



Virtual Board Meeting

Thursday, February 25, 2021

10:00 a.m.



**AGENDA  
REGULAR SESSION**

**Remote Access Meeting via Zoom**  
Thursday, February 25, 2021 - 10:00 a.m.

Zoom Link: <https://us02web.zoom.us/j/82835823272>

Zoom via phone: **929-205-6099** / Meeting ID: **828 3582 3272**

I. **PLEDGE OF ALLEGIANCE**

II. **OPENING STATEMENT**

III. **ROLL CALL**

IV. **APPROVAL OF MINUTES AND CASH DISBURSEMENTS** (Action)

- Approval of Regular Session Remote Meeting Minutes of January 28, 2021.
- Approval of Executive Session Remote Meeting Minutes of December 17, 2020.
- Approval of Executive Session Remote Meeting Minutes of December 30, 2020.
- Approval and/or Ratification of Cash Disbursements over \$100,000 for the month of January 2021.

V. **SPECIAL PRESENTATION**

Dr. Angela Cristini, Director of the Meadowlands Environment Center – MEC Science and Environmental Education Programs and Initiatives

VI. **PUBLIC PARTICIPATION ON RESOLUTIONS**

VII. **APPROVALS**

Resolution 2021-04 Consideration of a Resolution Issuing a Decision on the Bulk Variance Application submitted as part of File No. 20-249 Empire Properties/Building Addition (Variance) Block 105, Lot 5, in the Township of South Hackensack; and Block 131.01, Lot 9 in the Borough of Carlstadt

Resolution 2021-05 Consideration of a Resolution Authorizing the Execution of Deed Notices for Properties Leased Under the ERC Ground Lease and Remediated by Ameream Management, LLC as Required by N.J.S.A. 58:10B-13

VIII. **CONTRACTS/AWARDS**

IX. **PUBLIC PARTICIPATION**

X. **EXECUTIVE SESSION**

Resolution 2021-06 Consideration of a Resolution Authorizing the New Jersey Sports and Exposition Authority to conduct a meeting, to which the general public shall not be admitted for the purposes of discussing the following matter:

- Deed Notices for Properties Leased Under ERC Ground Lease and Remediated by Ameream Management, LLC as Required by N.J.S.A. 58:10B-13.

XI. **MOTION TO ADJOURN**



REGULAR SESSION BOARD MEETING  
MINUTES  
REMOTE VIA ZOOM

DATE: January 28, 2021  
TIME: 10:00 a.m.  
PLACE: Remote via Zoom  
RE: REGULAR SESSION MEETING MINUTES

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**Members in Attendance:**

John Ballantyne, Chairman  
Joseph Buckelew, Vice Chairman  
Vincent Prieto, President and CEO  
Robert J. Dowd, Member  
Armando Fontoura, Member  
Michael H. Gluck, Esq., Member  
Michael Griffin, NJ State Treasurer's Representative  
Woody Knopf, Member  
Steven Plofker, Member  
Andrew Scala, Member  
Anthony Scardino, Member  
Louis J. Stellato, Member  
Robert Yudin, Member

**Absent:**

Michael Gonnelli, Member

**Also Attending:**

Christine Sanz, Senior Vice President/Chief Operating Officer  
Frank Leanza, Senior Vice President/Chief of Legal & Regulatory Affairs  
Adam Levy, Vice President of Legal & Regulatory Affairs  
Sara Sundell, Director of Land Use Management and Chief Engineer  
Steven Cattuna, Chief of Staff  
John Duffy, Senior Vice President of Sports Complex Operations & Facilities  
Edward Bulmer, Co-Director of Finance  
Brian Aberback, Public Information Officer  
Terry Doss, Assistant Director for Natural Resource Management  
Lauren LaRusso, Governor's Authorities Unit  
Colleen Mercado, Senior Operations Administrator

Chairman Ballantyne called the meeting to order.

- I. Opening Statement - Chairman Ballantyne read the Notice of Meeting required under the Sunshine Law.
- II. Roll Call



### III. APPROVAL OF MINUTES AND CASH DISBURSEMENTS

Chairman Ballantyne presented the minutes from the December 17, 2020 Regular Session Board meeting. Upon motion made by Commissioner Scardino and seconded by Commissioner Yudin the minutes of the Regular Session Remote Board Meeting held on December 17, 2020 were unanimously approved.

Chairman Ballantyne presented the minutes from the December 30, 2020 Regular Session Special Board meeting. Upon motion made by Commissioner Scala and seconded by Commissioner Buckelew the minutes of the Regular Session Remote Board Meeting held on December 30, 2020 were unanimously approved.

Chairman Ballantyne presented the report of cash disbursements over \$100,000 for the month of December 2020.

Upon motion by Commissioner Dowd and seconded by Commissioner Scardino, the cash disbursements over \$100,000 for the month of December 2020 were unanimously approved.

### IV. SPECIAL PRESENTATION

Chairman Ballantyne stated there would be a special presentation on the agenda that would focus on some of the many exciting NJSEA environmental and scientific initiatives that would be taking shape over the course of 2021. He said that thanks to the hard work of the NJSEA and its predecessor agencies, the Meadowlands had been transformed from a blighted region five decades ago to an environmental jewel today. He continued by saying that this year, under the Board's Science and Environment Committee, they would be shining a spotlight on the significant work that the NJSEA performs to improve the Hackensack Meadowlands District's critical and unique urban eco-system. Chairman Ballantyne turned it over to President & CEO Prieto for his comments.

President Prieto said that as a longtime resident, he could attest to the change in the environment that they have had. He said that over the last 20 years they have seen bald eagles and osprey; something that was extinct from this area. He continued by saying that it was amazing to see the turnaround that has happened in the Meadowlands and he was very proud of the staff that keep adding to that and doing so many good things on a day to day basis for the environment. President Prieto then introduced the Chairman of the NJSEA Science and Environment Committee, Commissioner Anthony Scardino.

Commissioner Scardino commented that there was not much he could add to what President Prieto and the Chairman had already expressed. He said he was just delighted that they were putting emphasis on a very crucial and important mandate that all of the Commissioners have to fulfill. He said that he was delighted that we are there; and that we have a future ahead of us where we are going to do a lot of good. He concluded by saying that he was particularly delighted that Terry Doss was here today to make this special presentation.

