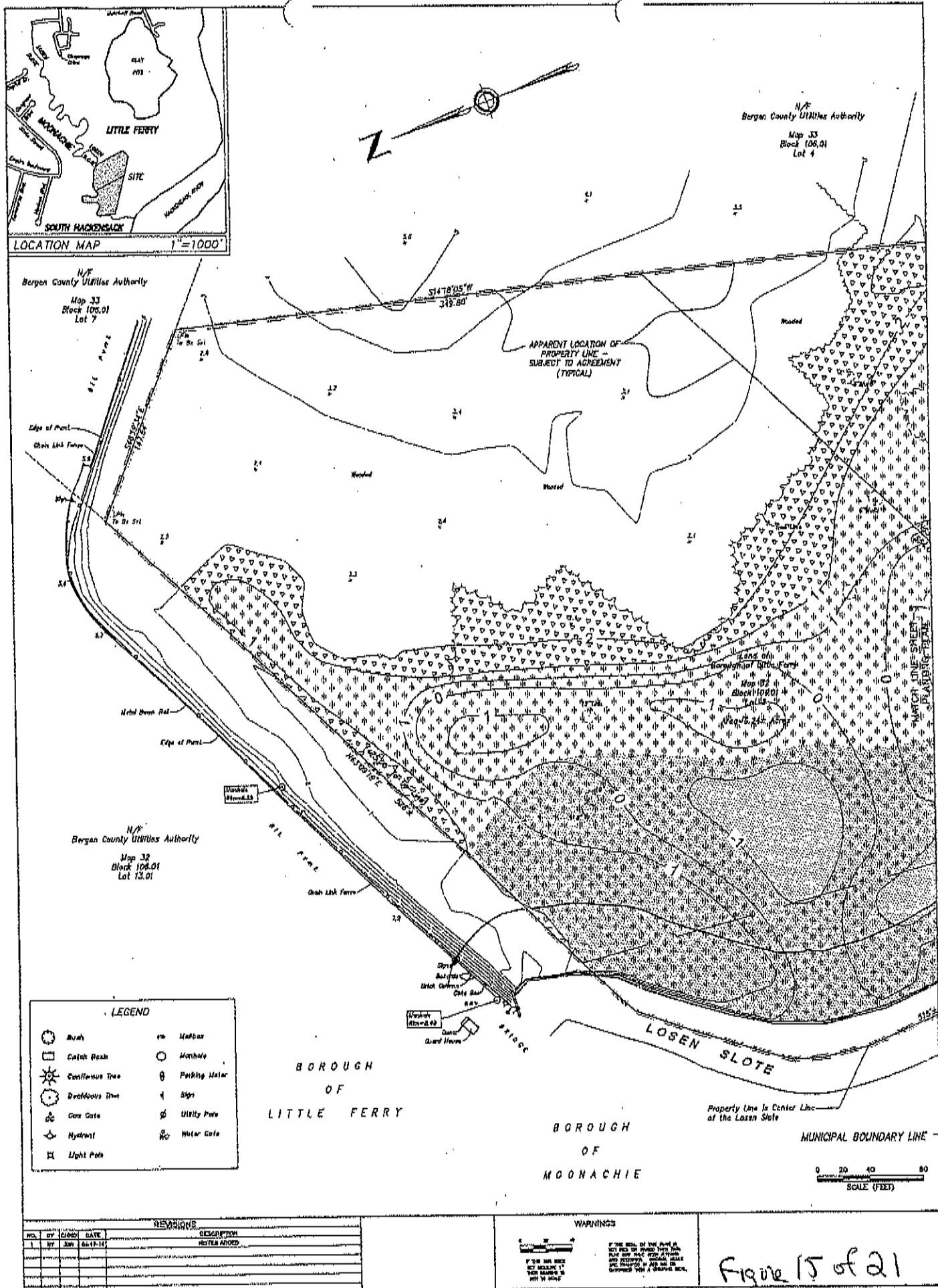
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--- RIPARIAN ZONE LINE

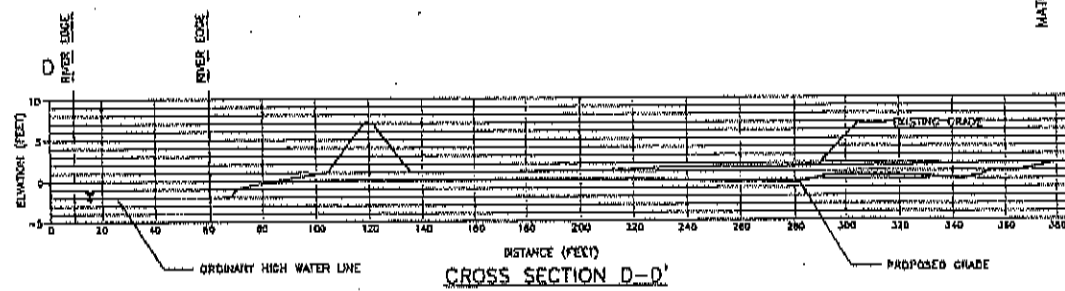
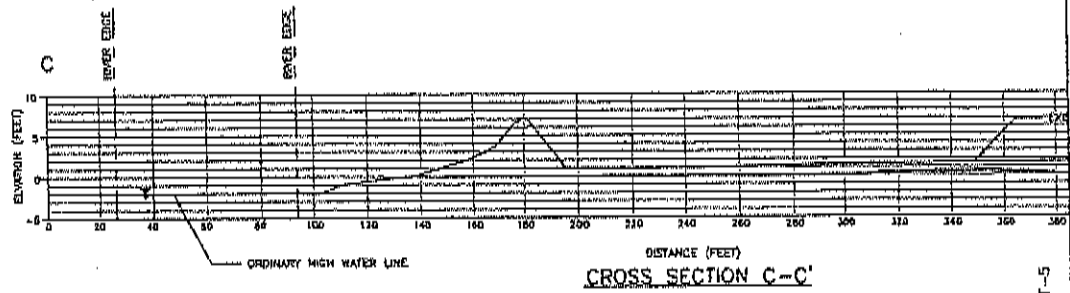
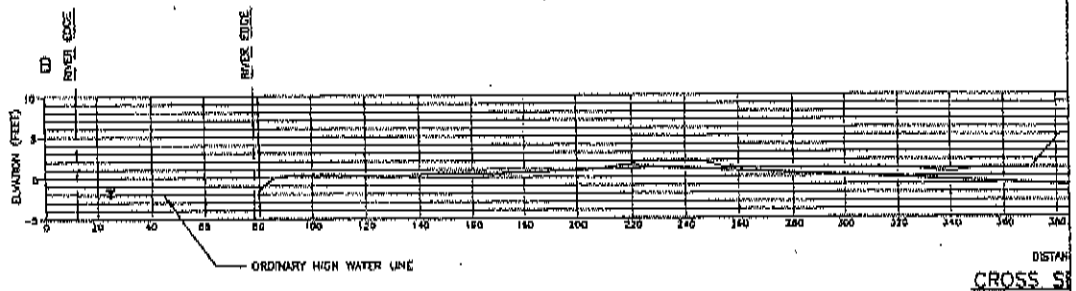
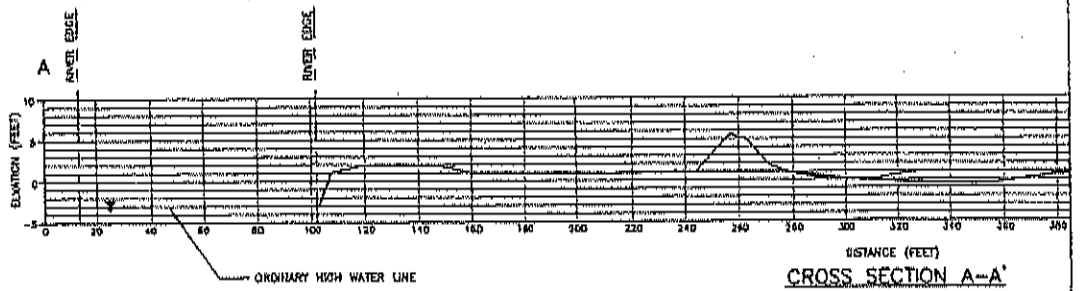
--- EXISTING TOPOGRAPHIC CONTOURS

- NOTES:**
1. 100-YR FLOOD ELEVATION (TIDAL) = 8.0 FEET NAVD88. THE FLOOD HAZARD AREA COVERS THE ENTIRE AREA SHOWN ON THE DRAWING. THIS IS AN AREA OF TIDAL INUNDATION - NO FLOODWAY IS SHOWN.
  2. CONTOUR ELEVATIONS ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). TO CONVERT ELEVATIONS TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929 (NGVD29), ADD 1.0 FOOT.
  3. THE FLOOD HAZARD AREA DESIGN FLOOD ELEVATION WAS DETERMINED USING METHOD 2, IN ACCORDANCE WITH N.J.A.C. 7:13-3. THE FMA DESIGN FLOOD ELEVATION IS BASED ON THE LATEST FEMA COASTAL WORK MAPS PUBLISHED IN 2013.
  4. ALL OR A PORTION OF THIS SITE LIES IN A FLOOD HAZARD AREA. CERTAIN ACTIVITIES IN FLOOD HAZARD AREAS ARE REGULATED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SOME ACTIVITIES MAY BE PROHIBITED ON THIS SITE OR MAY FIRST REQUIRE A PERMIT. CONTACT THE DIVISION OF LAND USE REGULATION AT (609)292-0080 FOR MORE INFORMATION PRIOR TO ANY CONSTRUCTION ON SITE.
  5. FOR PLANTING AND SEEDING SCHEDULE AND DETAILS SEE SHEET 4.

	PLANTING ZONE 3 - ELEVATION -2 TO 0
	PLANTING ZONE 3/4 - ELEVATION -2 TO +1
	PLANTING ZONE 4 - ELEVATION 0 TO +1
	PLANTING ZONE 5/6 - ELEVATION +1 TO +3



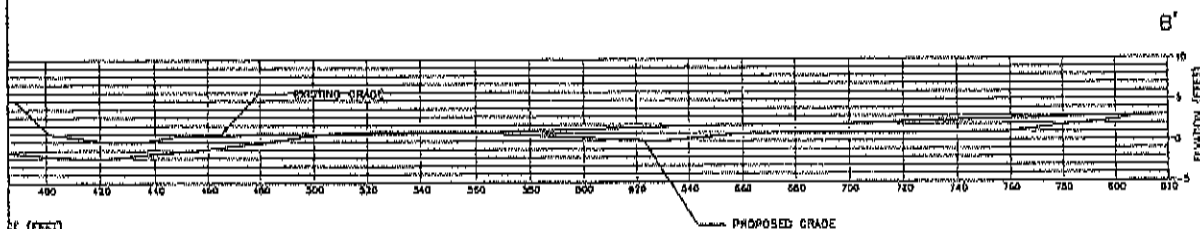
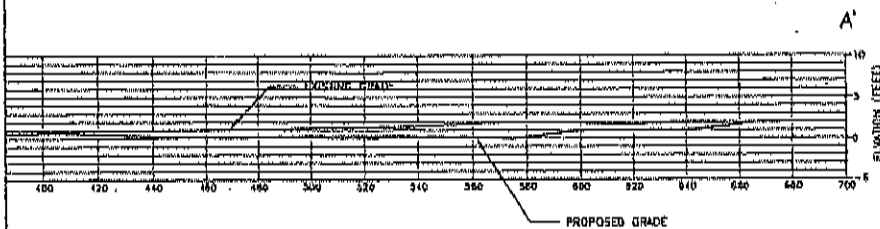




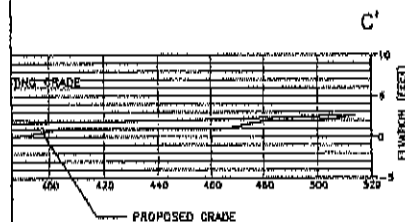
MATCH LINE SHEET -5  
SECTIONS

REVISIONS				WARNINGS	
NO.	BY	DATE	DESCRIPTION		

Figure 17 of 21



SECTION B-B'



WATCH LINE SHEET-5  
SECTIONS



NOTE:

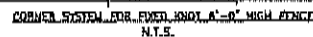
1. GROUND WATER ELEVATION IN THE RANGE OF 0.0 TO -2.0 FT ABOVE IS EXPECTED, WITH PERIODIC SURFACE INUNDATION DUE TO WATER LEVEL FLUCTUATION IN THE LOSEN SLOTE.
2. FOR LOCATIONS OF CROSS SECTIONS SEE SHEET 2.

0 15 30 60  
HORIZONTAL SCALE (FEET)

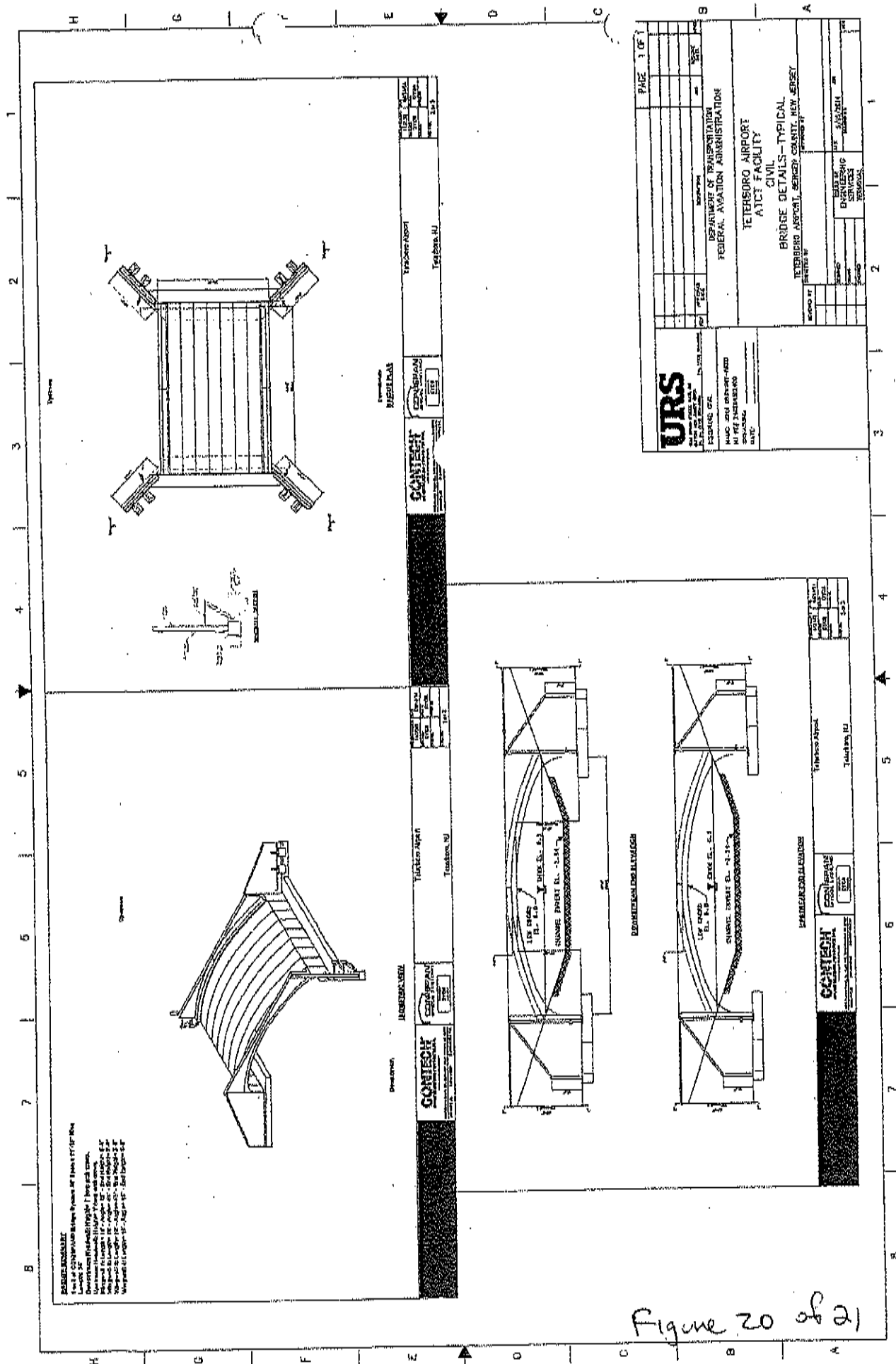
0 5 10 20  
VERTICAL SCALE (FEET)

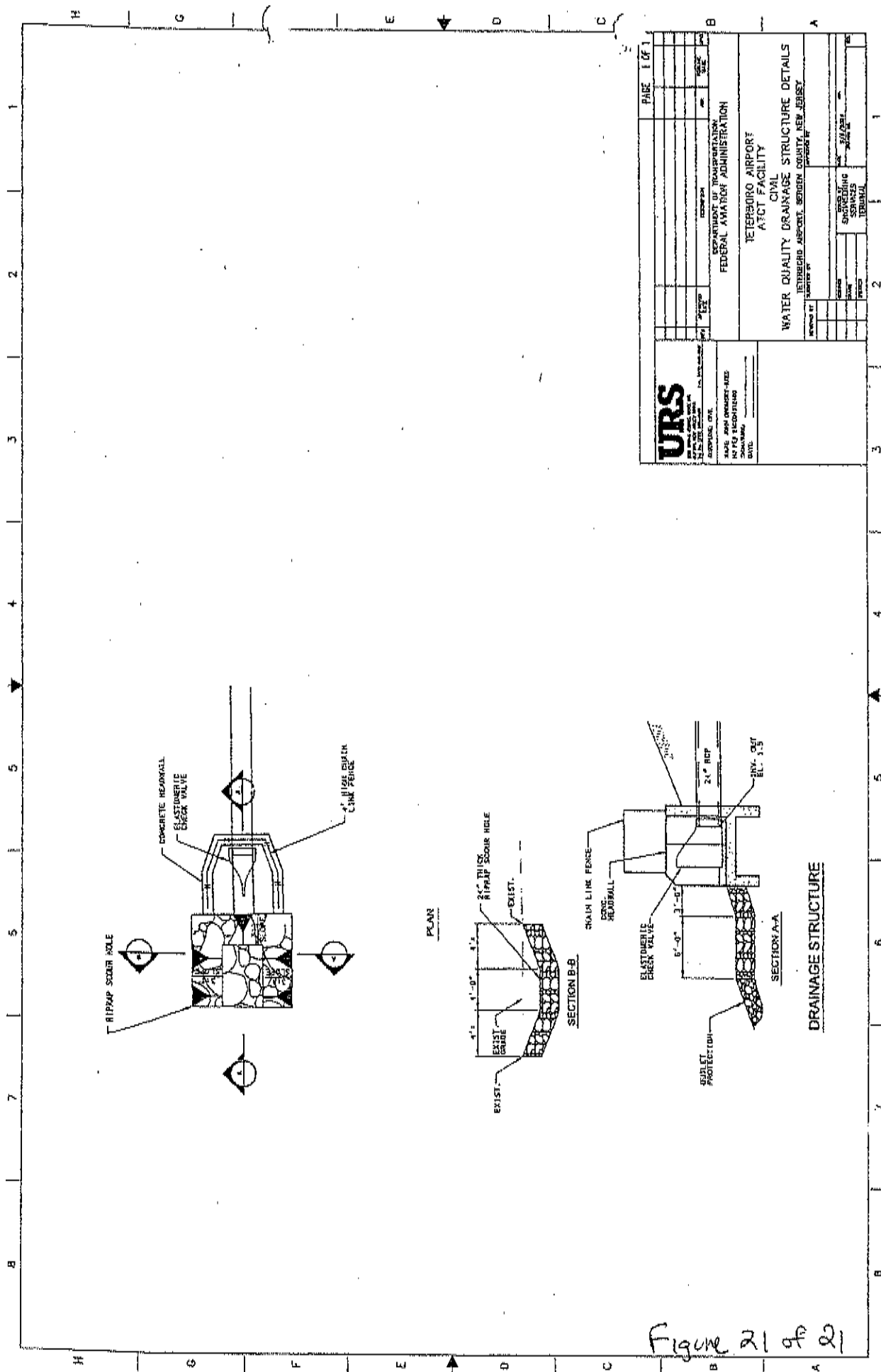
<p>DESIGNED BY JOHN BOURGEOIS-PEER N.J. P.E. NO. 24034514-001</p>	<p>PLANS SCALE 1"=20'</p> <p><b>URS</b></p> <p>1175 AVENUE STREET, SUITE 200 CLIFTON, NJ 07013 TEL: 973-483-4500 FAX: 973-483-4501</p>	<p>CROSS SECTIONS LOSEN SLOTE MITIGATION SITE - FOR TEB ATCT PROJECT BOROUGH OF LITTLE FERRY, BERGEN COUNTY, NEW JERSEY BLOCK 106.01 LOTS 2 AND 3</p>	<table border="1"> <tr> <td>PROJECT NO.</td><td>16290060</td><td>REVISION</td><td>AS NOTED</td></tr> <tr> <td>DATE</td><td>01/20/14</td><td>BY</td><td>SA</td></tr> <tr> <td>DATE</td><td>JANUARY 2014</td><td>BY</td><td>SA</td></tr> <tr> <td colspan="2">SHEET 5 OF 6</td><td colspan="2">SHEET 5 OF 6</td></tr> </table>	PROJECT NO.	16290060	REVISION	AS NOTED	DATE	01/20/14	BY	SA	DATE	JANUARY 2014	BY	SA	SHEET 5 OF 6		SHEET 5 OF 6	
PROJECT NO.	16290060	REVISION	AS NOTED																
DATE	01/20/14	BY	SA																
DATE	JANUARY 2014	BY	SA																
SHEET 5 OF 6		SHEET 5 OF 6																	

Figure 18 of 21



## DEER FENCE LAYOUT AND DETAILS









DEPARTMENT OF THE ARMY  
NEW YORK DISTRICT, CORPS OF ENGINEERS  
JACOB K. JAVITS FEDERAL BUILDING  
NEW YORK, N.Y. 10278-0090

JUN 12 2009

REPLY TO  
ATTENTION OF:

Regulatory Branch

SUBJECT: Permit Number 1998-02120-2 by the  
Hudson County Improvement Authority

Hudson County Improvement Authority  
C/o Mr. Norman M. Guerra  
Executive Director  
574 Summit Avenue - 5<sup>th</sup> Floor  
Jersey City, New Jersey 07306

Dear Mr. Guerra:

In accordance with the provisions of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344), the Hudson County Improvement Authority (HCIA) was issued Department of the Army (DA) Permit Number 1998-02120 by the District Engineer on November 8, 2002. This permit authorized the discharge of approximately 1.1 million cubic yards of processed dredged material into approximately 3.6 acres of waters of the United States to facilitate the placement of an impervious cap over the site, as well as excavate up to 40,000 cubic yards of contaminated sediments along 5,000 linear feet of the Hackensack River shoreline. These authorized activities are part of a New Jersey Department of Environmental Protection (NJDEP) approved remedial action work plan for the site. The site is located within the Hackensack River watershed, in the Town of Kearny, Hudson County, New Jersey.

On June 29, 2006 a permit modification authorized the extension of the permit expiration date from November 6, 2005 to November 6, 2008. This permit extension allowed the permittee to complete the on-site activities that had been delayed as a result of litigation issues associated with the previous remedial cleanup contractor.

A subsequent permit modification dated December 9, 2008, authorized an extension of the permit expiration date from November 6, 2008 to November 6, 2010. This permit extension allowed the permittee to complete the remaining authorized activities situated waterward of the existing bulkhead which included remedial shoreline excavation activities, and the on-site compensatory mitigation activities to be implemented and completed. As part of this permit modification, the Corps of Engineers had acknowledged, based on a revised wetland delineation, that the amount of existing jurisdictional wetlands situated waterward of the bulkhead had been reduced from 1.87 acres, as stipulated in the original DA permit, to 0.64 acres, and that this reduction in jurisdictional wetlands had likely been attributed to strong river currents known to exist in that area. It was additionally acknowledged that no work had been performed waterward of the existing bulkhead since the issuance of the DA

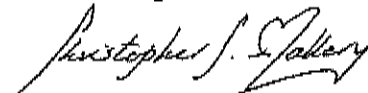
permit on November 8, 2002. In addition, Special Condition "B" was also be modified to reflect the amount of mitigation required to compensate for those impacts.

On February 4, 2009, the New York District Corps of Engineers received the permittees detailed compensatory mitigation plan entitled "Wetland Mitigation Plan, Freshwater Wetland Statewide General Permit #4 and Department of the Army Permit #1998-02120, Koppers Seaboard Site, Block 287, Lots 62R and 71R, Kearny, Hudson County, New Jersey", and dated February 2009. The subsequent drawings entitled "Wetland Restoration Plan", Sheet 1, and "Wetland Restoration Details", Sheet 2, prepared by Princeton Hydro, LLC, dated August 12, 2008 and last revised February 2, 2009, indicate that 0.85 acres of tidal emergent wetlands would be established waterward of the existing on-site bulkhead to compensate for the 0.64 acres of existing tidal emergent wetlands impacted as a result of the remedial shoreline excavation activities. As part of the compensatory wetland mitigation plan, approximately 0.59 acres of low marsh wetlands would be established between elevations 1.0 and 3.38 feet Mean High Water (National Geodetic Vertical Datum of 1929 (NGVD 1929)) and 0.26 acres of high marsh wetlands would be established above elevation 3.38 MHW. The remaining excavated areas situated east of the mitigation area will be restored to intertidal mudflat. The compensatory mitigation plan would additionally include the installation of two interlocking rows of "A-Jacks" which would be installed at the waterward slope of the mitigation area at the 1.0 foot elevation, to provide erosion protection and promote habitat development.

Therefore, in accordance with Special Condition "B" of the above referenced permit authorization, the New York District Corps of Engineers has determined that the mitigation plan referenced above complies with Special Condition "B" of the subject authorization. You are therefore authorized to begin work under the terms and conditions of the above referenced DA permit authorization. This letter shall be added to all copies of the authorization, including those at the site.

If you have any questions, please contact James Cannon of my staff at (917) 790-8412.

Sincerely,



Christopher S. Mallery  
Chief, Western Permits Section

Cf: NJDEP  
NJMC



**State of New Jersey**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE  
Governor

MARK N. MAURIELLO  
Acting Commissioner

Office of Dredging and Sediment Technology  
P.O. Box 028  
Trenton, NJ 08625  
(609) 292-1250  
FAX (609) 777-1914

Mr. Peter W. Sawchuck, P.E.  
Project Manager  
Key Environmental Incorporated  
456 Route 22 West  
Suite D  
Whitehouse Station, New Jersey 08889

June 24, 2009

RE **MODIFICATION** of the Waterfront Development Permit, Freshwater Wetlands Statewide General Permit No. 4, Flood Hazard Permit, Water Quality Certificate  
Applicant: Beazer East, Inc.  
Application No(s): 0907-08-0001.1 FHA 080001 (Flood Hazard Permit)  
0907-08-0001.1 FWW080001 (Freshwater Wetlands Statewide General Permit #4)  
0907-08-0001.1 WFD080001 (In-Water Waterfront Development Permit)  
0907-08-0001.1 CDT0800001 (Water Quality Certificate)  
Project: Former Koppers Seaboard Site  
City of Kearny, Hudson County  
Block 287, Lots 545, 55, 56, 60, 61B, 61C, 62, 62B, 63, 70, 70R, 71, 71B, 73, 80

Dear Mr. Sawchuck:

Enclosed, please find a **MODIFICATION** of the approved construction permit issued on . Please read the permit modification and its terms and Conditions carefully. If you consider yourself aggrieved by our decision regarding your application, you may request a hearing by completing the requirements of the attached *administrative hearing request checklist and tracking form*. Unless you request a hearing to contest this permit or its conditions, you have accepted its terms and conditions.

This permit modification serves to reduce the amount of emergent wetlands that will be disturbed during remediation of areas waterward of the Mean High Water Line (MHWL) from 1.87 acres to 0.64 acres and the required mitigation from 2.5 acres to 0.85 acres. This modification serves to approve the Mitigation Plan submitted to the NJDEP on February 2, 2009. Said mitigation plan and reduction of emergent wetlands impact acreage has been approved by the Army Corps of Engineers in an authorization letter dated June 12, 2009.

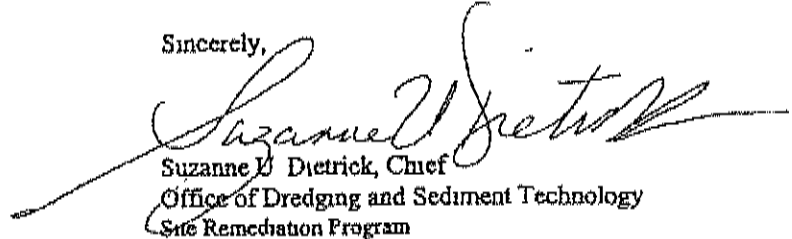
You are required to keep a copy of your permit and the approved drawings at the construction site for the duration of the project. Failure to do so is a violation of the permit.

If you are required to record a Grant of Conservation Restriction/Easement, you must present the Department with proof that you have recorded it within ninety (90) days of issuance of this permit. You may NOT COMMENCE CONSTRUCTION until you have properly recorded the Division of Land Use Regulation approved Grant of Conservation Restriction/Easement documents and fulfilled the pre-construction conditions of this permit.

If a tidelands grant, lease or license is required as a condition of this permit, you may not begin construction until the Bureau of Tidelands Management has delivered the necessary conveyances. Construction prior to the receipt of the necessary conveyances is in violation of State law and will subject you to fines up to \$1,000.00 plus \$100.00 per day. Furthermore, the cost for the tidelands instrument may be higher since the property claimed will be appraised as improved property. You may be required to remove any unauthorized structures placed in tidelands claimed areas.

Please do not hesitate to contact the Office's project manager, listed on the first page of the permit, to discuss any concerns or questions you may have. Thank you for working with the staff of the Office to protect our state's natural resources.

Sincerely,



Suzanne U. Dietrick, Chief  
Office of Dredging and Sediment Technology  
Site Remediation Program

C  
James Cannon, NY District, ACOE, Regulatory Branch  
Scott Douglas, NJDOT, Office of Maritime Resource  
Matt Masters, Port Authority of NY/NJ  
Chris Kanakis, SRP, OBR

Mr. Mitchell D. Brouman  
Beazer East, Inc.  
One Oxford Centre, Suite 3000  
Pittsburgh, PA 15219-6401

Mr. Steven O'Hara  
Great Lakes Dredge and Dock Company, LLC  
2122 York Road  
Oak Brook, ILL 60523



PROFESSIONAL LAND SURVEYORS  
CONSTRUCTION SURVEYORS SPECIALISTS  
GPS CONSULTANTS

1 ENTIN ROAD, UNIT 8  
CLIFTON, NJ 07014  
PH 973-249-0900 FAX 973-249-0988

**CONSERVATION RESTRICTION EASEMENT DESCRIPTION  
BLOCK 287, LOTS 56, 62 AND 62R  
FORMER KOPPERS SEABOARD SITE  
ONE FISH HOUSE ROAD  
CITY OF KEARNY, HUDSON COUNTY, NEW JERSEY**

An easement in certain land and premises situate, lying and being in the City of Kearny, in Hudson County and the State of New Jersey and more particularly described as follows

**Beginning** at a point along the division line between Lot 52 and Lot 56 in Block 287 of the City of Kearny Tax Map Said point being the intersection with the southerly Hackensack River Pier and Bulkhead Line, having the coordinate of North 698,544.147 and East 2,158,294 949 East in the New Jersey State Plane Coordinate (NJSPCS) of NAD 27 and being South 65°15'33" West, along the northwesterly line of lot 56 from the Hackensack River Pier and Bulkhead Line, a distance of 130 62 feet. Leaving said Northwesterly line of Lot 56, S 40°02'29" East a distance of 1.18 Feet to the **True Point and Place of Beginning**, having A New Jersey State Plane Coordinate of North 698,488 574, East 2,158,177 076 Feet in the North American Datum of 1927, and running thence

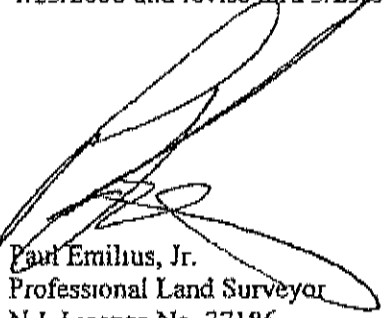
1. NORTH 65°52'58" EAST, a distance of 51 65 feet, thence
2. SOUTH 42°40'45" EAST, a distance of 224.19 feet, thence
3. SOUTH 44°29'39" EAST, a distance of 180 93 feet, thence
4. SOUTH 47°25'16" EAST, a distance of 119 20 feet, thence
5. SOUTH 47°59'15" EAST, a distance of 155 35 feet, thence
6. SOUTH 57°36'23" EAST, a distance of 153.15 feet, thence
7. SOUTH 59°57'03" EAST, a distance of 180 03 feet, thence
8. SOUTH 67°25'52" EAST, a distance of 162 13 feet, thence
9. SOUTH 71°21'20" EAST, a distance of 117 83 feet, thence
10. SOUTH 78°11'30" EAST, a distance of 154.86 feet, thence
11. SOUTH 08°36'20" EAST, to the Sheet pile wall, a distance of 38.49 feet, thence
12. SOUTH 86°17'58" WEST, along said wall, a distance of 84.12 feet, thence
13. NORTH 69°37'33" WEST, along said wall, a distance of 183.67 feet, thence
14. NORTH 65°41'01" WEST, along said wall, a distance of 218.16 feet, thence

- 15 NORTH 65°05'32" WEST, along said wall, a distance of 36.87 feet, thence
16. NORTH 57°18'09" WEST, along said wall, a distance of 108.53 feet, thence
- 17 NORTH 57°34'20" WEST, along said wall, a distance of 61.65 feet, thence
- 18 NORTH 56°10'24" WEST, along said wall, a distance of 57.58 feet, thence
- 19 NORTH 49°39'38" WEST, along said wall, a distance of 142.72 feet, thence
- 20 NORTH 49°33'15" WEST, along said wall, a distance of 124.50 feet, thence
21. NORTH 46°21'54" WEST, along said wall, a distance of 78.72 feet, thence
- 22 NORTH 46°04'43" WEST, along said wall, a distance of 118.01 feet, thence
23. NORTH 46°18'32" WEST, along said wall, a distance of 87.42 feet, thence
- 24 NORTH 46°03'55" WEST, along said wall, a distance of 91.62 feet, thence
- 25 NORTH 43°53'36" WEST, along said wall, a distance of 26.99 feet, thence
26. NORTH 47°21'12" WEST, along said wall to its end, a distance of 59.10 feet, thence
- 27 NORTH 40°02'29" WEST, a distance of 26.78 feet to the Point and **PLACE OF BEGINNING**

The easement as described contains 55,415.39 square feet (1.272 acres) of land more or less.

All courses and coordinates are with respect to the NAD 1927 New Jersey State Plane Coordinate System

Reference: Base on a survey prepared by PS&S, LLC of Warren, New Jersey Dated 1/25/2008 and revise thru 3/25/08



Paul Emilus, Jr.  
Professional Land Surveyor  
N J License No. 37186

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DEPARTMENT OF ENVIRONMENTAL PROTECTION  
SITE REMEDIATION PROGRAM  
OFFICE OF DREDGING AND SEDIMENT TECHNOLOGY  
401 East State Street, P.O. Box 028  
Trenton, NJ 08625



PERMIT

<p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the limitations, terms and conditions listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.</p>		<p>Approval Date June 24, 2009 (MODIFICATION)</p>
<p>Permit Number/s 0907-08-0001 1 FHA 080001 FWW080001 WFD080001 CDT080001</p>	<p>Type of Approval/s In-Water Waterfront Development Freshwater Wetlands Statewide General Permit 4 Flood Hazard Area Permit Water Quality Certification</p>	<p>Enabling Statute/s NJSA 12.5-3 NJSA 58 10A</p>
<p>Applicant Beazer East, Inc. C/o Three Rivers Management, Inc. One Oxford Centre, Suite 3000 Pittsburgh, PA 15219</p>	<p>Project Location Former Koppers Seaboard Site One Fish House Road Kearny, Hudson County Block 787 Lots 52, 53, 55, 60, 61B, 61C, 62, 62B, 63, 70, 70R, 71, 71B</p>	
<p>Description of Authorized Activities and Limitations</p> <p>Continued construction activities associated with the remediation of the former Koppers Seaboard Site located on the Hackensack River in Kearny, New Jersey. The remediation of the site is being implemented by Beazer East, Inc. pursuant to a Remedial Action Workplan Approval issued in May 1998 and an amendment approved by the Department on August 10, 2007. Previous remediation activities implemented at the site were authorized in a Stream Encroachment Permit (DEP File #0907-91-0006.9) issued on June 23, 1998 and a Waterfront Development Permit/Water Quality Certification (DEP File #0907-91-0006.10) issued on June 23, 1998 as modified on May 24, 2002. These permits have since expired.</p> <p>The construction activities authorized under this permit consist of the following:</p> <ul style="list-style-type: none"><li>➤ Removal of approximately 10,000 cubic yards of sediment to a depth of approximately 10 feet from the meadowmat/confining unit in the Hackensack River along the eastern shoreline. Sediment removal will occur approximately 50' waterward of the existing steel sheet pile bulkhead. The material will be removed using a hopper suction dredger(s) from the shoreline and placed in temporary 50x500' barge barges. It is anticipated that the sediments will be consolidated on the upland portion of the site. The area disturbed by removal of the sediments will be restored to pre-existing elevations using clean fill material.</li><li>➤ Removal of approximately 10,000 cubic yards of pile material and sediments from the area outside of the steel sheet pile bulkhead along the western shoreline. The method of removal and disposal will be similar to the sediment removal activities. Approximately 10 acres of tidal emergent wetlands will be disturbed as a result of this area. Mitigation is required for this impact.</li></ul> <p>SEE PROJECT DESCRIPTION ON PAGE 2 OF THE PERMIT.</p> <p>Prepared by <i>Suzanne B. [Signature]</i></p> <p>THIS PERMIT IS NOT EFFECTIVE AND NO CONSTRUCTION APPROVED BY THIS PERMIT, OR OTHER REGULATED ACTIVITY, MAY BE UNDERTAKEN UNTIL APPLICANT HAS SATISFIED ALL PRE-CONSTRUCTION CONDITIONS AS SET FORTH IN THIS PERMIT PURSUANT TO N.J.A.C. 7:27-1.5(b)4</p> <p>Received or Recorded by County Clerk</p>		
<p>This permit is not valid unless authorizing signature appears on the last page.</p>		

**PROJECT DESCRIPTION (Continued)**

- Excavation of approximately 12,000 cy of material located landward of the steel sheet pile bulkhead. Approximately 3.65 acres of wetlands will be disturbed. The soil from the excavation will be consolidated/solidified with other material and placed on the western portion of the site. For impacts to the 3.65 acres of freshwater wetlands, 7.3 acres of off-site mitigation credits were purchased in 2003 at the Marsh Resource Meadowlands Mitigation Bank in Hudson County.
- Construction of approximately 1,800 linear feet of a slurry wall landward of the steel sheet pile bulkhead. An additional 600 linear feet of slurry wall is to be installed southeastern portion of the property.
- Re-grading of approximately 750,000 cy of Processed Dredged Material (PDM) imported to the site between 1998 and 2000. An additional 400,000 cy of PDM will be imported into the site and used as cap material over the majority of the site.
- The construction of four stormwater detention basins, three of which will discharge stormwater directly to the Hackensack River, and the fourth which will discharge to a tidal ditch located on the southern portion of the property.

The site is located entirely within the New Jersey Meadowlands District. This permit is authorized under, and in compliance with the following Rules on Coastal Zone Management, N.J.A.C. 7:27E-1.1 et seq., specifically, Intertidal and Subtidal Shallows (7:27E-3.15), Wetlands (7:27E-3.27) and Hackensack Meadowlands District (7:27E-3.45). This permit also includes a Water Quality Certification issued pursuant to Section 401 of the Federal Clean Water Act (33USC 1251 et seq).

By issuance of this permit, the State of New Jersey does not relinquish tidelands ownership or claim to any portion of the subject property or adjacent properties. The permit is approved subject to, and in accordance with, all applicable Tidelands Grants issued to Seaboard By-Products Coke Co on December 16, 1929 (Liber Q-1, page 363) and April 17, 1916 (Liber U page 721).

The permittee shall allow an authorized Division representative the right to inspect the construction pursuant to N.J.A.C. 7:27E-1.5(b) 4.

**STANDARD CONDITIONS:**

- 1 **Extent of approval:**
  - a. This document grants permission to perform certain activities that are regulated by the State of New Jersey. The approved work is described by the text of this permit and is further detailed by the approved drawings listed herein. All work must conform to the requirements, conditions and limitations of this permit and all approved drawings.
  - b. If you alter the project without prior approval, or expand work beyond the description of this permit, you may be in violation of State law and may be subject to fines and penalties. Approved work may be altered only with the prior written approval of the Department.
  - c. You must keep a copy of this permit and all approved drawings readily available for inspection at the work site.
- 2 **Acceptance of permit:** If you begin any activity approved by this permit, you thereby accept this document in its entirety, and the responsibility to comply with the terms and conditions. If you do not accept or agree with this document in its entirety, **do not begin construction.** You are entitled to request an appeal within a limited time as detailed on the attached *Administrative Hearing Request Checklist and Tracking Form*.
- 3 **Recording with County Clerk:** You must record this permit in the Office of the County Clerk for each county involved in this project. You must also mail or fax a copy of the front page of this permit to the Department showing the received stamp from each County Clerk within 30 days of the issuance date.



- 4 **Notice of Construction:** You must notify the Department in writing at least 7 days before you begin any work approved by this permit by submitting the attached construction report. The Construction Reports are also available at [www.nj.gov/dcp/landuse](http://www.nj.gov/dcp/landuse)
- 5 **Expiration date:** All activities authorized by this permit must be completed by the expiration date shown on the first page unless otherwise extended by the Division. At that time, this permit will automatically become invalid and none of the approved work may begin or continue until a replacement permit is granted (Some permits may qualify for an extension of the expiration date. Please contact the Department for further information.)
- 6 **Rights of the State:**
  - a. This permit is revocable and subject to modification by the State with due cause.
  - b. Representatives from the State have the statutory authority to enter and inspect this site to confirm compliance with this permit and may suspend construction or initiate enforcement action if work does not comply with this permit
  - c. This permit does not grant property rights. The issuance of this permit shall not affect any action by the State on future applications, nor affect the title or ownership of property, nor make the State a party in any suit or question of ownership.
- 7 **Other responsibilities:** You must obtain all necessary local, Federal and other State approvals before you begin work. All work must be stabilized in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey*, and all fill material must be free of toxic pollutants in toxic amounts as defined in section 307 of the Federal Act

**SPECIAL CONDITIONS:**

- 8 The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the application or in the conditions of this permit
- 9 Consistency with the Areawide Water Quality Management Plan. The Department of Environmental Protection, as the Statewide Water Quality Management Planning Agency, has reviewed your project for consistency with the provisions and recommendations of the Hudson County Water Quality Management Plan. We have found your project to be consistent with this plan. Please be advised that if changes are made to the proposed plans which would result in a change in anticipated wastewater flow volumes, such as the addition of sewage generating structures or a proposed increase in size to previously proposed structures, or if there is a change in the proposed method of wastewater treatment, this determination is no longer valid. The amended plans must be submitted to the Department to determine Consistency with the Water Quality Management Plans.
- 11 All necessary local, Federal, and other State approvals must be obtained by the applicant prior to the commencement of the herein-permitted activities
- 12 The drawings hereby approved are.

LURP T-01, LURP E-01, LURP SC 01 to SC11, LURP TM-01 to TM-05, LURP SW01 to SW02, and LURP IRM-01 consisting of twenty-two sheets entitled "Division of Land Use Regulation, Permit Application Drawings, Former Koppers Seaboard Site, Kearny, New Jersey, dated 11/16/07 last revised 12/17/07, and prepared by Alan E. Briggs, P.E. of Key Environmental Incorporated

Two sheets entitled "Wetland Restoration Plan" dated August 12, 2008, last revised February 2, 2009, and prepared by Jacob E. Helminiak of Princeton Hydro, LLC. The document entitled "Wetlands Mitigation Plan, Freshwater Wetland Statewide General Permit #4 and Department of Army Permit #1998-02120, Former Koppers Seaboard Site, Block 287, Lots 62R and 71 R" dated February 2009 is approved in this permit.

- 13 This authorization of activities includes a transition area waiver for work in the transition area determined by the Department, which is necessary to accomplish the regulated activity. In addition, the permit to conduct a regulated activity in a wetland or open water includes the Department's approval of a Water Quality Certificate for these activities.
- 14 The permittee shall comply with the conditions specified in the Remedial Action Workplan Approval issued May 1998, as amended on August 10, 2007.
- 15 The permittee shall install a turbidity curtain along the entire length of the sediment removal and dike removal as depicted on the approved plans. Said turbidity curtains shall be maintained during the entire removal action within the Hackensack River.
- 16 Any future development on this site located in the Flood Hazard Area or in a riparian zone or any development which will increase the stormwater discharge, shall require a new Flood Hazard Area Permit from the Division of Land Use Regulation.
- 17 Any future development on the site shall comply with the Public Trust Rights Rule (7:7E-8.11). Said public access shall comply with the standards found at 7:7E-8.11(e) for development along the Hackensack River.

#### MITIGATION CONDITIONS:

Failure to comply with the standards herein constitutes a violation of the Rules on Coastal Zone Management and subjects the permittee to appropriate enforcement action and/or suspension or revocation of the permit. This permit is not effective for the purpose of conducting regulated activities authorized by this permit until the following special conditions are satisfied:

- 1 Mitigation must be done prior to or concurrent with regulated activity. At any given time, the mitigation must track at the same or greater percentage of completion as the project as a whole. For example, when the project is 50 percent completed, the mitigation project cannot be less than 50 percent completed.
- 2 Mitigation for the loss of 3.65 acres of freshwater wetlands was required by the USACOE Permit No 1998-01120 issued on November 8, 2002 which was extended to November 6, 2008 (Permit #1998-01120-1). The current property owner, Hudson County Improvement Authority, purchased 7.3 acres of off-site mitigation credits at the Marsh Resources Mitigation Bank located in Hudson County.

Mitigation for the loss of 0.64 acres of emergent wetlands through the on-site restoration project consisting of 2.5 acres of estuarine wetlands and mudflat restoration as shown on the plan entitled "Wetland Restoration Plan" dated August 12, 2008, last revised February 2, 2009, and prepared by Jacob E. Helminiak of Princeton Hydro, LLC. The document entitled "Wetlands Mitigation Plan, Freshwater Wetland Statewide General Permit #4 and Department of Army Permit #1998-02120, Former Koppers Seaboard Site, Block 287, Lots 62R and 71 R" dated February 2009 is approved in this permit.

- 3 In the event that there is a conflict between the permit conditions and the approved mitigation plans and proposal, the permit conditions take precedent.
4. Within 30 days of final design plan approval, and in accordance with N.J.A.C. 7:7A-15.13, obtain a secured bond, or other financial surety acceptable to the Division including an irrevocable letter of credit or money in escrow, that shall be sufficient to hire an independent contractor to complete and maintain the proposed mitigation should the permittee default. The financial surety for the construction of the mitigation project shall be posted in an amount equal to 115 percent of the estimated cost of the construction. In addition, financial surety to assure the success of the mitigation through the completion of the monitoring period, must be posted in an amount equal to 115 percent of the estimated cost of monitoring and maintaining the site, including the cost to replant the area. The Division will review the financial surety annually and the permittee shall

adjust the surety to reflect current economic factors. If a governmental body is performing the mitigation the need for financial assurance is waived.

5. This permit is not effective until the permittee has completed, signed and filed with the County Clerk (the Registrar of Deeds and Mortgages in some counties), the Division approved conservation restriction for the mitigation site. An example copy of the Wetlands Mitigation Area Model Deed/Conservation Restriction is located on the Internet at <http://www.nj.gov/dep/landuse/forms/index.html>. A draft copy of the deed restriction must be submitted to the Department for review and approval prior to filing the conservation restriction in the office of the County Clerk. The restriction shall be included on the deed, and recorded in the office of the County Clerk (the Registrar of Deeds and Mortgages in some counties), in the county wherein the lands of the mitigation project are located, within 10 days of approval of the final wetland mitigation proposal. Within 10 days of filing the conservation restriction, the permittee must send a copy of the conservation restriction to the Division for verification.
6. At least thirty (30) days in advance of the start of construction of the wetland mitigation project, the permittee shall notify the Division, in writing, for an on-site pre-construction meeting between the permittee, the contractor, the consultant and the Division.
7. The mitigation designer must be present on-site during critical stages of construction of the mitigation project. This includes but is not limited to herbicide applications, sub-grade inspection, final grade inspection, and planting inspection to ensure the intent of the mitigation design and its predicted wetland hydrology is realized in the landscape.
8. Mitigation designs are not static documents and changes may be necessary to ensure success of the project. Should the mitigation designer determine that the mitigation plan as designed and approved by the Division will not achieve the proposed wetland condition due to the actual conditions encountered during construction, the mitigation designer must immediately notify the Division. The mitigation designer must propose an alternative plan to achieve the proposed wetland condition that must be approved by the Division in writing. If the Division provides the mitigation designer with comments on the alternative plan, the mitigation designer shall revise the plan to conform to the Division's comments. Solely the Division shall make the determination as to whether or not the alternative plan as submitted conforms to the Division's comments. Any modifications to the plan that are approved by the Division must be shown on a signed and sealed revised plan. The As-Built plans required as a part of the Construction Completion Report may serve as the signed and sealed revised plans required to be submitted as part of the construction modification process described above if time constraints warrant such action and have been approved by the Division in writing.
9. The permittee shall assume all liability for accomplishing corrective work should the Division determine that the compensatory mitigation has not been 100% successful. Remedial work may include re-grading and/or replanting the mitigation site. This responsibility is incumbent upon the permittee until such time that the Division makes the finding that the mitigation project is successful.
10. Within 5 days following final grading of the site, a disc must be run over the site to eliminate compaction. The mitigation designer must be present to oversee this phase of the project and confirm with the Division this activity has occurred prior to planting of the site.
11. Following the final grading of the mitigation site and prior to planting, the permittee shall notify the Division for a post-grading construction meeting between the permittee, contractor, consultant and the Division. The permittee must give the Division at least thirty (30) days notice prior to the date of this meeting.
12. Within 30 days following the final planting of the mitigation project, the permittee shall submit a Construction Completion Report to the Division detailing as-built conditions (see below) and any changes to the approved mitigation plan that were made during construction. The Construction Completion Report shall contain, at a minimum, the following information:

- a A completed Wetland Mitigation Project Completion of Construction Form This form is located on the Internet at <http://www.nj.gov/dep/landuse/forms/index.html> and certifies that the mitigation project has been constructed as designed and that the proposed area of wetland creation, restoration or enhancement has been accomplished;
  - b As-Built plans which depict final grade elevations at one foot contours and include a table of the species and quantities of vegetation that were planted including any grasses that may have been used for soil stabilization purposes;
  - c Show on the as-built plans that the boundaries of the wetland mitigation area have been visibly marked with 3 inch white PVC pipe extending 4 feet above the ground surface The stakes must remain on the site for the entire monitoring period,
  - d Photos of the constructed wetland mitigation project with a photo location map as well as the GPS waypoints in NJ state plane coordinates NAD 1983,
  - e To document that the required amount of soil has been placed/replaced over the entire area of the mitigation site, provide a minimum of 6 soil profile descriptions to a depth of 20 inches. The location of each soil profile description should be depicted on the as built plan as well as provide the GPS waypoints in NJ state plane coordinates NAD 1983;
  - f Submit soil test results demonstrating at least 8% organic carbon content (by weight) was incorporated into the A-horizon for sandy soil and for all other soil types 12% organic content or if manmade top soil was used it consisted of equal volumes of organic and mineral materials,
  - g The permittee shall post the mitigation area with several permanent signs as shown on the approved mitigation plan which identify the site as a wetland mitigation project and that development mowing, cutting, dumping and draining of the property is prohibited, and
  - h The signs must also state the name of the permittee, Department's permit number along with a contact name and phone number
13. If the Division determines that the mitigation project is not constructed in conformance with the approved plan, the permittee will be notified in writing and will have 60 days to submit a proposal to indicate how the project will be corrected. No financial surety will be released by the Division until the permittee demonstrates that the mitigation project is constructed in conformance with the approved plan, all soil has been stabilized and there is no active erosion
- 14 The permittee shall monitor the mitigation project for 5 full growing seasons if it is a proposed forested or scrub/shrub wetland and 3 full growing seasons for an emergent wetland or State open water beginning the year after the mitigation project has been completed The permittee shall submit monitoring reports to the Division of Land Use Regulation no later than December 31<sup>st</sup> of each full monitoring year All monitoring reports must include the standard items identified in the checklists entitled Wetland Mitigation Monitoring Project Checklist and Tidal Wetland Mitigation Monitoring Checklist and the information requested below The Wetland Mitigation Monitoring Project Checklist and Tidal Wetland Mitigation Monitoring Checklist are located on the Internet at <http://www.nj.gov/dep/landuse/forms/index.html>
15. All monitoring reports must include all of the following information:
- a All monitoring reports except the final one must include documentation that it is anticipated, based on field data, that the goals of the wetland mitigation project including the transition area, as stated in the approved wetland mitigation proposal and the permit will be satisfied If the permittee is finding problems with the mitigation project and does not anticipate the site will be a full success then recommendations on how to rectify the problems must be included in the report with a time frame in which they will be completed;

- b All monitoring reports except the final one must include field data to document that the site is progressing towards 85 percent survival and 85 percent area coverage of mitigation plantings or target hydrophytes (Target hydrophytes are non-invasive native species to the area and similar to ones identified on the mitigation planting plan) If the proposed plant community is a scrub/shrub or a forested wetland the permittee must also demonstrate each year with data that the woody species are thriving, increasing in stem density and height each year If the field data shows that the mitigation project is failing to meet the vegetation survival, coverage and health goals, the monitoring report should contain a discussion of steps that will be taken to rectify the problem, including a schedule of implementation,
- c All monitoring reports except the final one must include documentation of any invasive or noxious species (see below for list of species) colonizing the site and how they are being eliminated The permittee is required to eliminate either through hand-pulling, application of a pesticide or other Department approved method any occurrence of an invasive/noxious species on the mitigation site during the monitoring period;
- d All monitoring reports except the final one must include documentation that demonstrates the proposed hydrologic regime as specified in the mitigation proposal appears to be met If the permittee is finding problems with the mitigation project and does not anticipate the proposed hydrologic regime will be or has not been met then recommendations on how to rectify the problem must be included in the report along with a time frame within which it will be completed,
- e The final monitoring report must include documentation to demonstrate that the goals of the wetland mitigation project including the required transition area, as stated in the approved wetland mitigation proposal and the permit, has been satisfied Documentation for this report will also include a field wetland delineation of the wetland mitigation project based on techniques as specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989);
- f The final monitoring report must include documentation the site has an 85 percent survival and 85 percent area coverage of the mitigation plantings or target hydrophytes The permittee must also document that all plant species are healthy and thriving and if the proposed plant community contains trees demonstrate that the trees are at least five feet in height,
- g. The final monitoring report must include documentation demonstrating the site is less than 10 percent occupied by invasive or noxious species such as but not limited to (Source Snyder, David and Sylvan R. Kaufman. 2004 An overview of nonindigenous plant species in New Jersey New Jersey Department of Environmental Protection, Division of Parks and Forestry, Office of Natural Lands Management, Natural Heritage Program, Trenton, New Jersey. 107 pages ) *Acer platanoides* (Norway Maple), *Ailanthus altissima*, (Tree of Heaven), *Allaria petiolo* (Garlic mustard), *Ampelopsis brevipedunculata* (Porecelain berry), *Berberis thunbergii* (Japanese barberry), *Carex kobomugi* (Japanese sedge), *Celastrus orbiculatus* (Asian Bittersweet), *Centaurea biebersteinii* *maculosa* (Spotted knapweed), *Cirsium arvense* (Canadian thistle), *Dipsacus fillosum* (Wild teasel), *Dipsacus laciniatus* (Cut-leaf teasel), *Elaeagnus umbellata* (Autumn olive), *Euonymus alata* (Winged spindletree), *Lespedeza cuneata* (Chinese bush-clover), *Lonicera japonica* (Japanese honeysuckle), *Lonicera morrowii* (Morrow's bush honeysuckle), *Lonicera tartarica* (Tartarian honeysuckle), *Lythrum salicaria* (Purple loosestrife), *Melilotus officinalis* (Yellow sweetclover), *Microstegium vimineum* (Japanese stiltgrass), *Myriophyllum spicatum* (Eurasian water-milfoil), *Polygonum cuspidatum* (Japanese knotweed), *Polygonum perfoliatum* (Mile-a-minute), *Potamogeton crispus* (Curly leaf pondweed), *Ranunculus ficaria* (Lesser celandine), *Rhamnus cathartica* (Common buckthorn), *Robinia pseudoacacia* (Black locust), *Rosa multiflora* (Multiflora rose), *Rubus phoenicolasius* (Wineberry)
- h The final monitoring report must include documentation that demonstrates that the proposed hydrologic regime as specified in the mitigation proposal, which proves the mitigation site is a wetland has been satisfied The documentation shall include when appropriate monitoring well data, stream gauge data, photographs and field observation notes collected throughout the monitoring period, and

- 1 The final monitoring report must include documentation that the site contains hydric soils or there is evidence of reduction occurring in the soil throughout the delineated wetlands.
- 16 Once the required monitoring period has expired and the permittee has submitted the final monitoring report, the Division will make the finding that the mitigation project is either a success or a failure. This mitigation project will be considered successful if the permittee demonstrates all of the following:
  - a That the goals of the wetland mitigation project including acreage and the required transition area, as stated in the approved wetland mitigation proposal and the permit, has been satisfied. The permittee must submit a field wetland delineation of the wetland mitigation project based on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989) which shows the exact acreage of State open waters, emergent, scrub/shrub and/or forested wetlands in the mitigation area,
  - b The site has an 85 percent survival and 85 percent area coverage of the mitigation plantings or target hydrophytes which are species native to the area and similar to ones identified on the mitigation planting plan. All plant species in the mitigation area are healthy and thriving. All trees are at least five feet in height,
  - c The final monitoring report must include documentation demonstrating the site is less than 10 percent occupied by invasive or noxious species such as but not limited to (Source: Snyder, David and Sylvan R. Kaufman 2004. An overview of nonindigenous plant species in New Jersey. New Jersey Department of Environmental Protection, Division of Parks and Forestry, Office of Natural Lands Management, Natural Heritage Program, Trenton, New Jersey. 107 pages.) *Acer platanoides* (Norway Maple), *Ailanthus altissima* (Tree of Heaven), *Allaria petiolaris* (Garlic mustard), *Ampelopsis brevipedunculata* (Porecelain berry), *Berberis thunbergii* (Japanese barberry), *Carex kobomugi* (Japanese sedge), *Celastrus orbiculatus* (Asian Bittersweet), *Centaurea biebersteinii* (Spotted knapweed), *Cirsium arvense* (Canadian thistle), *Dipsacus filiformis* (Wild teasel), *Dipsacus laciniatus* (Cut-leaf teasel), *Elaeagnus umbellata* (Autumn olive), *Euonymus alata* (Winged spindle tree), *Lespedeza cuneata* (Chinese bush-clover), *Lonicera japonica* (Japanese honeysuckle), *Lonicera morrowii* (Morrow's bush honeysuckle), *Lonicera tartarica* (Tartarian honeysuckle), *Lythrum salicaria* (Purple loosestrife), *Melilotus officinalis* (Yellow sweetclover), *Microstegium vimineum* (Japanese stiltgrass), *Myriophyllum spicatum* (Eurasian water-milfoil), *Polygonum cuspidatum* (Japanese knotweed), *Polygonum perfoliatum* (Mile-a-minute), *Potamogeton crispus* (Curly leaf pondweed), *Ranunculus ficaria* (Lesser celandine), *Rhamnus cathartica* (Common buckthorn), *Robinia pseudoacacia* (Black locust), *Rosa multiflora* (Multiflora rose), *Rubus phoenicolasius* (Wineberry)
  - d The site contains hydric soils or there is evidence of reduction occurring in the soil, and,
  - e The proposed hydrologic regime as specified in the mitigation proposal has been satisfied. This criteria must be satisfied to prove the mitigation site is a wetland.
- 17 All remaining financial surety, if required, will be released concurrent with the Division notifying the permittee that the mitigation project is a success.

Koppers Seaboard Site

Page 9 of 9 pages

Permit No 0907-08-0001.1 FHA 080001

FWW080001, WFD080001, CDT 080001 (MODIFICATION)

- 18 If the mitigation project is considered a failure, the permittee is required to submit a revised mitigation plan in order to meet the success criteria identified in Condition No. 18 above. The plan shall be submitted within 30 days of receipt of the letter from the Division indicating the wetland mitigation project was a failure. The financial surety, if required, will not be released by the Division until such time that the permittee satisfies the success criteria as stipulated in condition number 19.
- 19 If the permittee fails to perform mitigation within the applicable time-period the acreage of mitigation required shall be increased by 20% each year after the date mitigation was to begin.

6/24/09  
DATE

  
Suzanne U. Dietrick, Chief  
Office of Dredging and Sediment Technology

*NJDEP-USACE Joint Conservation Restriction/Easement  
Wetland Mitigation Plan - Former Koppers Seaboard Site  
Kearny, Hudson County, New Jersey*

*Exhibit b*

USACE June 12, 2009 Permit

**KEY**





DEPARTMENT OF THE ARMY  
NEW YORK DISTRICT, CORPS OF ENGINEERS  
JACOB K. JAVITS FEDERAL BUILDING  
NEW YORK, N.Y. 10278-0090

JUN 12 2009

REPLY TO  
ATTENTION OF

Regulatory Branch

SUBJECT: Permit Number 1998-02120-2 by the  
Hudson County Improvement Authority

Hudson County Improvement Authority  
C/o Mr. Norman M. Guerra  
Executive Director  
574 Summit Avenue - 5<sup>th</sup> Floor  
Jersey City, New Jersey 07306

Dear Mr. Guerra:

In accordance with the provisions of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344), the Hudson County Improvement Authority (HCIA) was issued Department of the Army (DA) Permit Number 1998-02120 by the District Engineer on November 8, 2002. This permit authorized the discharge of approximately 1.1 million cubic yards of processed dredged material into approximately 3.6 acres of waters of the United States to facilitate the placement of an impervious cap over the site, as well as excavate up to 40,000 cubic yards of contaminated sediments along 5,000 linear feet of the Hackensack River shoreline. These authorized activities are part of a New Jersey Department of Environmental Protection (NJDEP) approved remedial action work plan for the site. The site is located within the Hackensack River watershed, in the Town of Kearny, Hudson County, New Jersey.

On June 29, 2006 a permit modification authorized the extension of the permit expiration date from November 6, 2005 to November 6, 2008. This permit extension allowed the permittee to complete the on-site activities that had been delayed as a result of litigation issues associated with the previous remedial cleanup contractor.

A subsequent permit modification dated December 9, 2008, authorized an extension of the permit expiration date from November 6, 2008 to November 6, 2010. This permit extension allowed the permittee to complete the remaining authorized activities situated waterward of the existing bulkhead which included remedial shoreline excavation activities, and the on-site compensatory mitigation activities to be implemented and completed. As part of this permit modification, the Corps of Engineers had acknowledged, based on a revised wetland delineation, that the amount of existing jurisdictional wetlands situated waterward of the bulkhead had been reduced from 1.87 acres, as stipulated in the original DA permit, to 0.64 acres, and that this reduction in jurisdictional wetlands had likely been attributed to strong river currents known to exist in that area. It was additionally acknowledged that no work had been performed waterward of the existing bulkhead since the issuance of the DA

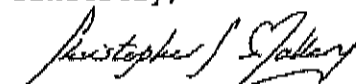
permit on November 8, 2002. In addition, Special Condition "B" was also be modified to reflect the amount of mitigation required to compensate for those impacts.

On February 4, 2009, the New York District Corps of Engineers received the permittees detailed compensatory mitigation plan entitled "Wetland Mitigation Plan, Freshwater Wetland Statewide General Permit #4 and Department of the Army Permit #1998-02120, Koppers Seaboard Site, Block 287, Lots 62R and 71R, Kearny, Hudson County, New Jersey", and dated February 2009. The subsequent drawings entitled "Wetland Restoration Plan", Sheet 1, and "Wetland Restoration Details", Sheet 2, prepared by Princeton Hydro, LLC, dated August 12, 2008 and last revised February 2, 2009, indicate that 0.85 acres of tidal emergent wetlands would be established waterward of the existing on-site bulkhead to compensate for the 0.64 acres of existing tidal emergent wetlands impacted as a result of the remedial shoreline excavation activities. As part of the compensatory wetland mitigation plan, approximately 0.59 acres of low marsh wetlands would be established between elevations 1.0 and 3.38 feet Mean High Water (National Geodetic Vertical Datum of 1929 (NGVD 1929)) and 0.26 acres of high marsh wetlands would be established above elevation 3.38 MHW. The remaining excavated areas situated east of the mitigation area will be restored to intertidal mudflat. The compensatory mitigation plan would additionally include the installation of two interlocking rows of "A-Jacks" which would be installed at the waterward slope of the mitigation area at the 1.0 foot elevation, to provide erosion protection and promote habitat development.

Therefore, in accordance with Special Condition "B" of the above referenced permit authorization, the New York District Corps of Engineers has determined that the mitigation plan referenced above complies with Special Condition "B" of the subject authorization. You are therefore authorized to begin work under the terms and conditions of the above referenced DA permit authorization. This letter shall be added to all copies of the authorization, including those at the site.

If you have any questions, please contact James Cannon of my staff at (917) 790-8412.

Sincerely,



Christopher S. Mallery  
Chief, Western Permits Section

Cf: NJDEP  
NJMC

*NJDEP-LEACE Joint Conservation Restriction/Easement  
Wetland Mitigation Plan - Former Koppers Seaboard Site  
Kearny, Hudson County, New Jersey*

## *Exhibit C*

Wetland Mitigation Area As-Built

**KEY**



*NJDEP-USACE Joint Conservation Restoration/Easement  
Wetland Mitigation Plan - Former Koppers Seaboard Site  
Kearny, Hudson County, New Jersey*

*Exhibit d*

Metes and Bounds Description

**KEY**



**State of New Jersey**  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE  
Governor

MARK N. MAURIELLO  
Acting Commissioner

Office of Dredging and Sediment Technology  
P.O. Box 028  
Trenton, NJ 08625  
(609) 292-1250  
FAX (609) 777-1914

Mr. Peter W. Sawchuck, P.E.  
Project Manager  
Key Environmental Incorporated  
456 Route 22 West  
Suite D  
Whitehouse Station, New Jersey 08889

June 24, 2009

**RE MODIFICATION** of the Waterfront Development Permit, Freshwater Wetlands Statewide General Permit No. 4, Flood Hazard Permit, Water Quality Certificate

Applicant: Beazer East, Inc.  
Application No(s): 0907-08-0001 1 FHA 080001 (Flood Hazard Permit)  
0907-08-0001 1 FWW080001 (Freshwater Wetlands Statewide General Permit #4)  
0907-08-0001 1 WFD080001 (In-Water Waterfront Development Permit)  
0907-08-0001 1 CDT0800001 (Water Quality Certificate)

Project: Former Koppers Seaboard Site  
City of Kearny, Hudson County  
Block 287, Lots 545, 55, 56, 60, 61B, 61C, 62, 62B, 63, 70, 70R, 71, 71B, 73, 80

Dear Mr. Sawchuck:

Enclosed, please find a MODIFICATION of the approved construction permit issued on . Please read the permit modification and its terms and Conditions carefully. If you consider yourself aggrieved by our decision regarding your application, you may request a hearing by completing the requirements of the attached *administrative hearing request checklist and tracking form*. Unless you request a hearing to contest this permit or its conditions, you have accepted its terms and conditions.

**This permit modification serves to reduce the amount of emergent wetlands that will be disturbed during remediation of areas waterward of the Mean High Water Line (MHWL) from 1.87 acres to 0.64 acres and the required mitigation from 2.5 acres to 0.85 acres. This modification serves to approve the Mitigation Plan submitted to the NJDEP on February 2, 2009. Said mitigation plan and reduction of emergent wetlands impact acreage has been approved by the Army Corps of Engineers in an authorization letter dated June 12, 2009.**

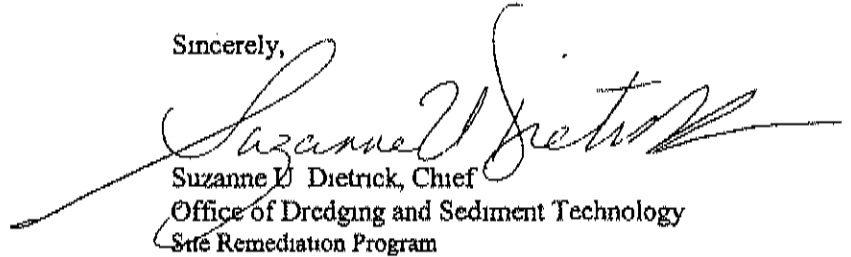
You are required to keep a copy of your permit and the approved drawings at the construction site for the duration of the project. Failure to do so is a violation of the permit.

If you are required to record a Grant of Conservation Restriction/Easement, you must present the Department with proof that you have recorded it within ninety (90) days of issuance of this permit. You may NOT COMMENCE CONSTRUCTION until you have properly recorded the Division of Land Use Regulation approved Grant of Conservation Restriction/Easement documents and fulfilled the pre-construction conditions of this permit.

If a tidelands grant, lease or license is required as a condition of this permit, you may not begin construction until the Bureau of Tidelands Management has delivered the necessary conveyances. Construction prior to the receipt of the necessary conveyances is in violation of State law and will subject you to fines up to \$1,000.00 plus \$100.00 per day. Furthermore, the cost for the tidelands instrument may be higher since the property claimed will be appraised as improved property. You may be required to remove any unauthorized structures placed in tidelands claimed areas.

Please do not hesitate to contact the Office's project manager, listed on the first page of the permit, to discuss any concerns or questions you may have. Thank you for working with the staff of the Office to protect our state's natural resources.

Sincerely,



Suzanne U. Dietrick, Chief  
Office of Dredging and Sediment Technology  
Site Remediation Program

C

James Cannon, NY District, ACOE, Regulatory Branch  
Scott Douglas, NJDOT, Office of Maritime Resource  
Matt Masters, Port Authority of NY/NJ  
Chris Kanakis, SRP, OBR

Mr. Mitchell D. Brouman  
Beazer East, Inc.  
One Oxford Centre, Suite 3000  
Pittsburgh, PA 15219-6401

Mr. Steven O'Hara  
Great Lakes Dredge and Dock Company, LLC  
2122 York Road  
Oak Brook, IL 60523



DEPARTMENT OF THE ARMY  
NEW YORK DISTRICT, CORPS OF ENGINEERS  
JACOB K. JAVITS FEDERAL BUILDING  
NEW YORK, N.Y. 10278-0090

REPLY TO  
ATTENTION OF:

Regulatory Branch

MAY 06 2008

RECEIVED  
NJSEA

SUBJECT: Permit Number NAN-2007-813  
by the New Jersey Meadowlands Commission

SEP 16 2019

Mr. Thomas R. Marturano, P.E.  
Director of Solid Waste and Natural Resources  
New Jersey Meadowlands Commission  
One DeKorte Park Plaza  
Lyndhurst, New Jersey 07071

LAND USE MANAGEMENT

Dear Mr. Marturano:

On September 28, 2007, the New York District Corps of Engineers issued Nationwide Permit Number (38) to the New Jersey Meadowlands Commission (NJMC). This Nationwide Permit authorized the discharge of fill material into approximately 10.8 acres of waters of the United States to facilitate remedial landfill closure activities as part of a New Jersey Department of Environmental Protection Agency (NJDEP) approved remedial landfill closure plan for the 110 acre Keegan Landfill. The site is located in the Town of Kearny, Hudson County, New Jersey. Special Condition "A" of the above referenced permit authorization required the permittee to submit a detailed mitigation plan to the New York District Corps of Engineers for review and approval prior to commencing the authorized fill activities.

On September 26, 2007 and October 26, 2007, the New York District Corps of Engineers received detailed compensatory mitigation plan submittals from the permittee. These mitigation plan submittals and subsequent drawings entitled "Proposed Mitigation, Keegan Landfill, Town of Kearny, Hudson County, New Jersey, for the New Jersey Meadowlands Commission", Sheet M1, prepared by Converse Consultants and dated September 19, 2007, "Typical Section at Perimeter Road Showing Shoreline Mitigation", Sheet M2, and "Secaucus High School Wetland Enhancement Site, Secaucus, Hudson County, New Jersey, Application for Tidelands Conveyances Dredging Plan", Sheet 3, prepared by Earth Tech, and dated November 16, 2005, indicate that approximately 1,480 linear feet of the relocated Frank Creek shoreline would be planted with native herbaceous and grass species and a 20-foot wide band of existing solid waste currently situated along approximately 4,000 linear feet of the landfill perimeter would be removed, backfilled with sand and planted with native herbaceous vegetation. One year from the completion of the native plantings along the relocated Frank Creek and the landfill perimeter, the permittee would provide to the Corps a description of the

*Keegan Landfill Mitigation*

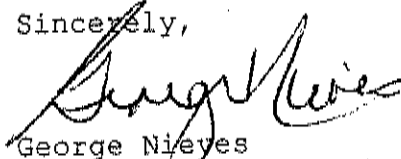


mitigative measures performed in these areas as well as color photographs documenting these mitigative measures. The permittee has additionally dedicated 8.1 acres of existing enhanced tidal emergent wetlands at the Secaucus High School site.

Therefore, in accordance with Special Condition "A" of the above referenced permit authorization, the New York District Corps of Engineers has determined that the mitigation plan referenced above complies with Special Condition "A" of the subject authorization. You are therefore authorized to begin work under the terms and conditions of the above referenced DA permit authorization. This letter shall be added to all copies of the authorization, including those at the site.

If you have any questions, please contact James Cannon of my staff at (917) 790-8412.

Sincerely,



George Nieves  
Chief, Western Permits Section

Cf: NJDEP  
CENAN-OP-RH



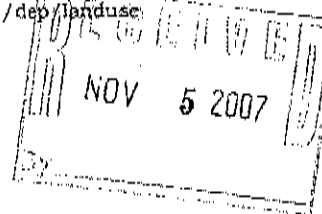
**State of New Jersey**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**JON S. CORZINE**  
*Governor*

**LISA P. JACKSON**  
*Commissioner*

Division of Land Use Regulation  
P.O. Box 439, Trenton, NJ 08625-0439  
Fax # (609) 292-8115  
[www.state.nj.us/dep/landuse](http://www.state.nj.us/dep/landuse)

Thomas R. Maturano  
New Jersey Meadowlands Commission  
One DeKorte Park Plaza  
Lyndhurst, NJ 07071



**OCT 30 2007**

**RE: Keegan Landfill Proposed Mitigation Plan**

Dear Mr. Maturano,

The New Jersey Department of Environmental Protection, Division of Land Use Regulation, Mitigation Unit, is in receipt of a plan entitled "KEEGAN LANDFILL REMEDIATION MITIGATION PLAN" dated October 2007. The proposal outlines the four areas proposed as mitigation for 10.8 acres of wetland impacts associated with the closure of Keegan Landfill. These areas include the relocation of Frank's Creek, Shore Edge Mitigation, Secaucus High School, and the Leachate Collection System. The proposal indicates that this has been reviewed and approved by MIMAC. For clarification, during the September 19, 2007 MIMAC meeting, the members discussed several potential options for mitigation that were to be further developed into a plan and submitted for review and approval. By copy of this letter to the Army Corps of Engineers, NY District we are requesting this project be brought before MIMAC for their review and recommendations.

**Relocation of Franks Creek**

The Division has several comments on the planting plan for the relocation of Franks Creek. These include the following:

1. Remove the following seeds from the proposed seed mix: *Festuca arundinacea* and *Panicum calndestinum*
2. Acceptable replacement species include Annual Rye, *Sorghastrum nutans*, *Scirpus cyperinus*, *Carex comosa*, *Carex, Lurida*, and Green Bulrush.
3. The stream bank will have to be planted with native trees and shrubs. Trees shall be placed 10 foot on center and shrubs shall be placed at 8 foot on center when using containerized plants.
4. It would be beneficial to install plantings within the stream banks to ensure stabilization while seed mix is establishing itself. One option is the use of willow to stabilize the banks.

**Shore Edge Mitigation**

During the MIMAC Meeting the shore edge was discussed as a potential wetland mitigation option. As discussed during this meeting, the NJ Meadowlands Commission was going to develop a planting plan for these areas as part of the mitigation proposal. Therefore, please submit the planting plan for review and approval.

## Secaucus High School

The use of the Secaucus High School Site was also discussed as a potential wetland mitigation alternative. The Division will accept mitigation at a 1.5:1 ratio since the mitigation site is enhancement of wetlands. The use of the remaining 15.78 acres of wetlands enhancement would provide mitigation for 10.52 acres of impact. To approve the use of the site as mitigation for the Keegan Landfill Closure, the Division requests the following information:

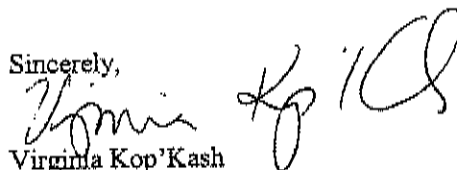
1. Final as-built construction and planting plans.
2. Submit a draft copy of the proposed conservation restriction. Use the model found on the Department's website at <http://www.nj.gov/dep/landuse/forms/index.html>. The conservation restriction language must be approved by the NJDEP before the deed is formally recorded with the County.
3. Invasive species management plan.

## Leachate Collection System

The Division recognizes the environmental benefit associated with the installation of the Leachate Collection System, however does not consider this mitigation.

