

Board Meeting

Thursday, June 22, 2023

10:00 a.m.



## **AGENDA**

### **REGULAR SESSION**

Two DeKorte Park Plaza, Lyndhurst, NJ  
Thursday, June 22, 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 May 25, 2023.
- Approval of Executive Session Meeting Minutes of May 25, 2023.
- Approval and/or Ratification of Cash Disbursements over \$100,000 for the month of May 2023.

V. **PUBLIC PARTICIPATION ON RESOLUTIONS**

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.

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

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.

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.

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

VIII. **PUBLIC PARTICIPATION**

IX. **EXECUTIVE SESSION**

Resolution 2023-29 Consideration of a Resolution Authorizing the New Jersey Sports and Exposition Authority to conduct a meeting, to which the general public shall not be admitted for the purposes of discussing legal matters, personnel matters and contract negotiations.

X. **MOTION TO ADJOURN**

# **REGULAR SESSION MINUTES**



**REGULAR SESSION  
BOARD MEETING  
MINUTES**

DATE: May 25, 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

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

Woody Knopf, Member (via phone)

Tom Mullahey, Member

Eric S. Pennington, Esq., Member (via phone)

Steven Plofker, Esq., Member

Louis J. Stellato, Member

**Absent:**

Michael Gonnelli, Member

Anthony Scardino, Member

**Also Attending:**

Paul Juliano, Executive Vice President

Nicholas Mammano, Chief of Staff

Christine Sanz, Senior Vice President/Chief Operating Officer

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

Adam Levy, Vice President of Legal & Regulatory Affairs

Sara Sundell, Director of Land Use Management and Chief Engineer

Anna Acanfora, Director of Finance and CFO

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

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.**

**III. ROLL CALL**

Before continuing with the agenda, Chairman Ballantyne noted that approximately 175 people attended Native Plant Day at DeKorte Park this past Sunday, which was co-sponsored by NJSEA and the Bergen County Audubon Society. He noted that the event included several guided walks and a presentation on creating your own Certified Wildlife Garden. He said that visitors learned about the significance of different habitats and what plants thrive here as well as additional planted native species growing in the DeKorte gardens. He announced that the next NJSEA/BCAS event, the highly anticipated Butterfly Day, would take place on Sunday, July 23.

President Prieto said that he has the pleasure on a daily basis of seeing the native plants that bring such beauty and joy to all those who come to DeKorte Park. He said that Sunday's event was a great success with several local environmental groups attending. He stated that it is always a great venture partnering with the Bergen County Audubon Society.

### III. APPROVAL OF MINUTES AND CASH DISBURSEMENTS

Chairman Ballantyne presented the minutes from the April 27, 2023 Regular Session Board meeting.

Upon motion made by Commissioner Gluck and seconded by Commissioner Fontoura the minutes of the Regular Session Board Meeting held on April 27, 2023 were unanimously approved.

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

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

### IV. PUBLIC PARTICIPATION ON RESOLUTIONS - None

### V. AWARDS/CONTRACTS

<u>Resolution 2023-20</u>	Consideration of a Resolution Authorizing the Purchase of Application Tracking and Management Software.
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Mr. Levy explained that the Authority was seeking to purchase an application tracking and management software to replace its current software, known as CityView, with a product that was more user-friendly and had a larger feature set. He noted that the CityView software was used by the Authority's land use and plan review groups to track and manage applications, inspections and violations, among other tasks and activities. He said that the Authority was able to identify a municipal management software company known as Spatial Data Logic, which was under State contract and widely used throughout the state by a lot of municipalities, including municipalities in the District. He noted that ultimately the Authority may be able to coordinate permitting and approval processes with the District municipalities that also employ the system. He stated that the total cost of the product for the first year was approximately \$96,000.00 which included licensing, hosting, installation, and training; and during subsequent years the annual cost would be approximately \$73,000.00 for licenses and hosting. He said that an additional appropriation of a not-to exceed cost of \$50,000.00 was included for upfront software development costs to ensure that the software meets the unique needs of the Authority. He concluded by saying that the resolution authorizes a total amount not to exceed \$219,543.24, which would cover the cost of the platform for two years.

Chairman Ballantyne presented Resolution 2023-20. Upon motion by Commissioner Dowd and seconded by Commissioner Fontoura, Resolution 2023-20 was unanimously approved by a vote of 13-0.

Resolution 2023-21      Consideration of a Resolution Ratifying the Purchase of Nine (9) Chevrolet Tahoe Vehicles for the New Jersey State Police.

Ms. Acanfora explained that under an MOU with the New Jersey State Police, the NJSEA provides vehicles to the state police barracks located at the Meadowlands Sports Complex. She stated that the current vehicles are old and in very poor condition; and that due to a supply shortage it was very difficult to replace the vehicles. She said that on April 28, 2023, nine vehicles became available through a state contract vendor. Therefore, a purchase order in the amount of \$431,966.70 was issued for the procurement of nine Chevy Tahoes. She stated that the funding for the vehicles was made available through a supplemental appropriation from Treasury.

Commissioner Pennington asked Ms. Acanfora whether a complete lights package, electronics and LCR license plate readers were included in this procurement. He also asked if there were computers included. Ms. Acanfora explained that the total appropriation from Treasury was \$500,000.00 and that the remainder of approximately \$69,000 would go towards the outfitting of the vehicles, which would include the lights, sirens, radios and a weapons safe. She said that the license plate readers were under a separate appropriation. She noted that the mounting for computers was included in the vehicles but did not include any type of computers. She stated that the vehicles were basic model Tahoes and tinted windows were added.

Chairman Ballantyne presented Resolution 2023-21. Upon motion by Commissioner Fontoura and seconded by Commissioner Dowd, Resolution 2023-21 was unanimously approved by a vote of 13-0.

Resolution 2023-22      Consideration of a Resolution Authorizing the President and CEO to Enter Into a Contract with Paino Roofing of New Jersey for a Roof Replacement for the Engineering Building in East Rutherford.

Mr. Duffy stated that a bid request was issued for the replacement of the engineering and ICC roof, which also covers the electronics switch gear and new data center. He said that four proposals were received in response to the bid and that the low bidder was Paino Roofing of Hackensack at \$160,000.00. He said that staff was recommending award to Paino Roofing.

Chairman Ballantyne presented Resolution 2023-22. Upon motion by Commissioner Stellato and seconded by Commissioner Gordon, Resolution 2023-22 was unanimously approved by a vote of 13-0.

