



Board Meeting

Thursday, October 22, 2026

10:00 a.m.



**AGENDA
REGULAR SESSION**

Two DeKorte Park Plaza, Lyndhurst, NJ
Thursday, October 22, 2026

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 September 24, 2026.
- Approval of Closed Session Minutes of September 24, 2026.
- Approval and/or Ratification of Cash Disbursements over \$100,000 for the month of September 2026.

V. **PUBLIC PARTICIPATION ON RESOLUTIONS**

VI. **APPROVALS**

Resolution 2026-34 Consideration of a Resolution Issuing a Decision on the Variance Application submitted as part of File No. 22-497, Hanover Holdings LLC/2400 Penhorn Ave. - New Building (Variances), Block 451, Lot 18.01 in the Township of North Bergen.

VII. **CONTRACTS / AWARDS**

Resolution 2026-35 Consideration of Resolution Authorizing the Disbursement of Funds to Assist in securing and Hosting Marquee Sports and Entertainment Events at the Prudential Center in Newark and Jim Whelan Boardwalk Hall in Atlantic City.

Resolution 2026-36 Consideration of a Resolution Authorizing the New Jersey Sports and Exposition Authority to enter into Funding Agreements with New Meadowlands Racetrack and Monmouth Park Racetrack.

VIII. **PUBLIC PARTICIPATION**

IX. **EXECUTIVE SESSION**

Resolution 2026-37 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 personnel matters, the status of pending and anticipated litigation and other matters within the attorney client privilege, contract negotiations, and, if necessary, to act upon pending contracts.

X. **MOTION TO ADJOURN**

REGULAR SESSION MINUTES



REGULAR SESSION BOARD MEETING MINUTES

DATE: September 24, 2026

TIME: 10:00 a.m.

PLACE: Two DeKorte Park Plaza, Lyndhurst, NJ

Members in Attendance:

John Ballantyne, Chairman

Joseph Buckelew, Vice Chairman

Jill Hirsch, President and CEO

Anthony Abrantes, Member – via phone

John Duthie, Member – via phone

Armando Fontoura, Member

Gail B. Gordon, Esq., Member

Woody Knopf, Member

Tom Mullahey, Member

Sam Parker, Member – via phone

Eric Pennington, Esq., Member

Marguerite Schaffer, Esq., Member

Louis J. Stellato, Member

Absent:

Michael Griffin, Member

Daniel Gumble, Member

Also Attending:

Christine Sanz, Executive Vice President

Laurie Ewing, Chief of Staff

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

Robert Davidow, Senior Vice President of Legal & Regulatory Affairs

Adam Levy, Senior Vice President of Legal Affairs & Strategic Council

Michael Eleneski, Governor's Authorities Unit

Colleen Mercado, Executive Administrative Specialist

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** – Ms. Mercado took roll call.

IV. SPECIAL PRESENTATIONS

Chairman Ballantyne recognized two retiring NJSEA employees as recipients of the NJSEA Chairman's Award, which honors staff members whose hard work and dedication have made a lasting, positive impact on the Authority. He recognized Paula Speers, Chief of Finance Administration, for her 44 years of service, and Michele Glidden, Office Manager of Sports Complex Operations, for her 38 years of dedicated service.

Chairman Ballantyne invited NJSEA Executive Vice President, Christine Sanz, to share some words on Ms. Speers.

Ms. Sanz recognized Paula Speers upon her retirement from the NJSEA after more than four decades of service. She stated that during her career with the HMDC, NJMC, and NJSEA, Ms. Speers held nine different positions and assumed numerous critical responsibilities, including Escrow Operations, Grants and Contracts, Municipal Services, contract compliance, procurement, and insurance management. She highlighted Ms. Speers' willingness to always assist wherever needed, her commitment to compliance and doing what was right and lawful for the Authority, and her reputation as a dependable team member, mentor, and supportive colleague. She commented that what she would miss most about Ms. Speers was her candor and openness, her sense of humor, and her tenacity in getting a project done.

Chairman Ballantyne invited NJSEA Senior Vice President of Sports Complex Operations and Facilities to speak about Ms. Glidden.