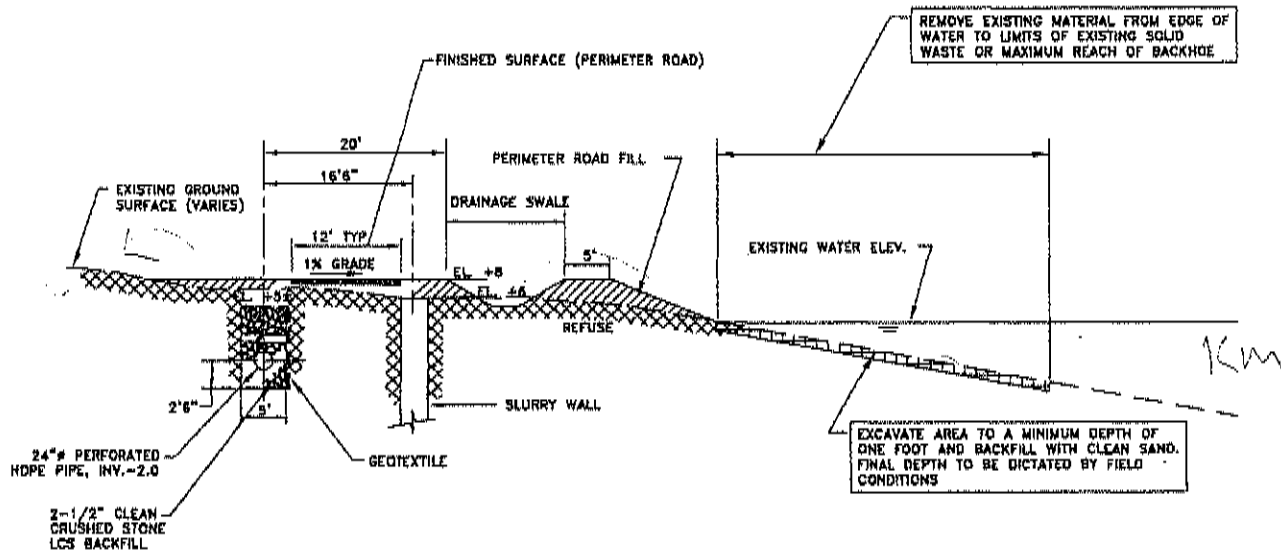
If you should have any questions regarding this letter, please contact Jill Aspinwall of my staff at 609-777-0454 or by email at [jill.aspinwall@dep.state.nj.us](mailto:jill.aspinwall@dep.state.nj.us).

Sincerely,

  
Virginia Kop'Kash  
Manager, Bureau of Technical Services  
Division of Land Use Regulation

CC: Robert Piel, DLUR  
Joslin Tamango, DLUR  
Jim Cannon, USACOE, NY District  
Steve Mars, USFWS  
Mary Ann Thiesing, USEPA  
Karen Greene, NMFS  
Ross Feltes, NJMC

KEEGAN LANDFILL  
TOWN OF KEARNY, HUDSON COUNTY, NEW JERSEY  
NEW JERSEY MEADOWLANDS COMMISSION



TYPICAL SECTION AT PERIMETER ROAD SHOWING SHORELINE MITIGATION  
 NOT TO SCALE

FIGURE NO. M2



DEPARTMENT OF THE ARMY  
NEW YORK DISTRICT, CORPS OF ENGINEERS  
JACOB K. JAVITS FEDERAL BUILDING  
NEW YORK, N.Y. 10278-0090

SEP 28 2007

REPLY TO  
ATTENTION OF:

Regulatory Branch

SUBJECT: Permit Application Number NAN-2007-813  
by the New Jersey Meadowlands Commission

Mr. Thomas R. Marturano, P.E.  
Director of Solid Waste and Natural Resources  
New Jersey Meadowlands Commission  
One DeKorte Park Plaza  
Lyndhurst, New Jersey 07071

Dear Mr. Marturano:

On December 11, 2006, the New York District Corps of Engineers received a request for Department of the Army authorization to discharge fill material into approximately 10.8 acres of waters of the United States to facilitate remedial closure activities as part of a New Jersey Department of Environmental Protection approved remedial action landfill closure plan for the 110 acre Keegan Landfill. The site is located in the Town of Kearny, Hudson County, New Jersey.

A subsequent submittal entitled "Proposed Facilities and Wetland Impacts, Keegan Landfill, Town of Kearny, Hudson County, New Jersey, for the New Jersey Meadowlands Commission", Sheet 2B, prepared by Converse Consultants and dated June 26, 2007, and "Proposed Mitigation, Keegan Landfill, Town of Kearny, Hudson County, New Jersey for New Jersey Meadowlands Commission", Sheets M1 and M2, prepared by Converse Consultants and dated September 19, 2007, indicates that the proposed landfill closure activities would include the construction and installation of approximately 10,000 linear feet of a perimeter slurry cutoff wall; a leachate collection system; four (4) leachate pumping stations situated around the perimeter of the site to convey the leachate off site for treatment at the Passaic Valley Sewerage Commissioner's treatment facility; a perimeter stormwater collection and detention system; and the relocation of approximately 1,440 linear feet of Frank Creek (a tributary of the Passaic River, situated behind an existing tide gate). Three sedimentation basins would also be installed along the perimeter of the site.

The proposed perimeter slurry cutoff wall (approximately three feet wide) would be constructed of soil-bentonite slurry and would include approximately 340 linear feet of steel sheeting at two locations along the north and east side of the landfill. Frank Creek would be relocated around the outside perimeter of the landfill (to the west) and reconnected to that portion of Frank Creek situated to the south and located outside the landfill site. As part of the relocation activities, approximately 1,480 linear feet of new open creek channel would be established, with an

additional 1,010 linear feet of the relocated creek to be encapsulated within a 20 foot wide by 6 foot high concrete box culvert. In addition, approximately 0.3 acres of non-tidal wetlands located adjacent and associated with Frank Creek would be temporarily disturbed as part of the creek relocation activities. Upon completion of these activities, the temporarily disturbed wetland area would be restored to pre-construction elevations and planted with native wetland vegetation where appropriate.

Additional landfill closure activities would include the removal of all solid waste to the maximum extent practical between the edge of the landfill and the waters edge along the perimeter of the site and this area would be planted with native wetland and upland species where appropriate. Upon completion of these activities, the area within the cutoff wall would be graded and capped with an impervious cap in the future.

Based on the information submitted to this office, and accomplishment of notification in accordance with the applicable federal requirements, our review of the project indicates that an individual permit is not required. It appears that the activities within the jurisdiction of this office could be accomplished under Department of the Army Nationwide General Permit Number 38. The nationwide permits are prescribed as an Issuance of Nationwide Permits in the Federal Register dated March 12, 2007 (72 FR 11092). The work may be performed without further authorization from this office provided the activity complies with the permit conditions listed in Section B, No. 38, Section C, and the following special conditions.

#### Special Conditions

(A) Prior to commencing the fill activities authorized by this permit, the permittee shall submit a detailed wetland mitigation plan (to compensate for the 10.8 acres of impacts to waters of the United States and wetlands associated with the landfill closure activities) to the New York District Regulatory Branch for review and approval. The detailed mitigation plan shall be submitted to the following address:

Chief, Regulatory Branch  
New York District Corps of Engineers  
Jacob K. Javits Federal Building  
New York, New York 10278-0090

(B) The permittee shall undertake the authorized filling activities in a manner aimed at reducing impacts upon the general environment. In addition, the permittee shall not stockpile fill or other materials in a manner conducive to erosion, or in areas likely to cause high turbidity runoff during storm events. All exposed soils shall be re-vegetated in a timely manner to further reduce potential effects. The permittee shall install appropriate temporary fencing around all wetlands and other sensitive ecological areas during construction periods to prevent equipment and personnel from entering these areas.

(C) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized

representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

This determination covers only the work described in the submitted material. Any major changes in the project may require additional authorizations from the New York District.

Care should be taken so that construction materials, including debris, do not enter any waterway to become drift or pollution hazards. You are to contact the appropriate state and local government officials to ensure that the subject work is performed in compliance with their requirements.

This verification is valid for a period of two years from the date of this letter, unless the nationwide permit is modified, reissued, or revoked. This verification will remain valid for two years from the date of this letter if the activity complies with the terms of any subsequent modifications of the nationwide permit authorization. If the nationwide permits are suspended, revoked, or modified in such a way that the activity would no longer comply with the terms and conditions of a nationwide permit, and the proposed activity has commenced, or is under contract to commence, the permittee shall have 12 months from the date of such action to complete the activity.

This authorization is conditional on the applicant's receipt of the required water quality certificate and coastal zone management concurrence or waivers from the New Jersey Department of Environmental Protection Agency (NJDEP). No work may be accomplished until the required approvals from NJDEP have been obtained.

Within 30 days of the completion of the activity authorized by this permit and any mitigation required by this permit, you are to sign and submit the attached compliance certification form to this office.

If any questions should arise concerning this matter, please contact James Cannon, of my staff, at (917) 790-8412.

Sincerely,



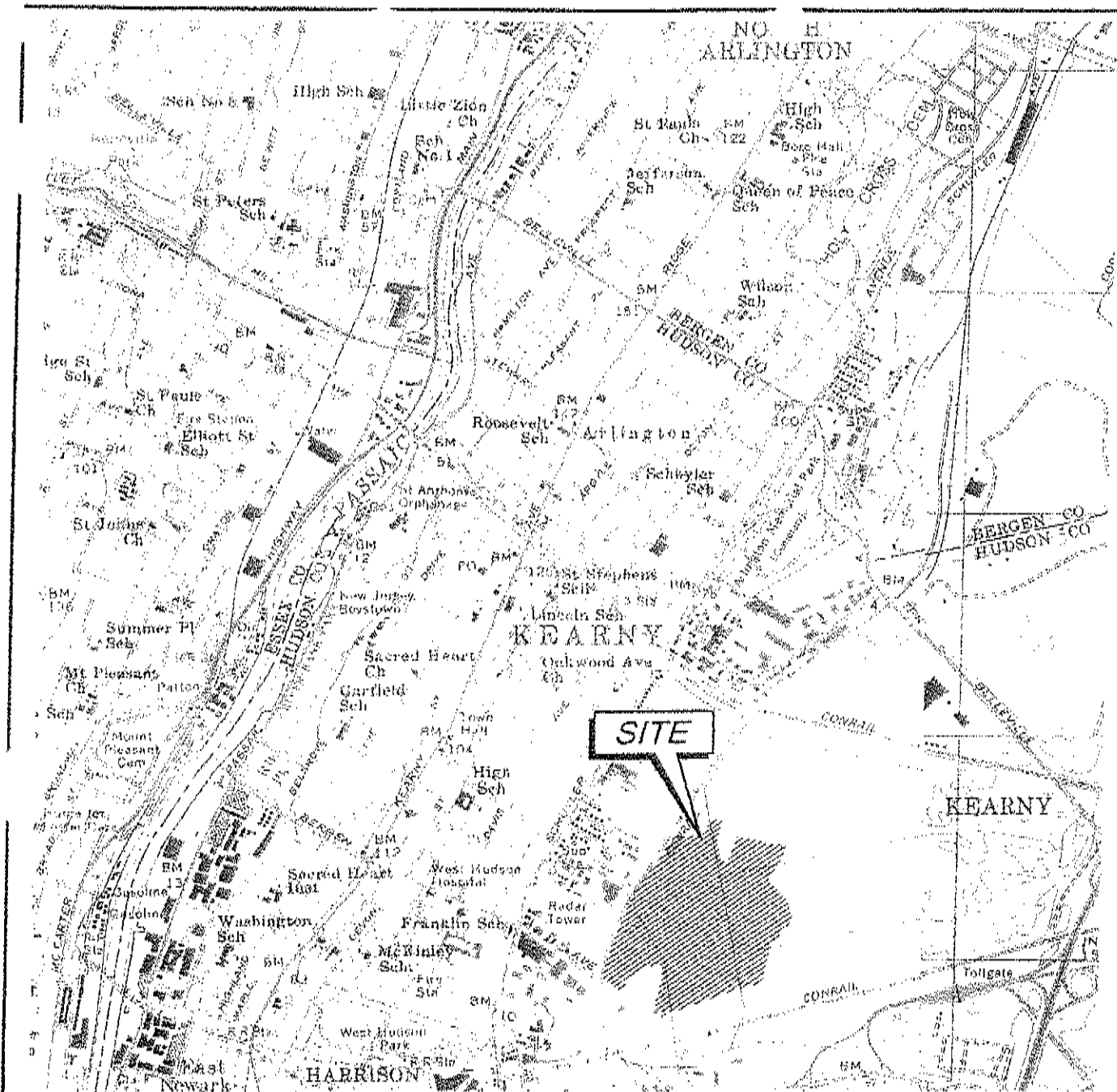
George Nieves  
Chief, Western Permits Section

cf: NJDEP  
CENAN-OP-RH

Keargen Landfill







SCALE: 1" = 2000'

MAP SOURCE: BASE MAP WAS ADAPTED FROM U.S.G.S. ORANGE, NJ & WEE-HAWKEN, NJ-NY QUADRANGLES, 7.5 MINUTE SERIES, PHOTOREVISED 1981 & 1995 REPECTIVELY. (BASE MAP MAY NOT REFLECT RECENT CARTOGRAPHIC CHANGES)



### SITE LOCATION MAP

KEEGAN LANDFILL  
TOWN OF KEARNY, HUDSON COUNTY, NEW JERSEY  
FOR NEW JERSEY MEADOWLANDS COMMISSION

PROJECT No.  
**03-37316-02**



**Converse Consultants**

FIGURE No.

**1**



DEPARTMENT OF THE ARMY  
NEW YORK DISTRICT, CORPS OF ENGINEERS  
JACOB K. JAVITS FEDERAL BUILDING  
NEW YORK, N.Y. 10278-0090

REPLY TO  
ATTENTION OF:

Regulatory Branch

MAY 02 2008

SUBJECT: Permit Application Number NAN-2008-193-WCA  
by Norfolk Southern Railway Company

RECEIVED  
NISEA

SEP 16 2019

Mr. Mark Dewberry  
Norfolk Southern Railway Company  
1200 Peachtree Street  
Building 7-142  
Atlanta, GA 30309

LAND USE MANAGEMENT

Dear Mr. Dewberry:

On October 30, 2007, the New York District Corps of Engineers received a request for Department of the Army authorization for the discharge of fill material into waters of the United States to facilitate the construction and installation of a 1,041 foot long "wye" railroad track within the Croxton Intermodal Facility. The site is located within the Hackensack River watershed, in the City of Jersey City, Hudson County, New Jersey.

A subsequent submittal entitled "Norfolk Southern, Jersey City, New Jersey, Proposed Connection Track at Croxton IMF", Sheets 1 through 10, prepared by Norfolk Southern Railway Company, and dated July 22, 2007, indicates that approximately 503 cubic yards of fill material would be discharged into a maximum of 0.29 acres of wetlands to facilitate the construction and installation of a 1,041 linear foot long single "wye" railroad connector track. As part of the connector track installation activities, two new 18-inch diameter culverts with associated rock riprap scour protection would also be installed. The remainder of the proposed activities will be completed in uplands as indicated in the referenced drawings. All temporarily disturbed wetlands and waters of the United States will be restored to pre-existing conditions and re-seeded with native vegetation where appropriate.

To compensate for the 0.29 acres of wetland impacts associated with the project, the applicant shall establish, on-site, approximately 0.46 acres of forested and scrub-shrub wetlands and 0.18 acres of emergent wetlands as indicated in the mitigation plan submittal entitled "Croxton Wye Track, Wetland Mitigation Proposal and Monitoring Plan" dated March 2008.

Based on the information submitted to this office, and accomplishment of notification in accordance with the applicable federal requirements, our review of the project indicates that an individual permit is not required. It appears that the activities within the jurisdiction of this office could be accomplished under Department of the Army Nationwide General Permit Number 14. The nationwide permits are prescribed as a Reissuance of Nationwide Permits in the Federal Register dated March 12, 2007 (72 FR 11092). The work may be performed without further

authorization from this office provided the activity complies with the permit conditions listed in Section B, No. 14, Section C, the following special conditions, and any applicable regional conditions added by the State of New Jersey, copies enclosed.

### Special Conditions

(A) All grading and planting in conjunction with the wetlands mitigation work shall be completed prior to or concurrent with the completion of the discharge of fill authorized herein.

(B) The permittee shall ensure that all plantings in conjunction with the mitigation effort shall have an eighty-five (85) percent survival and/or coverage rate which must be met or exceeded at the end of the second growing season following the initial planting/seeding of each phase. If the eighty-five (85) percent survival rate is not met at the end of the second growing season following each phase, the permittee shall take all necessary measures to ensure the level of survival by the end of the next growing season, including re-planting and re-grading if necessary. In addition, in areas where no individual plantings are currently proposed, if appropriate and sufficient vegetation is not present by the end of the second growing season, the permittee shall take all necessary steps, including individual plantings in order to achieve a plant density comparable to the adjacent wetland. The permittee shall also ensure that the vegetation in the newly established wetland area does not consist of more than a total of 5% areal coverage of common reed (Phragmites australis), mile-a-minute (Polygonum perfoliatum), purple loosestrife (Lythrum salicaria), reed canary grass (Phalaris arundinacea), Japanese knotweed (Polygonum cuspidatum), Tartarian honeysuckle (Lonicera tartarica), Eurasian milfoil (Myriophyllum spicata), and or other invasive species.

(C) The permittee shall provide to this office annual reports (two copies) on the status of the mitigation activities on the mitigation site in each of the following five (5) years, after initiation of the activities authorized by this permit. All data for the reports must be collected between the dates of April 15 and October 15 in the same year it is submitted. If this office determines that the success criteria outlined in Special Condition (B) above has not been met for at least three consecutive years, this period will be extended and the permittee shall continue to submit monitoring reports every year until this office determines that the success criteria has been met for three consecutive years. These reports shall be submitted to the following address and include the following at a minimum:

Chief, Regulatory Branch  
New York District Corps of Engineers  
Jacob K. Javits Federal Building  
New York, New York 10278-0090

1. A list of dominant plant species, along with their estimated frequency and percent areal cover in each vegetative strata (i.e. tree, shrub, and herbaceous) for each cover type within the mitigation site(s);
2. Photographs showing all representative areas of each cover type within the mitigation site;
3. A Corps of Engineers approved wetland delineation data sheet for each cover type within the mitigation site;
4. Vegetation cover maps, at a scale of one inch equals 100 feet, or larger scale, outlining the extent (in acres) of each cover type within the mitigation site shall be prepared for each growing season.

5. Photographs showing all representative areas of each cover type within the mitigation sites, taken at least once each year during the period between June 1 and August 15.

6. Well and gauge data showing water elevations within the mitigation site recorded twice a month recorded twice a month during April through September of each year. The location of the monitoring well or gauge shall be shown on the plan view engineering drawing; and

7. A remedial plan, if necessary, outlining all practicable steps taken or proposed to be taken to ensure the success criteria outlined in Special Condition (B) above is met by the specified due date of the next monitoring report.

(D) Within 45 days of completion of the mitigation activities, the permittee shall provide to the New York District as-built construction drawings depicting all aspects of the final mitigation design. The as-built drawings shall include all aspects of the final grading elevations and planting arrangements of the wetland mitigation site. All established wetlands located within the designated wetland mitigation areas shall be dedicated solely for the purposes of the compensating wetland impacts associated with the activities authorized by this permit. These submittals shall be provided to the New York District at the address specified in Special Condition (C) above.

(E) The permittee shall ensure that no mowing of the mitigation area shall occur.

(F) The permittee shall undertake the authorized filling activities in a manner aimed at reducing impacts upon the general environment. In addition, the permittee shall not stockpile fill or other materials in a manner conducive to erosion, or in areas likely to cause high turbidity runoff during storm events. All exposed soils shall be re-vegetated in a timely manner to further reduce potential effects. The permittee shall also fence off all wetlands and other sensitive ecological areas during construction periods to prevent equipment and personnel from entering these areas.

(G) The permittee shall secure a conservation easement or deed restriction on the wetland mitigation site to guarantee its preservation for wetland and wildlife resources. Copies of the instrument(s) effecting such easement shall be submitted to the New York District Corps of Engineers for approval prior to execution, and the instrument(s) shall be executed and recorded with the Hudson County Registrar of Deeds within one year following the initial plantings/seedings of the mitigation site.

(H) The permittee shall assume all liability for accomplishing the corrective work should the New York District determine that the compensatory mitigation has not been fully satisfactory. If the New York District does not find the mitigation satisfactory, an extension of monitoring time may be required to cover any necessary remedial work.

(I) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

This determination covers only the work described in the submitted material. Any major changes in the project may require additional authorizations from the New York District.

Care should be taken so that construction materials, including debris, do not enter any waterway to become drift or pollution hazards. You are to contact the appropriate state and local government officials to ensure that the subject work is performed in compliance with their requirements.

Attached to this verification that your project is authorized by Nationwide Permit 14 is an approved jurisdictional determination. If you are not in agreement with that approved jurisdictional determination, you can make an administrative appeal under 33 CFR Part 331.

This verification is valid for a period of two years from the date of this letter, unless the nationwide permit is modified, reissued, or revoked. This verification will remain valid for two years from the date of this letter if the activity complies with the terms of any subsequent modifications of the nationwide permit authorization. If the nationwide permits are suspended, revoked, or modified in such a way that the activity would no longer comply with the terms and conditions of a nationwide permit, and the proposed activity has commenced, or is under contract to commence, the permittee shall have 12 months from the date of such action to complete the activity.

This authorization is conditional on the applicant's receipt of the required water quality certificate and coastal zone management concurrence or waiver from the New Jersey Department of Environmental Protection (NJDEP). No work may be accomplished until the required approval from NJDEP has been obtained.

Within 30 days of the completion of the activity authorized by this permit and any mitigation required by this permit, you are to sign and submit the attached compliance certification form to this office.

If any questions should arise concerning this matter, please contact James Cannon, of my staff, at (917) 790-8412.

Sincerely,

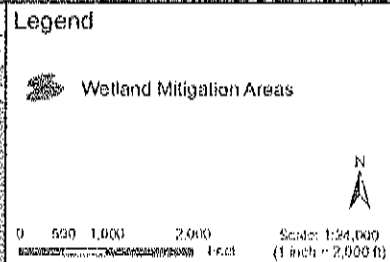
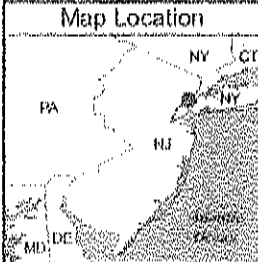


George Nieves  
Chief, Western Permits Section

Enclosures

cc: NJDEP  
CENAN-OP-RH





Croxton Wye Track Project

Site Location Map

Map Projection: State Plane NJ, NAD83, US Feet  
Image Source: USGS Topographic Quadrangles

ENSR | AECOM

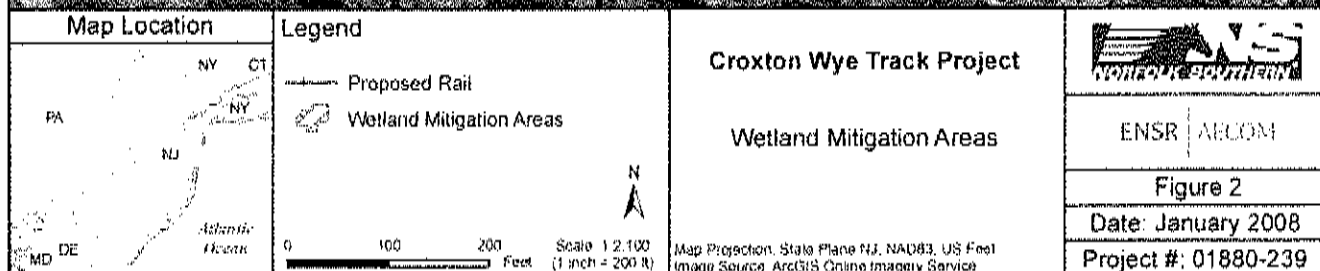
Figure 1

Date: January 2008

Project #: 01880-239

\\project\hondok\Southam\Croxton\_Wye\Wetland\_Mitigation\Figure 1\_Croxton\_Wye\_Site\_Location\_USGS.mxd



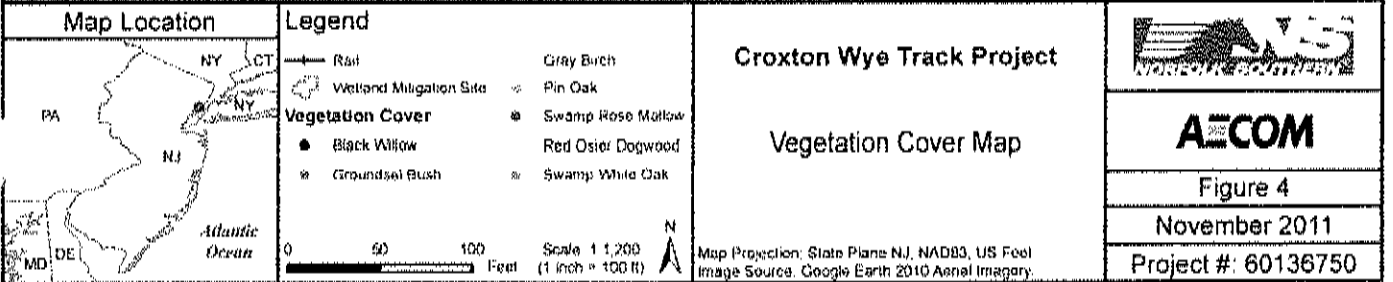
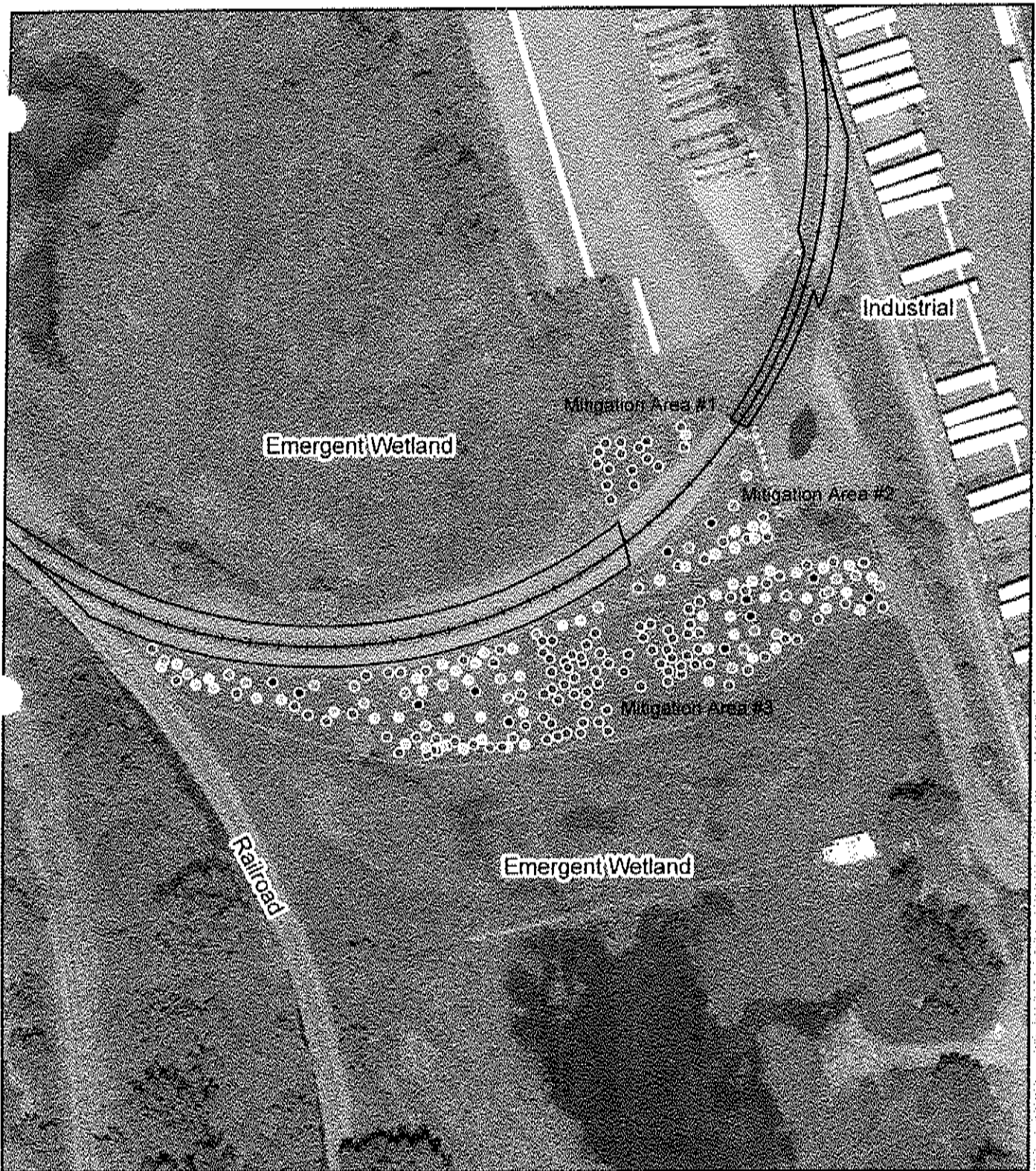




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<p><b>Map Location</b></p>	<p><b>Legend</b></p> <ul style="list-style-type: none"> <li> Rail</li> <li> Wetland Mitigation Site</li> <li> Sampling Plot</li> </ul> <p>0 100 200 Feet</p> <p>Scale: 1:2,400 (1 inch = 200 ft)</p> <p>N</p>	<p><b>Croxton Wye Track Project</b></p> <p><b>Plot Location Map</b></p> <p>Map Projection: State Plane NJ, NAD83, US Feet. Image Source: Google Earth 2010 Aerial Imagery.</p>	 <p><b>AECOM</b></p> <p>Figure 3</p> <p>November 2011</p> <p>Project #: 60136750</p>
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DEPARTMENT OF THE ARMY  
NEW YORK DISTRICT, CORPS OF ENGINEERS  
JACOB K. JAVITS FEDERAL BUILDING  
NEW YORK, N.Y. 10278-0090

REPLY TO  
ATTENTION OF:

JUN 30 2008

Regulatory Branch

SUBJECT: Permit Number NAN-2008-193-WCA  
by Norfolk Southern Railway Company

Ms. Heather Striffler  
ENSR/AECOM  
2005 Cabot Blvd., Suite 100  
Langhorne, Pennsylvania 19047

Dear Ms. Striffler:

On May 2, 2008, the New York District Corps of Engineers issued Nationwide Permit Number (14) to the Norfolk Southern Railway Company. This Nationwide Permit authorized the discharge of fill material into waters of the United States to facilitate the construction and installation of a 1,041 foot long "wye" railroad track within the Croxton Intermodal Facility. The site is located within the Hackensack River watershed, in the City of Jersey City, Hudson County, New Jersey. Special Condition "G" of the above referenced permit authorization required the permittee to submit a conservation easement or deed restriction on the wetland mitigation to the New York District for review and approval prior to its execution in the Hudson County Registrar of Deeds.

On May 8, 2008, the New York District Corps of Engineers received a copy of the conservation easement for the mitigation site. Therefore, in accordance with Special Condition "G" of the above referenced permit authorization, the New York District Corps of Engineers has determined that the conservation easement referenced above complies with Special Condition "G" of the subject authorization. You are therefore authorized to begin work under the terms and conditions of the above referenced DA permit authorization.

In regards to Special Condition "B" of the referenced authorization, the New York District recognizes that in this specific highly industrialized location common reed (Phragmites australis) may provide some beneficial water quality functions within the mitigation site. Therefore, the New York District additionally recognizes that during the construction and establishment of the forested and scrub shrub portion of the mitigation site, common reed may exceed the 5% areal coverage. However, once this shaded habitat becomes established it should deter the presence of invasive species such as common reed.

7 7 7 7

This letter shall be added to all copies of the authorization, including those at the site. If you have any questions, please contact me at (917) 790-8412.

Sincerely,



James Cannon  
Acting Chief, Western Permits Section

Cf: NJDEP  
CENAN-OP-RH

Prepared by:

NJDEP File No.: 0906-06-0005.2 CDT 070001 WQC

USACE File No.: NAN-2008-193-WCA

000007714

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AND  
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DEE

07/29/2008 02:39P

WILLIE L. FLOOD  
HUDSON COUNTY  
REGISTER OF DEEDS  
Recalot No. 451736

**GRANT OF CONSERVATION RESTRICTION/EASEMENT**  
(Mitigation Site Area)

This Grant of Conservation Restriction/Restriction is made this 3<sup>rd</sup> day of July, 2008, by Norfolk Southern Railway Company, who has offices at 1200 Peachtree Street, NE Box 7-142, County of Fulton, Atlanta, Georgia, hereinafter referred to as "Grantor", in favor of the State of New Jersey Department of Environmental Protection, hereinafter referred to as the "Grantee".

**WITNESSETH:**

WHEREAS, the Grantor is the owner in fee simple of certain real property located in the Jersey City, County of Hudson, New Jersey, designated as Lot(s) 12, 13, 16, Block 1200 on the official Tax Map of the Jersey City, County Clerk or, for Parcel 15, Recorder's Deed Book Number 1713, Page Number 144; for Parcel 18, Recorder's Deed Book Number 55, Page Number 140; for  $\frac{1}{4}$  of Parcel 24, Recorder's Deed Book Number 339, Page Number 2; and for  $\frac{1}{4}$  of Parcel 24, Recorder's Deed Book Number 336, Page Number 5 (hereinafter collectively, "the Property"); and

WHEREAS, the Grantor has obtained a Water Quality Certificate NJDEP File No.0906-06-0005.2 in accordance with Clean Water Act, 33 U.S.C. § 1341 pursuant to the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1, the Coastal Zone Management Rules, N.J.A.C. 7:7E, Coastal Permit Program Rules, N.J.A.C. 7:7, and the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A, for a land use development, attached hereto as Exhibit A and referred to hereafter as DEP Permit and a United States Army Corps of Engineers (USACE) permit, USACE Permit File No. NAN-2008-193-WCA, pursuant to the Rivers and Harbors Act of 1899, 33 U.S.C. 403, the Clean Water Act, 33 U.S.C. § 1344, and regulations at 33 C.F.R. § 320-331, attached hereto as Exhibit B and referred to as the USACE Permit; and

WHEREAS, the DEP Permit and USACE Permit issued to the Grantor are conditioned upon the Grantor's recording of a Grantee and USACE approved conservation restriction/easement, pursuant to N.J.A.C. 7:7A-15.2 and 33 U.S.C. § 1344 (i) for the mitigation site area (hereinafter the "Restricted Area" or "mitigation site area") as shown on a plan, entitled Croxton Wye Wetland Mitigation, Mitigation Boundaries, prepared by Norfolk Southern Railway Company, dated April 7, 2008, attached hereto as Exhibit C, (hereinafter the "Plan"), and more particularly described on a legal description of the Restricted Area, attached hereto as Exhibit D; and

WHEREAS, wetlands play a significant role in the maintenance of environmental quality on a community, regional, statewide, and national level; and

WHEREAS, wetland mitigation site areas are a significant natural area and are an integral portion of a wetlands ecosystem; and

WHEREAS, the Grantor, having the authority to do so, intends to construct a wetland mitigation project, known as The Croxton Mitigation Site, at the wetland mitigation site; and

BK:08560 FG:00102

*H. Striff*

Prepared by: \_\_\_\_\_  
NJDEP File No.: 0906-06-0005.2 CDT 070001 WOC  
USACE File No.: NAN-2008-193-WCA

**GRANT OF CONSERVATION RESTRICTION/EASEMENT**  
(Mitigation Site Area)

This Grant of Conservation Restriction/Restriction is made this 3<sup>rd</sup> day of July, 2008, by Norfolk Southern Railway Company, who has offices at 1200 Peachtree Street, NE Box 7-142, County of Fulton, Atlanta, Georgia, hereinafter referred to as "Grantor", in favor of the State of New Jersey Department of Environmental Protection, hereinafter referred to as the "Grantee".

**WITNESSETH:**

WHEREAS, the Grantor is the owner in fee simple of certain real property located in the Jersey City, County of Hudson, New Jersey, designated as Lot(s) 12, 13, 16, Block 1200 on the official Tax Map of the Jersey City, County Clerk or, for Parcel 15, Recorder's Deed Book Number 1713, Page Number 144; for Parcel 18, Recorder's Deed Book Number 55, Page Number 140; for  $\frac{3}{4}$  of Parcel 24, Recorder's Deed Book Number 339, Page Number 2; and for  $\frac{1}{4}$  of Parcel 24, Recorder's Deed Book Number 336, Page Number 5 (hereinafter collectively, "the Property"); and

WHEREAS, the Grantor has obtained a Water Quality Certificate NJDEP File No. 0906-06-0005.2 in accordance with Clean Water Act, 33 U.S.C. § 1341 pursuant to the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1, the Coastal Zone Management Rules, N.J.A.C. 7:7E, Coastal Permit Program Rules, N.J.A.C. 7:7, and the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A, for a land use development, attached hereto as Exhibit A and referred to hereafter as DEP Permit and a United States Army Corps of Engineers (USACE) permit, USACE Permit File No. NAN-2008-193-WCA, pursuant to the Rivers and Harbors Act of 1899, 33 U.S.C. 403, the Clean Water Act, 33 U.S.C. § 1344, and regulations at 33 C.F.R. § 320-331, attached hereto as Exhibit B and referred to as the USACE Permit; and

WHEREAS, the DEP Permit and USACE Permit issued to the Grantor are conditioned upon the Grantor's recording of a Grantee and USACE approved conservation restriction/easement, pursuant to N.J.A.C. 7:7A-15.2 and 33 U.S.C. § 1344 (i) for the mitigation site area (hereinafter the "Restricted Area" or "mitigation site area") as shown on a plan, entitled Croxton Wye Wetland Mitigation, Mitigation Boundaries, prepared by Norfolk Southern Railway Company, dated April 7, 2008, attached hereto as Exhibit C, (hereinafter the "Plan"), and more particularly described on a legal description of the Restricted Area, attached hereto as Exhibit D; and

WHEREAS, wetlands play a significant role in the maintenance of environmental quality on a community, regional, statewide, and national level; and

WHEREAS, wetland mitigation site areas are a significant natural area and are an integral portion of a wetlands ecosystem; and

WHEREAS, the Grantor, having the authority to do so, intends to construct a wetland mitigation project, known as The Croxton Mitigation Site, at the wetland mitigation site; and

WHEREAS, the Grantee and the USACE desires to preserve the wetland mitigation site area in its enhanced state, so as to preserve and protect wetlands, open waters, and resident animal and plant species on the Restricted Area, including the air space and subsurface forever in its natural state; and

WHEREAS, the Grantee is authorized by N.J.S.A. 13:1D-9 to formulate comprehensive policies for the conservation of the natural resources, to promote environmental protection and prevent pollution of the environment of the State by N.J.S.A. 13:9A and N.J.S.A. 13:9B, and is authorized by N.J.S.A. 13:8B-3 to acquire and enforce conservation restrictions; and USACE policy provides for protection of aquatic resources in perpetuity pursuant to Regulatory Guidance Letter 02-02; and

WHEREAS, the Grantor, having the authority to do so, intends to enter into this Conservation Restriction in order to grant to the Grantee a Conservation Restriction / Easement on the Property to restrict subsequent development of the Restricted Area.

NOW THEREFORE, in consideration for the issuance of the Permits and for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and the facts recited above and the terms, conditions and restrictions contained herein, the Grantor hereby agrees that the Property shall be subject in perpetuity to the following conveyances, covenants and restrictions in favor of the Grantee and the USACE:

1. Grantor hereby conveys, transfers, assigns and grants to the Grantee a Conservation Restriction /Easement with respect to that portion of the Property as designated as the Restricted Area shown in Exhibit C and as described in Exhibit D.
2. Paragraphs 27, 28 and 29 below shall only be considered by the Grantee and the USACE in cases where the Grantee and USACE have determined that the modifications are in the public interest.
3. Except as necessary (1) to carry out wetland/stream and/or buffer restoration, enhancement and/or establishment in keeping with the mitigation plan of the permit or banking instrument as approved by USACE; or, (2) protect or enhance wildlife or aesthetics, (3) to fence the property to keep out livestock, domestic animals, trespassers, or for protection or enhancement of the property; or, (4) to carry out management and maintenance of the property as approved in writing by the USACE the Grantor shall ensure that the following activities shall not occur within the Restricted Area, with the exception of those activities that are specifically a construction or maintenance component of the mitigation plan approved as part of the DEP Permits or USACE Permits:
  - (a) Removal, excavation, or disturbance of the soil;
  - (b) Dumping or filling with any materials;
  - (c) Installation of structures;
  - (d) Placement of pavement or other impervious surface;
  - (e) There shall be no removal, destruction or cutting of trees or plants, planting of trees or plants, introduction of non-native animals and plants, grazing of domestic animals, or disturbance or change in the natural habitat in any manner, except as provided in par. 8 (c) below.

- (f) The use of fertilizers, herbicides or pesticides that are not specifically approved under the wetlands mitigation plan;
- (g) Taking any action to alter the hydrology of the Restricted Area;
- (h) Any other activities constituting a regulated activity under the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq. or N.J.A.C. 7:7A-2.2 (a) and 2.2 (b), as amended ("Regulated activities in freshwater wetlands and State open waters"). Any other activities constituting a regulated activity under N.J.A.C. 7:7A- 2.6, as amended, ("Regulated activities in transition areas"); or
- (i) Any other activities constituting a regulated activity under the Rivers and Harbors Act of 1899, 33 U.S.C. 403, the Clean Water Act, 33 U.S.C. 1344 or USACE Regulations at 33 C.F.R. Parts 320-331 as amended.

4. The Restricted Area, including its air space and its subsurface, and any portion thereof shall not be included as part of the gross area of other property not subject to this Conservation Restriction / Easement for the purpose of determining density, lot coverage, or open space requirements, under otherwise applicable laws, regulations or ordinances controlling land use and building density.

5. There shall be no other acts or uses detrimental to the preservation of the Restricted Area, including its air space and it's subsurface in their natural state as a valuable component of a wetlands ecosystem.

6. The Grantor shall mark the boundaries of the Restricted Area using unobtrusive, permanent visual markers in a manner of the Grantee's and the USACE choosing, and to the Grantee's and the USACE satisfaction, within 30 days of recording this Grant. Grantor shall thereafter maintain such markers in good conditions. Examples include fence post, pipe in the ground, and survey markers.

7. This Conservation Restriction / Easement shall be a burden upon and shall run with the Property, and shall bind Grantor, its successors and assigns, in perpetuity. The Grantor shall give notice of this Conservation Easement/Restriction to all holders of any easements in the Restricted Area within 30 days of recording by the County Clerk or Recorder.

8. It is the purpose of this Conservation Restriction / Easement to assure that the Restricted Area will be maintained as such and to prevent any disturbance or development to that portion of the Property except as provided in this Conservation Restriction / Easement. To carry out this purpose, the following rights are granted to Grantee, and to the USACE as third-party rights of enforcement, by this Conservation Restriction / Easement:

- (a) To enter upon the Property in a reasonable manner and at reasonable times so as to assure compliance with the provisions of this Conservation Restriction / Easement;
- (b) In addition to the exercise of any other statutory or common law right, to enjoin any activity on, or use of, the Restricted Area that is inconsistent with the purpose of this Conservation Restriction / Easement and to enforce the restoration of such areas or features of the Restricted Area that may be damaged by inconsistent activity or use;
- (c) The right, but not the obligation, to monitor the condition of the rare plant and animal populations, plant communities, and natural and/or constructed habitats on the



Restricted Area, and to manage them, if necessary, for their continued survival and quality on the Restricted Area. Such activities shall be in accordance with management practices of the Department of Environmental Protection, which may include, but not be limited to, mowing, fencing, trapping, prescribed burning, but these practices shall not be inconsistent with the maintenance or monitoring obligations under the (reference the appropriate mitigation proposal or permit condition) approving the mitigation. Prior to conducting any activity under this subsection, DEP shall obtain the approval of the USACE and provide at least ten days advance notice to the Grantor by the methods described in Section 15.

- (d) Grantee and USACE acknowledge that the Property may contain natural and unnatural hazardous and dangerous conditions that may not be obvious or known, acknowledges that any DEP or USACE personnel shall enter the Property solely for the purposes set forth in this Section 8, agree that such personnel shall be made aware of the risk to health and property from such conditions and voluntarily assume such risk.

9. Grantor shall provide the Grantee and the USACE telephonic and written notice of any transfer or change in ownership of any portion of the Restricted Area, including but not limited to the name and address of the new owner, and including but not limited to any later-formed condominium association, at least one month prior to the day of the signing of those documents accomplishing the actual transfer or change in ownership.

10. In addition to, and not in limitation of, any other rights of the Grantee or the USACE hereunder or at law or in equity, if the Grantee or the USACE determines that a breach, default or violation ("Violation") of this Conservation Restriction / Easement has occurred or that a Violation is threatened, the Grantee or the USACE shall give written notice to Grantor of such Violation, setting forth the specifics thereof, and demand corrective action sufficient to cure the Violation. If the Grantor fails to cure the Violation after receipt of notice thereof from the Grantee or USACE, or under circumstances where the Violation cannot reasonably be cured within a time period dictated by the Grantee or USACE fails to begin curing such Violation within the time period dictated by the Grantee or USACE, or fails to continue diligently to cure such Violation until finally cured, the Grantee or the USACE may bring an action at law or in equity in a court of competent jurisdiction:

- (a) to enjoin and/or cure such Violation,
- (b) to enter upon the Restricted Area and to take action to terminate and/or cure such Violation and or to cause the restoration of that portion of the Easement Areas affected by such Violation to the condition that existed prior thereto, or
- (c) to seek or enforce such other legal and/or equitable relief or remedies as the Grantee deems necessary or desirable to ensure compliance with the terms, conditions, covenants, obligations and purpose of this Conservation Restriction / Easement.

11. If the Grantee or the USACE, in either agency's lawful discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the Restricted Area with respect to the purposes of this Conservation Restriction / Easement, the Grantee or the USACE may pursue its remedies under paragraph 10 above immediately following notice to Grantor or without waiting for the period provided for cure to expire. The Grantee's or the USACE's rights under this paragraph shall apply equally in the event of either actual or threatened Violations of the

terms of this Conservation Restriction / Easement. Grantor agrees that the Grantee's remedies at law for any Violation of the terms of this Conservation Restriction / Easement are inadequate and that the Grantee shall be entitled to the injunctive relief described in this paragraph, both prohibitive and mandatory, in addition to such other relief to which the Grantee or USACE may be entitled, including specific performance. The above language shall in no event be interpreted to derogate or diminish the Grantee's rights and powers under the laws of the State of New Jersey for the protection of public health, safety and welfare.

12. Enforcement of the terms of this Conservation Restriction / Easement shall be at the discretion of the Grantee or the USACE and any forbearance by the Grantee or the USACE to exercise its rights under this Conservation Restriction / Easement in the event of any Violation by Grantor shall not be deemed or construed to be a waiver by the Grantee of such term or of any subsequent Violation or of any of the Grantee's rights under this Conservation Restriction / Easement. No delay or omission by the Grantee or the USACE in the exercise of any right or remedy upon any Violation by Grantor shall impair such right or remedy or be construed as a waiver of such right or remedy.

13. Grantor agrees to reimburse the Grantee or the USACE for any reasonable costs as provided by law incurred by the Grantee in enforcing the terms of this Conservation Restriction / Easement against Grantor, and including, without limitation, the reasonable costs of suit and attorneys' fees.

14. Subject to the provisions of paragraph 21 of this Grant, the Grantee and the USACE reserve the right to transfer, assign, or otherwise convey this Conservation Restriction / Easement to any other entity or person to facilitate the operation of the Restricted Area.

15. Any notice, demand, request, consent, approval or communication under this Conservation Restriction / Easement shall be sent by certified mail, return receipt requested or reliable overnight courier, addressed as follows:

To Grantor:

AVP - Real Estate  
Norfolk Southern Railway Company  
1200 Peachtree Street  
Atlanta, GA 30309

With a copy to:

Engineer Environmental Operations  
4600 Deer Path Road  
Ste 106 RM 148  
Harrisburg, PA 17110

To the Grantee:

State of New Jersey  
Department of Environment Protection  
Division of Land Use Regulation  
And its successors and assigns

As of this date of this Conservation Restriction / Easement, Grantee's address for the purposes of notice is:

501 East State Street  
P.O. Box 439  
Trenton, NJ 08625-0439  
Attention: Director, Division of Land Use Regulation  
(609) 984-3444

In addition, any notice relating to paragraph 9 shall be addressed as follows:

To the Department:

State of New Jersey  
Department of Environmental Protection  
Coastal and Land Use Compliance and Enforcement  
And its successors and assigns

As of the date of this Conservation Restriction / Easement, Grantee's address for the purposes of notice relating to paragraph 9 is:

401 East State Street  
P.O. Box 422  
Trenton, NJ 08625-0422  
Attention: Manager, Coastal and Land Use Compliance and Enforcement  
(609) 984-4587

Finally, any notice related to paragraph 9 shall be addressed as follows:

United States Army Corps of Engineers  
Philadelphia District  
Regulatory Branch  
The John Wanamaker Building  
100 Penn Square East  
Philadelphia, Pennsylvania 19107  
Attention: Chief, Regulatory Branch

OR:

United States Army Corps of Engineers  
New York District  
Regulatory Branch  
Room 1937, 26 Federal Plaza  
New York, NY 10278-0090  
Attention: Chief, Regulatory Branch

16. A party may change the address or person to whom notices to it are required to be given by notice given in the manner above provided.

17. The Grantor reserves to itself, its successors and assigns, all rights as owners of the Property, including the right to engage in all uses of the Restricted Area not inconsistent with the purpose of this Conservation Restriction / Easement, and the right to manage the Restricted Area in accordance with the (choose applicable statute(s)) Wetlands Act of 1970, N.J.S.A. 13:9A, the Freshwater Wetlands

Protection Act, N.J.S.A. 13:9B-1, the Rivers and Harbors Act of 1899, 33 U.S.C. 403, the Clean Water Act, 33 U.S.C. 1344, and (choose applicable rule(s)) the Coastal Zone Management Rules, N.J.A.C. 7:7E, Coastal Permit Program Rules, N.J.A.C. 7:7, the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A and the USACE Regulations at 33 CFR 320-330. The Grantor further reserves to itself, its successors and assigns, all other rights and defenses including those rights accruing from its ownership of the Property including but not limited to the exclusive possession of the property, the right to transfer or assign their interest in the same, the right to take action necessary to prevent erosion on the Property, to protect the property from losing its conservation values and functions, or to protect public health or safety; and the right to use the property in any manner not prohibited by this Conservation Restriction/Easement and which would not defeat or diminish the conservation purpose of this Conservation Easement.

18. This instrument conveys no additional right of access by the general public to any portion of the Property. It is expressly understood and agreed that this covenant does not necessarily grant or convey to members of the general public, any rights of ownership, interest in, or use of the protected property unless so designated by the owner for such purpose.

19. The Grantor agrees to bear all costs and liabilities of any kind related to the operation, upkeep and maintenance of the Restricted Area, including any required fencing of the Restricted Area, as stated or shown in Exhibits A or B.

20. The Grantor agrees that the terms, conditions, restrictions and purposes of this Conservation Restriction / Easement will be inserted in any subsequent deed, subdivision deed, lease, sub-lease or other legal instrument by which the Grantor divests itself of any interest in any portion of the Property. Notwithstanding the failure of the Grantor to include the terms and restrictions of this instrument, it shall run with the land and be binding on all heirs, successors and assigns.

21. The Grantee agrees that it will assign its rights under this Conservation Restriction / Easement only to another governmental body or a charitable conservancy, and only in accordance with N.J.S.A. 13:8B-1 et seq. and N.J.S.A. 13:9B-1 et seq.

22. Notwithstanding anything contained herein to the contrary, any modification or termination of this Conservation Restriction / Easement shall require the prior written approval of the Grantee and the USACE, their successors or assigns.

23. This Conservation Restriction / Easement shall survive any merger of the fee and restriction interest in the Restricted Area.

24. In the event of a conflict between this Conservation Restriction / Easement and the final plans and specifications approved by the Grantee or the USACE in writing pursuant to either agency's Permit, the latter shall govern.

25. Taxes, Liens, Insurance.

- (a) Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Property and Restricted Area. Grantor shall keep the Property and Restricted Area free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by Grantor.

- (b) The Grantor agrees to pay any real estate taxes or other assessments levied on the Property and Restricted Area. If the Grantor becomes delinquent in payment of said taxes or assessments, such that a lien against the land is created, the Grantee, at its option, shall, after written notice to the Grantor, have the right to purchase and acquire the Grantor's interest in said Property and Restricted Area or to take such other actions as may be necessary to protect the Grantee's interest in the Restricted Area and to assure the continued enforceability of this Conservation Restriction / Easement.
- (c) Nothing in this Conservation Restriction / Easement limits Grantor's rights with respect to the property's status or use as security, collateral, or subject to mortgage or similar financial instrument or encumbrance.

26. Miscellaneous.

- (a) Unless superseded by federal law, the laws of the State of New Jersey shall govern the interpretation and performance of this Conservation Restriction / Easement.
- (b) If any provision of this Conservation Restriction / Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Restriction / Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.
- (c) This Conservation Restriction / Easement and the Permit set forth the entire agreement of the parties with respect to the Conservation Restriction / Easement and supersede all prior discussions, negotiations, understandings or agreements relating to the easement, all of which are merged herein. No alteration or variation of this Conservation Restriction / Easement shall be valid or binding unless contained in a writing executed by the parties hereto.
- (d) Should there be more than one Grantor, the obligations imposed by this Conservation Restriction / Easement upon each Grantor shall be joint and several.
- (e) The covenants, terms, conditions and restrictions of this Conservation Restriction / Easement shall be binding upon, and inure to the benefit of, the parties hereto and all parties having or acquiring any right, title or interest in any portion of the Property, including holders of subdivision deeds, and shall continue as a servitude running in perpetuity with the Property.
- (f) The captions in this Conservation Restriction / Easement have been inserted solely for convenience of reference and are not a part of this Conservation Restriction / Easement and shall have no effect upon construction or interpretation.
- (g) Execution of this Conservation Restriction / Easement does not constitute a waiver of the rights or ownership interest of the State of New Jersey in public trust property.
- (h) This Conservation Restriction / Easement may be executed in any number of counterparts, all of which, taken together, shall constitute one and the same instrument.

27. The Grantor may undertake modifications of the Restricted Area that are approved by the Grantee and the USACE in writing prior to commencement of the modification. The Grantee and the USACE may approve a modification under the following conditions and with the following documentation:

- (a) The modification results in an increased level of protection of the regulated resource; or
- (b) The modification results in equivalent areas of resources protected; and
- (c) The modification does not compromise the original protected resource.

28. If the Grantee and the USACE approves any modification, the Grantor shall amend this instrument by preparing and submitting to the Grantee and USACE for review and approval:

- (a) A revised plan and metes and bounds description for the area to be preserved under the modified Conservation Restriction / Easement (hereinafter the "Modification Documents"); and
- (b) An Amended Conservation Restriction / Easement that reflects the modifications to the original Conservation Restriction / Easement, the justification for the modification and that also includes the deed book and page of the title deed for the property or properties subject to the modified Conservation Restriction / Easement set forth in the Modification Documents.

29. The Grantor shall record the documents listed in paragraph 28, above, in the same manner and place as this original Conservation Restriction / Easement was recorded.

30. This Grant of Conservation Restriction / Easement may only be removed pursuant to N.J.S.A. 13:8B-1 et seq. or as otherwise provided by law or upon agreement by the parties.

31. Pursuant to N.J.A.C. 7:7A-15.14 (c) each owner of the Property is required to notify the county and/or municipality of the Conservation Restriction / Easement whenever any application for a local approval involving this Property is submitted.

TO HAVE AND TO HOLD unto the State of New Jersey, Department of Environmental Protection, its successors and assigns forever. The covenants, terms, conditions, restrictions and purposes imposed with this Conservation Restriction / Easement shall not only be binding upon the Grantor but also upon its agents, personal representatives, assigns and all other successors to it in interest, and shall continue as a servitude running in perpetuity with the Property.

*[signature page follows]*

IN WITNESS WHEREOF, the Grantor has set its hand and seal on the day and year first above written, and directs that this instrument be recorded in the office of the Hudson County Clerk or Recorder.

GRANTOR:

**NORFOLK SOUTHERN RAILWAY COMPANY**

Initial address for notices:

To Grantor:

AVP - Real Estate  
Norfolk Southern Railway Company  
1200 Peachtree Street  
Atlanta, GA 30309

With a copy to:

Engineer Environmental Operations  
4600 Deer Path Road  
Ste 106 RM 148  
Harrisburg, PA 17110

By: \_\_\_\_\_

(Signature)

Name: F. Blair Wimbush

Title: Vice President

ATTEST:

\_\_\_\_\_, Secretary

(Seal)

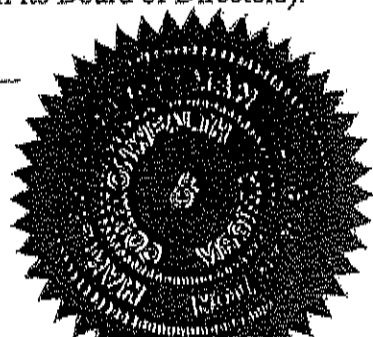
STATE OF Virginia  
COUNTY OF Norfolk  
City

Be it remembered that on this 3<sup>rd</sup> day of July, 2008, before me, the subscriber, a Notary Public of Virginia, personally appeared: F. Blair Wimbush, and he thereupon acknowledged that he signed the foregoing instrument (in such capacity, that the seal affixed to said instrument is the corporate seal of said corporation), and that said instrument is the voluntary act of deed of said person (or corporation, made by virtue of authority from its Board of Directors).

Sharilyn F Flettman #7020313

A Notary Public of Virginia

My Commission Expires: January 31, 2010



Attachments:

1. Exhibit A: Water Quality Certificate NJDEP File No.0906-06-0005.2 (in accordance with Clean Water Act, 33 U.S.C. § 1341 pursuant to the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1, the Coastal Zone Management Rules, N.J.A.C. 7:7E, Coastal Permit Program Rules, N.J.A.C. 7:7, and the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A.
2. Exhibit B: United States Army Corps of Engineers (USACE) permit, USACE Permit File No. NAN-2008-193-WCA, pursuant to the Rivers and Harbors Act of 1899, 33 U.S.C. 403, the Clean Water Act, 33 U.S.C. § 1344, and regulations at 33 C.F.R. § 320-331.
3. Exhibit C: Graphic depiction of Restricted Area.
4. Exhibit D: Metes and Bounds description of Restricted Area



01280-23973



**STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF LAND USE REGULATION**

P.O. Box 439, Trenton, New Jersey 08625-0439  
Fax: (609) 777-3656 or (609) 292-8115  
www.state.nj.us/dep/landuse

**PERMIT**



In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the limitations, terms and conditions listed below and on the attached pages. For the purpose of this document, "permit" means: "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.		Approval Date <b>MAR 13 2008</b>
		Expiration Date <b>MAR 13 2013</b>
Permit Number(s) 0906-06-0005.2 CDT 070001 WQC	Type of Approval(s) Water Quality Certificate	Enabling Statute(s) N.J.S.A. 12:5-3 N.J.S.A. 58:10A

Applicant  Norfolk Southern Railway Company, Attn: Mark Dewberry 1200 Peachtree Street Building Box 7-142 Atlanta, GA 30309	Site Location  Block: 1200 Lots: 12, 13, 15, 16, 18, 34A City of Jersey City, Hudson County
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**Description of Authorized Activities and Limit of Disturbance**

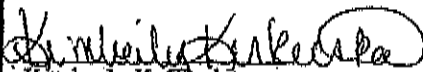
Norfolk Southern Railway Company will install a connection track (Wye Track) to facilitate the turn around of train engine cars in preparation for a westbound destination. The connection track will be approximately 1,041 linear feet disturbing 0.28 of an acre of freshwater wetlands located within the Hackensack Meadowlands District. The subject site is located within the City of Jersey City, Hudson County, and consists of Block 1200; Lots 12, 13, 15, 16, 18 and 34A.

This permit is authorized under, and in compliance with the following Rules on Coastal Zone Management, N.J.A.C. 7:7E-1.1 et seq., specifically: *Wetlands 7:7E-3.27*, and *Hackensack Meadowlands District 7:7E-3.45*.

By issuance of this permit, the State of New Jersey does not relinquish tidelands ownership or claim to any portion of the subject property or adjacent properties. The permittee shall allow an authorized Division representative the right to inspect the construction pursuant to N.J.A.C. 7:7E-1.5(b)4.

The permittee must mitigate for the loss of 0.28 of an acre of palustrine emergent wetlands through either an on-site or off-site creation, restoration or enhancement project as described in conditions 12 through 32.

Prepared by

  
Kimberly Kerkuska  
Senior Geologist

**THIS PERMIT IS NOT EFFECTIVE AND NO CONSTRUCTION APPROVED BY THIS PERMIT, OR OTHER REGULATED ACTIVITY, MAY BE UNDERTAKEN UNTIL THE APPLICANT HAS SATISFIED ALL PRE-CONSTRUCTION CONDITIONS AS SET FORTH IN THIS PERMIT.**

Received or Recorded by County Clerk

**This permit is not valid unless authorizing signature appears on the last page.**

## STANDARD CONDITIONS:

1. **Extent of approval:**
  - a. This document grants permission to perform certain activities that are regulated by the State of New Jersey. The approved work is described by the text of this permit and is further detailed by the approved drawings listed herein. All work must conform to the requirements, conditions and limitations of this permit and all approved drawings.
  - b. If you alter the project without prior approval, or expand work beyond the description of this permit, you may be in violation of State law and may be subject to fines and penalties. Approved work may be altered only with the prior written approval of the Department.
  - c. You must keep a copy of this permit and all approved drawings readily available for inspection at the work site.
2. **Acceptance of permit:** If you begin any activity approved by this permit, you thereby accept this document in its entirety, and the responsibility to comply with the terms and conditions. If you do not accept or agree with this document in its entirety, do not begin construction. You are entitled to request an appeal within a limited time as detailed on the attached *Administrative Hearing Request Checklist and Tracking Form*.
3. **Recording with County Clerk:** You must record this permit in the Office of the County Clerk for each county involved in this project. You must also mail or fax a copy of the front page of this permit to the Department showing the received stamp from each County Clerk within 30 days of the issuance date.
4. **Notice of Construction:** You must notify the Department in writing at least 7 days before you begin any work approved by this permit by submitting the attached construction report. The Construction Reports are also available at [www.nj.gov/dep/landuse/](http://www.nj.gov/dep/landuse/).
5. **Expiration date:** All activities authorized by this permit must be completed by the expiration date shown on the first page unless otherwise extended by the Division. At that time, this permit will automatically become invalid and none of the approved work may begin or continue until a replacement permit is granted. (Some permits may qualify for an extension of the expiration date. Please contact the Department for further information.)
6. **Rights of the State:**
  - a. This permit is revocable and subject to modification by the State with due cause.
  - b. Representatives from the State have the statutory authority to enter and inspect this site to confirm compliance with this permit and may suspend construction or initiate enforcement action if work does not comply with this permit.
  - c. This permit does not grant property rights. The issuance of this permit shall not affect any action by the State on future applications, nor affect the title or ownership of property, nor make the State a party in any suit or question of ownership.
7. **Other responsibilities:** You must obtain all necessary local, Federal and other State approvals before you begin work. All work must be stabilized in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey*, and all fill material must be free of toxic pollutants in toxic amounts as defined in section 307 of the Federal Act.

## SPECIAL CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS:

8. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the application or in the conditions of this permit.

9. Consistency with the Areawide Water Quality Management Plan

The Division of Land Use Regulation has not reviewed this application for consistency with the Areawide Water Quality Management Plan and the issuance of this permit shall not be construed as an approval of any wastewater management plan for this project or site. There shall be no construction of any sewage generating structures unless and until the proposed development has been found to be consistent with the appropriate areawide water quality management plan.

10. All necessary local, Federal, and other State approvals must be obtained by the applicant prior to the commencement of the herein permitted activities. Approvals from the following may be required: US Army Corps of Engineers, for the proposed connector track.
11. The drawings hereby approved are two (2) sheets prepared by Norfolk Southern Railway Company, both dated December 22, 2005 and last revised as noted below:

"LOCATION: JERSEY CITY, NJ, TITLE: PROPOSED WYE TRACK BTWN RUNNER & 3<sup>RD</sup> CONNECTOR PLAN VIEW," Sheet 2 of 11, last revised November 11, 2007; and

"LOCATION: JERSEY CITY, NJ, TITLE: PROPOSED WYE TRACK BTWN RUNNER & 3<sup>RD</sup> CONNECTOR PROPOSED TRACK TO SERVE GATEWAY TRANSFER WETLAND IMPACTS DETAIL," Sheet 2A of 10, last revised September 28, 2007.

**MITIGATION PERMIT CONDITIONS:**

Failure to comply with the standards herein constitutes a violation of the Freshwater Wetlands Protection Act and subjects the permittee to appropriate enforcement action and/or suspension or revocation of the permit. This permit is not effective for the purpose of conducting regulated activities authorized by this permit until the following special conditions are satisfied:

12. Mitigation must be done prior to or concurrent with the regulated activity. Concurrent means that at any given time, the mitigation must track at the same or greater percentage of completion as the project as a whole. For example, when the project is 50 percent completed, the mitigation project cannot be less than 50 percent completed.
13. The mitigation proposal must be submitted to the Division prior to the initiation of regulated activities authorized by this permit. Mitigate for the loss of 0.28 acres of palustrine emergent wetlands through either an on-site or off-site creation, restoration or enhancement project as detailed in condition numbers 14 through 29.
14. Within 30 days of the issuance of this permit, for an on-site or off-site individual mitigation project, the permittee must submit a mitigation proposal for both permanent and temporary impacts to the Division of Land Use Regulation (Division) for review and approval. The mitigation proposal must include the creation, restoration and/or enhancement of an area of freshwater wetlands of equal ecological value to those that will be lost by the authorized activity. This proposal must include a proposed construction schedule for the mitigation project. The mitigation proposal for temporary impacts must include a restoration plan. Prior to commencement of regulated activities authorized by this permit, the Division must approve of the proposed mitigation project in writing. Failure to comply with Items a. and b. below will subject the permittee to appropriate enforcement action.
- a. Within 30 days of the issuance of this permit submit for review and approval a conceptual plan showing the location and proposed hydrology of the mitigation site for both permanent and temporary impacts.

- b. Within 30 days of receiving Division approval of the conceptual mitigation proposal, the permittee must submit a final design of the mitigation project for both permanent and temporary impacts and include all the items listed on the checklist entitled Checklist for Completeness: Creation, Restoration or Enhancement for a Freshwater Wetland Mitigation Proposal located on the Internet at <http://www.nj.gov/dep/landuse/forms/index.html>.
15. In the event that there is a conflict between the permit conditions and the approved mitigation plans and proposal, the permit conditions take precedent.
16. The use of lime and broadcast fertilization is not permitted in wetland areas.
17. Within 30 days of final design plan approval pursuant to 14b. above and in accordance with N.J.A.C. 7:7A-15.13, obtain a secured bond, or other financial surety acceptable to the Division including an irrevocable letter of credit or money in escrow, that shall be sufficient to hire an independent contractor to complete and maintain the proposed mitigation should the permittee default. The financial surety for the construction of the mitigation project shall be posted in an amount equal to 115 percent of the estimated cost of the construction. In addition, financial surety to assure the success and maintenance of the mitigation project shall be posted in an amount equal to 30 percent of the estimated cost of construction. The Division will review the financial surety annually and the permittee shall adjust the surety to reflect current economic factors. If a governmental body is performing the mitigation the need for financial assurance is waived.
18. This permit is not effective until the permittee has completed, signed and filed with the County Clerk (the Registrar of Deeds and Mortgages in some counties), the Division approved conservation restriction for the mitigation site. An example copy of the Wetlands Mitigation Area Model Deed/Conservation Restriction is located on the Internet at <http://www.nj.gov/dep/landuse/forms/index.html>. A draft copy of the deed restriction must be submitted to the Department for review and approval prior to filing the conservation restriction in the office of the County Clerk. The restriction shall be included on the deed, and recorded in the office of the County Clerk (the Registrar of Deeds and Mortgages in some counties), in the county wherein the lands of the mitigation project are located, within 10 days of approval of the final wetland mitigation proposal. Within 10 days of filing the conservation restriction, the permittee must send a copy of the conservation restriction to the Division for verification.
19. At least thirty (30) days in advance of the start of construction of the wetland mitigation project, the permittee shall notify the Division, in writing, for an on-site pre-construction meeting between the permittee, the contractor, the consultant and the Division.
20. The mitigation designer must be present on-site during critical stages of construction of the mitigation project. This includes but is not limited to herbicide applications, sub-grade inspection, final grade inspection, and planting inspection to ensure the intent of the mitigation design and its predicted wetland hydrology is realized in the landscape.
21. Mitigation designs are not static documents and changes may be necessary to ensure success of the project. Should the mitigation designer determine that the mitigation plan as designed and approved by the Division will not achieve the proposed wetland condition due to the actual conditions encountered during construction, the mitigation designer must immediately notify the Division. The mitigation designer must propose an alternative plan to achieve the proposed wetland condition that must be approved by the Division in writing. If the Division provides the mitigation designer with comments on the alternative plan, the mitigation designer shall revise the plan to conform to the Division's comments. Solely the Division shall make the determination as to whether or not the alternative plan as submitted conforms to the Divisions comments. Any modifications to the plan that are approved by the Division must be shown on a signed and sealed revised plan. The As-Built plans required as a part of the Construction Completion Report may serve as the signed and sealed revised plans required to be

submitted as part of the construction modification process described above if time constraints warrant such action and have been approved by the Division in writing.

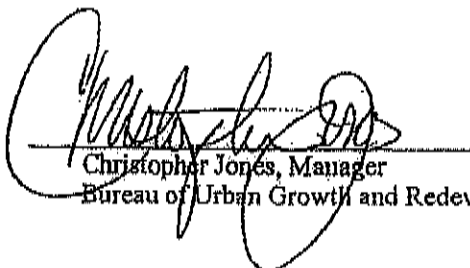
22. The permittee shall assume all liability for accomplishing corrective work should the Division determine that the compensatory mitigation has not been 100% successful. Remedial work may include re-grading and/or replanting the mitigation site. This responsibility is incumbent upon the permittee until such time that the Division makes the finding that the mitigation project is successful.
23. Within 5 days following final grading of the site, a disc must be run over the site to eliminate compaction. The mitigation designer must be present to oversee this phase of the project and confirm with the Division this activity has occurred prior to planting of the site.
24. Following the final grading of the mitigation site and prior to planting, the permittee shall notify the Division for a post-grading construction meeting between the permittee, contractor, consultant and the Division. The permittee must give the Division at least thirty (30) days notice prior to the date of this meeting.
25. Within 30 days following the final planting of the mitigation project, the permittee shall submit a Construction Completion Report to the Division detailing as-built conditions (see below) and any changes to the approved mitigation plan that were made during construction. The Construction Completion Report shall contain, at a minimum, the following information:
  - a. A completed Wetland Mitigation Project Completion of Construction Form. This form is located on the Internet at <http://www.nj.gov/dep/landuse/forms/index.html> and certifies that the mitigation project has been constructed as designed and that the proposed area of wetland creation, restoration or enhancement has been accomplished;
  - b. As-Built plans which depict final grade elevations at one foot contours and include a table of the species and quantities of vegetation that were planted including any grasses that may have been used for soil stabilization purposes;
  - c. Show on the as-built plans that the boundaries of the wetland mitigation area have been visibly marked with 3 inch white PVC pipe extending 4 feet above the ground surface. The stakes must remain on the site for the entire monitoring period;
  - d. Photos of the constructed wetland mitigation project with a photo location map as well as the GPS waypoints in NJ state plane coordinates NAD 1983;
  - e. To document that the required amount of soil has been placed/replaced over the entire area of the mitigation site, provide a minimum of 6 soil profile descriptions to a depth of 20 inches. The location of each soil profile description should be depicted on the as built plan as well as provide the GPS waypoints in NJ state plane coordinates NAD 1983;
  - f. Submit soil test results demonstrating at least 8% organic carbon content (by weight) was incorporated into the A-horizon for sandy soil and for all other soil types 12% organic content or if manmade top soil was used it consisted of equal volumes of organic and mineral materials;
  - g. The permittee shall post the mitigation area with several permanent signs as shown on the approved mitigation plan which identify the site as a wetland mitigation project and that development mowing, cutting, dumping and draining of the property is prohibited; and
  - h. The signs must also state the name of the permittee, Department's permit number along with a contact name and phone number.

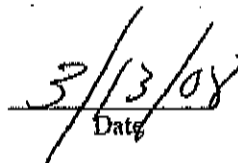
26. If the Division determines that the mitigation project is not constructed in conformance with the approved plan, the permittee will be notified in writing and will have 60 days to submit a proposal to indicate how the project will be corrected. No financial surety will be released by the Division until the permittee demonstrates that the mitigation project is constructed in conformance with the approved plan, all soil has been stabilized and there is no active erosion.
27. The permittee shall monitor the mitigation project for 5 full growing seasons if it is a proposed forested or scrub/shrub wetland and 3 full growing seasons for an emergent wetland or State open water beginning the year after the mitigation project has been completed. The permittee shall submit monitoring reports to the Division of Land Use Regulation no later than December 31<sup>st</sup> of each full monitoring year. All monitoring reports must include the standard items identified in the checklists entitled Wetland Mitigation Monitoring Project Checklist and Tidal Wetland Mitigation Monitoring Checklist and the information requested below. The Wetland Mitigation Monitoring Project Checklist and Tidal Wetland Mitigation Monitoring Checklist are located on the Internet at <http://www.nj.gov/dep/landuse/forms/index.html>.
28. All monitoring reports must include all of the following information:
- All monitoring reports except the final one must include documentation that it is anticipated, based on field data, that the goals of the wetland mitigation project including the transition area, as stated in the approved wetland mitigation proposal and the permit will be satisfied. If the permittee is finding problems with the mitigation project and does not anticipate the site will be a full success then recommendations on how to rectify the problems must be included in the report with a time frame in which they will be completed;
  - All monitoring reports except the final one must include field data to document that the site is progressing towards 85 percent survival and 85 percent area coverage of mitigation plantings or target hydrophytes (Target hydrophytes are non-invasive native species to the area and similar to ones identified on the mitigation planting plan). If the proposed plant community is a scrub/shrub or a forested wetland the permittee must also demonstrate each year with data that the woody species are thriving, increasing in stem density and height each year. If the field data shows that the mitigation project is failing to meet the vegetation survival, coverage and health goals, the monitoring report should contain a discussion of steps that will be taken to rectify the problem, including a schedule of implementation;
  - All monitoring reports except the final one must include documentation of any invasive or noxious species (see below for list of species) colonizing the site and how they are being eliminated. The permittee is required to eliminate either through hand-pulling, application of a pesticide or other Department approved method any occurrence of an invasive/noxious species on the mitigation site during the monitoring period;
  - All monitoring reports except the final one must include documentation that demonstrates the proposed hydrologic regime as specified in the mitigation proposal appears to be met. If the permittee is finding problems with the mitigation project and does not anticipate the proposed hydrologic regime will be or has not been met then recommendations on how to rectify the problem must be included in the report along with a time frame within which it will be completed;
  - The final monitoring report must include documentation to demonstrate that the goals of the wetland mitigation project including the required transition area, as stated in the approved wetland mitigation proposal and the permit, has been satisfied. Documentation for this report will also include a field wetland delineation of the wetland mitigation project based on techniques as specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989);

- f. The final monitoring report must include documentation the site has an 85 percent survival and 85 percent area coverage of the mitigation plantings or target hydrophytes. The permittee must also document that all plant species are healthy and thriving and if the proposed plant community contains trees demonstrate that the trees are at least five feet in height;
  - g. The final monitoring report must include documentation demonstrating the site is less than 10 percent occupied by invasive or noxious species such as but not limited to (Source: Snyder, David and Sylvan R. Kaufman. 2004. An overview of nonindigenous plant species in New Jersey. New Jersey Department of Environmental Protection, Division of Parks and Forestry, Office of Natural Lands Management, Natural Heritage Program, Trenton, New Jersey. 107 pages.): *Acer platanoides* (Norway Maple), *Ailanthus altissima*, (Tree of Heaven), *Allaria petiolo* (Garlic mustard), *Ampelopsis brevipedunculata* (Porecelain berry), *Berberis thunbergii* (Japanese barberry), *Carex kobomugi* (Japanese sedge), *Celastrus orbiculatus* (Asian Bittersweet), *Centaurea biebersteinii* *maculosa* (Spotted knapweed), *Cirsium arvense* (Canadian thistle), *Dipsacus fillosum* (Wild teasel), *Dipsacus laciniatus* (Cut-leaf teasel), *Elaeagnus umbellata* (Autumn olive), *Euonymus alata* (Winged spindle tree), *Lespedeza cuneata* (Chinese bush-clover), *Lonicera japonica* (Japanese honeysuckle), *Lonicera morrowii* (Morrow's bush honeysuckle), *Lonicera tartarica* (Tartarian honeysuckle), *Lythrum salicaria* (Purple loosestrife), *Melilotus officinalis* (Yellow sweetclover), *Microstegium vimineum* (Japanese stiltgrass), *Myriophyllum spicatum* (Eurasian water-milfoil), *Polygonum cuspidatum* (Japanese knotweed), *Polygonum perfoliatum* (Mile-a-minute), *Potamogeton crispus* (Curly leaf pondweed), *Ranunculus ficaria* (Lesser celandine), *Rhamnus cathartica* (Common buckthorn), *Robinia pseudoacacia* (Black locust), *Rosa multiflora* (Multiflora rose), *Rubus phoenicolasius* (Wineberry).
  - h. The final monitoring report must include documentation that demonstrates that the proposed hydrologic regime as specified in the mitigation proposal, which proves the mitigation site is a wetland has been satisfied. The documentation shall include when appropriate monitoring well data, stream gauge data, photographs and field observation notes collected throughout the monitoring period; and
  - i. The final monitoring report must include documentation that the site contains hydric soils or there is evidence of reduction occurring in the soil throughout the delineated wetlands.
29. Once the required monitoring period has expired and the permittee has submitted the final monitoring report, the Division will make the finding that the mitigation project is either a success or a failure. This mitigation project will be considered successful if the permittee demonstrates all of the following:
- a. That the goals of the wetland mitigation project including acreage and the required transition area, as stated in the approved wetland mitigation proposal and the permit, has been satisfied. The permittee must submit a field wetland delineation of the wetland mitigation project based on the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989) which shows the exact acreage of State open waters, emergent, scrub/shrub and/or forested wetlands in the mitigation area;
  - b. The site has an 85 percent survival and 85 percent area coverage of the mitigation plantings or target hydrophytes which are species native to the area and similar to ones identified on the mitigation planting plan. All plant species in the mitigation area are healthy and thriving. All trees are at least five feet in height;
  - c. The final monitoring report must include documentation demonstrating the site is less than 10 percent occupied by invasive or noxious species such as but not limited to (Source: Snyder, David and Sylvan R. Kaufman. 2004. An overview of nonindigenous plant species in New Jersey. New Jersey Department of Environmental Protection, Division of Parks and Forestry,

Office of Natural Lands Management, Natural Heritage Program, Trenton, New Jersey. 107 pages.): *Acer platanoides* (Norway Maple), *Ailanthus altissima* (Tree of Heaven), *Allaria petiolo* (Garlic mustard), *Ampelopsis brevipedunculata* (Porecelain berry), *Berberis thunbergii* (Japanese barberry), *Carex kobomugi* (Japanese sedge), *Celastrus orbiculatus* (Asian Bittersweet), *Centaurea biebersteinii* *maculosa* (Spotted knapweed), *Cirsium arvense* (Canadian thistle), *Dipsacus fillosum* (Wild teasel), *Dipsacus laciniatus* (Cut-leaf teasel), *Elaeagnus umbellata* (Autumn olive), *Euonymus alata* (Winged spindletree), *Lespedeza cuneata* (Chinese bush-clover), *Lonicera japonica* (Japanese honeysuckle), *Lonicera morrowii* (Morrow's bush honeysuckle), *Lonicera tartarica* (Tartarian honeysuckle), *Lythrum salicaria* (Purple loosestrife), *Melilotus officinalis* (Yellow sweetclover), *Microstegium vimineum* (Japanese stiltgrass), *Myriophyllum spicatum* (Eurasian water-milfoil), *Polygonum cuspidatum* (Japanese knotweed), *Polygonum perfoliatum* (Mile-a-minute), *Potamogeton crispus* (Curly leaf pondweed), *Ranunculus ficaria* (Lesser celandine), *Rhamnus cathartica* (Common buckthorn), *Robinia pseudoacacia* (Black locust), *Rosa multiflora* (Multiflora rose), *Rubus phoenicolasius* (Wineberry).