Chairman Ballantyne introduced Terry Doss, Assistant Director for Natural Resource Management. He said that over the past 30 years, Terry had served as a local leader in restoring the natural areas located within the urban wildlands of New Jersey and New York, with a primary expertise in managing coastal and wetland restoration projects using nature-based solutions to reduce flood risks while improving resiliency for coastal communities. He noted that Terry received a BS in Agricultural Sciences in 1984, and later received a

Master of Marine Policy in 1989, both from the University of Delaware. Chairman Ballantyne added that in 2003, Terry studied Earth Sciences as part of a PhD program at Lehigh University where her focus was on the peatlands of Alberta, Canada.

Ms. Doss presented a power point presentation titled: *2021 - Year of the Environment*. She said that the presentation would be focusing on the NJSEA's priorities for this year and that she believed with the new administration and the renewed focus on the environment and climate change that this would truly be the year of environment. She noted that just that morning the Star Ledger had an op-ed called the *Year of Environment*, so she felt that the NJSEA was right on target with the State priorities already.

She spoke of people flocking to Losen Slote Park this month to see the Common Red Pole, a very infrequent visitor that comes down from the arctic and said even more exciting was to see the Horney Red Pole. She said that this was one of the first or the second time this bird had appeared in the Meadowlands and people came from all over from different states to catch a glimpse of this bird. She said that it really sunk home that the Meadowlands really is the site of wildlife tourism. She said there was also another infrequent visitor in the past week that generated a lot of excitement - a snowy owl at the old Kingsland landfill and that brought even more people to the District, adding that what normally is a quiet time in winter this brings hope that this will really be a year for renewal.

Ms. Doss said these symbols of hope and a new year are all occurring with the backdrop that we are witnessing with definitive actions that are coming from both the new Federal administration and also at the state level which are working really hard to better protect our environment, combat climate change and protect against coastal threats. She stated that there was a United Nations kick off of the Decade of Ecosystem Restoration, which would be occurring in 2021 and NJSEA's job is to work hard to make sure the Meadowlands is a part of this movement.

Ms. Doss advised that on June 5<sup>th</sup>, the actual international kick-off date for the *Decade of Ecosystem Restoration*, staff would be looking to hold an event, if COVID restrictions allow, that would bring people to the Meadowlands to actually take part in this ecosystem restoration event. She said they plan to create a series of small pilot projects where people can come out and literally get their hands dirty by putting plants into the ground. She continued by saying that they would be working with a lot of partners such as the Hackensack Riverkeeper, NY/NJ Baykeeper, Bergen County Audobon Society and would be looking for corporate sponsors as well. Ms. Doss said that this would be a great opportunity to highlight the fact that the Meadowlands have a lot of restoration opportunities that can be undertaken. She noted that a lot of these projects had grown out of the development of their strategic plan for natural resources as well as their Wildlife Action Plan and Wetland Program Plan. She said that these planning documents, as well as their work with different federal, state, regional and even local partners they have been able to develop these four priorities that they would be focused on for 2021.

Ms. Doss said that this year there were four areas that really rose to the top with a focus on ecosystem restoration:

- Sawmill Creek Wildlife Management Area
- Losen Slote Creek Park
- Closed Landfills
- Kearny Fresh Water Marsh



She explained that the reasons these four sites had risen to the top were:

- all are important to aiding the Meadowlands area and meeting the challenges set forth by the State for the climate change and coastal action plans;
- all provide habitats for threatened or endangered species;
- all are experiencing some threat due to climate change, including sea level rise;
- all are experiencing some type of continued human impact;
- all are central to the Wetlands Program Plan, which has been approved by the USEPA
- She said by having this they are able to compete for a wetlands development program grant, which they have competed for in past and have had a good number of EPA funds that have helped fund their most important work at NJSEA sites.

Ms. Doss concluded her presentation by saying that the restoration of these sites were just an aspiration at this point. She said they would continue to work to better understand these sites and look for funding opportunities and partners to help align their goals with the State policies to combat climate change and protect against climate threats.

Chairman Ballantyne thanked Ms. Doss and said it was a wonderful presentation. He then asked if there were any questions.

Commissioner Scardino also thanked Ms. Doss for a wonderful presentation. He said he couldn't help but think that the Authority should really concentrate on putting some of these presentations on whatever media they could attach it to, including YouTube and so that people who are surfing and looking for matters of interest such as what's going on particularly in the Meadowlands and the Hackensack River estuaries, they would have an opportunity to see it first-hand. Commissioner Scardino felt this presentation would make a real interesting addition to the media outlets. He concluded by saying he would like to hopefully talk more with staff about how to go about this.

Commissioner Scardino asked Ms. Doss how the Hackensack River and its estuaries tied in with everything she just discussed?

Ms. Doss responded that everything was connected to the Hackensack. Even the Kearny Freshwater Marsh, which is unique as it connects both the Passaic River and Hackensack River; everything is connected through the tributaries, sometimes to the overtopping of berms.

Commissioner Scardino also asked Ms. Doss about the improvements and restoration of the river over the years. He said, for example, the fish that were there, the crabs that were in great abundance years ago; he asked: "Have we had great success in that part of the restoration?"

Ms. Doss replied that there were a series of fisheries surveys that had occurred over the last 30 years and she believed the first date of the survey was in 1987 and in 1990/2000 it showed there was a big improvement due not only to the ecosystem restoration projects that were undertaken but also the improvement in the waste water treatment plants and other land use improvements. She said that could readily be seen in both the fisheries survey and benthic survey. She said that in the last survey they had seen things had leveled off. She concluded by saying that both the biodiversity and abundance of the fish have increased over the 30 years.

Commissioner Scardino asked about an initiative that the HMDC had been talking about years ago regarding a walking path going from Little Ferry down to Kearny, which would literally take advantage, for example, of some of the improvements that Ms. Doss so beautifully discussed. He asked the Chairman if he had heard about it and if the idea was still possible.

Chairman Ballantyne responded that it would be a perfect addition to the District and said he was not aware whether it was still possible but it would definitely be something they should explore.

Commissioner Yudin asked Ms. Doss about one of the stresses she had mentioned at Losen Slote. He asked if the ATV's were trespassing and if they shouldn't be there, then who was responsible for making sure they are not there?

Ms. Doss responded that Losen Slote was a property owned by the town of Little Ferry and she didn't know if there signs posted. She added that she did not know about the legality of it and could only speak of the ecological impacts they are causing.

