



Virtual Board Meeting
Thursday, February 17, 2022
10:00 a.m.



AGENDA
REGULAR SESSION
Remote Access Meeting via Zoom
Thursday, February 17, 2022 - 10:00 a.m.

Zoom Link: <https://us02web.zoom.us/j/82642534981>

Zoom via phone: **929-205-6099** / Meeting ID: **826 4253 4981**

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 27, 2022.
- Approval and/or Ratification of Cash Disbursements over \$100,000 for the month of January 2022.

V. **PUBLIC PARTICIPATION ON RESOLUTIONS**

VI. **APPROVALS**

Resolution 2022-08 Consideration of a Resolution Issuing a Decision on the Variance Application Submitted as part of File No. 21-308 Kingsland Redevelopment Urban Renewal/Russo Phase 1 - New Building & Variance Block 223, Lots 10, 11, 12, and a Portion of Lot 15 in the Township of Lyndhurst.

VII. **CONTRACTS/AWARDS**

VIII. **PUBLIC PARTICIPATION**

IX. **EXECUTIVE SESSION**

Resolution 2022-09 Consideration of a Resolution Authorizing the New Jersey Sports and Exposition Authority to conduct a meeting, to which the general public shall not be admitted for the purposes of discussing legal matters, personnel matters and contract negotiations.

X. **MOTION TO ADJOURN**

REGULAR SESSION MINUTES



**REGULAR SESSION BOARD MEETING
MINUTES
REMOTE VIA ZOOM**

DATE: January 27, 2022

TIME: 10:00 a.m.

PLACE: Remote via Zoom

RE: REGULAR SESSION REMOTE MEETING MINUTES

Members in Attendance:

John Ballantyne, Chairman
Joseph Buckelew, Vice Chairman
Vincent Prieto, President and CEO
Robert 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
Arthur Kapoor, 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
John Duffy, Senior Vice President of Sports Complex Operations & Facilities
Sara Sundell, Director of Land Use Management and Chief Engineer
Edward Bulmer, Co-Director of Finance
Anna Acanfora, Co-Director of Finance
Steven Cattuna, Chief of Staff
Dr. Francisco Artigas, Co-Director Meadowlands Research & Restoration Institute
Teresa Doss, Co-Director Meadowlands Research & Restoration Institute
Brian Aberback, Public Information Officer
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 16, 2021 Regular Session Remote Board meeting.

Upon motion made by Commissioner Scala and seconded by Commissioner Fontoura the minutes of the Regular Session Remote Board Meeting held on December 16, 2021, were unanimously approved.

Chairman Ballantyne presented the report of cash disbursements over \$100,000 for the month of December 2021.

Upon motion by Commissioner Fontoura and seconded by Commissioner Dowd, the cash disbursements over \$100,000 for the month of December 2021 were unanimously approved.

IV. **SPECIAL PRESENTATION**

Chairman Ballantyne introduced Ms. Teresa Doss, Co-Director of Meadowlands Research and Restoration Institute who would be presenting a video presentation of the Institute's highlights of 2021 and plans for the coming year. He commended the remarkable work that the Institute carries out every day to improve the Meadowlands and prepare the region to be resilient in the face of climate change and sea level rise. He went on to speak on Ms. Doss's expertise and projects.

President Prieto commented that he is always amazed at the exceptional efforts and dedication of the entire MRRI staff. He stated that the NJSEA has some of the top environmental scientists in the State, who continuously work toward making the Meadowlands a better place, and he is very proud of their efforts.

Ms. Doss narrated a video presentation highlighting the following work of the Institute in 2021:

- Tracking Dissolved Oxygen to Determine Water Quality
- Bird Banding in the Meadowlands
- MOTUS Tower
- Meadowlands Bird Breeding Atlas
- Diamondback Terrapin Mark and Recapture Study

She also highlighted some of the Projects planned for 2022, such as:

- Kearny Freshwater Marsh Floating Island PILOT Project
- EPA Grant to Study Sea Level Rise in the Meadowlands
- EPA Grant to research the Adaptive Capacity of the Sawmill Creek Wildlife Management Area

Ms. Doss concluded her presentation by saying that staff is excited to head into 2022; looking for more ways to reach out to the public and tell them about the different projects; and explore the different technologies on how to bring this information to the public.

Commissioner Scardino, Chairman of the Science and Environment Committee, commented that the Committee had met in the beginning of January at which time they covered a lot of these highlights and noted that he expects a lot more presentations to come from this Committee. He went on to say that the importance of communicating the work that MRRI does can never be underestimated and that MRRI should be looked upon as an exceptional

group of professionals. He said that the Hackensack Meadowlands have been and will continue to be looked upon as a national authority on environmental research and restoration especially as it relates to climate change impacts. He concluded by saying that what was witnessed today through Terry's presentation is just a microcosm of their work in protecting and enhancing our environment. He then thanked Ms. Doss and all of her associates for their dedication and accomplishments.

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

VI. **APPROVALS**

Resolution 2022-01 Consideration of a Resolution regarding Tidelands Grant Application for RBD/Liberty Street Pumping Station and Force Main File No. SP-775 Block 105.02, Lot 16 in the Borough of Little Ferry and Block 28, Lot 1 in the Borough of Moonachie.