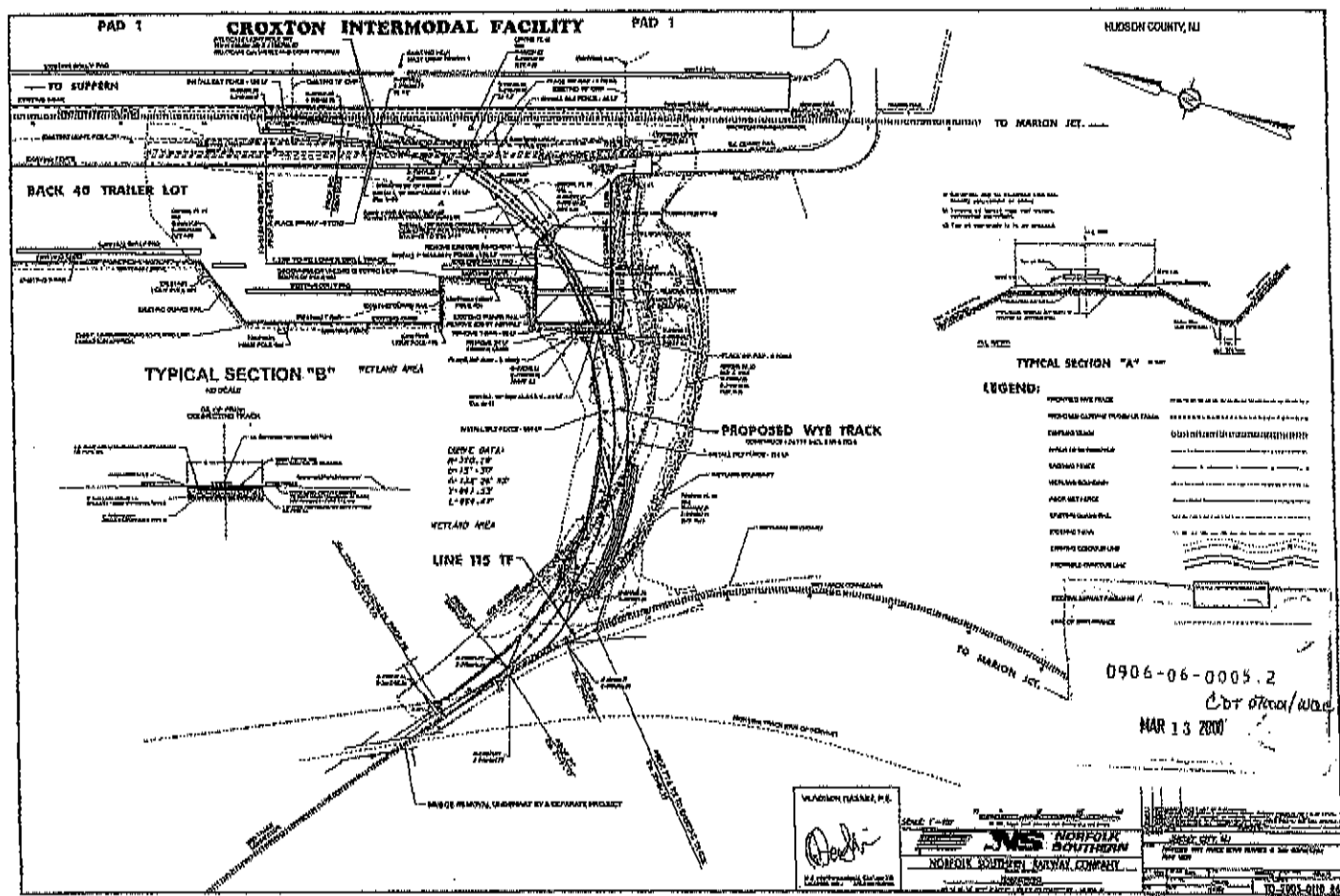
- d. The site contains hydric soils or there is evidence of reduction occurring in the soil; and,
  - e. The proposed hydrologic regime as specified in the mitigation proposal has been satisfied. This criteria must be satisfied to prove the mitigation site is a wetland.
30. All remaining financial surety, if required, will be released concurrent with the Division notifying the permittee that the mitigation project is a success.
  31. If the mitigation project is considered a failure, the permittee is required to submit a revised mitigation plan in order to meet the success criteria identified in Condition No. 28 above. The plan shall be submitted within 30 days of receipt of the letter from the Division indicating the wetland mitigation project was a failure. The financial surety, if required, will not be released by the Division until such time that the permittee satisfies the success criteria as stipulated in condition number 28.
  32. If the permittee fails to perform mitigation within the applicable time period the acreage of mitigation required shall be increased by 20% each year after the date mitigation was to begin.

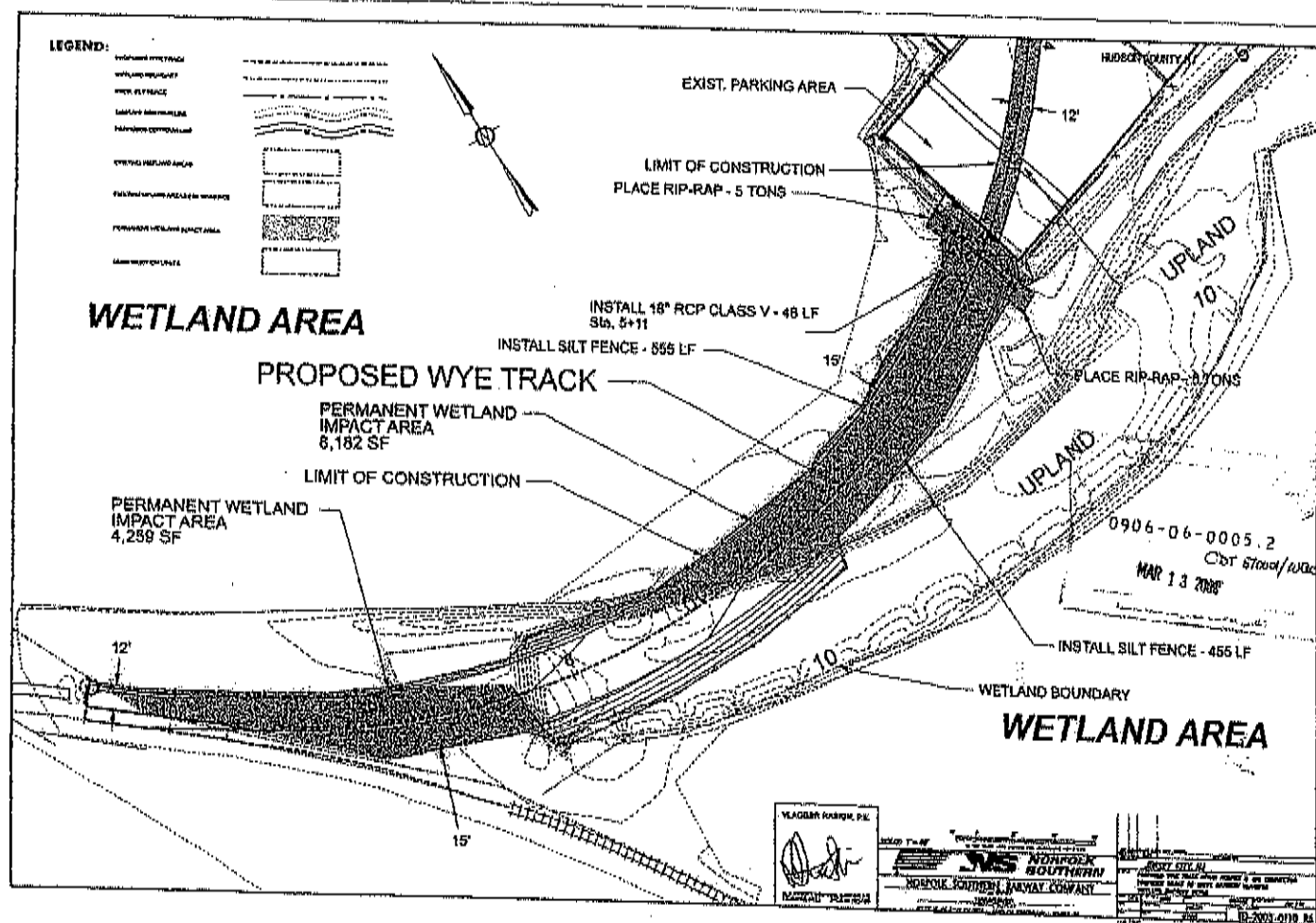
  
 Christopher Jones, Manager  
 Bureau of Urban Growth and Redevelopment

  
 Date

- C: Applicant  
 City of Jersey City Construction Official  
 Heather Striffler: ENSR/AECOM  
 2005 Cabot Blvd. West - Suite 100  
 Langhorne, PA 19047  
 Robert Jennings: ENSR/AECOM  
 4701 Cox Road - Suite 200  
 Glen Allen, VA 23060









DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NEW YORK 10278-0090

Regulatory Branch

FEB 12 2018

SUBJECT: Department of the Army Permit Number NAN-2006-00299 by Rockefeller Group Development Corporation, Foreign Trade Zone/Meadowlands, Final Wetland Mitigation Monitoring Report, December 2016, Jersey City, Hudson County, New Jersey

Goya 75th Acquisition Co., LLC  
c/o Mr. Peter Unanue  
Vice President  
350 County Rd  
Jersey City, NJ 07307

RECEIVED  
NISEA

SEP 16 2019

LAND USE MANAGEMENT

Dear Mr. Unanue:

On January 14, 2011, the New York District of the U.S. Army Corps of Engineers (USACE) confirmed the applicability of Nationwide General Permit Numbers 7, 14, and 18 (Permit Number NAN-2006-00299) to the Rockefeller Group Development Corporation. This permit authorized the discharge of fill into approximately 0.215 acres of waters of the United States to facilitate the construction and installation of a new culverted road crossing; the placement of rock riprap scour protection along an existing culverted road crossing and along the site's eastern property boundary, as well as minor grading activities along the site's northern property boundary. Authorized compensatory mitigation for the project required the permittee to establish and enhance approximately 0.576 acres of non-tidal emergent wetlands onsite and within the Hackensack River watershed, in the City of Jersey City, Hudson County, New Jersey. This office was notified by Langan Engineering and Environmental Services, Inc., that your firm purchased the subject property from Rockefeller Group Development Corporation, and have assumed the responsibilities of the authorized fill and compensatory mitigation site located on the subject property.

On October 12, 2017, a representative from this office performed a site investigation on the 0.576 acre wetland mitigation site situated on the subject property. Based on observations made during the recent site investigation, and the permittee's submittal of the five (5) required annual monitoring reports for the mitigation site, this office has determined that the 0.576 acre wetland mitigation site was successfully constructed in accordance with the Department of the Army authorized permit drawings. This office has additionally determined that the permittee has met the terms and conditions of the permit authorization and the required compensatory mitigation as specified by Special Conditions (A) through (E) of the attached Department of the Army permit authorization, by successfully establishing and enhancing 0.576 acres of wetland mitigation to compensate for the 0.215 acres of permanent fill in waters of the United States associated with the subject authorization.

PLEASE USE THE ABOVE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE WITH THIS OFFICE.

FEB 12 2018

SUBJECT: Department of the Army Permit Number NAN-2006-00299 by Rockefeller Group Development Corporation, Foreign Trade Zone/Meadowlands, Final Wetland Mitigation Monitoring Report, December 2016, Jersey City, Hudson County, New Jersey

Based on the above, Goya 75th Acquisition Co., LLC, is reminded as owner of the mitigation site, to implement the long term management of the site as described in Section 11.0 of the attached wetland mitigation plan entitled "Wetland Mitigation Plan For Rockefeller Group, Foreign Trade Zone/Meadowlands, Block 1002, Lot 2 (City Lot 99B), Block 1100, Lot 1 (City Lot 52C), Block 1101, Lot 1 (City Lots 51A & 7A), City of Jersey City, Hudson County, New Jersey", dated April 1, 2010, and last revised November 5, 2010.

If you have any questions regarding this matter please feel free to contact Jim Cannon, of my staff, at (917) 790-8412.

Sincerely,


  
Rosita Miranda  
Chief, Western Section

Attachments

1. USACE DA Permit Authorization dated 1/14/2011
2. Wetland Mitigation Plan Entitled "Wetland Mitigation Plan For Rockefeller Group, Foreign Trade Zone/Meadowlands, Block 1002, Lot 2 (City Lot 99B), Block 1100, Lot 1 (City Lot 52C), Block 1101, Lot 1 (City Lots 51A & 7A), City of Jersey City, Hudson County, New Jersey", dated April 1, 2010, and last revised November 5, 2010.

Cf: NJDEP

Langan Engineering and Environmental Services, Inc.

<b>Hudson County Recording Data Page</b> <b>Diane Coleman</b> <b>Hudson County Register</b>		<b>Official Use</b>	 20180126010000120 1/31 01/26/2018 09:26:21 AM EASE Bk: 0276 Pg: 653 Diane Coleman Hudson County, Register of Deeds Receipt No. 1324234
<b>Official Use Only-Realty Transfer Fee</b>			
Date of Document: <b>1/10/18</b>		Type of Document: <b>Easement</b>	
First Party Name: New Jersey Department of Environmental Protection		Second Party Name: Goya 75th Acquisition Co., LLC	
Additional Parties:			

<b>THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY</b>	
Block: 1001	Lot: 2.01
Municipality: <b>City of Jersey City</b>	
Consideration:	
Mailing Address of Grantee: Goya 75th Acquisition Co., LLC, 350 County Rd., Jersey City, NJ 07307	
<b>THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOKING &amp; PAGING INFORMATION FOR ASSIGNMENTS, RELEASES, SATISFACTIONS, DISCHARGES &amp; OTHER ORIGINAL MORTGAGE AGREEMENTS ONLY</b>	
Original Book:	Original Page:
<b>HUDSON COUNTY RECORDING DATA PAGE</b> Please do not detach this page from the original document as it contains important recording information and is part of the permanent record.	

**DISCLAIMER:**

A recording officer shall not be liable for differences between the cover sheet or the electronic synopsis and the document. If discrepancies are found, the entire document will be rejected.



Please record original easement and return to:

**Robert March**

Langan Engineering & Environmental Services, Inc.

300 Kimball Drive

Parsippany, NJ 07054

Prepared by: Sandra L. Gonzalez, Esq.  
350 County Road, Jersey City, NJ 07307  
Block 1001, Lot 2.01  
City of Jersey City, Hudson County, New Jersey

## **GRANT OF CONSERVATION RESTRICTION/EASEMENT**

This Grant of Conservation Restriction/Easement is made this 10<sup>th</sup> day of January 2018, by Goya 75<sup>th</sup> Acquisition Co., LLC, whose address is 350 County Road, Jersey City, NJ 07307, hereinafter referred to as "Grantor", in favor of the State of New Jersey Department of Environmental Protection ("NJDEP"), hereinafter referred to as the "Grantee".

### **WITNESSETH:**

**WHEREAS**, the Grantor is the owner in fee simple of certain real property located in the City of Jersey City, County of Hudson, New Jersey, designated as Block 1001, Lot 2.01, on the official Tax Map of the City of Jersey City, Hudson County Clerk or Recorder's Deed Book Number 8905, Page Number 975 (hereinafter the "Property"); and

**WHEREAS**, the Grantor has obtained a NJDEP Stream Encroachment Permit/Water Quality Certificate File No. 0906-05-0005.1 FHA060002/CDT050001, pursuant to the Flood Hazard Area Control Act N.J.S.A. 58:16A-50 et seq, for a land use development, attached hereto as **Exhibit A** (the "NJDEP Permit") and a United States Army Corps of Engineers ("USACE") Permit, USACE Permit File No. NAN-2006-00299, pursuant to the Rivers and Harbors Act of 1899, 33 U.S.C. 403, the Clean Water Act, 33 U.S.C. 1344, and regulations at 33 C.F.R. 320-331 attached hereto as **Exhibit B** (the "USACE Permit" together with the NJDEP Permit, the "Permits"); and

**WHEREAS**, the USACE Permit issued to the Grantor is conditioned upon the Grantor's recording of a Grantee and USACE approved conservation restriction/easement, for the mitigation site area (hereinafter the "Restricted Area" or "mitigation site area") as shown on a plan, entitled Wetland Mitigation Plan, Drawing 62.01, prepared by Langan Engineering and Environmental Services, dated March 30, 2010, last revised June 8, 2010, attached hereto as **Exhibit C** (hereinafter the "Plan"), and more particularly described on a legal description of the Restricted Area, attached hereto as **Exhibit D**; and

**WHEREAS**, the Grantor, having had the authority to do so, constructed a wetland mitigation project approximately 0.576 acres of property in the northwest portion of the Property as shown on the Plan; and

**WHEREAS**, the Grantee and the USACE desires to preserve the wetland mitigation site area in its enhanced state, so as to preserve and protect wetlands, open waters, and resident animal and plant species on the Restricted Area, including the air space and subsurface forever in its natural state; and

**WHEREAS**, the Grantee is authorized by N.J.S.A. 13:1D-9 to formulate comprehensive policies for the conservation of the natural resources, to promote environmental protection and prevent pollution of the environment of the State by N.J.S.A. 13:9A and N.J.S.A. 13:9B, and is authorized by N.J.S.A. 13:8B-3 to acquire and enforce conservation restrictions; and USACE policy provides for protection of aquatic resources in perpetuity pursuant to Regulatory Guidance Letter 02-02; and

**WHEREAS**, the Grantor, having the authority to do so, intends to enter into this Conservation Restriction in order to grant to the Grantee a Conservation Restriction / Easement to restrict subsequent development of the Restricted Area.

**NOW THEREFORE**, in consideration for the issuance of the Permits and for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and the facts recited above and the terms, conditions and restrictions contained herein, the Grantor hereby agrees that the Property shall be subject in perpetuity to the following conveyances, covenants and restrictions in favor of the Grantee and the USACE:

1. Grantor hereby conveys, transfers, assigns and grants to the Grantee a Conservation Restriction / Easement with respect to that portion of the Property as designated as the Restricted Area shown in **Exhibit C** and as described in **Exhibit D**.
2. Paragraphs 27, 28 and 29 below shall only be considered by the Grantee and the USACE in cases where the Grantee and USACE have determined that the de minimis modifications are in the public interest.
3. The Grantor shall ensure that the following activities shall not occur within the Restricted Area, with the exception of those activities that are specifically a construction or maintenance component of the mitigation plan approved as part of the DEP Permit or USACE Permit:
  - (a) Removal, excavation, or disturbance of the soil;
  - (b) Dumping or filling with any materials;
  - (c) Installation of structures;
  - (d) Placement of pavement or other impervious surface;
  - (e) There shall be no removal, destruction or cutting of trees or plants, planting of trees or plants, introduction of non-native animals and plants, grazing of domestic animals, or disturbance or change in the natural habitat in any manner, except as provided in par. 8 (c) below.
  - (f) The use of fertilizers, herbicides or pesticides that are not specifically approved under the wetlands mitigation plan;
  - (g) Taking any action to alter the hydrology of the Restricted Area;
  - (h) Any other activities constituting a regulated activity under the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 et seq. or N.J.A.C. 7:7A-2.2 (a) and 2.2 (b), as amended ("Regulated activities in freshwater wetlands and State open waters"). Any other activities constituting a regulated activity under N.J.A.C. 7:7A- 2.6, as amended, ("Regulated activities in transition areas");
  - (i) Any other activities constituting a regulated activity under the Rivers and Harbors Act of 1899, 33 U.S.C. 403, the Clean Water Act, 33 U.S.C. 1344 or USACE Regulations at 33 C.F.R. Parts 320-331 as amended.
4. The Restricted Area, including its air space and its subsurface, and any portion thereof shall not be included as part of the gross area of other property not subject to this Conservation Restriction/Easement



for the purpose of determining density, lot coverage, or open space requirements, under otherwise applicable laws, regulations or ordinances controlling land use and building density.

5. There shall be no other acts or uses detrimental to the preservation of the Restricted Area, including its air space and its subsurface in their natural state as a valuable component of a wetlands ecosystem.

6. The Grantor shall mark the boundaries of the Restricted Area using unobtrusive, permanent visual markers in a manner of the Grantee's and the USACE choosing, and to the Grantee's and the USACE satisfaction, within 30 days of recording this Grant. Grantor shall thereafter maintain such markers in good conditions. Examples include fence post, pipe in the ground, and survey markers.

7. This Conservation Restriction/Easement shall be a burden upon and shall run with the Property, and shall bind Grantor, its successors and assigns, in perpetuity. The Grantor shall give notice of this Conservation Easement/Restriction to all holders of any easements in the Restricted Area within 30 days of recording by the County Clerk or Recorder.

8. It is the purpose of this Conservation Restriction/Easement to assure that the Restricted Area will be maintained as such and to prevent any disturbance or development to that portion of the Property. To carry out this purpose, the following rights are granted to Grantee, and to the USACE as third-party rights of enforcement, by this Conservation Restriction/Easement:

- (a) To enter upon the Property in a reasonable manner and at reasonable times so as to assure compliance with the provisions of this Conservation Restriction/Easement;
- (b) In addition to the exercise of any other statutory or common law right, to enjoin any activity on, or use of, the Restricted Area that is inconsistent with the purpose of this Conservation Restriction/Easement and to enforce the restoration of such areas or features of the Restricted Area that may be damaged by inconsistent activity or use;
- (c) The right, but not the obligation, to monitor the condition of the rare plant and animal populations, plant communities, and natural and/or constructed habitats on the Restricted Area, and to manage them, if necessary, for their continued survival and quality on the Restricted Area. Such activities shall be in accordance with management practices of the Department of Environmental Protection, which may include, but not be limited to, mowing, fencing, trapping, prescribed burning, but these practices shall not be inconsistent with the maintenance or monitoring obligations under the USACE Permit (and referenced "Wetland Mitigation Plan") approving the mitigation.

9. Grantor shall provide the Grantee and the USACE telephonic and written notice of any transfer or change in ownership of any portion of the Restricted Area, including but not limited to the name and address of the new owner, at least one month prior to the day of the signing of those documents accomplishing the actual transfer or change in ownership.

10. In addition to, and not in limitation of, any other rights of the Grantee or the USACE hereunder or at law or in equity, if the Grantee or the USACE determines that a breach, default or violation ("Violation") of this Conservation Restriction/Easement has occurred or that a Violation is threatened, the Grantee or the USACE shall give written notice to Grantor of such Violation, setting forth the specifics thereof, and demand corrective action sufficient to cure the Violation. If the Grantor fails to cure the Violation after receipt of notice thereof from the Grantee or USACE, or under circumstances where the Violation cannot reasonably be cured within a time period dictated by the Grantee or USACE fails to begin curing such

Violation within the time period dictated by the Grantee or USACE, or fails to continue to diligently cure such Violation until finally cured, the Grantee or the USACE may bring an action at law or in equity in a court of competent jurisdiction:

- (a) to enjoin and/or cure such Violation,
- (b) to enter upon the Restricted Area and to take action to terminate and/or cure such Violation and or to cause the restoration of that portion of the Restricted Area affected by such Violation to the condition that existed prior thereto, or
- (c) to seek or enforce such other legal and/or equitable relief or remedies as the Grantee or USACE deems necessary or desirable to ensure compliance with the terms, conditions, covenants, obligations and purpose of this Conservation Restriction/Easement.

11. If the Grantee or the USACE, in either agency's discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the Restricted Area, the Grantee or the USACE may pursue its remedies under paragraph 10 above without prior notice to Grantor or without waiting for the period provided for cure to expire. The Grantee's or the USACE's rights under this paragraph shall apply equally in the event of either actual or threatened Violations of the terms of this Conservation Restriction/Easement. Grantor agrees that the Grantee's or USACE's remedies at law for any Violation of the terms of this Conservation Restriction/Easement are inadequate and that the Grantee or USACE shall be entitled to the injunctive relief described in this paragraph, both prohibitive and mandatory, in addition to such other relief to which the Grantee or USACE may be entitled, including specific performance. The above language shall in no event be interpreted to derogate or diminish the Grantee's rights and powers under the laws of the State of New Jersey for the protection of public health, safety and welfare.

12. Enforcement of the terms of this Conservation Restriction/Easement shall be at the discretion of the Grantee in consultation with the USACE and any forbearance by the Grantee in consultation with the USACE to exercise its rights under this Conservation Restriction/Easement in the event of any Violation by Grantor shall not be deemed or construed to be a waiver by the Grantee or USACE of such term or of any subsequent Violation or of any of the Grantee's or USACE's rights under this Conservation Restriction/Easement. No delay or omission by the Grantee or the USACE in the exercise of any right or remedy upon any Violation by Grantor shall impair such right or remedy or be construed as a waiver of such right or remedy.

13. Grantor agrees to reimburse the Grantee or the USACE for any costs incurred by the Grantee or USACE in enforcing the terms of this Conservation Restriction/Easement against Grantor, and including, without limitation, the reasonable costs of suit and attorneys' fees.

14. Subject to the provisions of paragraph 21 of this Grant, the Grantee and the USACE reserve the right to transfer, assign, or otherwise convey this Conservation Restriction/Easement to any other entity or person to facilitate the operation of and/or public use and enjoyment of the Restricted Area.

15. Any notice, demand, request, consent, approval or communication under this Conservation Restriction / Easement shall be sent by certified mail, return receipt requested or reliable overnight courier, addressed as follows:

*To Grantor:*

Goya 75<sup>th</sup> Acquisition Co., LLC  
350 County Road  
Jersey City, NJ 07307

*To the Grantee:*  
State of New Jersey  
Department of Environment Protection  
Division of Land Use Regulation  
And its successors and assigns

As of this date of this Conservation Restriction/Easement, Grantee's address for the purposes of notice is:

NJ Department of Environmental Protection  
Division of Land Use Regulation  
Mail Code 501-02A; P.O. Box 420  
Trenton, NJ 08625-0420

To the United States Army Corps of Engineers:

New York District  
Regulatory Branch  
Room 1937, 26 Federal Plaza  
New York, NY 10278-0090  
Attention: Chief, Regulatory Branch

16. A party may change the address or person to whom notices to it are required to be given by notice given in the manner above provided.

17. The Grantor reserves to itself, its successors or assigns, all rights as owners of the Property, including the right to engage in all uses of the Restricted Area not inconsistent with the purpose of this Conservation Restriction/Easement and the right to manage the Restricted Area in accordance with the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50, the Rivers and Harbors Act of 1899, 33 U.S.C. 403, the Clean Water Act, 33 U.S.C. 1344, and the USACE Regulations at 33 CFR 320-330

18. This instrument conveys no right of access by the general public to any portion of the Property.

19. The Grantor agrees to bear all costs and liabilities of any kind related to the operation, upkeep and maintenance of the Restricted Area, including any required fencing of the Restricted Area, as stated or shown in **Exhibits B** or **C**. The Grantor shall be responsible for acts of its own negligence consistent with the provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:8-1 et seq.

20. The Grantor agrees that the terms, conditions, restrictions and purposes of this Conservation Restriction/Easement will be inserted in any subsequent deed, subdivision deed, lease, sub-lease or other legal instrument by which the Grantor divests itself of any interest in any portion of the Property. Notwithstanding the failure of the Grantor to include the terms and restrictions of this instrument, it shall run with the land and be binding on all heirs, successors and assigns.

21. The Grantee agrees that it will assign its rights under this Conservation Restriction/Easement only to another governmental body or a charitable conservancy, and only in accordance with N.J.S.A. 13:8B-1 et seq. and N.J.S.A. 13:9B-1 et seq. 22. Notwithstanding anything contained herein to the contrary, any

modification or termination of this Conservation Restriction/Easement shall require the prior written approval of the Grantee and the USACE, their successors or assigns.

22. Notwithstanding anything contained herein to the contrary, any modification or termination of this Conservation Restriction/Easement shall require the prior written approval of the Grantee and the USACE, their successors or assigns.

23. This Conservation Restriction/Easement shall survive any merger of the fee and restriction interest in the Restricted Area.

24. In the event of a conflict between this Conservation Restriction/Easement and the final plans and specifications approved by the Grantee or the USACE in writing pursuant to either agency's Permit, the latter shall govern.

25. Taxes, Liens, Insurance.

- a. Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Property and Restricted Area. Grantor shall keep the Property and Restricted Area free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by Grantor.
- b. The Grantor agrees to pay any real estate taxes or other assessments levied on the Property and Restricted Area. If the Grantor becomes delinquent in payment of said taxes or assessments, such that a lien against the land is created, the Grantee, at its option, shall, after written notice to the Grantor and appropriate time to cure, have the right to purchase and acquire the Grantor's interest in said Property and Restricted Area or to take such other actions as may be necessary to protect the Grantee's interest in the Restricted Area and to assure the continued enforceability of this Conservation Restriction / Easement.

26. Miscellaneous.

- a. Unless superseded by federal law, the laws of the State of New Jersey shall govern the interpretation and performance of this Conservation Restriction/Easement.
- b. If any provision of this Conservation Restriction/Easement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Restriction/Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.
- c. This Conservation Restriction/Easement and the Permits set forth the entire agreement of the parties with respect to the Conservation Restriction/Easement and supersede all prior discussions, negotiations, understandings or agreements relating to the easement, all of which are merged herein. No alteration or variation of this Conservation Restriction/Easement shall be valid or binding unless contained in writing executed by the parties hereto.
- d. Should there be more than one Grantor, the obligations imposed by this Conservation Restriction/Easement upon each Grantor shall be joint and several.
- e. The covenants, terms, conditions and restrictions of this Conservation Restriction/Easement shall be binding upon, and inure to the benefit of, the parties hereto and all parties having or acquiring any right, title or interest in any portion of the Property,

including holders of subdivision deeds, and shall continue as a servitude running in perpetuity with the Property.

- f. The captions in this Conservation Restriction/Easement have been inserted solely for convenience of reference and are not a part of this Conservation Restriction / Easement and shall have no effect upon construction or interpretation.
- g. Execution of this Conservation Restriction/Easement does not constitute a waiver of the rights or ownership interest of the State of New Jersey in public trust property.
- h. This Conservation Restriction/Easement may be executed in any number of counterparts, all of which, taken together, shall constitute one and the same instrument.

27. The Grantor may undertake de minimis modifications of the Restricted Area that are approved by the Grantee in consultation with the USACE in writing prior to commencement of the modification. The Grantee in consultation with the USACE may approve a modification under the following conditions and with the following documentation:

- a. The modification results in an increased level of protection of the regulated resource; or
- b. The modification results in equivalent areas of resources protected; and
- c. The modification does not compromise the original protected resource.

28. If the Grantee in consultation with the USACE approves the Grantor's modification, the Grantor shall amend this instrument by preparing and submitting to the Grantee and USACE for review and approval:

- a. A revised plan and metes and bounds description for the area to be preserved under the modified Conservation Restriction/Easement (hereinafter the "Modification Documents"); and
- b. An Amended Conservation Restriction/Easement that reflects the modifications to the original Conservation Restriction/Easement, the justification for the modification, and that also includes the deed book and page of the title deed for the property or properties subject to the modified Conservation Restriction/Easement set forth in the Modification Documents.

29. The Grantor shall record the documents listed in paragraph 28, above, in the same manner and place as this original Conservation Restriction/Easement was recorded.

30. This Grant of Conservation Restriction/Easement may only be removed pursuant to N.J.S.A. 13:8B-1 et seq.

31. Pursuant to N.J.A.C. 7:7A-15.14 (c) each owner of the Property is required to notify the county and/or municipality of the Conservation Restriction/Easement whenever any application for a local approval involving this Property is submitted.

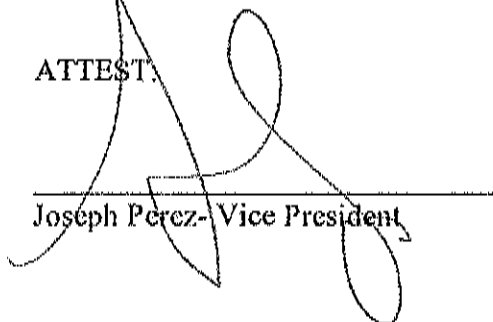
**TO HAVE AND TO HOLD** unto the State of New Jersey, Department of Environmental Protection, its successors and assigns forever. The covenants, terms, conditions, restrictions and purposes imposed with this Conservation Restriction/Easement shall not only be binding upon the Grantor but also upon its agents, personal representatives, assigns and all other successors to it in interest, and shall continue as a servitude running in perpetuity with the Property.

IN WITNESS WHEREOF, the Grantor has set its hand and seal on the day and year first above written, and directs that this instrument be recorded in the office of the Hudson County Clerk or Recorder.

Goya 75<sup>th</sup> Acquisition Co., LLC  
Grantor


By:   
Peter Unanue- Vice President

ATTEST:

  
Joseph Perez- Vice President

STATE OF NEW JERSEY  
COUNTY OF HUDSON

Be it remembered that on this 10th day of January, 2018, before me, the subscriber, a Notary Public of New Jersey, personally appeared: Peter Unanue Vice President, and he thereupon acknowledged that he signed the foregoing instrument (in such capacity), and that said instrument is the voluntary act of deed of said company (made by virtue of authority from its Member).

  
Gloria E. Rosas, Notary Public of N.J.

A Notary Public of New Jersey

My Commission Expires: 3/2/22

Attachments required: NJDEP Approved Permit – **Exhibit A**  
USACE Approved Permit – **Exhibit B**  
Wetland Mitigation Plan – **Exhibit C**  
Metes and Bounds Description – **Exhibit D**







**STANDARD CONDITIONS:**

1. **Extent of approval:** This document grants permission to perform certain activities that are regulated by the State of New Jersey. The approved work is described by the text of this permit and is further detailed by the approved drawings listed below. All work must conform to the requirements, conditions and limitations of this permit and all approved drawings. You must keep a copy of this permit and all approved drawings readily available for inspection at the work site. Approved work may be altered only with the prior written approval of the Department. If you alter the project without prior approval, or expand work beyond the description of this permit, you may be in violation of State law and may be subject to fines and penalties.
2. **Acceptance of permit:** If you begin any activity approved by this permit, you thereby accept this document in its entirety and agree to adhere to all terms and conditions. If you do not accept or agree with this document in its entirety, **do not** begin construction. You are entitled to request an appeal within a limited time as detailed on the attached *Administrative Hearing Request Checklist and Tracking Form*. You may also contact the project manager shown on the first page if you have any questions or concerns about this document.
3. **Recording with County Clerk:** You must record this permit in the Office of the County Clerk for each county involved in this project. You must also mail or fax a copy of the front page of this permit to the Department showing the received stamp from each County Clerk within 30 days of the issuance date (or 90 days if multiple counties are involved). The Department's address and fax number are shown on the first page of this permit.
4. **Notice of Construction:** You must notify the Department in writing at least 7 days before you begin any work approved by this permit. The Department's address and fax number are shown on the first page of this permit. Please direct your letter to the project manager shown on the first page.
5. **Expiration date:** All activities authorized by this permit must be completed by the expiration date shown on the first page. At that time, this permit will automatically become invalid and none of the approved work may begin or continue until a replacement permit is granted. (Some coastal permits may qualify for an extension of the expiration date. Please contact the Department for further information.)
6. **Rights of the State:** This permit is revocable and subject to modification by the State with due cause. The State may inspect the work site and may suspend construction if work does not comply with this permit. This permit does not grant property rights. The issuance of this permit shall not affect any action by the State on future applications, nor affect the title or ownership of property, nor make the State a party in any suit or question of ownership.
7. **Other responsibilities:** You must obtain all necessary local, Federal and other State approvals before you begin work. All work must be stabilized in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey*, and all fill material must be free of toxic pollutants in toxic amounts as defined in section 307 of the Federal Act.

**SPECIAL CONDITIONS IN ADDITION TO THE STANDARD CONDITIONS:**

8. In order to protect the general game fishery within Penhorn Creek, any proposed grading or construction activities within the banks of this or any other watercourse on site are prohibited between May 1<sup>st</sup> and July 31<sup>st</sup> of each year. In addition, any activity within the 100-year flood plain or flood hazard area of this watercourse that could introduce sediment into said watercourse or that could cause an increase in the natural level of turbidity is also

prohibited during this period. The Department reserves the right to suspend all regulated activities on site should it be determined that the applicant has not taken proper precautions to ensure continuous compliance with this condition.

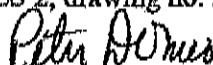
9. The applicant must make specific arrangements to ensure the continuous maintenance and efficient operation of all proposed water quality measures on this site in accordance with the Department's Best Management Practices Manual. This includes, but is not limited to the cleaning and inspection of all water quality inlets, devices and stormwater management basins at least 4 times a year and after every major storm, and the continuous implementation of appropriate soil conservation practices within any basins, grassed swales, stormwater outfall structures and other similar appurtenances throughout the site in order to limit soil erosion and sediment discharge into adjacent waterways.
10. All necessary local, Federal, and other State approvals must be obtained by the applicant prior to the commencement of the herein-permitted activities. Approvals from the following may be required: local Soil Conservation District.
11. Consistency with the Arcawide Water Quality Management Plan

This project has not been reviewed for consistency with the applicable Arcawide Water Quality Management Plan or the Statewide Water Quality Management Planning Rules at N.J.A.C. 7:15. As such, this authorization shall not be construed as any type of consistency determination for any sewage generating structures on the project site. There shall be no development unless and until the proposed sewage generating structures have been found to be consistent with the appropriate Arcawide Water Quality Management Plan. For information regarding the water quality planning process, please contact the Department's Division of Watershed Management at (609) 984-6888.

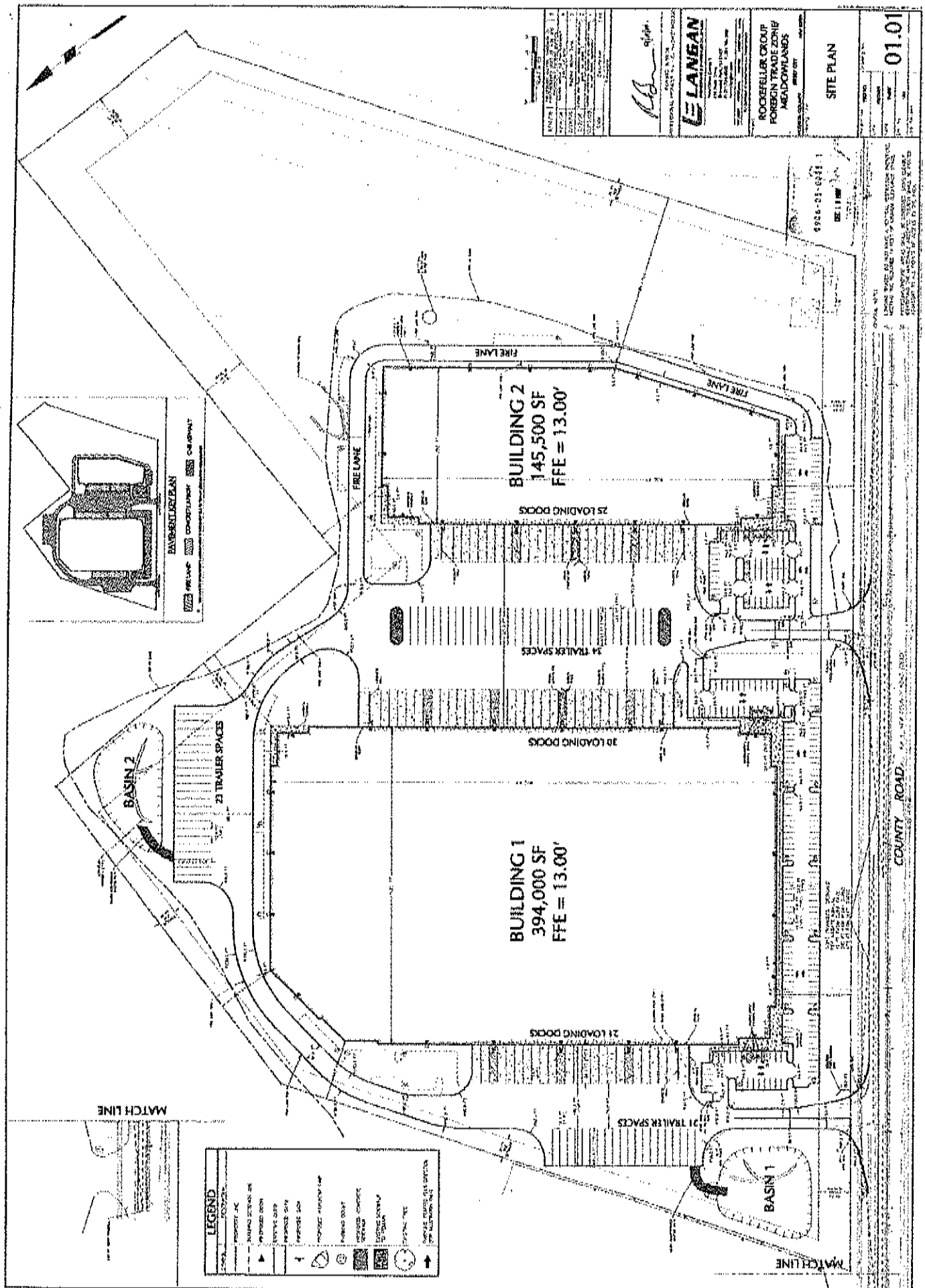
12. The drawings hereby approved are seven (7) sheets prepared by Langan Engineering & Environmental Services dated September 20, 2005, last revised September 18, 2006, unless noted otherwise, and entitled:

"ROCKEFELLER GROUP FOREIGN TRADE ZONE / MEADOWLANDS JERSEY CITY HUDSON COUNTY NEW JERSEY"

- SITE PLAN, drawing no. 01.01,
- GRADING & DRAINAGE PLAN, drawing no. 21.01,
- UTILITY PLAN, drawing no. 22.01,
- STORM SEWER PROFILES 1, drawing no. 27.01,
- STORM SEWER PROFILES 2, drawing no. 27.02,
- DETAILS 1, drawing no. 28.01, last revised September 19, 2006,
- DETAILS 2, drawing no. 28.02.

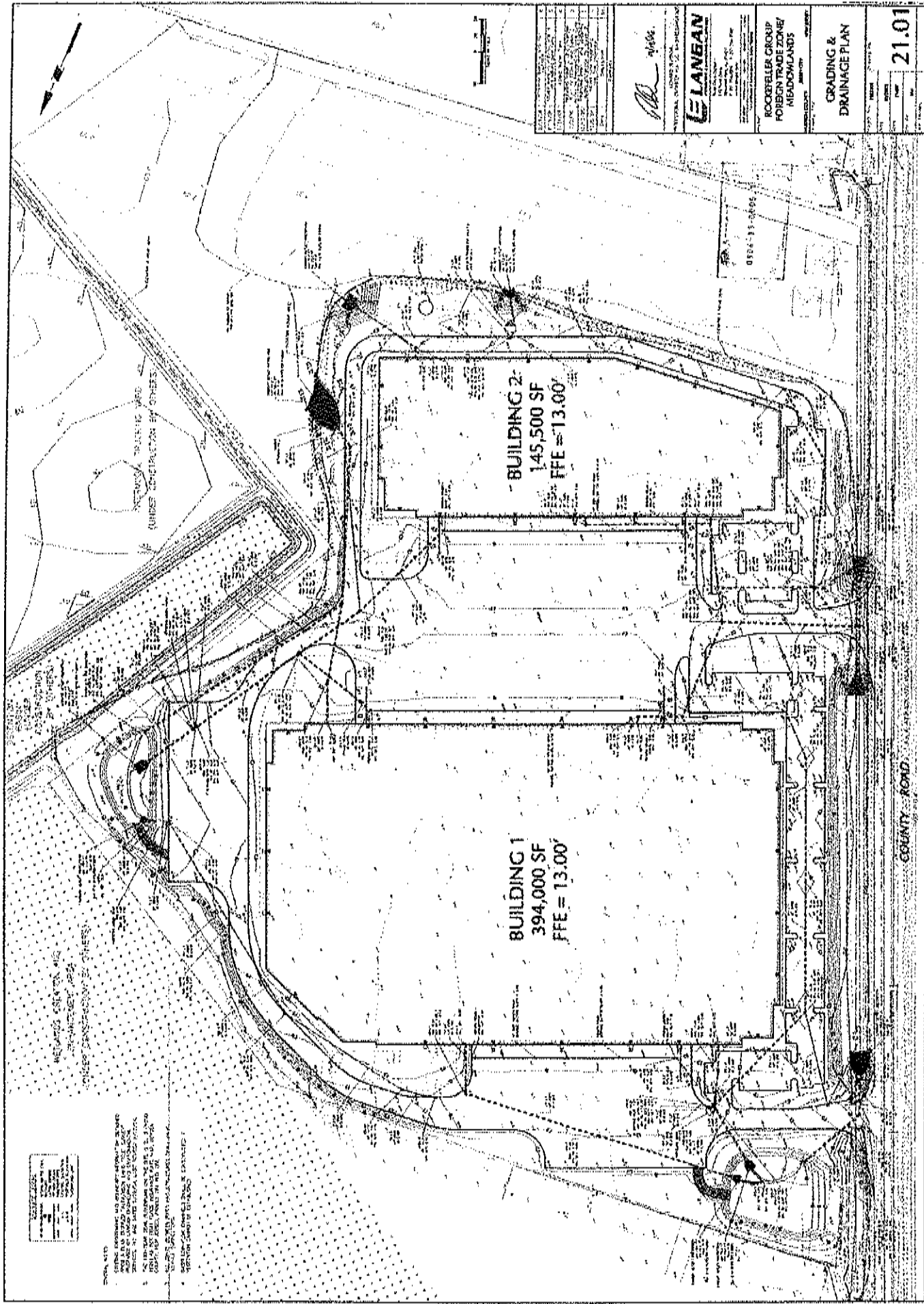
  
Peter DeMeo, P.E., Acting Section Chief  
Bureau of Inland Regulation

  
Date



NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	10/1/00
2	ISSUED FOR CONSTRUCTION	10/1/00
3	ISSUED FOR AS-BUILT	10/1/00
4	ISSUED FOR RECORD	10/1/00
5	ISSUED FOR FINAL	10/1/00

- NOTES:
1. ALL DIMENSIONS ARE IN FEET AND INCHES.
  2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
  3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
  4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
  5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.



<b>EL LANGRAN</b> ENGINEERS & ARCHITECTS 10000 13TH AVENUE DENVER, CO 80231 TEL: 303.755.1234 FAX: 303.755.1235 WWW.ELLANGRAN.COM		PROJECT NO. 00100-13-0000 SHEET NO. 21.01 DATE 10/1/00
ROOSEVELT GROUP FOREIGN TRADE ZONE HEADQUARTERS		GRADING & DRAINAGE PLAN

**Exhibit B – USACE Permit**



DEPARTMENT OF THE ARMY  
NEW YORK DISTRICT, CORPS OF ENGINEERS  
JACOB K. JAVITS FEDERAL BUILDING  
NEW YORK, N.Y. 10278-0080

JAN 14 2011

REPLY TO  
ATTENTION OF:

Regulatory Branch

SUBJECT: Permit Application Number NAN-2006-00299  
by Rockefeller Group Development Corporation

Langan Engineering and Environmental Services, Inc.  
C/o Mr. David Charette, P.W.S., LEED-AP  
River Drive Center 1  
Elmwood Park, New Jersey 07407

Dear Mr. Charette:

On May 22, 2006, the New York District of the U.S. Army Corps of Engineers (USACE) confirmed the applicability of nationwide general permits (specifically Numbers 7, 14, and 18) for a project proposed by the Rockefeller Group Development Corporation. This nationwide permit approval authorized the discharge of fill material into 0.225 acres of Waters of the United States to facilitate the construction and installation of a culverted road crossing, four outfall structures, and minor grading activities associated with the development of two commercial warehouses. To compensate for the aquatic impacts associated with the proposed project, the permittee was required, as stipulated in Special Condition (A) of the approval, to purchase 0.45 wetland credit acres from a federally approved wetland mitigation bank prior to initiating any activities authorized by the permit. The project site is located within the Hackensack River watershed, in the City of Jersey City, Hudson County, New Jersey.

On March 16, 2010 a meeting was held at the USACE office with the permittee followed by a March 18, 2010 site investigation with Langan Engineering and Environmental Services, Inc. During the meeting and site investigation, it was confirmed that approximately 0.041 acres of onsite Waters of the United States had been impacted as a result of construction activities associated with the project. It was additionally confirmed that the required wetland mitigation credit acres specified in Special Condition (A) of the authorization, had not been purchased by the permittee prior to the initiation of the aquatic impacts. As a result, it was determined by this office that the permittee was not in compliance with Special Condition (A) of the subject authorization.

SUBJECT: Permit Application Number NAN-2006-00299  
by Rockefeller Group Development Corporation

On April 12, 2010, the USACE received a revised permit application submittal to confirm the applicability of nationwide general permits (specifically Numbers 7, 14, and 18) for the Rockefeller Group Development Corporation project. This submittal stated that the overall permanent wetland impacts associated with the project had been reduced from the previously authorized 0.225 acres to 0.215 acres. It was additionally stated that the 0.215 acres of total permanent wetland impacts associated with the revised project design included the previously unauthorized 0.041 acres of wetland fill.

The subsequent submittal drawing entitled "Rockefeller Group Foreign Trade Zone/Meadowlands, Jersey City, Hudson County, New Jersey, Wetland Impact Plan", Sheet 61.02, prepared by Langan Engineering and Environmental Services, dated September 20, 2005 and last revised February 22, 2007, indicates that approximately 0.041 acres of onsite waters of the United States were previously filled to facilitate the placement of a rock riprap apron (approximately 0.021 acres) within a drainage ditch along the sites southern property boundary, and a new rock riprap culvert (approximately 0.02 acres) along the site's northeastern property boundary. The remaining jurisdictional activities associated with the project would include discharging fill material into approximately 0.174 acres of waters of the United States to facilitate:

1. the construction and installation of a new culverted road crossing and associated rock riprap scour protection, and the placement of rock riprap scour protection along an existing culverted road crossing (0.162 acres);
2. the placement of rock riprap scour protection along the site's eastern property boundary as part of the construction of a new outfall (0.008 acres); and
3. minor grading activities along the site's northern property boundary (0.004 acres).

To compensate for the previously unauthorized 0.041 acres of wetland impacts, and the remaining 0.174 acres of wetland impacts associated with the project, Langan Engineering and Environmental Services, Inc., on behalf of the permittee, submitted a wetland mitigation plan entitled "Wetland Mitigation Plan for Rockefeller Group, Foreign Trade Zone/Meadowlands, Block 1002, Lot 2 (City Lot 99B), Block 1100, Lot 1 (City Lot 52C), Block 1101, Lot 1 (City Lots 51A and 7A), City of Jersey City, Hudson County, New Jersey", dated April 1, 2010, and last revised November 5, 2010. The

SUBJECT: Permit Application Number NAN-2006-00299  
by Rockefeller Group Development Corporation

subsequent mitigation plan drawings entitled "Rockefeller Group Foreign Trade Zone/Meadowlands, Jersey City, Hudson County, New Jersey, Wetland Mitigation Plan", Sheet 62.01 and "Rockefeller Group Foreign Trade Zone/Meadowlands, Jersey City, Hudson County, New Jersey, Wetland Mitigation Notes", Sheet 62.02, prepared by Langan Engineering and Environmental Services, and dated March 30, 2010, indicate that approximately 0.143 acres of emergent wetlands would be established onsite and an additional 0.433 acres of existing onsite emergent wetlands dominated by common reed would be enhanced. The established wetland mitigation component would consist of excavating approximately 1 foot below the final proposed grade (1 foot Northern Geodetic Vertical Datum, NGVD) to match the adjacent wetland area grades. The area would then be backfilled with 1 foot of top soil. Native hydrophytic vegetation including soft rush (*Juncus effusus*), black grass (*Juncus gerardii*), rice cut grass (*Leersia oryzoides*), wool grass (*Scirpus cyperinus*) and blue flag iris (*Iris versicolor*) would be planted in the area. The sloped upland areas adjacent to the established wetlands would be planted with groundsel tree (*Baccharis halimifolia*), sassafras tree (*Sassafras albidum*) and bayberry (*Myrica pennsylvanicum*). The proposed wetland enhancement activities would include first removing all invasive common reed from the area and then planting the site as described above. The mitigation activities would take place along the sites northwest property boundary, and all sediments excavated within the wetland establishment area would be disposed of offsite at a state approved upland site.

By letter dated March 17, 2006, this office confirmed the extent of waters of the United States on the subject property. These jurisdictional waters of the United States, totaling approximately 11.33 acres are considered to be part of a tributary system that is under the jurisdiction of the U.S. Army Corps of Engineers.

Based information submitted to this office, and accomplishment of notification in accordance with the applicable federal requirements, our review of the project indicates that an individual permit is not required. It appears that the activities within the jurisdiction of this office could be accomplished under Department of the Army Nationwide General Permit Numbers 7, 14, and 18. These nationwide permits are prescribed as a Reissuance of Nationwide Permits in the Federal Register dated March 12, 2007 (72 FR 11092). The work may be performed without further authorization



SUBJECT: Permit Application Number NAN-2006-00299  
by Rockefeller Group Development Corporation

from this office provided the activity complies with the permit conditions listed in Section B, Numbers 7, 14 and 18, Section C, the following special conditions (A) through (J), and any applicable regional conditions added by the State of New Jersey, copies enclosed.

Special Conditions

(A) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

(B) Prior to or concurrent with the work authorized by this permit, with the mitigation construction activities to be completed no later than December 31, 2012, the permittee shall accomplish compensatory mitigation through the successful establishment of approximately 0.143 acres of non-tidal emergent wetlands and the enhancement of approximately 0.433 acres of existing non-tidal emergent wetlands dominated by common reed (*Phragmites australis*), as stipulated in the wetland mitigation plan entitled "Wetland Mitigation Plan for Rockefeller Group, Foreign Trade Zone/Meadowlands, Block 1002, Lot 2 (City Lot 99B), Block 1100, Lot 1 (City Lot 52C), Block 1101, Lot 1 (City Lots 51A and 7A), City of Jersey City, Hudson County, New Jersey", dated April 1, 2010, and last revised November 5, 2010.

(C) The permittee shall ensure that all plantings in conjunction with the mitigation effort shall have an eighty-five (85) percent survival and/or coverage rate which must be met or exceeded at the end of the second growing season following the initial planting/seeding of each phase. If the eighty-five (85) percent survival rate is not met at the end of the second growing season following each phase, the permittee shall take all necessary measures to ensure the level of survival by the end of the next growing season, including re-planting and re-grading if necessary. In addition, in areas where no individual plantings are currently proposed, if appropriate and sufficient vegetation is not present

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by Rockefeller Group Development Corporation

by the end of the second growing season, the permittee shall take all necessary steps, including individual plantings in order to achieve a plant density comparable to the adjacent wetland.

(D) The permittee shall provide to this office annual reports on the status of the mitigation activities, prepared during the growing season, no later than October 31 in each of the following five (5) years after initiation of the activities authorized by this letter. These reports shall include the following at a minimum:

i. All plant species, along with their estimated relative frequency and percent cover, shall be identified by using plots measuring 10 feet by 10 feet with at least one representative plot located in each of the habitat types within the mitigation site. The location of each plot shall be identified on the plan view engineering drawing.

ii. Vegetation cover maps, at a scale of one inch equals 100 feet, or larger scale, shall be prepared for each growing season.

iii. Photographs showing all representative areas of the mitigation site/s shall be taken at least once each year during the period between 1 June and 15 August.

iv. Surface water and groundwater elevations in representative areas of the mitigation site/s shall be recorded twice a month during April through September of each year. The location of the monitoring well or gauge shall be shown on the plan view engineering drawing.

(E) The permittee shall ensure that no mowing of the mitigation area shall occur.

(F) The permittee shall undertake the authorized filling activities in a manner aimed at reducing impacts upon the general environment. In addition, the permittee shall not stockpile fill or other materials in a manner conducive to erosion, or in areas likely to cause high turbidity runoff during storm events. All exposed soils shall be re-vegetated in a timely manner to further reduce potential effects. The permittee shall also fence off all wetlands and other sensitive ecological areas during construction periods to prevent equipment and personnel from entering these areas.

SUBJECT: Permit Application Number NAN-2006-00299  
by Rockefeller Group Development Corporation

(G) The permittee shall secure a conservation easement on the wetland mitigation site to guarantee its preservation for wetland and wildlife resources. Copies of the instrument(s) effecting such easement shall be executed and recorded with the Hudson County Registrar of Deeds within one year following the initial plantings/seedings of the mitigation site. A copy of the executed conservation easement shall be submitted to this office within 60 days of it being recorded with the Hudson County Registrar of Deeds.

(H) There shall be no use of any vehicle or mechanical conveyance which may alter or impair the natural contour or natural vegetation on the property protected by the conservation easement, except that motor vehicles may be used in case of emergency, for law-enforcement purposes, or for compliance and monitoring compliance with the purposes of this permit or the conservation easement.

(I) The permittee warrants that it owns, in fee, the property protected by the conservation easement, and that it owns all interests in the protected property that may be impaired by the granting of the conservation easement. The permittee further warrants that there are no outstanding mortgages, liens, encumbrances, leases or other interests in the protected property that have not been expressly subordinated to the conservation easement. The permittee further warrants that no structures of any kind, to include roads, trails or walkways, and no violations of the restrictions of the conservation easement exist on the Protected Property as of the date of execution of this permit.

(J) The permittee shall assume all liability for accomplishing the corrective work should the New York District determine that the compensatory mitigation has not been fully satisfactory. If the New York District does not find the mitigation satisfactory, an extension of monitoring time may be required to cover any necessary remedial work.

This determination covers only the work described in the submitted material. Any major changes in the project may require additional authorizations from the New York District. Care should be taken so that construction materials, including debris, do not enter any waterway to become drift or pollution hazards. You are to contact the appropriate state and local government officials to ensure that the subject work is performed in compliance with their requirements.

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by Rockefeller Group Development Corporation

This verification is valid for a period of two years from the date of this letter, unless the nationwide permit is modified, reissued, or revoked. This verification will remain valid for two years from the date of this letter if the activity complies with the terms of any subsequent modifications of the nationwide permit authorization. If the nationwide permits are suspended, revoked, or modified in such a way that the activity would no longer comply with the terms and conditions of a nationwide permit, and the proposed activity has commenced, or is under contract to commence, the permittee shall have 12 months from the date of such action to complete the activity.

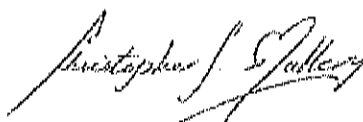
This authorization is conditional on the applicant's receipt of the required water quality certificate or waiver from the New Jersey Department of Environmental Protection (NJDEP). No work may be accomplished until the required approval from the NJDEP has been obtained.

Within 30 days of the completion of the activity authorized by this permit and any mitigation required by this permit, you are to sign and submit the attached compliance certification form to this office.

In order for us to better serve you, please complete our Customer Service Survey located at  
<http://www.nan.usace.army.mil/business/buslinks/regulat/survey.htm>

If any questions should arise concerning this matter, please contact James Cannon, of my staff, at (917) 790-8412.

Sincerely,



Christopher S. Mallery, PhD.  
Chief, Western Permits Section

Enclosures  
cf: NJDEP  
NJMC

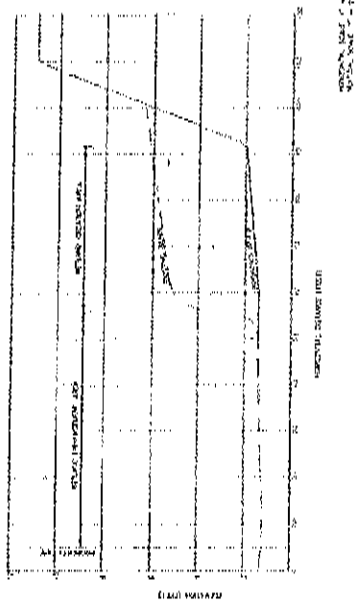
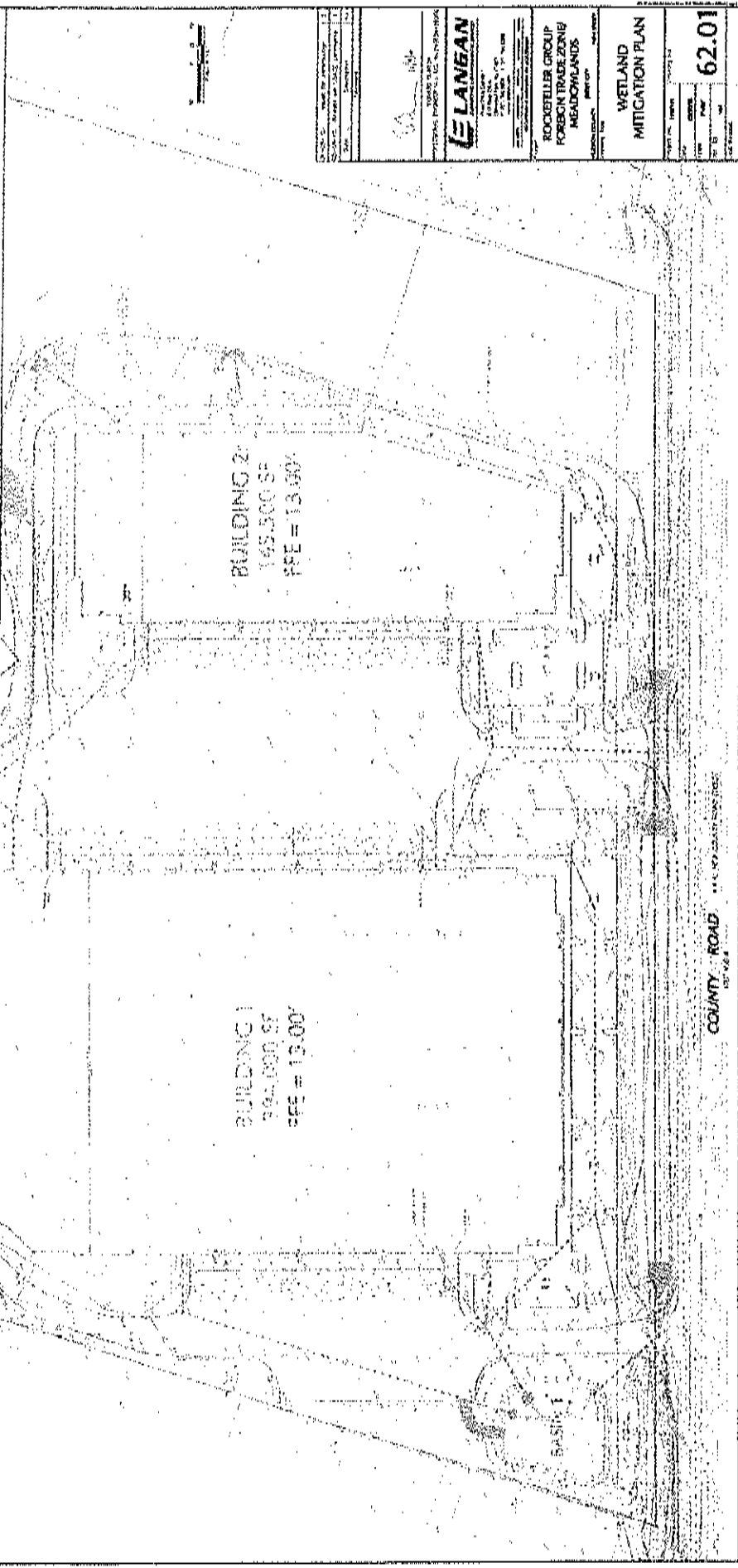


1. DESIGN CONSTRUCTION AND REMEDIATION INFORMATION SHOWN ON THIS PLAN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE DESIGNER'S FIELD SURVEY. THE DESIGNER HAS NOT CONDUCTED A FIELD SURVEY OF THE PROJECT AREA SINCE THE DESIGN INFORMATION IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE DESIGNER'S FIELD SURVEY.
2. THE DESIGNER HAS CONDUCTED A FIELD SURVEY OF THE PROJECT AREA SINCE THE DESIGN INFORMATION IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE DESIGNER'S FIELD SURVEY.

WETLANDS ARE SHOWN BY HATCHING. THE HATCHING IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE DESIGNER'S FIELD SURVEY. THE DESIGNER HAS NOT CONDUCTED A FIELD SURVEY OF THE PROJECT AREA SINCE THE DESIGN INFORMATION IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE DESIGNER'S FIELD SURVEY.

WETLANDS ARE SHOWN BY HATCHING. THE HATCHING IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE DESIGNER'S FIELD SURVEY. THE DESIGNER HAS NOT CONDUCTED A FIELD SURVEY OF THE PROJECT AREA SINCE THE DESIGN INFORMATION IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND THE DESIGNER'S FIELD SURVEY.

# SECTION A-A'



BUILDING 2  
145,500 SF  
PFE = 13.00'

BUILDING 1  
394,000 SF  
PFE = 13.00'

COUNTY ROAD

WETLAND  
MITIGATION PLAN

62.01

ELANGAN

ROCKFELLER GROUP  
FOREIGN TRADE ZONE  
HATCHLANDS



**Exhibit D - Metes and Bounds**

November 27, 2017  
100224601

**WRITTEN DESCRIPTION  
WETLAND MITIGATION AREA  
BLOCK 1001 LOT 2.01  
IN THE CITY OF JERSEY CITY  
HUDSON COUNTY, NEW JERSEY**

Commencing at point on the easterly line of County Road (a/k/a New County Road), 100 feet wide, where the same is intersected by the dividing line between lands now or formerly of Goya 75<sup>th</sup> Acquisition Co., LLC, described in Deed Book 8866 at Page 103, and other lands of Goya 75<sup>th</sup> Acquisition Co., LLC, described in Deed Book 8905 at Page 975, and running; thence

- A.) Along said division line, North 85°33'10" East, a distance of 958.82 feet to a point on the dividing line between lands now or formerly of Goya 75<sup>th</sup> Acquisition Co., LLC and lands now or formerly of 20 Aquarium Drive, LLC, described in Deed Book 8302 at Page 116, and being the Point of Beginning; thence
1. Along said dividing line, South 59°39'31" East a distance of 590.00 feet to a point on the dividing line between lands now or formerly of Goya 75<sup>th</sup> Acquisition Co., LLC and lands now or formerly of 20 Aquarium Drive, LLC; thence
  2. Along said dividing line, South 28°05'23" West, a distance of 20.29 feet to a point; thence

The following fifteen (15) courses through lands of Goya 75<sup>TH</sup> Acquisition Co., LLC:

3. Leaving said dividing line, North 59°29'17" West a distance of 9.34 feet to a point; thence
4. South 49°52'56" West a distance of 8.03 feet to a point of curvature; thence
5. Southwesterly, on a curve to the left, having a radius of 89.67 feet, an arc distance of 18.53 feet, a central angle of 11°50'26" and a chord which bears South 43°57'43" West, a distance of 18.50 feet to a point of non-tangency; thence
6. South 88°15'16" West, a distance of 5.68 feet to a point of non-tangent curvature; thence
7. Northerly, on a curve to the left, having a radius of 56.64 feet, an arc distance of 21.98 feet, a central angle of 22°14'12" and being subtended by a chord which bears North 31°52'10" West, a distance of 21.84 feet to a point of tangency; thence
8. North 42°59'16" West, a distance of 31.93 feet to a point; thence
9. North 49°34'39" West, a distance of 17.62 feet to a point; thence
10. North 55°52'46" West, a distance of 17.97 feet to a point; thence
11. North 68°49'55" West, a distance of 133.27 feet to a point; thence



12. South 66°26'14" West, a distance of 42.38 feet to a point; thence
13. North 73°58'06" West, a distance of 26.40 feet to a point; thence
14. North 53°37'14" West, a distance of 35.08 feet to a point of non-tangent curvature; thence
15. Northerly, on a curve to the left, having a radius of 252.26 feet, an arc distance of 206.00 feet, a central angle of 46°47'19" and a chord which bears North 43°13'44" West, a distance of 200.32 feet to a point of non-tangency; thence
16. North 67°02'50" West, a distance of 77.84 feet to a point; thence
17. North 33°18'28" East, a distance of 36.91 feet to the Point of Beginning.

Encompassing an area of 25,100 square feet or 0.576 acre, more or less.

This description is prepared in accordance with a sketch titled "Goya 75<sup>th</sup> Acquisition Co., LLC, Wetland Mitigation Area" prepared by Langan Engineering & Environmental Services, Inc., dated November 27, 2017, Sheet SK101.

 11/29/17

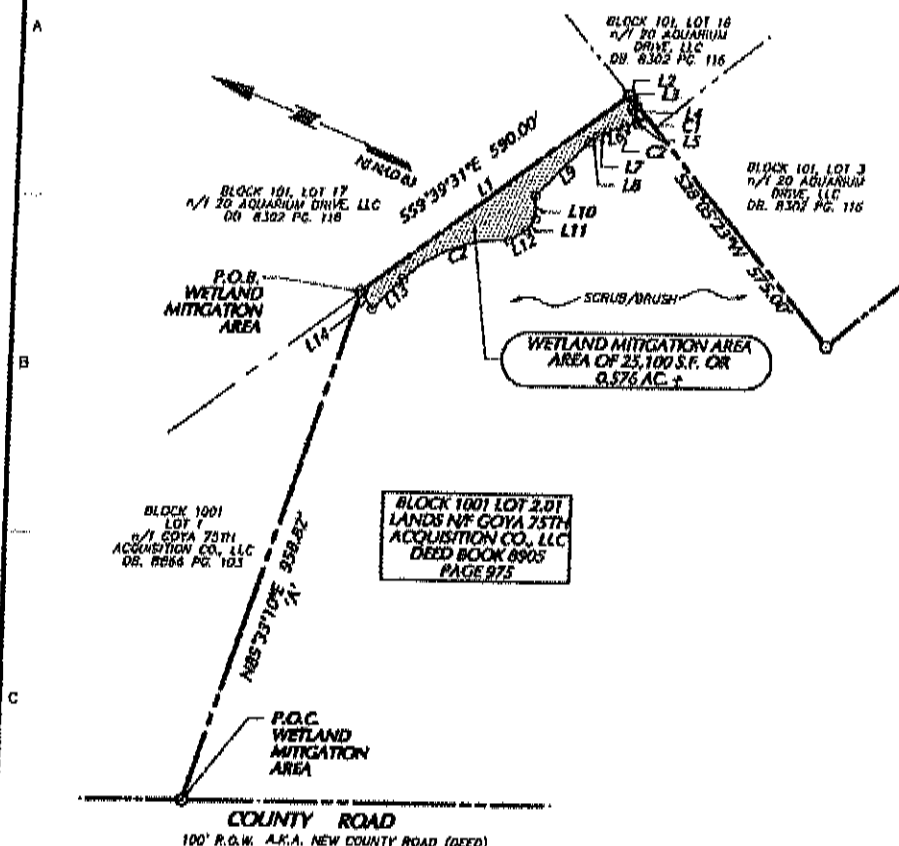
David R. Avery

Professional Land Surveyor

New Jersey License No. 24GS03964600

\\langan.com\data\PAR\data\100224801\Survey Data - 100224801\Office Data\Descriptions\100224801 Wetland Mitigation Written Description.docx

**LANGAN**



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**NOTES:**

1. THIS SKETCH IS BASED UPON PHYSICAL CONDITIONS FOUND AT THE SUBJECT SITE, AND THE FOLLOWING REFERENCES:  
 A. PLAN TITLED "GOYA 75TH ACQUISITION CO., LLC, AS-BUILT SURVEY" BY LANGAN ENGINEERING & ENVIRONMENTAL SERVICES, INC., DATED JULY 25, 2014, SHEET VS-101.  
 B. PLAN TITLED "ROCKEFELLER GROUP FOREIGN TRADE ZONE/MEADOWLANDS" BY LANGAN ENGINEERING & ENVIRONMENTAL SERVICES, INC., DATED MARCH 30, 2010 AND LAST REVISED JUNE 8, 2010.
2. THE MERIDIAN OF THIS SURVEY IS REFERENCED TO NJ NAD 83 PER PLAN N 1A.
3. STREET NAMES AND R.O.W. WIDTHS, BLOCK AND LOT NUMBERS AS PER MAPS REFERENCED IN 1A AND CURRENT JERSEY CITY TAX MAPS.
4. PLANIMETRIC INFORMATION SHOWN HEREON HAS BEEN OBTAINED FROM GROUND SURVEYS BY LANGAN ENGINEERING AND ENVIRONMENTAL SERVICES, INC. DURING JULY 2014.
5. THE INTENT OF THIS PLAN IS TO PORTRAY THE DELINEATED WETLANDS MITIGATION AREA AS REFERENCED IN NOTE 1B AND TO PROVIDE A METES AND BOUNDS DEPICTION THEREOF.

**WETLAND MITIGATION AREA LINE TABLE**

LINE	BEARING	DIST.	RADIUS	DELTA	ARC DIST.
A'	N63°33'10"E	858.82'			
L1	S59°39'31"E	590.00'			
L2	S28°05'23"W	20.29'			
L3	N38°28'17"W	9.34'			
L4	S49°32'56"W	8.03'			
C1	S43°37'43"W	18.50'	88.67'	11°30'28"	18.53'
L5	S68°51'16"W	5.68'			
C2	N31°52'10"W	21.84'	56.84'	22°14'12"	21.68'
L6	N42°38'16"W	31.93'			
L7	N48°34'39"W	17.82'			
L8	N55°52'48"W	17.89'			
L9	N68°49'55"W	13.22'			
L10	S86°28'14"W	42.30'			
L11	N71°58'08"W	26.40'			
L12	N53°37'14"W	35.08'			
C3	N43°13'44"W	200.32'	252.26'	48°47'15"	208.00'
L13	N67°02'50"W	77.84'			
L14	N33°18'26"E	36.91'			

"I hereby state that this plan is based on a field survey made by me or under my immediate supervision in accordance with N.J.A.C. 13:40-5.1 "Preparation of Land Surveys", and to the best of my professional knowledge, information and belief, and in my professional opinion, correctly represents the conditions found on the date of the field survey of the subject property."

*David R. Avery* 11/29/17  
**DAVID R. AVERY**  
 PROFESSIONAL LAND SURVEYOR N.J. LIC. No. 246503964600  
 DATE

<b>LANGAN</b> <small>2500 Central Expressway, Parsippany, NJ 07054        TEL: 973.260.4000 FAX: 973.260.4001 www.langan.com        NEW JERSEY: 10/1/2010, 10/1/2011, 10/1/2012, 10/1/2013, 10/1/2014, 10/1/2015, 10/1/2016, 10/1/2017, 10/1/2018, 10/1/2019, 10/1/2020, 10/1/2021, 10/1/2022, 10/1/2023, 10/1/2024, 10/1/2025, 10/1/2026, 10/1/2027, 10/1/2028, 10/1/2029, 10/1/2030, 10/1/2031, 10/1/2032, 10/1/2033, 10/1/2034, 10/1/2035, 10/1/2036, 10/1/2037, 10/1/2038, 10/1/2039, 10/1/2040, 10/1/2041, 10/1/2042, 10/1/2043, 10/1/2044, 10/1/2045, 10/1/2046, 10/1/2047, 10/1/2048, 10/1/2049, 10/1/2050, 10/1/2051, 10/1/2052, 10/1/2053, 10/1/2054, 10/1/2055, 10/1/2056, 10/1/2057, 10/1/2058, 10/1/2059, 10/1/2060, 10/1/2061, 10/1/2062, 10/1/2063, 10/1/2064, 10/1/2065, 10/1/2066, 10/1/2067, 10/1/2068, 10/1/2069, 10/1/2070, 10/1/2071, 10/1/2072, 10/1/2073, 10/1/2074, 10/1/2075, 10/1/2076, 10/1/2077, 10/1/2078, 10/1/2079, 10/1/2080, 10/1/2081, 10/1/2082, 10/1/2083, 10/1/2084, 10/1/2085, 10/1/2086, 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*Via FedEx & Email: [MasterPlan@njsea.com](mailto:MasterPlan@njsea.com)*

September 13, 2019

New Jersey Sports and Exposition Authority  
c/o Mia Petrou, Principal Planner  
2 DeKorte Park Plaza  
Lyndhurst, NJ 07071

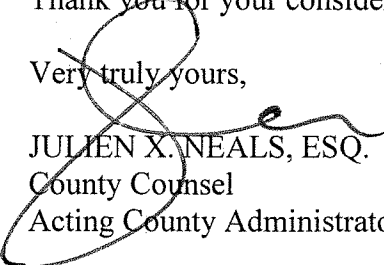
**Re: New Jersey Sports and Exposition Authority (NJSEA)  
Proposed Master Plan - September, 2019**

Dear Ms. Petrou:

Enclosed please find Bergen County's comments with regard to the proposed New Jersey Sports and Exposition Authority (NJSEA) Master Plan, September 2019. The County Executive, James J. Tedesco, III also testified at the prior NJSEA hearing and addressed some of Bergen County's concerns with regard to the proposed Plan. Bergen County asks the NJSEA to give careful consideration to the issues raised in the attached comments prior to adopting the Master Plan.