Mr. Duffy expressed his appreciation to Ms. Glidden for her dedication over the past 38 years. He thanked her for her expertise, her willingness to help, and her unwavering support and commitment. He noted that her generosity in sharing her knowledge has contributed to the organization's success and that he personally benefited from her guidance. He said she will be greatly missed. He congratulated her on her well-deserved retirement and wished her good health and happiness in the years ahead.

V. EXECUTIVE SESSION

Resolution 2026-30

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:

- Execution of a Settlement Agreement in the Matter of The Borough of East Rutherford v. Ameream, LLC, et al Docket Number BER-L-001209-23.

Chairman Ballantyne presented Resolution 2026-30. Upon motion by Commissioner Fontoura and seconded by Commissioner Stellato Resolution 2026-30 was approved by a vote of 13-0 to enter into Executive Session.

Executive Session commenced at 10:12 a.m.

Regular Session recommenced at 10:25 a.m.

Upon returning to regular session, Chairman Ballantyne advised the public that copies of Resolution 2026-31 were available in the back of the room.

VI. **APPROVAL OF MINUTES AND CASH DISBURSEMENTS**

Chairman Ballantyne presented the minutes from the July 23, 2026 Regular Session Board meeting.

Upon motion made by Commissioner Fontoura and seconded by Commissioner Schaffer, the minutes of the Regular Session Board Meeting held on July 23, 2026, were approved by a vote of 13-0.

Chairman Ballantyne presented the report of cash disbursements over \$100,000 for the months of July and August, 2026.

Upon motion by Commissioner Fontoura and seconded by Commissioner Stellato the cash disbursements over \$100,000 for the month of July and August, 2026 were approved by a vote of 13-0.

VII. **PUBLIC PARTICIPATION ON RESOLUTIONS** – none.

VIII. **APPROVALS**

<u>Resolution 2026-31</u>	Consideration of a Resolution Authorizing the Execution of a Settlement Agreement in the Matter of The Borough of East Rutherford v. Ameream, LLC, et al, Docket Number BER-L-001209-23.
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Mr. Davidow stated that Resolution 2026-31 authorizes the President and CEO to enter into a settlement agreement in the litigation between American Dream, the Borough of East Rutherford and NJSEA regarding the ancillary parcel pilot payments pursuant to the terms in the proposed Settlement Agreement.

Chairman Ballantyne presented Resolution 2026-31. Upon motion by Commissioner Gordon and seconded by Commissioner Mullahey, Resolution 2026-31 was approved by a vote of 13-0.

IX. **CONTRACT / AWARDS**

<u>Resolution 2026-32</u>	Consideration of a Resolution Authorizing the Award of a Contract for Engineering Services related to a Preliminary Flood Assessment Study of the Meadowlands Sports Complex in East Rutherford
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Mr. Duffy stated that the resolution under consideration requests authorization to contract with Langan Engineering to conduct a preliminary flood assessment study of the Meadowlands Sports Complex. He explained that, given changes in weather patterns, flood elevations, and stormwater regulations since the Complex was developed more than 50 years ago, an updated assessment is needed to evaluate the existing flood control infrastructure and current and future tidal flood risks. He explained that Langan was selected through the NJSEA's existing RFQ 083 for On-Call Engineering Services and Task Force Solicitation. He noted that Langan has relevant experience with the Sports Complex, surrounding waterways, and NJDEP Resilient Environment and Landscape (REAL) Rules and Requirements. He said that the study would help identify potential mitigation measures and support future flood protection and resiliency planning. He stated that staff recommended awarding the contract to Langan Engineering, of Parsippany, for a not-to-exceed amount of \$141,000.

Chairman Ballantyne presented Resolution 2026-32. Upon motion by Commissioner Stellato and seconded by Commissioner Fontoura, Resolution 2026-32 was approved by a vote of 13-0.

Resolution 2026-33

Consideration of a Resolution Authorizing a Second Amendment to the Electricity Procurement Agreement with New Meadowlands Stadium Company and Authorizing an Electric Supply Service Agreement with PSEG Energy Solutions, LLC.

