



Board Meeting

Thursday, July 27, 2023

10:00 a.m.



**AGENDA  
REGULAR SESSION**

Two DeKorte Park Plaza, Lyndhurst, NJ  
Thursday, July 27, 2023 - 10:00 a.m.

I. **PLEDGE OF ALLEGIANCE**

II. **OPENING STATEMENT**

III. **ROLL CALL**

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

- Approval of Regular Session Meeting Minutes of June 22, 2023.
- Approval and/or Ratification of Cash Disbursements over \$100,000 for the month of June 2023.

V. **SPECIAL RECOGNITION**

Resolution 2023-29 Resolution Honoring Vincent Prieto for his Outstanding Public Service to the New Jersey Sports and Exposition Authority and the State of New Jersey.

VI. **PUBLIC PARTICIPATION ON RESOLUTIONS**

VII. **APPROVALS**

Resolution 2023-30 Consideration of a Resolution Issuing a Decision of the Variance Application Submitted as part of File No. 22-421 Ridgefield Holding/65 Railroad Ave.-Site Improvement (Variance) Block 4014, Lot 10 in the Borough of Ridgefield.

Resolution 2023-31 Consideration of a Resolution Issuing a Decision of the Bulk Variance Application Submitted as part of File No. 23-041 PSE&G/North Bergen Substation – 2<sup>nd</sup> Half Upgrades (Variances) Block 442.02, Lot 1 (formerly known as Block 442, Lots 6, 7 & 8) in the Township of North Bergen.

Resolution 2023-32 Consideration of a Resolution Issuing a Decision on the Suitability Recommendation as Required by the NJSEA Interim Policies Governing Affordable Housing Development in the Meadowlands District File No. 23-206, Forsgate Ventures XIV/10 Polito Avenue – New Building (Variances) Block 227, Lot 1 in the Township of Lyndhurst.

VIII. **CONTRACTS/AWARDS**

Resolution 2023-33 Consideration of a Resolution Authorizing the Selection of Qualified Firms and the Awarding Of Contracts for Architectural and Engineering On Call Services.

Resolution 2023-34 Consideration of a Resolution Authorizing the President and CEO to Execute a Change Order to the Contract with Joseph M. Sanzari, Inc. of New Jersey for Deck Repairs of the Bridge over State Route 120, NJ#4900-002 in East Rutherford, New Jersey.

IX. **PUBLIC PARTICIPATION**

X. **EXECUTIVE SESSION**

Resolution 2023-35 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.

- Consideration of a Resolution Authorizing the Negotiation and Execution of an Employment Contract with the Incoming President and Chief Executive Officer.

XI. Resolution 2023-36 Consideration of a Resolution Authorizing the Negotiation and Execution of an Employment Contract with the Incoming President and Chief Executive Officer.

XII. **MOTION TO ADJOURN**

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<https://www.njsea.com/monthly-meetings/>

PLEASE CONTACT THE NJSEA OFFICE (201-460-1700) PRIOR TO MEETING IF  
SPECIAL REQUIREMENTS ARE NEEDED UNDER ADA

# REGULAR SESSION MINUTES





**REGULAR SESSION  
BOARD MEETING  
MINUTES**

DATE: June 22, 2023

TIME: 10:00 a.m.

PLACE: Commission Meeting Room, Two DeKorte Park Plaza, Lyndhurst

**Members in Attendance:**

John Ballantyne, Chairman

Vincent Prieto, President and CEO

Joseph Buckelew, Vice Chairman (via phone)

Robert Dowd, Member

Armando Fontoura, Member

Michael H. Gluck, Esq., Member

Gail B. Gordon, Esq., Member (via phone)

Michael Griffin, NJ State Treasurer's Representative (via phone)

Woody Knopf, Member (via phone)

Tom Mullahey, Member

Eric S. Pennington, Esq., Member

Steven Plofker, Esq., Member

Anthony Scardino, Member

Marguerite Schaffer, Esq., Member

Louis J. Stellato, Member

**Absent:**

Michael Gonnelli, Member

**Also Attending:**

Paul Juliano, Executive Vice President

Nicholas Mammano, Chief of Staff

Christine Sanz, Senior Vice President/Chief Operating Officer

Adam Levy, Vice President of Legal & Regulatory Affairs

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

Sara Sundell, Director of Land Use Management and Chief Engineer

Anna Acanfora, Director of Finance and CFO

Monica Mianecki, Director of Solid Waste

Francisco Artigas, MRRI Co-Director and Chief Scientist

Robert Davidow, Esq., Governor's Authorities Unit

Colleen Mercado, Senior Operations Administrator

Chairman Ballantyne called the meeting to order.

**I. PLEDGE OF ALLEGIANCE**

**II. OPENING STATEMENT – Chairman Ballantyne read the Notice of Meeting required under the Sunshine Law.**

Before continuing with the agenda, Chairman Ballantyne introduced and welcomed the newest member of the NJSEA Board of Commissioners, Marguerite M. Schaffer. He provided the following details on her background:

- Commissioner Schaffer is President of Schaffer Shain Jalloh PC, a law firm located in Bernardsville, New Jersey and specializes in commercial litigation; land use; real estate; and banking law.
- She is Borough Counsel to Lake Como and Atlantic Highlands, and Special Counsel to South Brunswick and Roselle and has served in the past as counsel to several municipalities.
- Past President of Executive Women of New Jersey (EWNJ), the State's premier organization for Professional Women.
- Former Chair, and Director Emeritus, of the New Jersey State Bar Association, Banking Law Section.
- Founding member of the Essex County Women Lawyers Association.
- Recipient of the Barbara Boggs Sigmund Award from the New Jersey Women's Political Caucus.

He concluded by saying that Commissioner Schaffer's guidance, expertise and experience make her a tremendous addition to the Board.

President Prieto welcomed Commissioner Schaffer to the Board and said that her experience in public law will be an asset to the Board. He noted that Commissioner Schaffer has been a mentor to students through her role as a member of the Advisory Committee of the Institute for Women's Leadership at Rutgers University. He also stated that she had been an adjunct law professor at Seton Hall University and Fairleigh Dickinson University. He said that she is a recipient of the Eleanor Roosevelt Distinguished Service Award from the Somerset County Federation of Democratic Women and has also been honored at the Executive Women of New Jersey Salute to the Policy Makers Dinner. He said that he had no doubt that Commissioner Schaffer was a great fit for the Board.

Commissioner Schaffer thanked Chairman Ballantyne and President Prieto for their accolades and said that she looked forward to serving this body. She said that she felt that there was a lot of good work to be done and a lot that has been done.

### III. ROLL CALL

### IV. APPROVAL OF MINUTES AND CASH DISBURSEMENTS

Chairman Ballantyne presented the minutes from the May 25, 2023 Regular Session Board meeting.

Upon motion made by Commissioner Fontoura and seconded by Commissioner Gluck the minutes of the Regular Session Board Meeting held on May 25, 2023 were approved with a vote of 14-0, with Commissioner Schaffer abstaining.

Chairman Ballantyne presented the minutes from the May 25, 2023 Executive Session.

Upon motion by Commissioner Plofker and seconded by Commissioner Scardino the minutes of the Executive Session held on May 25, 2023 were approved by a vote of 14-0, with Commissioner Schaffer abstaining.

Chairman Ballantyne presented the report of cash disbursements over \$100,000 for the month of May, 2023.

Upon motion by Commissioner Dowd and seconded by Commissioner Stellato the cash disbursements over \$100,000 for the month of May 2023 were unanimously approved.

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

**VI. APPROVALS**

Resolution 2023-24      Consideration of a Resolution Issuing a Decision on the Variance Application Submitted as Part of File No. 22-387 HRP Hudson LLC - Major Subdivision & Variances Block 3101, Lots 21, 22, 23, 24, 25, 26, 36, 37, 42, 43, 44 and Block 7402, Lots 21, 22, 23, 24, 33, 34 and 35 in the City of Jersey City.

Ms. Sundell advised that NJSEA received an application from HRP Hudson Owner, LLC for the subdivision of 18 existing lots within Block 3101 and Block 7402 in the City of Jersey City into 7 proposed lots to be identified as Block 7402.01, Lots 1, 2, 3, 4, 5, 6 and 7. She stated that the subject tract totals 86.2 acres and is joined in a zoning lot of record with another 24 acre tract. The subject properties are located within the District's Van Keuren Redevelopment Area, which is the site of the former PSE&G Hudson Generating Station. The subdivision proposes to create seven lots to accommodate existing improvements on the site, including a lot for each of the three warehouse facilities that were previously approved by the NJSEA, two lots for continued use by PSE&G for its switchyard operations, one lot to contain a former wastewater treatment facility, and one lot to contain a man-made canal connecting to the Hackensack River and associated natural features. She explained that the applicant requested the three bulk variances as part of its major subdivision application. The first variance is requested from N.J.A.C. 19:5-7.4(a), which requires that all lots located in any subdivision shall have direct access to an improved public or private street; whereas, proposed Lots 1, 2, 3 and 4 do not contain direct access to an improved public or private street. The second variance is requested from Section V.D.1(b) of the Van Keuren Redevelopment Plan, which requires a minimum lot width of 100 feet; whereas, proposed Lot 1 will have a minimum lot width of 89.8 feet. The third variance is requested from Section V.D.2(b) of the Redevelopment Plan, which requires a minimum open space of 15 percent; whereas, open space of 9.3 percent and 4.6 percent will be provided for proposed Lots 2 and 3, respectively. The requested variances result from conditions unique to the subject property that constrain the tract's development and lot configuration, which include the presence of a number of easements crossing the tract that are largely associated with historic and current usage of the land by a large-scale utility company; sensitive environmental characteristics; and existing limited means of access due to its relatively isolated location within the District. Although four of the subject lots will not have direct frontage on a public or private street, the proposed lots will have access from Van Keuren Avenue by means of recorded shared access easements across proposed Lots 5 and 6, and by an off-site roadway across a former Norfolk Southern right of way that is currently owned by NJDEP. There are no public streets or other active development located to the north, east or west of the tract that would promote connections via a public or private street to the subject tract. This configuration also serves to promote public safety by discouraging public access to the PSE&G switchyard on proposed Lot 3. The minimum lot width of 89.8 feet on proposed Lot 1, which contains sensitive environmental features, occurs at the narrowest portion of the existing canal on the property, however, the majority of the proposed lot otherwise complies with the minimum lot width of 100 feet. The strict application of the minimum lot width requirements on an undevelopable lot that is proposed to remain as open space would cause practical difficulties in the overall redevelopment of this underutilized property. The proposed open space of 9.3 percent on proposed Lot 2 and 4.6 percent on proposed Lot 3 are the result of the configuration of the proposed subdivision lines in relation to the existing utility improvements. No change is

proposed to the existing physical conditions on either of these two lots. Although these two individual lots do not comply with the minimum open space requirement, there is an overall reduction of existing impervious surfaces on the overall tract as a result of the redevelopment project, increasing total open space from 21.9 percent to 35 percent. The granting of the requested variances will not result in a substantial detriment to the environment and will not substantially impair the intent and purpose of the District Zoning Regulations, but will effectuate the goals of the Van Keuren Redevelopment Plan. There will be no significant detriment to neighboring properties as a result of the bulk variance requests, and there are no residential uses in this area. No public comments were received. For these reasons and those stated in the recommendation, we are recommending the approval of the requested bulk variances with respect to the minimum lot width and open space requirements, and the conditional approval of the requested bulk variance with respect to site access, conditioned on updating the zoning lot of record to comport to the proposed subdivision, and ensuring that continued easement access will be provided to Lots 1, 2, 3 and 4 from Van Keuren Avenue in the event that any of these lots are conveyed to another affiliate or entity in the future.

Chairman Ballantyne presented Resolution 2023-34. Upon motion by Commissioner Gluck and seconded by Commissioner Dowd, Resolution 2023-24 was approved by a vote of 14-0, with Commissioner Schaffer abstaining.

Resolution 2023-25      Consideration of a Resolution Authorizing Changes to the Official Signatories for NJSEA Accounts.

Ms. Acanfora explained that with the upcoming personnel changes within the Authority, President Prieto would be removed as an authorized signer and Paul Juliano would be added. She stated that all other authorized signers would remain the same.

Chairman Ballantyne presented Resolution 2023-25. Upon motion by Commissioner Scardino and seconded by Commissioner Dowd, Resolution 2023-25 was unanimously approved by a vote of 15-0.

Resolution 2023-26      Consideration of a Resolution Supporting the Bergen County Fire Mutual Aid Plan in the New Jersey Sports and Exposition Authority's Meadowlands Complex, County of Bergen, State of New Jersey.

Mr. Duffy stated that the resolution was for the renewal of the mutual aid plan with Bergen County under the County Emergency Management Plan and New Jersey Resource Deployment Act. He explained that the program provides for coordination between fire departments and assistance from contiguous and non-contiguous communities. He noted that participation in the Plan did not impose any additional liability to any community.

Chairman Ballantyne presented Resolution 2023-26. Upon motion by Commissioner Gluck and seconded by Commissioner Fontoura, Resolution 2023-26 was unanimously approved by a vote of 15-0.

## VII. CONTRACTS/AWARDS

Resolution 2023-27      Consideration of a Resolution Authorizing the President and CEO to Enter Into a Contract with Colonnelli Brothers Inc. for the Kingsland Overlook & Shorewalk Reconstruction - NJSEA Contract #SW 23-01.

Ms. Miannecki stated that this resolution was for the improvements to two of the trails at DeKorte Park; the Kingsland Overlook Trail and the Shorewalk Trail. She explained that the Kingsland trail was constructed in the early 1990's and due to its age and settlement there are sections of the trail that need repairs to address the erosion. She said that in addition, the timber walls would be replaced with module block walls, the steps would be reconstructed and irrigation would also be provided. She said that the second component of the project involved the resetting of the concrete pavers along the Shorewalk trail. She said that the pavers had settled together with the benches and trash receptacles. She explained that as part of the contract the existing pavers would be power-washed, removed and then reset, and the benches and trash receptacles would also be reset. She noted that the contract time for this project was 75 days and that the bid was advertised on May 4, 2023, with eleven contractors requesting bid documents. She said that the only response received at the public bid opening held on June 7, 2023 was from Colonelli Brothers Inc. at an amount of \$248,900.00. She said that staff had reviewed the bid sheets and associated amounts and concurred that the amounts were in order. She noted that an additional quote would be obtained for one of the components of the project to determine whether the item would remain as part of this contract or would be completed by others.

Chairman Ballantyne presented Resolution 2023-27. Upon motion by Commissioner Dowd and seconded by Commissioner Stellato Resolution 2023-27 was unanimously approved by a vote of 15-0.

Resolution 2023-28                      Consideration of a Resolution Related to the Stadium Construction Authorization Agreement for the 2026 FIFA World Cup.