Commissioner Yudin addressed the Chairman by saying that if the ATV's were causing negative ecological impacts shouldn't the Authority be reaching out to Little Ferry and requiring them to post signs that ATV's are prohibited and have those signs enforced? He said that if they are causing ecological damage steps should be taken to have them off of that property. He asked if the Authority could start a process that hopefully in the end would ban them adding that he was not sure if it was the NJSEA's responsibility or Little Ferry's. He asked to have someone get back to the Board periodically on this matter.

Chairman Ballantyne agreed with Commissioner Yudin and said that there certainly shouldn't be any unauthorized vehicles in the Meadowlands and at the same time if they're destroying habitat they certainly would want to get a handle on it. He noted that staff had just recently made a recommendation and had requested a wildlife officer from the Wildlife Fish and Game to be assigned to the District because of all of the sensitive wetlands. He said there were areas in the District where people are still hunting and fishing. He said the Authority could certainly have signs put up and he wasn't sure of the legalities. He would imagine that it would be the Authority's responsibility if the Authority was managing the property. The Chairman said that he planned to follow up with staff regarding the wildlife officer for the District and would update the Board.

Chairman Ballantyne addressed Ms. Doss noting that she had mentioned that there had been a snowy owl in the District and that he had just read in the New York Post that they had just seen one in New York City as well. He said that apparently that had been the first time it had been sighted in New York City since 1890. He commented that it did make quite a splash and there were a lot of bird watchers, photographers and news teams. He then asked Ms. Doss when the last time was that she had sighted one in the District.

Ms. Doss responded by saying that she had been told that about three or four years ago there were an abundance of snowy owls. She noted that it depended on how their year and brooding goes up in the artic. She commented that this year for red poles and snowy owls was very good.



Chairman Ballantyne said that along with Commissioner Scardino he felt that the Meadowlands had so much to offer as the jewel of the Meadowlands and so much to offer to people with wildlife. He went on to say that they needed to get that out as quickly as possible so that the people of New Jersey could enjoy those sightings as well. He mentioned that along with the Meadowlands blog and Facebook page, there was the website that people could visit also. He thought that it would be nice to have a YouTube channel as well for people to also view the wildlife.

V. PUBLIC PARTICIPATION ON RESOLUTIONS - None

VI. APPROVALS

Resolution 2021-01 Consideration of a Resolution Issuing a Decision on the Bulk Variance Application Submitted as Part of File No. 19-260  
TKT Property LLC/Terminal Lane-Site Imp (Variance)  
Block 132, Lot 1 in Carlstadt

Ms. Sundell advised the Board that TKT property had submitted a zoning certificate application and bulk variance request to construct a site improvement on the property that is identified as Block 132, Lot 1 in Carlstadt. She said the variance was sought in connection with their proposal to construct a paved vehicular use area on the subject property at a setback of 35 feet within the required front yard facing Terminal Lane, where a minimum 50-foot wide front-yard setback is required in the light Industrial A zone. She noted that the paved area on Lot 1 would provide additional automobile and truck parking spaces to be utilized by an adjacent warehouse and distribution facility that is located on lots 5, 6 and 7 on that same Block. She said that all of these properties, including Lot 1, would be joined through a zoning lot record to act as one parcel.

She went on to say that Lot 1 was a long irregularly, shaped narrow lot that had two front yards in addition to a stream that runs along its eastern boundary which results in the need for the provision of a 50-foot wide waterway buffer to any vehicular use area. She explained that all of these site constraints limit the possible locations for a new parking area with adequate site circulation.

Of the facility's 80 parking spaces, on the entire facility, the applicant is proposing three car parking spaces, in addition to a portion of 20 truck parking spaces, within the required front yard setback on Lot 1. The vehicular use area will actually be set back 42 feet from the curb line of Terminal Lane and that area will also be screened by landscaping and a solid continuous fence to minimize any visual impacts it may have. The proposed layout will provide a safe, functional layout for the overall site and will not result in any increase in traffic. Additionally, a proposed secondary driveway from Terminal Lane to the warehouse facility will provide safer access to and from the facility for trucks compared with the facility's substandard existing narrow driveway that is off of Washington Avenue. Ms. Sundell concluded by saying that for these reasons and those stated in the recommendation that are part of the Agenda, staff is recommending the approval of this bulk variance.

Commissioner Yudin asked Ms. Sundell if she was comfortable with the setback being reduced from 50 to 35 feet. He commented that it seemed like staff were always reducing the setbacks. He asked if this was a trend and if they were okay with, generally speaking, always reducing the setbacks. He said that the setbacks were originally put in there for a

reason and it seemed like with every one of these applications they were reducing the setbacks.

Ms. Sundell replied that she was comfortable with the setback being reduced and stated that in this case Terminal Road acts a little bit like a ramp off of Washington Avenue in this area, so it was not a traditional road and it also had the 42 foot distance between the curb line and parking area that was going to be buffered with vegetation, with evergreen trees, in addition to a solid fence. Ms. Sundell went on to say that the agency receives approximately 500 applications a year and the majority of the applications meet the setbacks. She said that these were cases where people found it difficult and staff evaluates each case on a case by case basis. She stated that staff evaluates the criteria contained in the regulations to see if the applicants meet them; and in this case they found that they met the criteria.

Commissioner Yudin thanked Ms. Sundell and said that he was glad to hear that she was on top of this and was only allowing those setback reductions where they are actually needed and would not adversely affect the original.

Chairman Ballantyne asked Ms. Sundell if anyone had opposed the resolution.

Ms. Sundell replied that no one had opposed the resolution and said that they did not have any public come to the public hearing and there were no other comments received.

Chairman Ballantyne presented Resolution 2021-01. Upon motion made by Commissioner Fontoura and seconded by Commissioner Scardino Resolution 2021-01 was unanimously approved by a vote of 13-0.