Ms. Sundell stated that NJSEA is reviewing plans submitted by the NJDEP Bureau of Climate Resilience Design & Engineering for construction of the Liberty Street Pumping Station and Force Main, a portion of which is located within the District in Little Ferry and Moonachie. She noted that the project is an element of the Rebuild By Design – Meadowlands project, which is an urban stormwater management strategy to reduce flood risks and enhance resiliency in Little Ferry, Teterboro, Moonachie, South Hackensack, and Carlstadt. She said that as part of the project, NJDEP Bureau of Climate Resilience Design & Engineering submitted an application to the Tidelands Resource Council for a riparian utility license, specifically for an area of riprap scour protection associated with the proposed pump station outfall and for temporary access to a decommissioned tide gate located within the subject properties. She went on to say that pursuant to State statute, the NJSEA may provide comments to the Tidelands Resource Council on tidelands license applications that are within the District. Ms. Sundell concluded by saying that staff recommends approval of same to the Tidelands Resource Council.

Chairman Ballantyne presented Resolution 2022-01. Upon motion by Commissioner Scardino and seconded by Commissioner Yudin, Resolution 2022-01 was unanimously approved by a vote of 13-0.

Resolution 2022-02 Consideration of a Resolution Issuing a Decision on the Variance Application Submitted as Part of File No. 21-005 M-Industries/Mack Management & Construction Corp. (Use Variance) Block 158, Lots 1, 2, 3, 4, and 5 in the Town of Secaucus.

Ms. Sundell stated that Mack Management & Construction Corp. applied for use variance approval for the aforementioned property located in the Town of Secaucus. She explained that the property is currently improved with a 246,000-square-foot building, consisting of warehouse, retail, and accessory office uses and the applicant is proposing to convert the existing 94,233 square feet of retail use to warehouse use. She stated that the property is located in the Regional Commercial zone which does not permit warehouse use and therefore, the applicant requires a use variance for the proposed expansion of a preexisting nonconforming warehouse use of the premises. She went on to explain that the requested variance results from unique characteristics of the property that produce practical difficulties with respect to the ability to accommodate the current market requirements for retail tenants and that access constraints that affect the viability of retail usage of the premises are also

present. She explained that as part of the proposal, the applicant proposes to remove a 2,450-square-foot portion of pavement along Cromakill Creek and convert it to landscaped open space. She said that it is anticipated that the proposed change of use will not significantly impact traffic conditions on surrounding roadways; and the requested use variance will not impair the intent and purpose of the District Zoning Regulations, nor the Regional Commercial zone. She noted that public comment in support of the request was provided at the hearing by Gary Jeffas, Administrator for the Town of Secaucus, and no objections were received. Ms. Sundell stated that staff is recommending the approval of the requested use variance.

Chairman Ballantyne presented Resolution 2022-02. Upon motion by Commissioner Plofker and seconded by Commissioner Fontoura, Resolution 2022-02 was unanimously approved by a vote of 13-0.

Resolution 2022-03 Consideration of a Resolution Issuing a Decision on the Variance Application Submitted as Part of File No. 20-226 Commercial SG/Sitex Group - Site Improvement & Variances Block 229, Lot 5 in the Township of Lyndhurst.

Ms. Sundell stated that this matter involves applications by Valley Brook 1201 SG LLC for approval of six bulk variances from the requirements of the Light Industrial A zone and the site plan standards of the District Zoning Regulations. She explained that the property, located at 1201 Valley Brook Avenue in Lyndhurst, is currently improved with a 173,000-square-foot warehouse and distribution facility with associated parking and loading facilities; a total of six loading docks, five drive-in recessed loading doors, and a refuse area that currently exist on the premises. She said that the presence of front yard loading on Clay Avenue, the existing front yard setbacks to paved vehicular use areas along Clay and Valley Brook Avenues and the # of parking spaces on the site are preexisting nonconforming conditions. She went on to provide an overview of the six bulk variances:

Two of the variances are from the regulations which prohibits vehicular use areas in required front yards or within buffer areas. The required front yard setback in this case is 50 feet. The applicant proposes paved vehicular use areas for passenger vehicles within the required front yard facing Clay Avenue at a minimum setback of 4.35 feet. In addition, the applicant proposes trailer parking spaces and maneuvering area within the required front yard facing Clay Avenue at a minimum setback of 4.35 feet.

She stated that staff recommends approval of these variances with conditions that include the provision of clear line of sight triangles, additional landscaping, the elimination of the 6 trailer parking spaces, which are proposed in addition to the number of existing loading doors on the property, and a modification to the requested minimum 4.35-foot setback to minimize the intrusion of pavement into the required front yard to the minimum extent necessary to allow for safe and efficient truck movements into the loading area.

The third variance requested is from the regulation which requires all vehicular use areas be properly screened and landscaped. She stated that the applicant proposes to reconfigure the parking area along the site's Valley Brook Avenue frontage, but does not provide for required landscaped screening of these parking areas.

Ms. Sundell stated that staff recommends conditional approval of the requested variance with the following conditions: the execution of an easement agreement with the Township

of Lyndhurst with respect to landscaping within the Valley Brook Avenue ROW, the provision of clear line of sight triangles at the site driveways and adjacent intersections, traffic control signage for safer on-site circulation, and additional landscaping, both along the Clay Avenue frontage and in curbed and landscaped safety islands within paved vehicular use areas.

The fourth variance requested is from the regulation which prohibits loading in any front yard. Five new loading areas are proposed in the front yard facing Clay Avenue.