Mr. Duffy stated that Resolution 2026-33 authorizes the continued procurement and management of electricity for the Sports Complex, including MetLife Stadium. He explained that NJSEA has had an electricity procurement agreement with New Meadowland Stadium Company (NMSC) since 2011, which was amended in 2022. He explained that the proposed resolution would authorize a second amendment to that agreement and authorize NJSEA to enter into a commodity master agreement with PSEG Energy Solutions LLC, allowing NJSEA to continue competitively pricing and hedging electricity while providing cost savings to NJSEA, NMSC, and other Complex leaseholders.

Chairman Ballantyne presented Resolution 2026-33. Upon motion by Commissioner Stellato and seconded by Commissioner Fontoura, Resolution 2026-33 was approved by a vote of 13-0.

X. PUBLIC PARTICIPATION

Mr. Donald Smith, Gloversville, New York

Mr. Smith made the following comments:

- He commented on the need to revive the posting of No Hunting signs in the Sawmill Creek Wildlife Management Area west of the New Jersey Turnpike and the installation of a permanent sign on the Turnpike bridge east side of identifying the area as a bird sanctuary.
- He commented on the landscaping located along the Russo property on Valley Brook Avenue in Lyndhurst. He said that non-native trees are being planted where there should be planting native trees which will benefit the wildlife in the Meadowlands. He suggests giving the staff more power to review the landscape plans in the District.
- He commented on deer that are destroying the forests at Losen Slote in Little Ferry. He suggested considering a limited bow hunt.
- He commented on the Meadowlands Interagency Mitigation Advisory Committee (MIMAC) which reviews wetlands mitigation proposals within the Meadowlands District. He complained that MIMAC does not have a public participation session, and he hoped that the Authority could influence MIMAC to include one at their meetings.

Mr. Robert Ceberio, Administrator for the Borough of Carlstadt

Mr. Ceberio made the following comments:

- He commented that he was aware that a letter was sent to the Agency in regard to meeting with NJSEA staff relative to the further contribution from American Dream as per the Hearing Officers Report of 2004 and 2012. He referenced a concept contained in the Hearing Officers Report regarding the Municipal Assistance Program that American Dream is supposed to provide payments to certain municipalities to mitigate the impacts of American Dream. He addressed President Hirsch saying that he looked forward to a meeting.

Mr. Warren Vincent, Ridgefield, New Jersey

- He commented on a recent article in the Record that contained a list of Towns that were owed money. He specifically referenced the amount of \$387,500 owed to the Borough of Ridgefield. He inquired as to the status of that payment.

Chairman Ballantyne thanked Mr. Vincent for his comments and stated that staff will connect with him regarding his question.

APPROVALS



CASH DISBURSEMENTS
\$100,000 OR MORE
SEPTEMBER 2026

EAST RUTHERFORD - SPORTS COMPLEX

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
CONSTELLATION NEW ENERGY, INC.	923,307.21	J/L	ELECTRICITY CHARGES: JUL 2026
CREAMER SANZARI JOINT VENTURE	887,959.16	A	DESIGN/CONSTRUCTION OF NORTH PEDESTRIAN BRIDGE PROJECT
LADI CONSTRUCTION, INC.	237,918.00	A	ARENA STAIR AND RAMP REPAIRS
NEW JERSEY STATE POLICE	177,625.84	A	OVERTIME CHARGES: JUN-AUG 2026
NEW MEADOWLANDS STADIUM CO., INC.	1,369,835.23	A	WORLD CUP REIMBURSEMENTS: SEP 2026
PSE&G CO.	223,100.86	J/L	ELECTRIC TRANSMISSION: JUL-AUG 2026
ROUTE 23 AUTOMALL, LLC	340,640.00	A	PURCHASE OF F750 DIESEL BUCKET TRUCK
EAST RUTHERFORD - SC TOTAL	<u>4,160,386.30</u>		

LYNDHURST

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
KEARNY MUNICIPAL UTILITIES AUTHORITY	400,114.36	A	SEWER USE CHARGES - KEEGAN & 1A/1E: 2ND QTR 2026
RC ANDERSEN, LLC	133,504.00	A	APPLICATION FEE REFUND
TREASURER, STATE OF NEW JERSEY	160,300.00	A	PLAN REVIEW FEES: ENVIRONMENTAL CENTER REHAB
LYNDHURST TOTAL	<u>693,918.36</u>		