Resolution 2021-02     Consideration of a Resolution Issuing a Decision on the Bulk Variance Application Submitted as Part of File No. 19-490 Vineland/200 Harrison Avenue – Technical Major Subdivision & Variances. Block 284, Lot 3.02 in Kearny

Ms. Sundell advised the Board that Vineland Construction Company had applied for a technical major subdivision for one of its parcels, which was located within the Kearny Wal-Mart Supercenter commercial complex. She said that the property was located in the Harrison Avenue Retail Center of the Kearny Redevelopment Area, which requires a minimum lot area of three acres. She explained that the applicant was requesting three bulk variances to subdivide the existing 4.07-acre parcel into three lots, each having an area of less than 3 acres. She continued by saying that one of the lots, which contained an existing Wawa, proposed a lot area of 2.09 acres and the other 2 undeveloped lots were proposed at 0.98 acres. She stated that although the proposed lots were smaller than the three-acre minimum requirement, the properties would continue to be included within the 27-acre zoning lot of record for the Wal-Mart Supercenter commercial complex, which also included a commercial retail strip and a restaurant. She said that the property shared access and internal drive aisles with other properties in that zoning lot of record, which fulfilled the intent of the redevelopment plan requirements to provide for a regional commercial center in that area, and the proposed subdivision would support the continued redevelopment of the Kearny Area Redevelopment Area.

Ms. Sundell stated that for these reasons and those stated in the recommendation, Staff was recommending the approval of the requested bulk variances.



Commissioner Yudin addressed Ms. Sundell saying that he wanted to be clear in his mind that two of the subdivisions were going to 0.98, where 3.0 was the present requirement and did that mean there could be development on the 0.98. He felt that this was a very substantial reduction. He also asked Ms. Sundell if she was okay with it because it was within the 27-acre total project and if she had any problem with allowing something to go on the 0.98 acres of the 27 acres. He asked if anyone wanted to put something on it they would have to go through Ms. Sundell and she would have to feel that it was feasible to approve it.

Ms. Sundell replied by saying it was correct and she was okay with it. She noted that on one of the 0.98 acres there was a proposal for an auto zone facility. She said that the application had been forwarded to Kearny for review but it appeared that it had no bulk variance that was required for that new facility and it was because it was a pad located within the larger area that it worked out. She explained that in this case the property owner could develop each of the pad sites without subdividing them because it was within a larger commercial center. She noted that the property owner had subdivided in this case for financial purposes.

Commissioner Yudin thanked Ms. Sundell.

Chairman Ballantyne presented Resolution 2021-02. Upon motion made by Commissioner Scala and seconded by Commissioner Fontoura Resolution 2021-02 was unanimously approved by a vote of 13-0.

Resolution 2021-03      Consideration of a Resolution Certifying the Meadowlands Adjustment Payments for CY2021

Mr. Bulmer advised the Board that the final Agreed Upon Procedures had been received from Mercadien. He said that similar to last year there were nine would-be payers and four receivers. He stated that the overall pool had increased by \$87,992. He noted that the four receivers included North Arlington who would receive \$29,767 more than the previous year, Ridgefield would receive \$10,698 less and Jersey City also receiving less at \$14,480. He said the fourth receiver was Kearny who would receive an additional \$83,402.

Chairman Ballantyne presented Resolution 2021-03. Upon motion made by Commissioner Scardino and seconded by Commissioner Scala, Resolution 2021-03 was unanimously approved by a vote of 13-0.

**VII. AWARDS/CONTRACTS - None**

**VIII. PUBLIC PARTICIPATION**

Mr. John Pinho of Harrison referred to the December 17 Board meeting at which Commissioner Scardino had inquired as to how long it would be before the Keegan Landfill would be completely closed and capped. He said that Mr. Marturano had replied at that time that it was hard to say as he still did not have any approvals from NJDEP for the closure. Mr. Pinho asked what the status of the approval was and if there was anything that could be done to get NJDEP to approve so that once the fill was finished the NJSEA could move forward without delay.

Chairman Ballantyne responded that at this moment in time the Authority was still awaiting on NJDEP to approve the Plan and if there were any changes Ms. Sanz could give an update but he did not believe there had been any changes thus far.

Ms. Sanz responded that was correct.

Mr. Pinho asked what needed to be done to get NJDEP to review and approve.

Ms. Sanz responded by saying that she wanted to let him know that the NJSEA did timely submitted the application for closure and that the Town of Kearny did submit comments as well to the NJDEP. She said that the NJSEA then promptly responded to those comments, so it was their understanding that the Department was reviewing the application at this time but would be happy to provide an update next month if there were any changes.

Mr. Pinho then asked if the NJSEA had gotten any feedback from the NJDEP.

Ms. Sanz replied "as of today, no".

Mr. Pinho asked if there had been any follow-up with NJDEP and wanted to know if this was normal or was this something that the pandemic had caused. He asked if there was anything as far as the public was concerned that could be done to make sure that once the fill was done there would be no additional delay.

Ms. Sanz responded that it would be conjecture on her part to guess as to why; however certainly the pandemic had played a part in any regulatory body's ability to move and also this was a large application. She said she couldn't guess why the NJDEP had not finished their review as yet.

Mr. Pinho asked if the NJSEA could reach out to NJDEP to get a response for the next meeting so they knew what the delay was. He would like to see the project begin. He concluded by saying that it was important to the community to cap the landfill.

Ms. Sanz responded that they could make an inquiry.

Chairman Ballantyne advised that they would have an update next month.

## VIII. EXECUTIVE SESSION

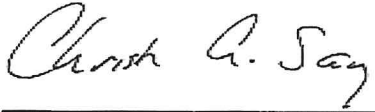
Chairman Ballantyne advised that there was no need to conduct any business under Executive Session and that the Executive Session minutes from December 17 and December 30 would be approved at the next meeting.

## IX. ADJOURNMENT

With no further business, motion was made to adjourn by Commissioner Dowd and seconded by Commissioner Fontoura with all in favor.

Meeting adjourned at 10:55a.m.

I certify that on information and belief this is a true and accurate transcript of the Minutes of the Regular Session of the New Jersey Sports and Exposition Authority Remote Board Meeting held on January 28, 2021.