Mr. Levy explained that this Resolution was related to the construction work required to meet FIFA's agreed upon field specifications for hosting certain 2026 World Cup matches that will be held at MetLife Stadium. He noted that to accomplish this work the Board had previously authorized a construction agreement with New Meadowlands Stadium Co, LLC, the owner of the stadium. He explained that the agreement included an initial scope of work covering design and pre-construction tasks related to the required work; with the Stadium Company hiring the vendors and managing the work. He said that the work was ongoing and that plans for the construction were being finalized. He said that at this time NJSEA and the Stadium wished to amend the Agreement and the scope of work to include the actual construction and construction-related tasks which would be undertaken in two phases beginning in winter of 2024 and ending in spring of 2025. He stated that the construction work had an estimated cost of approximately \$15,989,782.00, which would be drawn from funds appropriated by the State specifically for the hosting of international events such as the 2026 FIFA World Cup. He added that the estimated construction costs included the demobilization and mobilization at the construction site to accommodate the 2024 NHL Stadium Series, which is a two-day outdoor event being held in February, 2024 featuring four rival NHL hockey teams.

Chairman Ballantyne presented Resolution 2023-28. Upon motion by Commissioner Fontoura and seconded by Commissioner Gluck, Resolution 2023-28 was unanimously approved by a vote of 15-0.

Before moving onto public participation, Chairman Ballantyne announced that Butterfly Day, the NJSEA's most popular public program, would take place on Sunday, July 23, at DeKorte Park and would be co-hosted with the Bergen County Audubon Society. He noted that the program would include butterfly walks, scavenger hunts, a Butterfly Costume Contest, crafts and games, along with presentations and information tables.

President Prieto stated that Butterfly Day was especially important as many species of butterflies are on the decline due to several factors including climate change. He said that butterflies are crucial species to the environment and this event was a great way of instilling the importance of protecting butterflies among all ages.

#### VIII. PUBLIC PARTICIPATION

Mr. Donald Smith, Gloversville, New York. Mr. Smith made the following comments:

- He commented that he was frustrated about the mowing of the milkweed that was growing around the Authority property on the median between Route 120 and Route 3. He said that the milkweed is the only plant that the Monarch butterfly can reproduce on. He said that years ago he had an arrangement where he would mark off the area where the milkweed was growing and DOT would not mow that area. He said that he recently noticed the milkweed was being mowed and that this should not be done as it was against the orders of the home office. He commented that he thought MRRI could set up a rapport with DOT and come up with a plan to prevent the mowing of the milkweed.
- He said that he had spoken to Mr. Joseph Seebode of the Army Corps of Engineers relative to the Portal Bridge project. He said that he had asked Mr. Seebode if any consideration was given to putting flood gates with the new railroad bridge that would stop future storms such as Superstorm Sandy. He said that Mr. Seebode thought this would definitely meet the Federal criteria since this project was a big expenditure and the Feds like to see a project solve more than one problem. He asked if the Authority would raise this question with the ACOE to see if this was feasible and if it could still be done.
- He commented that he had witnessed herbicide being sprayed into the wetlands on both sides of Valley Brook Avenue. He stated that he had reached out to NJDEP about this matter and was advised that the permit for spraying was questionable and that a separate permit was required when spraying in wetlands, which they did not have and they were fined. He said that driving in today he saw that it had been sprayed again, the cattails and other vegetation were all sprayed and died; and that the wildlife coming in to use those areas are subject to the toxins in the spray. Mr. Smith said he would appreciate if someone from the Authority would question this spraying. He said that that going forward he felt that any future permits given for that type of activity should be run before MRRI to see if the Agency has any concerns, as far as it related to the wetlands and the time of the year it is being done.
- He commented that he had an idea for a mitigation project on Sports Authority property that could possibly bring in approximately \$7 million. He said he looked forward to sitting down with a representative of the Authority to discuss this possibility.

Chairman Ballantyne responded to Mr. Smith's comments regarding the milkweed and he said that the milkweed was a very big concern of the Authority. He said that staff would look into this immediately and look into building a good rapport with DOT. He advised Mr. Smith that he should set up a meeting with staff regarding his idea of a mitigation project and the possibility of flood gates at the Portal Bridge project.

Commissioner Scardino stated that he would like to have an update from staff on this matters. He noted that Mr. Smith used to be our Chief Naturalist and that he knows this region like the back of his hand. He said that he appreciated working with Mr. Smith and appreciated him speaking before the Board today.

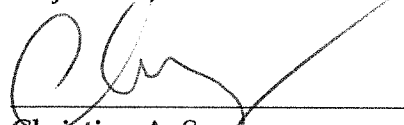
IX. EXECUTIVE SESSION

X. ADJOURNMENT

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

Meeting adjourned at 10:40 a.m.

I certify that on information and belief this is a true and accurate transcript of the Minutes of the Regular Session of the New Jersey Sports and Exposition Authority Board Meeting held on June 22, 2023.

  
Christine A. Sanz  
Assistant Secretary

June 22, 2023

Commissioner	Roll Call	2023-24	2023-25	2023-26	2023-27	2023-28
Ballantyne, Chairman	P	Y	Y	Y	Y	Y
Buckelew, Vice Chairman -via phone	P	Y	Y	Y	Y	Y
Prieto	P	Y	Y	Y	Y	Y
Dowd	P	Y	Y	Y	Y	Y
Fontoura	P	Y	Y	Y	Y	Y
Gluck	P	Y	Y	Y	Y	Y
Gonnelli	--	--	--	--	--	--
Gordon - via phone	P	Y	Y	Y	Y	Y
Knopf - via phone	P	Y	Y	Y	Y	Y
Mullahey	P	Y	Y	Y	Y	Y
Pennington	P	Y	Y	Y	Y	Y
Plofker	P	Y	Y	Y	Y	Y
Scardino	p	Y	Y	Y	Y	Y
Schaffer	P	A	Y	Y	Y	Y
Stellato	P	Y	Y	Y	Y	Y
Treasury Rep Griffin - via phone	P	Y	Y	Y	Y	Y

P = Present A = Abstain -- Absent

R = Recuse Y = Affirmative N = Negative

APPROVALS





CASH DISBURSEMENTS  
\$100,000 OR MORE  
JUNE 2023

**EAST RUTHERFORD - SPORTS COMPLEX**

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
EIL, INC.	152,832.60	A	PUMP STATION GENERATOR REPLACEMENT PROJECT
ENERGO POWER & GAS, LLC	492,109.92	J/L	ELECTRICITY CHARGES: MAY 2023
GENTILINI MOTORS	431,966.70	A	PURCHASE OF 9 POLICE PATROL VEHICLES - 2023 CHEVY TAHOE
GIBBONS P.C.	114,088.00	A	LEGAL SERVICES - AUTHORITY TRANSACTIONS COUNSEL: MAY 2023
HBC COMPANY, INC.	581,039.70	A	MASSTER PREVENTIVE MAINTENANCE - DEC2022-MAY2023
MOTOROLA SOLUTIONS, INC.	102,970.50	A	PURCHASE OF RADIOS & ANCILLARY EQUIPMENT - FIRE DEPT
NEW JERSEY RACING COMMISSION	1,461,824.69	I	NJRC OPERATING BUDGET: FY 2023 2ND PAYMENT
NEW JERSEY STATE POLICE	824,449.58	A	SALARIES & FRINGE - JAN-MAR 2023 AND OVERTIME CHARGES - FEB 25, 2023 - APR 21, 2023
NEW MEADOWLANDS STADIUM CO., INC.	2,612,452.12	A	GRANDSTAND DEMOLITION & WORLD CUP REIMBURSEMENTS: JUN 2023
PUBLIC SERVICE ELECTRIC & GAS COMPANY	115,982.78	J/L	ELECTRIC TRANSMISSION: MAY 2023
<b>EAST RUTHERFORD SC TOTAL</b>	<u>6,889,716.59</u>		

**MONMOUTH PARK RACETRACK MAINTENANCE RESERVE/CAPITAL**

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF OCEANPORT	564,057.22	A	CAFO SPECIAL ASSESSMENT AGREEMENT: 3RD QTR 2023
<b>MPR MAINTENANCE TOTAL</b>	<u>564,057.22</u>		

**LYNDHURST**

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
NORTH BERGEN, TOWNSHIP OF	131,699.66	I	REAL ESTATE AGREEMENT: FY 2023
<b>LYNDHURST TOTAL</b>	<u>131,699.66</u>		



CASH DISBURSEMENTS  
\$100,000 OR MORE

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

## **RESOLUTION 2023-29**

### **RESOLUTION HONORING VINCENT PRIETO FOR HIS OUTSTANDING PUBLIC SERVICE TO THE NEW JERSEY SPORTS AND EXPOSITION AUTHORITY AND THE STATE OF NEW JERSEY**

**WHEREAS**, Vincent Prieto has served the people of the State of New Jersey as President and CEO of the New Jersey Sports and Exposition Authority, as Speaker of the New Jersey General Assembly, and in many positions as a public servant for more than 25 years, and will retire from the NJSEA on July 31, 2023; and

**WHEREAS**, during his time as Speaker of the General Assembly, Vincent Prieto drafted the enabling legislation that merged the NJSEA and the former New Jersey Meadowlands Commission, creating a streamlined, efficient agency by maximizing the resources and talent of each organization; and

**WHEREAS**, through his substantial vision and leadership, Vincent Prieto was instrumental in guiding a series of initiatives at the NJSEA that have left a notable impact on the people of the Meadowlands District and throughout the State of New Jersey; and

**WHEREAS**, Vincent Prieto played a critical role at the NJSEA in bringing world-renowned 2026 FIFA World Cup soccer matches to MetLife Stadium, as well as the celebrated Copa Centenario soccer tournament and the prestigious Army-Navy College Football Game; and

**WHEREAS**, under Vincent Prieto's guidance, the Meadowlands Arena has thrived as a television production studio for highly popular broadcast series and concert rehearsal space for top musical acts; and

**WHEREAS**, Vincent Prieto enacted the merger of the NJSEA Meadowlands Environmental Research Institute and Natural Resources Department, thereby creating the Meadowlands Research and Restoration Institute, an exceedingly respected source of scientific knowledge in the State and country; and

**WHEREAS**, as a longtime Meadowlands resident, Vincent Prieto has been a tireless advocate for this unique region and all that it has to offer to the public, including NJSEA programs and events that raise awareness of the importance of environmental protection and conservation, especially among young people; and

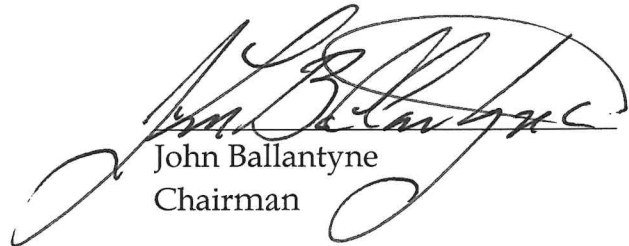
**WHEREAS**, Vincent Prieto has always been a tremendously kind and loyal friend, compassionate, generous and trusted colleague, and inspiring, consummate professional to all who have known and worked with him; and

**WHEREAS**, Vincent Prieto has left an indelible legacy through his steadfast dedication and unwavering commitment to good government; and

**WHEREAS**, it is altogether appropriate and fitting to note the commendable, greatly accomplished achievements of Vincent Prieto;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that Vincent Prieto is hereby honored for his outstanding public service to the New Jersey Sports and Exposition Authority and the State of New Jersey.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of July 27, 2023.



John Ballantyne  
Chairman

**RESOLUTION 2023-30**

**RESOLUTION ISSUING A DECISION ON THE  
VARIANCE APPLICATION  
SUBMITTED AS PART OF FILE NO. 22-421  
RIDGEFIELD HOLDING/65 RAILROAD AVE.-SITE IMPROVEMENT  
(VARIANCE)  
BLOCK 4014, LOT 10  
IN THE BOROUGH OF RIDGEFIELD**

**WHEREAS**, an application for one bulk variance has been filed with the NJSEA by Ridgefield Holding Corp. for the premises located at 65 Railroad Avenue and identified as Block 4014, Lot 10 in the Borough of Ridgefield, New Jersey; and

**WHEREAS**, the bulk variance is sought in connection with the applicant's proposal to construct a parking area consisting of 12 parking spaces in the required front yard along Pleasantview Terrace; and

**WHEREAS**, the premises is located within the Hackensack Meadowlands District's Light Industrial B zone; and

**WHEREAS**, the applicant requested bulk variance relief from N.J.A.C. 19:4-8.2(b)1, which prohibits vehicular use areas in required front yards, whereas the applicant proposes 12 passenger vehicle parking spaces at a minimum setback of 25.1 feet within the required 35-foot-wide front yard setback along Pleasantview Terrace; 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**, a virtual public hearing was held using Zoom video conferencing on Wednesday, May 24, 2023, before Sara J. Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon A. Mascaró, Deputy Director of Land Use Management and Deputy Chief Engineer; Mia Petrou, P.P. AICP, Supervising Planner; and John Speer, P.E., Senior Engineer; and

**WHEREAS**, a comprehensive report dated July 12, 2023, 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 July 13, 2023; and

**WHEREAS**, the report recommends the conditional approval of the requested bulk variance from N.J.A.C. 19:4-8.2(b)1, to construct a vehicular use

area containing 12 passenger vehicle parking spaces at a minimum setback of 25.1 feet along Pleasantview Terrace; 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 vehicular use area containing 12 passenger vehicle parking spaces at a minimum setback of 25.1 feet along Pleasantview Terrace conditionally 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 Ridgefield Holding/65 Railroad Ave.-Site Improvement application for a bulk variance from N.J.A.C. 19:4-8.2(b)1, to construct a vehicular use area containing 12 passenger vehicle parking spaces at a minimum setback of 25.1 feet within the required 35-foot-wide front yard setback along Pleasantview Terrace, is hereby **APPROVED WITH THE FOLLOWING CONDITIONS**, for the reasons set forth in the recommendation dated July 12, 2023:

1. The applicant shall provide a revised site plan depicting additional grading and railing details in the vicinity of the proposed parking area, adjacent building entrances, and the existing adjacent loading area to the west of the proposed parking area, for the review and approval of the NJSEA Chief Engineer.
2. The applicant shall obtain approval from the Borough of Ridgefield for any relocation of the existing "No Parking" street sign and/or modification of the extent of the yellow curb line on Pleasantview Terrace, prior to construction.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of July 27, 2023.

  
\_\_\_\_\_  
Vincent Prieto  
Secretary





## **MEMORANDUM**

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

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*From:* Sara J. Sundell *Date:* July 27, 2023

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*Subject:* Variance Recommendation – Ridgefield Holding/65 Railroad Ave. - Site Improvement & Variance (File No. 22-421)

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An application for one bulk variance has been filed with the NJSEA by Ridgefield Holding Corp. for the premises located at 65 Railroad Avenue and identified as Block 4014, Lot 10, in the Borough of Ridgefield, New Jersey. Said premises is located within the District's Light Industrial B zone. The bulk variance is sought in connection with the Applicant's proposal to construct a paved vehicular use area, inclusive of vehicle parking spaces and maneuvering areas, on the subject premises in the front yard facing Pleasantview Terrace.

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

1. N.J.A.C. 19:4-8.2(b)1, which prohibits vehicular use areas in required front yards. The applicant proposes 12 passenger vehicle parking spaces at a minimum setback of 25.1 feet along Pleasantview Terrace, whereas a 35-foot minimum front yard setback is required.