MONMOUTH PARK RACETRACK

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF OCEANPORT	184,585.80	A	CAFO SPECIAL ASSESSMENT AGREEMENT: 4TH QTR 2026
MP RACETRACK TOTAL	<u>184,585.80</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 KEEGAN LANDFILL ENGINEERING & REGULATORY SUPPORT, 1E LANDFILL WELLFIELD FLARE OPERATIONS & MAINTENANCE, AND REMOTE CONTROL MONITORING SERVICES
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 2026-34

**RESOLUTION ISSUING A DECISION ON THE
VARIANCE APPLICATION
SUBMITTED AS PART OF FILE NO. 22-497
HANOVER HOLDINGS LLC/2400 PENHORN AVE. - NEW BUILDING
(VARIANCES)
BLOCK 451, LOT 18.01
IN THE TOWNSHIP OF NORTH BERGEN**

WHEREAS, an application for one (1) use variance and four (4) bulk variances has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Sonny Jumani on behalf of TFJ North Bergen LLC, for the premises located at 2400 Penhorn Avenue, identified as Block 451, Lot 18.01, in the Township of North Bergen, New Jersey; and

WHEREAS, the premises is located within the Hackensack Meadowlands District's Highway Commercial (HC) zone; and

WHEREAS, the use and bulk variance approvals are sought in connection with the applicant's proposal to construct a 4-story, 199,124-square-foot self-storage facility with major site improvements on the subject property; and

WHEREAS, the applicant requested use variance approval pursuant to N.J.A.C. 19:4-5.59, which does not list self-storage facilities as a permitted use in the Highway Commercial (HC) zone; and

WHEREAS, the applicant requested bulk variance approval pursuant to N.J.A.C. 19:4-8.7(a), which requires a minimum 50-foot-wide landscaped buffer measured from the mean high water line or top of bank where any development borders the Hackensack River, tributaries, or streams located in the District, and does not permit fill, structures, or impervious pavement within the waterway buffer; whereas, the proposed building is located within the landscaped buffer; and

WHEREAS, the applicant requested bulk variance approval pursuant to N.J.A.C. 19:4-8.7(a), which requires a minimum 50-foot-wide landscaped buffer measured from the mean high water line or top of bank where any development borders the Hackensack River, tributaries, or streams located in the District, and does not permit fill, structures, or impervious pavement within the waterway buffer; whereas, site improvements, including fill, concrete retaining wall, water storage tank, and vehicular use areas, are located within the landscaped buffer; and

WHEREAS, the applicant requested bulk variance approval pursuant to N.J.A.C. 19:4-8.4(a)64, which states that self-storage facilities shall provide seven (7) loading spaces for a 199,124-square-foot building, whereas four (4) loading spaces are proposed; and

WHEREAS, the applicant requested bulk variance approval pursuant to N.J.A.C. 19:4-8.4(a)64, which states that self-storage facilities shall provide 12-foot-wide by 60-foot-long loading spaces, whereas 12-foot-wide by 30-foot-long loading spaces are proposed; and

WHEREAS, notice of the requested use and bulk variances was given to the public and all interested parties as required by law and was published in the digital edition of Star Ledger on July 16, 2026, and was also posted on the New Jersey Press Association's website, njpublicnotices.com, and on the NJSEA's website; and

WHEREAS, a public hearing was held in the Board Meeting Room of the NJSEA, One DeKorte Park Plaza, Lyndhurst, New Jersey on Tuesday, July 28, 2026, before Sara J. Sundell, P.E., P.P., Senior 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; and

WHEREAS, a comprehensive report dated October 13, 2026, has been prepared indicating the recommendations of the Senior 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 October 13, 2026; and

WHEREAS, the report recommends the conditional approval of the requested use variance pursuant to N.J.A.C. 19:4-5.59 to permit a self-storage facility with associated major site improvements at the subject premises; and

WHEREAS, the report recommends the denial of the requested bulk variance pursuant to N.J.A.C. 19:4-8.7(a) to permit a proposed building within the required 50-foot buffer; and

WHEREAS, the report recommends the partial approval with conditions of the requested bulk variance pursuant to N.J.A.C. 19:4-8.7(a) to permit proposed fill, concrete retaining walls, water storage tank, and vehicular use areas within the required 50-foot buffer; and