**Christine Sanz**  
Assistant Secretary

January 28, 2021

Commissioner	Roll Call	2021-01	2021-02	2021-03
Ballantyne, Chairman	P	Y	Y	Y
Buckelew, Vice Chairman	P	Y	Y	Y
Prieto	P	Y	Y	Y
Dowd	P	Y	Y	Y
Fontoura	P	Y	Y	Y
Gluck	P	Y	Y	Y
Gonnelli	--	--	--	--
Knopf	P	Y	Y	Y
Plofker	P	Y	Y	Y
Scala	P	Y	Y	Y
Scardino	P	Y	Y	Y
Stellato	P	Y	Y	Y
Yudin	P	Y	Y	Y
Treasury Rep Griffin	P	Y	Y	Y

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



CASH DISBURSEMENTS  
 \$100,000 OR MORE  
 JANUARY 2021

**EAST RUTHERFORD - SPORTS COMPLEX**

	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF EAST RUTHERFORD	2,172,028.33	I	PAYMENT IN LIEU OF TAXES: 1ST QTR 2021
NRG BUSINESS SOLUTIONS	441,862.02	J/L	ELECTRICITY CHARGES: DEC 2020
PUBLIC SERVICE ELECTRIC & GAS COMPANY	179,549.56	J/L	ELECTRIC TRANSMISSION: DEC 2020
SPORTS ARENA EMPLOYEES RETIREMENT FUND LOCAL 137	306,598.02	A	PENSION WITHDRAWAL LIABILITY PAYMENT: NOV 2020 - JAN 2021
STATE OF NEW JERSEY TREASURY DEPARTMENT	222,228.48	A	WORKERS' COMPENSATION COVERAGE: 2ND QTR FY2021
<b>EAST RUTHERFORD - SC TOTAL</b>	<b>3,322,266.41</b>		

**LYNDHURST**

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
KEARNY MUNICIPAL UTILITIES AUTHORITY	678,338.53	A	SEWER USE CHARGES - KEEGAN & 1A/1E: 4TH QTR 2020
<b>LYNDHURST TOTAL</b>	<b>678,338.53</b>		

**MONMOUTH PARK RACETRACK**

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF OCEANPORT	511,799.35	I	REAL ESTATE TAXES: 1ST QTR 2021
<b>MONMOUTH PARK RACETRACK TOTAL</b>	<b>511,799.35</b>		



CASH DISBURSEMENTS  
\$100,000 OR MORE

<u>REFERENCE LETTER</u>	<u>TYPE</u>
A	CONTRACT ON FILE
B	PURCHASE AWARDS - APPROVED AT MONTHLY BOARD MEETING
C	STATE REQUIREMENT FOR RACING
D	STATE VENDOR
E	SOLE SOURCE*
F	APPOINTED BY RACING COMMISSION
G	ADVERTISED BID
H	PRESIDENT/CEO APPROVAL
I	STATUTORY PAYMENT
J	UTILITIES
K	LOWEST PROPOSAL
L	REIMBURSABLE
M	OUTSTANDING PROFESSIONAL INVOICES APPROVED AT MONTHLY BOARD MEETING
N	PURCHASES ON BASIS OF EXIGENCY
*	PURCHASES DIRECT FROM SOURCE
	EXPENDITURE TO BE CHARGED TO MAINTENANCE RESERVE FUND





## MEMORANDUM

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

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*From:* Sara J. Sundell *Date:* February 25, 2021

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*Subject:* Variance Recommendation - Empire Properties - Building Addition (Variance) (File No. 20-249)

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An application for one bulk variance has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by Michael Evar of Empire Properties, LLC for the premises located at 17 Empire Boulevard and identified as Block 105, Lot 5, in the Township of South Hackensack, and Block 131.01, Lot 9 in the Borough of Carlstadt, New Jersey. The subject premises are located within the District's Light Industrial A zone. The bulk variance is sought in connection with the construction of a 3,767-square-foot building addition and associated improvements.

Specifically, the applicant is requesting variance relief from the following:

N.J.A.C. 19:4-5.77(a)3iii, which requires a minimum rear yard setback of 75 feet; whereas, the applicant is proposing to construct a building addition in the Light Industrial A zone with a minimum rear yard setback of 13.2 feet from the rear yard property line.

An electronic public hearing was held virtually using Zoom video conferencing on Tuesday, January 5, 2021.

In a comprehensive report dated February 15, 2021, the Director of Land Use Management and the Senior Vice President, Chief of Legal & Regulatory Affairs recommended the approval of the bulk variance requested above. A copy of the comprehensive report and variance recommendation was provided to the applicant on February 16, 2021.

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



**RESOLUTION 2021-04**

**RESOLUTION ISSUING A DECISION ON THE  
BULK VARIANCE APPLICATION  
SUBMITTED AS PART OF FILE NO. 20-249  
EMPIRE PROPERTIES/BUILDING ADDITION (VARIANCE)  
BLOCK 105, LOT 5,  
IN THE TOWNSHIP OF SOUTH HACKENSACK; and  
BLOCK 131.01, LOT 9  
IN THE BOROUGH OF CARLSTADT**

**WHEREAS**, an application for one bulk variance has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by Michael Evar of Empire Properties, LLC for the premises located at 17 Empire Boulevard and identified as Block 105, Lot 5, in the Township of South Hackensack and Block 131.01, Lot 9 in the Borough of Carlstadt, New Jersey; and

**WHEREAS**, the premises contains an existing warehouse building and is located within the Hackensack Meadowlands District's Light Industrial A zone; and

**WHEREAS**, the applicant requested bulk variance relief from N.J.A.C. 19:4-5.77(a)3iii, which requires a minimum rear yard setback of 75 feet, whereas the applicant is proposing to construct a new 3,767-square-foot building addition with setback of 13.2 feet from the rear property line; and

**WHEREAS**, notice of the requested bulk variance relief was given to the public and all interested parties as required by law and was published in The Record newspaper; and

**WHEREAS**, an electronic public hearing was held virtually using Zoom video conferencing on Tuesday, January 5, 2021, before Sara Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon A. Mascaró, Deputy Director of Land Use Management and Deputy Chief Engineer; Mia Petrou, P.P., AICP, CFM, Supervising Planner; and William Moran, P.E., P.P., Principal Engineer; and

**WHEREAS**, a comprehensive report dated February 15, 2021, has been prepared indicating the recommendations of the Director of Land Use Management and the Senior Vice President, Chief of Legal & Regulatory Affairs in this matter; and

**WHEREAS**, a copy of the recommendation and comprehensive report was provided to the applicant on February 16, 2021; and

WHEREAS, the report recommends the approval of the requested bulk variance from N.J.A.C. 19:4-5.77(a)3iii, which requires a minimum rear yard setback of 75 feet, whereas the applicant is proposing to construct a new 3,767-square-foot building addition with a setback of 13.2 feet from the rear property line; and

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

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

WHEREAS, the Board of Commissioners hereby determines that the requested bulk variance application, to construct a new 3,767-square-foot building addition in the Light Industrial A zone with a setback of 13.2 feet from the rear property line conforms with the standards for approving applications for variances as set forth in N.J.A.C. 19:4-4.14(e).