**VII. PUBLIC PARTICIPATION**

Marvin Donadic of Cliffside Park, NJ made the following comments:

- He commented that approximately 1 ½ years ago a gentlemen spoke before the Board saying that there was no racial or gender diversity on the Board. He said that gentleman was right.
- He welcomed Commissioners Gordon, Mullahey and Pennington to the Board and said they should not misconstrue what he was about to say. He commented that Commissioner Gordon and Commissioner Pennington were on the Board in large part due to the fact that they are female and Black people, respectively.
- He commented that the experiences and knowledge that they bring to the Board would be all for naught if they didn't use it.



- He commented that there was no point for the Board to meet if they were not going to address the concerns of the people of New Jersey.
- He commented that Mr. Prieto makes a very handsome sum of money for doing basically very little. He commented that his job was to ensure the public trust of the people of New Jersey.
- He commented that he was not here to represent the Board but the Board was here to represent him and work for the people of New Jersey and not to do the bidding for the Governor.
- He commented that the reason the Governor wants to bring the World Cup here because he owns a New Jersey women's soccer league – the NY/NJ Gotham.
- He commented that NJSEA was an antiquated body that went out of the sports business several years ago.

Commissioner Pennington requested to speak in response to Mr. Donadic's comments that he and Commissioner Gordon were not qualified for their positions on the Board. He said he first wanted to say that he did agree with Mr. Donadic's suggestions at the last meeting relative to erecting a statute of Pele and also to look into bringing other professional sports teams to New Jersey, particularly basketball. He commented that Mr. Donadic may not be aware that there are clauses in the contracts with both the Brooklyn Nets and New York Knicks that allow them to have veto power over bringing those franchises to the New York/New Jersey metropolitan area, which would make it extremely difficult to do so. He commented that the Authority may want to look at bringing a WMBA franchise to New Jersey but that would require the New York Liberty's consent. He stated that with respect to his personal qualifications he did not believe he had to justify what he has done and felt it was inappropriate to state that the only reason he was on the Board was because he was a Black person. He stated "I am Black and I am proud." He said, as for Commissioner Gordon, she can speak for herself; but she was eminently qualified for her position on the Board. He directed his next comment to Mr. Donadic and others that may feel it was not appropriate for him to be on this Board. He explained that he runs the day-to-day operations of the largest city in New Jersey, Newark, which has a budget of nearly \$1 billion dollars. He stated that under the direction of Mayor Baraka and his day-to-day operations they have managed to keep the budget to a minimum year after year so as not to over burden other municipalities. In addition, he said that after graduating law school, he had the honor to clerk on the New Jersey Superior Court for the then Chief Justice Robert Wilentz and went on to clerk for Judge Damon Keith on the United States Court of Appeals for the Sixth Circuit. He stated that both of those positions were highly coveted and extraordinarily competitive and that he was grateful he was able to have that. He said that he also ran his own law firm very successfully for 35 years. He concluded by saying that he would bring all these experiences to his position as a Commissioner. He hoped that there would be value added from him being on this Board not just because he was Black but he did think there was a benefit because there was a perspective that may not otherwise exist, but for his abilities that he has gained over his 40+ years' professional career.

Commissioner Gordon thanked Commissioner Pennington for his comments relative to her qualifications. She stated that she was pleased to say that the Board was going to have a second woman on the Board who was also an attorney and happened to be her friend. She added that the comment from Mr. Donadic that riled her the most was that she and Commissioner Pennington were here at the behest of Governor Murphy. She stated that her career began in the Reagan White House and felt that everyone could draw their own conclusions from that. She said that she and Commissioner Pennington were here to serve and they intend to do a good job.

Commissioner Plofker stated that Mr. Donadic had also denigrated the Authority's hard-working President. He said that Mr. Donadic's comments regarding President Prieto were untrue and that there was no factual basis to them.



Chairman Ballantyne stated that he had built a great relationship and friendship with President Prieto by sitting on the Board with him and recognized that he was a hard-working dedicated individual not only for NJSEA but for the State of New Jersey and its citizens. He has always been impressed at the work he has done.

President Prieto thanked everyone for all the kind words. He commented that he sleeps well at night knowing who he is and what he does. He stated for Mr. Donadic to say that he would not challenge a Governor he does not know his career. He noted that in the New Jersey Legislature he ran one of the bodies and that on many occasions he was not on the side that everyone thought he should be but rather on the side of the residents of New Jersey to make a better life for all of them. He stated that the Commissioners that sit on this Board are very qualified and bring a skill set that make this body much better.

#### VIII. EXECUTIVE SESSION

Resolution 2023-23: 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:

- NJSEA v. ACE American Insurance Company – Settlement Negotiations

Chairman Ballantyne presented Resolution 2023-23. Upon motion by Commissioner Plofker and seconded by Commissioner Gluck, Resolution 2023-23 was unanimously approved by a vote of 13-0.

Executive Session commenced at 10:30 a.m.

Regular Session recommenced at 10:42 am.

Roll call was taken upon recommencing Regular Session.

Before adjourning, Chairman Ballantyne explained that Commissioner Scala had been replaced on the Board and that the new Commissioner, Marguerite Shaffer, would begin next month. He thanked Commissioner Scala for his years of service and said that it had been his pleasure to serve alongside him. He went on to say that Commissioner Scala had been a dedicated public servant whose vision and contributions to the NJSEA had greatly benefitted the public. He said his kindness, good-natured character and enthusiasm made a lasting impression on the Board. He noted that he had spoken with Commissioner Scala and that he wanted to pass along his thanks to all the current Commissioners and extend his congratulations to the new Commissioners. Chairman Ballantyne stated that he has known Commissioner Scala for quite a few years and that he is very honorable and humble; and had dedicated his life to the working men and women for close to 40 years as a union leader. He said that Commissioner Scala wished the Authority continued success.


President Prieto stated that he had also spoken to Commissioner Scala. He said that he was a tremendous and exemplary Commissioner who brought a great perspective to the Board. He noted that he had a great career as a labor leader. President Prieto explained that he had just recently found out that Commissioner Scala was an artist and talented musician, who at one point in his career had the opportunity to be in a couple of bands, one of which was Bon Jovi, but had chosen not to because of his commitment to his family. He extended Commissioner Scala's appreciation for serving on this Board and for serving with such quality individuals.