Ms. Sundell said that staff recommends conditional approval of the requested variance, as the site's five existing interior loading spaces are proposed to be converted to five new tailboard loading dock spaces in the front yard facing Clay Avenue and therefore, there will be no net increase in the number of loading positions. She said the conditions of approval include size restrictions for trucks utilizing the loading area for public safety reasons, based on a review of the truck turning templates provided by the applicant's traffic engineer.

The fifth variance requested is from the regulation which requires that all entrances and exits to loading areas be located in a safe and convenient manner with minimal impact on traffic movement on the site and adjacent streets. In order to access the proposed exterior loading areas and the proposed trailer parking area, maneuvering vehicles will encroach within the Clay Avenue ROW.

Ms. Sundell stated that staff recommends conditional approval, with conditions that include the elimination of six trailer parking spaces, which are proposed in addition to the number of existing loading doors on the property, and a modification to allow for less pavement and additional landscaping to balance the need for safe and efficient truck movements into the loading area, with also providing opportunities for additional landscaping and screening of the premises.

The sixth variance requested is from the regulation that requires all loading areas be screened and landscaped in accordance with N.J.A.C. 19:4-8.9(d)6iii. The proposed re-configured loading areas along Clay Avenue do not allow for the sufficient screening of the loading areas and vehicles from the Clay Avenue right-of-way.

Ms. Sundell stated that staff recommends conditional approval with a condition to provide additional landscaping in the Clay Avenue front yard to enhance screening of the site's loading area to the extent possible.

Ms. Sundell said that the conditions of approval for the six bulk variances will insure that vehicular use areas in front yards are appropriately screened to prevent headlight glare toward motorists travelling on adjacent roadways, and to address area aesthetics. She went on to say that the improvements will not increase the existing number of loading spaces at the premises, and will not increase the number of trucks maneuvering into and out of the premises utilizing the Clay Avenue ROW; and that the granting of the requested variances for the expansion of vehicular use and loading areas within the Clay Avenue front yard, with the recommended conditions, is expected to reduce the current level of intrusion of trucks maneuvering in the Clay Avenue ROW by providing additional pavement on the site for loading operations.

Ms. Sundell concluded by saying that staff recommends the conditional approval of the requested bulk variances.

Commissioner Fontoura asked if the applicant had agreed to all these conditions; as it was quite complicated. Ms. Sundell responded that the NJSEA provides applicant with the staff's recommendations and they have an opportunity to appeal it before it goes before the Board; and there was no appeal.

Commissioner Scardino had two questions regarding the variance application. He asked whether the applicant would be able to proceed with the project pending receipt of the easement or did the easement have to be received physically before the Authority would allow anything to go forward. He said he would recommend the latter and that he would like to see this be added as a condition of the zoning certificate. He also inquired into the two objections that were received in response to the Public Notice and asked if there was anything material that the Board should know about in terms of the objections.

Ms. Sundell responded that staff could condition the zoning approval on them providing the easement prior to construction if that was a concern of the Board. She noted that staff does have a letter from the town attorney which stated the town will approve the planting of landscaping within the ROW, but staff would prefer it to be an actual official easement approved by Lyndhurst Council. She also noted that the two objections in question were discussed within the full recommendation and it responded to their concerns.

Chairman Ballantyne presented Resolution 2022-03, stating that the resolution approving the Recommendation for the Bulk Variances will be modified to require that the future zoning certificate approval include a condition requiring the receipt of the easement from the Township of Lyndhurst prior to the start of construction, as requested by Commissioner Scardino. Upon motion by Commissioner Dowd and seconded by Vice Chairman Buckelew, Resolution 2022-03 was unanimously approved by a vote of 13-0.

Resolution 2022-04 Consideration of a Resolution Certifying the Meadowlands Adjustment Payments for CY2022.

Mr. Bulmer stated that this resolution is for the annual certification of the Meadowlands Adjustment Payments, which are developed through the tax sharing schedule. He stated that the Schedule and Agreed Upon Procedures process were reviewed by Mercadien, an independent auditor, and there were no substantial findings. Mr. Bulmer requested that the Board certify the Tax Sharing Payments for CY2022.

Chairman Ballantyne presented Resolution 2022-04. Upon motion by Commissioner Scardino and seconded by Commissioner Dowd, Resolution 2022-04 was unanimously approved by a vote of 13-0.

VII. CONTRACTS/AWARDS

Resolution 2022-05 Consideration of a Resolution Authorizing Agreements with New Jersey Transit for the Acquisition of a Fee Simple Property Interest and a Temporary Construction Easement to be used for Construction of the Portal Bridge Project.

Mr. Levy explained that this Resolution authorizes the conveyance of property from NJSEA to New Jersey Transit in support of the Portal Bridge project, which is part of the effort to increase capacity and service liability along the Northeast Corridor. He stated that the transaction involved an approximate two-acre fee simple parcel along with a 0.416-acre temporary construction easement, which are both a part of Block 287, Lots 33 and 33.01

located in Kearny, New Jersey. He went on to say that the transaction was a condemnation action initiated by NJ Transit and therefore the terms, including the condemnation are the result of bona-fide negotiations between the two agencies pursuant to the Eminent Domain Act. He said that the parties, as a result of the negotiations, reached mutual agreement which was ultimately subject to Federal Transit Administration concurrence, and represents a compromise, in terms of values, acceptable to both parties. Mr. Levy concluded by saying that under the terms of the proposed settlement the purchase price for the fee-simple parcel is \$200,900.00 that will be paid by New Jersey Transit at the time of closing; and the price for the temporary construction easement will be \$10,000.00 per year for a term of five years.