Thank you for your consideration.

Very truly yours,

  
**JULIEN X. NEALS, ESQ.**  
County Counsel  
Acting County Administrator

JXN/av

Enc.

cc: James J. Tedesco III, County Executive (via email)

# **Bergen County Comments Regarding the New Jersey Sports and Exposition Authority Draft Master Plan September 2019**

We wish to thank the New Jersey Sports and Exposition Authority for the opportunity to provide comments and questions to their Draft Master Plan dated August 2019.

## **General**

Language should be included describing the format of the plan early in the document. All Objectives and strategic action items, as well as resiliency efforts, are discussed within the Systems section of the plan. The predecessor sections on socio-economic conditions, the environment, land use, circulation, etc. provide historical information or existing conditions.

## **1. Introduction**

On Page 1-2 it states that applications that are deemed vital projects remain under the NJSEA review. Examples of such projects that are determined to be "*vital significance*" should be provided. What is the process to determine which projects fall into this category? What are the titles of the NJSEA representatives who are involved with making this determination?

The County believes the overall Master Plan Update should further discuss the impacts from the two most significant projects in the State in the last ten years, which are American Dream and the MetLife Stadium; especially in the areas of transportation and circulation. We believe the Update Plan, for it to be completely comprehensive, these two sites should be studied and incorporated into the Update Plan.

## **Goals and Objectives**

Under Section IV, "Goals and Objectives" Page 1-6, the document states, "This Master Plan serves as the NJSEA's primary policy and planning document for the Hackensack Meadowlands District. This document guides future decision-making; serves as the basis for the implementation of policies, including future amendments to the NJSEA's regulations codified at NJAC 19:3-1.1, et seq.; and promotes the creation of additional studies and plans with a more refined focus."

Since 2004, significant changes have occurred to many aspects of governance, policymaking, land uses, environment, climate, the economy, finance and infrastructure implementation, and transportation. Bergen County hopes that the Plan will describe new approaches, goals, and objectives that will be innovative and creative and serve as the cornerstone of the document.

The County believes that many studies and regulations will need to be undertaken after this document is adopted. We believe that sound planning and implementation will occur if land use, circulation, environmental protection/preservation and resiliency initiatives are considered and adapted in tandem.

As stated earlier, this Master Plan update needs future studies and regulations changes to implement policies. When will these studies and changes in regulations occur? In 2004, changes to the land-use rules occurred almost simultaneously to the adoption of the Master Plan. A Master Plan revision describing a vision is an excellent framework for policymaking. But sound planning and implementation will only occur if land use, circulation, environmental protection/preservation, and resiliency initiatives are considered and adopted in tandem. Implementation of regulations and study recommendations, especially in the area of transportation, are the keys. Those elements lead to economic growth, job creation, and a sustainable region.

Bergen County is encouraged by the addition of the following Goals and Objectives listed on Page 1-6:

- "7. To increase the security and resiliency of the District and its neighboring areas by mitigating hazards and risks.
- 8. To encourage the development and use of reliable, responsible, low-carbon, and alternative energy sources while reducing energy consumption.
- 9. To direct the NJSEA's policies and practices toward a sustainable Meadowlands."

The County finds Goals and Objectives 10 and 11 on Pages 1-10 and 1-11 regarding excellence in public service and deliverance of the Master Plan with coordination with Meadowlands Stakeholder, are laudable goals.

Under Goal 3, the County recommends the Plan speak in greater detail regarding the advances in promoting the Region's Eco-Tourism sector especially in projecting the new promoted activities in this field.

Since the plan Under Goal 3 speaks about "regularly remodeled old industrial sites into modern, high-tech distribution centers," does the current zoning regulations support this land use, including data centers?

Bergen County wants to re-iterate its support for the agency and will be a willing partner in furthering these goals and objectives.

## **2. Population and Economy**

There is an 89-acre discrepancy between the 2004 Master Plan and this document. It is essential to understand the potential ramifications of the difference:

- Which municipalities assumed acreage?
- Which towns lost acreage?
- What impact does this have on ownership, land use, and taxation considerations?

This section provides excellent data on economic indicators and the economy in general. This demographic, economic, and real estate market data should be updated where possible to provide information that is most relevant at the time of the adoption of this plan. In some cases, there is more current data that is publicly available. The real estate market data illustrate numbers generated by the Meadowlands District or the Meadowlands submarket at a minimum. The County would like the inclusion of additional new goals. For example, the County would like to see the establishment of a high-tech

economy dealing with renewable energy manufacturing. The County of Bergen also believes that the Meadowlands would be a perfect location for foreign trade zones. The County also notes that the port area will not have enough warehousing to satisfy the increased cargoes.

The County believes it is essential to recommend and formalize a relationship between the NJSEA and the county's job placement efforts and economic development outreach.

The issue of Ecommerce is critical because it is key to the success of the warehouse distribution efforts in the Meadowlands. The growth of these facilities continues to move south to Exit 12 and moving to Exit 7a of the New Jersey Turnpike. The cost of land in the Meadowlands and the inability to assemble property in the District could leave an economic issue in the future. NJSEA land-use regulations do not recognize last-mile deliveries and make it difficult for the storage of the trucks and trailers needed for such operations.

On-Pages 2-16, Section V. "State of New Jersey Economic Development Incentives," we need further clarification on the purpose of this section. The information could provide something new in terms of the vision for the District.

This section should provide market data on residential and hospitality conditions. While land associated with such uses do not represent a significant proportion of the area of the Meadowlands District, several new projects have been developed since the previous plan was released. Market conditions and demand should be understood before developing a land-use plan and subsequent regulations that permit such uses.

### **3. Land Use**

The change in land use/land cover between 2004 and present are not meaningful as a result of reclassification and deviations in methodology. Within the Wetland Reclassification subsection of the Natural Areas section (on page 3-6), it states that lands were classified as wetlands even if state or federal permitting authorities did not so designate them. *Why is this appropriate?*

The methodology utilized for the Build Out Section should be expanded to discuss whether these numbers are gross or net new construction. Does it account for the demolition of existing structures that may have been to make way for the project? This section should also address potential pipeline projects or redevelopment opportunities not considered in 2004. This information is especially pertinent when evaluating development trends in warehouse, hotels, and entertainment.

In this Section, the County's comments deal with the Redevelopment Subsection. The Draft states a crucial fact, "The criteria for establishing areas as in need of redevelopment were based on the criteria of the NJ Local Redevelopment and Housing Law (LRHL). Since that time, the LRHL criteria have been amended, and an evaluation of amendments to the District's redevelopment regulations to promote consistency with State-wide redevelopment policy is warranted." The staff and developers have only a portion of the entire redevelopment powers. It should be noted that the NJSEA does not have the statutory ability to utilize the rehabilitation aspects of the LRHL.

In terms of the existing redevelopment areas, some of the areas were very successful in attracting new development, and others are more than 10+ years with minimal activities. Within this last economic

growth cycle since 2008, if these redevelopment areas are not moving, they need to be reviewed and changed, if necessary, by the end of the Master Plan adoption.

## **4. Housing**

As discussed earlier, this document should include data that is specific to the Meadowlands District. This data contains household and dwelling unit characteristics, housing types, vacancy, and sale price data. The data should also include the most current information publicly available.

Reference is made to "PL 2008, Chapter 46, which amended the Fair Housing Act. It required regional planning agencies within their jurisdictions to "identify and coordinate regional affordable housing opportunities in cooperation with municipalities in areas with convenient access to infrastructure, employment opportunities, and public transportation." Within the same statute, new residential development within the regional planning region must include at least twenty percent of the units as affordable units, "to the extent this is economically feasible."

Further, the NJSEA states that it developed Interim Policies Governing Affordable Housing Development in the Meadowlands District in 2008 and amended in 2011. The Interim Policies follow the criteria below:

- The site is adjacent to compatible land uses and has access to appropriate streets;
- The site has access to water and sewer infrastructure with enough capacity;
- The site can be developed consistent with the rules of the NJSEA;
- Former and existing land uses, either on the site or in the vicinity, may not expose residents to an environmental hazard. Alternatively, the site shall be remediated to NJDEP residential standards as a condition of the Board's approval;
- The size, shape, or layout of any existing structures that shall remain, or other physical limitation(s) not listed previously, do not preclude residential use; and,
- The site is suitable for residential use pursuant to sound planning principles.

Lastly, the draft master plan references that the New Jersey Supreme Court decided that the judiciary would take jurisdiction over the administration of the Fair Housing Act (FHA).

Detailed information should be included in the Plan as to the NJSEA's vision with regard to how it will address affordable housing issues within the Meadowland's Municipalities

We believe the number of affordable units is incorrect in several towns. We believe that some of these numbers reflect the now-defunct EnCap project.

## **5.Environment**

Regarding Section IV Floodplain Management, the plan should provide more specific detail on the physical/operable condition of each water control measure listed. The description should include the useful life of each water control method, whether these are the best industry practices, and if not, how should the existing method be replaced? The NJSEA continues to do an excellent job with the Flood Insurance Rate Maps and making sure that development meets the finished floor elevation of one foot

above the FIRM's established base flood elevation, and the County is pleased this information is included in the Plan. We must also acknowledge the continuing participation in the FEMA Community Rating system saving property owners fifteen percent on flood insurance.

In the summary of activities implemented to mitigate flood impacts in the Districts (Section V Page 5-9 A through J), we are pleased the NJSEA will continue operations A, C, D, and E.

Regarding Drainage System Maintenance, the NJSEA does little or no work on drainage maintenance. By default, the Bergen County Department of Public Works and the County Mosquito Commission are in the forefront to address the maintenance for the Bergen County areas. The County needs the NJSEA to take full responsibility for planning, construction, and maintenance for all aspects of flood control. Over the last ten years, the NJSEA has left the County and its municipalities to handle a regional problem for themselves. Shockingly, the NJSEA even limited its work on the Rebuild by Design Project. Controlling flooding is an economic development issue dealing with jobs, property values, and transportation.

Regarding West Riser Tide Gate, the NJMC, at the time, and the County entered into a Memorandum of Agreement (MOA) in 2013 for the NJMC to engineer and construct the replacement of the West Riser Ditch tide gate. The NJMC was to get the necessary easement from the adjacent private property owner. At its sole cost and expense of the NJMC, they were to acquire, "any necessary property, slope rights, easements, and rights-of-entry, on the Lot 8 Block 229 side of the West Riser Tide Gate System, for both construction and maintenance access." The NJMC never received the necessary easements.

In the same MOA, a maintenance agreement was entered into with the County. Bergen County was to maintain the tide gate and keep the trash rack clear of debris. In order for the County to perform the maintenance, the NJMC was also to build a concrete pad so that the required County equipment could access and clean the tide gate. The construction of the concrete pad did not occur, among other NJSEA ancillary obligations and, as a result, the County cannot safely performance its maintenance obligation.

The adjacent property owner has now erected a fifteen-foot high berm in the easement location – thereby physically barring access to the tide gate, which also must be addressed.

The inability to maintain this critical flood control structure appropriately can lead to area flooding in intense weather conditions. The County is unable to send personnel into the West Riser to clean the trash rack until these conditions are resolved.

The NJSEA will need to make the necessary investment and look at the impacts on economic growth. The mandate in the Consolidation law provides the following:

**"To undertake all the necessary steps to develop plans and undertake flood control projects and to maintain and construct necessary flood control structures and ditches."**

Note: The other projects listed were done nine or ten years ago. Query: What are the future flood control projects? And, when will they be done?



Pages 5-7 and 5-8 cited under tidal flooding for datum elevation of 5.27 feet, which datum is this referencing NGVD29 or NAVD 88? Also, we wanted to reconfirm whether the NJSEA will be using the 2019 FIRM maps?

## **WATER AND WASTEWATER TREATMENT**

It is imperative the NJSEA work with the BCUA on planning, and implementation basis on all land uses in the 10 Bergen County Municipalities. With American Dream coming online and the other potential growth that will come from that development, capacity is essential to both agencies.

## **6. Circulation**

Page 6.8, second paragraph states, "However, the NJSEA has implemented significant improvements to facilitate mobility within the District's roadway network. Chief among these initiatives is the implementation of an intelligent transportation system (ITS) that has decreased delays and travel time in surrounding transportation corridors and alleviated congestion in the area." The next paragraph explains the MASSTR Project. It is essential in this document to show a graph or chart showing how the MASSTR Program and any other ITS programs have significantly improved mobility. The document states, "The project incorporates all of the Meadowlands region's traffic signals into a network of self-adaptive traffic signals to efficiently reduce roadway congestion, delay, travel time, fuel consumption, and airborne emissions." Sound empirical data should back that bold statement.

The County requests immediate access to the data, considering many of the roads mentioned in the document impact Bergen County. The County would be interested in the data to see if such a system can work in other parts of the County.

The two new county signals in Carlstadt at Washington Avenue/Road A and Washington Avenue/Barell Avenue (pedestrian HAWK signal) have not been incorporated into NJSEA MASSTR system yet.

The County was pleased to see the references regarding the EZ Ride program. The NJSEA should do more with EZ Ride, considering many of the jobs in the Meadowlands cannot be reached by NJ Transit buses. Concerning the Transportation Planning District, NJAC § 19:7-4.1 Meadowlands District Transportation Plan regulations shall be updated every five years from the adoption of the previous plan. The plan should also be revised if:

**"1. If the development projections, periodically calculated by the NJMC, differ from the Plan development projections beyond the following values: i. The addition or subtraction in total Plan development projections exceeding 3,000 net trips; or ii. The addition or subtraction of an individual development exceeding 1,500 net trips. The Plan may be updated and readopted at any other time that the NJMC deems it to be necessary."**

There were several changes to land use, especially the bankruptcy of EnCap, and the plan was not updated. Under this Draft, there is a shocking lack of updates to the Transportation priorities to be funded under the impact fee.

The question here: is the NJSEA collecting impact fees under a transportation plan that, in part, may be invalid?

Under the title Safety on Page 6-19, the statement is made, "Transportation safety is an important part of the transportation system. One of the NJSEA's goals is to improve overall system safety and reduce serious injuries and fatalities for all travelers on all modes." Within what context can you make this a goal? The data you refer to is NJDOT Crash Data. With the initiation of MASSTR, you would think the data can be extrapolated from the system. Is that not true?

Additionally, the County is not sure how this is the NJSEA's goal. Does the NJSEA have any liability in operating the MASSTR Program?

The County supports the Gateway Project and the immediate replacement of the Portal Bridge. The Plan should reflect more information on this project and its impacts both with Gateway and what would happen without it.

Are there any plans or discussions to expand the capacity of the current Meadowlands Rail Loop which can accommodate up to 8,000 passengers per hour with the opening of the American Dream site?

The Plan should also include the mention of the extension of the Light Rail system into Bergen County.

The plan should also reflect the importance of the needed widening of Route 17 through the Rochelle Park area. Without the widening of this section of Route 17, the County, numerous municipalities along this corridor from Paramus to South Bergen will continue to experience excessive congestion. The little-known fact is 15% of the Bergen County population travels through this section of Route 17 every day at one point. Now add to that, traffic going to and coming from American Dream, we could have a gridlock nightmare on our hands.

When will the Transportation Plan be updated? How can a land-use plan be put in place without consideration of a new transportation plan? Shouldn't the transportation plan come first or at the very least at the same time?

## **7. Systems**

"In developing this Master Plan, it became apparent that many of the strategies of the 2004 Master Plan have been effective as implementation has progressed, as described within the previous chapters of this Master Plan. Accordingly, there are no significant changes to the overall vision for the Systems Plan, which is to preserve the natural resources of the Meadowlands while promoting economic prosperity."

The County would like to know why there were not more revisions to the Systems sections. In comparing this document to the 2004 Master Plan, a bulk of the Systems and Objectives are repeated, albeit in a more compact form. *Goals and objectives must be specific, measurable, attainable, realistic, and time-specific.*

- Has the NJSEA tested these systems to meet those criteria?
- How many of these elements were achieved from the 2004 Master Plan?

- There was some mention of projects and activities interspersed in the document, but how does one know if these elements are the right goals and objectives?

Many areas describe studies that need to be undertaken. The County recommends that those studies are linked to specific timeframes for completion. From a best practices point of view, the County does not know how some of the regulatory changes can be made without these studies in hand.

In the housing system, the following is described: "Prepare a Meadowlands Housing Plan to identify and provide an implementation pathway to accommodate housing needs in the District."

- What role will the municipalities have in the development of the study?
- If this is going to be done without the full participation of the towns, then once again NJSEA is working counterproductively with the court certifications process.

## **8. Area Planning**

As accurately stated, the last official County Master Plan was done in 1966, but it should be noted that Bergen County is currently finishing up a new County Master Plan which will be completed in 2020, and in which the 2011 Visioning Plan has been incorporated into this new master plan. Please revise this section to reflect this effort.

### **Airport**

The County has worked on many issues dealing with airport safety and lessen the impacts to residents. The County is involved in potentially changing flight paths to further reducing the effects of the noise. The forested area of the airport may be impacted by the construction of a new FAA Control Tower. The County hopes the NJSEA realizes the need for a new tower-based on safety needs.

Under the Planning Areas Designations Section, we agree with the changes proposed on Pages 8-1 and 8-2. They make a great deal of sense, considering the changes uses and markets and other conditions.

### **Commercial Center, Employment Center, Logistics/Industrial Centers, Neighbors**

No comments

### **Paterson Plank Corridor**

The County believes that this redevelopment area needs to be reexamined by the NJSEA regarding the uses and locations of the uses allowed. We believe that office and retail use, as indicated in the redevelopment plan along Paterson Plank Road, needs to be reexamined. We also think the existing redevelopment plan for warehousing running parallel to Route 17 should also be reviewed. The County would also recommend redevelopment Washington Avenue (Route 120).

### **Preserve, Secaucus Transit Center, Sports, and Entertainment Center, Sustainable Reserve**

As cited in the plan, the IZOD Center currently is used as a rehearsal venue for performers, and houses facilities for NJSEA emergency medical services and the NJ State Police. Are there any studies or plans use of this site? We would recommend that the facility be used for family entertainment shows and events.

### **Waterfront Development**

No comments

## **9. Sustainability**

As we previously commented, the NJSEA must take the leading role in flood management and control. The Consolidation Bill states under NJSEA powers, "To undertake all the necessary steps to develop plans and undertake flood control projects and to maintain and construct necessary flood control structures and ditches." It further states under C.5:10A-20: Strategies, funding for flood control infrastructure.

"The commission shall develop strategies and seek funding for flood control infrastructure based on flood modeling for the district and surrounding areas.

#### **The commission shall:**

1. Identify all drainage basins in the district and any drainage areas that directly impact the region; and,
2. Develop strategies to address the major causes of flooding.

#### **The commission may:**

1. Use special assessment powers to fund flood control projects in, or near, the drainage areas that impact the Hackensack meadowlands; and,
2. Maintain flood control infrastructure that it constructed."

The following is a powerful statement: "The concept of resiliency has come to the forefront in the wake of Superstorm Sandy in 2012. However, the NJSEA has long made the region more resilient through enforcement of its regulations, which effectuate provisions of its Master Plan, and its work over the past five decades. The agency has a long history of adapting to changing circumstances and will continue to do so as climate change, and sea-level rise threaten both the natural and built environment of the District."

The document states that the following activities fulfill resiliency efforts. Each description explains how the agency meets the criteria it has set for itself. Many of these do not create a resiliency plan or push to the extent that the Meadowlands requires.

1. Coastal Zone Management – A NOAA requirement that before 2004 was direct with the agency and not with NJDEP. Funds were available to the agency for coastal planning.
2. NJSEA Regulations – Needs changes.
3. Floodplain Management Initiatives – Nonexistent efforts.
4. Community Rating System – Excellent program.
5. Collection and Assessment of Flooding Incidents – What is done with the data to improve flood control?

6. Drainage System Inspections – What is done with the data to improve flood control?
7. Municipal Equipment Pool – One vac-truck.
8. Monitoring Water Levels in the District – What is done with the data to improve flood control?
9. Wetland Preservation, Mitigation, and Restoration – Excellent program.
10. NJSEA Natural Resources Management Department –
11. Meadowlands Environmental Research Institute – Valuable resource now under Rutgers University.
12. Meadowlands Environment Center – Excellent Program.
13. Regional Stakeholder Coordination – Nonexistent.

## **Resiliency Strategies**

We agree that the Strategies below have “potential utility in the District” and need to be studied in-depth. We would hope that this study will have a broad scope of intense stakeholder involvement. The potential list below are common sense approaches, and others have significant legal issues and financial considerations. We hope that Bergen County will be part of the discussion.

1. Comprehensive Planning;
2. Overlay Zones;
3. Floodplain Regulations;
4. Construction Codes;
5. Setbacks/Buffers;
6. Conditional Development;
7. Rebuilding Restrictions;
8. Hard Armoring;
9. Soft Armoring and Green Infrastructure;
10. Acquisitions;
11. Conservation Easements; and,
12. Rolling Conservation Easements.



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September 16, 2019

**Via email to MasterPlan@NJSEA.com**

Attn: Mia Petrou, Principal Planner  
New Jersey Sports & Exposition Authority  
One DeKorte Park Plaza  
Lyndhurst, NJ 07071

KENNETH A. PORRO  
201 809 6011 DIRECT  
KPORRO@CHASANLAW.COM

**Re: Draft Hackensack Meadowlands District Master Plan Update 2020 - -  
Comment Period  
File #SP-755  
CLMC File No. 14709-5308**

Dear Ms. Petrou:

Please note that this office represents the Hackensack Meadowlands Municipal Committee (hereinafter "HMMC"). In response to the NJSEA's comment period for the "Draft Hackensack Meadowlands District Master Plan Update 2020," the following reflects the HMMC's preliminary comments or statements relevant to the Draft Master Plan:

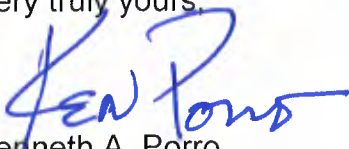
1. Traffic impact and transportation alternatives continue to be of key concern;
2. The NJSEA's housing obligations should not contradict the municipality's approved Superior Court plans;
3. Project impacts upon local, county and state sewer treatment plant capacity must be considered prior to final land use approval;

Attn: Mia Petrou, Principal Planner  
New Jersey Sports & Exposition Authority  
September 16, 2019  
Page 2 of 2

4. The increased need for Hotels in the region, based upon American Dream & other projects, requires review of such hotel use as permitted or conditional uses in additional NJSEA area;
5. Uses such as "Last Mile Delivery" need to be evaluated and incorporated;
6. Issues such as wetland mitigation banks and wetland mitigation credits need to be addressed for sound balanced development and incorporated;
7. Flood control safeguards need to be required and regional impact respected;
8. Impacts upon municipal services such as, but not limited to school educational facilities need to be addressed through project impact studies and resulting impact fees.
9. The Meadowlands districts overall quality of life needs to be respected and protected with inclusion of park, recreation and overall open space public health, safety and welfare area within contemplated land use project.

Thank you for your consideration of these preliminary comments from the HMMC. The HMMC respectfully reserves its statutory right for Final Master Plan review and comment upon its conclusion.

Very truly yours,



Kenneth A. Porro  
For the Firm  
KAP/ml

c: Hackensack Meadowlands Municipal Committee (via email)



**Clarke Caton Hintz**

Architecture  
Planning  
Landscape Architecture

Mia A Petrou, PP, AICP, CFM  
Principal Planner  
New Jersey Sports and Exposition Authority  
One DeKorte Park Plaza  
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September 16, 2019

100 Barrack Street  
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Tel: 609 883 8383  
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VIA EMAIL: MasterPlan@njsea.com; mpetrou@njsea.com

Re: Town of Secaucus comments on  
Draft Hackensack Meadowlands District Master Plan Update 2020

Dear Ms. Petrou,

On behalf of the Town of Secaucus, this letter provides comments on the *Draft Hackensack Meadowlands District Master Plan Update 2020* (Draft Master Plan), dated August 2019. We offer the following comments:

1. Malanka Landfill. The former Malanka landfill, located at the southern end of Secaucus, is designated as part of the “Sustainable Uplands Preserve” Planning Area on Draft Master Plan Land Use Plan. The Sustainable Uplands Preserve Planning Area is intended for limited development of renewable energy facilities and other forms of environmentally sound development. In contrast, the Town has indicated its support for a parking facility to be developed at the Malanka landfill site, given its proximity to the Secaucus Train Station, and the urgent need for more parking for the station. The Town believes that an alternative Planning Area designation should be considered for the landfill site that would allow for development of a parking facility, without permitting residential development.
2. Daffy’s Site. The former Daffy’s clothing store site, located on the Secaucus-North Bergen border, is designated as an “Employment Center” Planning Area on the Draft Master Plan Land Use Plan. This land use category is intended for a mix of land uses, including warehouse and distribution centers that have a high volume of truck traffic throughout the day. The Daffy’s site is accessed via Paterson Plank Road, which already has substantial traffic delays during the morning and evening rush hour; adding truck traffic from the site would further degrade local and regional circulation, negatively impacting residents and businesses, and in particular, neighboring businesses such as Home Depot and the Hilton Gardens

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John Hatch, FAIA  
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Clarke Caton Hintz

Hotel. The Town recommends that the “Employment Center” Planning Area designation be reconsidered at the Daffy’s site in light of the substantial truck traffic impact concerns. In the 2004 Master Plan, the Commission designated this property for Regional Commercial development. The Town recommends that this existing designation, or similar, be carried forward in the 2020 Master Plan.

3. Harper Residential Development. The Land Use Plan designates the Harper apartment complex (formerly the Hartz Carpet Center), located at the end of Park Drive in Harmon Meadow Plaza, as part of the “Commercial Center” Planning Area. Prior to the “Area in Need of Redevelopment” Study, this area was zoned as “Regional Commercial Zone”. Based on the “Hartz Carpet Center Redevelopment Plan” approved in 2016, this area is permitted as a Residential land use classification. The 2020 zoning map shall reflect the appropriate Residential zone label.
4. Flood Plain Management Plan. The Draft Master Plan indicates that the NJSEA is currently developing a new comprehensive Flood Plain Management Plan (FMP), to be finalized in October 2022. Flooding is of great concern in Secaucus and the Town has worked diligently to enhance flood protections. The FMP should be completed at this time, in coordination with the Master Plan update, to ensure that the Planning Areas are appropriately designated in the Land Use Plan to maximize flood plain protection and reduce impacts from flooding.
5. Transportation Planning. The Draft Master Plan indicates that the Meadowlands District Transportation Plan (MDTP) is currently being updated. Transportation planning is a critical concern in Secaucus, given the substantial increase in traffic and delays during commuting hours within the Town due to regional development and a lack of local transportation infrastructure. Existing traffic along Route 3 is particularly congested and the Town is very concerned that with the opening of the American Dream development, traffic conditions will become even more congested with long queuing of vehicles and very low average vehicular speeds, which will encourage detouring of traffic to local streets. The timeframe for MDTP update should be specified, to ensure that careful analysis of transportation issues is incorporated in the final Master Plan, including the integration of rail, bus and other means of transportation for a multi-modal approach to mitigating future impacts.
6. American Dream. The Draft Master Plan should include more discussion of the development plans for the American Dream development and its impact on the region, and provide greater detail regarding the decision-making and



Clarke Caton Hintz

development process for this site. For example, the Draft Master Plan notes concerns with the ability of the transportation system to serve this site and other employment centers, but without incorporating the American Dream development into the District's planning process, it is not clear how transportation and other impacts can be addressed.

7. Affordable Housing. Given that 89% of Secaucus is within the New Jersey Sports and Exposition Authority District (formerly known as the Hackensack Meadowlands District), it is disproportionately affected by the higher set-aside for inclusionary affordable housing development required by the interim rules. The percentage of affordable units is 20% regardless of tenure, as opposed to the 15% setaside for rental housing and 20% for for-sale housing that applies in most of the state. It is the Town's opinion that municipalities within the district should be subject to the same requirements for inclusionary development as are required for other municipalities in the State. The Draft Master Plan's discussion of the Town's Fair Share Housing Plan should be updated to include the affordable housing at the Harper development and the redevelopment of the Schmitt concrete plant for multi-family housing. While these two developments are mentioned in the section on redevelopment (p. 3-25), they should also be noted in Paragraph L on p. 4-21 that relates to their affordable housing components.
8. Electric Vehicle Infrastructure. Secaucus has worked diligently with the assistance of NJTPA to promote use of electric vehicles (EV), including the installation of charging stations, and mapping high demand locations for EV infrastructure within the Town. Due to Secaucus' position as an employment center as well as providing regional shopping opportunities, a large portion of the municipality has a high demand for charging stations. The Town has also encouraged business owners during the zoning review process to consider use of electric vehicles in their development plans and develop new EV infrastructure. The Town recommends that the Draft Master Plan include language to promote the planning and development of EV infrastructure.
9. Community Solar. This relatively new program of the Board of Public Utilities seeks to allow households that have physical or income constraints to participant in community solar projects. Here investors develop solar facilities of up to 5 megawatts each that supply electricity to the grid. Interested households sign up to receive, on a subscription basis, reductions in the generation portion of their bill. While presently limited to a pilot program with the potential of developing up to 150 megawatts over three years, this program and more will be required to meet the ambitious targets of 50% renewable energy by 2030 and 100% by 2050 (assuming the draft NJ Energy Master Plan is adopted by the BPU with these



## TOWN OF SECAUCUS COMMENTS ON NJSEA MASTER PLAN 2020

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Clarke Caton Hintz

percentages). Consequently, the Town expects that the pilot program will be expanded to join commercial development of solar as well as the mandates placed on the public utilities as means to address the Energy Master Plan goals. The Town recommends that the draft Master Plan identify land uses where such facilities could be installed.

10. Green Infrastructure for Site Development. The Town developed a planning document for green infrastructure for the downtown and is currently working with the Stevens Institute for Technology to develop an entire Green Infrastructure Plan for Secaucus. The Town believes that very shortly there will be opportunities to partner with the NJSEA on creating green infrastructure incentives region-wide.

We appreciate the opportunity to review the Draft Master Plan and provide public comments on behalf of the Town of Secaucus.

Sincerely,

Brian M. Slaugh, PP, AICP  
Town Planner

Cc. Gary M. Jeffas, Esq., Town Administrator  
Amanda Nesheiwat, Environmental Director  
Jennifer Modi, PE, Town Engineer  
Andrea Malcolm, PP, AICP

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John Ballantyne, Chairman  
New Jersey Sports & Exposition Authority  
1 De Korte Park Plaza  
Lyndhurst, NJ 07071

Re: Draft Hackensack Meadowlands District Master Plan 2020

September 16, 2019

Dear Chairman Ballantyne:

Thank you to the NJSEA for the opportunity to comment on the Draft New Jersey Sports and Exposition Authority 2020 Master Plan. I have had the great pleasure of interacting and working together with the former New Jersey Meadowlands Development Commission, New Jersey Meadowlands Commission and most recently the New Jersey Sports and Exhibition Authority, for nearly 30 years. During the first incarnation it was tumultuous, as NY/NJ Baykeeper and other environmentalists and residents fought the filling of wetlands to create a site for what is now the American Dream Mall and possibly other development.

When the Commission evolved, leaving the word “development” behind and creating the 2004 Master Plan, it marked an epic change in direction from the original 1970 Plan. It called for the “planned preservation of the remaining 8,400 acres of wetlands in the District...when previously much of this land had been zoned for development within specially planned areas.”

Plans are one thing, actions another. NY/NJ Baykeeper and others were skeptical that the preservation portion of this plan would come to fruition. A few years earlier, however, the Meadowlands Conservation Trust had been established as a permanent land preservation mechanism for wetlands and open space in the District. It was created by legislation co-drafted by NY/NJ Baykeeper and NJMC based on Baykeeper’s “Hackensack River Land Conservancy” proposal that was previously rejected by NJMDC.

True to its words, NJMC staff worked diligently to preserve the remaining 8,400 acres of wetlands. Much of this protection came through transferring of lands previously unprotected or protected only through conservation zoning that could be changed to MCT for permanent preservation.

As described in the Master Plan, “...As of 2019, approximately 3,500 acres of the District’s wetlands have been preserved. The District’s zoning and subdivision regulations were also completely overhauled in 2004 to implement the policies of the new Master Plan. In order to balance the environmental preservation objectives of the new plan with economic development goals, zoning regulations were revised to permit additional development potential on upland and brownfield areas, and comprehensive redevelopment regulations were codified.” NJSEA should also be commended for its persistence in seeking preservation of the remaining 900 acres of wetlands that private owners have been unwilling to sell for conservation.

With that introduction, Baykeeper's direct comments on the 2020 DMP will begin and focus nearly exclusively on the preservation and environmental elements of the DMP.

1. We start by thanking NJSEA for staying the course with the effort to preserve all 8,400 acres of remaining wetlands and maintaining existing conservation zoning. With a mandate that requires balancing preservation with development and a world driven by economic pressure, your decision to maintain a strong conservation position should not be taken for granted and is worthy of recognition.
2. We also commend NJSEA for assembling an extraordinary professional planning and operations staff that includes Natural Resources, Land Use Management, and technical teams. It takes great personnel to implement large and complex land use plans.
3. We understand and agree that the primary objective of the numerous landfills managed by NJSEA is ensuring that they are closed and maintained in an environmentally sound manner. To this end we also think that greater restrictions on development at these landfill areas would reduce potential for environmental harm, provide more upland wildlife habitat and open space, and limit the amount of evacuation necessary in the case of projected flooding to this region.
4. Broadening both the amount of landfill area restricted to development and shifting more landfill lands from "sustainable upland reserves" to "preserves" would help address this issue.
5. We laud NJSEA for its array of progressive and common sense restoration proposals that would elevate wetlands to allow them to maintain flood protection and storm buffer functions that would otherwise be lost as sea-level rise drowns and turns existing marshes into open water.  
  
Restoring sandy habitat along select stream corridors and the lower portion of some landfills would also help support endangered bird species like Terns, Black skimmers, as well as Terrapins. It must be as frustrating to NJSEA, as it is to us, that not even a small portion of more than \$100 million dollars spent on "Rebuild Meadowlands" went to these NJSEA restorations that provide environmentally-friendly, cost effective, flood control solutions. Instead, that money was spent on consultants and ineffectual planning ideas. However, we strongly encourage USEPA, NJDEP and other sources of restoration funding to be directed to NJSEA natural restoration plans.
6. We believe in science, sea-level change, and the unfortunate predictions of severely increased flooding in the Meadowlands District and the NY-NJ Harbor Region. MERI led by Dr. Francisco Artigas has been an exceptional and under-appreciated asset in the Region - monitoring, studying and sharing critical information and data on flooding and sea-level rise, among other science.

Regarding sea level rise and flooding, we agree with condensing development and redevelopment within the Meadowlands District and believe it should be limited by natural constraints and long-term fiscal realities. Continuing to shift away from lower elevations toward higher ground in the District (aside from the less stable and environmentally sensitive landfill areas) is clearly the proper direction.

7. We are opposed to building new long-term fossil fuel infrastructure in the Meadowlands, as it places these facilities at risk of flooding while prolonging the delay in shifting to alternative sources of energy and more aggressive energy efficiency measures.

8. We greatly appreciate the continuation of NJSEA's superb work creating clearly marked public access with parking, rest rooms and other welcoming amenities that open safe and inviting boat ramps, hiking, fishing and other activities for everyone to enjoy.

We recognize that there are many more positive NJSEA environmental projects and programs than we are unable to mention here. We appreciate the enormous challenges that NJSEA faces and look forward to working together and assisting NJSEA with preserving land and improving the environment of the Meadowlands. Thank you again for your exceptional work and the opportunity to continue working together.



[www.HackensackRiverkeeper.org](http://www.HackensackRiverkeeper.org)

**Captain Bill Sheehan**  
Executive Director  
& Riverkeeper

September 16, 2019

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**Staff**

Captain Hugh Carola  
Michele Langa, Esq.  
Caitlin Doran  
Jen Gannett  
Jodi Jamieson  
Mike Panos  
Lisa Vandenberg  
Russ Wilke

John Ballantyne, Chairman  
New Jersey Sports & Exposition Authority  
1 De Korte Park Plaza  
Lyndhurst, NJ 07071

Re: Draft Hackensack Meadowlands District Master Plan Update 2020

Dear Chairman Ballantyne:

Hackensack Riverkeeper has a long and storied history of working in, and for the protection of, the Meadowlands. Our interests lie firmly in the protection, preservation, and restoration of the Hackensack Meadowlands.

In the 15 years since the second edition of the Hackensack Meadowlands District Master Plan, we have witnessed a renaissance of the Meadowlands' natural areas, flora and wildlife. Much of this can be attributed to the protections and guidelines put in place by the Master Plan in combination with the work of the Meadowlands Conservation Trust and our own direct advocacy efforts.

As an overarching plan to manage the balance among varied and often opposing interests, the Master Plan is a feat of wonder. However, one must not rest on their laurels and instead push to make the next version of the Plan a stronger representation of those earlier efforts.

Specifically, the Master Plan should guide the way to reducing threats to air and water quality by setting restrictions against the kinds of overdevelopment that lead to poorer air quality and failing water quality. The Meadowlands exist among the most densely populated areas in NJ, lending it to being seen as an ideal location for housing, retail, and energy infrastructure. However, the Meadowlands are also ground zero for the effects of climate change and sea level rise, as witnessed firsthand by many surrounding communities in 2012, during Superstorm Sandy. It is the duty of the NJSEA to guide the Meadowlands District into a new reality where the preservation of wetlands and open space is more than just an ideal. It is a reality necessary to prevent



worsening floods, inundation, sewer backups, and further devastation associated with storm surge and tidal flooding.

The dense and ever-expanding population of northern NJ is an issue that local communities are dealing with on many levels. New housing, crowded roads, larger school classes, an increasing demand for water and the subsequent discharge of water through stormwater and combined sewer systems are just some of the complicated and costly effects. The increase in development and water use and discharge merely adds to the strain on our aging storm and combined sewer systems, which, if continued unchecked, will further reduce water quality to levels well below the fishable, swimmable, drinkable standards aspired to by The Clean Water Act.

Addressing these growing issues through regional stormwater management and abatement strategies, particularly in the communities in the Meadowlands District, would help to shape the view on water quality, combined sewer outfall elimination, and flooding concerns well into the future. The Master Plan should be the leading strategy, the spur that pushes each municipality to adapt and plan for a more well-balanced community going forward.

While overdevelopment and water quality are key concerns, the development of energy infrastructure is of the greatest concern to the health and future of the Meadowlands and its wildlife. Climate change is hastened by the production and use of fossil fuels such as natural gas, which is produced, piped and burned as a source of energy at power plants. In turn, sea level rise is hastened by a changing climate. Adding more plants to the district that will contribute to the problem of climate change, rather than championing projects that can add solutions and halt the effects of a changing climate, is the opposite of what is best for the Meadowlands.

The Hackensack Meadowlands Reclamation and Development Act of 1969 set the stage for the work necessary to protect the Meadowlands today, and recognized the area as an exceptional resource for both its location and potential uses to industry, commerce, residence, and public recreation.

However, the objectives of the Act also indicated the importance of the “preservation of the delicate balance of nature” and “special protection from air and water pollution.” It is important to maintain that delicate balance so that one use does not flourish at the cost of another, and we have reached a



point of imbalance between energy infrastructure and nature that must be corrected before it is too late to balance the scales.

In conclusion, we respectfully request that the NJSEA, through the Master Plan, take a stronger stance on minimizing overdevelopment, addressing stormwater management and combined sewer elimination as priorities, and barring the addition of energy infrastructure projects to the Meadowlands District. The work the NJSEA has done thus far has been beneficial to the health of the Meadowlands and should not be permitted to backslide now, when there is so much at stake.

Sincerely,

A handwritten signature in dark ink, appearing to read "Capt Bill Sheehan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Captain Bill Sheehan  
Riverkeeper & Executive Director

## **Hudson County Division of Planning**

### NJSEA Master Plan Comments

Pg. 1-7 designated Smart Growth Area by the State- is this still going to be in line with new state planning efforts?

Pg. 1-8 gatewaying the meadowlands district is great and should be a priority. Natural environment of meadowlands should be emphasized.

Pg. 1-9 expand on pedestrian and bicycle and further emphasize these modes

Pg. 3-2 why change power plants from industrial to utilities? They pollute in a way similar to industrial rather than other utilities.

Pg. 3-3 are any vacant lands worthy of permanent preservation? Looking at site in Bergen County near Utilities Authority.

Pg. 3-8 Recreational Land Radio Avenue Park – should be listed. 24-50 Radio Avenue, Secaucus NJ, 07094, Block 183, Lots 27-33 & 35-39. Acquired by the Town officially in 2017.

Pg. 3-12 *NJ-495*, it's not an Interstate Highway

Pg. 3-12 the 1.5 million people in a 30 minute drive number- is that just in New Jersey? Because if you include New York State, the number would be way, way higher.

Page 3-12 c. – Secaucus Greenway shouldn't be referred as the Secaucus Greenway in Jersey City – the full imagined route should have a regional name such as the Hackensack Greenway or Riverwalk or Waterfront Walkway

Highlight Laurel Hill Promenade in section on Laurel Hill Park- walkway over waterfront, Hackensack Riverkeeper/HCIA project utilizing mitigation funds

Farm Road Park Secaucus: The Park I.D. numbers for "Map 4" and "Figure 3.5" do not match, even though it is stated that they do. The Lot and Parcel # isn't listed in the document, but for the record, Farm Road is Block 203, Lots 41, 42, & 43. Additionally, kindly provide an update on when the lease between the town and NJSEA will be finalized for a portion of the property.

Pg. 3-33 Amendment to allow new Edison Parking Facility in Secaucus seems to be a reversal of progress related to the goals for a Secaucus Transit Village. Described as "temporary", but there is no defined sunset. Highlight the nature of this use as temporary, and promote establishment of true Transit Village

Pg. 3-25 No mention of the NJ Transitgrid project?

Pg. 4-3 it should be noted regarding the increase in housing units that Teterboro's number of units was so small to begin with, leading to the dramatic increase. Jersey City and Secaucus' numbers are far more impressive, because they already had many housing units to begin with.

Pg. 4-5 lower part of Figure 4.5 should be labeled, because otherwise, it is not immediately apparent what the graph is showing.

Pg. 6-4 I-495 again, change to NJ-495

Pg. 6-4 What standard is used for roadway classifications? Not sure of official designation, but seems confusing that County Road a minor arterial and Secaucus Road a collector, even though County Road has 1 lane in each direction and Secaucus Road has 2. According to NJDOT, different sections of Secaucus Road are designated differently. <https://njmc.s3.us-east-2.amazonaws.com/pdfs/master-plan-2020/2-district-municipalities.pdf> Please clarify.

Some roads are mentioned in the text but are not included on the map, and vice versa.

### Systems Plan

Have an Energy Systems Plan? A Resiliency Systems Plan (some of these are mentioned in natural systems, but they could merit their own section)?

Engage in regional planning efforts such as Together North Jersey

### **Natural Environment Systems Plan:**

Discuss minimum standards for recreational areas for residents and have as a goal to work to meet and exceed those standards for district and regional population.

Have a goal related to improving water quality. Have a goal related to protecting threatened and endangered species and their habitats.

Monitor and continue to control, remediate, and reuse landfills

### **Economic Systems Plan:**

Encourage growth of green economy in the district

Work with Meadowlands Regional Chamber to promote the District and encourage businesses to locate here

Support community economic development in low-income neighborhoods

Accommodate and plan for shifting trends in business and retail, including coworking spaces and rise of e-commerce

### **Transportation:**

Take this to the next step- Identify areas lacking public transportation access and work with transportation providers to serve these areas

Identify new pedestrian paths and trails and bicycle routes and advance the creation of these routes. Enhance routes with amenities including benches, safety infrastructure, and wayfinding signage.

Ensure equity in transportation systems planning. Provide access to transportation in low-income neighborhoods, and ensure that effects of noise, pollution, and freight movement do not disproportionately impact these neighborhoods.

#### **Housing:**

Also rehabilitation of existing low-income housing and of existing units for the provision of additional low-income housing

Senior housing for aging in place, and coordinate with other needs such as community facilities, transportation, recreation, and health care

#### **Community Facilities:**

Support locating of critical facilities outside of floodplains and plan for access during flood events and other emergencies

Work with municipalities and regional agencies to plan for and coordinate emergency evacuations routes

#### Area Plans

Why was utility incorporated with Logistics/Industrial Planning Area? Especially when, as discussed in an above section, power plants were changed from industrial to utility designation for land use? This seems to be inconsistent.

Pg. 8-9 recognizing spelled incorrectly, copy and paste of text does not match font style and size of rest of document

Any goals or reflections related to municipalities which have assumed local control over zoning and land development and the relationships between these municipalities and the NJSEA going forward?

#### Sustainability and Resiliency

More on reducing impervious coverage and installing green infrastructure. Consider development requirements for the reduction of impervious coverage and treatment of stormwater.

More on Rebuild By Design Meadowlands. Who were the applicants? Who were the partners? How was this area identified for the project? Any map or renderings of the project area and project? When will it begin (document says 2019, it's already 2019)? Who will carry out the Operations and Maintenance Plan? What is the expected outcome of the completed project?

Consider demonstration pilot projects for some of the resiliency strategies to test and prepare for future implementation, which will be necessary in the near future due to sea level rise.

**Mia Petrou**

---

**From:** Josh Bauers <joshbauers@fairsharehousing.org>  
**Sent:** Monday, September 16, 2019 4:38 PM  
**To:** Master Plan  
**Subject:** NJSEA Draft Hackensack Meadowlands Master Plan 2020 Update Comments  
**Attachments:** 190916 Draft NJSEA Master Plan Comments Final.pdf

**Caution: This is an External Email. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hello,

Please see the attached comments to the Draft Master Plan 2020 Update prepared on behalf of Fair Share Housing Center. This document includes several attached exhibits.

Thank you for your attention to this matter,

--

Joshua D. Bauers  
Fair Share Housing Center  
510 Park Boulevard  
Cherry Hill, New Jersey 08002  
P: 856-665-5444  
F: 856-663-8182  
[joshbauers@fairsharehousing.org](mailto:joshbauers@fairsharehousing.org)

**Interested in following our work? Follow us on Twitter [@FairShareNJ](#) or [go here](#) to join our email list.**

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Peter J. O'Connor, Esq.  
Kevin D. Walsh, Esq.  
Adam M. Gordon, Esq.  
Laura Smith-Denker, Esq.  
David T. Rammler, Esq.  
Joshua D. Bauers, Esq.  
Bassam Gergi, Esq.

September 16, 2019

New Jersey Sports and Exposition Authority (NJSEA)  
Attn : Mia Petrou, Principal Planner  
One DeKorte Park Plaza  
Lyndhurst, New Jersey 07071

**Re: Draft NJSEA Hackensack Meadowlands District Master Plan Update 2020**

Dear Ms. Petrou:

Please accept the following comments on behalf of Fair Share Housing Center regarding the above-referenced master plan update.

- 1, The NJSEA should actually plan for affordable housing. Mount Laurel and the Fair Housing Act require more than the passive approach taken by the agency. The Master Plan should be amended to enable the agency to satisfy its constitutional and statutory affordable housing obligations.**

The Meadowlands Commission and, more recently, the NJSEA have taken meaningful steps toward complying with the law since the Appellate Division found that the commission's approach to encouraging affordable housing was inadequate. In re Adoption of N.J.A.C. 19:3, 19:4, 19:5 & 19:6, 393 N.J. Super. 173, 180 (App. Div. 2007). But the approach taken is decidedly passive. The agency waits until someone comes to them and proposes a use. Developers and municipalities can propose a change in zoning, but nothing will happen without initiative from one of them. This does not meet the test established by In re N.J.A.C. 19:3 or the requirement in N.J.S.A. 52:27D-329.9c. The agency appears to acknowledge as much, writing as follows at 4-14:

Additional evaluation and study are required to prepare a comprehensive housing plan to accommodate the future housing needs of the District. District-specific demographic and housing market data is needed to accurately assess housing needs to develop housing policy and regulations for the District. In the intervening time period, the NJSEA's Interim Policies and the requirements of A-500 will ensure that no realistic opportunities will be lost for the accommodation of affordable housing in the District.

The problem with this approach is that the "interim policies" have been "interim" for twelve years. The Council on Affordable Housing (COAH) has been out of business for more than four years. The NJSEA should stop waiting for an affordable housing policy to be given to it and should comply with the law on its own without further delay. The policies that are currently being implemented should be continued through permanent rules and a regulatory process for specific parcels appropriate for housing to be identified for rezoning. It does not appear likely that all of the affordable housing needed in the broader region in accordance with Mount Laurel will be provided, but even if it were, the agency should recognize that the need for affordable

housing exceeds what municipalities are required to provide under Mount Laurel. In Homes Of Hope v. Eastampton Tp. Land Use Planning Bd., 409 N.J. Super. 330, 339-340 (App. Div. 2009), the Court held that “[a] COAH certification does not mean that a municipality has reached a limit for affordable housing. Neither the FHA, nor Mount Laurel I or II, explicitly or implicitly supports the . . . argument that once a municipality’s Mount Laurel obligation has been fulfilled, a need for low or moderate income housing no longer exists.” Id. at 340.

**2. The Master Plan should be amended to account for accurate information involving fair share compliance.**

The Draft Master Plan Update references the affordable housing obligations and affordable housing production in each of the 14 constituent municipalities within the Meadowland District. The Draft Master Plan Update includes Figure 4.14 which purports to identify the affordable housing obligations for the constituent municipalities. It is not always readily clear where the NJSEA is drawing this information from, but many of the numbers in this figure need to be updated. Of the 14 constituent municipalities 10 filed declaratory judgments with the court to demonstrate their constitutional compliance subsequent to the New Jersey Supreme Court’s March 10, 2015 decision in In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (Mount Laurel IV). Only Jersey City, Moonachie, North Arlington, and North Bergen have not yet filed declaratory judgment actions.

Please see the following chart which is an updated version of Figure 4.14 and includes the fair share obligations that each municipality has agreed to and has been approved by the court. We have added an additional column indicating whether a municipality has requested a vacant land adjustment and the calculation of that municipality’s realistic development potential (RDP). The numbers highlighted in yellow represent a change to the number provided in NJSEA’s Draft Master Plan Update.

MUNICIPALITY	PRESENT NEED	PRIOR ROUND OBLIGATION (1987-1999)	THIRD ROUND (1999-2025)	Realistic Development Potential (RDP)
Carlstadt	3	228	475	94
East Rutherford	6	90	656	187
Little Ferry	47	28	128	0
Lyndhurst	*143	100	*1,482	TDB
Moonachie	*1	95	*11	N/A
North Arlington	*23	4	*162	
Ridgefield	32	47	348	0
Rutherford	*96	95	*65	TDB
South Hackensack	35	50	170	29
Teterboro	0	106	5	N/A
Kearny	168	211	0	N/A
North Bergen	1213	0	0	N/A

Secaucus	57	590	1266	194
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For each constituent municipality within the Meadowlands District FSHC offers the following comments and/or exhibits:

**Borough of Carlstadt**

Exhibit A – Settlement agreement between the Borough of Carlstadt and Fair Share Housing Center dated August 13, 2018.

**Borough of East Rutherford**

Exhibit B – Settlement agreement between the Borough of East Rutherford and Fair Share Housing Center dated November 20, 2018.

Exhibit C – January 17, 2019 order entered by Hon. Christine A. Farrington approving the settlement agreement pursuant to a fairness hearing conducted by the court.

**City of Jersey City**

The City did not file a declaratory judgment action, but the Draft Master Plan Update is incorrect on one point. The Master Plan says that Jersey City is exempt from any affordable housing obligations because of its status as a qualifying urban aid municipality. This is incorrect. The City does not have a new construction prospective need obligation, but is still responsible for its Present Need (aka Rehabilitation Share). Fair Share Housing Center's expert calculates the Present Need in Jersey City to be 6,496.

**Town of Kearny**

Exhibit D – Settlement agreement between Town of Kearny and Fair Share Housing Center dated December 2, 2018.

**Borough of Little Ferry**

Exhibit E - Settlement agreement between the Borough of Little Ferry and Fair Share Housing Center dated June 11, 2019.

**Township of Lyndhurst**

The Township of Lyndhurst filed a declaratory judgment pursuant to Mount Laurel IV, but has not yet reached a settlement agreement with Fair Share Housing Center or otherwise achieved constitutional compliance from the court.

**Borough of Moonachie**

The Borough did not file a declaratory judgment action. Fair Share Housing Center's expert calculates that the Borough's obligations are as follows: Present Need – 26; Prior Round obligation – 95; Third Round obligation – 324.



### **Borough of North Arlington**

The Borough of North Arlington did not file a declaratory judgment, but there was a Mount Laurel challenge from the owner of Block 129 Lot 14.

### **Township of North Bergen**

The Township of North Bergen did not file a declaratory judgment action.

### **Borough of Ridgefield**

Exhibit F - Settlement agreement between the Borough of Ridgefield and Fair Share Housing Center dated April 23, 2019.

Exhibit G - July 12, 2019 order of Hon. Christine A. Farrington, J.S.C. approving the settlement agreement pursuant to a fairness hearing conducted by the court.

### **Borough of Rutherford**

The Borough of Rutherford filed a declaratory judgment action pursuant to the Supreme Court's order in Mount Laurel IV. The Borough and Fair Share Housing Center have been in negotiations for some time concerning the resolution of the Borough's constitutional compliance. While a final agreement has not yet been executed, we anticipate that one will be reached before the end of the year and thus should be included in the NJSEA Master Plan Update once it is completed.

### **Town of Secaucus**

Exhibit H - Settlement agreement between the Town of Secaucus and Fair Share Housing Center dated June 8, 2017.

Exhibit I - June 15, 2017 order of Hon. Joseph A. Turula, J.S.C. approving the settlement agreement pursuant to a fairness hearing conducted by the court.

Exhibit J - December 18, 2017 order of Hon. Joseph A. Turula, J.S.C. granting the Town final judgment and an order of repose.

### **Borough of South Hackensack**

Exhibit K - Settlement agreement between the Borough of South Hackensack and Fair Share Housing Center dated November 1, 2017

Exhibit L - February 12, 2018 order of Hon. Menelaos W. Toskos, J.S.C. approving the settlement agreement pursuant to a fairness hearing conducted by the court.

### **Borough of Teterboro**

The Borough of Teterboro filed a declaratory judgment action pursuant to the Supreme Court's order in Mount Laurel IV. While a formal settlement agreement between the Borough and Fair Share Housing Center was not reached, FSHC is supportive of the Borough's plan and its

receipt of a final judgment of compliance and order of repose which was granted by Hon. William C. Meehan, J.S.C. on April 17, 2017 and is attached as Exhibit M.

### 3. Additional comments

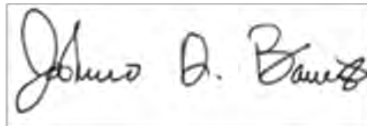
Fair Share Housing Center further comments as follows:

On Page 3-29 in Figure 3.11, the NJSEA highlights the progress that has been made in each of the various land uses by development type using the 2004 Master Plan Estimates. This figure shows that residential development is the only development type that is on pace with these figures and indeed has already surpassed the projections ten years ahead of time. The NJSEA should update these projections in light of the major downward change in the office development market since 2004 and the fact that residential development has already surpassed expectations.

On Page 7-15, under Objective 4, bullet point 1, the NJSEA states that it will encourage the production of age-restricted housing to accommodate the increasing aging population in the Meadowlands communities. The NJSEA should remove this language from its objectives. There is no foundation or data to support the notion that the aging population in the Meadowlands communities is increasing. The Draft Master Plan Update disproves this claim on Page 4-3 in Figure 4.3 where it shows that householders living alone age 65 years and over makes up only 7.8% while it shows that Family Households make up over 65% of the households in the district and Family Households plus nonfamily households under 65 makes up over 92% of the district's households. The Draft Master Plan Update states in several other places that population increase is expected to be stable and consistent with the previous 8 years and that "average household size is expected to remain relatively stable within the District through 2023." In the absence of a clear need for housing that excludes families with children, we urge the NJSEA to recognize the importance of housing for families, especially lower-income families. See Taxpayers Ass'n of Weymouth v. Township of Weymouth, 80 N.J. 6, 50 (1976)("[W]e were specifically concerned in Mt. Laurel with the needs of younger families with children"). Like New Jersey's municipalities the NJSEA cannot utilize its zoning power to exclude.

Thank you for your attention to this matter.

Respectfully,

A rectangular box containing a handwritten signature in dark ink. The signature appears to read "Joshua D. Bauers" with a stylized, cursive script.

Joshua D. Bauers, Esq.  
Counsel for Fair Share Housing Center

# Exhibit A

RESOLUTION NO. 2018-211

OFFERED BY: Emerson

SECONDED BY: Stoltz

WHEREAS, the Borough of Carlstadt filed an action in the Superior Court of New Jersey seeking a declaratory judgment, also known as a Judgment of Compliance and Repose, that the Borough's Housing Element and Fair Share Plan ("HE/FSP") satisfies its affordable housing obligations under the Fair Housing Act and the New Jersey Constitution.

WHEREAS, Fair Share Housing Center ("FSHC") filed an objecting Answer; and

WHEREAS, the Borough and FSHC have negotiated a settlement of FSHC's objection, subject to approval of the Court; and

WHEREAS, the proposed settlement has been reduced to the attached Settlement Agreement (the "Settlement Agreement"); and

WHEREAS, the Mayor and Council of the Borough of Carlstadt desire to note their approval of the Settlement Agreement and authorize its execution on behalf of the Borough.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Carlstadt as follows:

1. The Mayor and Council hereby approve the attached Settlement Agreement.
2. The Mayor is hereby authorized to execute the Settlement Agreement on behalf of the Borough with such insubstantial amendments that the Mayor may believe to be in the Borough's best interests.
3. The Mayor, Borough Clerk and Special Council are hereby authorized to take any and all reasonably necessary or advisable action to present the terms of the Settlement Agreement to the Superior Court and seek the court's approval for such settlement and issuance of a Judgment of Compliance and Repose confirming the Borough's compliance with its affordable housing obligation.

DATED: August 2, 2018

APPROVED: Craig Kahullier  
CRAIG KAHULLIER, MAYOR

ATTEST: Claire Foy  
CLAIRE FOY, BOROUGH CLERK

ROLL CALL VOTE				
COUNCIL MEMBER	YES	NO	ABSTAIN	ABSENT
Zimmermann	X			
Stoltz	X			
Bartlett	X			
Lenoy				X
Emerson	X			
Roseman	X			

I hereby certify that the foregoing is a true copy adopted by the Borough Council of the Borough of Carlstadt, New Jersey on

August 2, 2018  
Claire Foy  
Claire Foy, Borough Clerk



Peter J. O'Connor, Esq.  
Kevin D. Walsh, Esq.  
Adam M. Gordon, Esq.  
Laura Smith-Denker, Esq.  
David T. Rammner, Esq.  
Joshua D. Bauers, Esq.

August 13, 2018

Richard J. Allen, Jr, Esq.  
Kipp & Allen, LLP  
PO Box 133  
Rutherford, New Jersey 07070

**Re: In the Matter of the Application of the Borough of Carlstadt, County of Bergen, Docket No. BER-L-6392-15**

Dear Mr. Allen:

This letter memorializes the terms of an agreement reached between the Borough of Carlstadt (the Borough or "Carlstadt"), the declaratory judgment plaintiff, and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter in accordance with *In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (Mount Laurel IV)* and, through this settlement, a defendant in this proceeding.

#### **Background**

1. Carlstadt filed the above-captioned matter on July 10, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. in accordance with *In re N.J.A.C. 5:96 and 5:97, supra*.
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when Third Round fair share obligations have yet to be definitively determined and therefore the Borough's affordable housing obligations are subject to dispute, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round present and prospective need instead of doing so through plenary adjudication of the present and prospective need.
3. Therefore the Borough and FSHC agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

#### **Settlement terms**

The Borough and FSHC hereby agree to the following terms:

4. FSHC agrees that the Borough, through the adoption of a Housing Element and Fair Share Plan conforming with the terms of this Agreement (hereafter "the Plan") and through the implementation of the Plan and this Agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., for the Prior Round (1987-1999) and Third Round (1999-2025).
5. The Borough and FSHC acknowledge that in implementing land use regulations the Borough has an obligation to provide an opportunity for the creation of its "Fair Share" of

Affordable Housing and that the New Jersey Supreme Court has determined that a municipality's fair share consists of 3 components: the "Rehabilitation Share" or "Present Need", the "Prior Round Obligation" and the "Third Round Obligation"; the latter two of which are adjusted by a vacant land adjustment ("VLA") to determine Carlstadt's Realistic Development Potential ("RDP").

6. Each component is determined, in the first instance, through a demographic and statistical analysis. The Borough and FSHC have each performed that demographic and statistical analysis and, due to disputes about methodology and inputs, have come to significantly different results.

Nevertheless, in order to resolve this litigation, FSHC and Carlstadt acknowledge that Carlstadt's affordable housing obligations are as follows:

Rehabilitation (or "Present") Need	3 <sup>1</sup>
Realistic Development Potential (RDP) <sup>2</sup>	94

7. The Borough and FSHC agree that although the Borough's Rehabilitation Share has been calculated through a demographic and statistical analysis to be 34 units<sup>3</sup>, the Borough has elected to utilize an accepted alternative means of calculating the Rehabilitation Share, that is a "Structural Conditions Survey", commonly called a "Windshield Survey". The Borough's Windshield Survey has identified a Rehabilitation Share of 3 units which the Borough and FSHC agree is the Borough's actual Rehabilitation Share. The Borough's present need shall be met by the Borough's participation in the Bergen County Home Improvement Program. The parties agree that this is sufficient to satisfy the Borough's Present Need obligation of 3 units. No rehabilitation of rental units shall be required.
8. The Borough's RDP of 94 units, which applies to both the Prior Round and Third Round, will be satisfied as follows:

PROJECT	AFFORDABLE UNITS	BONUS UNITS pursuant to N.J.A.C. 5:93-5.15(d)
Tomu Builder's remedy granted by Superior Court	80 (family rentals)	17
575 Hoboken Road (inclusionary) approved and under construction	2 (family rentals)	2
585 Hoboken Road (inclusionary) approved and under construction	1 (family rental)	1
491 Broad Street (inclusionary) approved	1 (family rental)	1

<sup>1</sup> The Borough has conducted a Structural Conditions Survey dated April 13, 2018 which is attached here at Exhibit A.

<sup>2</sup> The Borough has conducted a vacant land analysis latest revision June 14, 2018 to determine its realistic development potential for the Prior Round and Third Round which is attached here as Exhibit B. See further description of how the RDP relates to total Prior Round and Third Round obligation below in paragraph 11.

<sup>3</sup> David N. Kinsey, PhD, PP, FAICP, New Jersey Low and Moderate Income Housing Obligations for 1999-2025 calculated using the NJ COAH prior round (1987-1999) methodology May 2016.

404 Hackensack Street (inclusionary) approved	2 (family rental)	2
400 Hackensack Street (inclusionary) approved	1 (family rental)	1
Total Units Actual/Bonus	87	24
Total Credits	111	
Total Applied to Unmet Need	17	

9. Because the VLA reduces the Borough's obligation to currently provide the opportunity for creation of affordable housing which is less than the demographic and statistically calculated "fair share" obligation, the Borough retains the obligation to provide opportunities to provide to create opportunities for additional units of affordable housing. New Jersey State regulations describe these additional units as "Unmet Need." That Unmet Need shall be addressed through the following mechanisms:

- (a) The Borough has 17 surplus credits in excess of its realistic development potential.
- (b) The Borough has previously implemented overlay zoning over its Residential, Mixed Use, and Light Industrial districts and agrees to keep these overlay zones in place.

The AHO – 1 is located on all properties in Residential and Mixed Use District. It permits a density of 25 units per acre (11.5 units per 20,000 sq/ft.) and 3 stories/35 feet in height.

The AHO – 2 is located on all properties in the Light Industrial District. It permits a density of 30 units per acre (13.8 units per 20,000) and 4 stories/40 feet in height).

As part of receiving a judgment of compliance, the Borough agrees that the form of the overlay ordinance shall be revised prior to final judgment being issued in this matter through collaboration between FSHC, the Special Master, and representatives of the Borough.

- (c) Redevelopment of Lincoln School site (Block 55, Lot 9) for 40 units of age restricted housing. The Borough intends to reserve 24 of the units ultimately constructed on this site to be reserved for residents of Carlstadt and intends to implement a residency preference over these units. The Borough recognizes that it cannot receive credit toward these 24 units because they will not be affirmatively marketed. However, the Borough intends to make 16 units (40%) available without the implementation of a residency preference and will be affordable in accordance with the standards set-forth in the Uniform Housing Affordability Controls (UHAC), in addition, of the 16 units which the Borough will make available without a residency preference, 4 affordable units will be set aside for low to moderate income veterans as permitted by the Fair Housing Act, N.J.S.A. 52:27D-311.j. The Borough agrees that there shall be separate waiting lists

established for the units being rented with the residency preference and those without the residency preference.

- (d) Adoption of an ordinance requiring a mandatory affordable housing set aside for all new multifamily residential developments of five (5) units or more. The set aside for rental developments shall be fifteen percent (15%) and the set aside for for-sale developments shall be twenty percent (20%). The provisions of the ordinance shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more. The form of the Ordinance shall be finalized prior to final judgment being issued in this matter through collaboration between FSHC, the Special Master, and representatives of the Borough.
- (e) The parties agree to request the court to enter a Judgment of Compliance and Repose in this declaratory judgment action that provides that the fact that the municipality has an unmet need: (i) shall not be deemed a legal reason to warrant the grant of any rezoning, variance or other relief; (ii) shall not give any developer the right to any rezoning, variance, or other relief; (iii) shall not establish any obligation on the part of the municipality to grant any rezoning, variance or other relief; and (iv) shall not be the basis of any rezoning, variance or other relief, including but not limited to any relief requested through litigation, including but not limited to a builder's remedy and/or an appeal of a planning board or zoning board of adjustment denial of an application except as otherwise provided in this agreement.

10. The Borough will provide a realistic opportunity for the development of affordable housing through the adoption of inclusionary zoning on the following sites:

- 575 Hoboken Road – this property at Block 25 Lot 13 received planning board approval to construct 10 residential units with a 20% set-aside (2 units) for affordable housing. One unit will be available to a low-income household and one unit will be available for a moderate income household. This development is currently under construction.
- 585 Hoboken Road – this property at Block 25 Lot 12 received planning board approval to construct 5 residential units with a 20% set-aside (1 unit) for affordable housing. This property is currently under construction.
- 491 Broad Street – this property at Block 49 Lot 14 received approval to construct 8 residential units and 1 affordable housing unit.
- 404 Hackensack Street – this property at Block 63 Lot 17 was converted from 5 residential units to 6 residential units with 1 unit set aside for affordable housing.
- 400 Hackensack Street – this property at Block 63, Lot 13 containing 6 residential units with 2 units set aside as affordable housing. See Exhibit C attached.

11. The parties agree that the total new construction obligation is composed of the following:

- (a) As to the Prior Round Obligation, in *Tomu Development Co., Inc. v. Borough of Carlstadt*, 2005 WL 3018666 (Law Div. 2005), WL 137522 (Law Div. 2006), *aff'd* 2008 WL 405A12 (App. Div. 2008) *certif. den.* 197 N.J. 474 (2009) ("Tomu"), the Superior Court of New Jersey had determined

that the Borough's Prior Round Obligation was 186 units based on a recalculation of the Prior Round Obligation that was later invalidated. As a result of that invalidation COAH subsequently revised the Prior Round Obligation to be at 228 units.

- (b) For purposes of this Agreement, the Third Round Obligation, although disputed, shall be 475 units which shall be deemed to include the Gap Period Present Need, which is a measure of the affordable housing need for the years 1999-2015, that was recognized by the Supreme Court in *In re Declaratory Judgment Actions Filed by Various Municipalities*, 227 N.J. 508 (2017), as well as the Prospective need, which is a measure of the affordable housing need for the years 2015-2025.
  - (c) As stated in paragraph 2 herein, the Borough's new construction obligation (prior round and third round obligations) is subject to a vacant land adjustment with an RDP of 94 units. The resulting unmet need is 609 units (228 + 475 – 94). See Exhibit B for the Borough's Vacant Land Adjustment.
12. The Borough agrees to require 13% of the total units measured on a community wide basis and referenced in Paragraphs ~~5~~<sup>2, 4, 6, 9, 10</sup> of this Agreement, excepting those units that were constructed or granted preliminary or final site plan approval prior to July 1, 2008, to be very low income units, with half of the very low income units being available to families. The municipality will comply with those requirements as follows:
- (a) The Borough will amend its AHO zoning ordinance to include a 13% very low income requirement of COAH affordable units going forward;
  - (b) The Borough will provide for 13% of the COAH affordable units at Lincoln School to be VLI;
  - (c) The Borough will request the NJSEA to require that 13% of the COAH affordable units in the Tomu project be VLI; and
  - (d) The Borough will provide 1 additional VLI unit in Lincoln School to satisfy the VLI obligation as it applies to the previously approved projects since 2008 to date.
13. The Borough shall meet its Third Round Prospective Need in accordance with the following standards as agreed to by the Parties and reflected in the table in paragraph 6 above:
- (a) Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).
  - (b) At least 50 percent of the units addressing the Third Round Prospective Need shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
  - (c) At least twenty-five percent of the Third Round Prospective Need shall be met through rental units, including at least half in rental units available to families.
  - (d) At least half of the units addressing the Third Round Prospective Need in total must be available to families.
  - (e) The Borough agrees to comply with an age-restricted cap of 25% of all units developed or planned to meet the Borough's cumulative Prior Round and Third Round fair share obligation. This shall be understood to mean that in



no circumstance may the municipality claim credit toward its RDP or unmet need for age-restricted units that exceed that 25% cap.

14. The Borough shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to *N.J.A.C. 5:80-26.15(f)(5)*, Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Bergen County Chapter of the NAACP, and Bergen County Urban League, and shall, as part of its regional affirmative marketing strategies during its implementation of the affirmative marketing plan, provide notice to those organizations of all available affordable housing units. The Borough also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.
15. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, *N.J.A.C. 5:80-26.1 et. seq.* or any successor regulation, except that in lieu of the 10 percent of affordable units in rental projects required to be at 35% of median income, 13% of all affordable units shall be "very low income" as defined in *N.J.S.A. 52:27D-304*, and all other applicable law. The Borough as part of its HEFSP shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied. Income limits for all units that are part of the Plan required by this Agreement and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to *N.J.A.C. 5:80-26.1* shall be updated by the Borough within 30 days of the publication of determinations of median income by HUD, but not more frequently than annually, as follows:
  - (a) Regional income limits shall be established for the region that the Borough is located within (i.e. Region 1) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Borough's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
  - (b) The income limits attached hereto as Exhibit D are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2017, and shall be utilized until the Borough updates

the income limits after HUD has published revised determinations of median income for the next fiscal year.

- (c) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Borough annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.
  - (d) The parties agree to request that the Final Judgment entered by the Court in this matter include an order implementing this paragraph of this Agreement.
16. No less than the minimum number of new construction units shall be adaptable in conformance with **P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b** and all other applicable law.
17. As an essential term of this Agreement, within one hundred and twenty (120) days of Court's approval of this Agreement, the Borough shall introduce and adopt an ordinance or ordinances providing for the amendment of the Borough's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this Agreement and the zoning contemplated herein and adopt a Housing Element and Fair Share Plan and Spending Plan in conformance with the terms of this Agreement.
18. The parties agree that if a decision of a court of competent jurisdiction in Region 1 or a court of statewide jurisdiction memorialized in a final non-appealable judgment, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Borough for the period 1999-2025 (a "New Methodology Decision") that would be lower by more than twenty (20%) percent than the total prospective Third Round need obligation (including, for clarity the GAP Period Prospective Need) established in this Agreement, and if the result of a calculation using the New Methodology Decision is memorialized in a non-appealable final judgment, the Borough may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. FSHC shall affirmatively support such an application throughout any related proceedings provided that the terms of this paragraph are met. Notwithstanding any such reduction, the Borough shall be obligated to adopt a Housing Element and Fair Share Plan that conforms to the terms of this Agreement and to implement all compliance mechanisms included in this Agreement, including by adopting or leaving in place any site specific zoning adopted or relied upon in connection with the Plan adopted pursuant to this Agreement; taking all steps necessary (if any) to support the development of any 100% affordable developments referenced herein; maintaining all mechanisms to address unmet need; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of the Borough's obligation below that established in this Agreement does not provide a basis for seeking leave to amend this Agreement or seeking leave to amend an order or judgment pursuant to **R. 4:50-1**. If the Borough prevails in reducing its prospective need for the Third Round, the Borough may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.
19. The Borough shall prepare an Affordable Housing Trust Fund ordinance and a Spending Plan within the period referenced above, subject to the review of FSHC and approval of the

Court, and reserves the right to seek approval from the Court that the expenditures of funds contemplated under the Spending Plan constitute "commitment" for expenditure pursuant to **N.J.S.A. 52:27D-329.2 and -329.3**, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment approving this settlement in accordance with the provisions of *In re Tp. of Monroe*, **442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563)**. If approved by the Court or reviewed and accepted by FSHC prior to the Fairness Hearing, FSHC shall affirmatively support such application throughout any related proceedings.

20. On the first anniversary of the entry of Final Judgment in this matter, and on every anniversary of that date thereafter through the end of the period of protection from litigation referenced in this Agreement, the Borough agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
21. On the first anniversary of the entry of Final Judgment in this matter and every anniversary thereafter through the end of this Agreement, the Borough agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.
22. The Fair Housing Act includes two provisions regarding action to be taken by the Borough during the ten-year period of protection provided in this Agreement. The Borough agrees to comply with those provisions as follows:
  - (a) For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to **N.J.S.A. 52:27D-313**, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of the Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.
  - (b) For the review of very low income housing requirements required by **N.J.S.A. 52:27D-329.1**, within 30 days of the third anniversary of this Agreement, and every third year thereafter, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and Fair Share

Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.

23. Notwithstanding Paragraphs 20, 21, and 22, if New Jersey law, as it may be amended from time to time, provides for a different reporting period, a different set of information to be reported, or a different location for the posting of the information described in any of those Paragraphs, that different reporting period, information or posting location provided by law shall apply in lieu of the requirements of Paragraphs 20, 21 and 22, as applicable.
24. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The parties to this Agreement agree to request the Court to enter an order declaring FSHC is an intervenor, but the absence of such an order shall not impact FSHC's rights.
25. This Agreement must be approved by the Court following a fairness hearing as required by *Morris Cty. Fair Hous. Council v. Boonton Twp.*, 197 N.J. Super. 359, 367-69 (Law Div. 1984), *aff'd o.b.*, 209 N.J. Super. 108 (App. Div. 1986); *East/West Venture v. Borough of Fort Lee*, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Borough shall present its planner as a witness at this hearing.
26. FSHC agrees to affirmatively support this Agreement at the fairness hearing and throughout any related proceedings. In the event the Court approves this proposed settlement, the parties contemplate the municipality will receive "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in *In re N.J.A.C. 5:96 & 5:97*, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025.
27. If this Agreement is rejected by the Court at a fairness hearing it shall be null and void.
28. In addition, the parties acknowledge that the Borough will request the Court vacate any prior orders (whether in this matter or Tomu) appointing a Mount Laurel Compliance Monitor and any Judgment invalidating or enjoining the Borough's land use ordinances as entered in the Tomu matter so that the Borough may adopt, modify and enforce land use regulations pursuant to applicable law and this Agreement. FSHC will not contest this request. Regardless of the outcome of this request the remaining terms of this Agreement will survive.
29. The Borough shall pay to FSHC the sum of \$4,000 as reimbursement for attorney's fees or costs arising out of the litigation. Payment shall be made within 30 days following entry of a Judgment of Compliance and Repose in this matter. Upon receipt of that sum, FSHC releases the Borough from any claim for attorney's fees or costs arising out of this litigation.
30. If an appeal is filed of the Court's approval or rejection of this Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of this Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful, at which point the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. Unless the approval of this Agreement is reversed on appeal as to any paragraph referenced in the first sentence of


Paragraph 32 all Parties shall have an obligation to fulfill the intent and purpose of this Agreement.

31. This Agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Bergen County. A prevailing movant or plaintiff in such a motion or separate action shall be entitled to reasonable attorney's fees.
32. Paragraphs 4, 6, 7, 8, 9, 10, 11, 12, 13, 17, 18 and 19 are essential parts of this Agreement and cannot be severed. If any of the foregoing paragraphs are determined to be unenforceable for any reason, either party may, at its option, void this Agreement. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement not described in the first sentence of this Paragraph 32 shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
33. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
34. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
35. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
36. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.
37. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.
38. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.
39. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.
40. No member, official or employee of the Borough shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.

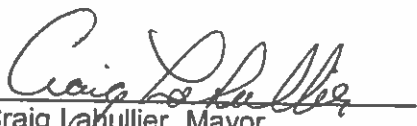
41. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.
42. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days' notice as provided herein:

<b>TO FSHC:</b>  Kevin D. Walsh, Esq. Fair Share Housing Center 510 Park Boulevard Cherry Hill, NJ 08002 Phone: (856) 665-5444 Telecopier: (856) 663-8182 E-mail: kevinwalsh@fairsharehousing.org	<b>TO THE BOROUGH:</b>  Borough Clerk Borough of Carlstadt Carlstadt, New Jersey 07072 Telecopier: (201) 939-6945 Email: oem@carlstadtnj.us  <b>WITH A REQUIRED COPY TO THE MUNICIPAL ATTORNEY IN OFFICE AT THE TIME OF DELIVERY OF THE NOTICE.</b>
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Please sign below if these terms are acceptable.

Sincerely,  
  
Kevin D. Walsh, Esq.  
Counsel for Intervenor/Interested Party  
Fair Share Housing Center

On behalf of the Borough of Carlstadt, with the authorization of the governing body:

  
Craig LaHullier, Mayor  
Dated: 08-20-2018

# Exhibit

A

COUNTY

## EXTERIOR HOUSING SURVEY

DATE 4/13/2018

[illegible]

I verify that I have conducted this exterior housing survey according to the NJ Department of Community Affairs' criteria.