IX. **ADJOURNMENT**

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

Meeting adjourned at 10:45 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 May 25, 2023.

  
Christine A. Sanz  
Assistant Secretary

May 25, 2023

Commissioner	Roll Call	2023-20	2023-21	2023-22	2023-23
Ballantyne, Chairman	P				
Buckelew, Vice Chairman -via phone	P				
Prieto	P				
Dowd	P				
Fontoura	P				
Gluck	P				
Gonnelli	--	--	--	--	--
Gordon	P				
Knopf - via phone	P				
Mullahey	P				
Pennington - via phone	P				
Plofker	P				
Scardino	--	--	--	--	--
Stellato	P				
Treasury Rep Griffin - via phone	P				

P = Present A = Abstain -- Absent

R = Recuse Y = Affirmative N = Negative

# **APPROVALS**



CASH DISBURSEMENTS  
\$100,000 OR MORE  
MAY 2023

**EAST RUTHERFORD - SPORTS COMPLEX**

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
ENERGO POWER & GAS LLC	476,846.18	J/L	ELECTRICITY CHARGES: APRI 2023
GIBBONS P.C.	143,161.85	A	LEGAL SERVICES - AUTHORITY TRANSACTIONS COUNSEL: APR 2023
JOSEPH M. SANZARI, INC.	244,487.46	A	BRIDGE DECK & WATER MAIN BREAK REPAIRS: APR 2023
NEW JERSEY RACING COMMISSION	1,461,824.66	A	NJRC OPERATING BUDGET: FY 2023 (50%)
NEW JERSEY STATE POLICE	867,405.32	A	SALARIES & FRINGE: 1ST & 2ND QTRS 2023
NEW MEADOWLANDS STADIUM CO., INC.	5,111,944.90	A	GRANDSTAND DEMOLITION & WORLD CUP REIMBURSEMENTS: MAY 2023
PUBLIC SERVICE ELECTRIC & GAS COMPANY	137,367.90	J/L	ELECTRIC TRANSMISSION: MAR-APR 2023
<b>EAST RUTHERFORD - SC TOTAL</b>	<b>8,443,038.27</b>		

**LYNDHURST**

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
JERSEY CITY, CITY OF	370,546.00	I	TAX SHARING - 1ST INSTALLMENT: CY 2023
KEARNY, TOWN OF	2,403,090.00	I	TAX SHARING - 1ST INSTALLMENT: CY 2023
NORTH ARLINGTON, BOROUGH OF	415,526.00	I	TAX SHARING - 1ST INSTALLMENT: CY 2023
RIDGEFIELD, BOROUGH OF	306,910.00	I	TAX SHARING - 1ST INSTALLMENT: CY 2023
<b>LYNDHURST TOTAL</b>	<b>3,496,072.00</b>		



CASH DISBURSEMENTS  
\$100,000 OR MORE

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

**RESOLUTION 2023-24**

**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**

**WHEREAS**, an application for three bulk variances has been filed with the NJSEA by HRP Hudson Owner, LLC for the premises located along Van Keuren Avenue and identified as 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, New Jersey; and

**WHEREAS**, the three bulk variances are sought in connection with the applicant's proposed major subdivision, which includes the creation of seven proposed lots to be known as proposed Block 7402.01, Lots 1, 2, 3, 4, 5, 6 and 7; and

**WHEREAS**, the premises is located within the Hackensack Meadowlands District's Van Keuren Redevelopment Area; and

**WHEREAS**, the applicant requested bulk variance relief 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; and

**WHEREAS**, the applicant has also requested bulk variance relief 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; and

**WHEREAS**, the applicant has also requested bulk variance relief from Section V.D.2(b) of the Van Keuren 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; 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 Jersey Journal newspaper; and

**WHEREAS**, an electronic public hearing was held virtually using Zoom video conferencing on Tuesday, April 25, 2023, before Sara Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon A. Mascaró,

Deputy Director of Land Use Management and Deputy Chief Engineer; Mia Petrou, P.P. AICP, Supervising Planner; and Ronald Seelogy, P.E., P.P., Principal Engineer; and

**WHEREAS**, a comprehensive report dated June 8, 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 June 9, 2023; and

**WHEREAS**, the report recommends the conditional approval of the requested bulk variance from N.J.A.C. 19:5-7.4(a), to provide a subdivision resulting in the creation of proposed Lots 1, 2, 3 and 4 with no access upon an improved street; and

**WHEREAS**, the report also recommends the approval of the requested bulk variance from Section V.D.1(b) of the Van Keuren Redevelopment Plan to provide a subdivision resulting in the creation of proposed Lot 1 with a minimum lot width of 89.8 feet; and

**WHEREAS**, the report also recommends the approval of the requested bulk variance from Section V.D.2(b) of the Van Keuren Redevelopment Plan to provide a subdivision resulting in the creation of proposed Lots 2 and 3 with open space of 9.3 percent and 4.6 percent, respectively; 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 provide a subdivision resulting in the creation of proposed Lots 1, 2, 3 and 4 with no access upon an improved street conditionally 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 also hereby determines that the requested bulk variance application to provide a subdivision resulting in the



creation of proposed Lot 1 with a minimum lot width of 89.8 feet 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 also hereby determines that the requested bulk variance application to provide a subdivision resulting in the creation of proposed Lots 2 and 3 with open space of 9.3 percent and 4.6 percent, respectively, 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 HRP Hudson LLC - Major Subdivision application for a bulk variance from N.J.A.C. 19:5-7.4(a), to provide a subdivision resulting in the creation of proposed Lots 1, 2, 3 and 4 with no access upon an improved street, is hereby **APPROVED WITH THE FOLLOWING CONDITIONS** for the reasons set forth in the recommendation dated June 8, 2023:

1. The applicant shall prepare a Discharge of Declaration of Zoning Restriction for NJSEA execution stating that the provisions of the Declaration of Zoning Restriction agreement entered into on October 29, 2020, are no longer necessary and that, as a result, the Declaration shall be discharged of record. The fully executed copy of the Discharge agreement shall be recorded in the Office of the Hudson County Registrar.
2. Concurrently with the Discharge of Declaration of Zoning Restriction required in Condition 1, the applicant shall establish existing Block 3101, Lots 29, 30, 31 & 32 and proposed Block 7402.01, Lots 1, 2, 3, 4, 5, 6 and 7 as a single Zoning Lot of Record pursuant to N.J.A.C. 19:4-3.22 by recording a Declaration of Zoning Restriction agreement in the Office of the Hudson County Registrar.
3. Prior to the applicant's conveyance of proposed Block 7402.01, Lots 1, 2, 3 and/or 4 to an affiliate or any entity, the applicant shall provide a recorded access easement(s) to ensure that continual access to Van Keuren Avenue is provided to Lots 1, 2, 3 and/or 4.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the HRP Hudson LLC - Major Subdivision application for a bulk variance from Section V.D.1(b) of the Van Keuren Redevelopment Plan, to provide a subdivision resulting in the creation of proposed Lot 1 with a minimum lot width of 89.8 feet, is hereby **APPROVED** for the reasons set forth in the recommendation dated June 8, 2023.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the HRP Hudson LLC - Major Subdivision application for a bulk variance from Section V.D.2(b) of the Van Keuren Redevelopment Plan, to provide a subdivision resulting in the creation of lots (proposed Lots 2 and 3) with open space of 9.3 percent and 4.6 percent, respectively, is hereby **APPROVED** for the reasons set forth in the recommendation dated June 8, 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 June 22, 2023.



Vincent Prieto  
Secretary



## **MEMORANDUM**

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

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*From:* Sara J. Sundell *Date:* June 22, 2023

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*Subject:* Variance Recommendation – HRP Hudson LLC - Major Subdivision (File No. 22-387)

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An application for three bulk variances that has been filed with the NJSEA by HRP Hudson Owner LLC for the premises located along Van Keuren Avenue and identified as Block 3101, Lots 21, 22, 23, 24, 25, 26, 36, 37, 42, 43 & 44 and Block 7402, Lots 21, 22, 23, 24, 33, 34 & 35, in the City of Jersey City, New Jersey. The subject premises is located within the Hackensack Meadowlands District's Van Keuren Redevelopment Area. The three bulk variances are sought in connection with the applicant's proposed major subdivision, which includes the creation of seven (7) proposed lots, which will be known as proposed Block 7402.01, Lots 1, 2, 3, 4, 5, 6 and 7.

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

1. 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.
2. 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.
3. Section V.D.2(b) of the Van Keuren 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.

An electronic public hearing was held virtually using Zoom video conferencing on Tuesday, April 25, 2023.

In a comprehensive report dated June 8, 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 in

Item 1 and the approval of the variances requested above in Items 2 and 3. A copy of the comprehensive report and variance recommendation was provided to the applicant on June 9, 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**

### **HRP Hudson LLC - Major Subdivision & Variances**

**FILE # 22-387**

#### **I. INTRODUCTION**

An application for three bulk variances has been filed with the NJSEA by HRP Hudson Owner LLC for the premises located along Van Keuren Avenue and identified as Block 3101, Lots 21, 22, 23, 24, 25, 26, 36, 37, 42, 43 & 44, and Block 7402, Lots 21, 22, 23, 24, 33, 34 & 35, in the City of Jersey City, New Jersey. The subject premises is located within the Hackensack Meadowlands District's Van Keuren Redevelopment Area. The three bulk variances are sought in connection with the applicant's proposed major subdivision, which includes the creation of seven (7) proposed lots to be known as proposed Block 7402.01, Lots 1, 2, 3, 4, 5, 6 and 7.

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

1. 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.
2. 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.
3. Section V.D.2(b) of the Van Keuren 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.

Notice was given to the public and all interested parties as required by law. The public notice was published in the Jersey Journal newspaper. No written

objections were submitted to the Division of Land Use Management. An electronic public hearing was held virtually using Zoom video conferencing on Tuesday, April 25, 2023. All information submitted to the Division of Land Use Management relative to this application was made part of the record of this recommendation.

## **II. GENERAL INFORMATION**

### **A. Existing and Proposed Use**

The properties in question, known as Parcel "A" (Block 3101, Lots 21, 22, 23, 24, 25, 26, 36, 37, 42, 43 & 44, and Block 7402, Lots 21, 22, 23, 24, 33, 34 & 35), comprise 86.174 acres of land within the Van Keuren Redevelopment Area in Jersey City. The existing properties within the Parcel "A" subdivision tract are part of a zoning lot of record, pursuant to N.J.A.C. 19:4-3.22, which also includes a 24.489-acre tract identified as Parcel "B" (Block 3101, Lots 29, 30, 31 and 32) that is not included within the subject subdivision application.

The subdivision tract's perimeter is bounded by the Hackensack River to the west and the Van Keuren Avenue right of way (ROW) to the south. Lands comprising the former Norfolk Southern rail ROW to the east, now owned by the New Jersey Department of Environmental Protection (NJDEP), are intended for inclusion in the future Essex Hudson Greenway project. Undeveloped lands north of the subject premises within Parcel B are proposed to be improved by the applicant with a warehouse and distribution facility and associated parking. An off-site roadway connects Parcels A and B across a portion of the former Norfolk Southern ROW. Penhorn Creek and associated wetlands are also located to the north of the subject properties.

The properties in question, formerly the Public Service Electric & Gas (PSE&G) Hudson Generating Station, are currently developed with three warehouse and distribution facilities with associated parking that are in various stages of construction, a former wastewater treatment facility once operated by PSE&G, and the PSE&G Marion Switching Station. At present, only one of the warehouse and distribution facilities is occupied while the remaining two are under construction. Parcel A is encumbered by a number of gas, switchyard, and

utility easements granted to PSE&G. A 30-foot-wide sewer and drainage easement is also located along the easterly property boundary. Portions of the subject premises have been dedicated for the realignment of the Van Keuren Avenue right of way, as well as for providing access to the future Essex Hudson Greenway.

The major subdivision application proposes to subdivide 18 existing lots into seven lots within proposed Block 7402.01, as follows:

1. Proposed Lot 1: A 4.429-acre lot containing a canal and associated environmentally-sensitive lands.
2. Proposed Lot 2: A 2.516-acre lot containing a former wastewater treatment facility.
3. Proposed Lot 3: An 18.833-acre lot containing an existing PSE&G switchyard.
4. Proposed Lot 4: A 6.249-acre lot containing an 80,000-square-foot warehouse and distribution development, identified as Facility 3 on the plat, constructed and currently occupied.
5. Proposed Lot 5: A 12.473-acre lot containing a 197,277-square-foot warehouse and distribution development, identified as Facility 2 on the plat, currently under construction.
6. Proposed Lot 6: A 39.5-acre lot containing a 427,155-square-foot warehouse and distribution development, identified as Facility 1 on the plat, currently under construction.
7. Proposed Lot 7: A 2.175-acre lot containing existing PSE&G switchyard equipment.