WHEREAS, the report recommends the approval of the requested bulk variance pursuant to N.J.A.C. 19:4-8.4(a)64 to permit four (4) loading spaces for a 199,124-square-foot building, where 7 loading spaces are required; and

WHEREAS, the report recommends the approval of the requested bulk variance pursuant to N.J.A.C. 19:4-8.4(a)64 to permit 12-foot-wide by 30-foot-long loading spaces, where 12-foot-wide by 60-foot-long loading spaces are required; and

WHEREAS, the full record has been made available to the Board of Commissioners of the NJSEA for review, including the transcripts of the public hearings, the submissions of the applicant, and recommendations on the application by the Senior 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 Senior 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 use variance application to permit a self-storage facility with associated major site improvements at the subject premises conditionally conforms with the standards for approving applications for use variances as set forth in N.J.A.C. 19:4-4.14(e)2; and

WHEREAS, the Board of Commissioners hereby determines that the requested bulk variance application to permit a proposed building within the required 50-foot buffer at the subject premises does not conform with the standards for approving applications for bulk variances as set forth in N.J.A.C. 19:4-4.14(e)1; and

WHEREAS, the Board of Commissioners hereby determines that the requested bulk variance application to permit proposed fill, concrete retaining walls, water storage tank and vehicular use areas within the required 50-foot buffer at the subject premises conditionally conforms with the standards for approving applications for bulk variances as set forth in N.J.A.C. 19:4-4.14(e)1; and

WHEREAS, the Board of Commissioners hereby determines that the requested bulk variance application to permit four (4) loading spaces for a 199,124-square-foot building, where 7 loading spaces are required at the subject premises conforms with the standards for approving applications for bulk variances as set forth in N.J.A.C. 19:4-4.14(e)1; and

WHEREAS, the Board of Commissioners hereby determines that the requested bulk variance application to permit 12-foot-wide by 30-foot-long loading spaces, where 12-foot-wide by 60-foot-long loading spaces are required at

the subject premises conforms with the standards for approving applications for bulk variances as set forth in N.J.A.C. 19:4-4.14(e)1.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the Hanover Holdings LLC/2400 Penhorn Ave. - New Building (Variances) application for a use variance from N.J.A.C. 19:4-5.59 to permit a self-storage facility at the subject premises is hereby **APPROVED WITH THE FOLLOWING CONDITIONS** for the reasons set forth in the recommendation dated October 13, 2026:

1. The self-storage facility shall provide bottled water and cooler service for drinking water for employees and the public.
2. With respect to the proposed wastewater holding tank:
 - a) The tank shall be operated and maintained in accordance with both the Hackensack Meadowlands District's performance standards at N.J.A.C. 19:4-7.9 and the requirements of all other entities with jurisdiction.
 - b) An operations and maintenance manual, subject to the approval of the Chief Engineer, shall be recorded in the Hudson County Deed Register.
3. The property shall connect to public water and sanitary sewer facilities should they become available in the proximity of the site in the future.
4. The proposed self-storage facility shall comply with the minimum 50-foot-wide buffer requirement of N.J.A.C. 19:4-8.7(a) (see also Sections B and C herein).
5. Louvers shall be installed at the building's southerly elevation, in addition to those proposed at the building's easterly and westerly elevations, to screen parking-level activities from adjacent natural areas.

BE IT FURTHER RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the Hanover Holdings LLC/2400 Penhorn Ave. - New Building (Variances) application for a bulk variance from N.J.A.C. 19:4-8.7(a) to permit a proposed building within the required 50-foot buffer at the subject premises is hereby **DENIED** for the reasons set forth in the recommendation dated October 13, 2026.