Chairman Ballantyne that as part of the negotiations the property would be fully restored at the end of the temporary use and that there was mention of a docking system that staff had negotiated that would become a viewing platform.

Mr. Levy responded affirmatively, adding that the hope is for a full restoration but obviously there will be some impacts. He also said that there is a construction platform which will be turned over to the NJSEA and used as a wildlife viewing platform.

Chairman Ballantyne presented Resolution 2022-05. Upon motion by Commissioner Yudin and seconded by Commissioner Scala, Resolution 2022-05 was unanimously approved by a vote of 13-0.

Resolution 2022-06 Consideration of a Resolution Authorizing an Additional \$142,087.13 to Repair Subsurface Damage at the Meadowlands Arena.

Mr. Leanza stated that at the October meeting, the Board authorized an emergency contract to repair erosions at the entrances to the Arena and at that time the estimated cost of \$135,000 was subject to conditions revealed after excavation. He explained that once the contractor began work, it was discovered that there was some additional underground erosion, along with the need for additional repairs to both drainage and manholes. He added that the largest item was the determination that the flooding into the EMT/ambulance entrance was exacerbated by the slope and low curb, which allowed the water to flow right into the arena. He said that while the contractor was on site, NJSEA authorized the necessary milling and repaving, raising of the curbing and changes to be made to the slope to preclude the flooding in the future.

Chairman Ballantyne presented Resolution 2022-06. Upon motion by Vice Chairman Buckelew seconded by Commissioner Plofker, Resolution 2022-06 was unanimously approved by a vote of 13-0.

Resolution 2022-07 Consideration of a Resolution to Enter into a Contract for Professional Services to Acquire LiDAR for the Hackensack Meadowlands District.

Dr. Artigas stated that Resolution 2022-07 is requesting approval to enter into a contract with Kucera International to acquire higher resolution topographic data for the Meadowlands District. He said that NJSEA was awarded a grant from USEPA that provides funding to acquire LiDAR data to update the existing topographic information of the District. He noted that the NJSEA had issued an RFP on December 20, 2021 seeking a vendor to acquire LiDAR data and that three proposals were received from qualified vendors. He explained that an evaluation committee consisting of staff reviewed and ranked the proposals and staff is

recommending the award of the contract to Kucera International Inc. as they are the highest qualified firm with pricing and other factors considered.

Chairman Ballantyne presented Resolution 2022-07. Upon motion by Commissioner Scardino and seconded by Commissioner Fontoura, Resolution 2022-07 was unanimously approved by a vote of 13-0.

VIII. **PUBLIC PARTICIPATION** - None.

IX. **EXECUTIVE SESSION**

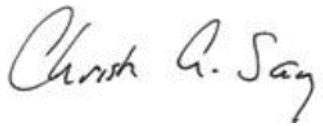
Chairman Ballantyne stated that there was no need to go into Executive Session.

X. **ADJOURNMENT**

With no further business, motion was made to adjourn by Commissioner Scardino, seconded by Commissioner Scala followed by all in favor.

Meeting adjourned at 11.00 a.m.

I certify that on information and belief this is a true and accurate transcript of the Minutes of the Regular Session of the New Jersey Sports and Exposition Authority Remote Board Meeting held on January 27, 2022.



Christine Sanz
Assistant Secretary

January 27, 2022

Commissioner	Roll Call	2022-01	2022-02	2022-03	2022-04	2022-05	2022-06	2022-07
Ballantyne, Chairman	P	Y	Y	Y	Y	Y	Y	Y
Buckelew, Vice Chairman	P	Y	Y	Y	Y	Y	Y	Y
Prieto	P	Y	Y	Y	Y	Y	Y	Y
Dowd	P	Y	Y	Y	Y	Y	Y	Y
Fontoura	P	Y	Y	Y	Y	Y	Y	Y
Gluck	P	Y	Y	Y	Y	Y	Y	Y
Gonnelli	--	--	--	--	--	--	--	--
Kapoor	--	--	--	--	--	--	--	--
Knopf	P	Y	Y	Y	Y	Y	Y	Y
Plofker	P	Y	Y	Y	Y	Y	Y	Y
Scala	P	Y	Y	Y	Y	Y	Y	Y
Scardino	P	Y	Y	Y	Y	Y	Y	Y
Stellato	P	Y	Y	Y	Y	Y	Y	Y
Yudin	P	Y	Y	Y	Y	Y	Y	Y
Treasury Rep Griffin	P	Y	Y	Y	Y	Y	Y	Y