An electronic public hearing was held virtually using Zoom video conferencing on Wednesday, May 24, 2023.

In a comprehensive report dated July 12, 2023, the Director of Land Use Management and the Senior Vice President, Chief of Legal & Regulatory Affairs recommended the conditional approval of the bulk variance requested above. A copy of the comprehensive report and variance recommendation was provided to the applicant on July 13, 2023.

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

**RECOMMENDATION ON THE VARIANCE APPLICATION OF  
Ridgefield Holding/65 Railroad Ave. - Site Improvement (Variance)  
File #22-421**

**I. INTRODUCTION**

An application for one bulk variance has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Gerald Donnelly of Ridgefield Holding Corp., for the premises identified as 65 Railroad Avenue, Block 4014, Lot 10, in the Borough of Ridgefield, New Jersey. The subject premises are located in the Hackensack Meadowlands District's Light Industrial B zone. The bulk variance is sought in connection with the applicant's proposal to construct a parking area consisting of 12 parking spaces in the required front yard along Pleasantview Terrace. Specifically, the applicant is requesting variance relief from the following:

1. N.J.A.C. 19:4-8.2(b)1, which prohibits vehicular use areas in required front yards. The applicant proposes 12 passenger vehicle parking spaces at a minimum setback of 25.1 feet along Pleasantview Terrace, whereas a 35-foot minimum front yard setback is required.

Notice was given to the public and all interested parties as required by law. The public notice was published in The Record newspaper. No written comments regarding this application were received by the Division of Land Use Management during the public comment period. An electronic public hearing was held virtually using Zoom video conferencing on Wednesday, May 24, 2023. 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 corner lot located at the northwesterly intersection of Railroad Avenue and Pleasantview Terrace in the Borough of Ridgefield. The site consists of approximately 18.26 acres and is currently improved with a 366,631-square-foot warehouse and distribution facility, with existing parking and loading areas located in the northerly, westerly, and southerly portions of the site. A drainage ditch is present in the westerly portion of the site, and is connected to an open wetland area located in the District's Environmental Conservation zone to the northwest of the subject property.

Properties within the immediate vicinity are developed primarily with a mix of warehouse/distribution and light industrial uses with accessory office space. The property in question is also proximate to the Hudson Transmission Electrical Substation to the north. A freight rail line is located to the east across Railroad Avenue from the property in question, which forms the District's jurisdictional boundary line in this portion of the Hackensack Meadowlands District.

The applicant proposes to construct 12 parking spaces in the required front yard along Pleasantview Terrace to provide access to tenant spaces located in the southeasterly portion of the building. In 2013, the applicant had previously obtained variance approval to construct 15 new parking spaces in the required front yard along Pleasantview Terrace, to the west of the proposed parking area, in File #13-333 Ridgefield Holding/65 Railroad - Variances/Use Change.

### **B. Response to the Public Notice**

No written comments or objections were received during the public comment period.

### III. PUBLIC HEARING (May 24, 2023)

A public hearing was held on Wednesday, May 24, 2023. NJSEA staff in attendance were Sara Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon Mascaró, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer; Mia Petrou, P.P., AICP, CFM, Supervising Planner; and John Speer, P.E., Senior Engineer.

#### **A. Exhibits**

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

<u>Number</u>	<u>Description</u>
A-1	Site plan set prepared by Paul Lapatka, P.E., dated 05/16/2013, revised through 05/09/2023, and entitled as follows: <ul style="list-style-type: none"><li>- "Site/Grading/Lighting Plan/Details", Sheet 1 of 2; and</li><li>- "Erosion Control Plan/Details", Sheet 2 of 2.</li></ul>
A-2	Planning Memorandum prepared by Peter G. Steck, P.P., dated May 8, 2023.

#### **B. Testimony**

The applicant was represented at the hearing by Philip D. Neuer, Esq. The following three witnesses testified in support of the application:

1. Gerald Donnelly, P.E., Safer Development and Management Corp.;
2. Paul Lapatka, P.E.; and
3. Peter G. Steck, P.P.

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

#### IV. RECOMMENDATION

- A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.2(b)1, which prohibits vehicular use areas in required front yards. The applicant is proposing to construct 12 passenger vehicle parking spaces at a minimum setback of 25.1 feet along Pleasantview Terrace, whereas a 35-foot minimum front yard setback is required.

The NJSEA 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 to permit vehicular use areas within the required front yard along Pleasantview Terrace arises from conditions that are unique to the subject property. The site contains two front yards, fronting on both Railroad Avenue and Pleasantview Terrace. The subject property is one of the largest lots in the Railroad Avenue neighborhood (consisting of properties containing frontage on Railroad Avenue and/or Pleasantview Terrace), second only to the electrical substation to the north. Additionally, the property in question contains extensive frontage totaling approximately 1,006 feet along Railroad Avenue, larger than any property in the vicinity. The property's secondary frontage along Pleasantview Terrace is also significant, measuring 725.55 feet in length.

Despite these characteristics, which are advantageous at first glance, the ability to construct additional parking to reasonably serve the needs of tenants in the southeasterly portion of the building is constrained by the placement of the building on the site, which is located at a minimum 24.87-foot setback from Railroad Avenue and 75.24-foot setback from Pleasantview Terrace. Existing on-site parking and loading areas are located along the building perimeter, with parking areas for tenant access primarily located in the northerly and westerly portions of the site. The building on the site is currently occupied by 21 tenants, although the building may accommodate up to 37 individual tenant spaces. This is an unusual condition compared to warehouse buildings of similar size, which, in recent years, generally tend to be occupied by larger e-commerce users. The site and building configurations leave little opportunity to provide dedicated off-street parking or loading areas for tenant spaces in the southeasterly portion of the site. These circumstances are unique to the property in question.

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

The site is located within a fully developed industrial area, and no residences are located nearby. There will be no adverse impacts to the property located to the south across Pleasantview Terrace, (Block 4014, Lot 12), which is an industrial property containing a railroad siding and large storage tanks in its Pleasantview Terrace front yard. The proposed parking area will be accessed via a proposed driveway on Pleasantview Terrace, with sufficient area provided for on-site circulation, with no reverse maneuvers by vehicles within the adjoining roadway. Furthermore, the parking areas will not result in

any negative visual impacts from neighboring properties or roadways, as the proposed parking area will be screened by proposed landscaping.

Therefore, the granting of the requested variance to permit parking in the required front yard along Pleasantview Terrace 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 will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner due to the particular characteristics of the site and configuration of existing improvements thereon. The subject property contains two front yards and an extensive amount of frontage along both Railroad Avenue, with 1,006 feet of frontage, and Pleasantview Terrace, with 725.55 feet of frontage. A minimum 35-foot front yard setback is required from both roadways, and the proposed parking will be set back 25.1 feet from the Pleasantview Terrace property line.

The building's location, placed at a minimum 24.87-foot setback from Railroad Avenue and a 75.24-foot setback from Pleasantview Terrace, leaves little opportunity to provide compliant off-street parking easily accessible to tenant spaces in the southeasterly portion of the site. The site is served by existing parking areas primarily located on the northerly and westerly portions of the property. The westerly parking

area also contains trailer parking spaces to accommodate efficient staging of the warehouse and distribution operations on the site. Use of the parking lot expansion approved in 2013, consisting of 15 passenger vehicle parking spaces to the west of the proposed parking area, would require walking in the street and crossing active loading areas to access the southeasterly tenant spaces. Thus, the existing parking spaces on the site do not practicably serve tenant spaces in the southeasterly portion of the building, as there is no direct internal building access available, or easily provided, between existing parking areas and the tenant spaces.

Environmental features in the northerly portion of the site and the presence of a drainage ditch on the westerly portion of the site preclude expansion of the existing parking areas in those directions, which would, furthermore, be located too remotely from the southeasterly portion of the building.

*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.*

The surrounding neighborhood properties principally consist of light industrial and warehouse and distribution uses, with some sites also containing pre-existing, non-conforming front yard parking. Currently, occupants of tenant spaces located in the southeasterly portion of the building must utilize on-site parking to the west or the north of their tenant space, and walk in the street across active loading areas to access their spaces. The location of the proposed parking area will provide employees direct access to the southeasterly portion of the building, and Barrier Free parking spaces and building access are

proposed to accommodate the public good, safety, and convenience in this portion of the site. Proposed landscaping will provide screening of the parking spaces, which are designed to face the building and will not result in glare to neighboring properties.

In order to fully address public safety and the general welfare, a condition is recommended that the applicant shall provide a revised site plan depicting additional grading and railing details in the vicinity of the proposed parking area, adjacent building access, and the adjacent existing loading area to the west, for the review and approval of the NJSEA Chief Engineer. Additionally, a second condition is recommended for the applicant to obtain approval from the Borough of Ridgefield for any relocation of the existing “No Parking” street sign and/or modification of the extent of the yellow curb line on Pleasantview Terrace, which are currently located adjacent to the proposed parking area, prior to construction.

With the recommended conditions, there will be no substantial detriment to the public good and no adverse effects to the public health, safety, morals, order, convenience, prosperity or general welfare by the granting of the requested variance to construct a vehicular use area consisting of 12 parking spaces at a 25.1-foot setback from Pleasantview Terrace, whereas 35 feet is required.

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

The granting of the requested variance to construct vehicular use areas within the required 35-foot front yard setback along Pleasantview Terrace will not have any adverse environmental impacts. Rather, the proposed location of the parking spaces avoids

environmentally sensitive features in otherwise conforming locations in the northerly and westerly portions of the property. Approximately 28.2 percent of the site is proposed to remain as open space, whereas a minimum 15 percent is required in the Light Industrial B zone, and landscaping will be provided to screen the proposed parking area. Sufficient stormwater drainage will be provided for the proposed parking area. Additionally, the location of the proposed parking spaces will not cause the District performance standards with respect to noise, vibrations, airborne emissions, hazardous materials, glare or water quality to be exceeded.

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

A total of 380 parking spaces are required by the District Zoning Regulations to serve the existing uses on the premises, whereas 386 parking spaces exist at the premises, of which 14 are Barrier Free accessible parking spaces. The proposed parking lot would increase the total parking on the site by 12 parking spaces, resulting in a total of 398 spaces, of which 16 spaces would be Barrier Free accessible parking spaces. The proposed parking area would expand Barrier Free accessibility to tenant spaces in the southeasterly portion of the building, and will provide safe, dedicated access to this portion of the building for all users.

The minimum setback requested in the variance application for the vehicular use area is 25.1 feet from Pleasantview Terrace. The plans incorporate no more than the minimum required dimensions for 90 degree parking spaces located adjacent to the building, which includes



a required six foot landscape buffer from the building face, 18-foot-long parking spaces and a 24-foot-wide drive aisle, resulting in an intrusion of approximately 10 feet of the drive aisle into the 35 foot front yard setback. The proposed parking area, although proposed to be partially located within a required front yard, has been suitably sited to ensure safe and efficient vehicular operation and circulation. Furthermore, the applicant proposes to install landscaping to minimize any negative visual impacts of the parking spaces.

The proposed parking along Pleasantview Terrace cannot be practicably accommodated in any other location on the property, due to the configuration of the existing building on the site, the presence of environmental features, and the lack of direct access to southeasterly tenant spaces from the existing parking areas on the site. Therefore, the requested variance represents 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 requested variance to permit parking in the required front yard facing Pleasantview Terrace will not impair the intent and purpose of the regulations. The intent of prohibiting vehicular use areas within the required front yard is to prevent glare and to promote area aesthetics by minimizing visual impacts to neighboring properties. Although a portion of the proposed drive aisle along Pleasantview Terrace will be located within the required 35-foot front yard setback, the applicant has proposed landscaping to minimize any visual impacts of the proposed parking from the right-of-way. In this particular case, the aesthetic goals of the regulations

are balanced with the provision of additional parking that will allow the building's multiple tenants to efficiently and safely access their tenant spaces.

The approval of the variance request will contribute to and promote the intent of the Hackensack Meadowlands District Master Plan Update 2020 and the District Zoning Regulations by allowing the site to be utilized in a safe, orderly, and efficient manner and, consistent with the site's Employment Center Planning Area designation within the Master Plan, to allow the property to adapt to current market conditions to meet the needs of its multiple tenants.

#### IV. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.2(b)1, which prohibits vehicular use areas in required front yards. The applicant is proposing to construct a vehicular use area containing 12 passenger vehicle parking spaces at a minimum setback of 25.1 feet along Pleasantview Terrace, whereas a 35-foot minimum front yard setback is required.

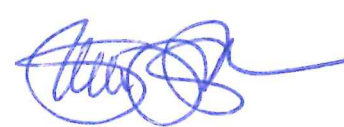
Based on the record in this matter, the bulk variance application to construct a vehicular use area containing 12 passenger vehicle parking spaces at a minimum setback of 25.1 feet along Pleasantview Terrace is hereby recommended for APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall provide a revised site plan depicting additional grading and railing details in the vicinity of the proposed parking area, adjacent building entrances, and the existing adjacent loading area to the west of the proposed parking area, for the review and approval of the NJSEA Chief Engineer.
2. The applicant shall obtain approval from the Borough of Ridgefield for any relocation of the existing "No Parking" street sign and/or modification of the extent of the yellow curb line on Pleasantview Terrace, prior to construction.