Proposed Lots 5, 6 and 7 will have direct access to Van Keuren Avenue, and Lot 7 also contains frontage on Duffield Avenue. However, proposed Lots 1, 2, 3 and 4 will have no frontage along Van Keuren Avenue, nor are public or private streets, existing or proposed, located within the subdivision area; therefore, a bulk variance is requested. Bulk variances are also requested for a proposed minimum lot width of 89.8 feet for proposed Lot 1, whereas a minimum lot width of 100 feet



is required, and for providing a minimum open space of 9.3 percent on proposed Lot 2 and 4.6 percent on proposed Lot 3, whereas a minimum of 15 percent open space is required.

**B. Response to the Public Notice**

No written comments or objections were received prior to the hearing.

**III. PUBLIC HEARING (April 25, 2023)**

A public hearing was held on Tuesday, April 25, 2023. NJSEA staff in attendance were Sara J. Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer; Sharon A. Mascaró, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer; Mia A. Petrou, P.P., AICP, Supervising Planner; and Ronald Seelogy, P.E., Principal 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	"Preliminary Major Subdivision Plan," three sheets, prepared by Dynamic Survey, LLC on August 11, 2022, last revised on March 31, 2023.
A-2	"Subdivision Plan," two sheets, prepared by Dynamic Engineering Consultants on June 30, 2022, last revised on January 19, 2023.

### **B. Testimony**

Thomas J. O'Connor, Esq., of the firm Waters, McPherson, McNeill, P.C., represented HRP Hudson Owner LLC at the hearing. The following witness testified in support of the application:

1. Jeffrey S. Haberman, P.E., P.P., Dynamic Engineering Consultants, P.C.

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

### **C. Public Comment**

No members of the public were present at the public hearing.

## **IV. RECOMMENDATION**

- A. **Standards for the Granting of a Bulk Variance from the Provisions of 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 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 major subdivision proposes to resubdivide and consolidate 18 existing lots into seven proposed lots, each containing the specific uses described in Section II.A above. The lands

comprising the subdivision exhibit a number of unique characteristics. A variety of utility easements exist throughout the tract, largely associated with the former usage of lands within the redevelopment area by PSE&G as a coal-burning electrical generating plant (since demolished), and continued usage of a portion of the area by PSE&G for existing switchyard utilities on proposed Lots 3 and 7. These conditions affect the configuration of the proposed subdivision and interior lot boundaries.

The tract's principal frontage exists to the south along Van Keuren Avenue, with Lot 7 frontage only along Duffield Avenue, which begins at the western end of Van Keuren Avenue. The subdivision's westerly boundary is formed by the Hackensack River, its easterly boundary by the former Norfolk Southern rail ROW/future Essex Hudson Greenway, and undeveloped lands to the north. No public streets exist to the north of Van Keuren Avenue. The area of the proposed subdivision and associated proposed lot sizes are very large in comparison to neighboring developed properties, and it is an unusual condition that a tract of this size would contain frontage on a single street.

The requested variance to permit the creation of proposed Lots 1, 2, 3 and 4 without direct access to an improved public or private street arises from these unique conditions, which were not created by action of the property owner or the applicant.

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

The subject tract can be characterized as a comparatively isolated area, due to the existence of large-scale utility improvements from

which the public is excluded. Properties to the south of the tract are industrial in nature, properties to the north contain environmentally-sensitive wetlands, and the Hackensack River forms the site's westerly boundary. There are no residential uses in the vicinity.

Although the subject lots will not contain direct frontage on a public or private street, access to the proposed lots is proposed to be provided from Van Keuren Avenue by recorded shared access easements across proposed Lots 5 and 6, and an off-site roadway connecting Parcels A and B across a portion of the former Norfolk Southern ROW, 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 the subject tract.

Therefore, the requested variance to permit the creation of proposed Lots 1, 2, 3 and 4 without direct access to an improved public or private street 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 unique characteristics of the subject property, detailed in Section *i.* above, constrain the tract's development and lot configuration. These constraints, including the number of easements that cross the tract, the continuing use of portions of the tract for utility uses, sensitive environmental characteristics, and existing means of access, result in peculiar and exceptional practical difficulties and undue hardship upon the property owner if required to provide

direct access to a public or private street from the proposed Lots 1, 2, 3 and 4.

The location of the PSE&G switchyard on Lot 3, in the central portion of the site, constrains access to the north to proposed Lots 1 and 2, for which no development is proposed, although limited redevelopment potential exists on proposed Lot 2. Public access to Lot 3 is neither encouraged nor necessary, as it contains a large-scale utility use that can be efficiently accessed via proposed easements. Finally, there is no existing street access to the tract from the east that would allow direct access to the warehouse on proposed Lot 4. Providing access to proposed Lot 4 via a public or private street from the east is impracticable, as the area of the former Norfolk Southern rail ROW is proposed to be transformed to a pedestrian way as part of the future Essex Hudson Greenway.

*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 requested variance to permit the creation of proposed Lots 1, 2, 3 and 4 without direct access to an improved public or private street 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. Although the subject lots will not contain direct frontage on a street, access will be provided to the proposed lots from Van Keuren Avenue by recorded shared access easements across proposed Lots 5 and 6, and via an off-site roadway connecting Parcels A and B across a portion of the former Norfolk Southern ROW in accordance with Easement Agreement between NJDEP and HRP Owner, LLC dated August 19, 2022. Given

the sensitive nature of the utility uses and environmental features present within the tract, the absence of direct access to a street could be a deterrent to illicit activities and, therefore, would be a benefit to public safety, health, and general welfare based on the particular tract characteristics.

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

The requested variance to permit the creation of proposed Lots 1, 2, 3 and 4 without direct access to an improved public or private street will not have a substantial adverse environmental impact. The applicant has testified that access to the lots will be provided from Van Keuren Avenue via shared access easements, thereby minimizing the potential for additional impervious surfaces within the tract that could result from alternative configurations, such as cul-de-sacs or additional street alignments within the subdivision interior. Furthermore, the variance will not cause the District's environmental performance standards for noise, glare, vibrations, airborne emissions, or hazardous materials to be exceeded.