P = Present A = Abstain -- Absent

R = Recuse Y = Affirmative N = Negative

APPROVALS



CASH DISBURSEMENTS
\$100,000 OR MORE
JANUARY 2022

EAST RUTHERFORD - SPORTS COMPLEX

	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF EAST RUTHERFORD	2,241,857.88	I	PAYMENT IN LIEU OF TAXES: 1ST QTR 2022
GIBBONS P.C.	129,264.25	A	LEGAL SERVICES - AUTHORITY TRANSACTIONS COUNSEL: NOV-DEC 2021
HONEYWELL INTERNATIONAL, INC.	120,389.84	A	2022 1ST QTR AUTOMATION MAINTENANCE AND VARIOUS 2021 SPORTS COMPLEX REPAIRS
NEW MEADOWLANDS STADIUM CO., INC.	427,514.99	A	GRANDSTAND DEMOLITION REIMBURSEMENT
NRG BUSINESS SOLUTIONS	516,601.17	J/L	ELECTRICITY CHARGES: DEC 2021
PUBLIC SERVICE ELECTRIC & GAS COMPANY	203,803.97	J/L	ELECTRIC TRANSMISSION: DEC 20201
SCHINDLER ELEVATOR CORP.	224,129.53	A	REBUILD OF ARENA FREIGHT/PRESS ELEVATORS AND VARIOUS JAN 2022 GRANDSTAND/TRAIN STN MAINTENANCE
SPORTS ARENA EMPLOYEES RETIREMENT FUND LOCAL 137	306,598.02	A	PENSION WITHDRAWAL LIABILITY PAYMENT: NOV 2021 - JAN 2022
STATE OF NEW JERSEY TREASURY DEPARTMENT	168,656.88	A	WORKERS' COMPENSATION COVERAGE: 2ND QTR FY2022
<u>EAST RUTHERFORD - SC TOTAL</u>	<u>4,338,816.53</u>		

LYNDHURST

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
HBC COMPANY, INC.	265,684.80	A	MASSTR MAINTENANCE: OCT-NOV 2021
KEARNY MUNICIPAL UTILITIES AUTHORITY	447,756.16	A	SEWER USE CHARGES - KEEGAN & 1A/1E: 4TH QTR 2021
RAMAPO COLLEGE FOUNDATION	300,000.00	I	2022 OPERATIONS FUND
SCS ENGINEERS	108,997.03	A	OCT 2021 ENGINEERING/REGULATORY SUPPORT KEEGAN LANDFILL AND DEC 2021 BALEFILL LANDFILL MAINTENANCE
WILLIS TOWERS WATSON NORTHEAST, INC.	1,395,573.52	A	2022 POLICY PREMIUMS - EXECUTIVE RISK, COMMISSION LOCATIONS, CYBERS SECURITY, ENVIRONMENTAL TANK, MARINE, HELIPAD, PUBLIC OFFICIALS, LEAD UMBRELLA, EXCESS D&O, PL & CYSL, TERRORISM, TRAILER, COMMISSIONS UMBRELLA, SPORTS COMPLEX UMBRELLA, EXCESS LIAB SPORTS & COMMISSIONS, SPORTS LOCATIONS, EXCESS MARINE, BUSINESS AUTO, AND WILDWOODS CONVENTION PROPERTIES
LYNDHURST TOTAL	2,518,011.51		

MONMOUTH PARK RACETRACK

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF OCEANPORT	438,110.52	I	REAL ESTATE TAXES: 1ST QTR 2022
MONMOUTH PARK RACETRACK TOTAL	438,110.52		



CASH DISBURSEMENTS
\$100,000 OR MORE

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

RESOLUTION 2022-08

**RESOLUTION ISSUING A DECISION
ON THE VARIANCE APPLICATION
SUBMITTED AS PART OF FILE NO. 21-308
KINGSLAND REDEVELOPMENT URBAN RENEWAL/
RUSSO PHASE 1 - NEW BUILDING & VARIANCE
BLOCK 223, LOTS 10, 11, 12, AND A PORTION OF LOT 15
IN THE TOWNSHIP OF LYNDHURST**

WHEREAS, an application for one bulk variance has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by Christopher H. Minks, Esq., on behalf of Kingsland Development Urban Renewal, LLC, for the property identified as Block 233, Lots 10, 11, 12, and a portion of Lot 15, in the Township of Lyndhurst, New Jersey; and

WHEREAS, the premises is located within the Lyndhurst Commerce Center of the Hackensack Meadowlands District's Kingsland Redevelopment Area, and is subject to the provisions of the Kingsland Redevelopment Plan, revised through January 26, 2011; and

WHEREAS, the applicant requested bulk variance relief from N.J.A.C. 19:4-8.3(b)1, which does not permit loading in the front yard, whereas the applicant is proposing loading, including accessory box truck parking areas, in the eastern front yard along Valley Brook Avenue; 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, December 14, 2021, before Sara J. Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon A. Mascaró, Deputy Director of Land Use Management and Deputy Chief Engineer; Fawzia Shapiro, P.E., P.P., CFM, CME, Assistant Chief Engineer; and, Mia A. Petrou, P.P., AICP, CFM, Supervising Planner; and

WHEREAS, a comprehensive report dated February 8, 2022, 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 8, 2022; and

WHEREAS, the report recommends the approval of the requested bulk variance from N.J.A.C. 19:4-8.3(b)1 to permit loading in the front yard; 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 permit loading in the front yard, 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 *Kingsland Redevelopment Urban Renewal/Russo Phase 1 - New Building & Variance* application for a bulk variance from N.J.A.C. 19:4-8.3(b)1, to permit loading in a front yard, conforms with the standards for approving applications for variances as set forth in N.J.A.C. 19:4-4.14(e), and is hereby **APPROVED** for the reasons set forth in the recommendation dated February 8, 2022.

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 17, 2022.

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

Vincent Prieto
Secretary



MEMORANDUM

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

From: Sara J. Sundell *Date:* February 17, 2022

Subject: Variance Recommendation–Kingsland Redevelopment Urban Renewal/
Russo Phase 1 - New Building & Variance (NJSEA File #21-308)

An application for one bulk variance has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Christopher H. Minks, Esq., on behalf of Kingsland Development Urban Renewal, LLC, for the property identified as Block 233, Lots 10, 11, 12, and a portion of Lot 15, in the Township of Lyndhurst, New Jersey. The subject premises is located within the Lyndhurst Commerce Center of the Hackensack Meadowlands District's Kingsland Redevelopment Area. The bulk variance is sought in connection with the applicant's proposal to construct a warehouse building with a total floor area of 849,935 square feet and related improvements on the subject premises.