CONDITIONAL APPROVAL 7/11/2023

Recommendation on  
Variance Request

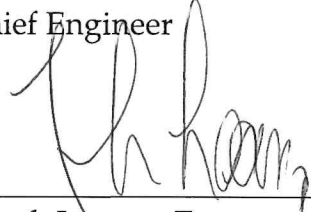
Date

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

Conditional Approval 7/12/23

Recommendation on  
Variance Request

Date

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

**RESOLUTION 2023-31**

**RESOLUTION ISSUING A DECISION ON THE  
BULK VARIANCE APPLICATION  
SUBMITTED AS PART OF FILE NO. 23-041  
PSE&G/NORTH BERGEN SUBSTATION - 2<sup>nd</sup> HALF UPGRADES  
(VARIANCES)  
BLOCK 442.02, LOT 1 (FORMERLY KNOWN AS BLOCK 442, LOTS 6, 7 & 8)  
IN THE TOWNSHIP OF NORTH BERGEN**

**WHEREAS**, an application for three bulk variances has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by Public Service Electric and Gas Company (PSE&G), for the premises located at 4001 Paterson Plank Road, which is adjacent to West Side Avenue and north of 71<sup>st</sup> Street, and identified as Block 442.02, Lot 1 (formerly known as Block 442, Lots 6, 7 & 8), in the Township of North Bergen, New Jersey; and

**WHEREAS**, the subject premises is located within a PSE&G right-of-way, and as per N.J.A.C. 19:4-3.6(a), "All streets, roads, highways, public ways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon the same."; and

**WHEREAS**, the properties adjacent to the subject property are zoned Light Industrial A, and, therefore, the subject property is deemed to be in the Light Industrial A zone; and

**WHEREAS**, the applicant requested bulk variance relief from N.J.A.C. 19:4-5.77(a)3i, which requires a minimum front yard setback of 50 feet, whereas the applicant is proposing concrete foundation structures with a minimum setback of 21.4 feet from the easterly front property line along West Side Avenue; 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 concrete foundation structures with a minimum setback of 23.6 feet from the westerly rear property line; and

**WHEREAS**, the applicant requested bulk variance relief from N.J.A.C. 19:4-8.10(a)1, which does not permit fences in the front yard, whereas the applicant is proposing to install fencing within the required front yard on the subject property; and

**WHEREAS**, notice of the bulk variance request was given to the public and all interested parties as required by law and was published in The Jersey Journal newspaper with no written objections received; and

**WHEREAS**, a public hearing waiver was requested by the applicant and a waiver of the public hearing was granted in accordance with N.J.A.C. 19:4-4.17(j); and

**WHEREAS**, a comprehensive report dated July 13, 2023, 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 July 14, 2023; and

**WHEREAS**, the report recommends the approval of the requested bulk variance from N.J.A.C. 19:4-5.77(a)3i to permit construction of concrete foundation structures with a minimum setback of 21.4 feet from the easterly front yard property line; and

**WHEREAS**, the report also recommends the approval of the requested bulk variance from N.J.A.C. 19:4-5.77(a)3iii to permit construction of concrete foundation structures with a minimum setback of 23.6 feet from the westerly rear yard property line; and

**WHEREAS**, the report also recommends the approval of the requested bulk variance from N.J.A.C. 19:4-8.10(a)1 to permit the installation of fencing within the required front yard; and

**WHEREAS**, the Board of Commissioners of the NJSEA has reviewed the full record, including 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 concrete foundation structures with a minimum setback of 21.4 feet from the easterly front yard property line along West Side Avenue conforms with the standards for approving applications for variances as set forth in N.J.A.C. 19:4-4.14(e); and

**WHEREAS**, the Board of Commissioners hereby determines that the requested bulk variance application to construct concrete foundation structures with a minimum setback of 23.6 feet from the westerly rear yard property line

conforms with the standards for approving applications for variances as set forth in N.J.A.C. 19:4-4.14(e); and

**WHEREAS**, the Board of Commissioners hereby determines that the requested bulk variance application to install fencing within the required 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 PSE&G - North Bergen Substation - 2nd Half Upgrades (Variances) application for a bulk variance from N.J.A.C. 19:4-5.77(a)3i, to permit the construction of concrete foundation structures with a minimum setback of 21.4 feet from the easterly front yard property line along West Side Avenue, is hereby **APPROVED** for the reasons set forth in the recommendation dated July 13, 2023.

**BE IT FURTHER RESOLVED**, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the PSE&G - North Bergen Substation - 2nd Half Upgrades (Variances) application for a bulk variance from N.J.A.C. 19:4-5.77(a)3iii, to permit the construction of concrete foundation structures with a minimum setback of 23.6 from the westerly rear property line is hereby **APPROVED** for the reasons set forth in the recommendation dated July 13, 2023.

**BE IT FURTHER RESOLVED**, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the PSE&G - North Bergen Substation - 2nd Half Upgrades (Variances) application for a bulk variance from N.J.A.C. 19:4-8.10(a)1, to permit the installation of fencing within the required front yard, is hereby **APPROVED** for the reasons set forth in the recommendation dated July 13, 2023.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of July 27, 2023.



Vincent Prieto  
Secretary





## **MEMORANDUM**

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

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*From:* Sara J. Sundell *Date:* July 27, 2023

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*Subject:* Variance Recommendation – PSE&G - North Bergen Substation - 2nd Half Upgrades (Variances) (File No. 23-041)

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An application for three bulk variance has been filed with the New Jersey Sports & Exposition Authority (NJSEA) by Timothy Holmes, P.E., CME, of Public Service Electric and Gas Company for the premises located at 4001 Paterson Plank Road, which is adjacent to West Side Avenue and north of 71<sup>st</sup> Street, and identified as Block 442.02, Lot 1 (formally known as Block 442, Lots 6, 7 & 8), in the Township of North Bergen, New Jersey. The subject property is located within a PSE&G right-of-way. As per N.J.A.C. 19:4-3.6(a), “All streets, roads, highways, public ways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon the same.” The properties adjacent to the property in question are zoned Light Industrial A, and, therefore, the subject property is deemed to be in the Light Industrial A zone.

The variances are sought in connection with the applicant’s proposal to install system upgrades and expand PSE&G’s North Bergen Substation to address the need for additional electrical capacity in its area network, as required by the PSE&G Distribution Hardening Program.

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

1. N.J.A.C. 19:4-5.77(a)3i, which requires a minimum front yard setback of 50 feet, whereas the applicant is proposing concrete foundation structures with a minimum setback of 21.4 feet from the easterly front property line along West Side Avenue.
2. 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 concrete foundation structures with a minimum setback of 23.6 feet from the westerly rear property line.
3. N.J.A.C. 19:4-8.10(a)1, which does not permit fences in the required front yard, whereas the applicant is proposing to install fencing within the required front yard on the subject property.

Notice was given to the public and all interested parties as required by law. The public notice was published in The Jersey Journal. No written objections were received. A public hearing waiver was requested by the applicant and a waiver of the public hearing was granted in accordance with N.J.A.C. 19:4-4.17(j).

In a comprehensive report dated July 13, 2023, the Director of Land Use Management and the Senior Vice President, Chief of Legal & Regulatory Affairs recommended the approval of the bulk variance request. A copy of the comprehensive report and variance recommendation was provided to the applicant on July 14, 2023.

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



**RECOMMENDATION ON THE VARIANCE APPLICATION OF  
PSE&G/North Bergen Substation - 2nd Half Upgrades (Variances)**

**FILE # 23-041**

**I. INTRODUCTION**

An application for three bulk variances has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Public Service Electric and Gas Company (PSE&G), for the premises located at 4001 Paterson Plank Road, identified as Block 442.02, Lot 1 (formerly known as Block 442, Lots 6, 7 and 8), in the Township of North Bergen, New Jersey. The subject premises, although located within a utility right-of-way, is deemed to be within the District's Light Industrial A zone, pursuant to N.J.A.C. 19:4-3.6(a). The variances are sought in connection with the applicant's proposal to install system upgrades and expand its North Bergen Substation to address the need for additional electrical capacity in its area network.

Specifically, the applicant is requesting relief as follows:

1. N.J.A.C. 19:4-5.77(a)3i, which requires a minimum front yard setback of 50 feet, whereas the applicant is proposing concrete foundation structures with a minimum setback of 21.4 feet from the easterly front property line along West Side Avenue.
2. 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 concrete foundation structures with a minimum setback of 23.6 feet from the westerly rear property line.
3. N.J.A.C. 19:4-8.10(a)1, which does not permit fences in the required front yard, whereas the applicant is proposing to install fencing within the required front yard on the subject property.

Notice was given to the public and all interested parties as required by law. The public notice was published in The Jersey Journal. No written objections were received. A public hearing waiver was requested by the applicant, and such waiver was granted by the NJSEA Chief Engineer, pursuant to N.J.A.C. 19:4-4.17(j). 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, Block 442.02, Lot 1 (formerly known as Block 442, Lots 6, 7 and 8), as depicted on the North Bergen Tax Map, has an area of approximately 10.13 acres, of which a 1.89-acre portion of the lot contains the PSE&G North Bergen substation, which is the subject of the instant application. The property is designated as right-of-way (ROW) on the Official Zoning Map of the Hackensack Meadowlands District; however, pursuant to N.J.A.C. 19:4-3.6(a), the property is deemed to be located within the District's Light Industrial A zone.

The subject site is located parallel to West Side Avenue and north of 71<sup>st</sup> Street, and is currently developed with the PSE&G North Bergen Substation, containing a control house, transmission wires, and associated site improvements. The portion of the property that is subject to the variance request is rectangular in shape and contains 551.51 feet of frontage along West Side Avenue.

The property is bordered to the north and south by PSE&G ROW property and to the east by West Side Avenue. A warehouse/distribution facility is located to the west of the subject premises, and surrounding properties are principally developed with industrial uses. The subject property is accessed by driveways from West Side Avenue, a heavily travelled roadway with significant trucking movements.

The proposed construction represents a second-phase expansion of PSE&G's Class H substation at the premises, previously upgraded in 2018-2019 as part of

PSE&G's Distribution Hardening Initiative to improve network reliability by raising equipment above base flood elevations established by the Federal Emergency Management Agency (FEMA). PSE&G proposes to increase area capacity by expanding the south end of the existing substation on the premises by approximately 43 feet to accommodate the installation of new equipment, A-frames, fencing, and an access driveway, over existing paved and gravel areas. The scope of the project requires bulk variance relief for proposed front and rear yard setbacks, and for proposed fencing in the required front yard along West Side Avenue.

The subject property previously received bulk variance approvals in File #14-596 PSE&G/North Bergen Substation Upgrades/Variances and File #17-068 PSE&G/North Bergen Substation Switchgear Upgrades/Variances. As a result, the subject property contains pre-existing nonconforming fencing within the front yard, an established pre-existing nonconforming front yard setback of 18.4 feet along West Side Avenue, whereas a minimum setback of 50 feet is required, and a minimum rear yard setback of 20.1 feet, whereas 75 feet is required.

#### **B. Response to the Public Notice**

No written comments or objections were received during the public comment period.

### **III. PUBLIC HEARING (WAIVED)**

Pursuant to N.J.A.C. 19:4-4.17(j), the public hearing for the requested bulk variances was waived. The public notice was published in The Jersey Journal on July 15, 2023, and notice was given to the public and all interested parties as required by law. No comments were received during the 10-day public comment period that expired on July 25, 2023.

The bulk variance request, and submitted documents supporting the request, were evaluated by 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 A. Petrou, P.P., AICP, CFM, Supervising Planner; and William Moran, P.E., AICP, P.P., CME, Senior Engineer.

The professional plans and reports submitted by the applicant in support of the bulk variance request are as follows:

1. "PSE&G North Bergen Substation - Site Plan", prepared by Kevin B. Robinson, Jr., P.E., of Black & Veatch and Shehzad Khan, P.L.S., PSE&G, dated 01/24/2023, last revised 05/19/2023.
2. "PSE&G North Bergen Substation - Boundary & Topographic Survey", prepared by Shehzad Khan, P.L.S., PSE&G, dated 01/24/2023, last revised 04/05/2023.
3. The following plans prepared by Kevin B. Robinson, P.E., Black & Veatch, entitled and dated as follows:
  - a. Drawing 790664A-0P1 entitled, "North Bergen Substation, 230/13KV Substation - Removals Plan", dated 12/13/2022, last revised 04/05/2023;
  - b. Drawing 247685A-5P1 entitled, "North Bergen Substation, 230/13KV Substation - Property, Fence, Road and Grading Plan", dated 12/07/1982, last revised 04/05/2023;
  - c. Drawing 391547A-2P1 entitled, "North Bergen Substation, 230/13KV Substation - Fence & Miscellaneous Site Protective Barriers - Sheet 1", dated 04/30/2015, last revised 05/19/2023;

- d. Drawing 791349A-0P entitled, "North Bergen Substation, 230/13KV Substation - Fence & Miscellaneous Site Protective Barriers - Sheet 2", dated 12/13/2022;
  - e. Drawing 391546A-2P entitled, "North Bergen Substation, 230/13KV Substation - Drainage & Soil Erosion and Sediment Control Notes and Details - Sheet 1", dated 04/30/2015, last revised 12/13/2022; and
  - f. Drawing 791348A-0P1 entitled, "North Bergen Substation, 230/13KV Substation - Drainage & Soil Erosion and Sediment Control Notes & Details - Sheet 2", dated 12/13/2022, last revised 04/05/2023.
4. The following plans prepared by Andrew A. Brown, P.E., PSE&G, entitled and dated as follows:
- a. Drawing 253040A-7P, "North Bergen Substation - Key Plan", dated 07/31/2015, last revised 09/02/2022.
  - b. Drawing 391468A-2P, "North Bergen Substation - Key Plan Elevations", dated 07/31/2015, last revised 09/02/2022.
  - c. Drawing 391525A-1P, "North Bergen Substation - Ultimate Lighting Distribution Plan", dated 06/28/2017, last revised 09/02/2022.
5. "Stormwater Management Report for the North Bergen Street 230/13KV Substation," prepared by Kevin B. Robinson, P.E., Black & Veatch, dated December 13, 2022.
6. Acoustics report entitled "Evaluation of Sound Emissions from Additional Systems, PSE&G North Bergen Substation", prepared by Michael T. Conaway, P.E., Ostergaard Acoustical Associates, dated August 16, 2022.

7. "Planner's Report, PSE&G North Bergen, North Bergen Class H 230/13kV - Second Half, Request for Variance Relief", prepared by Katherine L. Hering, P.E., P.P., CME, E2 Project Management, LLC, dated May 19, 2023, last revised June 12, 2023.
8. "Tax Map - North Bergen Township, Sheet 99," dated June 2019, formally certified by the Division of Taxation on March 11, 2021.

Staff findings and recommendations are based on the entire record.

#### IV. RECOMMENDATION

- A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.77(a)3i, which requires a minimum front yard setback of 50 feet, whereas the applicant is proposing concrete structures with a minimum setback of 21.4 feet from the easterly front property line along West Side 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 premises containing the North Bergen Substation is owned by PSE&G and consists of a 1.89-acre portion of Block 442.02, Lot 1 (formally known as Block 442, Lots 6, 7 & 8), which overall totals 10.13 acres. The property is deemed to be within the District's Light Industrial A zone, pursuant to N.J.A.C. 19:4-3.6(a). The subject premises is uniquely configured, having a 150-foot-wide lot depth

and 551.51-foot-long frontage along West Side Avenue to the east. The subject property is currently improved with an existing electric substation with a control house, transmission towers, and electrical equipment, and contains access driveways from West Side Avenue. The location and configuration of these improvements on the existing lot include a pre-existing nonconforming front yard setback of 18.4 feet along West Side Avenue, whereas a minimum setback of 50 feet is required, and a pre-existing nonconforming minimum rear yard setback of 20.1 feet, whereas 75 feet is required.

The proposed improvements are required by PSE&G to upgrade and expand the existing electric substation at the premises to provide additional capacity in its area network. A minimum front yard setback of 21.4 feet to the concrete foundations of proposed A-frame structures in the southerly portion of the project site is proposed. The placement of improvements on the site, including the A-frame structures, is dictated by the location of existing equipment and regulatory requirements of the National Electric Safety Code (NESC) to maintain certain clearances between equipment and structures. Therefore, the variance requested arises from conditions that are unique to the property in question and are not ordinarily found in the same zone.

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

The requested variance will not impact the ability of neighboring industrial and commercial properties to function as intended. The

neighbor to the east is located across the 70-foot-wide ROW of West Side Avenue, and this distance, combined with existing and proposed fencing in the front yard of the subject property, will not cause the proposed concrete structures to result in any significant negative impact to the neighboring properties. Furthermore, the proposed front yard setback of 21.4 feet does not extend beyond the site's preexisting nonconforming front yard setback of 18.4 feet. Existing site and maintenance operations at the unmanned substation will be maintained at their present levels.