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

The proposed subdivision is configured to provide a specific lot designation for a particular use that is either existing or under development at the subject premises. Existing means of access from the only public streets fronting the subdivision (Van Keuren and Duffield Avenues) are maintained. However, given the large size of the tract, numerous easements, and presence of existing improvements, including operating utility infrastructure, within the subdivision boundaries, it is impracticable to provide direct street

access to Van Keuren Avenue for each of the seven proposed lots. Furthermore, the applicant has satisfactorily demonstrated the impracticability of creating new streets within the tract interior.

Therefore, the requested variance to permit the creation of proposed Lots 1, 2, 3 and 4 without direct access to an improved public or private street 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.*

A stated purpose of the District Zoning Regulations is to promote development in accordance with good planning principles that relates the type, design and layout of such development to both the particular site and surrounding environs. The proposed subdivision is reasonably and efficiently configured given the numerous constraints affecting the subject tract. Access to the proposed lots will be provided via easements, and direct access to a public or private street is not necessary when accounting for the particular characteristics of the site and the uses and configuration of proposed Lots 1, 2, 3 and 4. The granting of the requested variance will also promote the redevelopment goals of the Van Keuren Redevelopment Plan, including the promotion of economic development and the creation of job opportunities in an underutilized portion of the District.

Therefore, granting the requested variance to permit the creation of proposed Lots 1, 2, 3 and 4 without direct access to an improved



public or private street will not substantially impair the intent and purpose of these regulations.

**B. Standards for the Granting of a Bulk Variance from the Provisions of 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 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 major subdivision proposes to resubdivide and consolidate 18 existing lots into seven proposed lots, each containing the specific uses described in Section II.A above. The lands comprising the subdivision exhibit a number of unique characteristics. A variety of utility easements exist on Parcel A, largely due to the former usage of lands within the redevelopment area by PSE&G as a coal-burning electrical generating plant (since demolished), and continued usage of a portion of the area by PSE&G utilities on proposed Lots 3 and 7. These conditions affect the configuration of the proposed subdivision and interior lot boundaries.

The area of Proposed Lot 1 contains a canal and associated environmentally-sensitive lands. A minimum lot width of 89.8 feet is proposed on Lot 1, whereas a minimum lot width of 100 feet is

required in the Van Keuren Redevelopment Plan. The proposed subdivision line creating the lot in question follows the alignment of the existing canal from the Hackensack River and associated environmentally-sensitive features located on Lot 1. The applicant's intention is to separate this portion of the tract from developable uplands. These environmentally-sensitive features were existing on the tract and were not created by any action of the property owner or the applicant.

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

There are no residential uses in the vicinity of the subject tract, and properties to the south of the subdivision tract are industrial in nature. Proposed Lot 1 is located in the remote northwesterly portion of the subdivision tract, and contains a canal and associated environmentally-sensitive features, and is not proposed to be developed. Proposed Lot 1 is bounded by the Hackensack River to the west, and Penhorn Creek and associated wetlands are located to the north. Limited access is available to this portion of the subdivision tract.

Therefore, the granting of the requested variance to provide a minimum lot width of 89.8 feet on proposed Lot 1 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 requiring a minimum lot width of 100 feet, whereas 89.8 feet is proposed, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.

Proposed Lot 1 is located in the remote northwesterly portion of the subdivision tract, and contains a canal and associated environmentally-sensitive features. The proposed subdivision line was configured to separate these environmental features from developable uplands within the redevelopment area.

The minimum lot width of 89.8 feet is proposed at the narrowest portion of the canal. 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 to an undevelopable lot that is proposed to remain as open space would cause practical difficulties in the redevelopment of a defunct site within an underutilized area of the District.

*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 granting of the requested 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. Proposed Lot 1 is planned to remain open space, and any impacts to the provision of light, air, and open space that could be associated with a structure on a lot of insufficient width are not a factor to be considered on this particular lot. The minimum lot width of 89.8 feet at the subject location will allow the site's redevelopment

potential to be fully realized by maximizing available uplands for development on adjacent Lot 6.

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

The requested variance will not have a substantial adverse environmental impact. No development is proposed on the subject lot, and thus, there will be no impact to the District's environmental performance standards for noise, glare, vibrations, airborne emissions, or hazardous materials.

The configuration of proposed Lot 1, which follows the alignment of the canal on the property, is intended to separate the environmentally-sensitive areas of the subject tract from adjacent developable uplands. These features are existing, and the narrow neck of the canal results in a portion of the lot having a minimum lot width of 89.8 feet.

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

The requested variance represents the minimum deviation from the regulations that will afford relief. The proposed lot width of 89.8 feet occurs only at one location on the lot. The proposed lot boundary is configured to address the particular and unique characteristics present on the subdivision tract, which includes a narrow point in the existing canal on the premises. Proposed Lot 1 is intended to remain open space, and potential alternatives to provide a compliant lot width of 100 feet would constrain the ability of the property owner to maximize the redevelopment potential of the uplands portion of the overall tract.

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

Minimum lot width standards are intended to provide sufficient area for site development, as well as to accommodate adequate area for setbacks, landscaping, and screening on developed lots. In this particular case, as the site is proposed to remain open space, a minimum lot width of 89.8 feet, exhibited at one location on the lot, will not substantially impair the intent and purpose of the District Zoning Regulations. The majority of the lot will comply with the minimum lot width requirement of 100 feet. Therefore, the requested variance will support the intent of the District Zoning Regulations by promoting development in accordance with good planning principles that relates the type, design and layout of such development to both the particular site and surrounding environs. The goals of the Van Keuren Redevelopment Plan will also be advanced by the requested variance by promoting the redevelopment of the developable uplands portion of the tract.

**C. Standards for the Granting of a Bulk Variance from the Provisions of Section V.D.2(b) of the Van Keuren 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 District Zoning Regulations at N.J.A.C. 19:4-4.14(e) state in part that, *a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...*

**1. Concerning bulk variances:**

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

The requested variance to provide a minimum open space of 9.3 percent on proposed Lot 2 and 4.6 percent on proposed Lot 3, whereas a minimum of 15 percent open space is required, arises from unique conditions on the property in question, which were not created by action of the property owner or the applicant.