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the Empire Properties - Building Addition (Variance) application for a bulk variance from N.J.A.C. 19:4-5.77(a)3iii to construct a new 3,767-square-foot building addition in the Light Industrial A zone with a minimum setback of 13.2 feet from the rear property line zone is hereby **APPROVED** for the reasons set forth in the recommendation dated February 15, 2021.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of February 25, 2021.



Vincent Prieto  
Secretary

**RECOMMENDATION ON THE VARIANCE APPLICATION OF  
Empire Properties - Building Addition (Variances)**

**FILE # 20-249**

**I. INTRODUCTION**

An application for one bulk variance has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by Michael Evar of Empire Properties, LLC, for the premises identified as 17 Empire Boulevard, Block 105, Lot 5, in the Township of South Hackensack, and Block 131.01, Lot 9, in the Borough of Carlstadt, New Jersey. The subject premises are located within the District's Light Industrial A zone. The bulk variance is sought in connection with the proposal to construct a 3,767-square-foot addition to the existing warehouse building on the site, and associated site improvements, for the purpose of reorienting the loading docks for more efficient access.

Specifically, the applicant is requesting variance relief from the following:

1. N.J.A.C. 19:4-5.77(a)3iii, which requires a minimum rear yard setback of 75 feet; whereas, the applicant is proposing to construct a building addition in the Light Industrial A zone with a minimum rear yard setback of 13.2 feet from the rear property line.

Notice was given to the public and all interested parties as required by law. The public notice was published The Record newspaper on December 17, 2020. No written objections were submitted to the Division of Land Use Management. An electronic public hearing was held virtually using Zoom video conferencing on Tuesday, January 5, 2021. All information submitted to the Division of Land Use Management relative to this application is made part of the record of this recommendation.

## II. GENERAL INFORMATION

### A. Existing and Proposed Use

Located in the District's Light Industrial A zone, the 2.525-acre parcel is primarily located in the Township of South Hackensack, having 2.123 acres within the Township, with the remaining 0.403 acres located in Borough of Carlstadt. The parcel has a "flag lot" configuration, with a central stem measuring 350 feet long by 33.76 feet wide that connects the lot to Empire Boulevard to the north. This stem serves as the sole access to the subject property, while also providing access to the rear of two adjacent lots to the north, identified as Block 105, Lots 3 and 4 in the Township of South Hackensack.

The parcel is developed with an existing 61,272-square-foot warehouse building and asphalt pavement with the exception of western side yard and rear yard which are vegetated. The lot currently has several existing non-conforming conditions, with respect to maximum lot area, minimum lot width, minimum open space, minimum rear yard and required parking. The warehouse building currently contains eight loading docks in the property's easterly side yard. The applicant is proposing to reorient the loading operations in this side yard by eliminating the eight existing loading doors along the easterly façade, and constructing a 3,767-square-foot addition to the existing warehouse building on the site, which will provide five proposed loading docks oriented in a north-south direction. A bulk variance is requested to construct the addition at a minimum 13.2-foot setback from the rear lot line.

### B. Response to the Public Notice

No written objections were received prior to the public hearing.

## III. PUBLIC HEARING (January 5, 2021)

A virtual public hearing was held on Tuesday, January 5, 2021, using Zoom video conferencing. NJSEA staff in attendance were Sara J. Sundell, P.E.,



P.P., Director of Land Use Management and Chief Engineer; Sharon A. Mascaró, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer; Mia Petrou, P.P., AICP, CFM, Supervising Planner; and William Moran, P.E., P.P., Senior Engineer.

**A. Exhibits**

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

<u>Number</u>	<u>Description</u>
A-1	Survey prepared by Jeffrey S. Grunn, P.L.S., Lakeland Surveying, dated May 8, 2020, and revised May 18, 2020.
A-2	"Cover Sheet", Sheet 1 of 2, prepared by Joseph S. Mianecki, Jr., P.E., Mianecki Consulting Engineers, dated June 22, 2020, and last revised October 26, 2020.
A-3	"Site - Dimensional Layout & Grading Plan", Sheet 2 of 2, prepared by Joseph S. Mianecki, Jr., P.E., Mianecki Consulting Engineers, dated June 22, 2020, and last revised October 26, 2020.
A-4	Undated aerial photograph, entitled "17 Empire Boulevard", depicting the subject property and surrounding properties.
A-5	Undated aerial photograph, superimposed with schematic drawing of existing truck circulation on the site, entitled "Current Situation (1/3)".
A-6	Undated aerial photograph, superimposed with schematic drawing of existing truck circulation on the site, entitled "Current Situation (2/3)".
A-7	Undated aerial photograph, superimposed with schematic drawing of existing truck circulation on the site, entitled "Current Situation (3/3)".

- A-8 Undated aerial photograph, superimposed with schematic drawing of proposed conditions on the site, entitled "Proposed Solution".
- A-9 Video link, at [https://youtu.be/IqU58\\_D9ijU](https://youtu.be/IqU58_D9ijU), depicting a grade-level view of proposed truck circulation.
- A-10 Video link, at <https://youtu.be/o1lqMa7wO2s>, depicting a bird's eye view of proposed truck circulation.
- A-11 "Schematic Plan and Elevations", Sheet A.101, prepared by Arcari & Iovino Architects, dated June 24, 2020.

### **B. Testimony**

Bruce R. Rosenberg, Esq., of Winnie, Banta, Basralian, & Kahn, P.C., represented Empire Properties, LLC at the hearing. The following five witnesses testified in support of the application:

1. Michael Evar, Empire Properties, LLC;
2. Joseph S. Miannecki, Jr., P.E., Miannecki Consulting Engineers;
3. Elizabeth Dolan, P.E., Dolan and Dean Consulting Engineers, LLC;
4. Edward Arcari, AIA, Arcari & Iovino Architects, PC; and
5. Steven Lydon, P.P., Burgis Associates, Inc.