The proposed improvements will result in area-wide network capacity improvements that will promote energy reliability, which will benefit area energy customers. In addition, no residential uses are located within the vicinity of the subject property. 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 front yard setback requirement of 50 feet on the subject property would result in particular and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner. The subject property has a lot depth of 150 feet and an existing nonconforming front yard setback of 18.4 feet, which will not be reduced as a result of the proposed improvements. When applying the required front yard setback of 50 feet and the required rear yard setback of 75 feet, the resulting building envelope is only 25 feet wide. The proposed A-frame foundations cannot be constructed within the 25-foot-wide building envelope due to the existing configuration of the electric process equipment, which represents an exceptional practical difficulty in the ability to comply with the front yard setback requirements. The placement of the proposed structures on the site is also limited by the NESC, which requires specific clearance distances between equipment. The proposed setback is necessary to accommodate the needed upgrades to the existing substation on the site, while maintaining adequate area to accommodate required clearances between equipment and structures. Therefore, the existing site conditions present exceptional practical difficulties in the ability to comply with the front 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 a minimum 21.4-foot front yard setback, whereas the minimum required front yard setback is 50 feet, 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 applicant's Planner's Report states that PSE&G's "Homestead and Penhorn Substations are currently heavily loaded; Homestead 2H is currently at 110% capacity and Penhorn 2H is currently at 108% capacity. Each of the two stations serves approximately 21,000 customers in the North Bergen area. The construction of the second half of the Class H substation will provide the additional capacity needed in the network, and essentially be a mirror image of the station improvements that were installed in 2018-2019."

The proposed substation expansion will promote the general welfare through the improvement of power capacity to the public customers of PSE&G that are served by this substation. The existing substation is unmanned and traffic is minimal, and the proposed conditions will not substantially differ from the current operations of the site.

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

The granting of the requested variance to permit a minimum front yard setback of 21.4 feet, whereas a minimum of 50 feet is required, will not have a substantial adverse environmental impact. The existing non-conforming front yard setback of 18.4 feet will not be further decreased by the proposed upgrades and station expansion. The installation of the concrete foundations for the A-frame structures, although within the required setback, will not adversely impact the environment, as they will be installed over existing disturbed surfaces, including paved and gravel areas. The property's 100-year base flood elevation, per both the 2014 Preliminary and 2019 Effective FEMA Flood Insurance Rate Maps is at 8 feet (NAVD '88). Proposed structures will be elevated a minimum of one foot above the best available flood data elevation of 8 feet, in compliance with Hackensack Meadowlands District floodplain management regulations. Minimum lot coverage and open space requirements are met, and existing drainage patterns will be maintained. The District's environmental performance standards for noise, glare, vibrations, airborne emissions, hazardous materials or water quality will not be exceeded.

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

The proposed project involves an upgrade and expansion of the existing substation to address the need for additional capacity and to improve reliability of the regional utility

system. The particular characteristics of the property, including the shallow depth of the parcel and the location of existing improvements, constrain the ability of the proposed improvements to comply with the front yard setback requirements. These conditions represent exceptional practical difficulties in the accommodation of the required upgrades and expansion of the substation. The placement of the proposed structures and equipment on the site is also limited by national regulatory codes that require specific clearance distances between equipment and structures. The proposed upgrades will not extend beyond the preexisting nonconforming front yard setback and will occupy only a small portion of the property's frontage along West Side Avenue. Adequate light, air, and open space will continue to be provided. Therefore, the requested variance represents 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 21.4-foot front yard setback, whereas a minimum front yard setback of 50 feet is required, will not substantially impair the intent and purpose of these regulations. There will be no significant impact to the provision of light, air, and open space as a result of the requested setback variance. Due to the existing configuration of the property and the improvements on the site, including the shallow depth of the parcel, the layout of the proposed equipment per national regulatory criteria, and the existing nonconforming setback, the site is

constrained in its ability to meet the required front yard setback. As the District regulations are intended to provide for infrastructure and utility improvements and to promote the efficient use of the land, the requested variance will not substantially impair these purposes.

**B. 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 concrete structures with a minimum setback of 23.6 feet from the westerly 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 subject premises containing the North Bergen Substation is owned by PSE&G and consists of a 1.89-acre portion of Block 442.02, Lot 1 (formally known as Block 442, Lots 6, 7 & 8), which overall totals 10.13 acres. The property is deemed to be within the District's Light Industrial A zone, pursuant to N.J.A.C. 19:4-3.6(a). The subject premises is uniquely configured, having a 150-foot-wide lot depth and 551.51-foot-long frontage along West Side Avenue to the east. The subject property is currently improved with an existing electric substation with a control house, transmission towers, and electrical equipment, and

contains access driveways from West Side Avenue. The location and configuration of these improvements on the existing lot include a pre-existing nonconforming front yard setback of 18.4 feet along West Side Avenue, whereas a minimum setback of 50 feet is required, and a pre-existing nonconforming minimum rear yard setback of 20.1 feet, whereas 75 feet is required.

The proposed improvements are required by PSE&G to upgrade and expand the existing electric substation at the premises to provide additional capacity in its area network. A rear yard setback of 23.6 feet to the concrete foundations of proposed A-frame structures in the southerly portion of the project site is proposed. The placement of improvements on the site, including the A-frame structures, is dictated by the location of existing equipment and regulatory requirements of the National Electric Safety Code (NESC) to maintain certain clearances between equipment and structures. Therefore, the variance requested arises from conditions that are unique to the property in question and are not ordinarily found in the same zone.

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

The requested variance will not impact the ability of neighboring industrial and commercial properties to function as intended. The neighbor to the west of the proposed improvements is a warehouse facility with loading areas located along its easterly façade and mature vegetation adjacent to the PSE&G ROW line. The applicant

proposes fencing in the rear yard of the subject property. Therefore, the proposed rear yard setback will not cause the proposed concrete structures to result in a significant negative impact to neighboring properties. Furthermore, the proposed rear yard setback of 23.6 feet does not extend beyond the site's preexisting nonconforming rear yard setback of 20.1 feet. Existing site and maintenance operations at the unmanned substation will be maintained at their present levels.

The proposed improvements will result in area-wide network capacity improvements that will promote energy reliability, which will benefit area energy customers. In addition, no residential uses are located within the vicinity of the subject property. 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 will result in particular and exceptional practical difficulties to, and exceptional and undue hardship upon, the property owner. The subject property has a lot depth of 150 feet and an existing nonconforming rear yard setback of 20.1 feet, which will not be further reduced as a result of this project. When applying both the required front yard setback of 50 feet and the required rear yard setback of 75 feet, the resulting building envelope is only 25 feet wide. The proposed A-frame foundations cannot be constructed within the 25-foot-wide building

envelope due to the existing configuration of the electric process equipment, which represents an exceptional practical difficulty in the ability to comply with the rear yard setback requirements. The placement of the proposed structures on the site is also limited by the NESC, which requires specific clearance distances between equipment. The proposed setback is necessary to accommodate the needed upgrades to the existing substation on the site, while maintaining adequate area to provide the mandatory clearances between equipment and structures. 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 a 23.6-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 applicant's Planner's Report states that PSE&G's "Homestead and Penhorn Substations are currently heavily loaded; Homestead 2H is currently at 110% capacity and Penhorn 2H is currently at 108% capacity. Each of the two stations serves approximately 21,000 customers in the North Bergen area. The construction of the second half of the Class H substation will provide the additional capacity



needed in the network, and essentially be a mirror image of the station improvements that were installed in 2018-2019.”

The proposed substation expansion will promote the general welfare through the improvement of power capacity to the public customers of PSE&G that are served by this substation. The existing substation is unmanned and traffic is minimal, and the proposed conditions will not substantially differ from the current operations of the site.

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

The granting of the variance to permit a minimum rear yard setback of 23.6 feet, whereas a minimum of 75 feet is required, will not have a substantial adverse environmental impact. The existing non-conforming rear yard setback of 20.1 feet will not be further decreased by the proposed upgrades and station expansion. The installation of the concrete foundations for the A-frame structures, although within the required setback, will not adversely impact the environment, as they will be installed over existing disturbed surfaces, including paved and gravel areas. The property’s 100-year base flood elevation, per both the 2014 Preliminary and 2019 Effective FEMA Flood Insurance Rate Maps is at 8 feet (NAVD ’88). Proposed structures will be elevated a minimum of one foot above the best available flood data elevation of 8 feet, in compliance with Hackensack Meadowlands District floodplain management regulations. Minimum lot coverage and open space requirements are met, and existing drainage patterns will be maintained. The District’s environmental performance standards for noise, glare, vibrations, airborne

emissions, hazardous materials or water quality will not be exceeded.

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

The proposed project involves an upgrade and expansion of the existing substation to address the need for additional capacity and to improve reliability of the regional utility system. The particular characteristics of the property, including the shallow depth of the parcel and the location of existing improvements, constrain the ability of the proposed improvements to comply with the rear yard setback requirements. These conditions represent exceptional practical difficulties in the accommodation of the required upgrades and expansion of the substation. The placement of the proposed structures and equipment on the site is also limited by national regulatory codes that require specific clearance distances between equipment and structures. The proposed upgrades will not extend beyond the preexisting nonconforming rear yard setback and will occupy only a small portion of the property's westerly lot line. Adequate light, air, and open space will continue to be provided. Therefore, the requested variance represents 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 23.6-foot rear yard setback, whereas a minimum rear yard setback of 75 feet is required, will not substantially impair the intent and purpose of these regulations. There will be no significant impact to the provision of light, air, and open space as a result of the requested setback variance. The intent of the minimum required 75-foot rear yard setback in the Light Industrial A zone is generally to provide sufficient area for truck maneuvering and loading areas in the rear of industrial properties. However, this purpose will not be impaired as the subject utility use on this site does not involve such loading operations.

Due to the existing configuration of the property and the improvements on the site, including the shallow depth of the parcel, the layout of the proposed equipment per national regulatory criteria, and the existing nonconforming setback, the site is constrained in its ability to meet the required rear yard setback. As the District regulations are intended to provide for infrastructure and utility improvements and to promote the efficient use of the land, the requested variance will not substantially impair these purposes.

**C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.10(a)1, which does not permit fences in the required front yard. The applicant is proposing to add a section of new fencing within the required front yard across a portion of Lot 1.**

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 site is currently developed with an existing electric substation including a control house, transmission towers, electrical equipment, and access driveways from West Side Avenue. An existing non-conforming chain link fence is located between 1.3 and 2.1 feet from the front property line along West Side Avenue. The existing fence around the substation is proposed to be replaced in its existing location, with a proposed new section of fencing extending approximately 75 feet toward the south to completely enclose the expanded utility compound. The new fence section will consist of a 7-foot-high chain link fence with 1-foot barbed wire and will include gates to secure the driveway opening. The proposed new section of fence will have a minimum setback of 0.2 feet from West Side Avenue.

The Hackensack Meadowlands District Zoning Regulations restrict the placement of fences within required front yards. The property is configured and improved in such a way that potential locations for a fence are limited without negatively affecting site improvements and jeopardizing site security. The security fencing surrounding the substation is required by the National Electric Safety Code (NESC). Thus, security requirements for critical infrastructure such as electric substations are heightened in comparison to other permitted uses in

the Light Industrial A zone. Therefore, the variance requested arises from the conditions that are unique to the property in question, are not ordinarily found in the same zone, and were not created by any action of the property owner or applicant.

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

The installation of the proposed security fence within the required front yard of the subject property, as proposed, will not adversely affect the rights of neighboring property owners and residents. The subject property contains an existing chain link fence located between 1.3 and 2.1 feet from the property line along West Side Avenue, and the proposed fencing within the front yard, proposed at a minimum 0.2-foot setback, will replace the existing fencing and be extended to enclose the expanded utility compound to provide adequate security for the site. The proposed fence will not obstruct access to neighboring properties. In addition, there are no residential uses located within the vicinity of the subject site.

- 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.*

A new security fence and gates are proposed around the expansion of the electric substation and extend into the required front yard of the subject property at a minimum front yard setback of 0.2 feet from West Side Avenue, whereas fences are not permitted within the

required front yard. An existing nonconforming chain link fence located between 1.3 and 2.1 feet from the property line along West Side Avenue is proposed to be replaced in the same location. A new 75-foot-long portion of the fence, with access gates, is proposed to be located within the required front yard of the subject property to meet the existing fence line, in order to provide for adequate security on the site. If the fence were not permitted to extend into the front yard and connect with the existing fence, the security of the electric substation would be compromised by the resulting gaps in the fencing.

If the regulations were strictly applied, the applicant would be unable to provide for a continuous security fence around the site perimeter and, therefore, would be unable to secure the site in accordance with industry requirements. Security requirements for critical infrastructure such as electric substations are heightened in comparison to other permitted uses in the Light Industrial A zone. The proposed location of the fence will allow the site to continue to function unimpeded.

Therefore, the strict application of the regulations governing fence location will result in particular and exceptional practical difficulties to, and exceptional and undue hardship upon, the property owner.

*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 proposed fence within the required front yard of the subject property 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. Rather, the proposed fence will properly secure the expanded substation site and thereby protect the public safety and general welfare. In addition, the protection of critical infrastructure, such as electric substations, is in the best interest of the general public. The proposed location of the fence will not result in any detriment to area traffic or cause back-ups on West Side Avenue by utility vehicles accessing the site. The existing and proposed substation is unmanned and, therefore, traffic is minimal and will not differ significantly from existing operations at the site. Although gate posts are proposed at nine feet in height, the proposed height of the fence and gates themselves will not exceed the eight-foot maximum height requirement in the Light Industrial A zone.

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

The granting of the requested variance to permit the proposed fence within the required front yard of the subject property will not have a substantial adverse environmental impact. The proposed fence will secure the property and protect the public by securing access to vital utility infrastructure. Fencing will not be located in environmentally sensitive areas, such as wetlands or open water, and existing drainage patterns will be maintained after the fencing is installed. The Hackensack Meadowlands District's environmental performance standards for noise, glare, vibrations, airborne emissions, hazardous materials or water quality will not be exceeded.

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

The proposed fence plan represents the replacement of the existing fencing around the entire substation, along with a proposed 75-foot-long new portion of fencing located at a minimum 0.2-foot setback from West Side Avenue to secure the expanded substation. The existing nonconforming fence currently extends east into the required front yard along West Side Avenue at a minimum 1.3-foot setback. The length of the new fence/gate portion represents approximately 13.6 percent of the site's frontage along West Side Avenue, which is a minimal expansion of a preexisting nonconforming condition on the premises.



A conforming fence location would be located at a 50-foot setback from the property line along West Side Avenue, which would position the fencing through existing utility improvements on the 150-foot-wide site. This is not a practicable alternative. There are no alternative compliant locations to provide a security fence without altering the safe operation and layout of the substation. Therefore, the requested variance represents the minimum deviation from the regulations that will afford relief.