Signature: Dwight Young

Print Name and Title: Bruce R Young, Deputy Zoning official

Revised B-1  
Frank Thomas  
Construction Officer



## **Borough of Carlstadt Exterior Housing Survey**

[illegible]

Borough of Carlstadt				
Attachment to 2018 Exterior Housing Survey Report				
Block	Lot	Address	Findings	Units In Need
1	All lots		Block surveyed - no units in need of rehabilitation found	0
2	All lots		Block surveyed - no units in need of rehabilitation found	0
3	All lots		Block surveyed - no units in need of rehabilitation found	0
3.01	All lots		Block surveyed, no units in need of rehabilitation found	0
4	All lots		Block surveyed - no units in need of rehabilitation found	0
5	All lots		Block surveyed - no units in need of rehabilitation found	0
6	All lots		Block surveyed - no units in need of rehabilitation found	0
7	All lots		Block surveyed - no units in need of rehabilitation found	0
8	All lots		Block surveyed - no units in need of rehabilitation found	0
9	All lots		Block surveyed - no units in need of rehabilitation found	0
10	All lots		Block surveyed - no units in need of rehabilitation found	0
11	All lots		Block surveyed - no units in need of rehabilitation found	0
12	All lots		Block surveyed - no units in need of rehabilitation found	0
13	All lots		Block surveyed - no units in need of rehabilitation found	0
14	All lots		Block surveyed - no units in need of rehabilitation found	0
15.00	All lots		Block surveyed - no units in need of rehabilitation found	0
16	All lots		Block industrial only - no residential units	0
17	All lots		Block industrial only - no residential units	0
18	All lots		Block surveyed, no units in need of rehabilitation found	0
19	All lots		Block surveyed - no units in need of rehabilitation found	0
20	All lots		Block surveyed - no units in need of rehabilitation found	0
21	All lots		Block surveyed - no units in need of rehabilitation found	0
22	All lots		Block surveyed - no units in need of rehabilitation found	0
23	All lots		Block surveyed - no units in need of rehabilitation found	0
24	All lots		Block surveyed - no units in need of rehabilitation found	0
25	No such block			
26	All lots		Block surveyed - no units in need of rehabilitation found	0
27	All lots		Block surveyed - no units in need of rehabilitation found	0
28	All lots		Block surveyed - no units in need of rehabilitation found	0
29	All lots		Block surveyed - no units in need of rehabilitation found	0
30	All lots		Block surveyed - no units in need of rehabilitation found	0
31	All lots		Block surveyed - no units in need of rehabilitation found	0

32	All lots		Block surveyed - no units in need of rehabilitation found	0	
33	All lots		Block surveyed - no units in need of rehabilitation found	0	
34	No such block				
35	All lots		Block surveyed - no units in need of rehabilitation found	0	
36	All lots		Block surveyed - no units in need of rehabilitation found	0	
37	All lots		Block surveyed, no units in need of rehabilitation found	0	
38	All lots		Block surveyed - no units in need of rehabilitation found	0	
39	All lots		Block surveyed - no units in need of rehabilitation found	0	
40	All lots		Block surveyed - no units in need of rehabilitation found	0	
41	All lots		Block surveyed - no units in need of rehabilitation found	0	
42	All lots		Block surveyed - no units in need of rehabilitation found	0	
43	All lots		Block surveyed - no units in need of rehabilitation found	0	
44	All lots		Block surveyed - no units in need of rehabilitation found	0	
45	All lots except Lot 13	408 Rte 17 S	Block surveyed - no units in need of rehabilitation found except Lot 13. As to Lot 13- 1 system in need of rehabilitation - see attached	1	3
46.00	All lots		Block surveyed - no units in need of rehabilitation found	0	
47	No such block			0	
48	All lots		Block surveyed - no units in need of rehabilitation found	0	
49	All lots		Block surveyed - no units in need of rehabilitation found	0	
50	All lots		Railroad tracks only	0	
51	All lots		Block industrial only - no residential units	0	
52	All lots		Block industrial only - no residential units	0	
53	All lots		Block surveyed - no units in need of rehabilitation found	0	
54	All lots		Block industrial only - no residential units	0	
55	All lots		Block industrial only - no residential units	0	
56	All lots		Block surveyed - no units in need of rehabilitation found	0	
57	All lots		Block surveyed - no units in need of rehabilitation found	0	
58	All lots		Block surveyed - no units in need of rehabilitation found	0	
59	All lots		Block surveyed - no units in need of rehabilitation found	0	
60	All lots		Block surveyed - no units in need of rehabilitation found	0	
61	All lots		Block surveyed - no units in need of rehabilitation found	0	
62	All lots		Block surveyed - no units in need of rehabilitation found	0	
63	All lots		Block surveyed - no units in need of rehabilitation found	0	
64	No such block			0	
65	All lots		Block surveyed - no units in need of rehabilitation found	0	

66	All lots	Block surveyed - no units in need of rehabilitation found	0	
67	All lots	Block surveyed - no units in need of rehabilitation found	0	
68	All lots	Block surveyed - no units in need of rehabilitation found	0	
69	All lots	Block surveyed - no units in need of rehabilitation found	0	
70	All lots	Block surveyed - no units in need of rehabilitation found	0	
71	All lots	Block surveyed - no units in need of rehabilitation found	0	
72	All lots	Block surveyed - no units in need of rehabilitation found	0	
73	All lots	Block surveyed - no units in need of rehabilitation found	0	
74	All lots	Block surveyed - no units in need of rehabilitation found	0	
75	All lots	Block surveyed - no units in need of rehabilitation found	0	
76	All lots	Block surveyed - no units in need of rehabilitation found	2	Need Per HAD
77	All lots except Lot 8	381 Hoboken Road 301 Lilac Lane Block surveyed - no units in need of rehabilitation found except Lot 8. As to Lot 8 - 2 systems in need of rehabilitation - see attached	1	Application for REHAB # n Pa
78	All lots except Lot 19	316 7th Street Block surveyed - no units in need of rehabilitation found except Lot 19. As to Lot 19 - 1 system in need of rehabilitation - see attached	0	
79	All lots	Block surveyed - no units in need of rehabilitation found	0	
80	All lots	Block surveyed - no units in need of rehabilitation found	0	
81	All lots	Block surveyed - no units in need of rehabilitation found	0	
82	All lots	Block surveyed - no units in need of rehabilitation found	0	
83	All lots	Block surveyed - no units in need of rehabilitation found	0	
84	All lots	Within jurisdiction of NJSEA. No residential units.	0	
85	All lots	Block surveyed - no units in need of rehabilitation found except Lots 9 and 12. As to Lots 9 and 12 - 2 systems in need of rehabilitation - see attached	2	app: over time for place
86	All lots except Lots 9 and 12	601 10th Street 603 10th Street Block surveyed, no units in need of rehabilitation found	0	
87	All lots	Block surveyed - no units in need of rehabilitation found	0	
88	All lots	Block surveyed - no units in need of rehabilitation found	0	
89	All lots	Block surveyed - no units in need of rehabilitation found	0	
90	All lots	Block surveyed - no units in need of rehabilitation found	0	
91	All lots	Within jurisdiction of NJSEA. No residential units.	0	
92	All lots	Within jurisdiction of NJSEA. No residential units.	0	
93	All lots	Block surveyed - no units in need of rehabilitation found	0	
94	All lots	Block surveyed - no units in need of rehabilitation found	0	

95	All lots except Lot 1	439 10th Street	Block surveyed - no units in need of rehabilitation found except Lot 1. As to Lot 1 - 1 system in need of rehabilitation - see attached	1	Application Fee
96	All lots		Block surveyed - no units in need of rehabilitation found	0	
97	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0	
98	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0	
99	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0	
100	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0	
101	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0	
102	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0	
103	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0	
104	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0	
105	All lots		Block surveyed - no units in need of rehabilitation found	0	
106	All lots		Block surveyed - no units in need of rehabilitation found	0	
107	All lots		Block surveyed - no units in need of rehabilitation found	0	
108	All lots		Block surveyed - no units in need of rehabilitation found	0	
110	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0	
111	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0	
112	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0	
113	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0	
114	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0	
115	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0	
116	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0	
117	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0	
118	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0	
119	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0	
120	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0	
120.01	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0	
121	All lots		Block surveyed - no units in need of rehabilitation found	0	
122	All lots		Block surveyed - no units in need of rehabilitation found	0	
123	All lots		Block surveyed - no units in need of rehabilitation found	0	
123.01	All lots		Block surveyed - no units in need of rehabilitation found	0	
124	All lots		Block surveyed - no units in need of rehabilitation found	0	
124.01	All lots		Block surveyed - no units in need of rehabilitation found	0	
125	All lots		Block surveyed - no units in need of rehabilitation found	0	
126	All lots		Municipal Athletic Field	0	

127	No such block			
128	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0
128.01	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0
129	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0
130	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0
131	All lots	NJSEA	Within jurisdiction of NJSEA. State owned property. No residential units.	0
131.01	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0
132	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0
133	All lots	NJSEA	Within jurisdiction of NJSEA. State owned property. No residential units.	0
134	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0
135	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0
136	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0
137	All lots		New Jersey Authority Right of Way	0
138	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0
300	All lots	NJSEA	Within jurisdiction of NJSEA. No residential units.	0
Total Units In Need				7

# Exhibit B

## June 14 2018

1. **THEORY**

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# Exhibit C

PREPARED BY:

Daniel Kinburn  
Daniel Kinburn, Esq.

Consideration \$  
Realty Transfer Tax  
Recording Fee  
By  
Totals

68.58

Record & Return to:  
CRAIG S. HUGHES, ESQ.  
15 Essex Road  
Paramus, NJ 07652

### SPECIAL WARRANTY DEED

The FEDERAL DEPOSIT INSURANCE CORPORATION, a corporation organized and existing under an Act of Congress, acting herein in its capacity as Receiver for Polibly Federal Savings and Loan Association by virtue of an Order appointing the Resolution Trust Corporation as Receiver for Polibly Federal Savings and Loan Association dated May 6, 1994 to which reference may be had, having an address of 101 East River Drive, East Hartford, Hartford County, Connecticut (the "Grantor"), for consideration of One hundred fifty two thousand (\$152,000.00) dollars paid, does hereby grant, sell and convey unto 570 Fairview Associates, L.L.C., having an address of 179 Lodi Street, Hackensack, New Jersey (the "Grantee"), the real property located in the Borough of Carlstadt, known as 400 Hackensack Street (the "Premises"), and being more particularly bounded and described as follows:

All that certain tract or parcel of land lying and being in the Borough of Carlstadt, County of Bergen and State of New Jersey, more particularly described as follows:

BEGINNING at the point of intersection of the northerly line of Hackensack Street with the easterly line of Broad Street, and running; thence

- 1) Along the easterly line of Broad Street North 29 degrees 34 minutes West, a distance of 100.80 feet to a point; thence
- 2) North 45 degrees 00 minutes East, a distance of 53.10 feet to a point; thence
- 3) South 29 degrees 34 minutes East, a distance of 53.80 feet to a point; thence
- 4) South 45 degrees 00 minutes West, a distance of 4.0 feet to a point; thence
- 5) South 39 degrees 19 minutes East, a distance of 45.54 feet to a point in the northerly line of Hackensack Street; thence
- 6) Along the same South 45 degrees 00 minutes West, a distance of 57.10 feet to the point and place of BEGINNING.

Also known as Lot 16 in Block 63 on the tax map of the Borough of  
Carlstadt

COMMONLY known as 400 Hackensack Street, Carlstadt, New Jersey.

UNDER AND SUBJECT, nevertheless, to a Land Use Restriction Agreement annexed as Attachment "A" herein, the covenants, conditions and restrictions to which the hereby granted Property and improvements now existing or hereinafter thereon shall be and remain subject.

The premises are conveyed subject to general real estate taxes for the current year

BK 7973 PG 691

062098

COUNTY CLERK

97 MAY 27 AM 10:50

RECORDED - BERGEN COUNTY

and all easements, restrictions, and other matters of record.

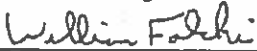
The Grantor does hereby warrant and forever defend the Premises to the Grantee against the lawful claims of every person claiming the Premises or any part thereof by, through or under the Grantor, but against no other.

In witness whereof, the Grantor acting herein by William Folchi, its Attorney-In-Fact by virtue of a certain Power of Attorney from the Grantor dated October 10, 1990 and recorded in the Bergen County Clerk's office in Volume 7411 at Page 353 has executed this document under seal this 13th day of May, 1997.

Signed and sealed  
in the presence of:

  
Deborah Peters

Federal Deposit Insurance Corporation  
in its capacity as Receiver for  
Polifly Federal Savings and Loan Association

By:   
William Folchi  
Attorney-in-Fact

## EXHIBIT A

All that certain tract or parcel of land lying and being in the Borough of Carlstadt, County of Bergen and State of New Jersey, more particularly described as follows:

**BEGINNING** at the point of intersection of the northerly line of Hackensack Street with the easterly line of Broad Street, and running; thence

- (1) Along the easterly line of Broad Street, North 29 degrees 34 minutes West, a distance of 100.80 feet to a point; thence
- (2) North 45 degrees 00 minutes East, a distance of 53.10 feet to a point; thence
- (3) South 29 degrees 34 minutes East, a distance of 53.80 feet to a point; thence
- (4) South 45 degrees 00 minutes West, a distance of 4.0 feet to a point; thence
- (5) South 39 degrees 19 minutes East, a distance of 45.54 feet to a point in the northerly line of Hackensack Street; thence
- (6) Along the same, South 45 degrees 00 minutes West, a distance of 57.10 feet to the point and place of **BEGINNING**.

For information purposes: Being known as Lot 16 in Block 63 on the Tax Map of the Borough of Carlstadt.

EXHIBIT B

FAMILY SIZE AND INCOME ADJUSTMENTS

A. Family Size Adjustments.

For purposes of Section 3.1(a)(iii)(x), rents for units will be calculated on the basis of the size of household anticipated to occupy a unit with the particular number of bedrooms as follows:

Unit Size

0-Bedroom	1-BR	2-BR	3-BR	4-BR	5-BR
-----------	------	------	------	------	------

Household Size

1 Person	2 Pers.	3 Pers.	5 Pers.	7 Pers.	8 Pers.
----------	---------	---------	---------	---------	---------

Thus, for example, rent for a 3-bedroom unit occupied by a very low-income family will be based upon the HUD-determined income for a household at 50% of area median income which has 5 members. The rent for a 2-bedroom unit occupied by a lower-income household will be based upon the HUD figure for a household at 65% of median income which has 3 members.

B. Income Adjustments.

Prior to the rent calculation, the applicable income limit must be reduced by an adjustment based upon unit size as follows:

Unit Size

0-Bedroom	1-BR	2-BR	3-BR	4-BR	5-BR
-----------	------	------	------	------	------

Income Adjustment

\$800	\$800	\$880	\$1,560	\$1,560	\$2,040
-------	-------	-------	---------	---------	---------

The applicable amount must be subtracted from the applicable income limit before multiplying by 30% in order to determine maximum rent.

**Exhibit 2**

**Process For Compliance With Land Use Restriction Agreement**

Feb 10 1997

If purchased I intend to renovate the 6 apartments one at a time, renting them immediately to establish a cash flow. I intend to rent 2 units to qualified very low income families and 1 unit to a qualified lower income family. I will advertise these units in local newspapers and research potential tenants through examination of tax returns or other income statements. Any further applicable rules regarding affordable housing shall be strictly followed

If the town of Carlsbad reduces the number of rental units to 5 or 4 units (current zoning only allows 4 units) I will ask that the affordable housing requirements be amended so that the total number of lower and very low income units is in proper proportion to the total allowed number of units in the building.

STATE OF NEW JERSEY  
AFFIDAVIT OF CONSIDERATION OR EXEMPTION  
(c. 49, P.L. 1968)  
or  
PARTIAL EXEMPTION  
(c. 176, P.L. 1976)

ALL-STATE LEGAL  
A Division of All-Data International, Inc.  
800-222-0810 or NJ 808-773-0800

To Be Recorded With Deed Pursuant to c. 49, P.L. 1968, as amended by c. 225, P.L. 1985 (N.J.S.A. 46:15-5 et seq.)

STATE OF NEW JERSEY

COUNTY OF Passaic

FOR RECORDER'S USE ONLY

Consideration \$ 5000  
Realty Transfer Fee \$ 500  
Date 5/27/97 By DK

\*Use symbol "C" to indicate that fee is exclusively for county use.

(1) PARTY OR LEGAL REPRESENTATIVE (See Instructions #3, 4 and 5 on reverse side)

Deponent, Daniel Kinburn, Esq.

, being duly sworn according to law upon his/her oath deposes and

says that he/she is the legal representative

(Choose whether Grantor, Grantee, Legal Representative, Dispositive Officer, Officer of Title Co., Lending Institution, etc.)

In a deed dated May 13, 1997

, transferring real property identified as Block No. 63

Lot No. 16

located at 400 Hackensack Street, Borough of Carlstadt,

(Street Address, Municipality, County)

County of Bergen, New Jersey

and amended hereto.

(2) CONSIDERATION (See Instruction #6)

Deponent states that, with respect to deed hereto annexed, the actual amount of money and the monetary value of any other thing of value constituting the entire compensation paid or to be paid for the transfer of title to the lands, tenements or other realty, including the remaining amount of any prior mortgage to which the transfer is subject or which is to be assumed and agreed to be paid by the grantee and any other lien or encumbrance thereon not paid, satisfied or removed in connection with the transfer of title is \$ 152,000.00

(3) FULL EXEMPTION FROM FEE

Deponent claims that this deed transaction is fully exempt from the Realty Transfer Fee imposed by c.49, P.L. 1968, for the following reason(s): Explain in detail. (See Instruction #7.) Mere reference to exemption symbol is not sufficient.

The Grantor, the FDIC is an instrumentality of the United States

of America NISA 14-15-10(h)

(4) PARTIAL EXEMPTION FROM FEE

NOTE: All boxes below apply to grantor(s) only. ALL BOXES IN APPROPRIATE CATEGORY MUST BE CHECKED. Failure to do so will void claim for partial exemption. (See Instructions #8 and #9)

Deponent claims that this deed transaction is exempt from the increased portion of the Realty Transfer Fee imposed by c.176, P.L. 1976 for the following reason(s):

a) SENIOR CITIZEN (See Instruction #8)

- ☐ Grantor(s) 62 yrs. of age or over \*  
☐ One or two-family residential premises

- ☐ Owned and occupied by grantor(s) at time of sale.  
☐ No joint owners other than spouse or other qualified exempt owners.

b) BLIND (See Instruction #8)

- ☐ Grantor(s) legally blind \*  
☐ One or two-family residential premises

- ☐ Owned and occupied by grantor(s) at time of sale.  
☐ No joint owners other than spouse or other qualified exempt owners.

DISABLED (See Instruction #8)

- ☐ Grantor(s) permanently and totally disabled \*  
☐ One or two-family residential premises.  
☐ Receiving disability payments.

- ☐ Owned and occupied by grantor(s) at time of sale.  
☐ Not gainfully employed.  
☐ No joint owners other than spouse or other qualified exempt owners.

\*IN THE CASE OF HUSBAND AND WIFE, ONLY ONE GRANTOR NEED QUALIFY.

c) LOW AND MODERATE INCOME HOUSING (See Instruction #8)

- ☐ Affordable According to H.U.D. Standards.  
☐ Meets Income Requirements of Region.

- ☐ Reserved for Occupancy.  
☐ Subject to Rental Controls.

d) NEW CONSTRUCTION (See Instruction #9)

- ☐ Entirely new improvement.  
☐ Not previously used for any purpose.

- ☐ Not previously occupied.

Deponent makes this Affidavit to induce the County Clerk or Register of Deeds to record the deed and accept the fee submitted herewith in accordance with the provisions of c. 49, P.L. 1968.

Subscribed and Sworn to before me

this fifteenth

day of

May

1997

Daniel Kinburn, Esq.

Federal Deposit Insurance Co.

(Name of Officer (Sign above name))

Margaret M. Macchione

Weston, New Jersey

East Hartford, CT

MARGARET M. MACCHIONE

Notary Public of New Jersey

My Commission Expires Oct. 28, 1999

FOR OFFICIAL USE ONLY This space for use of County Clerk or Register of Deeds.

Instrument Number \_\_\_\_\_ County \_\_\_\_\_  
Deed Number \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_  
Deed Dated \_\_\_\_\_ Date Recorded \_\_\_\_\_

IMPORTANT - BEFORE COMPLETING THIS AFFIDAVIT, PLEASE READ THE INSTRUCTIONS ON THE REVERSE SIDE HEREOF.

This form is prescribed by the Director, Division of Taxation in the Department of the Treasury, as required by law, and may not be altered or amended without the approval of the Director.

ORIGINAL - White copy to be retained by County.

DUPLICATE - Yellow copy to be forwarded by County to Division of Taxation on partial exemption from fee (N.J.A.C. 18:18-6.12).

TRIPPLICATE - Pink copy is your file copy.

BK 7973 PG 716

END OF DOCUMENT

WHITE AND YELLOW COPIES MUST BE SUBMITTED WITH DEED TO COUNTY RECORDING OFFICER



# Exhibit D

## 2018 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SIZE

Income limits not officially adopted by the State of New Jersey. Contact your municipality to see if applicable in your jurisdiction. Additional information about AHPNJ income limits is posted on [www.ahpnj.com](http://www.ahpnj.com)

		1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person	7 Person	8+ Person	Max Increase Rents** Sales***	Regional Asset Limit****
Region 1 Bergen, Hudson, Passaic and Sussex	Median	\$63,597	\$68,140	\$72,682	\$81,767	\$90,853	\$94,487	\$98,121	\$105,389	\$112,657	\$119,926		
	Moderate	\$50,878	\$54,512	\$58,146	\$65,414	\$72,682	\$75,589	\$78,497	\$84,311	\$90,126	\$95,940	2.2%	\$175,679
	Low	\$31,798	\$34,070	\$36,341	\$40,884	\$45,426	\$47,243	\$49,060	\$52,695	\$56,329	\$59,963	5.52%	
	Very Low	\$19,079	\$20,442	\$21,805	\$24,530	\$27,256	\$28,346	\$29,436	\$31,617	\$33,797	\$35,978		
Region 2 Essex, Morris, Union and Warren	Median	\$66,755	\$71,523	\$76,291	\$85,828	\$95,364	\$99,179	\$102,993	\$110,622	\$118,252	\$125,881		
	Moderate	\$53,404	\$57,218	\$61,033	\$68,662	\$76,291	\$79,343	\$82,395	\$88,498	\$94,601	\$100,705	2.2%	\$187,955
	Low	\$33,377	\$35,762	\$38,146	\$42,914	\$47,682	\$49,589	\$51,497	\$55,311	\$59,126	\$62,940	1.22%	
	Very Low	\$20,026	\$21,457	\$22,887	\$25,748	\$28,609	\$29,754	\$30,898	\$33,187	\$35,475	\$37,764		
Region 3 Hunterdon, Middlesex and Somerset	Median	\$75,530	\$80,925	\$86,320	\$97,110	\$107,900	\$112,216	\$116,532	\$125,164	\$133,796	\$142,428		
	Moderate	\$60,424	\$64,740	\$69,056	\$77,688	\$86,320	\$89,773	\$93,226	\$100,131	\$107,037	\$113,942	2.2%	\$205,458
	Low	\$37,765	\$40,463	\$43,160	\$48,555	\$53,950	\$56,108	\$58,266	\$62,582	\$66,898	\$71,214		
	Very Low	\$22,659	\$24,278	\$25,896	\$29,133	\$32,370	\$33,665	\$34,960	\$37,549	\$40,139	\$42,728		
Region 4 Mercer, Monmouth and Ocean	Median	\$69,447	\$74,407	\$79,368	\$89,289	\$99,209	\$103,178	\$107,146	\$115,083	\$123,020	\$130,956		
	Moderate	\$55,557	\$59,526	\$63,494	\$71,431	\$79,368	\$82,542	\$85,717	\$92,066	\$98,416	\$104,765	2.2%	\$186,616
	Low	\$34,723	\$37,204	\$39,684	\$44,644	\$49,605	\$51,589	\$53,573	\$57,541	\$61,510	\$65,478		
	Very Low	\$20,834	\$22,322	\$23,810	\$26,787	\$29,763	\$30,953	\$32,144	\$34,525	\$36,906	\$39,287		
Region 5 Burlington, Camden and Gloucester	Median	\$61,180	\$65,550	\$69,920	\$78,660	\$87,400	\$90,896	\$94,392	\$101,384	\$108,376	\$115,368		
	Moderate	\$48,944	\$52,440	\$55,936	\$62,928	\$69,920	\$72,717	\$75,514	\$81,107	\$86,701	\$92,294	2.2%	\$161,977
	Low	\$30,590	\$32,775	\$34,960	\$39,330	\$43,700	\$45,448	\$47,196	\$50,692	\$54,188	\$57,684		
	Very Low	\$18,354	\$19,665	\$20,976	\$23,598	\$26,220	\$27,269	\$28,318	\$30,415	\$32,513	\$34,610		
Region 6 Atlantic, Cape May, Cumberland, and Salem	Median	\$51,085	\$54,734	\$58,383	\$65,681	\$72,979	\$75,898	\$78,817	\$84,655	\$90,494	\$96,332		
	Moderate	\$40,868	\$43,787	\$46,706	\$52,545	\$58,383	\$60,718	\$63,054	\$67,724	\$72,395	\$77,066	2.2%	\$136,680
	Low	\$25,543	\$27,367	\$29,192	\$32,840	\$36,489	\$37,949	\$39,409	\$42,328	\$45,247	\$48,166	0.00%	
	Very Low	\$15,326	\$16,420	\$17,515	\$19,704	\$21,894	\$22,769	\$23,645	\$25,397	\$27,148	\$28,900		

Moderate income is between 80 and 50 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent or less of median income.

\* These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.4(a).

\*\* This column is used for calculating the pricing for rent increases for units as per N.J.A.C. 5:97-9.3. The increase for 2015 was 2.3%, the increase for 2016 was 1.1%, the increase for 2017 was 1.7%, and the increase for 2018 is 2.2% (Consumer price index for All Urban Consumers (CPI-U): Regions by expenditure category and commodity and service group). Landlords who did not increase rents in 2015, 2016, or 2017 may increase rent by up to the applicable combined percentage from their last rental increase for that unit. In no case can rent for any particular apartment be increased more than one time per year.

\*\*\* This column is used for calculating the pricing for resale increases for units as per N.J.A.C. 5:97-9.3. As per 5:97-9.3(b), The price of owner-occupied low and moderate income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

Low income tax credit developments may increase based on the low income tax credit regulations.

\*\*\*\* The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3.

Note: Since the Regional Income Limits for Region 6 in 2017 were higher than the 2018 calculations, the 2017 income limits will remain in force for 2018. See N.J.A.C. 5:97-9.2(c).



## Exhibit B

Peter J. O'Connor, Esq.  
Kevin D. Walsh, Esq.  
Adam M. Gordon, Esq.  
Laura Smith-Denker, Esq.  
David T. Rammner, Esq.  
Joshua D. Bauers, Esq.

November 20, 2018

Gerald Salerno, Esq.  
Aronsohn, Weiner, Salerno  
& Kaufman, P.C.  
21 Main Street, Suite 100  
Hackensack, New Jersey 07601

**Re: In the Matter of the Application of the Borough of East Rutherford,  
County of Bergen, Docket No. BER-L-5925-15**

Dear Mr. Salerno:

This letter memorializes the terms of an agreement reached between the Borough of East Rutherford (the Borough or "East Rutherford"), the declaratory judgment plaintiff, and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (Mount Laurel IV) and, through this settlement, a defendant in this proceeding.

### Background

East Rutherford filed the above-captioned matter on July 10, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. in accordance with In re N.J.A.C. 5:96 and 5:97, supra. Through the declaratory judgment process, the Borough and FSHC agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

### Settlement terms

The Borough and FSHC hereby agree to the following terms:

1. FSHC agrees that the Borough, through the adoption of a Housing Element and Fair Share Plan conforming with the terms of this Agreement (hereafter "the Plan") and through the implementation of the Plan and this Agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., for the Prior Round (1987-1999) and Third Round (1999-2025).
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when Third Round fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round present and prospective need instead of doing so through plenary adjudication of the present and prospective need.
3. FSHC and East Rutherford hereby agree that East Rutherford's affordable housing obligations are subject to dispute; provided, however, for purposes of this settlement

only and without any admission whatsoever FSHC and East Rutherford accept the following as follows:

Rehabilitation Share	6 <sup>1</sup>
Prior Round Obligation	90
Third Round (1999-2025) Prospective Need	656

4. For purposes of this Agreement, the Third Round Prospective Need shall be deemed to include the Gap Period Present Need, which is a measure of households formed from 1999-2015 that need affordable housing, that was recognized by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017).
5. The Borough's efforts to meet its present need include the following: participation in Bergen County's Home Improvement Program and implementation of a third-round municipal rental rehabilitation program. The Borough will adopt a Resolution of Intent to Bond as part of its revised third round housing plan if determined to be required by the Special Master once the Spending Plan is developed if such Spending Plan does not provide reasonable assurance of funds available for the rental component of the rehabilitation obligation. This is sufficient to satisfy the Borough's present need obligation of six (6) units.
6. As noted above, the Borough has a Prior Round prospective need of 90 units, which is met through the following compliance mechanisms:

Project Name	Block/Lot	Address	Unit Type	Affordable Number
Tomu	B:107.03 L: 2, 5, 7		Family Rental	60
The Monarch <sup>2</sup>	B: 108.04 L: 5.01	100 Schindler Court	Family Rental	7
<i>Total Units</i>				<b>67</b>
<i>Bonus Credits</i>				<b>23</b>
<i>Total Credits</i>				<b>90</b>

<sup>1</sup> Per Structural Conditions Survey attached as Exhibit A.

<sup>2</sup> The Monarch is a completed project with 32 units of affordable housing. 7 units are credited to the prior round obligation and 25 to the third-round prospective need (RDP).

7. The municipality, as calculated in **Exhibit B**, has a realistic development potential (RDP) of 187 units. That RDP will be satisfied as follows:

Project Name	Block	Lot	Address	Unit Type	Affordable Number
The Monarch	108.04	5.01	100 Schindler Court	Family Rental	25
132 Union Avenue	97	3.01	132 Union Avenue	Family Rental	3
Garden House	66	8	151 Hackensack Street	Family Rental	2
Housing Authority of Bergen County <sup>3</sup>	66	9	153 Hackensack Street	Family Rental	2
228 Park Avenue	73	7	228 Park Avenue	Family Rental	9
384 Paterson Avenue	44	41	384 Paterson Avenue	Family Rental	1
Van Winkle Avenue	92	16	Van Winkle Avenue	Family Rental	6 <sup>4</sup>
Group at Route 3, LLC, Settlement Agreement	108.04	1, 5	Route 3 (Eastbound)	Family Rental	75
Eastbound Inc.	108.04	4	Route 3	Family Rental	23
		<b>Total Units</b>			<b>146</b>
		<b>Bonus Credits</b>			<b>47</b>
		<b>Total Credits</b>			<b>193</b>

<sup>3</sup> These units are being constructed using funds from a payment-in-lieu option from the 132 Union Avenue project.

<sup>4</sup> This project was approved for 3 units and 3 payment-in-lieu units. The 2016 Plan indicates that the Borough, pursuant to the Monitor's order, will insist upon a 6 family for-sale affordable unit set-aside.

The Borough agrees that after consideration of the RDP it shall have an unmet need of 469 units, which shall be addressed through overlay zoning in the following chart and a Borough-wide mandatory set-aside ordinance.

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Existing Overlay?</u>	<u>Acreage</u>	<u>Zone</u>	<u>Density (dwelling units/acre)</u>	<u>Set-Aside (%)</u>	<u>Potential Affordable Units</u>
6	12	Madison Street	No	6.22	I	20	20	25
8	1	2 Carlton Avenue	Yes	5.65	I	20	20	23
8	2	Morton Street	Yes	0.29	I	20	20	1
8	6	Herrick & Morton Street	Yes	0.45	I	20	20	2
8	7	Herrick & Morton Street	Yes	0.51	I	20	20	2
8	8	Herrick & Morton Street	Yes	0.12	I	20	20	1
8	10	Madison & Morton Street	No	3.6	I	20	20	14
18	14	731 Morton Street	Yes	0.92	R-2	20	20	4
26	1	10 Oak Street	Yes	4.78	NC	27.5	20	26
26	2	20 Oak Street	Yes	2.66	NC	27.5	20	15
29 <sup>5</sup>	3	401 Central Avenue	Yes	4.79	I	20	20	19
<b>Total</b>				<b>29.99</b>				<b>132</b>

The Borough shall adopt an ordinance requiring a mandatory affordable housing set aside for all new multifamily residential developments of five (5) units or more. The set aside for rental developments shall be fifteen percent (15%) and the set aside for for-sale developments shall be twenty percent (20%). The provisions of the ordinance shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more. The form of the Ordinance shall be finalized prior to final judgment being issued in this matter through collaboration between FSHC, the Special Master, and representatives of the Borough.

<sup>5</sup> Note that despite being located within an overlay zone, per Resolution Docket #PB-16-006R; JBJ Partners at East Rutherford, LLC applied for and were granted Preliminary and Final Site Plan Approval for a warehouse per the underlying zoning. The resolution of approval was memorialized on November 15, 2016. This overlay zone will be amended to change it from a 40 unit 100 percent affordable housing project, to an inclusionary development in which 19 units would be provided based upon a total of 95 units.

8. The Borough will provide a realistic opportunity for the development of affordable housing through the adoption of inclusionary zoning on the sites listed on the tables above in paragraph 7.
9. The Borough will provide a realistic opportunity for the development of additional affordable housing that will be developed or created through means other than inclusionary zoning in the following ways:

Project Name	Block	Lot	Address	Unit Type	Affordable Number	Funding
Housing Authority of Bergen County	66	9	153 Hackensack Street	Family Rentals	2	The Borough committed \$140,000 provided by the Payment-in-lieu from 132 Union Avenue

In accordance with N.J.A.C. 5:93-5.5, the Borough recognizes that it must provide evidence that the municipality has adequate and stable funding for any non-inclusionary affordable housing developments. The municipality is required to provide a pro forma of both total development costs and sources of funds and documentation of the funding available to the municipality and/or project sponsor, and any applications still pending. The Borough shall describe the status of 153 Hackensack Street as part of the Housing Element and Fair Share Plan.

In accordance with N.J.A.C. 5:93-5.5, for non-inclusionary developments, a construction or implementation schedule, or timetable, shall be submitted for each step in the development process: including preparation of a site plan, granting of municipal approvals, applications for State and Federal permits, selection of a contractor and construction. The schedule shall provide for construction to begin within two years of court approval of this settlement. The municipality shall indicate the entity responsible for undertaking and monitoring the construction and overall development activity. The Borough meets those obligations as follows: the Housing Authority of Bergen County will administer this project and additional information will be provided as part of the Housing Element and Fair Share Plan.

10. The Borough agrees to require 13% of all units on a community-wide basis referenced in Sections 6 and 7 of this Agreement, excepting those units that were constructed or granted preliminary or final site plan approval prior to July 1, 2008, to be very low income units, with half of the very low income units being available to families. Twenty-four very-low income units are required (approximately 180 post-2008 units x 0.13 = 24 units). The municipality will comply with those requirements as shown in the following table.

Project Name	Block	Lot	Address	Unit Type	Very Low Income Units
Garden House	66	8	151 Hackensack Street	Family Rental	1
Housing Authority of Bergen County	66	9	153 Hackensack Street	Family Rental	1
228 Park Avenue	73	7	228 Park Avenue	Family Rental	1
384 Paterson Avenue	44	41	384 Paterson Avenue	Family Rental	1
Van Winkle Avenue	92	16	Van Winkle Avenue	Family Rental	1
Paterson, Oak and Central Avenues	26	1, 2	Paterson, Oak, Central Avenues	Family Rental	4
Group at Route 3, LLC, Settlement Agreement	108.04	1, 5	Route 3 (Eastbound)	Family Rental	12
Eastbound Inc.	108.04	4	Route 3	Family Rental	3
<b>Total Units</b>					<b>24</b>

The Borough shall also require 13 percent of affordable rental units constructed in any development within the overlay zoning and town-wide set-aside ordinance in paragraph 7 above to be very-low-income units.

11. The Borough shall meet its Third Round Prospective Need in accordance with the following standards as agreed to by the Parties and reflected in the table in paragraph 6 above:



- a. Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).
  - b. At least 50 percent of the units addressing the Third Round Prospective Need shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
  - c. At least twenty-five percent of the Third Round Prospective Need shall be met through rental units, including at least half in rental units available to families.
  - d. At least half of the units addressing the Third Round Prospective Need in total must be available to families.
  - e. The Borough agrees to comply with an age-restricted cap of 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation. This shall be understood to mean that, in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed that 25% cap.
12. The Borough shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Bergen County Chapter of the NAACP, and Bergen County Urban League, and shall, as part of its regional affirmative marketing strategies during its implementation of the affirmative marketing plan, provide notice to those organizations of all available affordable housing units. The Borough also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.
13. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in such projects shall be required to be very low income as defined in N.J.S.A. 52:27D-304, and all other applicable law. The Borough as part of its HEFSP shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied. Income limits for all units that are part of the Plan required by this Agreement and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Borough annually within 30 days of the publication of determinations of median income by HUD as follows:
- a. Regional income limits shall be established for the region that the Borough is located within (i.e. Region 1) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Borough's housing region. This quotient

represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low-income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

- b. The income limits attached hereto as **Exhibit C** are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2018, and shall be utilized until the Borough updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
- c. The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Borough annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.
- d. The parties agree to request that the Final Judgment entered in this matter include a provision implementing this paragraph of this Agreement.

- 14. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.
- 15. As an essential term of this Agreement, within one hundred and twenty (120) days of Court's approval of this Agreement, the Borough shall introduce and adopt an ordinance or ordinances providing for the amendment of the Borough's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this Agreement and the zoning contemplated herein and adopt a Housing Element and Fair Share Plan and Spending Plan in conformance with the terms of this Agreement.
- 16. The parties agree that if a decision of a court of competent jurisdiction in COAH Region 1, or a court of statewide jurisdiction, memorialized in an unappealable final judgment, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Borough for the period 1999-2025 (a "New Methodology Decision") that would be lower by more than twenty (20%) percent than the total prospective Third Round need obligation (including, for clarity, the GAP Period Prospective Need) established in this Agreement, and if the result of a calculation is, the Borough may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. FSHC shall affirmatively support such application throughout any related proceedings provided that the terms of this paragraph are met. Notwithstanding any such reduction, the Borough shall be obligated to adopt a Housing Element and Fair Share Plan that conforms to the terms of this Agreement and to implement all compliance mechanisms included in this Agreement, including by adopting or leaving in place any site specific zoning adopted or relied upon in connection with the Plan adopted pursuant to this Agreement; taking all steps necessary (if any) to support the development of any 100%

affordable developments referenced herein; maintaining all mechanisms to address unmet need; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of the Borough's obligation below that established in this Agreement does not provide a basis for seeking leave to amend this Agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Borough prevails in reducing its prospective need for the Third Round, the Borough may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.

17. The Borough shall prepare a Spending Plan within the period referenced above, subject to the review of FSHC and approval of the Court, and reserves the right to seek approval from the Court that the expenditures of funds contemplated under the Spending Plan constitute "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment approving this settlement in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). If approved by the Court or reviewed and approved by FSHC prior to the Fairness Hearing, FSHC shall support the application for such "commitment" throughout any related proceedings. On the first anniversary of the execution of this Agreement, which shall be established by the date on which it is executed by a representative of the Borough, and on every anniversary of that date thereafter through the end of the period of protection from litigation referenced in this Agreement, the Borough agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended. Notwithstanding the previous sentence, if another reporting date is required by a change of law in the future, then such other date shall govern the Borough's obligation under this Paragraph.
18. On the first anniversary of the execution of this Agreement, and every anniversary thereafter through the end of this Agreement, the Borough agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.
19. The Fair Housing Act includes two provisions regarding action to be taken by the Borough during the ten-year period of protection provided in this Agreement. The Borough agrees to comply with those provisions as follows:
  - a. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of the Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer

present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.

- b. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of this Agreement, and every third year thereafter, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement. Notwithstanding the previous sentence, if another reporting date is required by a change of law in the future then such other date shall govern the Borough's obligation under this Paragraph.
20. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The parties to this Agreement agree to request the Court to enter an order declaring FSHC is an intervenor, but the absence of such an order shall not impact FSHC's rights.
  21. This Agreement must be approved by the Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Borough shall present its planner as a witness at this hearing. FSHC agrees to support this Agreement at the fairness hearing. FSHC agrees to support this Agreement and throughout any proceedings related to this Agreement. In the event the Court approves this proposed settlement, the parties contemplate the municipality will receive "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025. If this Agreement is rejected by the Court at a fairness hearing it shall be null and void.
  22. The Borough agrees to pay FSHC's attorneys fees and costs in the amount of \$7,500 within ten (10) days of the Court's approval of this Agreement pursuant to a duly-noticed fairness hearing.
  23. If an appeal is filed of the Court's approval or rejection of this Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of this Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful, at which point the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. FSHC shall appear in such appeal and support approval of this Agreement. Unless this Agreement is rejected in all substantial respects by the trial court or on appeal, all Parties shall have an obligation to fulfill the intent and purpose of this Agreement.

24. This Agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Bergen County. A prevailing movant or plaintiff in such a motion or separate action shall be entitled to reasonable attorney's fees.
25. Paragraphs 3, 4, 5, 6, 7, 8, 9, 16 and 23 are essential elements of this Agreement. Therefore, the Borough and/or FSHC may rescind this Agreement if any of those paragraphs are rejected or modified by the trial court or an appellate court in any substantial way and the parties then would return to status quo ante. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. Except as provided in the first sentence of this paragraph, if any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
26. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
27. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
28. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
29. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.
30. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.
31. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.
32. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.
33. No member, official or employee of the Borough shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.

34. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.
35. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days notice as provided herein:

**TO FSHC:**

Adam M. Gordon, Esq.  
Fair Share Housing Center  
510 Park Boulevard  
Cherry Hill, NJ 08002  
Phone: (856) 665-5444  
Telecopier: (856) 663-8182  
E-mail: [adamgordon@fairsharehousing.org](mailto:adamgordon@fairsharehousing.org)

**TO THE BOROUGH:**

Gerald R. Salerno, Esq.  
Aronsohn, Weiner, Salerno & Kaufman  
Court Plaza South - East Wing  
21 Main Street  
Suite 100  
Hackensack, New Jersey 07601  
Telecopier: (201) 487-7601  
Email: [gsalerno@aronsohnweiner.com](mailto:gsalerno@aronsohnweiner.com)

**WITH A COPY TO THE  
MUNICIPAL CLERK:**

Danielle Lorenc, RMC  
One Everett Place  
East Rutherford, NJ 07073

Telecopier: (201) 933-3444 Ext. 260  
Email: [dmicci@eastrutherfordnj.net](mailto:dmicci@eastrutherfordnj.net)

Please sign below if these terms are acceptable.

Sincerely,

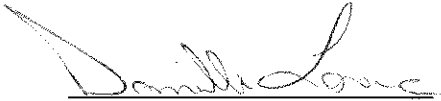
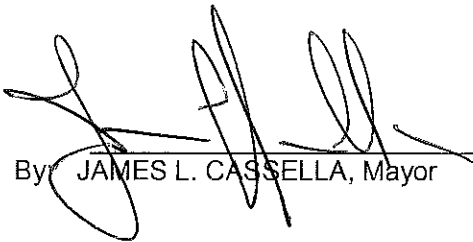


Adam M. Gordon, Esq.

Counsel for Intervenor/Interested Party  
Fair Share Housing Center

On behalf of the Township of East Rutherford, with the authorization  
of the governing body:

ATTEST:  
BOROUGH OF EAST RUTHERFORD

  
\_\_\_\_\_  
Danielle Lorenc, Borough Clerk  
\_\_\_\_\_  
By: JAMES L. CASSELLA, Mayor

\_\_\_\_\_  
Dated: \_\_\_\_\_

**FILED****Exhibit C****JAN 17 2019****CHRISTINE A. FARRINGTON,  
J.S.C.**Prepared by the Court

In the Matter of the Application of the  
Borough of East Rutherford ,  
Plaintiff/Petitioner

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: BERGEN COUNTY

DOCKET NO.: BER-L-5925-15

Civil Action

**ORDER  
GRANTING PRELIMINARY  
JUDGMENT OF COMPLIANCE AND  
REPOSE WITH CONDITIONS**

This matter came before the court on January 17, 2019 for a hearing to determine the fairness of settlement agreement ("Fairness Hearing") between the Borough of East Rutherford, interested party Fair Share Housing Center (FSHC), herein deemed a party. East Rutherford did not seek substantive certification from the Council on Affordable Housing (COAH) or a Judgment of Repose from Superior Court during the first (1987-1993) or second (1993-1999) rounds. In 2003, the Borough was subject to a builder's remedy suit by Tomu Development Co. In connection with the builder's remedy suit, an Order Imposing Scarce Resource Restraints was entered on May 13, 2005. The builder's remedy was awarded by order of the Honorable Jonathan Harris, J.S.C. on November 10, 2005. In response to a finding that East Rutherford did not meet the Court's mandate to fulfill its constitutional obligation to provide a realistic opportunity for low and moderate income housing, Judge Harris on May 19, 2006 assigned a Mount Laurel Implementation Monitor to oversee preparation of a housing element and fair share plan for submission to COAH for substantive certification and to review and approve land use matters in the



Borough. The court named Robert T. Regan, Esq. to the role, in which he continues to this date.

The Borough prepared and filed with COAH a third round housing element and fair share plan. The Borough did not receive substantive certification prior to the third round rules being overturned.

The Borough filed a Complaint for Declaratory Judgment on June 25, 2015.

The scope of the fairness hearing includes a preliminary determination of the sufficiency of the Borough's Third Round Housing Element and Fair Share Plan. The court's function at a Fairness Hearing is to determine whether the settlements between the Borough and FSHC are fair to the protected class in the context of meeting the Borough's constitutional requirement to provide affordable housing. According to New Jersey's Constitution, municipalities must provide opportunities for the development of affordable housing for low and moderate income households, and that is the perspective from which the court must determine fairness, i.e. from the perspective of people with low and moderate income, and their opportunity to have affordable housing.

Present for the hearing were Elizabeth K. McManus, AICP, PP, LEED AP, Kyle & McManus Associates, court appointed Special Master; the Borough's attorney, Gerald R. Salerno, Esq., Aronsohn, Weiner, Salerno & Kaufman, P.C.; Richard Allen, Esq., Borough Co-Counsel; Robert T. Regan, Esq., Mount Laurel Implementation Monitor; Borough Planner, Richard Preiss, PP, AICP; Mayor James L. Casella; Council Member Philip Sorbera, and Joshua D. Bauers, on behalf of Fair Share Housing Commission (FSHC). No objectors appeared.

Marked for identification and ultimately into evidence were the following:

P-1 Corrected Affidavit of Service

P-2 Affidavit of Publication

P-3 Settlement Agreement between the Borough and Fair Share Housing Center,  
dated November 20, 2018

P-4 Report of Elizabeth K. McManus, AICP, PP, LEED, AP, Special Master

The Borough by and through its attorney, called Special Master Elizabeth K. McManus. Elizabeth K. McManus testified and recommended the court approve the settlement. Ms. McManus is a principal of Kyle & McManus, a Planning and Design Consulting firm. Ms. McManus has a Bachelor of Arts in Environmental Policy and Masters in City and Regional Planning from Rutgers University. Ms. McManus has been a planner since 2006.

The court notes that the proper procedure for a fairness hearing has been followed in this matter to make sure that the interests of low and moderate income households have been safeguarded. See Morris Cty. Fair Hous. Council v. Booton Twp., 197 N.J. Super. 359, 371 (Law Div. 1984). Adequate public notice of the hearing was mailed to appropriate persons and published in the Record and the Herald on December 14, 2018.

A municipality's affordable housing obligation is comprised of three components: 1) present need (rehabilitation); 2) prior round (1987-1999); and 3) estimated third round prospective need which runs from July 1, 1999 to June 30, 2025, which includes the Gap Present Need for the period 1999-2015 and Prospective Need for 2015-2015 in accordance with the New Jersey Supreme Court decision of January 18, 2017 on the "gap" period. The parties to the Settlement Agreement have agreed and the Special

Master has testified that the fair share obligations for the Borough for the period from 1987 through July 1, 2015 are:

Rehabilitation Share:	6 Units
Prior Round (1987-1990) Obligation:	90 Units
Third Round (1999-2025) Obligation:	656 Units

The Special Master's report and testimony notes that the parties to the Settlement Agreements have agreed the Borough's Present Need of 6 affordable units, as calculated in the report titled "New Jersey Low and Moderate Income Housing Obligations for 1999-2025 Calculated Using the NJ COAH Prior Round (1987-1999) Methodology, May 2016", prepared by David N. Kinsey, PhD, PP, FAICP (Kinsey Report). The settlement provides that the Borough will work with Bergen County or hire a separate entity to implement an indigenous need rehabilitation program to address this component of its obligation, including the rental component of the rehabilitation obligation. The rehabilitation share was determined by a Structural Conditions Survey completed by the Borough as permitted by N.J.A.C. 5:93-5.2(a). The Borough had a Prior Round Obligation of 90 affordable units and a Gap Present Need and Prospective Need Obligation (2015-2025) of 656 affordable units. For purposes of the Agreement, the Gap Present Need and the Prospective Need are considered the "Round 3 regional need" or "Third Round Prospective Need", as recognized by the Supreme Court and calculated in the Kinsey Report. The 656 unit Third Round Prospective Need obligation reflects a 40% reduction from the 1,093-unit Prospective Need identified in the 2016 Kinsey Report and from the application of the 20% cap to the municipality's existing housing stock, which dictates the Borough's Third Round obligation may not exceed 820 units. The court notes that except for purposes of

settlement, the Borough does not accept the basis of the methodology, applications of caps or calculations in the Kinsey report, but for purposes of the agreement agrees to the terms in the agreement.

The Borough prepared a vacant land analysis which resulted in a combined Prior Round and Third Round Prospective Need Realistic Development Potential (RDP) of 187 affordable units, resulting in an unmet need for the Prior Round and Third Round Prospective Need of 469 affordable units. The Borough will satisfy its realistic development potential of 187 units from family rental units at nine locations and 47 bonus credits.

The Settlement Agreement identifies the mechanisms to address the Borough's combined RDP. The Special Master testified that additional information is necessary to confirm these mechanisms will satisfy the UHAC, FHA and COAH Rules. These include, the Tomu Builder's remedy (60 family rentals), The Monarch, a completed project of 32 units of affordable housing of which 7 units are credited to the prior round obligation and 25 to the third-round prospective need, and 23 bonus credits. The Borough's Unmet Need of 469 units will be addressed through a Borough-wide mandatory set-aside ordinance and overlay zoning yielding 132 potential affordable units.

The Borough will provide realistic opportunity for the development of additional affordable housing in conjunction with the Housing Authority of Bergen County for the construction of 2 family rentals funded with a payment in lieu option from the 132 Union Avenue project.

Thirteen percent (13%) of the total units, excepting those constructed or granted preliminary or final site plan approval prior to July 1, 2008 shall be very low income

units, with half of those being available to families. The Borough agrees to comply with an age-restricted cap of 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation.

The Borough will participate in the Bergen County Home Improvement Program, which is limited to owner-occupied units, and will implement a supplemental municipal rehabilitation program for renter-occupied units. The municipal program is necessary for the Borough to be compliant with N.J.A.C. 5:93-5.2(f), which states rental units may not be excluded from the rehabilitation program. Operating manuals for both the County and municipal programs must be submitted as part of the crediting documentation to ensure the programs meet the requirements of N.J.A.C. 5:93-5.2.

The Borough has committed to adopting a resolution of intent to bond as part of the upcoming third round housing element and fair share plan, if determined by the Special Master that the Spending Plan does not provide a reasonable assurance of funds for the municipal rehabilitation program. This review will be conducted once the housing element and fair share plan, including the spending plan, is submitted.

The Borough satisfies the prior round obligation with two family rental inclusionary projects – Tomu Development Co. and the Monarch, as well as associated bonus credits. The Borough should assign the 23 bonus credits to the specific sites as part of the third round housing element and fair share plan.

Tomu Development Co. is the site that was the subject of the 2006 Builder's Remedy and includes Block 107.03, Lots 2, 5 and 7. The development will include 420 units, of which 360 shall be market rate units and 60 shall be affordable units, resulting in a 14.3% affordable housing set-aside. Associated nonresidential uses are also permitted.

The Monarch is a constructed family rental inclusionary housing project on Block 108.04, Lot 5.01. The project includes 316 total units, of which 10% or 32 units are affordable units. Both the Tomu Development Co. and the Monarch sites are within the jurisdiction of the NJSEA.

#### **Satisfaction of the 90 Unit Prior Round Obligation**

	<i>Program Type</i>	<i>Housing Type</i>	<i>Status</i>	<i>Credits</i>
Tomu Development Co.	Inclusionary	Family Rental	Unbuilt	60
The Monarch Phase I (7 of 32)	Inclusionary	Family Rental	Built	7
Bonus Credits	n/a	Family Rental	n/a	23
			<b>TOTAL</b>	<b>90</b>

The Borough is eligible for a vacant land adjustment, pursuant to N.J.A.C. 5:93-4.2. Municipalities, such as East Rutherford, that do not have adequate capacity of developable land to fulfil the entirety of the affordable housing obligation are eligible for an adjustment of the obligation that reflects a realistic development potential (hereinafter “RDP”) and the unmet need. The RDP represents the portion of the new construction affordable housing obligation that can realistically be addressed with inclusionary development on lots identified as being developable in the vacant land adjustment. The unmet need is calculated as the difference between the total obligation and the RDP.

As detailed in Appendix B to the Settlement Agreement, the Borough’s calculated RDP is 187 units, as such the unmet need is 469 units (656-187). The vacant land adjustment was completed in accordance with N.J.A.C. 5:93-4.2. More specifically, the Borough evaluated vacant (property class 1) lands, public lands (property class 15c) and additional properties which were under-developed or otherwise may offer an opportunity

for inclusionary affordable housing. Environmental constraints, such as but not limited to wetlands, and municipally owned recreation lands were excluded from generating the RDP. The Borough utilized densities ranging from 12 to 30 du/ac and a 20% affordable housing set-aside to calculate the RDP.

The Borough satisfies the third round 187 unit RDP entirely with family rental projects and associated bonus credits. The Borough shall assign the 47 bonus credits to the specific sites as part of the third round housing element and fair share plan.

<i><b>Satisfaction of the 187 Unit Third Round RDP</b></i>			
	<i>Program Type</i>	<i>Housing Type</i>	<i>Credits</i>
The Monarch Phase I (25 of 32)	Inclusionary	Family Rental	25
132 Union Avenue	Inclusionary	Family Rental	3
Garden House	Inclusionary	Family Rental	2
Bergen County Housing Authority	100% Affordable	Family Rental	2
228 Park Avenue	Inclusionary	Family Rental	9
384 Paterson Avenue	Inclusionary	Family Rental	1
Van Winkle Avenue	Inclusionary	Family Rental	6
Group at Route 3, LLC	Inclusionary	Family Rental	75
Eastbound Inc.	Inclusionary	Family Rental	23
Bonus Credits	Inclusionary	Family Rental	47
		<b>Total</b>	<b>193</b>

In addition to meeting the RDP, the Borough has also committed to meet the unmet need. The Borough will utilize overlay zoning and a mandatory set-aside ordinance to do so.

The overlay zoning set forth in the Settlement Agreement are partially composed of lands in existing inclusionary housing overlay zones. The affordable housing set-aside is 20% in all locations. The following table provides a summary of the overlay zoning addressed in the Settlement Agreement.

<i>Overlay Zoning to Address the Unmet Need</i>				
<i>Location</i>	<i>Existing Overlay</i>	<i>Area</i>	<i>Density</i>	<i>Potential Affordable Units</i>
Block 6, Lot 1: Madison St.	No	6.22	20	25
Block 8, Lot 1: 2 Carlton Ave.	Yes	5.66	20	23
Block 8, Lot 2: Morton St.	Yes	.29	20	1
Block 8, Lot 6: Herrick and Morton St.	Yes	.45	20	2
Block 8, Lot 7: Herrick and Morton St.	Yes	.50	20	2
Block 8, Lot 8: Herrick and Morton St.	Yes	.12	20	1
Block 8, Lot 10: Madison & Morton St.	No	3.6	20	14
Block 18, Lot 14: 731 Morton St.	Yes	.92	20	4
Block 26, Lot 1: 10 Oak Street	Yes	4.78	27.5	26
Block 26, Lot 2: 20 Oak Street	Yes	2.66	27.5	15
Block 29, Lot 5: 401 Central Ave.	Yes	4.79	20	19
<b>Total</b>				<b>132</b>

The mandatory set-aside ordinance requires an affordable housing set-aside for all new multifamily residential developments of five (5) units or more. The set-aside for rental developments shall be 15% and the set aside for for-sale developments shall be 20%. The provisions of the ordinance shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more. The Agreement requires the form of the Ordinance to be finalized prior to final judgment being issued in this matter through collaboration between FSHC, the Special Master, and representatives of the Borough.

The court is not here to act as the legislature or municipal planner and substitute its plan for where affordable housing units should be built for that of the municipality. See Morris Cty. Fair Hous. Council, supra, at 370. “[A] trial judge may approve a settlement [regarding a municipality’s Mount Laurel obligation] after a ‘fairness’ hearing



to the extent the judge is satisfied that the settlement adequately protects the interests of lower-income persons on whose behalf the affordable units proposed by the settlement are to be built.” E.W. Venture v. Borough of Fort Lee, 286 N.J. Super, 336 (App. Div. 1996) at 328. The court must also consider whether the proposed settlement will result in the expedited construction of a significant number of low income housing units, Morris Cty. Fair Hous. Council, supra at 327. “A municipality may provide its fair share of affordable units by ‘means of any technique or combination of techniques’ which satisfy its Mount Laurel obligation.” E.W. Venture supra, (quoting N.J.S.A. 52:27D-311). If the agreement is found to be fair, and the Borough fulfills its compliance obligations, then the court will order a final judgment of repose.

The court holds, based upon the report and testimony of the Special Master, the endorsement of the Settlement Agreement by Joshua Bauers, Esq. on behalf of FSHC which the court deems to have party status in this matter, and the exhibits marked into evidence, that the settlement agreement, between the Borough and Fair Share Housing Center, which is incorporated herein, is fair to the protected class of low and moderate income persons and will grant a preliminary Judgment of Compliance and Repose subject to the conditions which follow and shall be addressed within 120 days of the date of this Order, except for the information necessary to confirm the mechanisms set forth herein satisfy the crediting requirements of the Settlement Agreement, UHAC, FHA and COAH Rules, which shall be submitted within 60 days of the date of this order.

The endorsements of the Settlement Agreement by the Special Master, FSHC and the court appointed special implementation monitor speak for themselves. In coming to

the conclusion that the Settlement Agreement is fair, the court has considered the criteria set forth in East/West Venture v. Borough of Fort Lee, *supra*. With regard to the criteria:

(1) *Consideration of the number of affordable units being constructed.* While the structure of the obligation identified in the Settlement Agreement is different than the findings of this Supreme Court decision (i.e. no redefined present need and a prospective need specific to 1999 – 2025), the Borough's obligation reflects that which was calculated for the 1999-through-2025 time period by FSHC in its 2016 Report (1,093 units, reduced to 820 pursuant to the 20% cap, and further reduced in mediation to 656).

All the experts accepted the 90-unit Prior Round obligation previously assigned by COAH.

(2) *The methodology by which the number of affordable units is provided.* The adjustment for insufficient vacant developable land was undertaken in compliance with COAH's Prior Round Rules, at N.J.A.C. 5:93-4.1 and 4.2. The methodology utilized in the Kinsey Report to calculate Third Round new construction obligations was designed to follow the Prior Round methodology used by COAH in 1994 to determine cumulative 1987-1999 fair share obligations as closely as possible, as directed by the Supreme Court in *Mt. Laurel IV*. Currently, there is no statewide agreed to methodology, and the FSHC methodology has been utilized in over 200 settlements throughout the State. In the absence of any consensus on the methodology and in light of the considerable spread in the calculations presented by the experts for the respective parties, the court finds the fair share resolution set forth in the Settlement Agreement to be fair and reasonable to the region's low and moderate income households. This opinion is supported by the following:

□ The Borough and FSHC have agreed to the 6-unit rehabilitation share based on the structural conditions survey;

□ The parties have both accepted COAH's Prior Round obligation of 90 units; this is in accordance with Mount Laurel IV "...prior unfulfilled housing obligations should be the starting point for a determination of a municipality's fair share responsibility;" In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1, 30 (2015) ("Mount Laurel IV");

□ The Settlement at 656 units for East Rutherford's Third Round Prospective Need is a 40% reduction from Dr. Kinsey's 1,093-unit "uncapped" Third Round Prospective Need calculation presented in his July 2016 report. It is also 472 units greater than the 184-units calculated by Econsult and 113 units less than that calculated using the methodology set forth in Judge Jacobson's March 2018 decision.

□ As stated above, while the structure of the obligation identified in the Settlement Agreement is different than the findings of this recent Supreme Court decision (i.e. no redefined present need and a prospective need specific to 1999 – 2025), the Borough's obligation reflects that which was calculated for the 1999-through-2015 time period by FSHC.

□ As testified by the Special Master, the specific fair share number in this case is of lesser import than the municipal compliance plan's prospects for successfully delivering affordable housing. The Settlement Agreement commits East Rutherford to implement new zoning that creates an opportunity for the development of very-low, low-, and moderate-income housing in an area of the Borough suited for redevelopment.

(3) *Other Contributions by the Borough:* As stated above, the Borough has agreed with FSHC that as part of the compliance methods that will address the rehabilitation share,

prior round, and third round obligations, including the creation of new inclusionary zoning. Under the East/West Venture fairness analysis any other contributions being made by the developer (read “municipality” for this case) must be considered, along with any other components which contribute to the municipality’s satisfaction of its Mount Laurel obligation.

*(4) Other components of the Settlement Agreement which contribute to the satisfaction of the constitutional obligation.*

(a) At least half of all housing units addressing the Third Round Prospective Need shall be affordable to low-income households, with 13% of the affordable housing units being reserved for very-low income households. The remainder of the affordable units shall be affordable to moderate-income households.

(b) At least 25% of the Borough’s Third Round Prospective Need shall be met through rental units, at least half of which will be rental units available to families.

(c) At least half of the units addressing the Third Round Prospective Need in total must be available to families.

(d) No more than 25% of the affordable units addressing the Borough’s Prior Round and Third Round obligation shall be age-restricted.

*(5) Other factors relevant to the fairness of the Settlement Agreement.* The Agreement provides for a continuing monitoring program throughout its ten-year duration, including annual and triennial reporting requirements, as well as an additional review on July 1, 2022. This program will ensure that the interests of lower income households in the future will be advanced through the Court's approval. The process of obtaining the Court's approval of the Settlement Agreements, the scrutiny these documents have received as a result of the intervention by FSHC and Tomu, and the conditions contained in the Special Master’s report.

Lastly, the Court's approval of the settlement is subject to a final compliance hearing at which time the court will determine whether the Borough has fulfilled the following conditions, recommended by the Special Master:

1. The Borough Planning Board shall adopt and the Mayor and Council shall endorse a The Housing Element of the Master Plan and a Fair Share Plan which incorporates a Spending Plan and Affirmative Marketing Plan, , consistent with the terms of this Agreement.

2. The Borough has committed to adopting a resolution of intent to bond as part of the upcoming third round housing element and fair share plan, if determined by the Special Master that the Spending Plan does not provide a reasonable assurance of funds for the municipal rehabilitation program. This review will be conducted once the housing element and fair share plan, including the spending plan, is submitted.

3. The Borough shall adopt amendments to the Affordable Housing Ordinance and Zoning Ordinance to implement the terms of the Settlement Agreement.

4. The Borough will participate in the Bergen County Home Improvement Program, which is limited to owner-occupied units, and will implement a supplemental municipal rehabilitation program for renter-occupied units. The municipal program is necessary for the Borough to be compliant with N.J.A.C. 5:93-5.2(f), which states rental units may not be excluded from the rehabilitation program. Operating manuals for both the County and municipal programs must be submitted as part of the crediting documentation to ensure the programs meet the requirements of N.J.A.C. 5:93-5.2.

5. The Borough shall submit its midpoint realistic opportunity review on or before July 2, 2020, as required pursuant to N.J.S.A. 52:27D-313. This midpoint review

permits any interested party, such as FSHC, to request by motion a Court hearing regarding whether any sites in the Borough's compliance plan no longer present a realistic opportunity for affordable housing development and should be replaced. While this review is statutorily sanctioned and certainly reasonable, in the event the Court finds that an affordable housing site or other compliance mechanism should be replaced, the Borough shall be given the opportunity to supplement its Fair Share Plan to correct any deficiency while being protected by immunity from builder remedy litigation. This municipal opportunity to remedy a defect is certainly warranted since the plan which is being amended was approved by the Court.

6. Within 30 days of every third anniversary of the Agreement the Borough will publish on its website and submit to FSHC a status report regarding its satisfaction of the very-low income requirement pursuant to N.J.S.A. 52:27D – 329.1.

7. The Borough should provide additional information as to the Bergen County rehabilitation program for rehabilitated units, or hire a separate entity to implement a rehabilitation program, and shall provide the administrative procedures for the Borough rehabilitation program.

8. The Borough shall update its affirmative marketing plan to include FSHC and other named organizations in its list of community and regional organizations, and both the Borough and any other developers or administrative agencies conducting affirmative marketing shall provide notice to those organizations of any available units.

9. The Borough shall appoint, if it has not already done so, a specific municipal employee as Municipal Housing Liaison responsible for administering the

affordable housing program, including affordability controls, the Affirmative Marketing Plan, and monitoring and reporting.

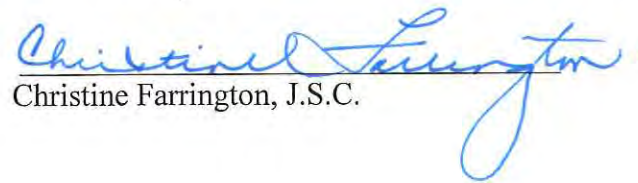
10. The Borough shall supply information necessary to confirm the crediting requirements of the Settlement Agreement within 60 days of the date of this order. The monitoring and reporting requirements shall be continuing conditions of the Court's approval.

The Borough and FSHC will complete the actions/documents necessary for final judicial approval, including the adoption of the Housing Element and Fair Share Plan and its required components within 120 days and the adoption of the Multifamily Inclusionary II ordinance to the Governing Body. If the Borough fulfills the conditions of the settlement agreement, including the list of documents which need to be prepared and adopted by the Borough within 120 days of the court's order as set forth in the Settlement Agreement and the Special Master's report, the court will determine whether there has been compliance and make the appropriate determinations either by court order or a compliance hearing. See E.W. Venture v. Borough of Fort Lee, *supra*, at 328. At the time of the compliance hearing or entry of the compliance order, the court will determine if any of the enactments of the plan, ordinances and resolutions are ultra vires. *Id.* At 329.

Robert T. Regan, Esq., the court appointed Mount Laurel Implementation Monitor, is relieved of his duties as of the date of the entry of the Final Judgment of Compliance and Repose.

The court extends immunity to May 17, 2019 nunc pro tunc to January 15, 2019.

January 17, 2019

  
Christine Farrington, J.S.C.

X Unopposed





## Exhibit D

Peter J. O'Connor, Esq.  
Kevin D. Walsh, Esq.  
Adam M. Gordon, Esq.  
Laura Smith-Denker, Esq.  
David T. Rammler, Esq.  
Joshua D. Bauers, Esq.

December 2, 2018

Gregory J. Castano Jr., Esq.  
Castano Quigley, LLC  
155 Passaic Avenue, Suite 340  
Fairfield, NJ 07004

**Re: In the Matter of the Application of the Town of Kearny, County of Hudson, Docket No. HUD-L-2880-15**

Dear Mr. Castano:

This letter memorializes the terms of an agreement reached between the Town of Kearny (the "Town" or "Kearny"), the declaratory judgment plaintiff, and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015)(Mount Laurel IV) and, through this settlement, a defendant in this proceeding.

### Background

Kearny filed the above-captioned matter on July 7, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. in accordance with In re N.J.A.C. 5:96 and 5:97, supra. Through the declaratory judgment process, the Town and FSHC agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

### Settlement terms

The Town and FSHC hereby agree to the following terms:

1. FSHC agrees that the Town, through the adoption of a Housing Element and Fair Share Plan conforming with the terms of this Agreement (hereafter "the Plan") and through the implementation of the Plan and this Agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., for the Prior Round (1987-1999) and Third Round (1999-2025).
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when Third Round fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round present and prospective need instead of doing so through plenary adjudication of the present and prospective need.
3. FSHC and Kearny hereby agree that Kearny's affordable housing obligations are as follows:

Rehabilitation Share (per Kinsey Report <sup>1</sup> )	168
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	211
Third Round (1999-2025) Prospective Need	0

4. For purposes of this Agreement, the Third Round Prospective Need shall be deemed to include the Gap Period Present Need, which is a measure of households formed from 1999-2015 that need affordable housing, that was recognized by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017). The Third Round Prospective Need is deemed to be zero by a decision by the Hon. Joseph A. Turula that Kearny meets the criteria for a qualified urban aid municipality and the parties agree for the purpose of settlement to accept that decision through July 1, 2025 without prejudice to any position that either party may assert as to any future methodology beyond that point.
5. The Town's efforts to meet its present need include the following:

<b>Present Need</b>	
<i>Town Rehabilitation Program using funds from the AHTF</i>	165
<i>41 Kearny Avenue (Habitat for Humanity)</i>	3
<b>Total Present Need</b>	<b>168</b>

The Town shall prior to the Final Compliance Hearing in this matter enter into a contract with an entity experienced in administering Mount Laurel-compliant rehabilitation programs to establish and administer such a program including creation of a rehabilitation manual and marketing plan for the program; provision of rehabilitation of both owner-occupied and renter-occupied units; amend its Spending Plan to provide for sufficient funding for the rehabilitation program based on an average cost of at least \$12,500 (inclusive of 20% administrative cost) per unit and based on the administrator's analysis of the cost needed to administer a rehabilitation program compliant with applicable COAH regulations and addressing the rehabilitation needs and costs to address those needs in the Kearny housing stock; and pass a resolution committing to supplemental municipal funding sources if required to supplement the municipal Affordable Housing Trust Fund for this program; and phase in the program over the remainder of the Third Round period with roughly 28 units rehabilitated each one year period from July 1, 2019 to June 30, 2025. This is sufficient to satisfy the Town's present need obligation of 168 units.

6. As noted above, the Town has a Prior Round need of 211 units, which is met through the following compliance mechanisms:

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<sup>1</sup> David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, May 2016.

<b>Prior Round Obligation (1987-1999)</b>	
<i>Spruce Terrace Senior Housing</i>	52
<i>Group Homes (5 from 494 Belgrove Avenue; 5 from 47 Clinton Avenue; 5 from 59 Clinton Avenue; 3 from 132 Pleasant Place)</i>	18
<i>Abandoned Properties – 369 Forest Street – will create one for-sale moderate-income unit</i>	1
<i>Inclusionary Zoning for Family Rental in the Schuyler Avenue Redevelopment Area Block 226 Lots 3, 4, and 11, PMC Site (19.57 acres)</i>	106
<b>Rental Bonus Credits</b>	
<i>Inclusionary Zoning for Family Rental in Schuyler Avenue Redevelopment Area</i>	53
<i>Total Rental Bonus Credits</i>	53
<b>Total Prior Round</b>	<b>230</b>

7. The Town will provide a realistic opportunity for the development of affordable housing through the adoption of inclusionary zoning on the following sites:

By the time of the final compliance hearing, the Town will adopt an amendment to the Schuyler Avenue Redevelopment Area that designates the properties highlighted by color and denoted by block and lot on Exhibit A for residential development, allowing for multifamily development at a density of 27 units per acre with a 20 percent set-aside of affordable family rental units, which would allow for the development of up to 106 affordable units in this area.

The parties acknowledge that Block 226 Lots 3 (PMC Site) is on the DEP Known Contaminated Sites list and is currently being investigated to determine the extent of the ground water contamination with a final investigation report due by March 1, 2019. If such final investigation report determines that this site cannot be remediated to residential standards, the Town shall substitute an alternate inclusionary redevelopment site not already included in Exhibit A that creates a realistic opportunity for a minimum of 106 affordable family rental units and adopt a redevelopment plan providing such realistic opportunity no later than six (6) months after issuance of the final investigation report. The Town shall also provide an update on the redevelopment of the PMC Site and other sites in the Schuyler Avenue Redevelopment Area as part of the midpoint review described in Paragraph 18(a) and if any such site no longer creates a realistic opportunity at that time shall identify an alternative inclusionary redevelopment site for an equivalent number of family rental units and adopt a redevelopment plan for that site no later than December 31, 2020. The Township shall also provide updates on the progress of the redevelopment

of the sites referenced in Exhibit A as part of its annual reporting referenced in paragraph 17.

8. The Town will provide a realistic opportunity for the development of additional affordable housing that will be developed or created through means other than inclusionary zoning in the following ways: The Town is currently in the process of acquiring and converting to a for-sale moderate-income unit 369 Forest Street. A timeline and plan for development for this property in accordance with N.J.A.C. 5:93-5.5 will be provided prior to the Final Compliance Hearing as part of the Town's Housing Element and Fair Share Plan.
9. The Town agrees to require 13% of all units referenced in this Agreement, excepting those units that were constructed or granted preliminary or final site plan approval prior to July 1, 2008, to be very low income units, with half of the very low income units being available to families. The municipality will comply with those requirements by requiring 13 percent of any development in the Schuyler Avenue Redevelopment Area to be affordable to very low income households.
10. The Town shall meet its Third Round Prospective Need in accordance with the following standards as agreed to by the Parties and reflected in the table in paragraph 6 above:
  - a. Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).
  - b. At least 50 percent of the units addressing the Third Round Prospective Need shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
  - c. At least twenty-five percent of the Third Round Prospective Need shall be met through rental units, including at least half in rental units available to families.
  - d. At least half of the units addressing the Third Round Prospective Need in total must be available to families.
  - e. The Town agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation.
11. The Town shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Jersey City NAACP, the Hoboken NAACP, and the Supportive Housing Association, and shall, as part of its regional affirmative marketing strategies during its implementation of the affirmative marketing plan, provide notice to those organizations of all available affordable housing units. The Town also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.
12. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the

exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in such projects shall be required to be at 30 percent of median income, and all other applicable law. The Town as part of its HEFSP shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied. Income limits for all units that are part of the Plan required by this Agreement and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Town annually within 30 days of the publication of determinations of median income by HUD as follows:

- a. Regional income limits shall be established for the region that the Town is located within (i.e. Region 1) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Town's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
- b. The income limits attached hereto as Exhibit A are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2018, and shall be utilized until the Town updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
- c. The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Town annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.
- d. The parties agree to request the Court prior to or at the fairness hearing in this matter to enter an order implementing this paragraph of this Agreement.

13. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.

14. As an essential term of this Agreement, within ninety (90) days of Court's approval of this Agreement, the Town shall introduce and adopt an ordinance or ordinances providing for the amendment of the Town's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this Agreement and the zoning contemplated herein and adopt a

Housing Element and Fair Share Plan and Spending Plan in conformance with the terms of this Agreement.

15. The parties agree that if a decision of a court of competent jurisdiction in Hudson County, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Town for the period 1999-2025 that would be lower by more than twenty (20%) percent than the total prospective Third Round need obligation established in this Agreement, and if that calculation is memorialized in an unappealable final judgment, the Town may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the Town shall be obligated to adopt a Housing Element and Fair Share Plan that conforms to the terms of this Agreement and to implement all compliance mechanisms included in this Agreement, including by adopting or leaving in place any site specific zoning adopted or relied upon in connection with the Plan adopted pursuant to this Agreement; taking all steps necessary to support the development of any 100% affordable developments referenced herein; maintaining all mechanisms to address unmet need; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of the Town's obligation below that established in this Agreement does not provide a basis for seeking leave to amend this Agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Town prevails in reducing its prospective need for the Third Round, the Town may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.
16. The Town shall prepare a Spending Plan within the period referenced above, subject to the review of FSHC and approval of the Court, and reserves the right to seek approval from the Court that the expenditures of funds contemplated under the Spending Plan constitute "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment approving this settlement in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). On the first anniversary of the execution of this Agreement, which shall be established by the date on which it is executed by a representative of the Town, and on every anniversary of that date thereafter through the end of the period of protection from litigation referenced in this Agreement, the Town agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
17. On the first anniversary of the execution of this Agreement, and every anniversary thereafter through the end of this Agreement, the Town agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.

18. The Fair Housing Act includes two provisions regarding action to be taken by the Town during the ten-year period of protection provided in this Agreement. The Town agrees to comply with those provisions as follows:
- a. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Town will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of the Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced. Any interested party may by motion request a hearing before the court regarding these issues.
  - b. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of this Agreement, and every third year thereafter, the Town will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.
19. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The parties to this Agreement agree to request the Court to enter an order declaring FSHC is an intervenor, but the absence of such an order shall not impact FSHC's rights.
20. This Agreement must be approved by the Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Town shall present its planner as a witness at this hearing. FSHC agrees to support this Agreement at the fairness hearing. In the event the Court approves this proposed settlement, the parties contemplate the municipality will receive "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025. If this Agreement is rejected by the Court at a fairness hearing it shall be null and void.
21. If an appeal is filed of the Court's approval or rejection of this Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of this Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful, at which point the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.
22. This Agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Hudson County. A prevailing movant or plaintiff in such a motion or separate action shall be entitled to reasonable attorney's fees.

23. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
24. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
25. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
26. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
27. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.
28. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.
29. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.
30. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.
31. No member, official or employee of the Town shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
32. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.
33. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change



as to the person(s) to be notified and/or their respective addresses upon ten (10) days notice as provided herein:

**TO FSHC:**

Adam M. Gordon, Esq.  
Fair Share Housing Center  
510 Park Boulevard  
Cherry Hill, NJ 08002  
Phone: (856) 665-5444  
Telecopier: (856) 663-8182  
E-mail: adamgordon@fairsharehousing.org

**TO THE TOWN:**

Gregory J. Castano Jr., Esq.  
Castano Quigley, LLC  
155 Passaic Avenue, Suite 340  
Fairfield, NJ 07004

Telecopier: (973) 808-8480  
Email: gcastano@cq-law.com

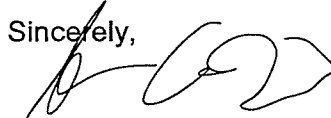
**WITH A COPY TO THE  
MUNICIPAL CLERK:**

Pat Carpenter, Town Clerk  
402 Kearny Avenue  
Kearny, NJ 07032

Telecopier: (201) 991-0608  
Email: pcarpenter@kearnynj.org

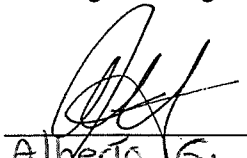
Please sign below if these terms are acceptable.