The subject major subdivision proposes to resubdivide and consolidate 18 existing lots into seven proposed lots, each containing the specific uses described in Section II.A above. The lands comprising the subdivision exhibit a number of unique characteristics. A variety of utility easements exist on Parcel A, largely due to the former usage of lands within the redevelopment area by PSE&G as a coal-burning electrical generating plant (since demolished), and continued usage of a portion of the area by PSE&G utilities on proposed Lots 3 and 7. Furthermore, a former wastewater treatment plant exists on proposed Lot 2. These conditions affect the configuration of the proposed subdivision and interior lot boundaries.

The area of the proposed subdivision tract and associated proposed lot sizes are also very large in comparison to neighboring developed properties.

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

The subject tract can be characterized as a comparatively isolated area, due to the existence of large-scale utility improvements from which the public is excluded. Properties to the south of the tract are industrial in nature, properties to the north contain environmentally-sensitive wetlands, and the Hackensack River forms the site's westerly boundary. There are no residential uses in the vicinity.

Proposed Lots 2 and 3 are configured to accommodate existing improvements within the subdivision tract. Proposed Lot 2 will contain the area of the former wastewater treatment plan and proposed Lot 3 will contain the existing PSE&G Marion Switching Station. By virtue of the proposed subdivision of the existing improved areas, the proposed lot areas will not provide the minimum open space requirement of 15 percent. However, the overall subdivision tract will cumulatively provide a compliant amount of open space, with more than a third of the tract remaining as open space. Therefore, the granting of the variance will not adversely affect the rights of neighboring property owners or residents.

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

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



impervious surfaces are proposed and existing conditions are proposed to remain on the subject two lots. It would not be feasible to provide additional open space on proposed Lots 2 and 3 due to the nature of the existing utility uses and configuration of existing structures on the premises. An overall reduction of existing impervious surfaces is proposed within the overall subdivision tract as a result of the site's redevelopment.

*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 requested 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 proposed amount of open space on proposed Lots 2 and 3 is not the result of additional site development on either of those lots. Rather, the open space calculation does not comply due to the proposed configuration of the interior lot lines within the overall proposed subdivision. The proposed lot lines are configured to accommodate specific and distinct uses that already exist on the site. There is no change proposed to the physical conditions of Lots 2 and 3, and sufficient open space will be provided on a cumulative basis within the overall subdivision tract.

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

The requested variance to provide open space of 9.3 percent on proposed Lot 2 and 4.6 percent on proposed Lot 3 will not have a substantial adverse environmental impact. There is no change proposed to the existing physical conditions of proposed Lots 2 and

3. Although these two individual lots within the subdivision tract do not comply with the minimum open space requirement on a per-lot basis, the overall open space within Parcel A will increase from 21.9 percent to 35 percent. Furthermore, there will be no impact to the District's environmental performance standards for noise, glare, vibrations, airborne emissions, or hazardous materials.

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

The requested variance represents the minimum deviation from the regulations that will afford relief. The proposed configuration of Lots 2 and 3 follows the boundaries of specific utility uses and associated improvements existing within the tract. Alternative lot configurations are not feasible due to these existing conditions and other particular and unique conditions of the site, including the number of easements throughout the tract. It is impracticable to provide additional landscaping on the proposed lots due to the nature of and constraints related to the utility improvements on the site and the existing extent of impervious surfaces. Although the individual open space requirements for proposed Lots 2 and 3 will not comply, the total amount of proposed open space will increase from 21.9 percent to 35 percent within Parcel "A", which is more than double the amount required.

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

A stated purpose of the District Zoning Regulations is to promote development in accordance with good planning principles that relates the type, design and layout of such development to both the

particular site and surrounding environs. The proposed subdivision is reasonably and efficiently configured given the numerous constraints affecting the subject tract. The requested variance to provide open space of 9.3 percent on proposed Lot 2 and 4.6 percent on proposed Lot 3 is compensated by the overall increase in open space resulting from the tract's redevelopment. Therefore, the granting of the requested variance will not substantially impair the intent and purpose of these regulations.

## V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:5-7.4(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.

Based on the record in this matter, the bulk variance application to provide a subdivision resulting in the creation of proposed Lots 1, 2, 3 and 4 with no access upon an improved street is hereby recommended for APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall prepare a Discharge of Declaration of Zoning Restriction for NJSEA execution stating that the provisions of the Declaration of Zoning Restriction agreement entered into on October 29, 2020, are no longer necessary and that, as a result, the Declaration should be discharged of record. The fully executed copy of the Discharge agreement shall be recorded in the Office of the Hudson County Registrar.
2. Concurrently with the Discharge of Declaration of Zoning Restriction required in Condition 1, the applicant shall establish existing Block 3101, Lots 29, 30, 31 & 32 and proposed Block 7402.01, Lots 1, 2, 3, 4, 5, 6 and 7 as a single Zoning Lot of Record pursuant to N.J.A.C. 19:4-3.22 by recording a Declaration of Zoning Restriction agreement in the Office of the Hudson County Registrar.
3. Prior to the applicant's conveyance of proposed Block 7402.01, Lots 1, 2, 3 and/or 4 to an affiliate or any entity, the applicant shall provide a

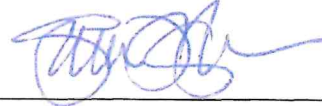
recorded access easement(s) to ensure that continual access to Van Keuren Avenue is provided to Lots 1, 2, 3 and/or 4.

CONDITIONAL APPROVAL

Recommendation on  
Variance Request

6/8/2023

Date



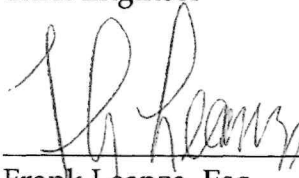
Sara J. Sundell, P.E., P.P.  
Director of Land Use Management and  
Chief Engineer

Conditional Approval

Recommendation on  
Variance Request

6/8/23


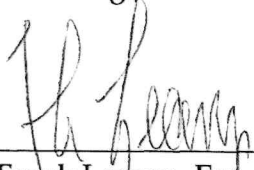
Date



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


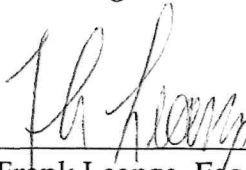
**B. Standards for the Granting of a Bulk Variance from the Provisions of Section V.D.1(b) of the Van Keuren Redevelopment Plan, which requires a minimum lot width of 100 feet; whereas, proposed Lot 1 will have a minimum lot width of 89.8 feet.**

Based on the record in this matter, the bulk variance application to permit a minimum lot width of 89.8 feet for proposed Lot 1, whereas a minimum lot width of 100 feet is required, is hereby recommended for APPROVAL.