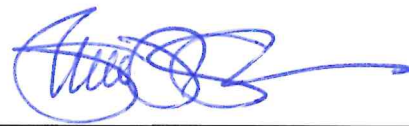
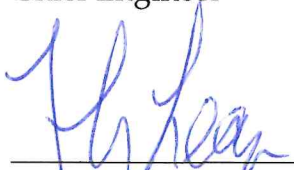
*vii. Granting the variance will not substantially impair the intent and purpose of these regulations.*

The granting of the requested variance to permit fencing at a minimum 0.2-foot setback within the required front yard of the subject property will not substantially impair the intent and purpose of these regulations. The proposed fencing will connect to a preexisting nonconforming fence in the required front yard on the easterly lot line along West Side Avenue. Due to the particular characteristics of the property and the existing and proposed electrical substation layout, the site cannot be redesigned to provide for a compliant fence location. The intent and purpose of fence regulations is to allow for site security, however, if the requested variance were not granted, that purpose would not be fulfilled. Therefore, the proposal supports the purpose of the Hackensack Meadowlands District zoning regulations to “promote development in accordance with good planning practices that relates the type, design, and layout of such development to both the particular site and surrounding environs.”

## V. SUMMARY OF CONCLUSIONS


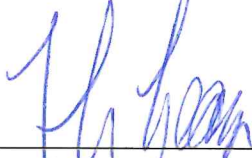
- A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.77(a)3i, which requires a minimum front yard setback of 50 feet, whereas the applicant is proposing concrete foundation structures with a minimum setback of 21.4 feet from the easterly front yard property line along West Side Avenue.

Based on the record in this matter, the bulk variance application to construct concrete structures within the required front yard along West Side Avenue with a minimum setback of 21.4 feet, whereas a minimum front yard setback of 50 feet is required, is hereby recommended for APPROVAL.

<u>APPROVAL</u>	<u>7/13/2023</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management Chief Engineer
<u>Approved</u>	<u>7/13/23</u>	
Recommendation on Variance Request	Date	Frank Leanza, Esq. Senior Vice President Chief of Legal and Regulatory Affairs

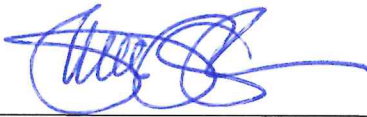
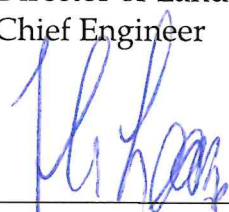
**B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.77(a)3iii, which requires a minimum rear yard setback of 75 feet, whereas the applicant is proposing concrete structures with a minimum setback of 23.6 feet from the westerly rear yard property line.**

Based on the record in this matter, the bulk variance application to construct concrete structures within the required rear yard with a minimum setback of 23.6 feet, whereas a minimum rear yard setback of 75 feet is required, is hereby recommended for APPROVAL.

<u>APPROVAL</u>	<u>7/13/2023</u>	<u></u>
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management Chief Engineer
<u>Approved</u>	<u>7/13/23</u>	<u></u>
Recommendation on Variance Request	Date	Frank Leanza, Esq. Senior Vice President Chief of Legal and Regulatory Affairs

C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.10(a)1, which does not permit fences in the required front yard. The applicant is proposing to install fencing within the required front yard on the subject property.

Based on the record in this matter, the bulk variance application to install fencing at a minimum 0.2-foot setback from West Side Avenue, within the required front yard of the subject property, is hereby recommended for APPROVAL.

<u>APPROVAL</u>	<u>7/13/2023</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management Chief Engineer
<u>Approved</u>	<u>7/13/23</u>	
Recommendation on Variance Request	Date	Frank Leanza, Esq. Senior Vice President Chief of Legal and Regulatory Affairs

**RESOLUTION 2023-32**

**RESOLUTION ISSUING A DECISION ON THE  
SUITABILITY RECOMMENDATION AS REQUIRED BY THE  
NJSEA INTERIM POLICIES GOVERNING AFFORDABLE HOUSING  
DEVELOPMENT IN THE MEADOWLANDS DISTRICT  
FILE No. 23-206, Forsgate Ventures XIV/10 Polito Avenue -  
New Building (Variances)  
BLOCK 227, LOT 1  
IN THE TOWNSHIP OF LYNDHURST**

**WHEREAS**, in a decision dated May 21, 2007 (A-4174-03T3; A-3107-04T1), the Appellate Division of the New Jersey Superior Court determined, among other things, that the New Jersey Meadowlands Commission (NJMC) should consider whether new development in the Meadowlands District should be avoided until the Commission implements new rules concerning affordable housing; and

**WHEREAS**, on July 25, 2007, the Commission adopted Resolution No. 07-68, which approved the "Policy Statement Regarding the NJMC's Expanded Responsibilities to Plan and Zone for Affordable Housing"; and

**WHEREAS**, on May 6, 2008, COAH adopted new rules, which became effective upon publication in the New Jersey Register on June 2, 2008 and, in addition, adopted new rules on September 22, 2008, which became effective on October 20, 2008; and

**WHEREAS**, on July 17, 2008, P.L. 2008, Chapter 46 became law, revising various parts of the statutory law concerning affordable housing; and

**WHEREAS**, on July 23, 2008, the Commission adopted Resolution No. 08-80, which approved the "*Interim Policies Governing Affordable Housing Development in the Meadowlands District*," in order to govern the review of and restraints upon applications for further development in the Meadowlands District in a manner consistent with these regulatory and statutory changes, prior to the implementation of new regulations regarding same; and

**WHEREAS**, pursuant to Public Law 2015, Chapter 19, the New Jersey Meadowlands Commission (NJMC) has become part of the New Jersey Sports and Exposition Authority (NJSEA), effective February 5, 2015; and

**WHEREAS**, the *Interim Policies*, last revised by Resolution No. 11-29 on July 27, 2011, govern all zoning certificate applications, petitions to amend the Official Zoning Map, new redevelopment plans, and proposed amendments to a redevelopment plan pertaining to new proposed uses or changes to existing uses,

received on or after July 24, 2008, and remain in effect until the NJSEA promulgates new regulations concerning affordable housing, or the *Interim Policies* are withdrawn or rescinded by Commission action or court order, whichever occurs first; and

**WHEREAS**, the *Interim Policies* set forth the criteria for a Review Team, comprised of three NJSEA staff members including one New Jersey-licensed professional engineer and one New Jersey-licensed professional planner, and also a professional planner representing the municipality in which the proposed development is located, to review each applicable application to determine the suitability of the subject site for residential use; and

**WHEREAS**, a zoning certificate application was submitted to the NJSEA on May 11, 2023, by Jake Sutker, of Forsgate Ventures XIV, LLC, for the premises identified as 10 Polito Avenue, Block 227, Lot 1, in the Township of Lyndhurst, New Jersey, which is located in the District's Commercial Park zone; and

**WHEREAS**, the subject application proposes the construction of a 72,268-square-foot warehouse building, and, as such, is not exempt from the *Interim Policies*; and

**WHEREAS**, the application was forwarded to the Review Team for review of the application in accordance with the *Interim Policies*; and

**WHEREAS**, the Review Team evaluated the suitability of the subject property taking into consideration the specific application submitted for construction of a 72,268-square-foot warehouse building; and

**WHEREAS**, a suitability review, dated July 12, 2023, and attached hereto, has been prepared, indicating the recommendation of the Review Team in this matter; and

**WHEREAS**, the suitability review recommends that the subject property is unsuitable for residential use; and

**WHEREAS**, the Board of Commissioners of the NJSEA has reviewed the suitability review and recommendation prepared by the Review Team, regarding the subject property; and

**WHEREAS**, the Board of Commissioners of the NJSEA concurs with the recommendation of the Review Team; and

**WHEREAS**, the Board of Commissioners of the NJSEA hereby determines that the subject property is unsuitable for residential use.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the New Jersey Sports and Exposition Authority that the property located at 10 Polito Avenue, Block 227, Lot 1, in the Township of Lyndhurst, New Jersey, is deemed to be unsuitable for residential use.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of July 27, 2023.



Vincent Prieto  
Secretary





## MEMORANDUM

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

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**From:** Sara J. Sundell **Date:** July 27, 2023

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**Subject:** Site Suitability Recommendation for 10 Polito Avenue, Block 227, Lot 1, in the Township of Lyndhurst (File No. 23-206)

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In a decision dated May 21, 2007 (A-4174-03T3; A-3107-04T1), the Appellate Division of the New Jersey Superior Court determined, among other things, that the New Jersey Meadowlands Commission (NJMC or Commission) should consider whether new development in the Meadowlands District should be avoided until the Commission implements new rules concerning affordable housing. The Commission followed up by adopting Resolution No. 07-68, on July 25, 2007, which approved the "Policy Statement Regarding the NJMC's Expanded Responsibilities to Plan and Zone for Affordable Housing." Thereafter, on July 23, 2008, the Commission adopted Resolution No. 08-80, which approved the "*Interim Policies Governing Affordable Housing Development in the Meadowlands District*," which was last revised by Resolution No. 11-29 on July 27, 2011, in order to govern the review of and restraints upon applications for further development in the Meadowlands District in a manner consistent with regulatory and statutory changes regarding affordable housing, prior to the implementation of new regulations regarding same.

Pursuant to Public Law 2015, Chapter 19, the New Jersey Meadowlands Commission (NJMC) has become part of the New Jersey Sports and Exposition Authority (NJSEA), effective February 5, 2015.

The *Interim Policies* apply to all zoning certificate applications, petitions to amend the Official Zoning Map, new redevelopment plans, and proposed amendments to a redevelopment plan pertaining to new proposed uses or changes to existing uses, received on or after July 24, 2008, and will remain in effect until the NJSEA promulgates new regulations concerning affordable housing, or the *Interim Policies* are withdrawn or rescinded by Authority action or court order, whichever occurs first. The *Interim Policies* set forth the criteria for a Review Team, comprised of three NJSEA staff members, including one New Jersey-licensed professional



engineer and one New Jersey-licensed professional planner, and also a professional planner representing the municipality in which the proposed development is located, to review each applicable application to determine the suitability of the subject site for residential use.

The NJSEA received an application for the construction of a 72,268-square-foot warehouse building, on the premises identified as 10 Polito Avenue, Block 227, Lot 1, in the Township of Lyndhurst, New Jersey. The subject property is located within the District's Commercial Park zone and is currently the site of an existing hotel and restaurant, which are currently vacant.

The matter was forwarded to the Review Team for review of the proposed site in accordance with the *Interim Policies*. A suitability review, dated July 12, 2023, has been prepared, indicating that the Review Team recommends that the subject property is not suitable for residential use.

At this time, the NJSEA staff is recommending that the members of the NJSEA concur with the site suitability recommendation prepared by the Review Team, which determines that the subject property is not suitable for residential use.

# Suitability Review – Summary

File No. 23-206

*Forsgate Ventures XIV/10 Polito Avenue - New Building (Variances)*

*Block 227, Lot 1, in the Township of Lyndhurst*

*July 12, 2023*

The NJSEA received a zoning certificate application for the proposed construction of a 72,268-square-foot warehouse building, proposed to be located at 10 Polito Avenue, Block 227, Lot 1, in the Township of Lyndhurst, New Jersey. The subject property is located in the Commission’s Commercial Park zone and, as such, is not exempt from the site suitability review process. In keeping with the review process, the site characteristics of the property have been evaluated in accordance with the “Interim Policies Governing Affordable Housing Development in the Meadowlands District,” adopted by the NJMC on July 24, 2008, and last revised on July 27, 2011.

**In accordance with Section IV(c)1 of the Interim Policies, the criteria to deem a site suitable for housing are as follows:**

**i. The site is adjacent to compatible land uses and has access to appropriate streets.**

- The subject property is adjacent to land uses that are not compatible with a residential development.
- The subject property is a corner property with frontage Polito Avenue, the NJ Route 3 & Route 17 Interchange (South Service Road – Ramp O-P) (aka Rutherford Avenue), and Garland Way. These streets are main thoroughfares providing access to the warehouse/distribution, commercial and industrial center of Lyndhurst (the Lyndhurst Commerce Center).
- The Lyndhurst Commerce Center, which is accessed by Polito Avenue and Garland Way, has been evolving from an office park with some warehouse and industrial uses, to more of a warehouse center. Polito Avenue and Garland Way are two of the main entry roads for truck traffic leading to these warehouses.
- The intersection of Polito Avenue and Rutherford Avenue has a longstanding, unresolved flooding issue that results in one or more lanes of Polito Avenue being closed on a regular basis due to standing water in the road. Climate change and impending sea level rise will only exacerbate the flooding issues in this low-lying area.
- The subject property is located adjacent to an existing warehouse and in the vicinity of several existing and proposed hotels, along both Polito

- Avenue and Rutherford Avenue.
- The nearest residential developments are located approximately one-half mile east of the subject property. Pedestrian access between the subject property and the residential developments is limited.
  - This criterion is not met by the subject property.
- ii. **The site has access to water and sewer infrastructure with sufficient capacity.**
- This criterion is met by the subject property.
- iii. **The site can be developed consistent with the rules of the NJSEA.**
- This criterion can be met by the subject property.
- iv. **Former and existing land uses, either on the site or in the vicinity, may not expose residents to environmental hazard. Alternatively, the site shall be remediated to NJDEP residential standards as a condition of the Board's approval.**
- The subject property is not listed on the NJDEP's Known Contaminated Sites List for New Jersey.
  - As such, this criterion is met by the subject property.
- v. **The size, shape, or layout of any existing structure that shall remain, or other physical limitation(s) not listed previously, do not preclude residential use.**
- The subject property is currently fully developed with a shuttered hotel and restaurant, including the building structure and necessary parking and loading facilities.
  - The existing hotel and restaurant structure on the subject property is proposed to be removed and replaced with a warehouse.
  - The area of the subject property totals 4.64 acres, including an area of wetlands that cannot be developed. A creek within the Rutherford Avenue/South Service Road right-of-way will require a riparian buffer.
  - Any new development on the subject property will be required to provide the required waterway buffers from the creek located on both the subject and adjacent properties, which will reduce the amount of developable area.
  - While the property could accommodate a residential development, there is not sufficient space to construct a residential structure(s) on the

subject property in a manner that would provide a reasonable separation distance and appropriate buffering between the housing and the adjacent warehouse and truck thoroughfares. There is also insufficient area available to develop a critical mass of housing.

- As such, this criterion is not met by the subject property.