Sincerely,



Adam M. Gordon, Esq.  
Counsel for Intervenor/Interested Party  
Fair Share Housing Center

On behalf of the Town of Kearny, with the authorization  
of the governing body:



12/11/18  
Alberto G. Santos, Mayor  
Dated: \_\_\_\_\_

**EXHIBIT A: PROPERTIES TO BE INCLUDED IN INCLUSIONARY REDEVELOPMENT**



# **EXHIBIT B: 2018 INCOME LIMITS**

## **2018 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SIZE**

Prepared by Affordable Housing Professionals of New Jersey (AHPNJ) - April 2018  
Income limits not officially adopted by the State of New Jersey. Contact your municipality to see if applicable in your jurisdiction. Additional information about AHPNJ income limits is posted on

		1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person	7 Person	8+ Person	Max Increase Rents** Sides***	Regional Asset Limit****
Region 1	Median	\$63,597	\$68,140	\$72,682	\$81,767	\$90,853	\$94,487	\$98,121	\$105,389	\$112,657	\$119,926		
Bergen, Hudson, Passaic and Sussex	Moderate	\$50,878	\$54,512	\$58,146	\$65,414	\$72,682	\$75,589	\$78,497	\$84,311	\$90,126	\$95,940	2.2%	\$175,679
	Low	\$31,798	\$34,070	\$36,341	\$40,884	\$45,426	\$47,243	\$49,060	\$52,695	\$56,329	\$59,963	5.52%	
	Very Low	\$19,079	\$20,442	\$21,805	\$24,530	\$27,256	\$28,346	\$29,436	\$31,617	\$33,797	\$35,978		
Region 2	Median	\$66,755	\$71,523	\$76,291	\$85,828	\$95,364	\$99,179	\$102,993	\$110,622	\$118,252	\$125,881		
Essex, Morris, Union and Warren	Moderate	\$53,404	\$57,218	\$61,033	\$68,662	\$76,291	\$79,343	\$82,395	\$88,498	\$94,601	\$100,705	2.2%	\$182,955
	Low	\$33,377	\$35,762	\$38,146	\$42,914	\$47,682	\$49,589	\$51,497	\$55,311	\$59,126	\$62,940	1.22%	
	Very Low	\$20,026	\$21,457	\$22,887	\$25,748	\$28,609	\$29,754	\$30,898	\$33,187	\$35,475	\$37,764		
Region 3	Median	\$75,530	\$80,925	\$86,320	\$97,110	\$107,900	\$112,216	\$116,532	\$125,164	\$133,796	\$142,428		
Hunterdon, Middlesex and Somerset	Moderate	\$60,424	\$64,740	\$69,056	\$77,688	\$86,320	\$89,773	\$93,226	\$100,131	\$107,037	\$113,942	2.2%	\$205,458
	Low	\$37,765	\$40,463	\$43,160	\$48,555	\$53,950	\$56,108	\$58,266	\$62,582	\$66,898	\$71,214	2.37%	
	Very Low	\$22,659	\$24,278	\$25,896	\$29,133	\$32,370	\$33,665	\$34,960	\$37,549	\$40,139	\$42,728		
Region 4	Median	\$69,447	\$74,407	\$79,368	\$89,289	\$99,209	\$103,133	\$107,146	\$115,083	\$123,020	\$130,956		
Mercer, Monmouth and Ocean	Moderate	\$55,557	\$59,526	\$63,494	\$71,531	\$79,568	\$82,542	\$85,517	\$92,066	\$98,416	\$104,765	2.2%	\$186,616
	Low	\$34,723	\$37,204	\$39,684	\$44,644	\$49,605	\$51,589	\$53,573	\$57,541	\$61,510	\$65,478	5.19%	
	Very Low	\$20,834	\$22,322	\$23,810	\$26,787	\$29,763	\$30,953	\$32,144	\$34,525	\$36,906	\$39,287		
Region 5	Median	\$61,180	\$65,550	\$69,920	\$78,660	\$87,400	\$90,896	\$94,392	\$101,384	\$108,376	\$115,368		
Burlington, Camden and Gloucester	Moderate	\$48,944	\$52,440	\$55,936	\$62,928	\$69,920	\$72,717	\$75,514	\$81,107	\$86,701	\$92,294	2.2%	\$161,977
	Low	\$30,590	\$32,775	\$34,960	\$39,330	\$43,700	\$45,448	\$47,196	\$50,692	\$54,188	\$57,684	5.05%	
	Very Low	\$18,354	\$19,665	\$20,976	\$23,598	\$26,220	\$27,269	\$28,318	\$30,415	\$32,513	\$34,610		
Region 6	Median	\$51,085	\$54,734	\$58,383	\$65,681	\$72,979	\$75,898	\$78,817	\$84,655	\$90,494	\$96,332		
Atlantic, Cape May, Cumberland, and Salem	Moderate	\$40,868	\$43,787	\$46,706	\$52,545	\$58,383	\$60,718	\$63,054	\$67,724	\$72,395	\$77,066	2.2%	\$136,680
	Low	\$25,543	\$27,367	\$29,192	\$32,840	\$36,489	\$37,949	\$39,409	\$42,328	\$45,247	\$48,166	0.00%	
	Very Low	\$15,326	\$16,420	\$17,515	\$19,704	\$21,894	\$22,769	\$23,645	\$25,397	\$27,148	\$28,900		

Moderate income is between 80 and 50 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent or less of median income.

\* These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.4(a).

\*\* This column is used for calculating the pricing for rent increases for units (as previously calculated under N.J.A.C. 5:97-9.3). The increase for 2015 was 2.3%, the increase for 2016 was 1.1%, the increase for 2017 was 1.7%, and the increase for 2018 is 2.2% (Consumer price index for All Urban Consumers (CPI-U)). Regions by expenditure category and commodity and service group). Landlords who did not increase rents in 2015, 2016, or 2017 may increase rent by up to the applicable combined percentage from their last rental increase for that unit. In no case can rent for any particular apartment be increased more than one time per year.

\*\*\* This column is used for calculating the pricing for resale increases for units (as previously calculated under N.J.A.C. 5:97-9.3). The price of owner-occupied low and moderate income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

Low income tax credit developments may increase based on the low income tax credit regulations.

\*\*\*\* The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3.

Note: Since the Regional Income Limits for Region 6 in 2017 were higher than the 2018 calculations, the 2017 income limits will remain in force for 2018 (as previously required by N.J.A.C. 5:97-9.2(c)).





## Exhibit E

Peter J. O'Connor, Esq.  
Kevin D. Walsh, Esq.  
Adam M. Gordon, Esq.  
Laura Smith-Denker, Esq.  
David T. Rammner, Esq.  
Joshua D. Bauers, Esq.

June 11, 2019

Anthony S. Bocchi, Esquire  
Cullen and Dykman, LLP  
433 Hackensack Avenue  
Hackensack, NJ 07601

**Re: In the Matter of the Borough of Little Ferry, County of Bergen, Docket  
No. BER-L-6380-15**

Dear Mr. Bocchi:

This letter memorializes the terms of an agreement reached between the Borough of Little Ferry (the Borough or "Little Ferry"), the declaratory judgment plaintiff, and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (Mount Laurel IV) and, through this settlement, a defendant in this proceeding.

### Background

Little Ferry Borough filed the above-captioned matter on July 8, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., in accordance with In re N.J.A.C. 5:96 and 5:97, supra. Through the declaratory judgment process, the Borough and FSHC have agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

### Settlement terms

The Borough and FSHC hereby agree to the following terms:

1. FSHC agrees that the Borough, through the adoption of a Housing Element and Fair Share Plan conforming with the terms of this Agreement (hereafter "the Plan") and through the implementation of the Plan and this Agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., for the Prior Round (1987-1999) and Third Round (1999-2025).
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when Third Round fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round Obligation instead of doing so through plenary adjudication of the Third Round Obligation.
3. FSHC and Little Ferry hereby agree that Little Ferry's affordable housing obligations are as follows:

Rehabilitation Share (per Kinsey Report <sup>1</sup> )	47
Prior Round Obligation (pursuant to N.J.A.C. 5:93) <sup>2</sup>	28
Third Round (1999-2025) Obligation (per Kinsey Report, as adjusted through this Agreement)	182

4. For purposes of this Agreement, the Third Round Obligation shall be deemed to include the Gap Period present need for new construction to address the affordable housing needs of households formed from 1999-2015, a need that was recognized by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017), and the Prospective Need, which is a measure of the affordable housing need anticipated to be generated between July 1, 2015 and June 30, 2025.
5. The Borough's efforts to meet its Rehabilitation Share include the following: The Borough plans to partner with an experienced rehabilitation consultant. The rehabilitation program shall be established during the compliance phase as a part of the Borough's Housing Element and Fair Share Plan and shall include a rehabilitation program available for rentals.
6. As noted above, the Borough has a Prior Round (new construction) Obligation of 28 units, which is addressed in the April 26, 2012 Judgment of Compliance and Repose entered by Hon. Alexander H. Carver, III, J.S.C which is attached here as Exhibit A. That order included the following compliance mechanisms:
  - a. Group Home located at Block 47.02 Lot 40.05 – 4 bedrooms/credits
  - b. Group Home located at Block 6.03 Lot 9 - 3 bedrooms/credits
  - c. 110 Bergen Turnpike Settlement Agreement (Block 25 Lot 2) – the Borough has entered into an agreement with Meridian Development Corp. that will require at least 15 affordable housing units to be constructed on-site. The Borough will provide this agreement and all crediting information within 60 days of the court's approval of this agreement.
  - d. Rental Bonus credits – the Borough is entitled to 7 rental bonus credits.
7. As noted above, the Borough has a Third Round (new construction) obligation of 182 units. To address its Third Round obligation, Little Ferry Borough has a realistic development potential (RDP) of 0 units, as calculated in Exhibit B.

The RDP of 0, subtracted from the agreed upon Third Round Obligation of 182 units, results in an Unmet Need of 182 units, which shall be addressed through the following mechanisms, as more fully described in Exhibit C to this Agreement:

- a) Prior Round Surplus credit – 1 additional unit from addressing Prior Round
- b) Royale Realty -The Borough permitted development of the Royale Realty site with 22 market rate units and 2 affordable housing units which have been constructed off-site at 129 Woodland Avenue. These affordable housing units are completed and the Borough will provide all crediting information during the compliance phase of this litigation.

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<sup>1</sup> David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, May, 2016.

<sup>2</sup> Prior Round Obligation of 28 units established by Judgment of Compliance and Repose entered on April 26, 2012.

- c) RF-A Riverfront Inclusionary Overlay Zone – the Borough currently has overlay zoning in place over approximately 13 acres to the south of Rt. 46 and east of Bergen Turnpike. This overlay zone permits a minimum residential density of 25 du/a and maximum residential density of 60 du/a. This zone also includes the property at Block 25 Lot 2 that is the subject of the 2012 settlement agreement and judgment of repose.
  - d) Overlay zoning over the following sites/areas Refer to Exhibit C of the Proposed Overlay Zoning Districts:
    - i. Overlay Zone 1: Highway and Regional Business (BH) zone sites to the north of Route 46 (H-Mart and Rodeway Inn) - the Borough shall adopt overlay zoning permitting density similar to the RF-A zoning district of a minimum of 25 du/a and a maximum of 60 du/a.
    - ii. Overlay Zone 2: As shown in Exhibit C includes properties on Washington Street and Riverside Drive the Borough shall adopt overlay zoning permitting density similar to the RF-A zoning district of a minimum of 25 du/a and a maximum of 60 du/a.
  - e) Regan Development Corp. – the Borough has entered into an agreement with Regan Development Corporation for the development of a property located on the Borough's tax maps as Block 107 Lots 2.01 and 17, and Block 106.01 Lot 13.06. The proposed development will include 85 total units including 65 age-restricted affordable rental units and 20 supportive housing units. This property was analyzed by the parties for inclusion in the Borough's vacant land analysis, but has been excluded because much of the site is in the Special Flood Hazard Area and thus does not generate any RDP at this time. In the event that Regan Development Corp. is successful at financing and constructing this development, the site will then generate realistic development potential (RDP) of 17 units. In the event that this site does develop and generate RDP the Borough shall be entitled to address that RDP utilizing existing credits, new credits created on this site, and any relevant bonus credits, consistent with Paragraph 10 of this agreement. In the event that the property is not developed the site shall not generate any RDP consistent with Paragraph 8 of this agreement.
  - f) Mandatory Set-aside Ordinance -The Borough shall adopt an ordinance requiring a mandatory affordable housing set aside for all new multifamily and single-family attached residential developments of fifteen (15) units or more. The set aside for rental developments shall be fifteen percent (15%) and the set aside for for-sale developments shall be twenty percent (20%). The provisions of the ordinance shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more. The form of the Ordinance shall be finalized prior to final judgment being issued in this matter through collaboration between FSHC, the Special Master, and representatives of the Borough.
8. The Borough's RDP with the exception of the provisions in Paragraph 7(e) shall not be revisited by FSHC or any other interested party absent a substantial changed circumstance under Fair Share Housing Center v. Cherry Hill, 173 N.J. 393 (2002) ("Cherry Hill") and, if such a change in circumstance occurs with the RDP, the Borough shall have the right to address the issue without negatively affecting its continuing entitlement to immunity from all Mount Laurel lawsuits through July 2, 2025.
9. The Borough agrees to require 13% of all units referenced in this Agreement, excepting those units that were constructed or granted preliminary or final site plan approval prior to

July 1, 2008, to be very low income units, with half of the very low income units being available to families. The municipality will comply with those requirements as follows:

- a. The Borough shall require that 13% of all affordable housing units constructed at the 110 Bergen Turnpike site shall be made available the very low income households.
  - b. The Borough shall require that 13% of all affordable housing units constructed pursuant to the overlay zoning in Paragraph 7(b) and (c) shall be made available to very low income households.
  - c. The Borough shall require that 13% of all affordable housing units constructed pursuant to the mandatory set-aside ordinance in Paragraph 7(d) shall be made available to very low income households.
  - d. The Borough shall require that 13% of all affordable housing units constructed pursuant to the proposed development in Paragraph 7(e) shall be made available to very low income households.
10. The Borough shall meet its Third Round Obligation in accordance with the following standards as agreed to by the Parties and reflected in the table in paragraph 6 above:
- a. Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).
  - b. At least 50 percent of the units addressing the Third Round Obligation shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
  - c. At least twenty-five percent of the Third Round Obligation shall be met through rental units, including at least half in rental units available to families.
  - d. At least half of the units addressing the Third Round Prospective Need in total must be available to families.
  - e. The Borough agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation.
11. The Borough shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Bergen County NAACP, Bergen County Urban League, Bergen County Housing Coalition, and Supportive Housing Association, and shall, as part of its regional affirmative marketing strategies during its implementation of the affirmative marketing plan, provide direct notice to those organizations of all available affordable housing units in Wyckoff, along with copies of application forms. The Borough also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.

12. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, *et seq.*, or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in rental projects shall be required to be at 30 percent of median income, and in conformance with all other applicable law. The Borough, as part of its HEFSP, shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied. Limits for all units that are part of the Plan required by this Agreement and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Borough annually within 30 days of the publication of determinations of median income by HUD as follows:
- a. Regional income limits shall be established for the Housing Region in which the Borough is located (in this case, Housing Region 1) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated number of households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total number of households from the most recent decennial Census in the Borough's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
  - b. The income limits attached hereto as Exhibit C are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2018, and shall be utilized until the Borough updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
  - c. The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Borough annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.
  - d. The parties agree to request the Court prior to or at the fairness hearing in this matter to enter an order implementing this paragraph of this Agreement, the terms of which shall also be reflected in the Borough's Affordable Housing Ordinance.
13. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.



14. As an essential term of this Agreement, within one hundred twenty (120) days of the Court's approval of this Agreement, the Borough shall introduce an ordinance or ordinances providing for the amendment of the Borough's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this Agreement and the zoning contemplated herein and shall adopt a Housing Element and Fair Share Plan and Spending Plan in conformance with the terms of this Agreement.
15. The parties agree that if a decision of a court of competent jurisdiction in Bergen County, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Borough for the period 1999-2025 that would be lower by more than twenty (20%) percent than the total prospective Third Round Obligation established in this Agreement, and if that calculation is memorialized in an unappealable final judgment, the Borough may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the Borough shall be obligated to adopt a Housing Element and Fair Share Plan that conforms to the terms of this Agreement and to implement all compliance mechanisms included in this Agreement, including by adopting or leaving in place any site specific zoning adopted or relied upon in connection with the Plan adopted pursuant to this Agreement; taking all steps necessary to support the development of any 100% affordable developments referenced herein; maintaining all mechanisms set forth herein to address unmet need; and otherwise fulfilling fully the fair share obligations as established in this Agreement. The reduction of the Borough's Third Round Obligation below that established in this Agreement does not provide a basis for seeking leave to amend this Agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Borough prevails in reducing its Third Round Obligation, the Borough may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.
16. The Borough shall prepare a Spending Plan within the period referenced above, subject to review by FSHC and the approval of the Court, and reserves the right to seek approval from the Court that the expenditures of funds contemplated under the Spending Plan constitute a "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment in this matter that includes approval of the Spending Plan in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). On the first anniversary of the Court's approval of the Spending Plan, and on every anniversary of that date thereafter through July 1, 2025, the Borough agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
17. On the first anniversary of the execution of this Agreement, and every anniversary thereafter through the end of this Agreement, the Borough agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website, with a copy of such posting provided to Fair Share

Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.

18. The Fair Housing Act includes two provisions regarding action to be taken by the Borough during the period of protection provided in this Agreement. The Borough agrees to comply with those provisions as follows:
  - a. For the midpoint realistic opportunity review, due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of the Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.
  - b. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of this Agreement, and every third year thereafter, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.
19. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The parties to this Agreement agree to request the Court to enter an order declaring FSHC is an intervenor, but the absence of such an order shall not impact FSHC's rights.
20. This Agreement must be approved by the Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Borough shall present its planner as a witness at this hearing. FSHC agrees to support this Agreement at the fairness hearing. In the event the Court approves this proposed settlement, the parties contemplate the municipality will receive "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025. If this Agreement is rejected by the Court at a fairness hearing it shall be null and void.
21. The Borough agrees to pay FSHC's attorneys fees and costs in the amount of \$4,000.00 within ten (10) days of the Court's approval of this Agreement pursuant to a duly-noticed fairness hearing.

22. If an appeal is filed of the Court's approval or rejection of this Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of this Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful, at which point the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.
23. This Agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Bergen County. A prevailing movant or plaintiff in such a motion or separate action shall be entitled to reasonable attorney's fees.
24. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
25. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
26. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
27. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
28. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.
29. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.
30. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.
31. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.

32. No member, official or employee of the Borough shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
33. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.
34. All Notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight carrier or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) Notices shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be effected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days notice as provided herein:

**TO FSHC:**

Adam M. Gordon, Esquire  
Fair Share Housing Center  
510 Park Boulevard  
Cherry Hill, NJ 08002  
Phone: (856) 665-5444  
Telecopier: (856) 663-8182  
E-mail: adamgordon@fairsharehousing.org

**TO THE BOROUGH:**

Anthony Bocchi, Esquire  
Cullen and Dykman, LLP  
433 Hackensack Avenue  
Hackensack, New Jersey 07601  
Phone: 201-488-1300  
Email: abocchi@cullenanddykman.com

**WITH A COPY TO THE  
MUNICIPAL CLERK:**

Barbara Maldonado  
215-217 Liberty St.  
Little Ferry, NJ 07643  
Phone: (201) 641-9234 ext. 654  
Email: b-maldonado@littleferrynj.org


Please sign below if these terms are acceptable.

Sincerely,

A handwritten signature in black ink, appearing to be 'Adam M. Gordon', written over a horizontal line.

Adam M. Gordon, Esq.  
Counsel for Intervenor/Interested Party  
Fair Share Housing Center

On behalf of the Borough of Little Ferry, with the authorization  
of the governing body:

  
MAURO D. LAGUSEO, MAYOR  
Dated: 6/11/19

**EXHIBIT A: APRIL 26, 2012 JUDGMENT OF COMPLIANCE AND REPOSE**

**FILED**

**APR 26 2012**

**ALEXANDER H. CARVER, III**  
**J.S.C.**

**STICKEL, KOENIG & SULLIVAN**  
571 Pompton Avenue  
Cedar Grove, New Jersey 07009  
(973) 239-8800  
(973) 239-0369 Facsimile  
[skslaw@aol.com](mailto:skslaw@aol.com)  
Special Master

**SUPERIOR COURT OF NEW JERSEY**  
**LAW DIVISION - BERGEN COUNTY**

**DOCKET NO. BER-L-717-06**

Civil Action

(Mt. Laurel II)

**JUDGMENT OF COMPLIANCE**  
**AND REPOSE**

**DONALD NUCKEL, an individual and**  
**NORTH VILLAGE I, LLC, NORTH**  
**VILLAGE II, LLC, GILBERT MANOR,**  
**LLC, all limited liability corporations**  
**organized under the laws of the State of**  
**New Jersey,**

Plaintiffs,

v.

**THE BOROUGH OF LITTLE FERRY**  
**and THE PLANNING BOARD OF THE**  
**BOROUGH OF LITTLE FERRY**

Defendants.

THIS MATTER having been presented to the Court at a Compliance Hearing on May 20, 2011, in the presence of Hutt & Shimanowitz (Ronald L. Shimanowitz, Esq., appearing), and Joseph A. Ferriero, Esq., attorneys for the Plaintiffs; Joseph G. Monaghan, Esq., attorney for the Defendant Borough of Little Ferry; Giblin & Giblin, P.C. (Michael A. Gannaio, Esq., appearing), attorneys for the Defendant Planning Board of the Borough of Little Ferry; and in the presence of Archer & Greiner, P.C. (Andrew T. Fede, Esq., appearing), attorneys for 110 Bergen Turnpike, LLC; and in the presence of Stuart R. Koenig, Esq., Special Master; and the Court having reviewed the various documents and testimony submitted by the parties, and having heard the arguments of counsel; and the Court having issued a written Opinion in the matter on February 10, 2012; and for good cause shown;

IT IS on this 26 day of APRIL, 2012, ADJUDGED as follows:

1. This Court does hereby establish the rehabilitation obligation of the Borough of Little Ferry to be 42 affordable units, and the new construction prior round (or second round) obligation of the municipality to be 28 affordable units. The determinations are consistent with the regulations adopted by the Council on Affordable Housing and affirmed by the Appellate Division of the Superior Court of New Jersey on October 8, 2010. This Court makes no determination with reference to any third round affordable housing obligation, as the third round regulations of the Council on Affordable Housing were invalidated by the aforesaid decision.
2. The Housing Element and Fair Share Plan adopted by the Defendant Planning Board on April 20, 2011, and endorsed by the Mayor and Council of the Defendant municipality on May 3, 2011, and related documents, are in compliance with the municipal affordable housing obligation for what is known as the second round obligation calculated by the Council on Affordable Housing, which includes the prior round obligation and the rehabilitation obligation.
3. This Court does hereby approve the following documents: The Development Fee Ordinance, Ordinance No. 1257-16-18, adopted November 10, 2008; the Affordable Housing Ordinance, Ordinance No. 1278-10-09, adopted April 14, 2009; the Affirmative Marketing Plan, adopted by Resolution No. 112 on April 14, 2009; the Administrative Agency Agreement, adopted by the Defendant Little Ferry by Resolution No. 303 on December 2, 2008, and adopted by the Housing Authority of Bergen County by Resolution No. 2008-96 on November 25, 2008; a draft River Front Overlay Zoning Ordinance, revised January 2011, and a settlement agreement with 110 Bergen Turnpike, LLC, introduced as Exhibit DL-15 in evidence at the Compliance Hearing.



4. The Defendant municipality is entitled to 6 credits against the rehabilitation obligation, representing units that have been rehabilitated by the Bergen County Division of Community Development, and the Court approves the 36 unit rehabilitation program administered by the County. In the event the Bergen County Division of Community Development ceases to provide rehabilitation services, the municipality shall be required to find a substitute administrator for the program. Likewise, if the Housing Authority of Bergen County ceases to provide administrative agency duties, the Defendant municipality shall find a substitute to provide those services.

5. Approval of the rehabilitation program shall be on condition that the qualifying units shall be open to units which are both owned and leased by low and moderate income households. In this regard, the Court has been made aware that the County program only funds rehabilitation for rental units. The municipality shall provide funding for rehabilitation of ownership units from the Municipal Affordable Housing Trust Fund.

6. The Defendant municipality is entitled to 7 group home rental unit credits toward its prior round obligation, based upon existing development on Lot 40.05, Block 47.02 (PSCH-New Jersey, Inc.), and Lot 9, Block 6.03 (Advance Housing, Inc). The 7 group home units shall also serve to satisfy the 25% rental obligation.

7. The River Front Overlay Zoning Ordinance, and the agreement with 110 Bergen Turnpike, LLC, entitles the Defendant municipality to 21 credits against the prior round affordable housing obligation, based upon the commitment to build those units. The Defendant municipality shall require the construction of such affordable housing units when construction occurs on Lot 2, Block 25, currently owned by 110 Bergen Turnpike, LLC. The requirement for

such construction shall remain in effect until some future compliance plan is approved which modifies the need to construct those units, or until the further Order of the Court.

8. The agreement with 110 Bergen Turnpike, LLC, shall be recorded of record by the municipality in order to assure that subsequent owners are aware of the obligation to provide affordable housing. The Court makes no determination on any third round obligation, as it remains uncertain at this time, and the complaint filed by the municipality seeking a declaratory judgment with reference to compliance with the third round affordable housing obligation is dismissed, without prejudice.

9. The Defendants shall adopt the River Front Overlay Zoning Ordinance, and any other unadopted documents which are part of the compliance documents, within 45 days. In adopting the River Front Overlay Zoning Ordinance, the municipality may, but is not required to, revise the language to provide that the mandatory market rate housing units need not be provided if the developer enters into an agreement to provide the affordable units that would otherwise be required based upon the mandatory residential component in the ordinance.

10. A Judgment of Compliance and Repose is hereby entered in favor of the Defendants upon adoption of the River Front Overlay Zoning Ordinance, which period of repose shall run until the deadline for the filing of any third round compliance plan upon resolution of such obligation either by adoption of new regulations, passage of legislation, or as directed by any Supreme Court decision.

11. The Special Master shall continue to be retained to monitor and assist the municipality in completing the necessary adoptions, and to review and approve a phasing schedule, at the time of site plan review, for the affordable units to be constructed pursuant to the agreement with 110 Bergen Turnpike, LLC, and the River Front Overlay Zoning Ordinance.

12. Upon adoption of the ordinance, and any other required documents, the Special Master shall provide copies of the compliance documents to the Council on Affordable Housing, or its replacement entity, together with a copy of this Judgment.

13. Review and approval of the Spending Plan, and future monitoring of compliance, is transferred to COAH, or its successor, upon submission of the compliance documents to the Agency by the Special Master.

14. Any remaining claims of Plaintiffs are hereby dismissed, including the claim that there was a violation of the Open Public Meetings Act in connection with the meeting of the Mayor and Council held on May 3, 2011.

15. The Judgment in this matter is final.



ALEXANDER H. CARVER, III, J.S.C.

☒ Opposed

☐ Unopposed

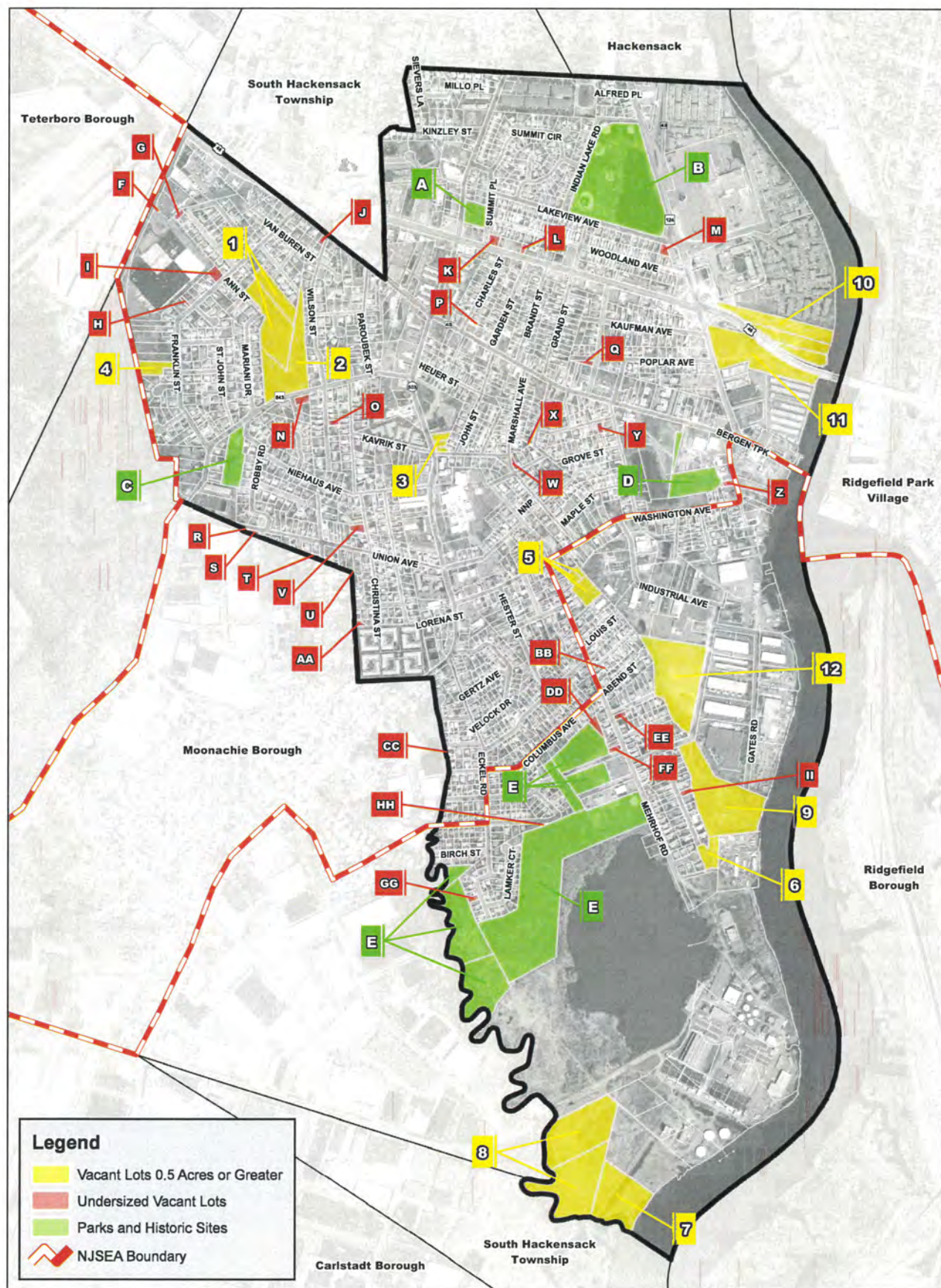
**EXHIBIT B: VACANT LAND ANALYSIS**

LITTLE FERRY BOROUGH  
VACANT LAND ANALYSIS

SITE#	BLOCK	LOT	PROPERTY CLASS	ADDRESS	OWNER	TOTAL ACRES	CONSTRAINED ACRES	DEVELOPABLE ACRES	RDP	COMMENTS
1	32	12.02	1	178 FRANKLIN ST REAR	BARES, RAYMOND C/O LIBERTY BELL	1.58	1.28	0.3	0	ENTIRELY CONSTRAINED BY WETLANDS AND SPECIAL FLOOD HAZARD AREA; APPROVED FOR PLANT SUBDIVISION
2	32	15	1	ANN ST	BARES, RAYMOND C/O LIBERTY BELL	3.9	3.85	0.05	0	ENTIRELY CONSTRAINED BY WETLANDS AND SPECIAL FLOOD HAZARD AREA
3	50	23.01	15C	100 REDNECK AVE	BOROUGH OF LITTLE FERRY	4.7	4.7	0	0	ENTIRELY CONSTRAINED BY WETLANDS AND SPECIAL FLOOD HAZARD AREA
4	50	24	1	182 LIBERTY ST	WILLIAMSTOWNE MANOR II LLC	0.13	0.13	0	0	ENTIRELY CONSTRAINED BY WETLANDS AND SPECIAL FLOOD HAZARD AREA
5	50	25	1	190 LIBERTY ST	WILLIAMSTOWNE MANOR III LLC	0.15	0.15	0	0	ENTIRELY CONSTRAINED BY WETLANDS AND SPECIAL FLOOD HAZARD AREA
6	70	3.02	1	67 FRANKLIN ST	OSMANI, PERPARIM	0.29	0.29	0	0	CONSTRAINED BY WETLANDS AND SPECIAL FLOOD HAZARD AREA; ISOLATED SINGLE FAMILY IN NEIGHBORHOOD
7	82	17	1	WASHINGTON AVE - REAR HM	SCIENTIFIC DESIGN CO., INC.	0.38	0.38	0	0	WITHIN THE SPECIAL FLOOD HAZARD AREA; NO ACCESS TO PUBLIC R.O.W.
8	82	19	1	WASHINGTON AVE HM	BARES, RAYMOND C/O LIBERTY BELL	0.15	0.15	0	0	WITHIN THE SPECIAL FLOOD HAZARD AREA; NO ACCESS TO PUBLIC R.O.W.
9	82	20	4B	MEHRHOF RD HM	SCIENTIFIC DESIGN CO., INC.	1.03	1.03	0	0	WITHIN THE SPECIAL FLOOD HAZARD AREA; NO ACCESS TO PUBLIC R.O.W.
10	106.00	13.06	1	MEHRHOF RD HM	TT&C HOLDING CO. LLC	1.01	1.01	0	0	WITHIN THE SPECIAL FLOOD HAZARD AREA; NO ACCESS TO PUBLIC R.O.W.
11	106.01	1	15C	FT OF MEHRHOF RD HM	BERGEN COUNTY SEWER AUTH	5.17	5.17	0	0	CONSTRAINED BY WETLANDS AND SPECIAL FLOOD HAZARD AREA; ACCESS BY PRIVATE R.O.W.; APPROX. TWO-THIRDS OF PARCELS CONFINED TO THIS PARCEL FOR SECURITY REASONS; CONTAINS PUMP STATION
12	106.01	2	15C	MEHRHOF RD HM	BOROUGH OF LITTLE FERRY	6.67	6.67	0	0	CONSTRAINED BY WETLANDS AND SPECIAL FLOOD HAZARD AREA; ACCESS BY PRIVATE R.O.W.; APPROX. TWO-THIRDS OF PARCELS CONFINED TO THIS PARCEL FOR SECURITY REASONS; CONTAINS PUMP STATION
13	106.01	3	15C	MEHRHOF RD HM	BOROUGH OF LITTLE FERRY	6.51	6.51	0	0	CONSTRAINED BY WETLANDS AND SPECIAL FLOOD HAZARD AREA; ACCESS BY PRIVATE R.O.W.; APPROX. TWO-THIRDS OF PARCELS CONFINED TO THIS PARCEL FOR SECURITY REASONS; CONTAINS PUMP STATION
14	107	2.01	1	INDUSTRIAL AVE HM	UNI REALTY LLC	8.19	5.98	2.2	0	SPECIAL FLOOD HAZARD AREA; UNSUITABLE LOCATION FOR MULTI-FAMILY RESIDENTIAL DUE TO PROXIMITY TO INDUSTRIAL DEVELOPMENT; ACCESS CONSTRAINED BY CREEK, BCIA ACCESS EASEMENT, BCIA OUTFLOW EASEMENT
15	5.01	10	NO DATA			0.05	0.05	0	0	WITHIN SPECIAL FLOOD HAZARD AREA; POSSIBLE BRIDGE CONSTRUCTION STAGING AREA
16	5.01	8				2.95	2.95	0.05	0	WITHIN SPECIAL FLOOD HAZARD AREA; PART OF PRIOR ROUND AFFORDABLE HOUSING SITE (RFA)
17	5.01	9				1.63	1.63	0.05	0	WITHIN SPECIAL FLOOD HAZARD AREA; UNSUITABLE LOCATION FOR MULTI-FAMILY RESIDENTIAL DUE TO PROXIMITY TO INDUSTRIAL DEVELOPMENT
18	5	2	4B	110 BERGEN TURNPIKE	110 BERGEN TURNPIKE LLC % SUNG HO CHOI	5.28	5.22	0.05	0	WITHIN SPECIAL FLOOD HAZARD AREA; UNSUITABLE LOCATION FOR MULTI-FAMILY RESIDENTIAL DUE TO PROXIMITY TO INDUSTRIAL DEVELOPMENT
19	108.06	3	4B	145 INDUSTRIAL AVE	GATES REALTY CORP.	7.39	7.49	0.1	0	WITHIN SPECIAL FLOOD HAZARD AREA; UNSUITABLE LOCATION FOR MULTI-FAMILY RESIDENTIAL DUE TO PROXIMITY TO INDUSTRIAL DEVELOPMENT
TOTAL RDP										0
Undeveloped lots and Preserved Open Space										0
A	9	12	15E	BERGEN	LITTLE FERRY BORO	0.07	0	0.07	0	CETHEMANNE CEMETERY (HISTORIC SITE)
B	6.04	1	15C	BERGEN TURNPIKE	BOROUGH OF LITTLE FERRY	14.59	8.31	6.28	0	PRESERVED OPEN SPACE (INCLUDING ROS)
C	46	8	15C	141 REDNECK AVE	BOROUGH OF LITTLE FERRY	2.54	1.84	0.7	0	PRESERVED OPEN SPACE (INCLUDING ROS)
D	44	3.01	15C	WILLOW LAKE PARK	BOROUGH OF LITTLE FERRY	2.77	2.77	0	0	PRESERVED OPEN SPACE (INCLUDING ROS)
E	92	16.01	15C	ROSE & CRENSHAW STHM	BOROUGH OF LITTLE FERRY	0.76	0.76	0	0	PRESERVED OPEN SPACE (INCLUDING ROS)
F	105.01	13.05	15C	ECKEL RD HM	BOROUGH OF LITTLE FERRY	4.91	4.91	0	0	PRESERVED OPEN SPACE (INCLUDING ROS)
G	105.01	13.07	15C	MEHRHOF RD HM	BOROUGH OF LITTLE FERRY	4.33	4.33	0	0	PRESERVED OPEN SPACE (INCLUDING ROS)
H	105.02	11.02	15C	15 BIRCH ST HM	BOROUGH OF LITTLE FERRY	21.62	20.07	1.55	0	PRESERVED OPEN SPACE (INCLUDING ROS)
I	105.01	12	15C	ECKEL ROAD HM	BOROUGH OF LITTLE FERRY	1.75	1.75	0	0	PRESERVED OPEN SPACE (INCLUDING ROS)
J	91	13.02	15C	CRENSHAW ST HM	BOROUGH OF LITTLE FERRY	3.35	3.35	0	0	PRESERVED OPEN SPACE (INCLUDING ROS)
K	94	1	15C	ROSE ST HM	BOROUGH OF LITTLE FERRY	1.33	1.33	0	0	PRESERVED OPEN SPACE (INCLUDING ROS)
L	71.01	15	15C	200 RISER ROAD	BOROUGH OF LITTLE FERRY	0.01	0.01	0	0	UNDERSIZED
M	71.01	14	15C	21 MONNETT ST	BOROUGH OF LITTLE FERRY	0.12	0.12	0	0	UNDERSIZED
N	70	1	15C	118 FRANKLIN ST	BOROUGH OF LITTLE FERRY	0.03	0.03	0	0	UNDERSIZED
O	71.01	16.05	1	149 FRANKLIN ST	GIANGIO, EUGENIE J&K FERRY	0.09	0.09	0	0	UNDERSIZED
P	27	1	1	341 MAIN ST	BARES, RAYMOND C/O LIBERTY BELL	0.11	0.11	0	0	UNDERSIZED
Q	35	38	1	297 45 WEST	BOROUGH OF LITTLE FERRY	0.03	0	0.03	0	UNDERSIZED
R	11	35	1	297 45 WEST	390 RTE 45 WEST LITTLE FERRY LLC	0.09	0	0.09	0	UNDERSIZED
S	41.02	11.01	1	31 LAKENVIEW AVE	204 BERGEN TURNPIKE LLC	0.19	0.19	0	0	UNDERSIZED
T	48	1	1	37 REDNECK AVE	SPEZIALE, ROBERT & GIOVANNA	0.14	0.14	0	0	UNDERSIZED
U	16	11	1	26 ROOSEVELT ST	KAISER, THEODORE JEFFREY A	0.12	0.12	0	0	UNDERSIZED
V	19	1	1	10 CHARLES ST	SEMINARA, FRANK & GRACE	0.09	0.09	0.07	0	UNDERSIZED
W	67.02	1	15C	21 FREDERICK ST	STIVA, EUGENIE & HARBET	0.04	0.04	0	0	UNDERSIZED
X	67.02	1	15C	131 UNION AVE	BOROUGH OF LITTLE FERRY	0.04	0.04	0	0	UNDERSIZED
Y	67.02	1	15C	UNION AVE	LACRASA, MARIO R	0.31	0.31	0	0	UNDERSIZED
Z	67.02	1	15C	28 DANIEL ST	MEZZINA, MARIO & MARIA	0.01	0.01	0	0	UNDERSIZED
AA	72	40	15C	HENRY ST	BOROUGH OF LITTLE FERRY	0.01	0.01	0	0	UNDERSIZED
AB	66	16	1	26 CHRISTINA ST	SPEZIALE (ETALS), CARLO	0.23	0.23	0	0	UNDERSIZED





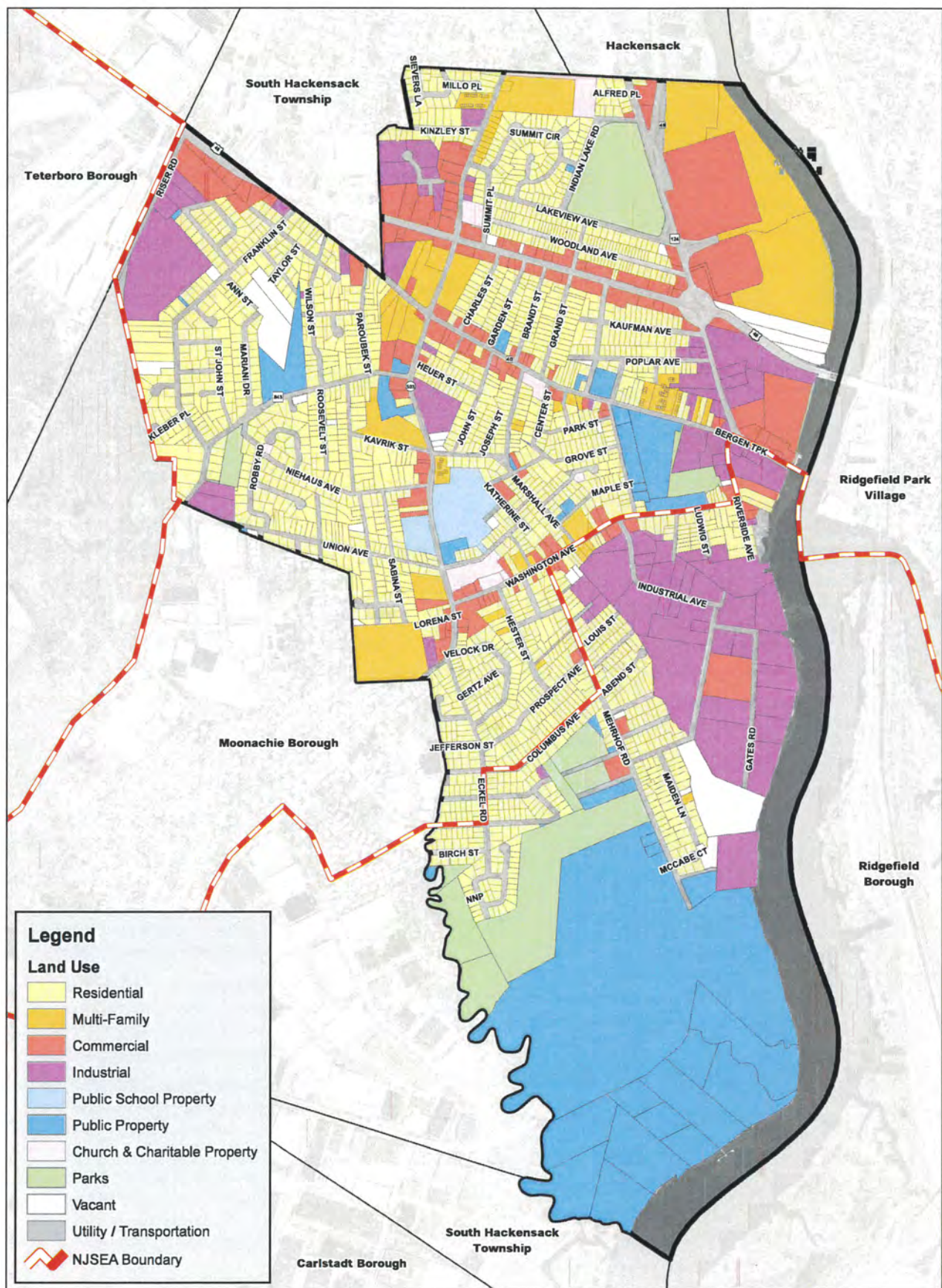


Clarke Caton Hintz  
Architecture  
Planning  
Landscape Architecture









**Clarke Caton Hintz**  
 Architecture  
 Planning  
 Landscape Architecture

HOUSING ELEMENT & FAIR SHARE PLAN

## Existing Land Use

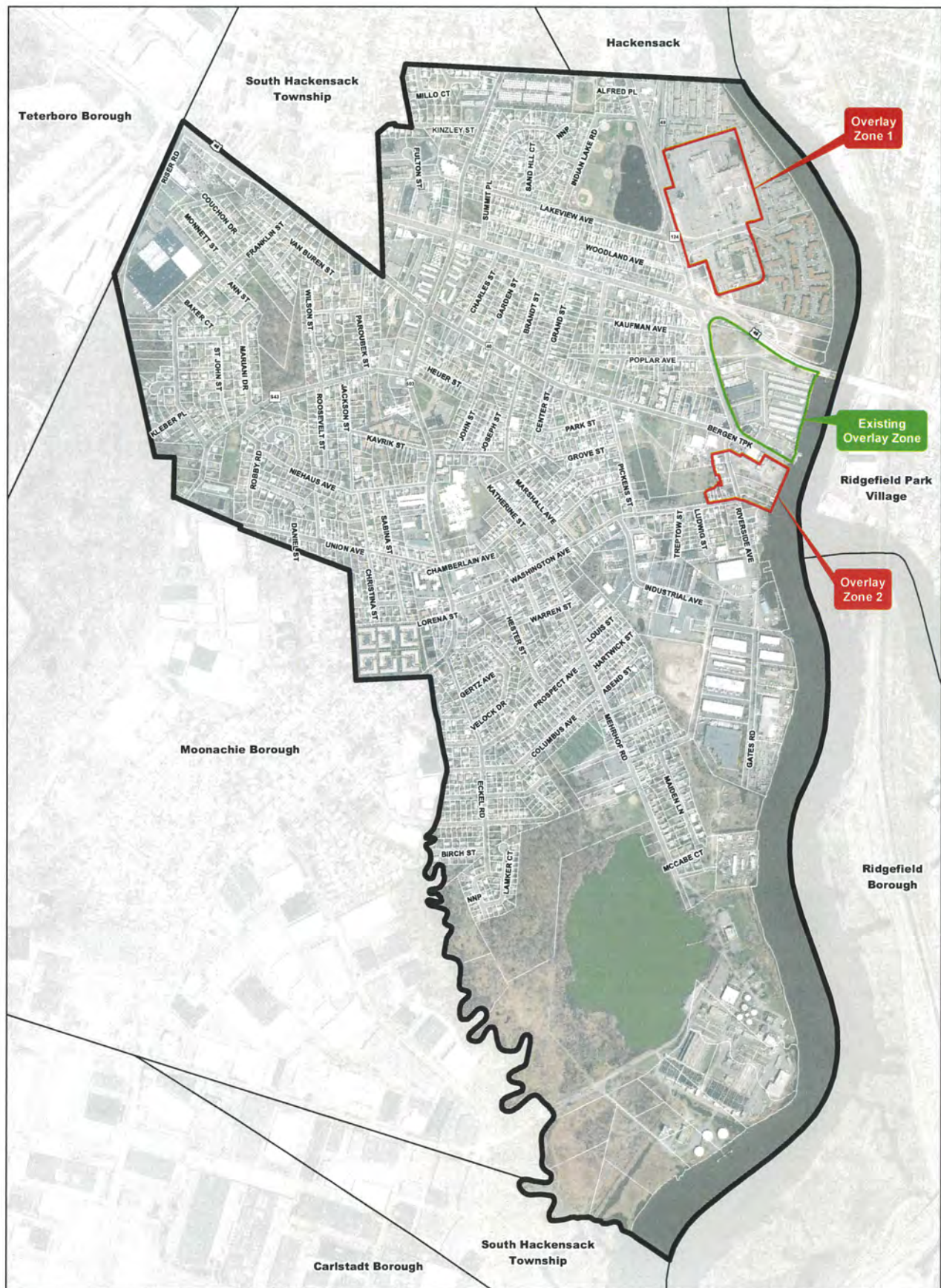
LOCATION:  
 Little Ferry Borough, Bergen County, NJ

DATE:  
 January 2017

Parcel Source: NJGIN Tax Parcels for Bergen County 2018  
 Aerial Source: 2015 High Resolution Orthophotography,  
 NAD83 NJ State Plane Feet, MrSID Tiles  
 Published by NJ Office of Information Technology (NJGIT),  
 Office of Geographic Information Systems (OGIS) 2016

**EXHIBIT C: OVERLAY ZONING MAP**





**Clarke Caton Hintz**

Architecture

Planning

Landscape Architecture

HOUSING ELEMENT & FAIR SHARE PLAN

## Proposed Overlay Zoning Districts

LOCATION:

Little Ferry Borough, Bergen County, NJ

DATE:

December 2018

Parcel Source: NJGIN Tax Parcels for Bergen County 2018  
Aerial Source: 2015 High Resolution Orthophotography,  
NAD83 NJ State Plane Feet, MrSID Tiles  
Published by NJ Office of Information Technology (NJ OIT),  
Office of Geographic Information Systems (OGIS) 2016

# **EXHIBIT D: 2018 INCOME LIMITS**

## **2018 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SIZE**

Prepared by Affordable Housing Professionals of New Jersey (AHPNJ) - April 2018  
Income limit is not officially adopted by the State of New Jersey. Contact your municipality to see if applicable to you. Additional information about AHPNJ income limits is posted at:

	1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person	7 Person	8+ Person	Max Increase Rents** Sch's***	Regional Asset Limit****
<b>Region 1</b>												
Bergen, Hudson, Passaic and Sussex	Median Moderate Low	\$63,597 \$50,878 \$51,768	\$68,140 \$54,312 \$54,070	\$72,682 \$58,146 \$58,341	\$81,767 \$65,414 \$60,884	\$90,833 \$77,682 \$65,426	\$94,457 \$78,589 \$67,243	\$98,121 \$84,497 \$69,060	\$105,189 \$84,311 \$67,685	\$112,657 \$90,126 \$59,963	2.2%	\$175,679
<b>Region 2</b>												
Essex, Morris, Union and Warren	Median Moderate Low	\$66,755 \$53,404 \$53,377	\$71,323 \$57,218 \$55,762	\$76,291 \$61,033 \$58,148	\$85,828 \$68,652 \$62,914	\$95,164 \$76,191 \$67,882	\$98,179 \$78,343 \$69,589	\$102,893 \$82,395 \$67,497	\$110,622 \$86,398 \$65,311	\$118,232 \$94,601 \$67,940	2.2%	\$162,955
<b>Region 3</b>												
Hunterdon, Middlesex and Somerset	Median Moderate Low	\$75,590 \$60,424 \$57,765	\$80,925 \$64,740 \$60,463	\$86,310 \$69,056 \$64,160	\$97,110 \$77,602 \$68,555	\$107,900 \$85,340 \$68,950	\$113,216 \$88,773 \$68,106	\$118,532 \$93,226 \$68,266	\$123,848 \$95,226 \$68,582	\$129,164 \$100,131 \$68,898	2.2%	\$205,458
<b>Region 4</b>												
Merced, Monmouth and Ocean	Median Moderate Low	\$69,447 \$55,557 \$54,723	\$74,407 \$59,526 \$57,204	\$79,368 \$63,484 \$63,664	\$89,289 \$71,431 \$64,644	\$99,209 \$79,388 \$68,805	\$103,178 \$83,542 \$68,805	\$107,146 \$85,717 \$68,573	\$115,083 \$92,066 \$67,541	\$123,020 \$98,416 \$68,510	2.2%	\$186,616
<b>Region 5</b>												
Burlington, Camden and Gloucester	Median Moderate Low	\$81,180 \$48,944 \$30,360	\$85,550 \$52,440 \$54,775	\$89,910 \$55,956 \$54,960	\$97,660 \$62,978 \$58,330	\$107,400 \$69,920 \$64,170	\$113,896 \$72,717 \$65,448	\$120,392 \$75,514 \$67,186	\$126,884 \$81,107 \$69,692	\$133,380 \$86,701 \$64,180	2.2%	\$161,977
<b>Region 6</b>												
Atlantic, Cape May, Cumberland and Salem	Median Moderate Low	\$51,085 \$40,868 \$25,543	\$54,734 \$43,787 \$27,367	\$58,383 \$46,706 \$28,182	\$65,641 \$52,545 \$32,540	\$72,979 \$59,383 \$36,489	\$75,898 \$60,718 \$37,949	\$78,817 \$63,054 \$39,409	\$84,635 \$67,724 \$42,328	\$90,494 \$72,395 \$44,166	2.2%	\$136,680
<b>Moderate income is between 60 and 50 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent or less of median income.</b>												

\* These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:30-26.4(b).

\*\* This column is used for calculating the pricing for rent increases for units (as previously calculated under N.J.A.C. 5:30-9.3). The increase for 2015 was 2.5%, the increase for 2016 was 1.1%, the increase for 2017 was 1.7%, and the increase for 2018 is 2.2% (Consumer Price Index for All Urban Consumers (CPI-U)). Regions by expenditure category and commodity and service group). Landlords who did not increase rents in 2015, 2016, or 2017 may increase rent by up to the applicable combined percentage from their last rental increase for that unit. In no case can rent for any particular apartment be increased more than one time per year.

\*\*\* This column is used for calculating the pricing for resale increases for units (as previously calculated under N.J.A.C. 5:30-9.3). The price of owner-occupied low and moderate income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

Low income tax credit developments may increase based on the low income tax credit regulations.

\*\*\*\* The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:30-25.16(b). Note: Since the Regional Income Limits for Region 6 in 2017 were higher than the 2018 calculations, the 2017 income limits will remain in force for 2018 (as previously required by N.J.A.C. 5:30-25.16(c)).



## Exhibit F

Peter J. O'Connor, Esq.  
Kevin D. Walsh, Esq.  
Adam M. Gordon, Esq.  
Laura Smith-Denker, Esq.  
David T. Rammier, Esq.  
Joshua D. Bauers, Esq.

April 23, 2019

Stephen F. Pellino, Esq.  
Basile Birchwale and Pellino, LLP  
865 Broad Avenue  
P.O. Box 434  
Ridgefield, New Jersey 07657

**Re: In the Matter of the Application of the Borough of Ridgefield, County of Bergen, Docket No. BER-L-6439-15**

Dear Mr. Pellino:

This letter memorializes the terms of an agreement reached between the Borough of Ridgefield (the Borough or "Ridgefield"), the declaratory judgment plaintiff, and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015)(Mount Laurel IV) and, through this settlement, a defendant in this proceeding.

### Background

Ridgefield filed the above-captioned matter on June 8, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. in accordance with In re N.J.A.C. 5:96 and 5:97, supra. Through the declaratory judgment process, the Borough and FSHC agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

### Settlement terms

The Borough and FSHC hereby agree to the following terms:

1. FSHC agrees that the Borough, through the adoption of a Housing Element and Fair Share Plan conforming with the terms of this Agreement (hereafter "the Plan") and through the implementation of the Plan and this Agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., for the Prior Round (1987-1999) and Third Round (1999-2025).
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when Third Round fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round present and prospective need instead of doing so through plenary adjudication of the present and prospective need.
3. FSHC and Ridgefield hereby agree that Ridgefield's affordable housing obligations are as follows:



Rehabilitation Share (per Structural Conditions Survey)	32
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	47
Third Round (1999-2025) Prospective Need (per Kinsey Report <sup>1</sup> , as adjusted through this Agreement)	348

4. For purposes of this Agreement, the Third Round Prospective Need shall be deemed to include the Gap Period Present Need, which is a measure of households formed from 1999-2015 that need affordable housing, that was recognized by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017).
5. The Borough's efforts to meet its present need include participation in the Bergen County Home Improvement Program and through a supplemental municipally operated rehabilitation program that shall be available to rental units. Said municipal program shall meet the requirements in N.J.A.C. 5:93-5.2. This is sufficient to satisfy the Borough's present need obligation of 32 units.
6. The Borough, as calculated in Exhibit A, has a realistic development potential (RDP) of 0 units for the Prior and Third Round so there is currently no RDP obligation to satisfy.
7. For the purposes of settlement, the Borough agrees to address the remaining portion of its allocation of the Prior Round and Round 3 regional need by adopting zoning requiring a 15% set-aside in the case of rentals and a 20% set-aside in the case of for-sale housing through the following mechanisms:

Prior Round - 47 Units + Prospective Need - 348 Units = 395, RDP = 0			
Project	Mechanism	Acreage	Density (du/ac)
R-TH	Overlay Zoning	4.07	25
R-SR	Overlay Zoning	4.78	35
Bergen Boulevard/C Zone	Overlay Zoning (30du/ac)	18.05	30
Group Home	Group Home	N/A	N/A
Grand Avenue/ C Zone	Overlay Zoning	10.72	25
Block 503, Lot 1	Redevelopment Zone	15.53	35
Block 1801, Lot 1	Redevelopment Zone	11.534	30

8. The Borough will provide a realistic opportunity for the development of additional affordable housing that will be developed or created through means other than inclusionary zoning in the following ways:

The Borough is committed to working with the Bergen County United Way to develop a 4-bedroom group home. The Borough has pledged over \$150,000 from its Affordable Housing Trust Fund to purchase a property to be developed into a group home for individuals with developmental disabilities. The Borough and the Bergen County United

<sup>1</sup> David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, April 2017.

Way are currently searching for a suitable home to purchase as described in the January 10, 2018 letter from Tom Toronto and attached to this agreement as Exhibit B.

In accordance with N.J.A.C. 5:93-5.5, the Borough recognizes that it must provide evidence that the municipality has adequate and stable funding for any non-inclusionary affordable housing developments. The municipality is required to provide a pro forma of both total development costs and sources of funds and documentation of the funding available to the municipality and/or project sponsor, and any applications still pending. In the case where an application for outside funding is still pending, the municipality shall provide a stable alternative source, such as municipal bonding, in the event that the funding request is not approved. The Borough shall describe further in its fair share plan how it meets these requirements.

In accordance with N.J.A.C. 5:93-5.5, for non-inclusionary developments, a construction or implementation schedule, or timetable, shall be submitted for each step in the development process: including preparation of a site plan, granting of municipal approvals, applications for State and Federal permits, selection of a contractor and construction. The schedule shall provide for construction to begin within two years of court approval of this settlement. The municipality shall indicate the entity responsible for undertaking and monitoring the construction and overall development activity. The Borough shall describe further in its fair share plan how it meets these requirements.

9. The Borough agrees to require 13% of all units referenced in this Agreement, excepting those units that were constructed or granted preliminary or final site plan approval prior to July 1, 2008, to be very low income units, with half of the very low income units being available to families. The municipality will comply with those requirements by requiring that 13% of all affordable housing units constructed as a result of the overlay zoning described in Paragraph 7 shall be available to very low-income households earning less than 30% of the median income.
10. The Borough shall meet its Third Round Prospective Need in accordance with the following standards as agreed to by the Parties and reflected in the table in paragraph 6 above:
  - a. Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).
  - b. At least 50 percent of the units addressing the Third Round Prospective Need shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
  - c. At least twenty-five percent of the Third Round Prospective Need shall be met through rental units, including at least half in rental units available to families.
  - d. At least half of the units addressing the Third Round Prospective Need in total must be available to families.
  - e. The Borough agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation.

11. The Borough of Ridgefield entered into the following four separate Regional Contribution Agreements (RCAs):
- a. Borough of Saddle River – November 5, 2003 for 22 units at \$20,000 per unit for a total of \$440,000. The Borough has completed 4 of the 22 required RCA rehabilitations.
  - b. Borough of Allendale – October 1, 2003 for 4 units at \$20,000 per unit for a total of \$80,000. The Borough has completed all 4 of the required RCA units in this agreement.
  - c. Borough of Emerson – August 6, 2004 for 5 units at \$25,000 per unit for a total of \$125,000. The Borough has completed all 5 of the required RCA units in this agreement.
  - d. Township of Vernon – December 15, 2004 for 20 units at \$25,000 per unit for a total of \$500,000. The Borough has not completed any of the required 20 RCA units in this agreement.

Thus, two of the agreements (Allendale and Emerson) have been entirely satisfied and two agreements (Saddle River and Vernon) remain unsatisfied. The Borough has continued to maintain the remaining funds from these agreements in an RCA Trust Fund account and as of the date of this agreement there is \$902,592 remaining in that account. The Borough agrees to engage a new RCA administrator within 60 days of the court's approval of this agreement. The Borough also agrees that as part of its final Housing Element and Fair Share Plan it shall specify how these programs will be implemented in accordance with N.J.A.C. 5:93-6.1 through 6.6.

12. The Borough shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Bergen County NAACP, Urban League of Bergen County, Bergen County Housing Coalition, and Supportive Housing Association, and shall, as part of its regional affirmative marketing strategies during its implementation of the affirmative marketing plan, provide notice to those organizations of all available affordable housing units. The Borough also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.
13. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in such projects shall be required to be at 30 percent of median income, and all other applicable law. The Borough as part of its HEFSP shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied. Income limits for all units that are part of the Plan required by this Agreement and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Borough annually within 30 days of the publication of determinations of median income by HUD as follows:
- a. Regional income limits shall be established for the region that the Borough is located within (i.e. Region 1) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit,



the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Borough's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

- b. The income limits attached hereto as Exhibit C are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2018, and shall be utilized until the Borough updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
- c. The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Borough annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.
- d. The parties agree to request the Court prior to or at the fairness hearing in this matter to enter an order implementing this paragraph of this Agreement.

- 14. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.
- 15. As an essential term of this Agreement, within one hundred and twenty (120) days of Court's approval of this Agreement, the Borough shall introduce and adopt an ordinance or ordinances providing for the amendment of the Borough's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this Agreement and the zoning contemplated herein and adopt a Housing Element and Fair Share Plan and Spending Plan in conformance with the terms of this Agreement.
- 16. The parties agree that if a decision of a court of competent jurisdiction in Bergen County (including the Superior Court Appellate Division or the New Jersey Supreme Court) or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Borough for the period 1999-2025 that would be lower by more than ten (10%) percent than the total prospective Third Round need obligation established in this Agreement, and if that calculation is memorialized in an unappealable final judgment, the Borough may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. For purposes of this Agreement, an unappealable final judgment from either the Appellate Division of the Superior Court or the Supreme Court as to any declaratory judgment action in the State of New Jersey shall be deemed to be "a court of competent

jurisdiction in Bergen County". For purposes of this Agreement, a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature will be deemed to be a final and unappealable judgment if, after the passage of ninety (90) days, that determination or action is not appealed to a court of competent jurisdiction or, if it is appealed within that time period, a final and unappealable decision from a court of competent jurisdiction has upheld that determination or action. Notwithstanding any such reduction, the Borough shall be obligated to adopt a Housing Element and Fair Share Plan that conforms to the terms of this Agreement and to implement all compliance mechanisms included in this Agreement, including by adopting or leaving in place any site specific zoning adopted or relied upon in connection with the Plan adopted pursuant to this Agreement; taking all steps necessary to support the development of any 100% affordable developments referenced herein; maintaining all mechanisms to address unmet need; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of the Borough's obligation below that established in this Agreement does not provide a basis for seeking leave to amend this Agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Borough prevails in reducing its prospective need for the Third Round, the Borough may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.

17. The Borough shall prepare a Spending Plan within the period referenced above, subject to the review of FSHC and approval of the Court, and reserves the right to seek approval from the Court that the expenditures of funds contemplated under the Spending Plan constitute "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment approving this settlement in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). On the first anniversary of the execution of this Agreement, which shall be established by the date on which it is executed by a representative of the Borough, and on every anniversary of that date thereafter through the end of the period of protection from litigation referenced in this Agreement, the Borough agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
18. On the first anniversary of the execution of this Agreement, and every anniversary thereafter through the end of this Agreement, the Borough agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.
19. The Fair Housing Act includes two provisions regarding action to be taken by the Borough during the ten-year period of protection provided in this Agreement. The Borough agrees to comply with those provisions as follows:

- a. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of the Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.
  - b. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of this Agreement, and every third year thereafter, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.
20. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The parties to this Agreement agree to request the Court to enter an order declaring FSHC is an intervenor, but the absence of such an order shall not impact FSHC's rights.
21. This Agreement must be approved by the Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Borough shall present its planner as a witness at this hearing. FSHC agrees to support this Agreement at the fairness hearing. In the event the Court approves this proposed settlement, the parties contemplate the municipality will receive "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025. If this Agreement is rejected by the Court at a fairness hearing it shall be null and void.
22. The Borough agrees to pay FSHC's attorneys fees and costs in the amount of \$4,000 within ten (10) days of the Court's approval of this Agreement pursuant to a duly-noticed fairness hearing.
23. If an appeal is filed of the Court's approval or rejection of this Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of this Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful, at which point the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.

24. This Agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Bergen County. A prevailing party in such a motion or separate action shall be entitled to reasonable attorney's fees.
25. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
26. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
27. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
28. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
29. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.
30. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.
31. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.
32. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.
33. No member, official or employee of the Borough shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
34. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.

35. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days notice as provided herein:

**TO FSHC:**

Adam M. Gordon, Esq.  
Fair Share Housing Center  
510 Park Boulevard  
Cherry Hill, NJ 08002  
Phone: (856) 665-5444  
Telecopier: (856) 663-8182  
E-mail: adamgordon@fairsharehousing.org

**TO THE BOROUGH:**

Stephen F. Pellino, Esq.  
Basile Birchwale and Pellino, LLP  
865 Broad Avenue  
P.O. Box 434  
Ridgefield, New Jersey 07657  
Telecopier: (609) 884-1732  
Email: spellino@bbplawyers.com

**WITH A COPY TO THE  
MUNICIPAL CLERK:**

Linda Silvestri  
604 Broad Avenue  
Ridgefield, NJ 07657  
Telecopier: (201) 943-1112  
Email: clerks@ridgefieldboro.com


Please sign below if these terms are acceptable.

Sincerely,



Adam M. Gordon, Esq.  
Counsel for Intervenor/Interested Party  
Fair Share Housing Center

On behalf of the Borough of Ridgefield, with the authorization  
of the governing body:

  
Anthony R. Suarez  
Dated: 4/23/19

**EXHIBIT A: VACANT LAND ADJUSTMENT**

**EXHIBIT B: LETTER OF INTENT FROM BERGEN COUNTY UNITED WAY AND**  
**MOU BETWEEN RIDGEFIELD AND NJHMFA**



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DIRECT SERVICES OF BERGEN COUNTY'S UNITED WAY

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January 10, 2018

**Chairman of the Board**

Peter J. Ingrassi  
Vice President, CSI  
IBM Corporation

**Executive Committee**

Gregory C. Dunlap  
Vice President Customer Operations  
PSE&G

Elinor J. Ferdon  
Community Volunteer

James E. Healey, CPA  
Community Volunteer

Joseph M. Healy  
Chairman of the Board  
Kolmar Laboratories, Inc.

Reverend Richard S. Hong  
Pastor, First Presbyterian Church  
of Englewood

Alan N. Posencheg  
Community Volunteer

Valerie A. Raardon  
Community Volunteer

**Directors**

James Aramanda  
Chief Executive Officer  
The Clearing House

Kim Felix  
Vice President, Information Technologies  
UPS Information Technologies

Robert J. Iacullo  
Community Volunteer

Ann M. Limberg  
Head of Philanthropic Solutions &  
Family Office, U.S. Trust  
Bank of America, Private  
Wealth Management

Irwin M. Pollack  
Community Volunteer

President  
Thomas M. Toronto

Ms. Kathryn M. Gregory, PP, AICP  
Gregory Associated, LLC  
96 Linwood Plaza #350  
Fort Lee, NJ 07024

Dear Ms. Gregory:

Thanks to commitment of the Borough of Ridgefield Governing Body to participate in the New Jersey Housing Mortgage Finance Agency's (HMFA) Partnership Loan Program (PLP), we have been searching for the appropriate ranch style home within the Borough to purchase and renovate to become a 4 bedroom group home for people with developmental disabilities.

We have retained the services Bettina Peretti, a licensed real estate broker with Century 21 Calabrese Realty. Ms. Peretti is very familiar with the requirements of the PLP program and has identified several candidate properties within the Borough over the last 3 years. In some cases, our offers were outbid and in others the State of New Jersey's Department of Developmental Disabilities has vetoed the sites after evaluation as either not appropriate for the population to be served or potentially exceeding the PLP cap of \$600,000 for purchase and renovation.

We have had ongoing conversations with the representatives of an estate about a property on Slocum (Block 01004, Lot 00015) we believe is particularly apt for our use and has been vacant for some time. While we are optimistic, the estate's representative has been very slow in responding to our offers.


We've been in regular contact with HMFA and the Agency continues to be patient as they understand the competitive real estate market in Bergen County.

We remain committed to serving Ridgefield and believe it is only a matter of time until the right piece of real estate appears on the market.

Please let me know if you need any additional information about our efforts on the Borough's behalf.

Thank you.

Sincerely,

  
Thomas M. Toronto  
President  
Bergen County's United Way  
Co-Manager  
BCUW/Madeline Housing Partners



[bergenunitedway.org](http://bergenunitedway.org)

6 FOREST AVENUE | SUITE 220 | PARAMUS, NJ 07652  
T 201-291-4050 F 201-291-0681 | [info@bergenunitedway.org](mailto:info@bergenunitedway.org)





**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY  
AND  
NEW JERSEY DEPARTMENT OF HUMAN SERVICES  
AND  
RIDGEFIELD, NEW JERSEY**

**THIS MEMORANDUM OF UNDERSTANDING** ("MOU") is made this 11 day of June, 2012 by and between the **STATE OF NEW JERSEY Housing and Mortgage Finance Agency**, a principal agency established in the Executive Branch of the government of the State of New Jersey (hereafter "HMFA"), with a place of business at 637 South Clinton Avenue, Trenton, New Jersey 08650-2085;

**AND**

The **STATE OF NEW JERSEY Department of Human Services**, a principal department established in the Executive Branch of government of the State of New Jersey (hereafter "DHS"), with a place of business at 222 South Warren Street, Trenton, New Jersey 08625-0700;

**AND**

**Ridgefield**, a Municipal corporation in Bergen, State of New Jersey, with its office at 604 Broad Avenue, Ridgefield, New Jersey 07657.

THE HMFA, DHS and Ridgefield are referred to collectively as the "Parties".

**PURPOSE**

The purpose of this MOU is to coordinate the efforts of the parties to create appropriate housing for individuals with developmental disabilities in the community through the purchase and conversion of existing residential structures within the Municipality.

**DEFINITIONS**

*Special Needs Partnership (SNP)*: The NJ Department of Community Affairs, the Housing and Mortgage Finance Agency and the NJ Department of Human Services, collectively working to expand housing opportunities and expedite the process of placing developmentally disabled individuals into community based supportive housing.

*Qualified developer:* A housing developer that has been screened by the SNP and meets the standards set by the SNP for the purpose described above.

*Unit:* A bedroom housing one individual with a developmental disability.

*Cost caps:* The sum of the purchase price and renovation cost is not to exceed \$125,000 per unit or \$500,000 per house.

## **UNDERSTANDING**

Ridgefield has Affordable Housing Trust Fund (AHTF) monies that it chooses to allocate for the purpose described in this MOU. AHTF monies transferred to the HMFA will be made available to qualified developers who have identified properties to acquire for conversion to community residences for individuals with developmental disabilities. The cost to acquire and rehabilitate one house with three or four bedrooms shall be capped at \$125,000 per bedroom or \$500,000 altogether. The State will match the municipality's trust fund contribution. The \$500,000 per house cap includes the State's contribution and all renovations. The municipal contribution will be 15% of the current balance of its Affordable Housing Trust Fund. Some preference for local residents will be given.

Ridgefield agrees to vest oversight for the expenditure of AHTF monies so transferred for the development of said residences within the HMFA, an entity that has experience and an established process that ensures the completion of the affordable, supportive housing.

## **PROCESS**

1. Within 15 business days of the execution of this MOU, Ridgefield shall transfer \$153,071.10 from its current Affordable Housing Trust Fund of \$153,071.10 to HMFA for the purpose of funding the purchase of existing ranch style homes and other first story residences within the municipality.
2. HMFA will deposit and hold the municipality's AHTF money in a separate escrow account for Ridgefield identifiable from other funds.
3. The HMFA and Ridgefield will acknowledge the transfer of such money by executing an escrow agreement.
4. Either the municipality or a qualified developer with the consent of Ridgefield may identify the property or properties selected for acquisition and renovation.
5. Ridgefield shall approve the property selection prior to the purchase of any house intended to fulfill the requirements of the Special Needs Partnership.
6. The Department of Human Services will determine the suitability of the identified property for the intended population.

7. HMFA will coordinate with DHS such that a site inspection will take place within 15 business days of notification by DHS that the property is suitable and DHS or HMFA will develop an estimate the cost of necessary renovations including accessibility modifications.

8. The results of each site inspection shall be available at HMFA within 10 business days of said inspection.

9. Upon receiving notification from DHS that a proposed property is suitable, the qualified developer will submit an application to HMFA for consideration. Thereafter, HMFA will order an appraisal of the subject property.

10. HMFA will coordinate the terms by which DHS will provide operational and service funding for the project and/or terms by which a service provider will demonstrate a source or sources of operating and service subsidy other than DHS.

11. If the developer is unable to enter into a contract to purchase the subject property within 120 days, the municipality may identify another property or another developer.

12. The disbursement of funds for acquisition will occur at closing.

13. The municipality shall require the developer to include, in any transfer of ownership, a deed restriction maintaining the use of the premises and any of the units therein as a residence for the sole purpose of housing developmentally disabled individuals for 20 years, the term required by the DHS.

14. Once the property is acquired, HMFA shall issue a close-out report including, but not limited to, the property location, amount awarded to the developer and any other relevant information.

**This MOU shall not be effective until signed by all parties. The parties sign this MOU as of the date and year set forth above.**

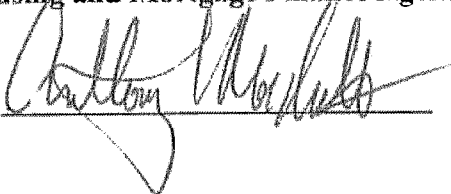
ATTESTED BY:

\_\_\_\_\_

**State of New Jersey**

**Housing and Mortgage Finance Agency**

By: \_\_\_\_\_




ATTESTED BY:

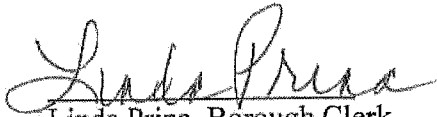
\_\_\_\_\_

State of New Jersey


Department of Human Services

By: 

ATTESTED BY:

  
Linda Prina, Borough Clerk

Borough of Ridgefield

By:   
Mayor Anthony R. Suarez

# **EXHIBIT C: 2018 INCOME LIMITS**

Prepared by Affordable Housing Professionals of New Jersey (AHPNJ) - April 2018

## **2018 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SIZE**

Income limits not officially adopted by the State of New Jersey. Contact your municipality to see if applicable in your jurisdiction. Additional information about AHPNJ income limits is posted on

	1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person	7 Person	8+ Person	Max Increase Rents** Sales***	Regional Asset Limit****
<b>Region 1</b>												
Bergen, Hudson, Passaic and Sussex	Median Moderate Low	\$63,597 \$50,878 \$31,798	\$68,140 \$54,512 \$34,070	\$72,682 \$58,146 \$36,341	\$81,767 \$65,414 \$40,884	\$90,853 \$72,682 \$45,426	\$94,487 \$78,589 \$47,243	\$105,389 \$84,311 \$49,060	\$112,657 \$90,126 \$56,329	\$119,926 \$95,940 \$59,963	2.2% 5.52%	\$175,679
<b>Region 2</b>												
Essex, Morris, Union and Warren	Median Moderate Low	\$56,755 \$53,404 \$33,377	\$71,523 \$57,218 \$35,762	\$76,291 \$61,033 \$38,146	\$85,828 \$68,662 \$42,914	\$95,364 \$76,291 \$47,682	\$99,179 \$79,343 \$49,589	\$102,993 \$82,395 \$51,497	\$110,622 \$88,498 \$55,311	\$118,252 \$94,601 \$59,126	2.2% 1.22%	\$182,955
<b>Region 3</b>												
Hunterdon, Middlesex and Somerset	Median Moderate Low	\$75,530 \$60,424 \$37,765	\$80,925 \$64,740 \$40,463	\$86,320 \$69,056 \$43,160	\$97,110 \$77,688 \$48,555	\$107,900 \$86,320 \$53,950	\$112,216 \$89,773 \$56,108	\$116,532 \$93,226 \$58,266	\$125,164 \$100,131 \$62,582	\$133,796 \$107,037 \$66,898	2.2% 2.37%	\$205,458
<b>Region 4</b>												
Mercer, Monmouth and Ocean	Median Moderate Low	\$59,447 \$55,557 \$34,723	\$74,407 \$59,526 \$37,204	\$79,368 \$63,494 \$39,684	\$88,289 \$71,431 \$44,644	\$99,209 \$82,542 \$49,605	\$103,178 \$85,717 \$51,589	\$107,146 \$82,066 \$53,573	\$115,083 \$92,066 \$57,541	\$123,020 \$98,416 \$61,510	2.2% 5.19%	\$186,616
<b>Region 5</b>												
Burlington, Camden and Gloucester	Median Moderate Low	\$61,180 \$48,944 \$30,590	\$65,550 \$52,440 \$32,775	\$69,920 \$55,936 \$34,960	\$78,660 \$62,928 \$39,330	\$87,400 \$69,920 \$43,700	\$90,896 \$72,717 \$45,448	\$94,392 \$75,514 \$47,196	\$101,384 \$81,107 \$50,692	\$108,376 \$86,701 \$54,188	2.2% 5.05%	\$161,977
<b>Region 6</b>												
Atlantic, Cape May, Cumberland, and Salem	Median Moderate Low	\$51,085 \$40,868 \$25,543	\$54,734 \$43,787 \$27,367	\$58,383 \$46,706 \$29,192	\$65,681 \$52,545 \$32,840	\$72,979 \$58,383 \$36,489	\$75,898 \$60,718 \$37,949	\$78,817 \$63,054 \$39,409	\$84,655 \$67,724 \$42,328	\$90,494 \$72,395 \$45,247	2.2% 0.00%	\$136,680

Moderate income is between 80 and 50 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent or less of median income.