Specifically, the Applicant is requesting bulk variance relief from the following:

1. N.J.A.C. 19:4-8.3(b)1, which does not permit loading in the front yard, whereas the applicant is proposing loading, including accessory box truck parking areas, in the eastern front yard along Valley Brook Avenue.

An electronic public hearing was held virtually using Zoom video conferencing on Tuesday, December 14, 2021.

In a comprehensive report dated February 8, 2022, the Director of Land Use Management and the Senior Vice President, Chief of Legal & Regulatory Affairs recommended approval of the requested bulk variance. A copy of the variance recommendation report was provided to the applicant on February 8, 2022.

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.

RECOMMENDATION ON THE VARIANCE APPLICATION OF
Kingsland Redevelopment Urban Renewal/
Russo Phase 1 - New Building & Variance
FILE # 21-308

I. INTRODUCTION

An application for one bulk variance has been filed with the NJSEA by Christopher H. Minks, Esq., on behalf of Kingsland Development Urban Renewal, LLC ("Applicant"), for the property identified as Block 233, Lots 10, 11, 12, and a portion of Lot 15, in the Township of Lyndhurst, New Jersey. The subject premises is located within the Lyndhurst Commerce Center of the Hackensack Meadowlands District's Kingsland Redevelopment Area. The bulk variance is sought in connection with the applicant's proposal to construct a warehouse building with a total floor area of 849,935 square feet and related improvements on the subject premises.

Specifically, the Applicant is requesting bulk variance relief from the following:

1. N.J.A.C. 19:4-8.3(b)1, which does not permit loading in the front yard, whereas the applicant is proposing loading, including accessory box truck parking areas, in the eastern front yard along Valley Brook Avenue.

A public hearing was held via Zoom videoconferencing on Tuesday, December 14, 2021. Notice was given to the public and all interested parties as required by law. Public notice of this hearing was published in The Record newspaper. All information submitted to the Division of Land Use Management relative to this application is made part of the record of this recommendation.

II. GENERAL INFORMATION

A. Existing and Proposed Use

The property in question is a 100.4-acre parcel containing frontage on Valley Brook Avenue along both the northerly and easterly lot lines. The property is a vacant parcel that contains the site of the former Lyndhurst Landfill. Wetlands are present along the perimeter of the landfill in the westerly and southerly portions of the development site. Radio towers are located on the westerly portion of Lot 15, which is not included within the scope of proposed development. The site is currently undergoing landfill closure activities in anticipation of site development.

The subject property abuts the Jersey City Water Line to the south, and the former Avon Landfill and NJ Transit Main Line rail line are located further south beyond the water line. Properties across Valley Brook Avenue to the east and north are vacant parcels comprised of former landfill areas, and some wetland areas, located within the Kingsland Redevelopment Area. Berry's Creek forms the rear boundaries of these properties across Valley Brook Avenue. The adjoining property to the west along Valley Brook Avenue is a wetlands site containing radio towers located in the District's Environmental Conservation zone, while the remaining properties to the west along Valley Brook Avenue are located in the Light Industrial A zone and predominantly developed with warehouse and distribution facilities.

As part of the site's environmental closure, the applicant proposes to construct a new 849,935-square-foot warehouse and distribution facility with 669 parking spaces for passenger vehicles, 636 parking spaces for the personal vehicles of box truck drivers, 651 box truck parking spaces, 120 box truck loading doors, 6 box truck knock-out loading doors, and 32 loading docks for tractor trailers. The building and associated pavement will comprise the final cap for the landfill closure. A bulk variance is requested to construct a loading area containing 61 loading doors for box trucks and 119 accessory box truck parking spaces within the site's easterly front yard facing Valley Brook Avenue.

B. Response to the Public Notice

No written comments were submitted to this Office prior to the public hearing.

III. PUBLIC HEARING (December 14, 2021)

A public hearing was held on Tuesday, December 14, 2021. 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; Fawzia Shapiro, P.E., P.P., CFM, CME, Assistant Chief Engineer; and Mia A. Petrou, P.P., AICP, CFM, Supervising Planner.

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	"Overall Aerial Exhibit", prepared by Russo Development/ Forsgate Industrial Partners, dated December 11, 2021.
A-2	"Site Aerial Exhibit", prepared by Russo Development/ Forsgate Industrial Partners, dated December 11, 2021.
A-3	Colorized "Site Plan", prepared by Russo Development/ Forsgate Industrial Partners, dated December 11, 2021.
A-4	Architectural rendering, prepared by KSS Architects, dated December 10, 2021.
A-5	"Building A Floor Plan", Dwg. PB-101, prepared by KSS Architects, with a plan date of October 29, 2021, and an exhibit date of December 10, 2021.

- A-6 "Building A Elevations", Dwg. PB-301, prepared by KSS Architects, with a plan date of October 29, 2021, and an exhibit date of December 10, 2021.
- A-7 "Overall Site Plan", Dwg. CS100, prepared by Langan Engineering and Environmental Services, Inc., with a plan date of August 9, 2021 revised through November 5, 2021, and an exhibit date of December 10, 2021.
- A-8 "Cover Sheet", Dwg. GI101, prepared by Langan Engineering and Environmental Services, Inc., with a plan date of August 9, 2021 revised through November 5, 2021, and an exhibit date of December 10, 2021.