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

### **C. Public Comment**

The following person provided comments in support of the application at the public hearing, which are recorded in the transcript of the hearing:

1. Robert Styles, Property Owner, 15 Empire Boulevard, South Hackensack, New Jersey.



#### IV. RECOMMENDATION

1. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.77(a)3iii, which requires a minimum rear yard setback of 75 feet; whereas, the applicant is proposing to construct a building addition in the Light Industrial A zone with a minimum rear yard setback of 13.2 feet from the rear property line.

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

1. *Concerning bulk variances:*

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

The requested variance arises from conditions that are unique to the property in question and were not created by any action of the property owner. The subject property is characterized as a flag lot, having a 350-foot-long central stem measuring 33.76 feet wide that provides access to Empire Boulevard. The subject property's 341.9-foot width at its rear lot line is more than 10 times this frontage.

However, the central stem is not used solely for access to the subject property. Adjacent Lots 3 and 4 also utilize the stem of the flag lot for access, as well as for vehicle maneuvering to access parking spaces adjoining either side of the stem on those lots. Furthermore, access is also provided to the subject property via 25-foot-wide easements perpendicular to the central stem, at the rear

of Lots 3 and 4, respectively. This unusual lot configuration results in circulation conflicts amongst the three properties.

In addition, the rear lot line contains a slightly irregular angle due to an 8.29-foot difference between the depth of the lot's side lot lines. The existing building has a preexisting, nonconforming minimum rear yard setback of 14.7 feet, whereas 75 feet is required. The proposed condition will continue the existing rear building line toward the east, with a minimum 13.2-foot setback, as the existing building is not parallel to the irregular-angled rear lot line.

The purpose of the proposed addition is to improve loading operations at the subject property. The placement of the existing warehouse building on the site, having a 20.2 side yard to the west and a 70-foot-wide side yard to the east, which contains one of the site's existing loading areas, does not allow for safe and efficient loading operations to be accommodated in the site's current condition. The site's existing northerly loading area is of insufficient size to accommodate tractor trailers, and is limited to use by box trucks and delivery vans. The proposed addition will include five loading bays, resulting in the reorientation of loading operations by ninety degrees within the easterly side yard, to a north-south direction, to ensure that all loading docks can be accessed concurrently, thereby increasing the efficiency and safety of loading operations for tractor trailers using the site.

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

The subject property and its adjacent neighbors at Lots 3 and 4 contain existing ingress and egress easements that allow for shared

access and vehicle movements amongst these properties. The construction of the proposed addition, which will allow five trucks to be loaded concurrently, will promote more efficient vehicle movements within the access drives by minimizing queuing of tractor trailers within the shared access aisle which currently adversely affects the neighboring properties. A public comment was received during the public hearing by Mr. Robert Styles, owner of adjoining Lot 3 at 15 Empire Boulevard, acknowledging the current circulation concerns, and stating support for the granting of the requested variance.

There are no residential properties in the vicinity of the subject property. Adjoining neighbors consist of industrial uses. The proposed addition will provide more separation of the site's loading operations from its easterly neighbor in comparison to existing conditions, which currently situates trucks up to the edge of pavement existing along the property line, and will provide an additional landscaped buffer than currently exists between the properties. Additionally, the rear lot line is coincident with the side lot line of the property to the south, which contains paved parking and loading areas in the vicinity of the proposed addition. No adverse impacts to the provision of light, air, or open space are anticipated to result to adjoining properties as a result of the requested setback of the proposed building addition.

Therefore, the granting of the requested variance will not adversely affect the rights of neighboring property owners or residents.

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

The strict application of the minimum rear yard setback requirement of 75 feet on the subject property would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.

The existing loading operations capable of accommodating tractor trailers on the site are limited to the property's easterly side yard, which is 70 feet in width. Due to this dimension, tractor trailers utilizing the existing loading doors along the easterly façade must make multiple turning maneuvers to back into the loading doors, and, when parked, obstruct access to the loading doors in the portion of the lot beyond the loading door being utilized. These inefficiencies caused by the existing loading configuration result in lengthy turnaround time for loading operations, resulting not only in back-ups of tractor trailers queued along the central access drive and adjacent easements serving other properties, but also in potential public safety concerns related to emergency access limitations caused by these obstructions.

The proposed addition is intended to accommodate improved loading operations at the premises. Significant practical difficulties would occur in the imposition of the minimum rear yard setback requirement of 75 feet, as the required setback would occupy site area that is required to accommodate the turning movements of tractor trailers. In turn, the inability to accommodate modern loading operations would result in significant hardship to the property owner, who has owned and operated the building at the



subject premises for approximately 25 years. Over that time period, logistics operations have evolved to require the accommodation of larger trucks for deliveries to the building. The proposed addition and reconfiguration of the loading docks will allow more efficient use of the property and mitigate practical difficulties that currently exist on the property.

Therefore, the existing site conditions present exceptional practical difficulties in the ability to comply with the rear yard setback requirements.

- iv. The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.*

Approval of the requested variance to permit the construction of the 3,767-square-foot addition with a minimum 13.2-foot rear yard setback, whereas a minimum rear yard setback of 75 feet is required, will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. The proposed addition represents a minimal increase in the overall building footprint by 6.2 percent, and complies with all other bulk requirements of the Light Industrial A zone. The purpose of the addition is not to increase the size of the building or intensify site operations, but to create a more efficient and safer loading configuration on the site. The proposed addition will contain five loading doors, which will replace the eight existing loading doors along the easterly façade of the existing warehouse. The increased efficiency of vehicular movement on the property will prevent queuing of vehicles in the stem portion of property and allow for

more effective access to the subject site and adjacent properties by emergency vehicles. Additionally, traffic levels will not differ from those of the existing operations at the site.

Granting the variance will, therefore, not result in substantial detriment to the public good and will promote the public health, safety, morals, order, convenience, prosperity or general welfare.

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

The granting of the requested variance to permit a minimum rear yard setback of 13.2 feet, whereas a minimum setback of 75 feet is required, will not have a substantial adverse environmental impact. The building addition is proposed primarily over existing asphalt pavement, and the proposal will result in an overall increase in open space on the property and a reduction in the amount of stormwater runoff on the premises. The proposed improvements will also result in a reduction in the number and duration of idling trucks waiting to enter an available loading space at the premises, which will positively impact the area's air quality. The District's environmental performance standards for noise, glare, vibrations, airborne emissions, hazardous materials and water quality, as enumerated in N.J.A.C. 19:4-7.1 et seq., will not be exceeded.