\* These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.4(a).

\*\* This column is used for calculating the pricing for rent increases for units (as previously calculated under N.J.A.C. 5:97-9.3). The increase for 2015 was 2.3%, the increase for 2016 was 1.1%, the increase for 2017 was 1.7%, and the increase for 2018 is 2.2% (Consumer price index for All Urban Consumers (CPI-U): Regions by expenditure category and commodity and service group). Landlords who did not increase rents in 2015, 2016, or 2017 may increase rent by up to the applicable combined percentage from their last rental increase for that unit. In no case can rent for any particular apartment be increased more than one time per year.

\*\*\* This column is used for calculating the pricing for resale increases for units (as previously calculated under N.J.A.C. 5:97-9.3). The price of owner-occupied low and moderate income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

Low income tax credit developments may increase based on the low income tax credit regulations.

\*\*\*\* The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3.

Note: Since the Regional Income Limits for Region 6 in 2017 were higher than the 2018 calculations, the 2017 income limits will remain in force for 2018 (as previously required by N.J.A.C. 5:97-9.2(c)).

## Exhibit G

**FILED**

JUL 12 2019

Prepared by the Court

In the Matter of the Application of the  
Borough of Ridgefield,  
Plaintiff/Petitioner

CHRISTINA A. NEWINGTON, ESQ.  
SUPERIOR COURT NEW JERSEY  
LAW DIVISION: BERGEN COUNTY

DOCKET NO.: BER-L-6439-15

Civil Action**ORDER**

This matter came before the court on July 12, 2019 for a hearing to determine the fairness of a Settlement Agreement ("Fairness Hearing") between the Borough of Ridgefield and Fair Share Housing Center (FSHC). The scope of the hearing also included a preliminary determination of the sufficiency of Ridgefield's Third Round Housing Element and Fair Share Plan. The court's function at a Fairness Hearing is to determine whether the settlement between the Borough of Ridgefield and FSHC is fair to the protected class in the context of meeting Ridgefield's constitutional requirement to provide affordable housing. According to New Jersey's Constitution, municipalities must provide opportunities for the development of affordable housing for low and moderate income households, and that is the perspective from which the court must determine fairness, i.e. from the perspective of people with low and moderate income, and their opportunity to have affordable housing.

Present for the hearing were Elizabeth McManus, PP, AICP, LEED AP, court appointed Special Master, Stephen F. Pellino Esq., Basile, Birchwale & Pellino, LLP appearing on behalf of the Borough and Kevin Walsh, Esq., on behalf of Fair Share Housing Commission (FSHC). There were no interveners or objectors.

Marked for identification and ultimately into evidence were the following:

P-1 Proof of Publication in the Record

P-2 Green cards

P-3 Form of Notice

P-4 Settlement Agreement

P-5 Report of the Special Master

The Borough of Ridgefield by and through its attorney, Mr. Pellino called Kathryn M. Gregory, PP, AIC, Gregory Associates, the Borough Planner to explain the basis for Ridgefield's proposed Third Round Housing Element and Fair Share Plan. Ms. Gregory has a Master's Degree in Urban and Regional Planning and a Master's Degree in Architecture from the University of Illinois, She is a certified by the American Institute of Certified Planners and has been licensed in New Jersey since 2000. The court accepted Ms. Gregory as an expert in planning and affordable housing.

Elizabeth McManus, PP/AICP, LEED AP testified. Ms. McManus is a principal of Kyle + McManus Associates, a Planning and Design Consulting firm located in Hopewell, New Jersey. She holds a Masters in City and Regional planning from Rutgers University and has been licensed Professional Planner in New Jersey since 2006 and certified by the American Institute of Planners that same year.

The court notes that the proper procedure for a fairness hearing has been followed in this matter to make sure that the interests of low and moderate income households have been safeguarded. See Morris Cty. Fair Hous. Council v. Booton Twp., 197 N.J.



Super. 359, 371 (Law Div. 1984). Adequate public notice of the hearing was mailed to appropriate persons and published in the Record on June 11, 2019.

The courts notes that a municipality's affordable housing obligation is comprised of three components: 1) present need (rehabilitation); 2) prior round (1987-1999); and 3) third round prospective need which runs from July 1, 1999 to June 30, 2025. "A municipality may provide its fair share of affordable units by 'means of any technique or combination of techniques' which satisfy its Mount Laurel obligation." E.W. Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 336 (App. Div. 1996) (quoting N.J.S.A. 52:27D-311).

The Special Master's report and testimony notes that the parties to the Settlement Agreement have agreed the Borough's Present Need (rehabilitation share) Obligation is 26<sup>1</sup>, the Prior Round Obligation is 47 and the Prospective Need is 348. These obligations were determined based upon a report prepared by David Kinsey, PP/Ph.D on behalf of FSHC. Ms. Gregory provided testimony at the Fairness Hearing regarding the methods Ridgefield is using to fully satisfy the present need and prior round obligations. The Borough is eligible for a vacant land adjustment for both the prior round and third round. The Borough received a vacant land adjustment as part of its 1996 second round substantive certification. This adjustment resulted in a 0 unit RDP. The Special Master confirmed that upon review the RDP as appropriate. There are therefore, no RDP compliance mechanisms.

The court is not here to act as the legislature or municipal planner and substitute its plan for where affordable housing units should be built for that of the municipality.

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<sup>1</sup> Although the Settlement Agreement cites an obligation of 32, based upon the Special Master's calculation and recommendation the court finds it to be 26.



See Morris Cty. Fair Hous. Council, supra, at 370. “[A] trial judge may approve a settlement [regarding a municipality’s Mount Laurel obligation] after a ‘fairness’ hearing to the extent the judge is satisfied that the settlement adequately protects the interests of lower-income persons on whose behalf the affordable units proposed by the settlement are to be built.” E.W. Venture, supra at 328. The court must also consider whether the proposed settlement will result in the expedited construction of a significant number of low income housing units, Morris Cty. Fair Hous. Council, supra at 327. If the agreement is found to be fair, and the Borough fulfills its compliance obligations, then the court will order a judgment of repose.

The court finds, based upon the testimony that Ridgefield’s rehabilitation obligation is based on the Borough conducted Structural Conditions Survey that identified 42 structurally deficient dwelling units. Based upon the survey and application of the Kinsey Report’s estimate that 60.77% of households living in deteriorated housing in Housing Region 1 are low-and moderate-income the Special Master calculated and the court finds there is a rehabilitation obligation of 26 units. The court finds as a condition of approval that the Settlement Agreement rehabilitation number of unit of 32 is incorrect and is determined to be 26, which number shall be included in the Borough’s Housing Element and Fair Share Plan.

Based upon the testimony of the Borough’s Planner and the Special Master, the court finds the Borough and FSHC have agreed to a 32-unit rehabilitation obligation which the court has corrected to 26 units. The parties have accepted COAH’s prior round obligation of 47 units. The Settlement Agreement provides for 348 units for the third round obligation, a 40% reduction from Dr. Kinsey’s 581 unit calculation, but similar to

the 336 unit obligation calculated by Judge Jacobson in her March 2018 decision. The Settlement Agreement also commits Ridgefield to implement extensive new zoning that creates an opportunity for the development of very-low, low- and moderate-income housing.

The court also finds that the Settlement Agreement notes that the Borough entered into four Regional Contribution Agreements as the receiving community with the intention of conducting a rehabilitation program. The Settlement Agreement provides that the Borough shall utilize the remaining \$902,592 from the sending municipalities to fulfill the terms of the RCA. Toward that end the Borough shall engage a new RCA director within 60 days of the date of this order.

The court holds, based upon the report of the Special Master, the testimony of the Borough's Planner, Kathryn Gregory, the endorsement of the Settlement Agreement by Mr. Walsh on behalf of FSHC, and the exhibits marked into evidence, that the settlement agreement between the Borough of Ridgefield and Fair Share Housing Center Settlement is fair to the protected class of low and moderate income persons.

The Settlement Agreement between Ridgefield and Fair Share Housing Center is fair because it will fully address the Borough's constitutional obligation to create a realistic opportunity for the construction of its fair share of affordable housing. The endorsement of the Settlement Agreement by the Special Master and FSHC speaks for itself. In coming to the conclusion that the Settlement Agreement is fair, the court has considered the criteria set forth in East/West Venture v. Borough of Fort Lee, *supra*, and the decision of the Honorable Judge Mary Jacobson, A.J.S.C., In the Matter of the

Application of the Municipality of Princeton, Docket No. MER-L-1550-15 (Law Div. Mercer Cty., March 29, 2018).

The approval of the Settlement Agreement is subject to the following conditions:

1. The Borough agrees to prepare and adopt within 120 days of the date of this order an amended Housing Element and Fair Share Plan, including a Spending Plan. The Borough shall introduce within 120 days of the date of this order an ordinance amending the Borough's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of the agreement and zoning contemplated therein.
2. At least one-half of all housing units addressing the Third Round Prospective Need shall be affordable to low-income households with 13% of the affordable units being reserved for very-low income households with the remainder of the affordable units to be affordable to moderate income households.
3. At least 25% of the Borough's Third Round Prospective Need shall be met through rental units, at least one-half of which shall be rental units available to families.
4. At least one-half of the units addressing the Third Round Prospective Need in total shall be available to families.
5. No more than 25% of the affordable units addressing the Borough's Prior Round and Third Round obligation shall be age restricted.
6. Rental bonuses shall be calculated in accordance with COAH's Second Round rules pursuant to N.J.A.C. 5:93-5.15(d).

7. All affordable housing units created pursuant to the Settlement Agreement shall comply with UHAC rules, with the exception of Number 2 above, in which case those rules have been superseded by an amendment to the Fair Housing Act.
8. The Borough shall update its affirmative marketing plan to include FSHC and other named organizations in its list of community and regional organizations and both the Borough and other developers or administrative agencies conducting affirmative marketing shall provide notice to those organizations of available units.
9. The Borough shall provide a status report of al affordable housing trust fund activity annually commencing with the first anniversary of the execution of the Settlement Agreement and continuing annually until the end of the Agreement.
10. The Borough shall submit its midpoint realistic opportunity to review on or before July 2, 2020.
11. Within 30 days of every third anniversary of the execution of the Settlement Agreement the Borough shall publish on its website and submit to FSHC a status report regarding its satisfaction of the very-low income requirement.

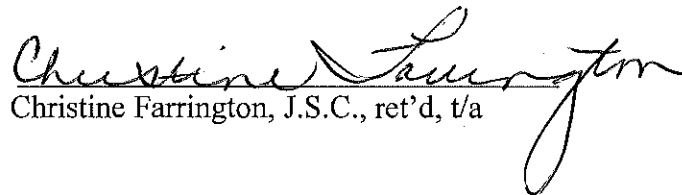
If the Borough of Ridgefield fulfills the conditions of the settlement agreement, including the list of documents which need to be prepared and adopted by the Borough within 120 days of the court's order as set forth in the Settlement Agreement and the Special Master's report, the court will determine whether there has been compliance and

make the appropriate determinations either by court order or a compliance hearing. See E.W. Venture v. Borough of Fort Lee, *supra*, at 328. At the time of the compliance hearing or entry of the compliance order, the court will determine if any of the enactments of the plan, ordinances and resolutions are ultra vires. *Id.* At 329.

The court finds Fair Share Housing Coalition to be an intervener in this action without the need to file a motion to intervene.

The court extends immunity to November 11, 2019.

July 12, 2019

  
Christine Farrington, J.S.C., ret'd, t/a

**SETTLEMENT AGREEMENT**

**In the Matter of the Determination of the Affordable  
Housing Obligation of the Town of Secaucus, New Jersey**

**Docket No. HUD-L-2911-15**

This document memorializes the terms of an agreement reached between the Town of Secaucus (the “Town” or “Secaucus”), the declaratory judgment plaintiff, and Fair Share Housing Center (“FSHC”), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (Mount Laurel IV).

**Background**

The Town filed the above-captioned matter on July 6, 2015 seeking temporary immunity, along with all of its applicable Boards and subsidiary entities, from the filing and service of any third party or builder’s remedy lawsuits with respect to the Town’s satisfaction of its Mount Laurel obligations and an ultimate declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985 (“FHA”), N.J.S.A. 53:27D-301 et seq. in accordance with In re N.J.A.C. 5:96 and 5:97, supra.

Over the course of the litigation, FSHC and the Town met directly and also appeared before the Hon. Joseph A. Turula in a series of Case Management Conferences, resulting in the entry of Case Management Orders on August 21, 2015 (under docket no. HUD-L-2871-15), November 19, 2015, February 5, March 11, June 14, July 27, November 2, and November 28, 2016, February 8 and April 13, 2017, with temporary immunity currently granted through June 15, 2017, and the appointment of a Special Master, Christine Nazzaro-Cofone, AICP/PP. Through that process, the Town and FSHC, with the consent and approval of the Special Master, agreed to settle the

litigation and to present that settlement to the trial court with jurisdiction over this matter for review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

### **Settlement terms**

The Town and FSHC hereby agree to the following terms:

1. FSHC agrees that the Town, through the adoption of a Housing Element and Fair Share Plan ("HEFSP"), summarized in Exhibit A attached hereto, and the implementation of the Plan and this agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. for the Prior Round (1987-1999) and Third Round (1999-2025).

2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round present and prospective need instead of doing so through plenary adjudication of the present and prospective need.

3. For purposes of this agreement and to effect an amicable resolution, FSHC and Secaucus hereby agree that the Town's affordable housing obligations are as follows, subject to a vacant land adjustment and realistic development potential:

Rehabilitation Share (per Kinsey Report <sup>1</sup> )	67
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	590
Third Round (1999-2025) Prospective Need (per Kinsey Report, as adjusted through this settlement agreement)	1266

<sup>1</sup> David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, May 2016.

4. The Town's efforts to meet its present need include the following:

The methodology employed by FSHC has identified the need for rehabilitating 57 dwelling units in Secaucus. Between April 1, 2010 and December 31, 2013, Secaucus rehabilitated 15 owner-occupied housing units. Secaucus will restart the rehabilitation program for homeownership and rental units in order to address the remaining 42 units once it receives a Judgment of Repose. The Town will coordinate with staff at the Hudson County HOME Investment Partnership Program to ensure homeowner access to Hudson County's rehabilitation program and to determine if there are units eligible for rehabilitation credit. According to the Secaucus finance office, the municipality had a balance in the affordable housing trust fund of \$688,336 as of February 28, 2017. This amount is sufficient to fund the 42 remaining units; additional monies are also expected to be paid into the trust fund as development occurs. This is sufficient to satisfy the Township's present need obligation of 57 units.

5. For purposes of this agreement and to effect an amicable resolution, the Third Round Prospective Need shall be deemed to include the Gap Period Present Need, which is a measure of households formed from 1999-2015 that need affordable housing, recognized by the Supreme Court in its January 18, 2017 decision in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017).

6. As noted above, the Town has a Prior Round prospective need of 590 units, which is met through the following compliance mechanisms:

Prior Round Obligation	590
100% Affordable Housing Constructed	
Rocco Imprevuduto Tower (Senior Rental)	100
Kroll Heights (Senior Rental – 61 of 75)	61



Prior Round Obligation	590
160 County Avenue (Family Rental)	8
Inclusionary Zoning – Built and Under Construction	
Riverside Court (Family Sale)	12
XChange at Secaucus Junction (Family Rental)	192
City View Townhouses	2
Osprey Cove (Family Rental)	24
34 Meadowland Pkwy – Hess Oil (Family Rental)	13
100 Plaza Drive (Family Rental – 30 of 94)	30
Subtotal	442
Rental Bonuses	
Family Rental Bonuses – 1.0 per unit (maximum permitted)	148
<b>Total Credits</b>	<b>590</b>

7. The Town has implemented or will implement the following mechanisms to address its Third Round prospective need. Because Secaucus is a vacant land adjustment municipality, as calculated in Exhibit A, it has a realistic development potential (RDP) of 194 units. That RDP will be satisfied as follows:

Two sites have been identified as generating an RDP. The first of these sites is 100 Plaza Drive. This site is included in a redevelopment plan adopted by the New Jersey Sports and Exposition Authority (“NJSEA”). The provisions of the redevelopment plan supersede the Regional Commercial zoning district regulations. The site was approved for 469 units of which 94 units (20%) are earmarked for low and moderate income housing. This project is currently under construction.

The second parcel identified as generating an RDP is the multi-family XChange at Secaucus Junction (“XChange”). This parcel is located in the NJSEA Secaucus Transit Village Redevelopment Plan. This parcel was included in the RDP because of continuing efforts made by its developer to secure an increase in the total number of

units permitted on site from the NJSEA. This parcel is not included in the vacant land analysis because the increase in the number of units sought by the developer would occur by increasing the number of floors in the buildings approved as part of the overall general development plan (GDP) of the project. The developer has approval in the GDP for 1,805 market rate and 230 affordable units. Of this number, 1,237 market rate units and 150 affordable housing units have been completed and occupied. Building K is now under construction, with 122 market rate and 38 affordable units. The development then remaining is 446 market rate units with 42 affordable units.

XChange personnel have discussed with and sought the support of Town officials for expanding the number of units by increasing the density of the development by 500 units more than the 2,035 units already approved. This number includes 400 market rate units and 100 affordable units. Town officials have indicated a willingness to support this increase in density.

8. The Town will provide a realistic opportunity for the development of additional affordable housing to address unmet need in the following ways:

The Town is subject to the NJSEA interim rules, which require a 20% set aside for affordable housing in the Meadowlands District.

In the Secaucus Transit Village Redevelopment Area, the Town Council will adopt a resolution requesting the NJSEA to increase the number of units from 150 to 350 in the Transition Area of the Redevelopment Plan, consisting of 280 market rate units and 70 affordable units.

At the Secaucus Junction Train Station site, the Town Council will also support the construction of a tower with 625 units, of which 125 units would be affordable units.

Secaucus proposes these additional compliance mechanisms to address Unmet Need:

Boulevard Tire. The NJSEA received an application for multi-family redevelopment under its Interim Rules at the site of the Boulevard Tire Company. The redevelopment concept is a total of 35 units of which 7 would be affordable.

Development Impact Fee. Secaucus established a development fee ordinance for the collection of development impact fees. The funds from the collection of fees will be utilized as provided for in the Spending Plan which generally anticipates that the funds will be used for the rehabilitation sub-component of present need and to help developers in the provision of very low income units in the form of affordability assistance.

To create additional opportunities to satisfy the remaining unmet need, as part of its land development regulations and procedures ordinance in Chapter 19 related to affordable housing, the Town will include affordable housing set-asides that apply to parcels outside of the jurisdiction of the NJSEA. These set-asides shall be applicable to developments with a density of six units or more per acre and require a 15% set-aside on multi-family family rental residential projects of more than 5 units and a 20% set-aside on for-sale residential projects of more than 5 units. In the alternative and/or in combination with this set-aside requirement in the non-NJSEA controlled portion of the Town, the ordinance will contain a provision for contributions in lieu of construction to further affordable housing opportunities in the Town.

The Unmet Need mechanisms proposed are at least 253 units or credits. By these means, the Town will address its Unmet Need to the extent feasible over the Third Round.

9. The Town agrees to require 13% of all units referenced in this plan, with the exception of units constructed as of July 1, 2008, and units subject to preliminary or final site plan approval as of that date, to be very low income units, with half of the very low income units being available to families. The following very low income units exist or under construction as of the date of this agreement:

Development	Affordable Units	Very Low Units	Total VL Constructed
Hudson Milestones	5	5	5
XChange	230	58	39
Osprey Cove	24	6	6
Osprey Cove East	13	3	3
100 Park Plaza Dr.	94	13	0 (under construction)

If necessary, the very low income credits may be subject to confirmation during the compliance phase.

Chapter 19 of the Secaucus Municipal Code, which deals with affordable housing matters, will be revised as part of the fair share plan to ensure the minimum 13% very low income unit count is met, including a 50% requirement for family units. Notwithstanding the need to revise the ordinance, the Town, through its Affordable Housing Board, has been enforcing the very low requirement.

10. The Township shall meet its Third Round Prospective Need in accordance with the following standards as agreed to by the Parties:

- a. Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).

- b. At least 50 percent of the units addressing the Third Round Prospective Need shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
- c. At least twenty-five percent of the Third Round Prospective Need shall be met through rental units, including at least half in rental units available to families.
- d. At least half of the units addressing the Third Round Prospective Need in total must be available to families.
- e. The Town agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation. The municipality has claimed 161 age-restricted credits toward its Prior Round obligation based on the inclusion of its rehabilitation obligation in its calculation. FSHC does not agree with the Town's method of calculation because of its position that the rehabilitation obligation should be excluded. FSHC, however, does agree that the municipality may receive credit for the 209 age-restricted units for which it seeks credit toward its Prior Round and Third Round obligations because it claims a total of 851 credits (590 for the Prior Round and 261 for the Third Round). FSHC's position is

that 25 percent of the 851 credits, or 212 units, may be age-restricted.

The parties therefore agree that the Town's request for 209 age-restricted units is appropriate and should be approved by the court.

11. The Town shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), FSHC, the New Jersey State Conference of the NAACP, the Jersey City NAACP, the Hoboken NAACP, the Latino Action Network, and the Supportive Housing Association, and shall, as part of its regional affirmative marketing strategies during its implementation of this plan, provide notice to those organizations of all available affordable housing units. The Town also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.

12. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. or any successor regulation or statute, including the "Roberts Bill," N.J.S.A. 52:27D-304 and -329.1, and all other applicable law. In order to comply with the "Roberts Bill," the Town agrees that 13 percent of affordable units in the developments referenced in this plan, with the exception of units constructed as of July 1, 2008, and units subject to preliminary or final site plan approval as of that date, shall be required to be at 30 percent of median income. The Town, as part of its HEFSP, shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied.



13. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.

14. As an essential term of this settlement, within 120 days of Court's approval of this settlement agreement, the Town shall introduce an Ordinance providing for the amendment of the Town's Affordable Housing Ordinance and Zoning Ordinance, as applicable, and a Resolution seeking specific revisions to the Secaucus Transit Village Redevelopment Plan by the NJSEA to implement the terms of this settlement agreement and the zoning contemplated herein.

15. The parties agree that if a decision of a court of competent jurisdiction in Hudson County, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Town for the period 1999-2025 that would be lower by more than twenty (20%) percent than the total prospective Third Round need obligation established in this agreement, and if that calculation is memorialized in an unappealable final judgment, the Town may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the Town shall be obligated to implement the HEFSP, a summary of which is attached hereto, including by leaving in place any site specific zoning adopted or relied upon in connection with the HEFSP approved pursuant to this settlement agreement; taking all steps necessary to support the development of any 100% affordable developments referenced herein; maintaining all mechanisms to address unmet need; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of the Town's obligation below that established in this agreement does not

provide a basis for seeking leave to amend this agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Town prevails in reducing its prospective need for the Third Round, the Town may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.

16. The Town will prepare a spending plan that will be attached to the HEFSP. The Spending Plan shall be completed and provided to FSHC 30 days prior to the compliance hearing. FSHC may comment on or object to the Spending Plan. The parties to this agreement agree that, once the spending plan is completed and approved by the Court, the expenditures of funds contemplated under the agreement constitute “commitment” for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment approving this settlement in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff’d o.b. 442 N.J. Super. 563 (App. Div. 2015)). On the first anniversary of the execution of this agreement, and every anniversary thereafter through the end of this agreement, the Town agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to FSHC and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.



17. On the first anniversary of the execution of this agreement, and every anniversary thereafter through the end of this agreement, the Town agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to FSHC, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.

18. The Fair Housing Act includes two provisions regarding action to be taken by the Town during the ten-year period of protection provided in this agreement. The Town agrees to comply with those provisions as follows:

a. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Town will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.

b. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of this agreement, and every third year thereafter, the Town will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very low income

requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.

19. FSHC is hereby deemed to be an interested party status in this matter without the need to file a motion to intervene or an answer or other pleading.

20. This settlement agreement must be approved by the Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Town shall present its planner as a witness at this hearing. FSHC agrees not to challenge the HEFSP (a summary of which is included as Exhibit A) at the compliance hearing. In the event the Court approves this proposed settlement, the parties contemplate the municipality will receive a Judgment of Repose and the "accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025. If the settlement agreement is rejected by the Court at a fairness hearing, it shall be null and void.

21. If an appeal is filed of the Court's approval or rejection of the settlement agreement, the parties agree to defend the agreement on appeal, including in proceedings before the Superior Court, Appellate Division and the New Jersey Supreme Court, and to continue to implement the terms of the settlement agreement if the agreement is approved before the trial court, unless implementation thereof is stayed,

and until an appeal of the trial court's approval is successful at which point, the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All parties shall have an obligation to fulfill the intent and purpose of this agreement.

22. This settlement agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Hudson County. Before any enforcement application or separate action is filed, the movant shall present an itemization of any claimed compliance failures or omissions to the Town, with a 30 day period for the Town to provide a response or compliance. A prevailing movant or plaintiff in such a motion or separate action may be entitled to reasonable attorney's fees, at the discretion of the court.

23. Unless otherwise specified, it is intended that the provisions of this agreement are to be severable. The validity of any article, section, clause or provision of this agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.

24. This agreement shall be governed by and construed by the laws of the State of New Jersey.

25. This agreement may not be modified, amended or altered in any way except by a writing signed by each of the parties.

26. This agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.

27. The parties acknowledge that each has entered into this agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the agreement, that this agreement contains the entire understanding of the parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.

28. Each of the parties hereto acknowledges that this agreement was not drafted by any one of the parties, but was drafted, negotiated and reviewed by all parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the parties expressly represents to the other parties that: (i) it has been represented by counsel in connection with negotiating the terms of this agreement; and (ii) it has conferred due authority for execution of this agreement upon the persons executing it.

29. Any and all Exhibits and Schedules annexed to this agreement are hereby made a part of this agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this agreement with prior written approval of both parties.

30. This agreement constitutes the entire agreement between the parties hereto and supersedes all prior oral and written agreements between the parties with respect to the subject matter hereof except as otherwise provided herein.

31. No member, official or employee of the Town shall have any direct or indirect interest in this settlement agreement, nor participate in any decision relating to

the agreement which is prohibited by law, absent the need to invoke the rule of necessity.

32. Anything herein contained to the contrary notwithstanding, the effective date of this agreement shall be the date upon which all of the parties hereto have executed and delivered this agreement.

33. All notices required under this agreement ("Notice[s]") shall be written and shall be served upon the respective parties by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days' notice as provided herein:

**TO FSHC:**

Kevin D. Walsh, Esq.  
Executive Director  
Fair Share Housing Center  
510 Park Boulevard  
Cherry Hill, NJ 08002  
Phone: (856) 665-5444  
Telecopier: (856) 663-8182  
E-mail: [kevinwalsh@fairsharehousing.org](mailto:kevinwalsh@fairsharehousing.org)

**TO THE TOWN:**

Cindy Nan Vogelmann, Esq.  
Chasan Lamparello Mallon & Cappuzzo, PC  
300 Lighting Way  
Secaucus, NJ 07094  
Phone: (201) 348-6000  
Telecopier: (201) 348-6633  
Email: [CVogelman@Chasanlaw.com](mailto:CVogelman@Chasanlaw.com)

Gary Jeffas, Esq.  
Town Administrator  
1203 Paterson Plank Road  
Secaucus, NJ 07094  
Phone: (201) 330-2008

Telecopier: (201) 330-8352  
Email: GJeffas@Secaucus.net

**WITH A COPY TO THE  
MUNICIPAL CLERK:**

Michael Marra  
Town Clerk  
1203 Paterson Plank Road  
Secaucus, NJ 07094  
Phone: (201) 330-2017  
Email: MMarra@Secaucus.net

34. The Town and FSHC recognize that there have been no rental increases for existing affordable housing units since 2014. The parties shall enter into a Consent Order simultaneous with entry of a Judgment of repose to set rent increases for existing affordable housing units consistent with the income limits and rent increases set forth in the December 16, 2016 Consent Order entered by the Hon. Douglas K. Wolfson in In the Matter of the Township of East Brunswick for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan, under docket no. MID-L-004013-15, and attached hereto as Exhibit B.

35. As part of the settlement of this case, FSHC has requested a counsel fee of \$7,500. The Town has declined to contribute to the payment of FSHC fee. Fraternity Meadows, LLC, the developer of the XChange project has agreed to pay FSHC's \$7,500 counsel fee and shall deposit this sum in the trust account of its attorneys, Waters, McPherson, McNeill, P.C., by June 5, 2017. Conveyance of the \$7,500 to FSHC shall occur within 10 days after the approval of this settlement agreement by the Court following the fairness hearing. FSHC and Fraternity Meadows, LLC may enter into a separate agreement memorializing the payment terms.




36. To be effective, this settlement agreement must be duly endorsed and ratified by the Town of Secaucus through duly adopted resolution of the Mayor and Council.

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first above written:

**CHASAN LAMPARELLO MALLON & CAPPUZZO, PC**  
Attorneys for Plaintiff Town of Secaucus

By:   
Cindy Nan Vogel

**FAIR SHARE HOUSING CENTER**  
Interested Party

By:   
Kevin D. Walsh

6/8/2017

## EXHIBIT A





**Clarke Caton Hintz**

Architecture  
Planning  
Landscape Architecture

Cindy N. Vogelman, Esq.  
Chasan Lamparello Mallon and Cappuzzo, PC  
300 Lighting Way  
Secaucus, New Jersey 07094

May 5, 2017

100 Barrack Street  
Trenton NJ 08608  
clarkecatonhintz.com  
Tel: 609 883 8383  
Fax: 609 883 4044

Re: IMO the Determination of the Affordable Housing  
Obligation of the Town of Secaucus, New Jersey  
Docket No.: HUD-L-2911-15  
Outline of Affordable Housing Approach for Fairness Hearing

Dear Ms. Vogelman,

This letter report outlines the approach proposed by the Town of Secaucus to address its municipal affordable housing obligation and reach a settlement with Fair Share Housing Center (“FSHC”), an interested party as designated by the NJ Supreme Court<sup>1</sup>. We believe that an agreement has been reached between FSHC and the Town of Secaucus. Case Management Order No. 7 signed by the Hon. Joseph A. Turula, J.S.C. on April 13, 2017 established June 15, 2017 as the date to conduct a fairness hearing on Secaucus’s means to address its obligation.

Philip Caton, FAICP  
John Hatch, FAIA  
George Hibbs, AIA  
Brian Slauch, AICP  
Michael Sullivan, AICP

**Schedule and Adoption Process**

Because of the public notice requirements of the NJ Sports and Exposition Authority (NJSEA) for amendments to municipal master plans, it was agreed among the parties to separate the fairness hearing from the compliance

*Emeriti*  
John Clarke, FAIA  
Carl Hintz, AICP, ASLA

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<sup>1</sup> - In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (Mount Laurel IV).

**Clarke Caton Hintz**

hearing. The fairness hearing will determine if the proposed housing plan components will be equitable to low and moderate income households within the housing region. The compliance hearing will be conducted on the adopted housing element and fair share plan, which will take a number of weeks to prepare and finalize following the fairness hearing. Since the adoption of a housing element and fair share plan is proposed, public notice in the official newspaper and to NJSEA, Hudson County and the municipalities surrounding Secaucus will be necessary. But unlike the municipal land use law's minimum notice period of 10 days, the public notice to the NJSEA is required to be sent at least 45 days prior to the hearing.

In terms of a schedule for a compliance hearing before Judge Turula, we will need a reasonable amount of time to prepare the housing element and fair share plan. We note that the Planning Board conducts the hearing on the housing element and fair share plan. Secondly, the fair share plan portion of the housing plan requires a resolution of endorsement by the Town Council and the possible introduction of any amending ordinances. Taking into account the public notice requirements, public hearings in September will allow us the time to properly prepare the housing plan for adoption in advance of the compliance hearing. The Planning Board meets on September 19 and the Mayor and Town Council on September 26. Based on this schedule, the public hearing draft must be completed no later than August 5 which is about seven weeks after the date of

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the fairness hearing. The draft of the housing element and fair share plan to be reviewed at the public hearing will be sent to the court, FSHC, Court Master Cofone and any other party who requests it at the same time as the public notices are sent. Using this schedule, the municipality will be prepared to proceed with the compliance hearing after September 26, 2017.

**Background Information**

Pursuant to an earlier order of Judge Turula (Case Management Order No. 1), Secaucus prepared a Housing Element and Fair Share Plan (“Housing Plan”) as a comprehensive draft based on the second round rules, extant third round rules and amendments to the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) using affordable housing numbers prepared by the Town’s affordable housing expert, Econsult Solutions, Inc. This draft is dated January 8, 2016 and was submitted to the court on that date.

However, in the interest in settling the affordable housing obligation with FSHC the Town agrees to utilize the housing numbers as produced by their expert, David Kinsey, PhD, FAICP, PP. The affordable housing obligation agreed to by the parties is produced in Table 1:



Clarke Caton Hintz

**Table 1. Secaucus Municipal Affordable Housing Obligation Numbers**

Affordable Housing Component	2016 FSHC	TOTAL
Present Need (Rehabilitation)	57	57
Prior Round Obligation (1987-1999)	590	590
Gap Period New Construction (1999-2015)	541	1,947
Third Round New Construction Obligation (2015-2025)	1,406	
Less Settlement Discount (35%)	-681	-681
Sub-total Third Round New Construction	1,266	
<b>Total Obligation 1987-2025</b>	<b>2,594 (no discount)</b>	<b>1,913</b>

Source: FSHC R-3 Model, May 2016

We note that no judicial decisions at the trial level or appellate level in this vicinage or another have yet determined the third round obligation for Secaucus. However, if a settlement is reached and approved by Judge Turula, this would resolve the affordable housing obligations for Secaucus in the third round.

Each component of Secaucus's housing plan will be discussed in turn in the following sections.

#### **Present Need (Rehabilitation)**

The methodology employed by FSHC has identified the need for rehabilitating 57 dwelling units in Secaucus. *N.J.A.C. 5:93-1.3*, defines a dwelling needing rehabilitation as, "...a housing unit with health and safety code violations that require the repair or replacement of a major system". "Major systems" include weatherization, exterior cladding, window and door

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replacement, roofing, plumbing (water supply and sanitary), heating, electricity, lead paint abatement and load bearing structural systems.

Between April 1, 2010 and December 31, 2013, Secaucus rehabilitated 15 owner-occupied housing units at a hard cost of \$246,740, or \$16,449 per unit. Secaucus will restart the rehabilitation program once it receives a judgment of repose for the remaining 42 units. Furthermore, the Town will coordinate with staff at the Hudson County HOME Investment Partnership Program to ensure homeowner access to Hudson County's rehabilitation program and to determine if there are units eligible for rehabilitation credit. Documentation will be submitted with the housing element and fair share plan for the compliance hearing.

Secaucus' rehabilitation program will adhere to the regulations in *N.J.A.C. 5:93-3.4*. All new rehabilitated units will meet the applicable Uniform Construction Code requirements. Additionally, all rehabilitated units will be occupied by low or moderate income households and upon completion of the rehabilitation, affordability controls will be placed on the property in the form of a lien or deed restriction. All rehabilitations will have an average cost of at least \$10,000. According to the Secaucus finance office, the municipality had a balance in the affordable housing trust fund of \$688,336 as of February 28, 2017. This amount is sufficient to fund the 42 remaining units; additional monies are also expected to be paid into the trust fund as development occurs.



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**Prior Round Obligation**

FSHC does not accept the NJ Council on Affordable Housing's (COAH) position that Prior Cycle credits may be used as unrestricted credits. Prior Cycle credits are those from affordable housing activities that otherwise meet COAH eligibility criteria but were occupied between April 1, 1980 and December 15, 1986 before the start of the first round. Instead FSHC views age-restricted affordable housing development in the Prior Cycle period as counting towards the limit on age-restricted housing. Effectively their viewpoint merges the Prior Cycle and Prior Round into a single obligation before 1999. Because of this interpretation, the formulas attributable to Prior Round obligations as established by COAH must be revised to remove Prior Cycle elements. These revised formulas are presented in Table 2:

**Table 2. Formulas Applicable to the Prior Round Obligation**

Minimum Rental Obligation N.J.A.C. 5:93-5.15(a) = 148 units

$.25 (\text{prior round obligation} - 20\% \text{ cap} - 1000 \text{ unit cap}) =$

$.25 (590 - 0 - 0) = .25 (590) = 147.5 \text{ rounded up to } 148 \text{ units.}$

Maximum Rental Bonus = 148 units

No more than the minimum rental obligation = 147.5 rounded up to 148 units.

Maximum Senior Units N.J.A.C. 5:93-5.14(a)1 = 161 units

$.25(\text{prior round obligation} + \text{rehabilitation share} - 20\% \text{ cap} - 1000 \text{ unit cap}) =$

$.25 (590 + 57 - 0 - 0) = .25 (647) = 161.75 \text{ rounded down to } 161 \text{ units.}$

This changes the means of addressing the Prior Round Obligation because Rocco Impeveduto Homes, which is a Prior Cycle project, is senior rental housing.

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Including all of Rocco Impreveduto Homes' 100 units as age-restricted ones reduces the number from Kroll Heights to 61 eligible credits. Previously all 75 units were eligible for application to the Prior Round. The remaining 14 senior units from Kroll Heights, as well as the 5 senior units for Hudson Milestone and the 38 senior units of XChange at Secaucus Junction (57 total senior units) may only be used in the 3<sup>rd</sup> or 4<sup>th</sup> round. Under FSHC's concept, the maximum rental bonus credits increase from 123 to 148 units, but the increase of 25 units/credits is not enough to make up the loss of the ability to otherwise use the Town's age-restricted affordable housing. Consequently, 32 more family units are needed to satisfy the Prior Round. To make up for this shortfall, Secaucus will use the two units from City View townhouses and 30 units under construction from 100 Plaza Drive to fully address the Prior Round obligation. Table 3 indicates how Secaucus will address its Prior Round Obligation:

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**Table 3. Satisfaction of the Prior Round Obligation**

Prior Round Obligation	590
100% Affordable Housing Constructed	
Rocco Imprevuduto Tower (Senior Rental)	100
Kroll Heights (Senior Rental – 61 of 75)	61
160 County Avenue (Family Rental)	8
Inclusionary Zoning – Built and Under Construction	
Riverside Court (Family Sale)	12
XChange at Secaucus Junction (Family Rental)	192
City View Townhouses	2
Osprey Cove (Family Rental)	24
34 Meadowland Pkwy – Hess Oil (Family Rental)	13
100 Plaza Drive (Family Rental – 30 of 94)	30
Subtotal	442
Rental Bonuses	
Family Rental Bonuses – 1.0 per unit (maximum permitted)	148
<b>Total Credits</b>	<b>590</b>

### **Vacant Land Analysis and Realistic Development Potential – Third Round**

As first noted in our report of November 29, 2016, Secaucus lacks the vacant developable land to address the third round Prospective Need (including the gap period) proposed by FSHC. In this situation, the extant rules require an analysis of the vacant, developable land, including land held by the municipality. Once the analysis is completed utilizing the four criteria established by COAH in the second round, the vacant developable lands and properties that are likely to redevelop for housing become the Realistic Development Potential (“RDP”). The criteria for inclusion of sites as affordable housing properties to address the



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RDP is that they are required to be approvable, available, developable and suitable. These address legal, environmental, access to infrastructure and land use compatibility factors within the context of development occurring within the time period of the third round. 151 parcels were examined. The Vacant Land Analysis is attached as Exhibit A.

Municipal officials and staff discussed various development and redevelopment scenarios with FSHC at several meetings in an effort to determine the RDP for Secaucus.

After this analysis, all land that meets the criteria for being included in the RDP is under the jurisdiction of the New Jersey Sports and Exposition Authority (“NJSEA”, formerly the NJ Meadowlands Commission). Land under their jurisdiction is subject to the Meadowlands District Master Plan and implementing regulations rather than the zoning ordinance of the Town of Secaucus. Approximately 88% of the land area in Secaucus is under NJSEA land use control. While the Meadowlands Consolidation Act<sup>2</sup> allows site plan and subdivision applications to be heard at the municipal level (for municipalities such as Secaucus that passed an ordinance adopting this optional review process), it requires the continuation of the Meadowlands District Master Plan and the NJSEA zoning regulations. Thus, the municipality has no direct control over zoning for the large majority of the Town.

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<sup>2</sup> - N.J.S.A. 5:10A-1 et seq.

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Two sites have been identified by the Town as generating an RDP. These sites have been accepted as FSHC. The first of these sites is 100 Plaza Drive next to the Harmon Meadows shopping area. This site is being redeveloped by Hartz Mountain, the property owner as well as owner of most of the shopping area, as part of a redevelopment plan adopted by the NJSEA. Consequently, the provisions of the redevelopment plan supersede that of the Regional Commercial zoning district regulations. The site was approved for 469 units of which 94 units (20%) are earmarked for low and moderate income housing. This project is currently under construction. Accordingly, this site contributes towards the RDP.

The second parcel is land located near the Secaucus Junction Train Station in the multi-family XChange at Secaucus Junction development (“XChange”). This parcel is located in the NJSEA Secaucus Transit Village Redevelopment Plan<sup>3</sup>.

The XChange parcel was included in the RDP because of continuing efforts made by its parent owner, Atlantic Realty, to secure an increase in the total number of units permitted on site from the NJSEA (see Sites 8, 10 and 12 on the Affordable Housing Sites map, Exhibit B). This parcel is not included in the vacant land analysis because the increase in the number of units sought by the developer would occur by increasing the number of floors in the buildings

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<sup>3</sup> - Adopted on April 16, 2004 by NJMC Resolution No. 04-20 and amended three times. Last amended by NJMC Resolution No. 11-48 on October 21, 2011.

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approved as part of the overall general development plan (GDP) of the project. A subsidiary of Atlantic Realty, Fraternity Meadows, LLC, has approval in the GDP for 1,805 market rate and 230 affordable units. Of this number, 1,237 market rate units and 150 affordable housing units have been completed and occupied. Building K is now under construction with 122 market rate and 38 affordable units. The development then remaining is 446 market rate units with 42 affordable units. All of the affordable non – age-restricted units from the original XChange development have been placed into the Prior Round Obligation of 590 units (see Table 3).

XChange personnel have discussed with and sought the support of Town officials for expanding the number of units by increasing the density of the development by 500 units more than the 2,035 units already approved. This number includes 400 market rate units and 100 affordable units<sup>4</sup>. Town officials have indicated a willingness to support Fraternity Meadows, LLC (or affiliated entity), in its petition to the NJSEA for an increase in the allowed density of the Secaucus Transit Village Redevelopment Plan.

**Formulas Applicable to the Third Round**

The additional 100 affordable units from the proposed expansion of the XChange development added to the 94 units of 100 Plaza Drive creates an RDP of 194 units. The RDP is then used in the calculation of various formulas that

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<sup>4</sup> - The calculations mark a shift from adding affordable units on top of the market units to taking a percentage (20%) of the total number of units which is the more common practice in Mt. Laurel proceedings.

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the Town must address in the third round section of its housing plan, as listed in Table 4.

**Table 4. Satisfaction of the Prospective Need**

- Minimum Rental Obligation for RDP Municipalities (N.J.A.C. 5:93-5.15(a))  
= .25 (RDP) = .25 (194) = 48.5 rounded up to 49 units
- Maximum Age-Restricted Units (N.J.A.C. 5:93-5.14(a)2)  
= .25 (RDP) = .25 (194) = 48.5 rounded down to 48 units
- Maximum Rental Bonuses (N.J.A.C. 5:93-5.15(d)3)  
= .25 (RDP) = .25 (194) = 48.5 rounded up to 49 units  
[No rental bonus may be granted in excess of the rental obligation]
- Minimum Very Low Income Units (P. L. 2008, Ch. 46)  
.13 (RDP) = .13 (194) = 25.22 units, rounded up to 26 units

For the third round, all of the units at 100 Plaza Drive and XChange are rental units, thus meeting the first formula. All of the affordable units were approved as family rental units – that is, not age-restricted. From the Prior Round, the Town has 19 units of age-restricted that it may use in the Third Round and it will be able to take advantage of 49 rental bonus credits.

When projects are approved by the NJSEA, a condition of the approval is that the developer must obtain approval of its affordable housing plan from the Secaucus Affordable Housing Board (AHB). The Affordable Housing Board approves the developer's plan to provide the units, including the affirmative marketing plan and the means of vetting of applicants to make sure it comports with the law and the Town's Affordable Housing Ordinance. The Town's revised Affordable Housing Ordinance associated with the 2016 draft Housing

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Element and Fair Share Plan includes provisions relating to very low income units consistent with the 2008 Fair Housing Act amendments.

Under the extant rules, each municipality is required to fully address its RDP. Based on these formulas, Secaucus will meet its RDP of 194 units with 112 units of constructed or under construction housing and 100 units of planned housing as part of the expansion of the XChange development, and 49 rental bonus credits for a total of 261 credits, as indicated in Table 5:

**Table 5. Satisfaction of the Prospective Need**

Prospective Need - RDP	194
Inclusionary Zoning – Under Construction	
Hartz Mountain – 100 Plaza Drive (Family Rental – 64 of 94)	64
XChange at Secaucus Junction (Senior Rental – 29 of 38)	29
Inclusionary Zoning – Proposed	
XChange at Secaucus Junction RDP Site (Family Rental)	100
100% Affordable – Constructed	
Hudson Milestone (Senior Rental)	5
Kroll Heights (Senior Rental - 14 of 75)	14
Rental Bonuses	49
<b>Total Credits</b>	<b>261</b>

Secaucus will not be able to utilize all of its senior units in the 3rd Round. Nine of these units from the XChange development will be carried to the 4th round.

As Table 5 indicates, the municipality will have 66 units/credits towards the Unmet Need, as discussed further in the next section.

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**Unmet Need**

Unmet need is the difference between the RDP and the Prospective Need obligation. From Table 1, the Third Round new construction obligation, counting both the Gap Period and Prospective Need, minus the settlement discount, is 1,266 units/credits. The RDP of 194 units is subtracted from this number to arrive at an Unmet Need of 1,072 units/credits. When COAH was a viable agency, it required that municipalities provide at least two means to address the unmet need. It also needs to be noted that COAH never required that the mechanisms to address unmet need be quantified and totaled to meet a specific unmet need number. For example, in the second iteration of the third round rules in 2008, a total of 306 municipalities petitioned COAH for substantive certification. Of the 306 plans, COAH granted certification to 68 municipal plans prior to the Appellate Division's October 8, 2010 decision finding the third round rules unconstitutional. Of the 68 approvals, 10 municipalities had received a Prior Round vacant land adjustment from COAH. In these 10 Third Round certified municipalities, COAH required from one to five compliance mechanisms to address unmet need.

In addition to the 66 excess credits from addressing the RDP, Secaucus proposes these other compliance mechanisms to address Unmet Need.

- 1) Boulevard Tire. The NJSEA received an application for multi-family redevelopment under its Interim Rules (see numbered

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paragraph 4, below) at 845 First Street (Block 132, Lot 2) presently the site of the Boulevard Tire Company. This is depicted as Site 12 on the Affordable Housing Sites map (see Exhibit B). There are no known environmental constraints or contamination hazards active or pending with Boulevard Tire. The property is zoned Neighborhood Commercial. The site is located adjacent to the Town's EMS squad building and the Town library. The property is located at the edge of the downtown where there exist a variety of services that would be available to future residents. The site is served by a NJ Transit bus route. The redevelopment concept is a total of 35 units of which 7 would be affordable.

- 2) Transit Village – Transition Area. In order to spur the likelihood of the redevelopment of other portions of the Secaucus Transit Village Redevelopment Area, the Town Council has expressed a willingness to support an increase to 350 units in what is called the Transition Area of the Redevelopment Plan (see Secaucus Junction Transit Village Concept Plan [“Concept Plan”], attached as Exhibit C). The 350 units would consist of 280 market rate units and 70 affordable units.



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- 3) Secaucus Junction Train Station. The Secaucus Junction Train Station, Site 14 on the Affordable Housing Sites map, was constructed with reinforced foundations that permit the construction of towers above the station. Using the original Allied Junction concept plans from 1991, a 40-story tower has been identified as the most likely one to be developed during the ten-year period of the third round judgment of repose. We have calculated the number of units in such a tower as 625 units, of which 125 units would be affordable units as required by NJSEA's interim rules.
- 4) Interim Policies. The Concept Plan includes four sites where future development of housing is a possibility, but unlikely in our view to occur within the time frame of the third round due to anticipated market conditions, and environmental and legal issues. However, if market conditions change to speed up redevelopment the Town will be able to rely on the NJSEA's Interim Rules to capture potential affordable units. These Interim Policies Governing Affordable Housing Development in the Meadowlands District (effective July 24, 2008, revised to July 27, 2011) essentially function as a mandatory affordable housing overlay zoning district for the Waterfront Recreation, Low Density



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Residential, Planned Residential, Neighborhood Commercial, Commercial Park, Regional Commercial, Highway Commercial, Light Industrial A, Sports and Exposition, and Transportation Districts and form the basis for affordable housing set-aside's in any redevelopment areas (witness the 100 Plaza Drive development). The interim rules describe a process of examining sites within these districts for residential development and if found suitable proscribes non-residential development. Residential development greater than five units is required to provide a 20% affordable housing setaside. Furthermore, though Secaucus has accepted responsibility for the site plan review process as noted above, the Meadowlands Consolidation Act ensures that the zoning districts and policies instituted by the NJSEA remain in place. Thus, a built-in bias exists toward developing housing and, by rule, affordable housing on suitable sites in Secaucus. The Interim Rules will thus capture all of the potential affordable housing that has not been identified in this summary of the Town's affordable housing obligation.

- 5) Development Impact Fee. Lastly, Secaucus established a development fee ordinance for the collection of development impact fees (adopted April 12, 1995, amended through July 24,

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2012, Ordinance 2012-27). The funds from the collection of fees will be utilized as provided for in the Spending Plan which generally anticipates that the funds will be used for the rehabilitation sub-component of Present Need and to help developers in the provision of very low income units in the form of affordability assistance. The Town will also seek opportunities for additional housing as they arise.

The Unmet Need mechanisms proposed in this summation are at least 253 units or credits. By these means, the Town will address its Unmet Need to the extent feasible over the Third Round.

**Summary**

The Town of Secaucus proposes to address its remaining Present Need Rehabilitation requirement through restarting its Rehabilitation Program and funding it through its affordable housing trust fund. The Town will also coordinate with Hudson County to encourage similar rehabilitation efforts under the County's program. The Town has 42 of its 57 units remaining to address.

Secaucus has fully addressed its Prior Round Obligation of 590 units as indicated in Table 3, above, through a combination of constructed, under construction, and rental bonus credits.

The Gap Period and the Prospective Need are both new construction obligations. Meeting the combined obligation is not feasible based on the



Cindy N. Vogelmann, Esq.  
Outline of Secaucus Housing Plan for Fairness Hearing

May 5, 2017

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municipality's vacant land analysis and establishment of an RDP of 194 affordable units. The Unmet Need is 1,072 units. At least 253 units/credits have been proposed as the means towards meeting the Unmet Need in the five compliance mechanisms that have been proposed and which have the capacity to address more by capturing affordable housing in all multi-family developments exceeding five units.

Secaucus will submit a Spending Plan as part of the Housing Element and Fair Share Plan. Secaucus has already obtained approval from COAH for its Development Impact Fee ordinance.

If this outline of the housing plan is acceptable to the Court and to FSHC, then this letter report can serve as the outline for a fairness hearing on a settlement presently scheduled for June 15, 2017. Following the fairness hearing, a revised Housing Element and Fair Share Plan can be prepared and adopted for a future compliance hearing.

Sincerely,

Brian Slaugh, PP, AICP  
Planning Consultant

Cc. Mayor and Town Council, Town of Secaucus  
Gary Jeffas, Esq., Town Administrator  
Keri Eglentowicz, Esq., Town Attorney  
William Snyder, Housing Consultant  
Kevin D. Walsh, Esq., Exec. Dir. Fair Share Housing Center  
Christine N. Cofone, PP, AICP, Court Master

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Cindy N. Vogelmann, Esq.  
Outline of Secaucus Housing Plan for Fairness Hearing

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May 5, 2017

Clarke Caton Hintz

# EXHIBIT A

## VACANT LAND ANALYSIS

# Secaucus Vacant Land Analysis (2017 CCH Inventory)

Id	Block	Lot	Address	Owner	Total		Unconstrained		Reasons for Exclusion/Buildable
					Acres	Constrained Acreage	Constrained Acreage	Unconstrained Acreage	
1	1	3	Meadowland	County Of Hudson	13.97	13.97	13.97	0.00	Hudson County Open Space
2	1	4	Meadowland	Town Of Secaucus	1.01	1.01	1.01	0.00	Flood Plain, Steep Slope
3	1	5	Meadowland	Town Of Secaucus	0.25	0.25	0.25	0.00	Flood Plain, Steep Slope
4	1.01	1	Laurel Hill Park	County Of Hudson	0.33	0.33	0.33	0.00	Hudson County Open Space
5	3	3	New County Rd	Hackensack Meadowslands Dev Comm	54.02	53.84	53.84	0.18	Meadowlands Open Space
6	3	4	New County Road	Secaucus Brownfields Redlopmnt Llc	35.43	4.32	4.32	31.11	Landfill, No Frontage
7	3	6	New County Road	Town Of Secaucus	9.78	9.78	9.78	0.00	Open Space Designated in Master Plan; Conservation Land
8	3	7	Meadowland	Pseg Power Llc % Tax Dept	13.94	13.94	13.94	0.00	No Frontage, Flood Plain, Wetland
9	5	1	County Road	Hudson County	4.17	3.20	3.20	0.98	Hudson County Open Space
10	5	2	County Road	Hudson County	98.23	63.99	63.99	34.24	Hudson County Open Space
11	5	4	South Of County Rd Ext	New Jersey Meadowslands Commission	23.67	23.67	23.67	0.00	Meadowlands Open Space
12	5	4.01	South Of County Rd Ext	New Jersey Meadowslands Commission	11.48	11.48	11.48	0.00	Meadowlands Open Space; riparian
13	5	6	West Of Meadow Land Pkwy	New Jersey Meadowslands Commission	2.88	2.88	2.88	0.00	Meadowlands Open Space

# Secaucus Vacant Land Analysis (2017 CCH Inventory)

Id	Block	Lot	Address	Owner	Total		Unconstrained		Reasons for Exclusion/Buildable
					Acres	Constrained Acreage	Acreage	Acreage	
14	5-05	3-07	Riverside Station Blvd	Town Of Secaucus	1.04	0.48	0.57		Roadway median
15	5-05	3-08	Riverside Station Blvd No	Town Of Secaucus	0.80	0.76	0.04		Roadway median
16	6	1	Rear New County Rd	Hudson County	3.72	3.60	0.11		Wetlands; flood plain, steep slope, no road frontage.
17	7	2	Meadowland	Town Of Secaucus	3.05	3.05	0.00		Open Space Designated in Master Plan
18	7	3	New County Rd	Pseg Power Llc % Tax Dept	76.06	61.09	14.97		No Frontage, Flood Plain, Wetland, settling ponds
19	7	4	New County Rd	Secaucus Brnfls Llc % Dt Allen Co	30.22	0.87	29.36		Landfill, No Frontage
20	7	5	New County Road	Pseg Power Llc % Tax Dept	5.62	5.58	0.04		No Frontage, Wetlands, Flood Plain
21	7	6	New County Rd Area	Pseg Power Llc % Tax Dept	2.65	2.58	0.07		No Frontage, Wetlands, Flood Plain
22	8	2-01	West of Meadowlands Pkwy.	Conrail RR	0.06	0.06	0.00		Class 2 Railroad Property; Flood Plain; riparian
23	8	2-02	West of Meadowlands Pkwy.	Conrail RR	0.12	0.12	0.00		Class 2 Railroad Property; Flood Plain; Wetlands
24	9	1	Rear Of 525 Meadowland Pk	Town Of Secaucus	3.55	3.55	0.00		Flood Plain, Wetlands

# Secaucus Vacant Land Analysis (2017 CCH Inventory)

Id	Block	Lot	Address	Owner	Total		Unconstrained		Reasons for Exclusion/Buildable
					Acres	Constrained Acreage	Acreage		
25	9	1.01	Rear Of 525 Meadowland Pk	Town Of Secaucus	0.08	0.08	0.00		Flood Plain, Wetlands
26	9	1.02	Rear Of 525 Meadowland Pk	Town Of Secaucus	0.30	0.30	0.00		Flood Plain, Wetlands
27	9	1.03	Rear Of 525 Meadowland Pk	Town Of Secaucus	0.25	0.25	0.00		Flood Plain, Wetlands
28	9	2.01	Rear Of 525 Meadowland Pk	Town Of Secaucus	5.87	5.87	0.00		Flood Plain, Wetlands
29	9	3.01	525 Meadowland Pkwy	Town Of Secaucus	3.55	3.55	0.00		Flood Plain, Wetlands
30	9	8.06	250 Castle Rd	Command Enterprises III	3.97	3.46	0.51		High Voltage Aerial Lines; Flood Plain
31	9	9	200 Castle Road	Command Enterprises II	7.30	6.29	1.01		High Voltage Aerial Lines; Flood Plain
32	10	3	Behind 600 Meadowlands Pkwy.	500 Meadowland Parkway Llc % Hartz	2.45	2.45	0.00		No Frontage, Flood Plain
33	11	1.01	West of Meadowlands Pkwy.	Jersey City Municipal Utilities Auth.	0.12	0.12	0.00		Utility Right-of-Way
34	11	1.02	West of Meadowlands Pkwy.	Jersey City Municipal Utilities Auth.	0.08	0.08	0.00		Utility Right-of-Way

# Secaucus Vacant Land Analysis (2017 CCH Inventory)

Id	Block	Lot	Address	Owner	Total		Unconstrained		Reasons for Exclusion/Buildable
					Acres	Constrained Acreage	Acreage	Acreage	
35	11	2	West of Meadowlands Pkwy.	Jersey City Municipal Utilities Auth.	0.46	0.00	0.46	0.46	Utility Right-of-Way
36	14	1	New County Rd	New Jersey Transit Corp	15.28	14.99	0.29	0.29	Flood Plain, Wetlands; Railroad Use
37	16	2	New County Road	Norfolk Southern Railway Co	3.86	2.15	1.70	1.70	Class 2 Railroad Property; Flood Plain; Wetlands
38	17	2	New County Rd Area	Penn T&T Rr Co % Natl Rr Pass Co	0.17	0.06	0.10	0.10	Lot Too Small; Land Use Incompatibility
39	18	1	Rear 425 Meadowland Pkwy	New Jersey Transit Corp	6.24	6.24	0.00	0.00	Class 2 Railroad Property; Flood Plain; Wetlands
40	18	1.01	Rear 425 Meadowland Pkwy	New Jersey Transit Corp	2.91	2.91	0.00	0.00	Class 2 Railroad Property; Flood Plain; Wetlands
41	18	1.02	Rear 425 Meadowland Pkwy	New Jersey Transit Corp	1.37	1.37	0.00	0.00	Class 2 Railroad Property; Flood Plain; Wetlands
42	18	2	West Of Meadowland Pkwy	NJDEP and HMDC	44.03	44.03	0.00	0.00	NJDEP Open Space; part of developer wetlands bank
43	18	2.01	South Of Meadowland Pkwy	New Jersey Transit Corp	8.08	8.08	0.00	0.00	Class 2 Railroad Property; Flood Plain; Wetlands
44	18	5.033	225 Meadowlands Parkway	New Jersey Transit Corp	0.05	0.05	0.00	0.00	Class 1 Railroad Property



# Secaucus Vacant Land Analysis (2017 CCH Inventory)

Id	Block	Lot	Address	Owner	Total		Unconstrained		Reasons for Exclusion/Buildable
					Acres	Constrained Acreage	Acreage	Acreage	
45	18	5.052	Rear 333 Meadowlands Pkwy	New Jersey Transit Corp	1.56	1.56	0.00	0.00	Class 1 Railroad Property
46	20	5	New County Rd Area	Penn.Lines Llc % Norfolk So.Rail Co	5.84	5.84	0.00	0.00	Flood Plain; Land Use Incompatibility
47	20	6	New County Rd Area	Penn.Lones Llc % Norfolk So.Rail Co	6.45	1.91	4.54	4.54	Flood Plain; Land Use Incompatibility
48	20	9.01	New County Rd	Norfolk Southern Railway Co	7.92	0.00	7.92	7.92	Flood Plain; Land Use Incompatibility
49	20	17	North of Secaucus Rd.	Paterson and Hudson RR	0.81	0.81	0.00	0.00	Class 2 Railroad Property; Flood Plain
50	20	19	County Rd.	Conrail RR	3.66	3.66	0.00	0.00	Class 2 Railroad Property; Flood Plain; Wetlands
51	20	20	County Rd.	Conrail RR	0.18	0.18	0.00	0.00	Class 2 Railroad Property; Flood Plain; Wetlands
52	21	3.01	Behind Osprey Court	HMDC & Town of Secaucus	8.07	7.95	0.13	0.13	Open Space Designated in Master Plan; Snipes Park
53	21	3.02	Behind Osprey Court	HMDC & Town of Secaucus	8.70	8.70	0.00	0.00	Open Space Designated in Master Plan; Snipes Park
54	21	5.01	Behind Osprey Court	HMDC & Town of Secaucus	46.25	38.06	8.20	8.20	Open Space Designated in Master Plan; Snipes Park
55	24	6.01	Behind 77 Metro Way	Hartz Metro Way, LLC	0.29	0.15	0.14	0.14	No Frontage; green space of 77 Metro Way; Land Use Incompatibility

# Secaucus Vacant Land Analysis (2017 CCH Inventory)

Id	Block	Lot	Address	Owner	Total Acres		Unconstrained Acreage		Reasons for Exclusion/Buildable
					Acres	Constrained Acreage	Acres	Acres	
56	27	2.02	65 Metro Way	Town Of Secaucus	2.57	2.57	0.00	0.00	Open Space Designated in Master Plan; Duck Pond Park
57	30	8	225 County Ave	Town Of Secaucus	3.40	0.17	3.23	3.23	Open Space Designated in Master Plan; Shetik Field
58	31	1	South of Secaucus Rd.	Unknown	0.41	0.40	0.01	0.01	Private right-of-way
59	31	2	South of Secaucus Rd.	Unknown	0.57	0.57	0.01	0.01	Private right-of-way
60	31.01	3	South of Secaucus Rd.	Unknown	0.70	0.37	0.33	0.33	Private right-of-way
61	31.01	4	South of Secaucus Rd.	Unknown	0.91	0.42	0.49	0.49	Private right-of-way
62	31.02	5	690 Secaucus Rd	Secaucus Blue Llc % Century 21	0.90	0.43	0.46	0.46	30 ft. Frontage, Flood Plain, Too Small, Parking Lot, Right-of-way, Paved Surface
63	31.02	6	Sinvalco Road	Town Of Secaucus	0.89	0.17	0.72	0.72	Existing Right-of-Way
64	33	1	24-26 County Ave	County Of Hudson	0.30	0.01	0.29	0.29	Existing Right-of-Way
65	33	2.01	38 County Ave	County Of Hudson	0.37	0.00	0.37	0.37	Existing Right-of-Way
66	35	6		Unknown	0.06	0.00	0.06	0.06	Alley
67	38	15	170 Charles St	Town Of Secaucus	0.22	0.00	0.22	0.22	Open Space Designated in Master Plan; Ivanoski Park
68	42	3	149 Washington Avenue	Secaucus Municipal Utilities Auth	0.12	0.00	0.12	0.12	Pumping Station

# Secaucus Vacant Land Analysis (2017 CCH Inventory)

Id	Block	Lot	Address	Owner	Total Acres	Constrained Acreage	Unconstrained Acreage	Reasons for Exclusion/Buildable
69	44	4	County Rd	County Rd Llc % Bhasin	10.80	7.07	3.72	Flood Plain; Wetlands; Penhorn Creek; identified for O.S. acquisition; Land Use Incompatibility
70	46	1	900 Penhorn Ave	Sinai Associates Inc	4.21	4.09	0.12	Flood Plain; Penhorn Creek; identified for O.S. acquisition; Land Use Incompatibility
71	46	4	500 Penhorn Ave	Penhorn Plaza Development Assoc	0.18	0.10	0.09	Flood Plain; Penhorn Creek; Land Use Incompatibility
72	46	5	450 Penhorn Ave	Penhorn Plaza Development Assoc	0.22	0.22	0.00	Flood Plain; Penhorn Creek; Land Use Incompatibility
73	46	6	400 Penhorn Ave	Penhorn Plaza Dev Assoc	0.21	0.21	0.00	Flood Plain; Penhorn Creek; Land Use Incompatibility
74	46	14	100 Penhorn Ave	Penn T&T Rr Co %Nat'l Rr Pass Co	0.90	0.90	0.00	Flood Plain; Penhorn Creek; Land Use Incompatibility
75	50	1	84 Henry Street	New Jersey Turnpike Authority	2.33	0.64	1.69	150 ft. Frontage, Flood Plain, Wetlands; Land Use Incompatibility
76	51	1	1113 Secaucus Rd	Secaucus Municipal Utilities Auth	0.38	0.38	0.00	Pumping Station
77	52	4.03	46 Meadowland Pkwy	Hartz % Matsushita % G Timmins	4.82	4.82	0.00	Approved site plan for non-residential development; under construction
78	71	12	732 10th St.	Kroll, Arleen J	0.11	0.11	0.00	50 ft. Frontage, Flood Plain, Lot Too Small
79	76	20	729 5th St.	Perez, Aurelio & Mirtha	0.06	0.00	0.06	25 ft. Frontage, Lot Too Small

# Secaucus Vacant Land Analysis (2017 CCH Inventory)

Unconstrained Acreage									
Id	Block	Lot	Address	Owner	Total Acres	Unconstrained Acreage		Reasons for Exclusion/Buildable	
						Constrained Acreage	Unconstrained Acreage		
80	76	21	727 5th St.	Perez, Aurelio & Mirtha	0.06	0.00	0.06	25 ft. Frontage, Non-Standard Lot, Lot Too Small	
81	84	7.02	714 4th St.	Buckel, Arthur & Clairice	0.08	0.00	0.08	35 ft. Frontage, Non-Standard Lot, Lot Too Small	
82	89	17	123 Centre Ave	Town Of Secaucus	0.17	0.00	0.17	Town Storage Facility; Lot Too Small	
83	93	1	22 Raydol Ave	Town Of Secaucus	1.27	0.00	1.27	Open Space Designated in Master Plan; Fountain Park	
84	93	21	715 Irving Place	Town Of Secaucus	0.15	0.00	0.15	Open Space Designated in Master Plan; Fountain Park	
85	95	1	Chestnut Pl	Town Of Secaucus	0.01	0.00	0.01	Lot Too Small	
86	98	11.01	95 Dorigo Lane	Town Of Secaucus	4.46	0.38	4.07	Open Space Designated in Master Plan; Kane Stadium	
87	100	2.02	34 Meadowland Parkway	Amerada Hess Corporation	0.34	0.34	0.00	Riparian; under water	
88	101	8	34 Meadowland Parkway	Amerada Hess Corporation	2.21	2.21	0.00	Under construction with 65-unit inclusionary development (13 affordable).	
89	102	6	10th St.	Dolan, Michael F & Linda C	0.06	0.06	0.00	24ft. Frontage, Flood Plain, Lot Too Small	

# Secaucus Vacant Land Analysis (2017 CCH Inventory)

Id	Block	Lot	Address	Owner	Total		Unconstrained		Reasons for Exclusion/Buildable
					Acres	Constrained Acreage	Acres	Acreage	
90	115	1.01	25 Meadowland Pkwy	NJDOT	0.15	0.15	0.00	0.00	State Ownership, Under Rt. 3 bridge, riparian
91	115	1.02	25 Meadowland Pkwy	NJDOT	0.20	0.20	0.00	0.00	State Ownership, Under Rt. 3 bridge, riparian
92	115	1.03	25 Meadowland Pkwy	NJDOT	0.33	0.33	0.00	0.00	State Ownership, Under Rt. 3 bridge, riparian
93	116	1.02	15 Meadowlands Pkwy	BW RRI II, LLC	0.46	0.46	0.00	0.00	Riparian; under water
94	130	28	Second St	Town Of Secaucus	0.00	0.00	0.00	0.00	Lot Too Small
95	137	24.01	84 Centre Ave	Town Of Secaucus	0.63	0.00	0.63	0.63	Municipal Building Parking Lot; solar field
96	143	1	150 Plaza Center	Town Of Secaucus	4.48	3.40	1.09	1.09	Open Space Designated in Master Plan; Buchmuller Park
97	143	7	40 Second Ave	Town Of Secaucus	0.96	0.11	0.85	0.85	Open Space Designated in Master Plan; Buchmuller Park
98	152	4	56 3rd Ave	56 Third Ave Secaucus Llc	0.15	0.03	0.12	0.12	75 ft. Frontage, Lot Too Small
99	154	5	14 Mutillod Lane	Sepol Properties, LLC	0.10	0.01	0.09	0.09	60 ft. Frontage, Lot Too Small
100	155	1.02	Rear 1055 Paterson Plank Rd	Towers Associates Ltd	0.68	0.62	0.06	0.06	Flood Plain, Access Road

# Secaucus Vacant Land Analysis (2017 CCH Inventory)

Id	Block	Lot	Address	Owner	Total Acres		Unconstrained Acreage	Reasons for Exclusion/Buildable
101	155	1.03	One Daffys Way	Vim 3 Llc % Daffys	2.15	0.26	1.89	No Frontage; storm water management
102	155	1.04	One Daffys Way	Vim Llc % Daffys	0.60	0.00	0.60	Access Road, Lot Too Small
103	155	6	895 Paterson Plank Road	Vim 3 Llc % Daffys	0.11	0.00	0.11	Access Road, Lot Too Small
104	157.01	1	Rt. 3 jughandle	Hartz Mountain Development Corp	0.64	0.00	0.64	75 ft. Frontage, Hwy. Interchange
105	163	1.01	316 Born St	Town Of Secaucus	0.23	0.23	0.00	Utility Right-of-Way
106	165	18	West Of 289 Hagan Pl	Town Of Secaucus	0.03	0.03	0.00	Lot Too Small
107	166	13	245 Maple St	Jigar Patel & Ekta Patel	0.11	0.00	0.11	Developed with SFD
108	176	4	50 Fairview Ave	Auriemma, Irene	0.13	0.13	0.00	50 ft. Frontage, Lot Too Small
109	183	27	24 Radio Ave	Acess.1 Communications Corp-Ny	0.13	0.13	0.00	Broadcasting Towers, Flood Plain; Wetlands
110	183	28	26 Radio Ave	Unity Broadcasting Network N Y Inc	0.11	0.11	0.00	Broadcasting Towers, Flood Plain; Wetlands
111	183	29	28 Radio Ave	Unity Broadcasting Network N Y Inc	0.11	0.11	0.00	Broadcasting Towers, Flood Plain; Wetlands

# Secaucus Vacant Land Analysis (2017 CCH Inventory)

Id	Block	Lot	Address	Owner	Total		Unconstrained		Reasons for Exclusion/Buildable
					Acres	Constrained Acreage	Acres	Acreage	
112	183	30	30 Radio Ave	Unity Broadcasting Network N Y Inc	0.11	0.11	0.00	0.00	Broadcasting Towers, Flood Plain; Wetlands
113	183	31	32 Radio Ave	Unity Broadcasting Network N Y Inc	0.12	0.12	0.00	0.00	Broadcasting Towers, Flood Plain; Wetlands
114	183	32	34 Radio Ave	Unity Broadcasting Network N Y Inc	0.11	0.11	0.00	0.00	Broadcasting Towers, Flood Plain; Wetlands
115	183	33	36 Radio Ave	Unity Broadcasting Network N Y Inc	0.11	0.11	0.00	0.00	Broadcasting Towers, Flood Plain; Wetlands
116	183	35	42 Radio Ave	Unity Broadcasting Network N Y Inc	0.12	0.07	0.05	0.05	Broadcasting Towers, Flood Plain; Wetlands
117	183	36	44 Radio Ave	Unity Broadcasting Network N Y Inc	0.11	0.08	0.04	0.04	Broadcasting Towers, Flood Plain; Wetlands
118	183	37	46 Radio Ave	Unity Broadcasting Network N Y Inc	0.12	0.07	0.05	0.05	Broadcasting Towers, Flood Plain; Wetlands



# Secaucus Vacant Land Analysis (2017 CCH Inventory)

Id	Block	Lot	Address	Owner	Total Acres	Constrained Acreage	Unconstrained Acreage	Reasons for Exclusion/Buildable
119	183	38	48 Radio Ave	Unity Broadcasting Network N Y Inc	0.11	0.07	0.04	Broadcasting Towers, Flood Plain; Wetlands
120	183	39	50 Radio Ave	Unity Broadcasting Network N Y Inc	0.14	0.12	0.02	Broadcasting Towers, Flood Plain; Wetlands
121	184.01	2	Mill Creek Drive	Hartz Mountain Development Corp	0.28	0.28	0.00	Median island for Mill Creek Drive
122	185	2.03	Mill Creek Drive	Hackensack Meadowlands Devel.Comm.	207.71	207.67	0.03	Meadowlands Conservation Area
123	185.01	1.08	Island Blvd	Hartz Mtn Devel Corp	3.75	3.45	0.30	Private right-of-way
124	187	14.01	West Of 288 Hagan Place	Town Of Secaucus	0.03	0.03	0.00	Utility Right-of-Way
125	187	14.02	West Of 287 Julianne Terr	Town Of Secaucus	0.02	0.02	0.00	Utility Right-of-Way
126	189	11	West Of 287 Paulanne Ter	Town Of Secaucus	0.04	0.04	0.00	Utility Right-of-Way
127	190	4.01	1561 Paterson Plank	Town Of Secaucus	0.16	0.00	0.16	Firehouse
128	190	8	1535 Paterson Plk Rd	Town Of Secaucus	0.89	0.07	0.81	Municipal Parking Lot



# Secaucus Vacant Land Analysis (2017 CCH Inventory)

Id	Block	Lot	Address	Owner	Total		Unconstrained		Reasons for Exclusion/Buildable
					Acres	Constrained Acreage	Acreage	Acreage	
129	192	22	1603 Paterson Plank Road	Town Of Secaucus	0.41	0.12	0.28		Pedestrian Right-of-Way
130	193	1.01	Paterson Plank Road	Rivercourt Homeowner's Assoc.	0.39	0.39	0.00		Common open space of homeowner's association
131	194	14,15, 15.01, 16,16.01, 17,17.01, 18,18.01	End of Oak Lane	Town Of Secaucus	1.93	1.93	0.00		Open Space Designated in Master Plan; Oak Lane Park
132	195, 203	5, 5.01, 43, 43.01	End of Farm Road	Town Of Secaucus	1.15	1.15	0.00		Open Space Designated in Master Plan; Farm Road Park
133	197	6	Hops Lane	Unknown	0.09	0.00	0.09		Parking Lot, Lot Too Small
134	203	16.01	Rear of 220 Meadow Lane	Meadowlands Village	0.17	0.17	0.00		Riparian
135	203	19.02	Rear of 235 Meadow Lane	Town Of Secaucus	1.95	1.95	0.00		Open Space Designated in Master Plan; Riverwalk Access
136	203	23, 24	1110 & 1114 Farm Road	Wld Properties Llc	0.24	0.03	0.21		Flood Plain, Lot Too Small

# Secaucus Vacant Land Analysis (2017 CCH Inventory)

Id	Block	Lot	Address	Owner	Total Acres		Unconstrained Acreage		Reasons for Exclusion/Buildable
					Acres	Constrained Acreage	Acres	Acres	
137	203	40, 40.01	1159 Farm Road	New Jersey Meadowlands Commission	1.54	1.54	0.00		HMDC Open Space; Riverwalk Access
138	203	41	End of Farm Road	Farm Rd Realities %M Schwartz	0.29	0.29	0.00		Flood Plain
139	215	12	Blondel Drive	Town Of Secaucus	0.23	0.08	0.15		Open Space Designated in Master Plan; Naters Park
140	220	1	Koelle Blvd	Town Of Secaucus	0.54	0.07	0.46		Open Space Designated in Master Plan; Schmidt's Woods
141	222	1	2000 Koelle Blvd	Town Of Secaucus	17.38	4.48	12.91		Open Space Designated in Master Plan; Schmidt's Woods
142	224	21	Huber St	Town Of Secaucus	0.90	0.90	0.00		Open Space Designated in Master Plan; Mill Creek Park
143	225	4.02	1200 Koelle Blvd	Town Of Secaucus	3.90	3.90	0.00		Secaucus Recreation Center
144	225	12	70 Mill Ridge Road	Town Of Secaucus	35.24	35.24	0.00		Open Space Designated in Master Plan; Mill Ridge Ballfields
145	225	13	Mill Ridge Road	Town Of Secaucus	2.09	2.09	0.00		Open Space Designated in Master Plan; Mill Ridge Ballfields
146	225, 226	14, 14.01, 14.02, 39	300 Mill Ridge Rd	Town Of Secaucus	5.97	5.97	0.00		Open Space Designated in Master Plan; Mill Creek Point Park