<u>APPROVAL</u>	<u>6/8/2023</u>	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management and Chief Engineer
<u>Approval</u>	<u>6/8/23</u>	
Recommendation on Variance Request	Date	Frank Leanza, Esq. Senior Vice President Chief of Legal & Regulatory Affairs

C. Standards for the Granting of a Bulk Variance from the Provisions of Section V.D.2(b) of the Van Keuren 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.

Based on the record in this matter, the bulk variance application to provide open space of 9.3 percent and 4.6 percent for proposed Lots 2 and 3, respectively, whereas a minimum open space of 15 percent is required, is hereby recommended for APPROVAL.

<u>APPROVAL</u>	<u>6/8/2023</u>	<u></u>
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Director of Land Use Management and Chief Engineer
<u>APPROVAL</u>	<u>6/8/23</u>	<u></u>
Recommendation on Variance Request	Date	Frank Leanza, Esq. Senior Vice President Chief of Legal & Regulatory Affairs

**RESOLUTION 2023 -25**

**RESOLUTION AUTHORIZING CHANGES TO THE OFFICIAL  
SIGNATORIES FOR NJSEA ACCOUNTS**

**WHEREAS**, signatories for certain bank accounts and other financial documents have been established by resolution adopted in the past for the New Jersey Sports and Exposition Authority (the "Authority"); and

**WHEREAS**, due to recent changes of personnel within the Authority, certain signatory changes are necessary, and

**WHEREAS**, in accordance with the by-laws of the Authority the following signatories are authorized to be assigned to necessary accounts as directed by and in discretion of the President/CEO, Vincent Prieto;

Paul Juliano  
Christine A. Sanz  
Anna Acanfora  
Sarina DosSantos

**NOW THEREFORE BE IT RESOLVED**, the Board of Commissioners of the New Jersey Sports and Exposition Authority hereby authorizes the aforementioned signatories to the necessary accounts; and

**BE IT FURTHER RESOLVED**, that the Authority conferred upon the above named signatories shall remain in full force and effect until written notice of revocation.

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 June 22, 2023.

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



**RESOLUTION 2023-26**

**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**

**WHEREAS**, the New Jersey Sports and Exposition Authority provides fire protection resources for ordinary emergency response requirements within its jurisdiction; and

**WHEREAS** the Fire Departments in Bergen County have a day-to-day responsibility to provide for the safety and security of lives and property; and

**WHEREAS**, local resources can become exhausted during the small percentage of large magnitude fire or disaster occurrences; and

**WHEREAS**, mutual aid is the most cost-effective method of providing sufficient resources to a local jurisdiction for those extraordinary occurrences; and

**WHEREAS**, it is of mutual benefit for fire departments located within the County of Bergen to provide supplemental resources to each other in the event of a local emergency or disaster;

**WHEREAS**, this plan will provide a uniform procedure for the coordination of the requesting, dispatching, and utilization of fire department personnel and equipment whenever a local fire department requires mutual aid assistance from any other jurisdiction, both contiguous and non-contiguous, in the event of a fire or emergency; and

**WHEREAS**, a county area mutual aid plan is encouraged by, and is compatible with the State of New Jersey Resource Deployment Act; and

**WHEREAS**, participation in a county area mutual aid plan will not impose liability on the local entity; and

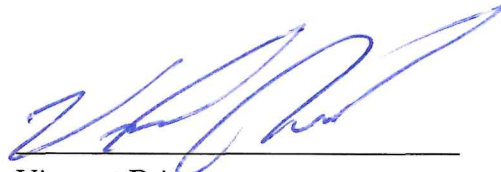
**WHEREAS**, it is the desire of the governing body of the New Jersey Sports and Exposition Authority to participate in fire mutual aid plan; and

**WHEREAS**, the New Jersey Sports and Exposition Authority's participation in the Bergen County Mutual Aid Plan is consistent with the New Jersey State Police Meadowlands Complex Contingency Action Plan; and

**NOW, THEREFORE, BE IT RESOLVED**, the New Jersey Sports and Exposition Authority does hereby agree to authorize its fire department to provide mutual aid assistance subject to its current jurisdictional restrictions to each participating municipality, district, state or federal organization, as identified in the Bergen County Fire Mutual Aid Plan (ESF 4) and as may be amended from time to time by Participating Units and ratified by this body; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the Bergen County Office of Emergency Management for filing.

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 June 22, 2023.

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

Vincent Prieto  
Secretary

# **AWARDS / CONTRACTS**

**RESOLUTION 2023-27**

**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**

**WHEREAS**, the New Jersey Sports and Exposition Authority (NJSEA) wishes to address erosion, replace the timber walls with modular block walls and install an irrigation line within the Kingsland Overlook trail of the DeKorte Park; and

**WHEREAS**, the NJSEA wishes to reset the concrete pavers, benches and trash receptacles to address settlement within the Shorewalk trail at DeKorte Park; and

**WHEREAS**, on May 4, 2023, the NJSEA published an advertisement for bids to complete the Kingsland Overlook and Shorewalk Reconstruction; and

**WHEREAS**, the contract time specified in the bid documents is for seventy-five (75) days; and

**WHEREAS**, eleven (11) contractors requested bid documents and plans; and

**WHEREAS**, a non-mandatory pre-bid meeting was held on May 18, 2023 and attended by three (3) contractors; and

**WHEREAS**, an addendum (Addendum 1) was issued on May 30, 2023 as a result of an inquiry made by one of the bid requestors; and

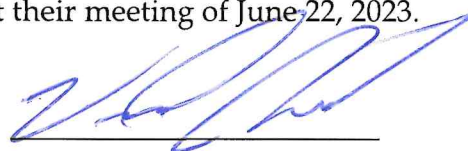
**WHEREAS**, the public bid opening was held on June 7, 2023 at 11:00 AM; and

**WHEREAS**, there was only one (1) bid received at the bid opening; and

**WHEREAS**, the responsive bid for \$248,900.00 was submitted by Colonnelli Brothers Inc.

**NOW, THEREFORE BE IT RESOLVED**, that the President and CEO of the New Jersey Sports and Exposition Authority is hereby authorized to enter into a contract with Colonnelli Brothers Inc. for the total sum of \$248,900.00 for the Kingsland Overlook and Shorewalk Reconstruction project.

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 June 22, 2023.



Vincent Prieto  
Secretary