B. Testimony

Lisa John-Basta, Esq., of Chiesa Shahinian & Giantomasi PC, represented the Applicant at the hearing. The following five (5) witnesses testified in support of the application:

1. Daniel R. Miola, P.E., Langan Engineering and Environmental Services, Inc.;
2. Matthew J. Seckler, P.E., PTOE, P.P., Stonefield Engineering;
3. Scot Murdoch, R.A., KSS Architects; and
4. Sean F. Moronski, P.P., AICP, Langan Engineering and Environmental Services, 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

Public comment on the application was provided by the following:

1. Carmine Alampi, Esq., Township Attorney, Township of Lyndhurst.

IV. RECOMMENDATION(S)

- A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.3(b)1, which does not permit loading in the front yard, whereas the applicant is proposing loading, including accessory box truck parking areas, in the eastern front yard along Valley Brook Avenue.

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 subject property is a 100.4-acre site that contains a number of unique characteristics. Despite the large size of the property, the variance request to provide loading areas for box trucks and accessory box truck parking areas in a front yard, whereas loading areas in a front yard are not permitted, stems from a unique combination of conditions. First, the property contains two front yards, consisting of two frontages on the same road. The property fronts on Valley Brook Avenue to both the north and the east due to the curvature of the roadway, for a combined frontage of approximately 2,900 feet in length. However, an approximately 800-foot-long portion of this length to the east along Valley Brook Avenue is currently comprised of a perpetual easement, which is not a public right-of-way (ROW), and is, therefore, not a front lot line. The Applicant proposes to dedicate this portion of Valley Brook Avenue as a public roadway, at which point the adjacent lot line will be designated as a front lot line. Thus, in the current lot

configuration, a portion of the easterly lot line is considered a front lot line, while another portion of that same lot line is considered a side lot line. In the proposed condition, the entire Valley Brook Avenue frontage will be considered a front yard.

Additionally, the configuration of the subject property is irregular due to the curvature of the site's lot line at the bend of Valley Brook Avenue, and the presence of multiple, angled lot lines at the site's perimeter, as well as irregularities stemming from the configuration of the flagged portion of the site on Lot 15. These characteristics were not created by the property owner.

Finally, the property is the site of the former Lyndhurst East Landfill, and is currently undergoing environmental remediation. Future site development is intended to serve as a component of the site's closure plan.

The requested variance to construct a loading area in the easterly front yard along Valley Brook Avenue arises from these unique conditions.

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

The granting of the requested variance will not adversely affect the rights of neighboring property owners or residents. There are no residents in the immediate vicinity of the subject property. The most-affected property is located across Valley Brook Avenue to the east, which is a vacant parcel that is also owned, and in the process of being developed by, the Applicant.

The Applicant proposes to install a landscaped berm along Valley Brook Avenue to screen the loading area from adjacent properties, and from motorists and pedestrians traveling along Valley Brook Avenue. The distance from the nearest edge of the loading and accessory box truck parking area to the Valley Brook Avenue lot line ranges from 250 to 350 feet. The proposed site design includes physical features lending additional separation between the loading area and Valley Brook Avenue via the presence of a detention basin, a parking area for passenger vehicles, and additional landscaping within the site.

The proposed loading area in the easterly front yard facing Valley Brook Avenue will not affect the ability of neighboring properties to operate as intended. The building on the site is centrally positioned to allow for adequate vehicle circulation areas within the site to prevent off-site queues. All loading operations will occur on-site and will not require maneuvering within Valley Brook Avenue or on neighboring properties to access the loading area.

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 regulations prohibiting loading in a front yard results in exceptional practical difficulties and undue hardship to the property owner. The subject property contains unique characteristics that result in practical difficulties in the attempt to develop the subject site. The subject property contains

two front yards on a single roadway (Valley Brook Avenue), limiting the placement of conforming site loading areas to outside these frontages.

Locations on the site where loading is permitted to occur include the westerly and southerly rear and side yards. Loading doors for box trucks are proposed along the westerly façade, and tractor trailer loading doors are proposed along the southerly façade. The easterly loading area, located within the front yard, is also proposed to accommodate loading doors and accessory parking areas for box trucks. The Applicant's planner testified that modern warehouse development doesn't work as efficiently with loading docks positioned perpendicularly to each other (T-41). Therefore, the building operations dictate the placement of the box truck loading doors on opposite sides of the building.

Although the site is large in area, site development is constrained by the excessive length of the site's frontage along Valley Brook Avenue, measuring approximately 2,900 feet. This dimension is significantly larger than the frontage of other properties to the west along Valley Brook Avenue. This excessive distance, combined with the irregular lot configuration and physical characteristics detailed in Criterion *i.* above, result in practical difficulties in the development of the site.

According to the Applicant's civil engineer, several alternative design concepts were evaluated by the Applicant over the last four years (T-67). The proposed plan balances the site's particular characteristics and its constraints to provide an efficient and

functional site design that is responsive to the market demands of contemporary warehouse development.

- 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.*

There will be no substantial detriment to the public good and no adverse impact to the public health, safety, morals, order, convenience, prosperity or general welfare by the granting of the requested variance. The placement of the loading areas within the easterly front yard facing Valley Brook Avenue will have no adverse impact on public health, safety, morals, order, convenience, prosperity or general welfare.

All loading and truck movements needed to access the subject loading area can be accommodated within the site, and not within any ROWs.