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

- The site is located at the entrance to the Lyndhurst Commerce Center, which is predominated by warehouse and industrial uses. There are no adjacent residential or other supportive uses that could, from a planning perspective, create a cohesive neighborhood. The site is remote from public schools, local retail stores, and other public amenities.
- There is no adjacency or easy pedestrian access between the subject property and the residential uses located along Chubb Avenue and at the east end of Wall Street West.
- Pedestrian access to the rest of the community requires traveling through both an active warehouse and industrial area, which is heavily utilized by trucks, and along two active roads, Polito and Rutherford Avenues.
- Rutherford Avenue is also a part of the NJ Route 3 & Route 17 Interchange (South Service Road – Ramp O-P), which experiences a significant amount of traffic, including commuters from the surrounding communities and trucks traveling to and from the nearby highways.
- Polito Avenue and Garland Way are main points of entry into the Lyndhurst Commerce Center, which has been undergoing an evolution from office to warehouse uses. As such, the surrounding neighborhood has become more transient, supporting truck traffic for the warehouse and industrial uses. In addition, the long-standing Sika Corporation headquarters and chemical plant is also located on Polito Avenue and requires tankers for their supplies and products to travel through the Lyndhurst Commerce Center roadways on a regular basis.
- At 4.64 acres, the site is not of sufficient size to construct residential units that could be effectively separated from the surrounding warehouse and industrial uses or buffered from truck traffic along adjacent roadways and the highway noise associated with Routes 3 and 17.
- The wetlands located on the subject property are protected from development and, as such, limit the amount of area on the property available for residential units, parking and recreational space.
- Truck traffic associated with warehouse and industrial uses generates

noise day and night, during both on- and off-peak hours. The noise associated with this traffic and that on the surrounding roads and highways is detrimental to residential uses.

- From the standpoint of environmental justice, the nature of the surrounding environment, including the existing and proposed uses and the heavy truck traffic in the region, is not conducive to a residential use on the subject property.
- As such, this criterion is not met by the subject property.

In summary, only three (3) of the above criteria, as per Section IV(c)1 of the Interim Policies, apply to the subject property.

### **Conclusion**

The subject property, located at 10 Polito Avenue, Block 227, Lot 1, in the Township of Lyndhurst, is recommended to be deemed unsuitable for housing.

Contingent upon the approval of this recommendation by the NJSEA Board of Commissioners, the review of the submitted zoning certificate application for the proposed construction of a 72,268-square-foot warehouse building may proceed for this site. As a condition of zoning certificate approval, the applicant shall be required to satisfy the project's affordable housing requirements as per Section VII(a) of the Interim Policies or as required by law.

# AWARDS / CONTRACTS

## **RESOLUTION 2023-33**

### **RESOLUTION AUTHORIZING THE SELECTION OF QUALIFIED FIRMS AND THE AWARDING OF CONTRACTS FOR ARCHITECTURAL AND ENGINEERING ON CALL SERVICES**

**WHEREAS**, a Request for Qualifications (RFQ) was issued on February 28, 2023 to create a short-list of pre-qualified on call Architectural and Engineering services providers for various upcoming projects located at any of the NJSEA facilities; and

**WHEREAS**, a total of thirty-six firms attended the pre-qualification meeting held via Zoom on March 7, 2023; and;

**WHEREAS**, on April 6, 2023, thirty firms submitted proposals, each detailing the qualifications of the firm to provide the requested on call services; and

**WHEREAS**, an Evaluation Committee was established to review and rank the proposals and presentations based on the criteria established in the RFQ and a meeting was held to review the Committee's findings with management and legal; and

**WHEREAS**, from the thirty firms that submitted proposals, the Evaluation Committee selected and ranked six qualified firms for each of the following three disciplines: 1. Architecture, 2. Civil Engineering, and 3. Mechanical, Electrical and Plumbing (MEP); and

**WHEREAS**, the qualified firms selected by the Evaluation Committee are as follows:

#### **Architecture Selected Firms**

1. PS&S
2. FKA Architects - SBE
3. DI Group Architects- MBE/DBE/SBE
4. RSC Architects
5. DMR Architects - SBE
6. Gannett Fleming

#### **Civil Selected Firms**

1. PS&S
2. Neglia
3. Petry Engineering (+Structural) - SBE
4. LERA (+Structural) MBE/WBE
5. Langan Engineering
6. French & Parrello Associates

**MEP Selected Firms**

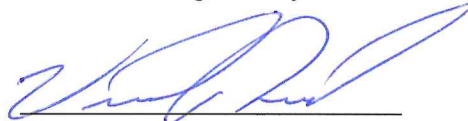
1. PS&S
2. French & Parrello Associates
3. Faust Engineering - SBE
4. Gannett Fleming
5. Remington & Vernick
6. LAN Associates; and

**WHEREAS**, the qualified selected firms will be eligible for contracts for future work with the NJSEA based on proposals submitted through the Task Order Solicitation Process, which is outlined in the RFQ documents.

**NOW, THEREFORE, BE IT RESOLVED** that the President and CEO of the New Jersey Sports and Exposition Authority is hereby authorized to qualify the selected firms listed herein for upcoming projects with the NJSEA.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the President and CEO is authorized to select and contract with firms from the qualified list for specific future projects utilizing the Task Order Solicitation Process.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of July 27, 2023.



Vincent Prieto  
Secretary



**RESOLUTION 2023-34**

**RESOLUTION AUTHORIZING THE PRESIDENT AND CEO TO EXECUTE A  
CHANGE ORDER TO THE CONTRACT WITH JOSEPH M. SANZARI, INC. OF  
NEW JERSEY FOR DECK REPAIRS OF THE BRIDGE OVER STATE ROUTE 120,  
NJ#4900-002 IN EAST RUTHERFORD, NEW JERSEY**

**WHEREAS**, the New Jersey Sports and Exposition Authority required significant deck repairs to the bridge over State Route 120, NJ#4900-002 located in East Rutherford; and

**WHEREAS**, in January 2023, following a publicly advertised bid process, the NJSEA Board of Commissioners adopted Resolution 2023-03, awarding a contract to Joseph M. Sanzari, Inc. to undertake bridge deck repairs for a lump sum cost of \$297,378.00; and

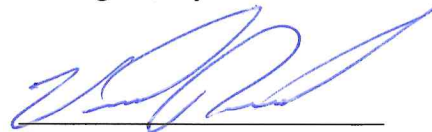
**WHEREAS**, the bid included unit pricing for any additional work, which was evaluated using NJDOT Construction Cost Estimating Guidelines; and

**WHEREAS**, NJSEA Engineering Staff has determined that it has become necessary to issue a change order authorizing additional work on the bridge deck repair project; and

**WHEREAS**, the proposal for the additional work, including cost, has been reviewed and approved by the NJSEA Engineering Staff and PS&S, acting as the NJSEA full-time field engineer, with the listing of the approved final quantities attached hereto.

**NOW, THEREFORE, BE IT RESOLVED** by the New Jersey Sports and Exposition Authority that the President and CEO is hereby authorized to execute a change order to the contract for bridge deck repair with Joseph M. Sanzari, Inc., authorizing additional work at a cost of \$259,850.00.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of July 27, 2023.



Vincent Prieto  
Secretary



PS&S REPAIR ID	NJDOT ITEM NO.	PAY ITEM NO.	TO BE CONSTRUCTED	LOCATION	SPAN	LANE	DATE	REPAIR TYPE	UNIT	LENGTH (FT)	DEPTH (IN)	DEPTH (FT)	PERIMETER (FT)	AREA (IN <sup>2</sup> )	AREA (FT <sup>2</sup> )	VOLUME (IN <sup>3</sup> )	VO (
1	551006M	11	CONCRETE DECK REPAIR, TYPE B	NORTH PORTION	2	SHOULDER / RT LANE	4/10/2023	SPALL	SF	-	4.00	0.33	20.75	2374	16	9496	
2	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	2	SHOULDER / RT LANE	4/10/2023	SPALL	SF	-	6.00	0.50	29.50	4230	29	25379	
3	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	2	SHOULDER / RT LANE	4/10/2023	SPALL	SF	-	5.00	0.42	6.75	329	2	1645	
4	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	2	SHOULDER / RT LANE	4/10/2023	SPALL	SF	-	5.00	0.42	21.33	2415	17	12075	
5	551006M	11	CONCRETE DECK REPAIR, TYPE B	NORTH PORTION	2	SHOULDER / RT LANE	4/10/2023	SPALL	SF	-	4.00	0.33	28.08	3018	21	12073	
6	551006M	11	CONCRETE DECK REPAIR, TYPE B	NORTH PORTION	2	SHOULDER / RT LANE	4/10/2023	SPALL	SF	-	4.50	0.38	16.00	2304	16	10368	
7	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	2	SHOULDER / RT LANE	4/10/2023	SPALL	SF	-	5.00	0.42	22.83	3355	23	16775	
8	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	2	SHOULDER / RT LANE	4/10/2023	SPALL	SF	-	5.00	0.42	9.17	714	5	3570	
9	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	2	SHOULDER / RT LANE	4/11/2023	SPALL	SF	-	5.00	0.42	9.17	714	5	3570	
10A	551006M	11	CONCRETE DECK REPAIR, TYPE B	NORTH PORTION	2	SHOULDER / RT LANE	4/11/2023	SPALL	SF	-	4.50	0.38	10.83	924	6	4158	
10B	551006M	11	CONCRETE DECK REPAIR, TYPE B	NORTH PORTION	2	SHOULDER / RT LANE	4/11/2023	SPALL	SF	-	4.00	0.33	10.50	945	7	3779	
11	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	EAST APPROACH	SHOULDER / RT LANE	4/11/2023	SPALL	SF	-	7.50	0.63	34.00	7344	51	55080	
12	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION		SHOULDER / RT LANE	4/11/2023	SPALL	SF	-	5.00	0.42	27.25	3262	23	16308	
13	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	2	SHOULDER / RT LANE	4/11/2023	SPALL	SF	-	5.50	0.46	16.67	1803	13	9917	
14	551006M	11	CONCRETE DECK REPAIR, TYPE B	NORTH PORTION	2	SHOULDER / RT LANE	4/11/2023	SPALL	SF	-	4.50	0.38	8.67	676	5	3042	
15	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	2	SHOULDER / RT LANE	4/11/2023	SPALL	SF	-	5.00	0.42	12.33	1305	9	6525	
16	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	2	SHOULDER / RT LANE	4/12/2023	SPALL	SF	-	5.00	0.42	6.67	399	3	1995	
17	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	2	SHOULDER / RT LANE	4/12/2023	SPALL	SF	-	5.50	0.46	9.00	665	5	3658	
18	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	2	SHOULDER / RT LANE	4/12/2023	SPALL	SF	-	5.00	0.42	10.83	1054	7	5270	
19	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	1	SHOULDER / RT LANE	4/12/2023	SPALL	SF	-	5.00	0.42	10.33	861	6	4305	
20	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	1	SHOULDER / RT LANE	4/12/2023	SPALL	SF	-	5.00	0.42	15.33	1587	11	7935	
21	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	1	SHOULDER / RT LANE	4/12/2023	SPALL	SF	-	5.00	0.42	19.50	3350	23	16750	
22	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	1	SHOULDER / RT LANE	4/12/2023	SPALL	SF	-	5.50	0.46	10.50	962	7	5291	
23	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	1	SHOULDER / RT LANE	4/12/2023	SPALL	SF	-	5.00	0.42	11.33	1120	8	5600	
24	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	1	SHOULDER / RT LANE	4/13/2023	SPALL	SF	-	5.00	0.42	34.71	7716	54	38580	
25	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	1	SHOULDER / RT LANE	4/13/2023	SPALL	SF	-	6.00	0.50	7.17	432	3	2592	
26	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	1	SHOULDER / RT LANE	4/13/2023	SPALL	SF	-	5.50	0.46	6.33	360	3	1980	
27	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	1	SHOULDER / RT LANE	4/13/2023	SPALL	SF	-	5.00	0.42	7.33	468	3	2340	
28	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	1	SHOULDER / RT LANE	4/13/2023	SPALL	SF	-	5.00	0.42	9.33	780	5	3900	
29	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	1	SHOULDER / RT LANE	4/13/2023	SPALL	SF	-	5.00	0.42	9.17	624	4	3120	
30	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	1	SHOULDER / RT LANE	4/13/2023	SPALL	SF	-	5.00	0.42	15.33	1860	13	9300	
31	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	1	SHOULDER / RT LANE	4/14/2023	SPALL	SF	-	6.00	0.50	6.67	391	3	2346	
32	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	1	SHOULDER / RT LANE	4/14/2023	SPALL	SF	-	5.50	0.46	11.67	1221	8	6716	
33	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	4/14/2023	SPALL	SF	-	4.50	0.38	24.67	4800	33	21600	
34	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	4/14/2023	SPALL	SF	-	4.50	0.38	11.67	1221	8	5495	
35	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	4/14/2023	SPALL	SF	-	4.50	0.38	6.67	396	3	1782	

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BY ADK

DATE 6/15/2023



144

PS&S REPAIR ID	NJDOT ITEM NO.	PAY ITEM NO.	TO BE CONSTRUCTED	LOCATION	SPAN	LANE	DATE	REPAIR TYPE	UNIT	LENGTH (FT)	DEPTH (IN)	DEPTH (FT)	PERIMETER (FT)	AREA (IN <sup>2</sup> )	AREA (FT <sup>2</sup> )	VOLUME (IN <sup>3</sup> )	VO
36	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	4/14/2023	SPALL	SF	-	4.50	0.38	13.83	1242	9	5589	
37	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	1	SHOULDER / RT LANE	4/14/2023	SPALL	SF	-	5.00	0.42	34.00	6668	46	33341	
38	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	1	SHOULDER / RT LANE	4/18/2023	SPALL	SF	-	5.50	0.46	12.83	1480	10	8140	
39	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	1	SHOULDER / RT LANE	4/18/2023	SPALL	SF	-	5.00	0.42	15.67	1373	10	6867	
40	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	4/18/2023	SPALL	SF	-	4.50	0.38	13.50	1176	8	5292	
41	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	4/18/2023	SPALL	SF	-	4.50	0.38	14.17	1332	9	5994	
42	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	4/18/2023	SPALL	SF	-	4.00	0.33	5.33	256	2	1024	
43	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	1	SHOULDER / RT LANE	4/18/2023	SPALL	SF	-	5.00	0.42	33.92	7870	55	39350	
44	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	1	SHOULDER / RT LANE	4/18/2023	SPALL	SF	-	5.00	0.42	30.25	6221	43	31105	
45	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	4/18/2023	SPALL	SF	-	4.50	0.38		685	5	3083	
46	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	1	SHOULDER / RT LANE	4/18/2023	SPALL	SF	-	5.00	0.42		1643	11	8215	
47	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	4/20/2023	SPALL	SF	-	4.50	0.38		4182	29	18819	
48	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	1	SHOULDER / RT LANE	4/20/2023	SPALL	SF	-	5.00	0.42		775	5	3875	
49	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	4/20/2023	SPALL	SF	-	4.00	0.33		546	4	2184	
50	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	1	SHOULDER / RT LANE	4/20/2023	SPALL	SF	-	5.00	0.42		1333	9	6665	
51	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	1	SHOULDER / RT LANE	4/20/2023	SPALL	SF	-	5.50	0.46		4757	33	26164	
52	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	1	SHOULDER / RT LANE	4/20/2023	SPALL	SF	-	5.50	0.46		1647	11	9059	
53	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	4/20/2023	SPALL	SF	-	4.00	0.33		1280	9	5120	
54	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	4/20/2023	SPALL	SF	-	4.50	0.38		2046	14	9207	
55	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	1	SHOULDER / RT LANE	4/20/2023	SPALL	SF	-	5.00	0.42		1421	10	7105	
56a	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	1	SHOULDER / RT LANE	4/20/2023	SPALL	SF	-	9.00	0.75		1116	8	10044	
56b	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	4/20/2023	SPALL			4.00	0.33		2874	20	11496	
57	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	4/20/2023	SPALL	SF	-	4.50	0.38		3805	26	17123	
58	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	4/20/2023	SPALL	SF	-	4.00	0.33		841	6	3364	
59	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	4/20/2023	SPALL	SF	-	4.00	0.33		1690	12	6760	
60	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	4/20/2023	SPALL	SF	-	4.00	0.33		925	6	3700	
61	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	4/20/2023	SPALL	SF	-	4.50	0.38		2452	17	11034	
62	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	4/20/2023	SPALL	SF	-	4.00	0.33		1008	7	4032	
63	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	4/20/2023	SPALL	SF	-	4.00	0.33		651	5	2604	
64	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	4/20/2023	SPALL	SF	-	4.00	0.33		483	3	1932	
65	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	4/20/2023	SPALL	SF	-	4.00	0.33		1760	12	7040	
66	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	4/20/2023	SPALL	SF	-	4.50	0.38		2480	17	11180	
67	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	1	SHOULDER / RT LANE	4/20/2023	SPALL	SF	-	5.00	0.42		8025	56	40125	
68	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	4/24/2023	SPALL	SF	-	4.00	0.33		6256	43	25024	
69	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	1	SHOULDER / RT LANE	4/24/2023	SPALL	SF	-	5.00	0.42		360	3	1800	
70	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	1	SHOULDER / RT LANE	4/24/2023	SPALL	SF	-	5.00	0.42		3097	22	15485	