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

The particular characteristics of the property, including the unique configuration of the lot, constrain the ability of the proposed addition to comply with the rear yard setback requirements of the Light Industrial A zone. The proposed addition will be 13.2 feet



from the rear lot line, while the existing building is located at varying rear yard setback, ranging from 20.9 feet to 14.7 feet, due to the irregular configuration of the property.

The purpose of the proposed addition is to improve loading operations on the site, and does not represent an attempt by the property owner to overdevelop the property or intensify site operations. Rather, eight loading doors on the easterly façade of the existing building are proposed to be removed, whereas the addition will accommodate only five loading docks in the proposed condition. Furthermore, the proposed depth of the addition is the minimum size required to provide for a functional shipping and receiving area to accommodate the movement of goods within the building, and the proposed location of the addition at a minimum 13.2-foot setback from the lot line is required to accommodate the minimum length of the vehicular use area required for tractor trailer maneuvering into the loading docks on the site, as demonstrated by the applicant's videos provided as Exhibits A-9 and A-10.

Furthermore, the proposed addition will comply with all other bulk requirements, and will improve the existing amount of pre-existing nonconforming open space on the premises by approximately 0.14 percent.

Therefore, the variance request is the minimum deviation from the regulations that will afford relief.

*vii. Granting the variance will not substantially impair the intent and purpose of these regulations.*


The granting of the requested variance to permit a 13.2-foot rear yard setback to the proposed addition, whereas a minimum rear yard setback of 75 feet is required, will not substantially impair the intent and purpose of the District Zoning Regulations. The principal intent of the District Zoning Regulations is to provide for the orderly and comprehensive development of the District. Additional goals include promoting development in accordance with good planning principles that relate the type, design and layout of such development to both the particular site and surrounding environs, as well as providing that uses are suitably sited and placed in order to secure safety from fire, flood and other natural and man-made disasters, provide adequate light and air, prevent the overcrowding of land and undue concentration of population, prevent traffic congestion, and, in general, relate buildings and uses to each other and to the environment so that aesthetic and use values are maximized.

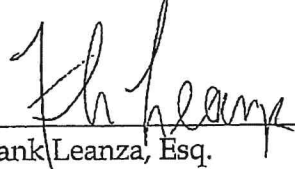
These goals are specifically advanced by the requested variance to build a 3,767-square-foot loading addition extending from the existing rear building line as proposed. As detailed herein, due to the existing configuration of the property and the placement of the building on this irregular site, the site is constrained in its ability to meet the required rear yard setback while providing for a functional loading area.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.77(a)3iii, which requires a minimum rear yard setback of 75 feet, whereas the applicant is proposing to construct a building addition in the Light Industrial A zone with a minimum setback of 13.2 feet from the rear property line.

Based on the record in this matter, the bulk variance application to construct a 3,767-square-foot building addition and associated improvements with a minimum setback of 13.2 feet from the rear property line on the subject premises is hereby recommended for APPROVAL.

<u>Approval</u>	<u>2/15/2021</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management and Chief Engineer

<u>APPROVAL</u>	<u>2/15/2021</u>	
Recommendation on Variance Request	Date	Frank Leanza, Esq. Senior Vice President Chief of Legal and Regulatory Affairs

**RESOLUTION 2021-05**

**RESOLUTION AUTHORIZING THE EXECUTION OF DEED NOTICES FOR PROPERTIES LEASED UNDER THE ERC GROUND LEASE AND REMEDIATED BY AMERREAM MANAGEMENT, LLC AS REQUIRED BY N.J.S.A. 58:10B-13**

WHEREAS, the New Jersey Sports and Exposition Authority is the fee simple owner of certain real property known and designated as Block 107.02, Lots 3, 1.01, 1.03, 1.05 and 1.06 on the tax map of the Borough of East Rutherford, County of Bergen and designated by the New Jersey Department of Environmental Protection Program Interest Number 000540 (hereinafter "Properties"); and

WHEREAS, *Amerream LLC* has remediated contaminated soils at the Properties, such that soil contamination remains at certain areas of the Properties that contains contaminants in concentrations that do not allow for the unrestricted use of the Properties and N.J.S.A. 58:10B-13 requires a description of such soils including type, concentration, and specific location together with appropriate engineering controls to be set forth in deed notices; and

WHEREAS, *Amerream LLC's* Licensed Site Remediation Professional, in concurrence with the New Jersey Sports and Exposition Authority's Licensed Site Remediation Specialist, has approved the subject Deed Notices as an institutional control for the Properties, which is part of the remediation of the Properties, including the soil remediation permit as required by N.J.A.C. 7:26C-7; and

WHEREAS, in accordance with the remedial action for the site which includes the Properties, and in consideration of the terms and conditions of that remedial action the New Jersey Sports and Exposition Authority agrees to subject the Properties to certain statutory and regulatory requirements that impose restrictions upon the use of the Properties, to restrict certain uses of the Properties and to provide notice to subsequent owners, lessors, lessees, and operators of the Properties of the restrictions, and the monitoring, maintenance, and biennial, certification requirements outlined in the subject Deed Notices and as required by law.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the terms, conditions and requirements set forth in the Deed Notices attached hereto are hereby acknowledged and accepted; and

BE IT FURTHER RESOLVED THAT, subject only to changes mandated by the New Jersey Department of Environmental Protection and approved by the New Jersey Sports and Exposition Authority's Licensed Site Remediation Professional and approved as to form by its Chief of Legal and Regulatory Affairs, the President is hereby authorized to execute the subject Deed Notices.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of February 25, 2021.



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Vincent Prieto  
Secretary

RESOLUTION 2021- 06

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

WHEREAS, the Open Public Meetings Act, NJSA 10:4-12 (b), permits the holding of closed sessions by public bodies in certain circumstances; and

WHEREAS, the New Jersey Sports and Exposition Authority (NJSEA) is of the opinion that those circumstances presently exist.

**NOW THEREFORE BE IT RESOLVED** as follows:

1. That a closed session of the Authority shall be held to discuss the following:
  - Deed Notices for Properties Leased Under ERC Ground Lease and Remediated by Ameream Management, LLC as Required by N.J.S.A. 58:10B-13.

This resolution shall become effective immediately.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of February 25, 2021.



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Vincent Prieto  
Secretary