Sufficient landscaping will be provided to screen the visibility of the proposed loading operations. Valley Brook Avenue is proposed to be reconstructed as part of the site's redevelopment. The elevation of Valley Brook Avenue to the east of the subject property will range from elevation 7 feet to elevation 11 feet. A landscaped berm is proposed in the easterly front yard along Valley Brook Avenue with a top elevation between 11 and 14.75 feet. Therefore, the landscaped berm will range from approximately three to eight feet in height above Valley Brook Avenue. Additionally, evergreen vegetation will be planted atop the berm, providing an additional six to eight feet of screening at the time of planting. Testimony was provided by the applicant's site engineer that headlight glare from

trucks within the truck court, ranging from elevation 10 feet to 13 feet, could be anticipated, at maximum, at elevation 17 feet (T-58-60). There is an additional 50-foot wide vegetative buffer landscaped with evergreen vegetation, providing for an on-site screen to elevation 17 feet, between the easterly box truck parking and loading area and a parking area for passenger vehicles. Therefore, the combination of on-site and perimeter landscaping, and the 250 to 350 foot distance between the edge of the loading area and the front lot line, will serve to form an effective screen of headlight glare emanating from the site. In the event that the loading area is reconfigured or changes are proposed to the landscaping, a zoning certificate application would be required to review and approve any changes and to ensure that public safety would not be compromised.

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

The granting of the requested variance will not have any adverse environmental impacts. The Applicant has demonstrated that the requested variance will not cause the NJSEA's environmental performance standards for noise, glare, vibrations, airborne emissions or hazardous materials to be exceeded.

Landscaping is proposed on the site, both within the site's vehicular use areas and along the site's Valley Brook Avenue frontage. Improvements on the site and the reconstruction of Valley Brook Avenue proposed to support the site's redevelopment will address storm water requirements and existing flooding concerns. Existing wetlands on the site are protected by a vertical hydraulic barrier and leachate collection system in place at the

landfill. Minor wetland disturbances will occur for the installation of proposed stormwater outfalls, subject to NJDEP approvals. The number of loading positions, including the location of loading doors in the front yard, will decrease the potential for trucks idling on the site and will allow for the efficient distribution of goods during off-peak travel periods, thereby minimizing impacts to air quality. Ultimately, the granting of the requested variance will enable the final closure of a former landfill site, which will result in significant environmental benefits to the region.

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

The requested variance represents the minimum deviation from the regulations that will afford relief. The ability to configure a comprehensive development plan on the site is constrained by the unique characteristics of the property and the resulting practical difficulties that affect the site's development.

As noted in Criterion *i.* above, currently only a portion of the site's easterly lot line is considered a front yard. As part of this redevelopment project, the Applicant proposes improvements to Valley Brook Avenue and a public dedication of the private portion of the roadway. Therefore, in the proposed condition, the site's entire Valley Brook Avenue frontage will be a public ROW and designated a front lot line.

Although the site is very large, the variance requested does not result from overdevelopment of the site. The building footprint represents 19.1 percent lot coverage, whereas up to 60 percent lot coverage is permitted in the Lyndhurst Commerce Center zone of

the Kingsland Redevelopment Area in which the property is located. Furthermore, nearly half of the site (47.3 percent) is proposed to remain open space, whereas 15 percent is the minimum required. Alternative building designs were explored but were deemed not practicable as they could not accommodate the market demands for modern warehouse operations.

Therefore, the variance represents the minimum deviation that will afford relief.

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

The intent and purpose of regulations prohibiting front yard loading are rooted in the promotion of public safety and aesthetics. Although this proposal locates loading areas in a front yard, public safety is not adversely impacted. All maneuvering to access the loading areas will occur entirely within the vehicular use areas on the site, will not impede on-site or off-site circulation, and will not occur within the Valley Brook Avenue ROW. On-site circulation will promote safe and efficient operation through the provision of dedicated pedestrian routes, the establishment of separate parking areas for passenger vehicles and box trucks, and the separation of box trucks from tractor trailers. The loading area will not be a significant detriment to area aesthetics, as it will be effectively screened from neighboring properties and motorists and pedestrians utilizing Valley Brook Avenue.

The purposes of the Kingsland Redevelopment Plan, which are provided in Section IV.A of the Plan, include “to facilitate the

environmental closure of landfills” and “to promote the provision of productive industrial and commercial ratables for District municipalities, while encouraging sustainable design and promoting high standards of creative layout, design, and construction in the development and use of the land.” Although front yard loading, which is not permitted in the District, is proposed at this location, the distance of the loading area from Valley Brook Avenue, combined with internal site design features that result in additional separation and screening within the site, will ensure that the intent of front yard loading regulations is not substantially impaired. The granting of the requested variance will also enable the final closure and development of a former landfill site.

Therefore, the proposed loading area within the easterly front yard facing Valley Brook Avenue will not substantially impair the intent and purpose of these regulations.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.3(b)1, which does not permit loading in the front yard, whereas the applicant is proposing loading, including accessory box truck parking areas, in the eastern front yard along Valley Brook Avenue.

Based on the record in this matter, the bulk variance request to construct a loading area within the site's easterly front yard facing Valley Brook Avenue, whereas loading is not permitted in any front yard, is hereby recommended for APPROVAL.

APPROVAL

Recommendation on
Variance Request

2/7/2022

Date



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

APPROVAL

Recommendation on
Variance Request

2/4/2022

Date



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