## Secaucus Vacant Land Analysis (2017 CCH Inventory)

Id	Block	Lot	Address	Owner	Total		Unconstrained		Reasons for Exclusion/Buildable
					Acres	Constrained Acreage	Acreage		
147	226	17.02	Mill Ridge Rd	Secaucus Board Of Education	6.54	6.54	0.00		High School Marsh: ecological study area
148	226	38	Mill Ridge Road	Town Of Secaucus	43.03	43.03	0.00		Open Space Designated in Master Plan; High School Marsh
149	227	4.03, 4.04	100 Park Plaza Dr	100 Park Plaza Dr Llc	13.45	11.25	2.20		Hartz Carpet Center, under construction with 469-unit inclusionary development - 94 affordable
150	227	4.061	200 Park Plaza Dr.	200 Park Plaza, Inc.	2.57	0.87	1.70		Bus parking lot
151	227	9	North Of Rt 3 East Of Tpk	Mori, E E % Mori Props	134.46	90.89	43.57		Contaminated from past dumping activities, Flood Plain, Wetlands



Contributes towards RDP



Cindy N. Vogelman, Esq.  
Outline of Secaucus Housing Plan for Fairness Hearing

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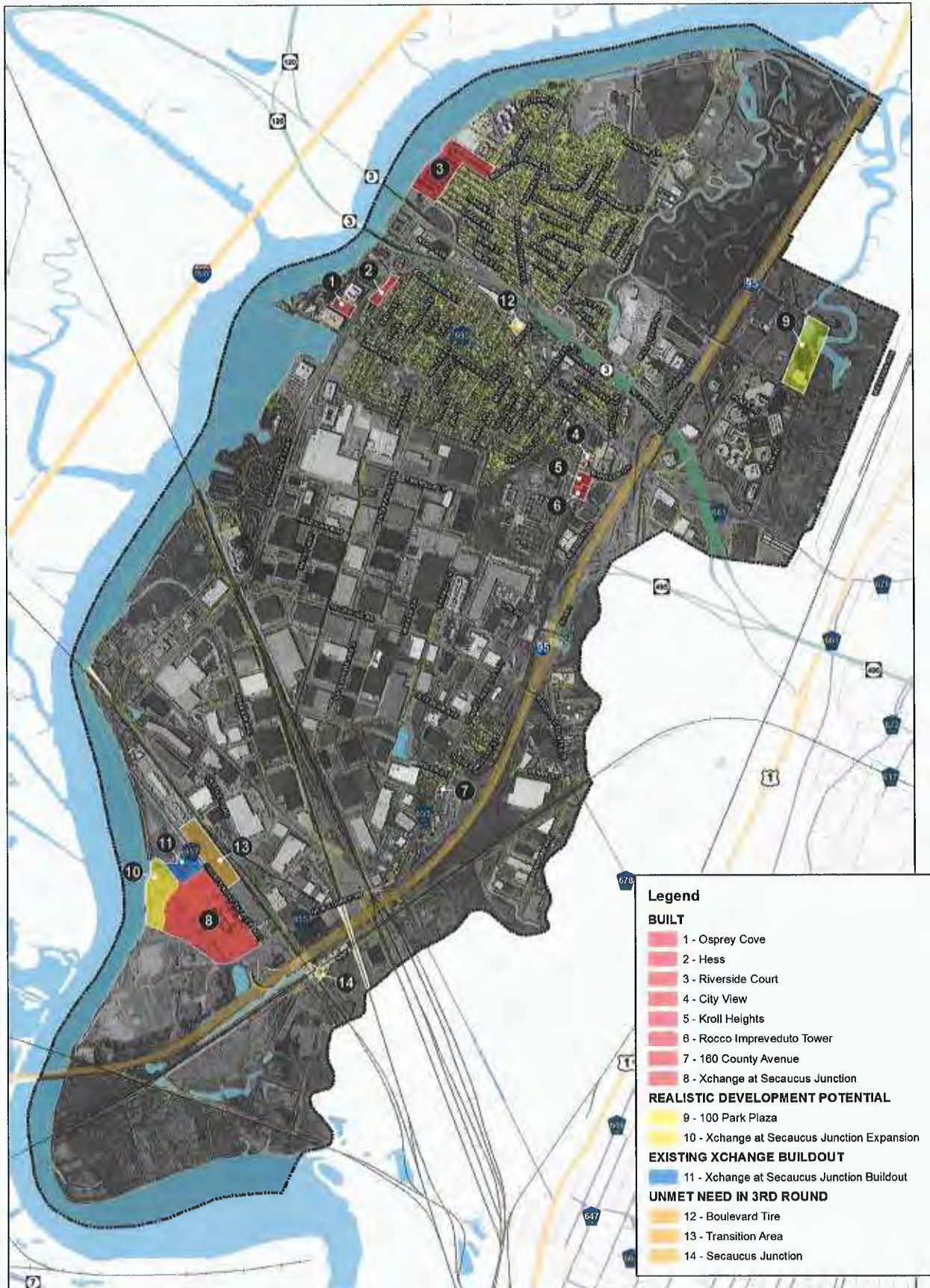
May 5, 2017

Clarke Caton Hintz

## EXHIBIT B

### AFFORDABLE HOUSING SITES





PARCEL DATA: Parcels of Hudson County, New Jersey State Plane NAD83  
 Originator: Hudson County Department of Planning  
 Publication Date: 5/21/2013

AERIAL SOURCE: New Jersey 2012 - 2013 High Resolution Orthophotography, NAD83 NJ State Plane Feet, MrSID Tiles  
 Publisher: NJ Office of Information Technology (NJ/OIT), Office of Geographic Information Systems (OGIS)  
 Publication Date: 3/2013

0 250500 1,000 1,500 2,000 Feet



Clarke Caton Hintz

# Affordable Housing Sites

Town of Secaucus, Hudson County, NJ February 2017



Cindy N. Vogelmann, Esq.  
Outline of Secaucus Housing Plan for Fairness Hearing

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May 5, 2017

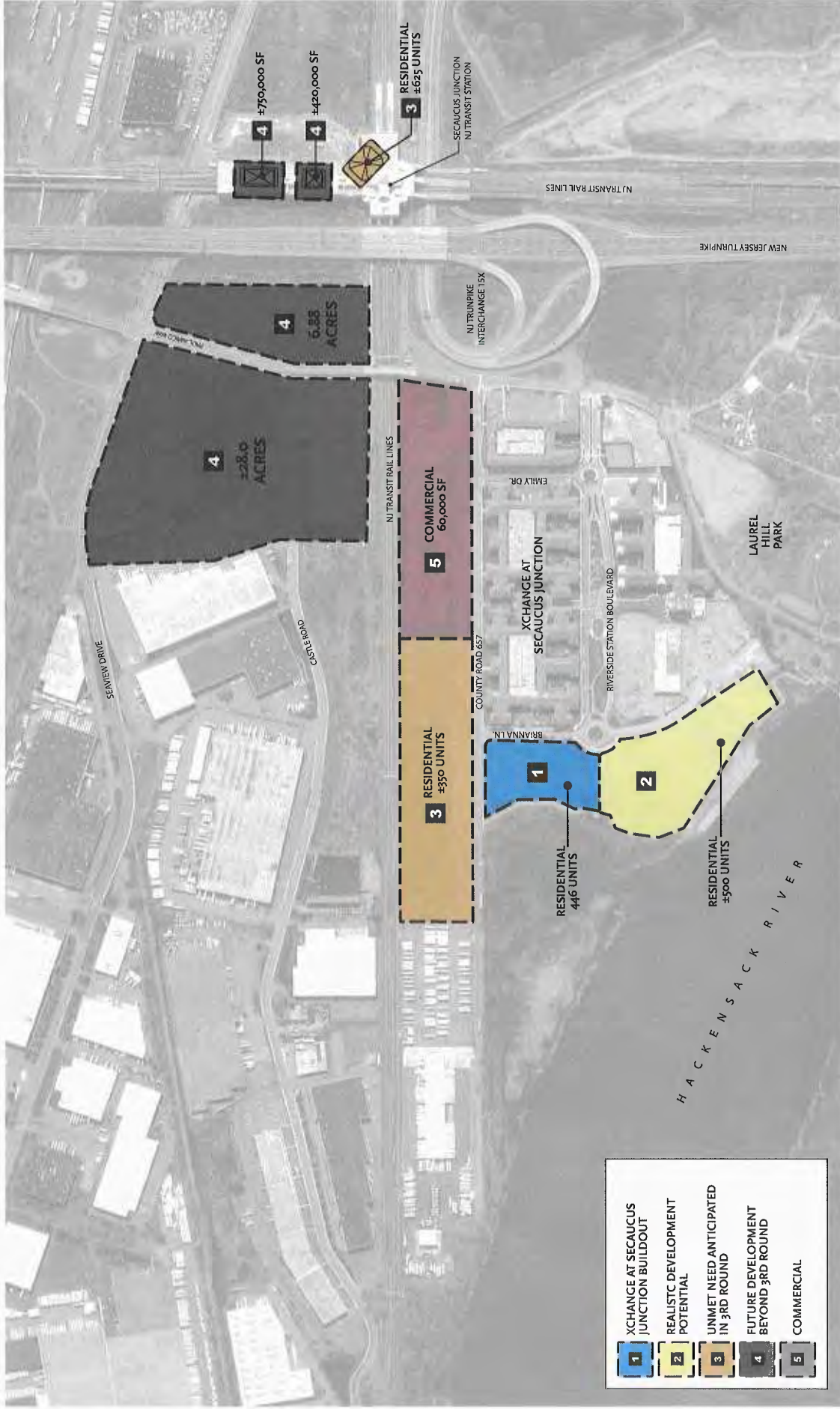
Clarke Caton Hintz

EXHIBIT C

SECAUCUS JUNCTION TRANSIT VILLAGE

CONCEPT PLAN





# Secaucus Junction Transit Village Concept Plan

February 2017

Secaucus, NJ

## EXHIBIT B



**FILED**

**DEC 16 2016**

JUDGE DOUGLAS K. WOLFSON

IN THE MATTER OF THE TOWNSHIP OF  
EAST BRUNSWICK FOR A JUDGMENT OF  
COMPLIANCE OF ITS THIRD ROUND  
HOUSING ELEMENT AND FAIR SHARE  
PLAN

SUPERIOR COURT  
Law Division  
Middlesex County

DOCKET NO: MID-L-004013-15

CIVIL ACTION

CONSENT ORDER

This matter having come before the court via complaint seeking a Declaratory Judgment of compliance with the Mount Laurel doctrine and New Jersey Fair Housing Act, N.J.S.A. 52:27D-329.1 et. seq., pursuant to the process established by In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) ( "Mount Laurel IV"), including determination of plaintiff Township of East Brunswick (Township's) fair share obligations; and the Township having sought and the Court by separate order having granted a Final Judgement of Compliance and Repose subject to conditions recommended by the Special Master to be fulfilled; and the parties to this matter recognizing that an important function historically performed by the Council on Affordable Housing (COAH) is setting income limits for each of the COAH housing regions, which are used to determine eligibility for affordable housing, and setting rent increases for existing affordable housing; and COAH having not published income limits or rent

increases since 2014; and the Court finding it necessary to establish income limits and rent increase information to comply with the directives of the Fair Housing Act, and to more generally ensure the implementation of municipalities' constitutional obligations through the availability of existing affordable housing and new affordable housing constructed through the court compliance process pursuant to Mount Laurel IV to qualified individuals; and Mount Laurel IV having directed trial courts to adhere to the First and Second Round rules and aspects to the two earlier versions of the Third Round rules that were found valid by the appellate courts; and the parties and Court thus having deemed it appropriate as part of the Settlement Agreement in this matter and the Township's Housing Element and Fair Share Plan to establish income limits and rent increases based on COAH's established practice for setting such income limits and rent increases, and to empower municipalities to update such income limits and rent increases on an annual basis themselves based on the process historically used by COAH and the Court having reviewed such income limits and rent increases as part of the December 2, 2016 hearing in this matter and approved such income limits and rent increases at that hearing;

IT IS on this 16<sup>th</sup> day of December, 2016 ORDERED as follows:

1. Income limits for all units that are part of the Township's Housing Element and Fair Share Plan and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Township annually within 30 days of the publication of determinations of median income by HUD as follows:

(a) Regional income limits shall be established for the region that the Township is located within based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Township's housing region. This quotient represents the regional weighted average of median

\* for the reasons set forth in the Court's written opinion of December 16, 2016, which is incorporated herein by reference

income for a household of four.<sup>1</sup> The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

(b) The income limits attached hereto are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2016, and shall be utilized until the Township updates the income limits after HUD has published revised determinations of median income for the next fiscal year.

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<sup>1</sup> Currently, the Middlesex-Somerset-Hunterdon housing region pursuant to the Fair Housing Act (Region 3) has the same boundaries as the Middlesex-Somerset-Hunterdon HUD Fair Market Rent Area; thus this process of computing a regional weighted average is not necessary for Region 3, but this language is provided in case in future years the HUD boundaries change.

(c) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Township annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.

2. In establishing sale prices and rents of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established pursuant to the process defined above:

(a) The resale prices of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region determined pursuant to paragraph 1. above. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

(b) The rent levels of very-low-, low- and moderate-income units may be increased annually based on the percentage increase


in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low income housing tax credit regulations shall be indexed pursuant to the regulations governing low income housing tax credits.

3. Counsel for the Township shall forward a copy of this Order to all parties of record within five (5) days of receipt.



Hon. Douglas K. Wolfson, J.S.C.

APPROVED AS TO FORM AND CONTENT



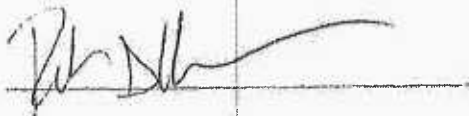
Adam M. Gordon, Esq.  
Attorney for Defendant-Intervenor  
Fair Share Housing Center

Dated December 8, 2016



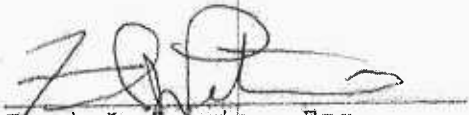
Steven A. Kunzman, Esq.  
Attorney for Plaintiff  
Township of East Brunswick

Dated December 8, 2016



Robert A. Kasuba, Esq.  
Attorney for Defendant-Intervenor  
Tices Developers, LLC

Dated December 9, 2016



Frank J. Petrino, Esq.  
Attorney for Defendant-Intervenor  
Hidden Oak Woods, LLC

Dated December 9, 2016



2016 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SIZE													
		1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person	7 Person	8+ Person	Max Increase** Rents Sales	Regional Asset Limit***
Region 1 Bergen, Hudson, Passaic and Sussex	Median	\$59,096	\$63,317	\$67,538	\$75,980	\$84,423	\$87,799	\$91,176	\$97,930	\$104,684	\$111,438	1.1%	\$163,245
	Moderate	\$47,277	\$50,654	\$54,030	\$60,784	\$67,538	\$70,240	\$72,941	\$78,344	\$83,747	\$89,150		
	Low	\$29,548	\$31,658	\$33,769	\$37,990	\$42,211	\$43,900	\$45,588	\$48,965	\$52,342	\$55,719		
	Very Low	\$17,729	\$18,995	\$20,261	\$22,794	\$25,327	\$26,340	\$27,353	\$29,379	\$31,405	\$33,431		
Region 2 Essex, Morris, Union and Warren	Median	\$63,879	\$68,441	\$73,004	\$82,130	\$91,255	\$94,905	\$98,555	\$105,856	\$113,156	\$120,457	1.1%	\$175,072
	Moderate	\$51,103	\$54,753	\$58,403	\$65,704	\$73,004	\$75,924	\$78,844	\$84,685	\$90,525	\$96,365		
	Low	\$31,839	\$34,221	\$36,502	\$41,065	\$45,628	\$47,453	\$49,278	\$52,928	\$56,578	\$60,228		
	Very Low	\$19,164	\$20,532	\$21,901	\$24,639	\$27,377	\$28,472	\$29,567	\$31,757	\$33,947	\$36,137		
Region 3 Hunterdon, Middlesex and Somerset	Median	\$73,500	\$78,750	\$84,000	\$94,500	\$105,000	\$109,200	\$113,400	\$121,800	\$130,200	\$138,600	1.1%	\$199,936
	Moderate	\$58,800	\$63,000	\$67,200	\$75,600	\$84,000	\$87,360	\$90,720	\$97,440	\$104,160	\$110,880		
	Low	\$36,750	\$39,375	\$42,000	\$47,250	\$52,500	\$54,600	\$56,700	\$60,900	\$65,100	\$69,300		
	Very Low	\$22,050	\$23,625	\$25,200	\$28,350	\$31,500	\$32,760	\$34,020	\$36,540	\$39,060	\$41,580		
Region 4 Mercer, Monmouth and Ocean	Median	\$65,030	\$69,675	\$74,320	\$83,610	\$92,900	\$96,616	\$100,332	\$107,764	\$115,196	\$122,628	1.1%	\$174,747
	Moderate	\$52,024	\$55,740	\$59,456	\$66,888	\$74,320	\$77,293	\$80,266	\$86,211	\$92,157	\$98,102		
	Low	\$32,515	\$34,838	\$37,160	\$41,805	\$46,450	\$48,308	\$50,166	\$53,882	\$57,598	\$61,314		
	Very Low	\$19,509	\$20,903	\$22,296	\$25,083	\$27,870	\$28,985	\$30,100	\$32,329	\$34,559	\$36,788		
Region 5 Burlington, Camden and Gloucester	Median	\$57,050	\$61,125	\$65,200	\$73,350	\$81,500	\$84,760	\$88,020	\$94,540	\$101,060	\$107,580	1.1%	\$151,043
	Moderate	\$45,640	\$48,900	\$52,160	\$58,680	\$65,200	\$67,808	\$70,416	\$75,632	\$80,848	\$86,064		
	Low	\$28,525	\$30,563	\$32,600	\$36,675	\$40,750	\$42,380	\$44,010	\$47,270	\$50,530	\$53,790		
	Very Low	\$17,115	\$18,338	\$19,560	\$22,005	\$24,450	\$25,428	\$26,406	\$28,362	\$30,318	\$32,274		
Region 6 Atlantic, Cape May, Cumberland, and Salem	Median	\$51,086	\$54,735	\$58,384	\$65,682	\$72,979	\$75,899	\$78,818	\$84,657	\$90,495	\$96,334	1.1%	\$136,680
	Moderate	\$40,869	\$43,788	\$46,707	\$52,546	\$58,383	\$60,719	\$63,055	\$67,725	\$72,396	\$77,067		
	Low	\$25,543	\$27,368	\$29,192	\$32,841	\$36,489	\$37,949	\$39,409	\$42,328	\$45,248	\$48,167		
	Very Low	\$15,326	\$16,421	\$17,515	\$19,705	\$21,894	\$22,770	\$23,646	\$25,397	\$27,149	\$28,900		

Moderate income is between 80 and 50 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent or less of median income.

\* These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.4(a).

\*\* This column is used for calculating the pricing for resale and rent increases for units as per N.J.A.C. 5:97-9.3. The rental increase for 2015 was 2.3%, and the increase for 2016 is 1.1%. Landlords who did not increase rents in 2015 may increase rent by the combined 2015 and 2016 increase, or 3.4% percent, but in no case can rent for any particular apartment be increased more than one time per year. For Regions 1, 3, 5, and 6, there has been no increase in sales resale prices in either 2015 or 2016. For Region 2, there was a 0.7% increase in sales prices in 2015 and 0 in 2016, and for Region 4, there was a 0.3% increase in sales prices in 2015 and 0 in 2016.

Low income tax credit developments may increase based on the low income tax credit regulations.

\*\*\* The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3.

Note: Since the Regional Income Limits last adopted by COAH in 2014 for Regions 1, 3, 5, and 6 were higher than the 2016 calculations, the 2014 income limits will remain in force for 2015 and until the 2016 calculations are adopted. The Regional Income Limits for Regions 2 and 4 were higher in 2015 than the 2014 Regional Income Limits, and so the Regional Income Limits for Regions 2 and 4 are based on 2015 data and will remain in force for 2016 and until Regional Income Limits surpass the 2015 Regional Income Limits. See N.J.A.C. 5:97-9.2(c).



Exhibit I

**FILED**

**JUN 15 2017**

**JOSEPH A. TURULA  
J.S.C.**

Cindy Nan Vogelmann, Esq. – Attorney # 011691985  
Chasan Lamparello Mallon & Cappuzzo, PC  
300 Lighting Way  
Secaucus, New Jersey 07094  
201-348-6000  
Attorneys for Plaintiff Town of Secaucus

IN THE MATTER OF THE  
DETERMINATION OF THE  
AFFORDABLE HOUSING  
OBLIGATION OF THE TOWN OF  
SECAUCUS, NEW JERSEY

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: HUDSON COUNTY  
DOCKET NO.: HUD-L-2911-15

CIVIL ACTION – MOUNT LAUREL

ORDER APPROVING SETTLEMENT  
AGREEMENT BETWEEN THE TOWN  
OF SECAUCUS AND FAIR SHARE  
HOUSING CENTER

This matter having been opened to the Court by Chasan Lamparello Mallon & Cappuzzo, PC, attorneys for plaintiff Town of Secaucus ("Town"), on notice to Fair Share Housing Center ("FSHC"), an interested party, by way of Verified Complaint seeking a declaratory judgment of repose and compliance with the Mount Laurel doctrine and Fair Housing Act of 1985 ("FHA"), N.J.S.A. 53:27D-301 et seq., pursuant to the process established in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) ("Mount Laurel IV"), including determination of the Town of Secaucus's fair share obligations; and

Whereas the Court having granted the Town immunity from all Mount Laurel lawsuits from the time of the filing of the Town's declaratory judgment action on July 6, 2015 through the June 15, 2017 Fairness Hearing; and

Whereas the Court having appointed Christine Nazzaro-Cofone, AICP/PP as the Special Mount Laurel Master ("Special Master"); and

Whereas FSHC having participated as an interested party; and

Whereas over the course of the litigation, FSHC and the Town met directly, exchanged various documents, and also appeared before the Hon. Joseph A. Turula in a series of Case Management Conferences, resulting in the entry of Case Management Orders on August 21, 2015 (under docket no. HUD-L-2871-15), November 19, 2015, February 5, March 11, June 14, July 27, November 2, and November 28, 2016, February 8 and April 13, 2017; and

Whereas through that process, the Town and FSHC, with the consent and approval of the Special Master, agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter for review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households; and

Whereas the Town and FSHC have entered into a formal Settlement Agreement annexed hereto as Exhibit A; and

Whereas the Town has adopted a Resolution on June 6, 2017 endorsing the Settlement Agreement and authorizing its execution attached hereto as Exhibit B; and

Whereas the Court has scheduled a Mount Laurel Fairness Hearing on June 15, 2017 to consider whether the terms of the Settlement Agreement are fair and reasonable to low and moderate income households in the region; and

Whereas the Town has provided adequate notice of the Fairness Hearing in

accordance with the Region 1 service list annexed hereto as Exhibit C; and

Whereas no written objections to the Settlement Agreement have been served in response to the notice of the Fairness Hearing; and

Whereas the Town has submitted a Certification of Public Notice to the Court at the June 15, 2017 Fairness Hearing; and

Whereas the Special Master has issued a report evaluating the fairness of the Settlement Agreement and concluded that the Settlement Agreement is fair and reasonable with respect to the region's low and moderate income households and recommended that the Court approve the Settlement Agreement; and

Whereas the Court has conducted a Fairness Hearing on June 15, 2017, with FSHC's participation and its express support of the Settlement Agreement as advancing the interests of the region's low and moderate income households; and

Whereas the opportunity to be heard with respect to the Settlement Agreement has been provided to the entities set forth on the service list annexed hereto as Exhibit C, and no objections having been presented to the Settlement Agreement; and

Whereas the Town's planner, Brian Slaugh, AICP/PP testified regarding the Town's plan to meet its affordable housing obligation; and

Whereas the Special Master has testified in support of the conclusions set forth in her report; and

Whereas the Court has admitted the Settlement Agreement, Resolution, Certification of Public Notice and the Special Master's Report in evidence, and the Court having considered these documents and the testimony provided by planner Slaugh and the Special Master; and for the reasons set forth on the record on June 15, 2017 and for

good cause shown;

15<sup>th</sup>  
IT IS on this \_\_\_\_\_ day of June, 2017 **ORDERED AND ADJUDGED** as follows:

1. The Town published sufficient notice of the Fairness Hearing which provided all interested persons and entities with a sufficient opportunity to submit comments, objections, or support of the proposed Settlement Agreement in advance of the Hearing and an opportunity to participate in the Fairness Hearing at the discretion of the Court.

2. In accordance with the standards set forth in East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311 (App. Div. 1996), the Court hereby accepts and approves the Settlement Agreement and concludes that it is fair, reasonable and adequately protects the interests of the region's lower-income residents.

3. On or before September 30, 2017, the Town shall file and serve a duly-adopted and endorsed Housing Element and Fair Share Plan, including a Spending Plan, reflecting all of the terms and conditions of the Settlement Agreement, along with all necessary implementing ordinances, resolutions and exhibits, with the Court and on FSHC and the Special Master.

4. On or before September 30, 2017, the Town shall serve a duly-adopted and endorsed Housing Element and Fair Share Plan, including a Spending Plan, reflecting all of the terms and conditions of the Settlement Agreement, along with all necessary implementing ordinances, resolutions and exhibits, on the New Jersey Sports and Exposition Authority ("NJSEA") which has 45 days to review the Housing Element and Fair Share Plan and to submit a written report to the Court, to the Town and to

FSHC, in accordance with the Interim Policies Governing Affordable Housing Development in the Meadowlands District (Rev. July 27, 2011), Section IX(a)(1)(i).

5. FHSC and any other interested person or entity shall file any objections to the Town's Housing Element and Fair Share Plan by October 31, 2017.

6. The Town shall file its response to any objections and to the NJSEA written report, due on or about November 14, 2017, by November 30, 2017.

7. On or about December 8, 2017, the Special Master shall file a Report opining whether the Town's Housing Element and Fair Share Plan creates a realistic opportunity to satisfy the Town's fair share of affordable housing.

8. The Court will hold a Compliance Hearing on December 11, 2017 at 1:30 pm to consider approval of the Town's Housing Element and Fair Share Plan.

9. Notice of the Compliance Hearing shall be sent to the Region 1 service list 30 days prior to the Compliance Hearing.

10. The Court shall issue a Judgment of Compliance and Repose pursuant to the Fair Housing Act upon a finding that the Town's Housing Element and Fair Share Plan creates a realistic opportunity to satisfy the Town's fair share of affordable housing, and subject to appropriate and necessary action by the NJSEA, which may include a statement from the NJSEA, within 12 months of repose, indicating its willingness to amend the Secaucus Transit Village Redevelopment Plan to permit the additional units set forth in the Town's Housing Element and Fair Share Plan. Once entered, the Judgment of Compliance and Repose will maintain the Town's immunity from all Mount Laurel lawsuits through July 1, 2025. If the needed amendments do not occur based on inaction or unwillingness by the NJSEA, the Town's immunity shall continue, and the



Town and FSHC shall confer regarding how to meet the Town's fair share housing obligation.

11. The Town's current immunity from Mount Laurel lawsuits shall remain in force subject to further Order of the Court.

12. Pursuant to the Settlement Agreement between the Town and FSHC, the Town's rehabilitation obligation is 57 units (of which 15 units have been completed), the Town's Prior Round obligation is 590 (which has been met), and the Town's Third Round prospective need obligation is 1,266, subject to a vacant land adjustment and realistic development potential. Pursuant to the Settlement Agreement, the Town has a realistic development potential of 194 units.

13. The Town has proposed to adopt a plan sufficient to meet its rehabilitation obligation, its realistic development potential development and unmet need.

14. A copy of this Order shall be served on Fair Share Housing Center and the Special Master with seven days of receipt from the Court.



HON. JOSEPH A. TURULA, J.S.C.

For the reasons set forth by the  
Court on the record on

JUNE 15, 2017.

Exhibit J

**FILED**

DEC 18, 2017

**JOSEPH A. TURULA, J.S.C.**

**Cindy Nan Vogelmann, Esq. – Attorney # 011691985  
Chasan Lamparello Mallon & Cappuzzo, PC  
300 Lighting Way  
Secaucus, New Jersey 07094  
201-348-6000  
Attorneys for Plaintiff Town of Secaucus**

**IN THE MATTER OF THE  
DETERMINATION OF THE  
AFFORDABLE HOUSING  
OBLIGATION OF THE TOWN OF  
SECAUCUS, NEW JERSEY**

**SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: HUDSON COUNTY  
DOCKET NO.: HUD-L-2911-15**

**CIVIL ACTION – MOUNT LAUREL**

**JUDGMENT OF MOUNT LAUREL  
COMPLIANCE AND REPOSE AND  
APPROVING AFFORDABLE  
HOUSING SPENDING PLAN**

This matter having been opened to the Court by Chasan Lamparello Mallon & Cappuzzo, PC, attorneys for plaintiff Town of Secaucus ("Town"), on notice to Fair Share Housing Center ("FSHC"), an interested party, by way of Verified Complaint seeking a declaratory judgment of repose and compliance with the Mount Laurel doctrine and Fair Housing Act of 1985 ("FHA"), N.J.S.A. 53:27D-301 et seq., pursuant to the process established in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) ("Mount Laurel IV"), including determination of the Town of Secaucus's fair share obligations; and

Whereas the Court has granted the Town immunity from all Mount Laurel lawsuits from the time of the filing of the Town's declaratory judgment action on July 6, 2015 through the December 11, 2017 Compliance Hearing; and

Whereas the Court has appointed Christine Nazzaro-Cofone, AICP/PP as the Special Mount Laurel Master ("Special Master"); and

Whereas FSHC has participated as an interested party throughout these proceedings; and

Whereas the Town and FSHC, with the consent and approval of the Special Master, agreed to settle the litigation and presented that Settlement Agreement to this Court with jurisdiction over this matter for review at a Fairness Hearing; and

Whereas the Court having conducted the Fairness Hearing on June 15, 2017 and having found that the settlement reached is fair and reasonable to low and moderate income persons and constitutionally compliant and having entered an Order approving the settlement on June 15, 2017; and

Whereas the parties have reached agreement that the Town's cumulative 1987-2025 Third Round Mount Laurel affordable housing obligation is comprised of a rehabilitation obligation of 57 units (of which 15 units have been completed), a Prior Round obligation of 590 (which has been met), and a Third Round prospective need obligation of 1,266, subject to a vacant land adjustment and realistic development potential of 194 units; and

Whereas the Town of Secaucus Planning Board adopted a Housing Element and Fair Share Plan ("HEFSP") on September 25, 2017, annexed hereto as Exhibit A, by Resolution, also dated September 25, 2017, and annexed hereto as Exhibit B; and

Whereas the Town endorsed the HEFSP by Resolution adopted on September 26, 2017 and attached hereto as Exhibit C; and

Whereas this Court has scheduled a Compliance Hearing to be held on



December 11, 2017 to determine whether the Town is entitled to a Judgment of Compliance and Repose; and

Whereas the Town has provided adequate notice of the Compliance Hearing in accordance with the Region 1 service list annexed hereto as Exhibit D; and

Whereas no written objections to the HEFSP have been served in response to the notice of the Compliance Fairness Hearing; and

Whereas the Town has submitted a Certification of Public Notice to the Court at the December 11, 2017 Compliance Hearing; and

Whereas the Special Master has issued a report, dated December 8, 2017; and

Whereas the Court having considered all documents of record, including, but not limited to the HEFSP and accompanying Resolutions and the report of the Special Master, and having heard the testimony of Town planning consultant Brian Slaugh, PP/AICP of Clarke Caton Hintz and of the Special Master, and having heard the representations of counsel, and having provided an opportunity for the parties and members of the public to ask questions or provide comments on the HEFSP and matters addressed in the proceedings; and

Whereas good and sufficient cause having been shown for entry of this Judgment, and for reasons placed on the record on December 11, 2017 during the Compliance Hearing;

**IT IS** on this 18th day of December, 2017 **ORDERED AND ADJUDGED** as follows:

1. The Town published sufficient notice of the Compliance Hearing which provided all interested persons and entities with a sufficient opportunity to submit

comments, objections, or support of the HEFSP in advance of the hearing and an opportunity to participate in the Compliance Hearing at the discretion of the Court.

2. Pursuant to the Settlement Agreement between the Town and FSHC, approved by this Court on June 15, 2017, the Town of Secaucus has a cumulative 1987-2025 third round Mount Laurel affordable housing obligation comprised of a present need/rehabilitation obligation of 57 units (of which 15 units have been completed), a Prior Round obligation of 590 (which has been met), and a Third Round prospective need obligation of 1,266, subject to a vacant land adjustment and realistic development potential. Pursuant to the Settlement Agreement, the Town has a realistic development potential of 194 units.

3. As detailed in the HEFSP, the Town has demonstrated that it has met its Prior Round obligation and has in place a plan to meet its present need/rehabilitation obligation and its Third Round prospective need obligation. As such, the Town's HEFSP and implementing resolutions are constitutionally compliant with the Town's Third Round Mount Laurel affordable housing obligations and are, therefore, approved.

4. The Town shall fully implement its HEFSP with respect to all land development, zoning and other regulatory powers under its control. To the extent that implementation of the HEFSP requires action by the New Jersey Sports and Exposition Authority ("NJSEA"), the Town has already petitioned the NJSEA for certain revisions to the Secaucus Transit Village Redevelopment Plan necessary to implement the HEFSP and shall continue to take such actions necessary to implement the HEFSP, within the context of the NJSEA regulations and development process.

5. The Town's Affordable Housing Spending Plan is approved. The

proposed expenditure of funds from the Town's Affordable Housing Trust Fund detailed therein is found and determined to be consistent with and authorized by the Fair Housing Act. As such, those funds are properly committed for expenditure.

6. The Court hereby issues this Judgment of Compliance and Repose pursuant to the Fair Housing Act based on its finding that the Town's Housing Element and Fair Share Plan creates a realistic opportunity to satisfy the Town's fair share of affordable housing, and subject to appropriate and necessary action by the NJSEA, which may include a statement from the NJSEA, within 12 months of repose, indicating its willingness to amend the Secaucus Transit Village Redevelopment Plan to permit the additional units set forth in the Town's Housing Element and Fair Share Plan.

7. This Judgment of Compliance and Repose provides immunity from exclusionary zoning lawsuits, including, but not limited to builder's remedy lawsuits, for the Town's Third Round Mount Laurel affordable housing obligation for a period of 10 years, retroactive to the filing of the subject action on July 6, 2015, with all protections extending through and expiring on July 1, 2025.

8. If, for any reason, the required amendments to the Secaucus Transit Village Redevelopment Plan do not occur based on inaction or unwillingness by the NJSEA, the Town's immunity shall continue, and the Town and FSHC shall confer regarding how to meet the Town's fair share housing obligation.

9. Subject to the preservation of the rights and responsibilities of the parties set forth in the Settlement Agreement, the Town may apply to the Court for an amendment to the HEFSP, implementing legislation and/or its Spending Plan.

10. A copy of this Judgment shall be served on Fair Share Housing Center

and the Special Master with seven days of receipt from the Court.

  
HON. JOSEPH A. TURULA, J.S.C.

**We hereby consent to the form and  
entry of this Judgment of Compliance  
and Repose.**

**Fair Share Housing Center**

By: \_\_\_\_\_  
Kevin D. Walsh, Esq.



## Exhibit K

Peter J. O'Connor, Esq.  
Kevin D. Walsh, Esq.  
Adam M. Gordon, Esq.  
Laura Smith-Denker, Esq.  
David T. Rammler, Esq.  
Joshua D. Bowers, Esq.

November 1, 2017

David V. Nasta, Esq.  
32 Old Stone Church Road  
Upper Saddle River, NJ 07458

**Re: In the Matter of the Township of South Hackensack, County of Bergen, Docket No. BER-L-6418-15**

Dear Mr. Nasta:

This letter memorializes the terms of an agreement reached between the Township of South Hackensack (the Township or "South Hackensack"), the declaratory judgment plaintiff, and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015)(Mount Laurel IV) and, through this settlement, a defendant in this proceeding.

### Background

South Hackensack filed the above-captioned matter on July 8, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. in accordance with In re N.J.A.C. 5:96 and 5:97, supra. FSHC and the Township engaged in mediation and settlement discussions under the supervision of the court-appointed Special Master. Through that process, the Township and FSHC agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

### Settlement terms

The Township and FSHC hereby agree to the following terms:

1. FSHC agrees that the Township, through the adoption of a Housing Element and Fair Share Plan that conforms to this agreement, and the implementation of the Plan and this agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., for the Prior Round (1987-1999) and Third Round (1999-2025).
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round present and prospective need instead of doing so through plenary adjudication of the present and prospective need.
3. FSHC and South Hackensack hereby agree that South Hackensack's affordable housing obligations are as follows:

Rehabilitation Share (per Kinsey Report <sup>1</sup> )	35
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	50
Third Round (1999-2025) Prospective Need (per Kinsey Report)	170

4. For purposes of this agreement, the Third Round Prospective Need shall be deemed to include the Gap Period Present Need, which is a measure of households formed from 1999-2015 that need affordable housing, that was recognized by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017).
5. The Township's efforts to meet its present need include the following: continuation of its participation in the Bergen County Housing Rehabilitation Program and in the event that said program does not provide for the rehabilitation of rental units the Township will operate a municipal rental rehabilitation program pursuant to the applicable requirements of N.J.A.C 5:93-5.2 and the Uniform Housing Affordability Control Rules, N.J.S.A. 5:80-26.1. This is sufficient to satisfy the Township's present need obligation of 35 units.
6. As noted above, the Township has a Prior Round obligation of 50 units and a Third Round prospective need of 170 units, which is combined for a total of 220 total units.
7. South Hackensack received a prior round vacant land adjustment from the Council on Affordable Housing (COAH) that established a realistic development potential (RDP) of 1 unit. In updating its vacant land analysis, the Township will increase its RDP for the Third Round based upon an existing approval on a property called the "Condemi site." The current approval on the Condemi site permits 144 total units of residential housing and so would generate an RDP of 28 units. The Township is in the process of reviewing a new application from this landowner and thus the RDP may change, but the parties agree that the minimum RDP for this site shall be 28 units. Thus the minimum combined RDP is 29 units. That RDP will be satisfied as follows:

Name of Project	Unit Type	Number of Units
Madeline/BCUW	Age-restricted rental	7
Condemi Site	Family Rental	14
Condemi Site	Rental Bonus	8
	<b>Total</b>	<b>29</b>

The RDP of 29, subtracted from the Total Prior Round and Third Round obligations of 220 units, results in a combined unmet need of 191 units, which shall be addressed through the following mechanisms, as will be more fully described in the fair share plan:

---

<sup>1</sup> David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, May 2016.

Name of Site	Acreage	Density	Set-aside	Total
Madeline/BCUW	N/A	N/A	N/A	18 units

- The Township agrees to establish overlay zoning over portions of the Garfield Park as identified in the tax map attached as Exhibit A at a density of 30 units per acre and to require a 15% set-aside. The highlighted areas of Exhibit "A" are exempt from the requirements of this paragraph.
  - The Township agrees to establish overlay zoning over portions of the Route 46 corridor and identified as Block 2.01 Lots 4.01, 4.02, 6.03, 6.04, 8.02, and 8.04. The required set-aside for the overlay zoning in the Route 46 corridor shall be 10%.
8. The Township intends to provide a realistic opportunity for the development of affordable housing through the adoption of inclusionary zoning on the following sites:

Condemi Site – the Township has previously issued approvals to the property owners of the Condemi Site at Block 102 Lot 40 also known as 71 Saddle River Avenue, South Hackensack. The approvals have recently expired and the property owners have requested that the Township extend the development approvals. The Township has agreed to work with the property owner to extend the development approvals, but is committed to requiring at least a 10% set-aside on site.

9. The Township agrees to require 13% of all units referenced in this plan, with the exception of units constructed as of July 1, 2008, and units subject to preliminary or final site plan approval, to be very low income units, with half of the very low income units being available to families. The municipality will comply with those requirements by requiring that at least 13% of affordable housing units created at the Condemi site and both overlay zones shall be available to very low-income households.
10. The Township shall meet its Third Round Prospective Need in accordance with the following standards as agreed to by the Parties and reflected in the table in paragraph 7 above:
- a. Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).
  - b. At least 50 percent of the units addressing the RDP and Total Prospective Need shall be affordable to very-low-income (13%) and low-income households (37%) with the remainder affordable to moderate-income households.
  - c. At least twenty-five percent of the RDP and Total Prospective Need shall be met through rental units, including at least half in rental units available to families. For example, if the total unmet need is 191 units then the rental requirement is at least 48 units.
  - d. At least half of the units addressing the RDP and Total Prospective Need in total must be available to families.
  - e. The Township agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation

for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation. For example, if the total unmet need is 191 units, then no more than 48 units may be age-restricted.

11. The Township shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Bergen County NAACP, Bergen County Housing Coalition, Bergen County Urban League and Supportive Housing Association, and shall, as part of its regional affirmative marketing strategies during its implementation of this plan, provide notice to those organizations of all available affordable housing units. The Township also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.
12. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in such projects shall be required to be at 30 percent of median income, and all other applicable law. The Township as part of its HEFSP shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied.
13. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.
14. As an essential term of this settlement, within one hundred twenty (120) days of Court's approval of this Settlement Agreement, the Township shall introduce and adopt a Housing Element and Fair Share Plan, along with a Spending Plan and ordinances providing for the amendment of the Township's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this settlement agreement and the zoning contemplated herein.
15. The parties agree that if a decision of a court of competent jurisdiction in Bergen County, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Township for the period 1999-2025 that would be lower by more than twenty (20%) percent than the total prospective Third Round need obligation established in this agreement, and if that calculation is memorialized in an un-appealable final judgment, the Township may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the Township/ shall be obligated to implement the mechanisms agreed upon in this Agreement, including by leaving in place any site specific zoning adopted or relied upon in connection with the Plan approved pursuant to this settlement agreement; taking all steps necessary to support the development of any 100% affordable developments referenced herein; maintaining all mechanisms to address unmet need; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of the Township's obligation below that established in this agreement does not provide a basis for seeking leave to amend this agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Township



prevails in reducing its prospective need for the Third Round, the Township may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.

16. The Township shall prepare and include a spending plan in its Housing Element and Fair Share Plan, subject to review by FSHC and the special master. The parties to this agreement anticipate requesting the court to find that this spending plan is valid and that the expenditures of funds contemplated under the agreement constitute "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment approving this settlement in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). On the first anniversary of the execution of this agreement, and every anniversary thereafter through the end of this agreement, the Township agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
17. On the first anniversary of the execution of this agreement, and every anniversary thereafter through the end of this agreement, the Township agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.
18. The Fair Housing Act includes two provisions regarding action to be taken by the Township during the ten-year period of protection provided in this agreement. The Township agrees to comply with those provisions as follows:
  - a. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.
  - b. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of this agreement, and every third year thereafter, the Township will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit

comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.

19. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The parties to this agreement agree to request the Court to enter an order declaring FSHC is an intervenor, but the absence of such an order shall not impact FSHC's rights.
20. This settlement agreement must be approved by the Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Township shall present its planner as a witness at this hearing. FSHC agrees not to challenge the attached Plan (Exh. A) at the fairness hearing. In the event the Court approves this proposed settlement, the parties contemplate the municipality will receive "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025. If the settlement agreement is rejected by the Court at a fairness hearing it shall be null and void.
21. If an appeal is filed of the Court's approval or rejection of the Settlement Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of the Settlement Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful at which point, the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.
22. This settlement agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Bergen County. A prevailing movant or plaintiff in such a motion or separate action shall be entitled to reasonable attorney's fees.
23. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
24. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
25. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
26. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.

27. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.
28. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.
29. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.
30. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.
31. No member, official or employee of the Township shall have any direct or indirect interest in this Settlement Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
32. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.
33. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days notice as provided herein:

**TO FSHC:**

Kevin D. Walsh, Esq.  
Fair Share Housing Center  
510 Park Boulevard  
Cherry Hill, NJ 08002  
Phone: (856) 665-5444  
Telecopier: (856) 663-8182  
E-mail: kevinwalsh@fairsharehousing.org

**TO THE TOWNSHIP:**

Donna L. Gambutti, RMC  
Township of South Hackensack  
227 Philips Avenue

South Hackensack, NJ 07607  
Telecopier: 201-440-1815  
Email: [municipalclerk@southhackensacknj.org](mailto:municipalclerk@southhackensacknj.org)

Please sign below if these terms are acceptable.

Sincerely,



Kevin D. Walsh, Esq.  
Counsel for Intervenor/Interested Party  
Fair Share Housing Center

On behalf of the Township of South Hackensack, with the authorization  
of the governing body:



FRANK CAGAS, MAYOR  
TOWNSHIP OF SOUTH HACKENSACK  
Dated: NOVEMBER 3<sup>rd</sup> 2017

---

EXHIBIT "A"

CITY  
OF  
GARFIELD

30 H902808

WILMINGTON  
BOROUGH OF  
MODORIDGE

1940

Exhibit L

FILED

FEB 12 2018

MENELAOS W. TOSKOS  
J.S.C.

David V Nasta, Esq. - 025951987  
32 Old Stone Church Road  
U. Saddle River, New Jersey 07458  
(201) 694-8807  
Attorneys for Petitioner/Plaintiff

IN RE THE MATTER OF THE TOWNSHIP  
SOUTH HACKENSACK, a municipal corporation  
of the State of New Jersey

Petitioner/Plaintiff.

SUPERIOR COURT OF NEW JERSEY  
BERGEN COUNTY - LAW DIVISION

DOCKET NO.: L-006418-15

CIVIL ACTION

**ORDER APPROVING SETTLEMENT  
BETWEEN THE TOWNSHIP OF  
SOUTH HACKENSACK AND FAIR  
SHARE HOUSING CENTER**

**THIS MATTER** having come before the Court as a result of a Declaratory Judgment Complaint filed by the Township of South Hackensack (hereinafter “the Township” of “South Hackensack”) on July 8, 2015 in response to In Re Adoption of N.J.A.C. 5:96, , 221 N.J.1 (2015) (“Mount Laurel IV”) with David V. Nasta, Esq. appearing for the Township of South Hackensack, Joshua D. Bauers, Esq. appearing for the Fair Share Housing Center ( hereinafter “Fair Share” or “FSHC”) who was a permitted intervenor and Elizabeth McManus, PP of the firm of Clark, Caton and Hintz appearing as the Court appointed Special Mount Laurel Court Master and the parties having completed Court ordered mediation supervised by Ms. McManus in an effort to secure a plan satisfying the Township’s constitutional obligation to provide for low and moderate income housing in its zoning code and it having further appear that the Parties appear to have agreed on a settlement a copy of which is attached to this Order and made a part hereof as (Exhibit J-1 and hereinafter referred to as the “Settlement Agreement”) and it further appearing that the Court Master prepared a report dated November 27, 2017 (Exhibit J-2 and hereinafter the “Master’s Report”) in advance of a Fairness Hearing held before the court on November 29, 2017 and it having appear that South Hackensack has duly published the required Public Notices in advance of said Fairness Hearing in its official Municipal newspapers (J-3A- “Public Notice- *The Record*” and J-3B “Public Notice- *The Star Ledger*”) and it having appear

that South Hackensack duly obtained and provided to the Court the proper proofs of publication of the aforesaid notices (J-4(A) Proof of Publication- *The Record* and J-4(B) Proof of Publication- *The Star Ledger*) and having it further appear that South Hackensack adopted a resolution dated November 9, 2017 authorizing its Mayor to execute the Settlement Agreement (J-5 Township of South Hackensack- Resolution No. 2017-186) and the parties having appeared before the court on November 29, 2017 at which time the testimony of the parties and the Court Master was received and considered by the Court and the aforementioned Exhibits were marked and moved into the evidence and the Court having provide adequate opportunity for any other member of the public to be heard and the Court being satisfied that the parties are entitled to the relief sought and good causing having been shown

**IT IS ON THIS 12 day of February, 2018 ORDERED**

1. The Court finds and determines pursuant to judicial standards prescribed by the Appellate Division in East/West Venture v. Bor.of Fort Lee, 289 NJ Super. 311 (App Div. 1996) and through analysis of the Settlement Agreement (Exhibit J-1), the Court Master's Report (Exhibit J-2) and on the basis of the testimony taken during the Fairness Hearing conducted on November 29, 2017; that the settlement between the Fair Share Housing Center and South Hackensack is fair, reasonable and adequately protects the interests of low and moderate income households and the Court hereby approves the Settlement Agreement which includes the Township's preliminary compliance mechanisms (Exhibit J-1).
2. Within 120 days of the entry of this Order, South Hackensack shall (a) prepare a Housing Element and Fair Share Plan, including a Spending Plan, reflecting all the terms and conditions of the Settlement Agreement (Exhibit J-1) along with any and all necessary supporting documents; (b) submit the Housing Element and Fair Share Plan, and all necessary and supporting documents to the Court Master and interested parties for review and comment; (c) have the Housing Element and Fair Share Plan adopted by the Township Planning Board; (d) have the Housing Element and Fair Share Plan endorsed by the Township Committee; (e) submit the Housing Element and Fair Share Plan to the Court, Court Master and interested parties for final review and recommendation by the Court Master and for approval by the Court. Within 30 days of completion of these tasks the Court

will schedule a Compliance Hearing for the Court to consider approval of the Township's Housing Element and Fair Share Plan and the issuance of a Judgment of Compliance and Repose which will provide the Township and its Planning Board with immunity from Mount Laurel lawsuits through July 8, 2025.

3. The temporary immunity from Mount Laurel lawsuits that is currently in place for the Township and its Planning Board will remain in place for a period of 225 days from the entry of this Order.
4. As a result of the settlement between the Township and Fair Share Housing Center, the Township's Present Need or Rehabilitation Obligation is 35 and the Township's Prior Round Obligation is 50 and the Township's Third Round Fair Share Obligation is 170.
5. The parties agree that the Township lacks sufficient land to meet its obligation and therefore agree that the Realistic Development Potential (RDP) is 29 units and that there is an unmet need of 191 units.
6. The Township intends to satisfy its RDP and unmet need in the following manner as will be more fully described in the Fair Share Plan. First, the Township has heretofore permitted and construction and occupancy is completed for a site commonly known as "Madeline/BCUW- 18 units. Second, the Township shall provide a realistic opportunity for the development of affordable housing through adoption of inclusionary zoning at the "Condemni Site" Block 102 Lot 40 on the Tax Assessment Map of the Township of South Hackensack and commonly known as 71 Saddle River Avenue by requiring at least a 10% set aside. Third, the Township agrees to establish an Overlay Zone over portions of the Garfield Park Section of the Township identified on Exhibit "A" of the Settlement Agreement (Exhibit J-1) at a density of 30 units per acre and to require a 15% set aside. Fourth, the Township shall establish an Overlay Zone over portions of the Route 46 corridor and identified as Block 2.01 Lots 4.01.4.02,6.03.6.04.8.02 and 8.04. The required set aside for the overlay zoning in the Route 46 corridor shall be 10%; and it is further



**ORDERED** that a copy of this Order shall be served upon all parties within 7 days of the date hereof.



---

Hon. Menelaos W. Toskos, J.S.C

**EXHIBIT LIST**

**IN RE THE MATTER OF THE TOWNSHIP OF SOUTH  
HACKENSACK- BER-L-6418-15**

J-1-SETTLEMENT AGREEMENT DATED NOVEMBER 1, 2017 BY AND BETWEEN THE TOWNSHIP OF SOUTH AND FAIR SHARE HOUSING CENTER.

J-2- MASTER'S REPORT FOR A MOUNT LAUREL FAIRNESS HEARING, TOWNSHIP OF SOUTH HACKENSACK, DATED NOVEMBER 27, 2017 PREPARED BY ELIZABETH K. MCMANUS, PP. AICP, LEED, AP.

J-3 (A) TOWNSHIP OF SOUTH HACKENSACK-PUBLIC NOTICE OF FAIRNESS HEARING TO APPROVE SETTLEMENT OF MOUNT LAUREL LITIGATION- *THE RECORD*- DATED NOVEMBER 1, 2017

J-3 (B) TOWNSHIP OF SOUTH HACKENSACK- PUBLIC NOTICE OF FAIRNESS HEARING TO APPROVE SETTLEMENT OF MOUNT LAUREL LITIGATION- *THE STAR LEDGER*- DATED NOVEMBER 2, 2017

J-4 (A) PROOF OF PUBLICATION- *THE RECORD*- DATED NOVEMBER 1, 2017

J-4(B) PROOF OF PUBLICATION- *THE STAR LEDGER*- DATED NOVEMBER 2, 2017

J-5 TOWNSHIP OF SOUTH HACKENSACK- RESOLUTION NO.2017-186 "AUTHORIZING THE EXECUTION OF A CERTAIN SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CENTER" DATED NOVEMBER 9, 2017

## Exhibit M

**WINNE, DOOLEY AND BOLE, P.C.**

Counselors at Law

David B. Bole, Esq.

Attorney ID No.: 010311974

240 Frisch Court, Suite 102

Paramus, New Jersey 07652

(201) 368-8889

Attorney for Petitioner, Borough of Teterboro

**FILED**

**APR 17 2017**

**WILLIAM C. MEEHAN  
J.S.C.**

IN THE MATTER OF THE APPLICATION  
OF THE BOROUGH OF TETERBORO,

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION:  
BERGEN COUNTY  
DOCKET No.: BER-L-6220-15

CIVIL ACTION  
(Mount Laurel)

JUDGMENT OF  
COMPLIANCE AND REPOSE

This matter having been opened to the Court by Winne, Dooley & Bole, attorneys for the Borough of Teterboro (hereinafter "Plaintiff" or the "Borough") and Joshua D. Bauers, Esq., on behalf of the Fair Share Housing Center, having filed no objection to the proceedings, and Timothy J. Dunn, Esq. appearing on behalf of the Teterboro Planning Board;

And it appearing to the Court that the Borough adopted a Housing Element and Fair Share Plan dated September 27, 2016 (the "Plan");

And the Court having set a date of April 3, 2017 for a Fairness and Compliance Hearing to entertain approval of the Plan and to determine whether said Plan is fair, reasonable and adequately protects the interests of low and moderate income households;

And the Borough having provided proper publication and service of the actual Notice of the Fairness and Compliance Hearing and no objections having been received;

And the Court having appointed Special Master Elizabeth K. McManus, P.P. and the Special Master having submitted a Master's Report to the Court dated March 30, 2017, and the Fairness and Compliance Hearing having been held on April 3, 2017 and the Court having considered the testimony and exhibits taken at said Hearing;

IT IS HEREBY ORDERED AND ADJUDGED ON THIS 17 DAY OF April, 2017 as follows:

1. The Court finds and determines that the Plan is fair, reasonable and adequately protects the interests of low and moderate income households and the Court hereby approves the Plan, the terms and conditions of which are hereby incorporated by reference.

2. The Court hereby grants the Borough a Judgment of Compliance and a Judgment of Repose which will afford the Borough, among other things, protection from any builder remedy lawsuits brought pursuant to the "Mount Laurel Doctrine" until July 1, 2025, provided the Borough complies with all of the recommended requirements of the Master's Report which is incorporated herein within 120 days from the date hereof. The Borough shall submit a Spending Plan, Affirmative Marketing Plan, Affordable Housing Ordinance and other administrative documents set forth in the Master's Report.

3. Specifically, the Borough shall comply with the eight conditions enumerated on page 8 of the Master's Report, as follows:

"1. At least half of all new affordable housing units shall be affordable to low and very-low income households, with 13% of the affordable housing units being reserved for very-low income households. The remainder of the affordable units shall be affordable to moderate income households.

2. At least 25% of new affordable housing units shall be met through family rental units,

3. At least half of the new affordable housing units in total must be available to families.

4. No more than 25% of the newly created affordable units shall be age-restricted.

5. The Borough shall update its affirmative marketing plan to include FSHC and other named organizations in its list of community and regional organizations, and both the Borough and any other developers or administrative agencies conducting affirmative marketing shall provide notice to those organizations of any available units.

6. On the first anniversary of the execution of the Judgment of Repose, and every anniversary thereafter through the end of the Judgment of Repose, the Borough agrees to provide a status report of all affordable housing activity (including rehabilitation) within the municipality.

7. The Borough agrees that where five or more new units are approved to require a set-aside of at least 20% for low and moderate income households, "to the extent economically feasible" as part of any approved residential development.

8. All affordable housing units created pursuant to the proposed set-aside ordinance shall comply with UHAC rules, unless otherwise specified by the Judgment of Repose."

4. The Bench opinion of the Court is hereby adopted and incorporated herein.

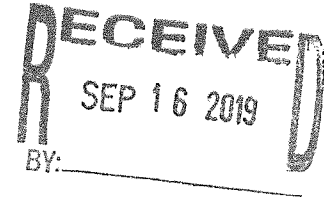
5. A copy of this Judgment shall be served upon all counsel of record and the Court Master within 7 days from receipt hereof.



William C. Meehan, J.S.C. (retired on recall)



September 12, 2019



Mr. Vincent Prieto  
President and Chief Executive Officer  
New Jersey Sports and Exposition Authority  
One DeKorte Park Plaza  
P.O. Box 640  
Lyndhurst, New Jersey 07071

Re: 2020 Hackensack Meadowlands District Master Plan - Future Development

Dear Mr. Prieto:

Please accept these comments on the proposed 2020 Hackensack Meadowlands District Master Plan ("the Plan") on behalf of MetLife Stadium, the New York Football Giants, and the New York Jets (collectively, the "Stadium Entities").

We have reviewed the Plan, and join the Hackensack Meadowlands Development Commission and the New Jersey Sports and Exposition Authority in recognizing the potential benefits of further development of the District. While the proposed Plan states that it does not directly focus on the Sports Complex, adoption and implementation of the Plan – and development of the areas that are governed by the proposed Plan – undoubtedly will affect the Stadium Entities and the Sports Complex.

As you are aware, MetLife Stadium and the related activities of the Stadium Entities are valuable assets to the State of New Jersey, generating revenue, providing jobs, and offering various forms of entertainment. As such, the State and Stadium Entities have a joint interest in assuring that any sustainable rational development of the District take into consideration, before approvals and development, any issues that might have a negative impact.

Of particular interest to the Stadium Entities is the traffic the entire region experiences, even in the absence of events at MetLife Stadium and prior to traffic increases resulting from the anticipated opening of American Dream. In our view, the mitigation of traffic and associated parking issues must be paramount in any deliberations related to finalizing the Plan, and the implementation of the Plan needs to include concrete steps to address these issues through infrastructure improvements, enhancements to mass transit (bus and rail), and the increased use of ride-share services.

---

Ron VanDeVeen • President, CEO  
One MetLife Stadium Drive • East Rutherford, NJ • 07073

September 12, 2019

Page 2

The Stadium Entities have extensive experience addressing these issues and respectfully request the opportunity to participate in any deliberations, proposals, studies, etc. related to the Plan so we can help to ensure all interested parties enjoy the benefit of any future development of the District.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron VanDeVeen", with a long horizontal flourish extending to the right.

Ron VanDeVeen  
President and Chief Executive Officer

Cc: John Mara, New York Giants  
Christopher Johnson, New York Jets  
Frank Leanza, Esq., NJSEA

## Mia Petrou

---

**From:** Marshall Dworkin <mdworkin@sillscummis.com>  
**Sent:** Monday, September 16, 2019 4:30 PM  
**To:** Master Plan  
**Subject:** Objections and Comments to NJSEA Draft Master Plan  
**Attachments:** Memo\_09162019\_Brennan\_Masterplanv02.PDF; LT NJSEA re Brennan Letter.pdf

**Caution: This is an External Email. Do not click links or open attachments unless you recognize the sender and know the content is safe.**




Ms. Petrou,

Attached is a letter and report objecting to portions of the Draft Master Plan on behalf of Towers Associates, Ltd. This submission supplements the materials previously sent on September 9, 2019 and the oral objections Towers made at the public hearing on September 10, 2019. Please let me know if you have any questions or concerns. Towers reserves all rights relating to this matter.

Respectfully Submitted,

**Marshall O. Dworkin**  
Associate



[website](#) | [vCard](#) | [newsroom](#) | [email](#)   

One Riverfront Plaza, Newark, NJ 07102  
p (973) 643-6085 | f (973) 643-6500 [map](#)

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# Sills Cummis & Gross

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The Legal Center  
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Joseph B. Fiorenzo  
Member  
Direct Dial: 973-643-5499  
Email: [jfiorenzo@sillscummis.com](mailto:jfiorenzo@sillscummis.com)

100 Overlook Center, 2<sup>nd</sup> Floor  
Princeton, NJ 08540  
Tel: (609) 227-4600  
Fax: (609) 227-4646

September 16, 2019

## **Via Email**

Ms. Mia Petrou  
New Jersey Sports and Exposition Authority  
One DeKorte Park Plaza  
Lyndhurst, New Jersey 07071

Re: Comments and Objections to the Draft Hackensack Meadowlands District Master Plan Update 2020

Dear Ms. Petrou:

We represent Towers Associates, Ltd. (“Towers”), the owner of property designated on the tax map of the Town of Secaucus as Lots 1.02 and 7 in Block 155 (“Towers’ Property”). This letter constitutes an additional written comment and objection to the Draft Hackensack Meadowlands District Master Plan Update 2020 (“Draft Master Plan”), which supplements the materials our office submitted to the New Jersey Sports and Exposition Authority (“NJSEA”) on September 9, 2019 (“Towers’ September 9<sup>th</sup> Materials”). Towers reserves all rights with respect to the matters set forth herein.

Enclosed is a report drafted by Thomas M. Brennan Jr. Ph.D., P.E. (“Brennan”) of Brennan Land Consultants. Dr. Brennan holds a Bachelor’s and a Doctoral Degree in Civil Engineering from Purdue University, and a Master’s Degree in Civil and Infrastructure Engineering from George Mason University. Mr. Brennan has spent over 16 years in research and consulting and is a license professional engineer registered in Virginia, New Jersey and Pennsylvania. Dr. Brennan is currently a faculty member at The College of New Jersey in the Civil Engineering School. Dr. Brennan’s main area of research and scholarly focus include, but are not limited to, traffic operations, the development of traffic mobility performance measures, and infrastructure asset

September 16, 2019

Page 2

management. Mr. Brennan also addressed the public hearing on September 10, 2019, and voiced some of the issues raised in his written report.

As previously noted in Towers' September 9<sup>th</sup> Materials, there are numerous changes proposed in the Draft Master Plan that do not support or further the objectives outlined of either the Draft Master Plan or the 2004 Master Plan. For instance, the property located next to the Towers Property, designated on the tax map of Secaucus as Lots 1.03, 1.04 and 6 in Block 155 and on the tax map of North Bergen as lot 14.011 in Block 451.05 (the "MEPT Property"), has been designated as an Employment Center land use, despite having the properties surrounding the MEPT Property be designated as Commercial Center land uses. By allowing an Employment Center land use, which allows industrial land uses, within the confines of a Commercial Center, an intolerable situation arises where neighboring properties have no shared synergies and passenger vehicles will compete with large truck traffic on a very narrow road, Daffy's Way. Moreover, the change to an Employment Center could allow industrial uses on the property in the future that are not contemplated today, and are far from the intentions of the Commission as of this date.

Dr. Brennan's enclosed report makes clear that numerous statements supporting this designation change "are not adequately supported by data and/or an overall traffic study for the region." The Draft Master Plan fails to rely on or produce a holistic study of the regional transportation system, the transportation system supported by the addition of the MASSTR adaptive traffic controller system, or the transportation system with the freely available probe vehicle data provided by Transcom. In fact, there is no comprehensive study that showed where freight is moving through the transportation system to help define where land uses can be adjusted to support or dissuade freight travel over certain corridors. This failure to justify land use changes is particularly egregious on the MEPT property which has an "island" designation of Employment Center, surrounding by properties designated as Commercial Center. This change in land use designation fails to include any data or report to justify such a deviation from good planning practices. Rather, blanket, vague statements are utilized in the Draft Master Plan without any proper support or justification.

In sum, Dr. Brennan's report supplements the numerous problems Towers' September 9<sup>th</sup> Materials identified in the Draft Master Plan. NJSEA's numerous land use designation change regarding the MEPT Property is unsupported by data or evidence and, in fact, thwarts the overall goals of the Draft Master Plan.

September 16, 2019  
Page 3

Respectfully submitted,  
Sills Cummis & Gross P.C.

*/s/ Joseph B. Fiorenzo*

Joseph B. Fiorenzo

Enclosures

September 16, 2019

Joseph B. Fiorenzo, Esq.  
Sills, Cummis & Gross, PC  
One Riverfront Plaza  
Newark, New Jersey 07102

Re: Draft Hackensack Meadowlands  
District Master Plan Update 2020  
Proposed Zone Plan Amendment  
Block 451.05, Lot 14.011 North Bergen (MEPT Approved Variance)  
Block 155, Lots 1.03, 1.04 & 6 Secaucus (Home Depot and Adjacent Lots)

Mr. Fiorenzo,

I am providing to you my written assessment of the Draft Hackensack Meadowlands District Master Plan Update 2020 ("Draft Master Plan") as it relates to the area around the intersection of Paterson Plank Road and Daffy's Way. I specifically reviewed Sections 6 and Section 7 as it pertains to Transportation Circulation (Section 6) and Transportation Systems (Section 7). In addition to these sections, I reviewed the 2020 Draft Land Use Map and I have noted the designation island of Employment Center (which allows Industrial Uses) located within a Commercial Center. This deviation from the 2004 Master Plan does not seem to be a logical change for a number of different reasons to be reviewed below. It does, in fact, seem to be a means of supporting a new industrial use for the currently abandoned site. It would not be expected that the planners would consider the short sighted approval of a variance (MEPT Lincoln Crossing, LLC Application for Use Variance NJSEA Application No. 17-239) to justify a major change to a long term planning document meant to improve the safety, quality, economy, and traffic flow of a region. The change of the 2004 Commercial Corridor to the proposed 2020 Employment Center, which permits industrial uses, has no place in a commercial center as it shares no synergies or vehicle trips with the surrounding uses. This is especially problematic considering the access to Block 451.05, Lot 14.011 ("MEPT Site"), is shared along Daffy's Way with an existing commercial use (Home Depot). Once the MEPT site is changed to an Employment Center in the Master Plan, future, currently unknown and unanticipated industrial uses of many types will be permitted on the site as of right.

The proposed changes to the 2004 Master Plan do not further or support a number of the objectives of the Draft Master Plan. In addition, there are a number of statements being made in the document that are not adequately supported by data and/or an overall traffic study for the region. With the addition of the MASSTR traffic signal system and the ability of planners to freely access a number of anonymous probe vehicle data sources (e.g. <https://www.xcm.org/XCMWebSite/Index.aspx>), which allow 24-7 measurement of traffic congestion, it would be expected that data from these sources would be utilized

and/or cited to support this aforementioned change to the 2004 Master Plan. Furthermore, by allowing an Industrial Land use within the confines of a Commercial Center, a situation arises that creates the same issues akin to placing an Industrial Use within a Residential area. For this particular situation, the issue is exacerbated by the proximity of the non-compatible uses (Home Depot & High Cube Fulfillment Center Warehouse) on a shared roadway. These issues are listed as follows:

- Increased Truck Traffic: Industrial uses create more truck traffic compared to commercial use. This can be inferred by the number of loading docks and truck parking spaces provided by each use. To that point, the MEPT site has proposed the construction of 47 truck loading docks and 74 truck parking spaces for a High-Cube Fulfillment Center Warehouse. The slower moving trucks will congest the shared roadway by blocking public access to the existing Home Depot. The addition of industrial use trucks will also congest the intersection at Daffy's Way and Paterson Plank Road.
- Forced Interaction of Different Vehicle Types: The proposed industrial use, at the end of a shared drive, will unnecessarily expose public traffic to industrial traffic and large trucks. I do not see any logical reason to increase the probability of a negative interaction between a personal vehicle with industrial trucks. Great efforts are made to separate public traffic from industrial vehicles, one example being highway rest stops. When an incident occurs at this site, it will be noted that a contributing factor had been the short sighted designation of an industrial use within a commercial corridor.
- Increased Traffic Specific to the Industrial Use: An industrial use shares no trips with the surrounding commercial corridor. The number of trips for an industrial use in this area will only serve the industrial use. The designation of a commercial corridor allows the shared interaction of single trip. Personal trips to a commercial corridor may incur a number of other trips within the corridor. A person is likely to go to the Home Depot as the primary trip, but would follow up with another trip to a restaurant, movies, or other retail establishments located in the commercial center. The industrial use will only generate industrial traffic, thus attracting industrial traffic to a commercial corridor, negatively impacting the overall traffic flow in the area. I see no logical reason to plan for industrial trips into a commercial corridor. Any reason for doing so would be counter to the benefit of the region and to the detriment of the commercial corridor.

I again draw attention to the analogy of the placement of an industrial use within a residential area. If a planner designates an industrial use in a residential area it will increase truck traffic, it will increase the interaction of industrial trucks with personal vehicles, and it will draw industrial traffic to the area that destroys the capacity of the infrastructure. It will undermine the neighborhood causing people to leave and decreasing the appeal of the region. The same exact thing will occur with the placement of an industrial use within a commercial corridor. The industrial traffic drawn to the region will

queue traffic onto the New Jersey Turnpike to the West and add more truck traffic to the entrance onto Route 3. It will also reduce transit access to the region by increasing congestion.

I now offer my opinion and observation for some of the key statements and goals outlined in the Draft Master Plan. There are a number of objectives, namely the encouragement of complete streets, public transportation, bicycling , etc. that are not supported by the proposed Employment Center land use change. In addition, it would appear that these changes have no quantified support. As such, I am citing specific sections of the Draft Master Plan which should have provided comprehensive data to justify any change to the 2004 Master Plan land use plans.

## SECTION 6: Conclusions

*"Since 2013, the regional economy has rebounded, regaining jobs lost during the recession of 2007-2009. Lower gasoline prices, an improved economy, and other factors are anticipated to result in increased travel demands on our transportation network"*

My Response:

- Based on this statement, I would request that the plans reflect how each corridor is being defined to address the anticipated travel demands along State Route 3 and the other major arterials within the District. With increased travel demand it would be expected that non-compatible uses in the region would be reduced, and not increased within a commercial corridor.
- It is not clear how the 2004 'Commercial Corridor' changes to a 2020 'Employment Center', which allows industrial uses, would improve traffic in the region. It will do the opposite. By designing this as the land use future industrial uses can be placed at the MEPT site.
- There is no data presented that shows how an Industrial Use would support multi-modal trips from the Secaucus Village located to the west of the New Jersey Turnpike.
- There is no data presented that indicates how an Industrial Use would promote multi-modal trips from the sports complex/mall. I am noting that a planned commercial retail use would support the sports complex/mall.

*"The roadways that traverse the District are among the most heavily traveled in the nation. The travel mode choice has not changed greatly from 10 years ago, as the automobile is still the principal mode of transportation in the region. The District is expected to face the continuing challenge of severe road congestion and unreliable travel times in many locations."*

My Response:

- It is not defined, or quantified, how the Draft Master Plan addresses this issue. It would appear that with the addition of the sports complex and expected opening of the new American Dream mall in the region, additional efforts are needed to minimize the amount of traffic on the roadway. The proposed land use plan does the opposite at the MEPT site.
- No holistic study of the regional transportation system is referenced (rail, bus, personal vehicle, multimodal).
- No holistic study of the transportation system supported by the addition of the MASSTR adaptive traffic controller system was presented.
- No holistic look at the transportation system with the freely available probe vehicle data provided by Transcom has been presented to support any of the changes to the master plan. <https://www.xcm.org/XCMWebSite/Index.aspx>)
- A study to show how the MASSTR system has improved traffic movement within and across the region has not been provided to support the plan objectives. Performance metrics from this system have not been defined in the report.

*"Use of public mass transit, including passenger rail and bus service, is low in view of the high degree of urbanization and the overall population density in the region. The lack of transit availability within the District employment centers is a factor that limits its use. Many mass transit facilities are in great need of repair or replacement, including the Portal Bridge, and the North River Tunnel, which runs under the Hudson River between Weehawken, New Jersey, and Penn Station, New York City. The current bus and rail transit network in northern New Jersey is nearing its capacity, and yet certain areas within the District have limited to no bus or rail services. The rise of ride-hailing services such as Uber and Lyft, and the looming changes expected as a result of autonomous vehicles, may change the dynamics of mode share. These emerging trends have the potential to either augment transit or cut into its market share."*

My Response:

- There are a number of bus stops throughout the region, but there is no data to support the proposed Employment Center land use change at the MEPT site would benefit the transit system.
- It is stated that autonomous vehicles may change the dynamics of modal share, but they will not move vehicles off the road and/or improve density in an already saturated system.

*"Facilities for pedestrians and bicyclists are limited. More emphasis on "Complete Streets," a USDOT initiative, is needed in the future to add more facilities for safe walking and biking."*

My Response:

- The areas around Secaucus Village should be a focal point for complete streets, multi-modal travel, and pedestrian access to commercial retail. (<http://www.njtod.org/first-project-at-secaucus-transit-village-complete/>). It is not clear how the changes to the Draft Master Plan encourage travel (bike/walk/car) from these residential areas. Considering the proximity of the Employment Center designations at the MEPT site to the Secaucus Village, it would be expected that every effort would be made to plan for future interconnectivity of these two areas.
- The land use change at the MEPT site will not encourage any of the stated objectives.

*"Missing connections and operational deficiencies contribute to traffic delays. The transportation system includes various routes for travel between New York City and the suburban areas of New Jersey and New York State. However, the system is not fully responsive to intra-District travel, particularly given the presence of significant employment centers in the District or the major sports and exposition venue and future American Dream Meadowlands entertainment and retail facility at the Meadowlands Sports Complex."*

My Response:

- A map of the missing connection and operational deficiencies should be defined. There are a number of data sources (including the simplistic review of Google Traffic) that could be used to define the deficient areas.
- The continuity of the corridors in the regions needs to be shown; land uses should reflect areas along the corridor with similar, shared trips to minimize traffic volume. This is especially necessary along major/minor arterial roadways. The MEPT site is counter to this logic and should be addressed on a long term plan and not short term approval of a variance.
- It is stated that the presence of significant employment centers limits intra-District traffic; no study is referenced to show how changes to the master plan utilize other land uses that encourage intra-District travel. I again point out the MEPT site which will only draw industrial traffic to serve an industrial zone that is not synergistic with the surrounding area.



*"Newark Liberty International and Teterboro Airports have limited land available for growth and expansion. Vehicular access delays to these facilities during peak travel times are caused by high traffic volumes on major roadways."*

My Response:

- It is not clear how are these congestion observations are being made and or supported, nor is it clear how the MASSTR system is improving the system. The congestion at the intersection of Paterson Plank Road & Daffy's will not improve, and will in fact degrade with additional truck traffic caused by an industrial use.

*"As economic growth continues so will the already high demand for freight movement and associated capacities of shipping ports, roadways and railways. Positioned within the nation's largest metropolitan market area, the Meadowlands District offers a prime location for intermodal services and related land uses. The use of freight railways has become more vital with the rising demand to move freight more efficiently; however, truck access needs to be improved."*

My Response:

- A comprehensive study that shows where freight is moving through the system would help define where land uses can be adjusted to support freight travel over certain corridors. There is no rail at the MEPT site and the site will only generate truck traffic.

In the beginning of Section 7 it states:

*"The NJSEA will promote the improvement of the current transportation network and the ability of the Meadowlands District and its surrounding area to meet future demands. The following objectives will foster the availability of various modal choices, particularly public transit, walking, and biking, and will also promote the interconnectivity of the transportation network where necessary and feasible."*

My Response:

- Most of the objectives defined in this section appear to be sound to achieve the stated goals. What I find lacking is innovative use of already available data and studies to create the benchmark to achieve these goals. As mentioned in my assessment of Section 6, there are a number of items that are not clearly supported by a comprehensive study, or any specifically named study. Furthermore, the objectives defined in Section 7 are not fully supported by some of the proposed land use changes. I bring attention again to the New Jersey State Route 3 corridor, where islands of Employment Centers are created within a Commercial Corridor and no efforts seem to be made to connect the Secaucus Village to the Commercial Retail areas east of the Turnpike. This is again a particularly glaring shortcoming with the proposed land use change at the MEPT site.

In closing, I also noted on the NJSEA web page that in 2004, it is stated that :

*"Adopted in 2004, The Meadowlands District Master Plan preserves 8,400 acres of wetlands and open space while calling for the revitalization of polluted or blighted parcels into economic and community-oriented growth."*

But in 2020, the community-oriented growth is dropped and is vague on land use:

*"The Draft Master Plan is intended to serve as an update to the "2004 NJMC Master Plan" for the District, which had described a vision for potential economic development and environmental objectives over three decades. The Draft Master Plan evaluates the existing conditions in the District, discusses significant changes since 2004, and highlights the accomplishments, as well as the challenges to implementing this vision. The Draft Master Plan also proposes new policy objectives and recommendations for future comprehensive planning studies that will continue to promote environmental preservation, land use, and economic development objectives for the District."*

The omission of community-oriented growth is concerning considering this is an important aspect of complete streets and is necessary to promote walking, biking, and transit that can lead to a reduction in traffic congestion in the region. The inclusion of an Industrial Use surrounded by Commercial Retail Use in no way supports the objectives outlined by the Draft Master Plan. I question the motivation and logic of the alteration to the 2004 Master Plan land use plan, and see no benefit towards the future traffic congestion of the Route 3 corridor or the region. The short sighted approval of a land use variance should not dictate the long term plans of a region which has made huge improvements over the last few decades. This is especially important because, in my opinion, the MEPT Lincoln Crossing, LLC Application for Use Variance NJSEA Application No. 17-239, was approved on a proposed industrial land use that did not consider the worst case scenario for an industrial use on the site. I testified to the fact on May 23, 2018 that the latest ITE Trip Manual (10th Edition) was not used, and that the ITE Trip Generation Handbook 3rd Edition recommends that a proxy survey be conducted on similar land use types in the region when a specific use could not be defined. The High-Cube Fulfillment Center Warehouse is defined in the 10th Edition. In the case of generating a new land use plan it would be expected that the worst case land use traffic generating scenario be used to evaluate the impact on the transportation system. Had the latest ITE Trip Generation Manual been used (10th Edition) with the most conservative trip generation for an industrial use, it would have been clear that the intersection at Paterson Plank Road and Daffy's way is not able to handle the additional traffic flow from the proposed MEPT site. The approved variance has allowed the expansion of a use that is not in conformance with the 2004 Master Plan land use plan. It is my understanding that the current proposed speculative building will accommodate 47 loading docks and 74 truck parking spaces. This is perhaps the worst case traffic conditions for an industrial use, and by approving an industrial use for this site, it will have a negative impact on the transportation system within the NJSEA jurisdiction.

Please feel free to contact me for additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. M. Brennan Jr.', with a stylized, cursive script.

Thomas M. Brennan Jr. P.E., Ph.D.