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BY ADK

DATE 6/15/2023



TYPE B = 1790  
 TYPE C = 3399  
 TOTAL = 5189

PS&S REPAIR ID	NJDOT ITEM NO.	PAY ITEM NO.	TO BE CONSTRUCTED	LOCATION	SPAN	LANE	DATE	REPAIR TYPE	UNIT	LENGTH (FT)	DEPTH (IN)	DEPTH (FT)	PERIMETER (FT)	AREA (IN <sup>2</sup> )	AREA (FT <sup>2</sup> )	VOLUME (IN <sup>3</sup> )	VO (
71	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	1	SHOULDER / RT LANE	4/24/2023	SPALL	SF	-	5.00	0.42		575	4	2875	
72	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	2	SHOULDER / RT LANE	4/24/2023	SPALL	SF	-	5.50	0.46		2587	18	14229	
73	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	2	SHOULDER / RT LANE	4/24/2023	SPALL	SF	-	5.00	0.42		567	4	2835	
74	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	2	SHOULDER / RT LANE	4/24/2023	SPALL	SF	-	4.00	0.33		7903	55	31612	
75	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	2	SHOULDER / RT LANE	4/24/2023	SPALL	SF	-	5.00	0.42		2100	15	10500	
76	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	2	SHOULDER / RT LANE	4/26/2023	SPALL	SF	-	5.00	0.42		10863	75	54315	
77	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	2	SHOULDER / RT LANE	4/26/2023	SPALL	SF	-	5.00	0.42		4152	29	20760	
78	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	2	SHOULDER / RT LANE	4/26/2023	SPALL	SF	-	4.00	0.33		680	5	2720	
79	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	2	SHOULDER / RT LANE	4/26/2023	SPALL	SF	-	4.00	0.33		1808	13	7232	
80	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	2	SHOULDER / RT LANE	4/26/2023	SPALL	SF	-	4.50	0.38		10332	72	46494	
81a	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	2	SHOULDER / RT LANE	4/27/2023	SPALL	SF	-	4.00	0.33		4319	30	17276	
81b	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	2	SHOULDER / RT LANE	4/27/2023	SPALL	SF	-	4.00	0.33		5459	38	21836	
81c	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	2	SHOULDER / RT LANE	4/27/2023	SPALL	SF	-	4.00	0.33		11540	80	46160	
81d	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	2	SHOULDER / RT LANE	4/27/2023	SPALL	SF	-	4.00	0.33		8319	58	33276	
81e	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	2	SHOULDER / RT LANE	4/27/2023	SPALL	SF	-	4.00	0.33		19432	135	77728	
81f	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	2	SHOULDER / RT LANE	4/27/2023	SPALL	SF	-	4.00	0.33		14031	97	56124	
81g	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	2	SHOULDER / RT LANE	4/27/2023	SPALL	SF	-	4.00	0.33		8505	59	34020	
81h	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	2	SHOULDER / RT LANE	4/27/2023	SPALL	SF	-	4.00	0.33		33050	230	132200	
82	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	2	SHOULDER / RT LANE	4/27/2023	SPALL	SF	-	4.00	0.33		2303	16	9212	
83	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	2	SHOULDER / RT LANE	4/27/2023	SPALL	SF	-	4.00	0.33		15734	109	62936	
84	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	2	SHOULDER / RT LANE	5/1/2023	SPALL	SF	-	4.00	0.33		35944	250	143776	
85	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	2	SHOULDER / RT LANE	5/1/2023	SPALL	SF	-	4.00	0.33		638	4	2552	
86	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	2	SHOULDER / RT LANE	5/1/2023	SPALL	SF	-	4.00	0.33		1728	12	6912	
87	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	2	SHOULDER / RT LANE	5/1/2023	SPALL	SF	-	4.00	0.33		912	6	3648	
88	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	2	SHOULDER / RT LANE	5/1/2023	SPALL	SF	-	4.00	0.33		437	3	1748	
89	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	5/2/2023	SPALL	SF	-	4.50	0.38		414	3	1863	
90	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	5/2/2023	SPALL	SF	-	4.00	0.33		418	3	1672	
91	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	5/2/2023	SPALL	SF	-	4.00	0.33		504	4	2016	
92	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	SHOULDER / RT LANE	5/2/2023	SPALL	SF	-	4.50	0.38		1071	7	4820	
93	551006M	11	CONCRETE DECK REPAIR, TYPE B	NORTH PORTION	2	LEFT LANE	5/2/2023	SPALL	SF	-	4.00	0.33		1248	9	4992	
94	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	2	LEFT LANE	5/2/2023	SPALL	SF	-	5.00	0.42		1638	11	8190	
95	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	2	LEFT LANE	5/2/2023	SPALL	SF	-	5.50	0.46		840	6	4620	
96	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	2	LEFT LANE	5/2/2023	SPALL	SF	-	5.00	0.42		1056	7	5280	
97	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	2	LEFT LANE	5/2/2023	SPALL	SF	-	5.00	0.42		1271	9	6355	
98	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	2	LEFT LANE	5/2/2023	SPALL	SF	-	5.50	0.46		7210	50	39655	
99	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	1	LEFT LANE	5/2/2023	SPALL	SF	-	5.00	0.42		4633	32	23165	

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100	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	1	LEFT LANE	5/2/2023	SPALL	SF	-	5.00	0.42		2040	14	10200	
101	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	1	LEFT LANE	5/2/2023	SPALL	SF	-	5.00	0.42		1330	9	6650	
102	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	1	LEFT LANE	5/2/2023	SPALL	SF	-	5.00	0.42		11708	81	58540	
103	551006M	11	CONCRETE DECK REPAIR, TYPE B	NORTH PORTION	1	LEFT LANE	5/3/2023	SPALL	SF	-	4.00	0.33		1280	9	5120	
104	551006M	11	CONCRETE DECK REPAIR, TYPE B	NORTH PORTION	1	LEFT LANE	5/3/2023	SPALL	SF	-	4.00	0.33		1600	11	6400	
105	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	1	LEFT LANE	5/3/2023	SPALL	SF	-	5.00	0.42		7379	51	36895	
106	551009M	12	CONCRETE DECK REPAIR, TYPE C	NORTH PORTION	1	LEFT LANE	5/3/2023	SPALL	SF	-	5.00	0.42		1248	9	6240	
107	551006M	11	CONCRETE DECK REPAIR, TYPE B	NORTH PORTION	1	LEFT LANE	5/3/2023	SPALL	SF	-	4.00	0.33		1176	8	4704	
108	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	TWO LEFT LANES	5/8/2023	SPALL	SF	-	4.50	0.38		768	5	3456	
109	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	TWO LEFT LANES	5/8/2023	SPALL	SF	-	4.00	0.33		6370	44	25480	
110	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	TWO LEFT LANES	5/8/2023	SPALL	SF	-	4.00	0.33		6276	44	25104	
111	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	TWO LEFT LANES	5/8/2023	SPALL	SF	-	4.50	0.38		1858	13	8361	
112	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	TWO LEFT LANES	5/8/2023	SPALL	SF	-	4.00	0.33		682	5	2728	
113	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	1	TWO LEFT LANES	5/8/2023	SPALL	SF	-	5.00	0.42		999	7	4995	
114	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	1	TWO LEFT LANES	5/8/2023	SPALL	SF	-	5.00	0.42		1161	8	5805	
115	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	TWO LEFT LANES	5/8/2023	SPALL	SF	-	4.50	0.38		378	3	1701	
116	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	TWO LEFT LANES	5/8/2023	SPALL	SF	-	4.50	0.38		5916	41	26622	
117	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	TWO LEFT LANES	5/8/2023	SPALL	SF	-	4.00	0.33		4189	29	16756	
118	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	1	TWO LEFT LANES	5/9/2023	SPALL	SF	-	5.00	0.42		1443	10	7215	
119	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	TWO LEFT LANES	5/9/2023	SPALL	SF	-	4.00	0.33		1044	7	4176	
120	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	TWO LEFT LANES	5/9/2023	SPALL	SF	-	4.50	0.38		22621	157	101795	
121	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	TWO LEFT LANES	5/9/2023	SPALL	SF	-	4.00	0.33		484	3	1936	
122	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	TWO LEFT LANES	5/9/2023	SPALL	SF	-	4.00	0.33		494	3	1976	
123	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	TWO LEFT LANES	5/9/2023	SPALL	SF	-	4.00	0.33		2624	18	10496	
124	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	TWO LEFT LANES	5/10/2023	SPALL	SF	-	4.00	0.33		960	7	3840	
125	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	TWO LEFT LANES	5/10/2023	SPALL	SF	-	4.00	0.33		567	4	2268	
126	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	TWO LEFT LANES	5/10/2023	SPALL	SF	-	4.00	0.33		361	3	1444	
127	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	TWO LEFT LANES	5/10/2023	SPALL	SF	-	4.00	0.33		2088	15	8352	
128	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	TWO LEFT LANES	5/10/2023	SPALL	SF	-	4.00	0.33		67623	470	270492	
129	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	1	TWO LEFT LANES	5/10/2023	SPALL	SF	-	4.00	0.33		2146	15	8584	
130	551006M	11	CONCRETE DECK REPAIR, TYPE B	SOUTH PORTION	2	TWO LEFT LANES	5/11/2023	SPALL	SF	-	4.50	0.38		43949	305	197771	
131	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	2	TWO LEFT LANES	5/16/2023	SPALL	SF	-	5.00	0.42		97758	679	488790	
132a	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	1	TWO LEFT LANES	5/17/2023	SPALL	SF	-	5.00	0.42		68857	478	344283	
132b	551009M	12	CONCRETE DECK REPAIR, TYPE C	SOUTH PORTION	1	TWO LEFT LANES	5/18/2023	SPALL	SF	-	6.00	0.50		1864	13	11184	

Type B

999

Submittal No. Final Quantities from French Parelo - CN #277.pdf

Page 4 of 5

- ☒ APPROVED
- ☐ APPROVED AS NOTED
- ☐ REVISE AND RESUBMIT
- ☐ REJECTED
- ☐ FOR INFORMATION ONLY



Submittal review is for conformance with the design concept of the project and compliance with the information given in the Contract Documents. Contractor is responsible for: dimensions to be confirmed and correlated at the job site; the fabrication process; the means, methods, techniques, sequences, and procedures for construction; and coordination of work of all trades. If this Submittal was prepared by a Professional Engineer licensed in the jurisdiction, this review is only for the general conformance with the design intent given in the Contract Documents.

BY ADK

DATE 6/15/2023

TYPE B = 1790  
 TYPE C = 3399  
 TOTAL = 5189

PS&S REPAIR ID	NJDOT ITEM NO.	PAY ITEM NO.	TO BE CONSTRUCTED	LOCATION	SPAN	LANE	DATE	REPAIR TYPE	UNIT	LENGTH (FT)	DEPTH (IN)	DEPTH (FT)	PERIMETER (FT)	AREA (IN <sup>2</sup> )	AREA (FT <sup>2</sup> )	VOLUME (IN <sup>3</sup> )	VO
144 Type C	980																

**Submittal No.** Final Quantities from French Parello - CN #277.pdf

- ☒ **APPROVED**
- ☐ **APPROVED AS NOTED**
- ☐ **REVISE AND RESUBMIT**
- ☐ **REJECTED**
- ☐ **FOR INFORMATION ONLY**

**PS&S**  
 3 Mountainview Road  
 P.O. Box 4039  
 Warren, NJ 07059  
 www.psands.com

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**BY** ADK

**DATE** 6/15/2023

# EXECUTIVE SESSION

**RESOLUTION 2023-35**

**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

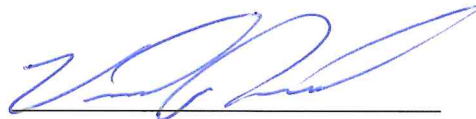
**WHEREAS**, the New Jersey Sports and Exposition Authority (NJSEA) is of the opinion that those circumstances presently exist.

**BE IT RESOLVED** by the New Jersey Sports and Exposition authority ("Authority") that it shall conduct a meeting to which the general public shall not be admitted to discuss:

- Negotiation and Execution of an Employment Contract with the Incoming President and Chief Executive Officer.

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 July 27, 2023.



Vincent Prieto  
Secretary



**RESOLUTION 2023-36**

**RESOLUTION AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN  
EMPLOYMENT CONTRACT WITH THE INCOMING PRESIDENT AND  
CHIEF EXECUTIVE OFFICER**

**WHEREAS**, Vincent Prieto, President and Chief Executive Officer of the New Jersey Sports and Exposition Authority ("NJSEA"), has announced his retirement, effective 11:59 p.m. on Monday, July 31, 2023; and

**WHEREAS**, the Board of Commissioners adopted Resolution 2023-10 authorizing the appointment of Paul Juliano as President and Chief Executive Officer on a full-time basis, at the office(s) of the Authority, at an annual salary of \$280,000; and

**WHEREAS**, the Board of Commissioners desires to authorize the negotiation and execution of an Employment Contract to memorialize the terms of Mr. Juliano's employment at the NJSEA, which shall provide that Mr. Juliano shall be eligible to participate in an any and all employment benefits furnished and provided by the NJSEA, the precise terms of which shall be subject to the negotiated provisions of the Employment Contract.

**NOW, THEREFORE, BE IT RESOLVED**, that the NJSEA hereby authorizes the negotiation and execution of an Employment Contract by and between Paul Juliano and the NJSEA for the position of President and Chief Executive Officer to begin on August 1, 2023.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of July 27, 2023.



Vincent Prieto  
Secretary