BE IT FURTHER RESOLVED by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the Hanover Holdings LLC/2400 Penhorn Ave. - New Building (Variances) application for a bulk variance from N.J.A.C. 19:4-8.7(a) to permit proposed fill, concrete retaining walls, water storage tank and vehicular use areas within the required 50-foot buffer at the subject premises is hereby **PARTIALLY APPROVED WITH CONDITIONS** as follows for the reasons set forth in the recommendation dated October 13, 2026:

1. The proposal to construct improvements associated with the site access road, including vehicular use areas, retaining walls, and associated fill and improvements, such as lighting, fencing, and landscaping within required buffer areas is hereby **APPROVED WITH THE FOLLOWING CONDITIONS**:
 - a) Fill and grading associated with the construction of vehicular use areas shall be minimized to the extent practicable, in consultation with the NJSEA Chief Engineer.
 - b) Screening, such as landscaping or a solid fence atop the retaining wall, shall be installed to screen headlight glare and site activity from adjacent habitats, and light shields shall be installed on light poles to minimize glare to adjacent properties and rights-of-way.
2. The proposal to construct the water storage tank, place fill adjacent to the self-storage building's walls, or construct associated retaining walls, within required buffer areas is hereby **DENIED**.

BE IT FURTHER RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the Hanover Holdings LLC/2400 Penhorn Ave. - New Building (Variances) application for a bulk variance from N.J.A.C. 19:4-8.4(a)64 to permit four (4) loading spaces for a 199,124-square-foot building, where 7 loading spaces are required at the subject premises is hereby **APPROVED** for the reasons set forth in the recommendation dated October 13, 2026.

BE IT FURTHER RESOLVED, by the Board of Commissioners of the New Jersey Sports and Exposition Authority, that the Hanover Holdings LLC/2400 Penhorn Ave. - New Building (Variances) application for a bulk variance pursuant to N.J.A.C. 19:4-8.4(a)64 to permit 12-foot-wide by 30-foot-long loading spaces, where 12-foot-wide by 60-foot-long loading spaces are required at the subject premises is hereby **APPROVED** for the reasons set forth in the recommendation dated October 13, 2026.

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 October 22, 2026.

Christine Sanz
Secretary



MEMORANDUM

To: NJSEA Board Members and Jill Hirsch, President & CEO

From: Sara J. Sundell *Date:* October 22, 2026

Subject: Variance Recommendation – Hanover Holdings LLC/2400 Penhorn Ave.
- New Building (Variances) (File No. 22-497)

An application for one (1) use variance and four (4) bulk variances has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by TFJ North Bergen LLC for the premises located at 2400 Penhorn Avenue, identified as Block 451, Lot 18.01, in the Township of North Bergen, New Jersey. The subject property is located within the Hackensack Meadowlands District's Highway Commercial (HC) zone. The variances are sought in connection with the applicant's proposal to construct a 4-story, 199,124-square-foot self-storage facility with major site improvements on the subject property.

Specifically, the applicant is requesting variance approval pursuant to:

1. N.J.A.C. 19:4-5.59, which does not list self-storage facilities as a permitted use in the Highway Commercial (HC) zone.
2. N.J.A.C. 19:4-8.7(a), which requires a minimum 50-foot-wide landscaped buffer measured from the mean high water line or top of bank where any development borders the Hackensack River, tributaries, or streams located in the District, and does not permit fill, structures, or impervious pavement within the waterway buffer; whereas, the proposed building is located within the buffer.
3. N.J.A.C. 19:4-8.7(a), which requires a minimum 50-foot-wide landscaped buffer measured from the mean high water line or top of bank where any development borders the Hackensack River, tributaries, or streams located in the District, and does not permit fill, structures, or impervious pavement within the waterway buffer; whereas, site improvements, including fill, concrete retaining wall, water storage tank, and vehicular use areas, are located within the buffer.
4. N.J.A.C. 8.4(a)64, which states that self-storage facilities shall provide seven (7) loading spaces for a 199,124-square-foot building, whereas four (4) loading spaces are proposed.

5. N.J.A.C. 19:4-8.4(a)64, which states that self-storage facilities shall provide 12-foot-wide by 60-foot-long loading spaces, whereas 12-foot-wide by 30-foot-long loading spaces are proposed.

A public hearing was held in the Board Meeting Room of the NJSEA, One DeKorte Park Plaza, Lyndhurst, New Jersey on Tuesday, July 28, 2026.

In a comprehensive report dated October 13, 2026, the Senior Director of Land Use Management and the Senior Vice President, Chief of Legal & Regulatory Affairs recommended the conditional approval of the special exception use requested above. A copy of the comprehensive report and special exception recommendation was provided to the applicant on October 13, 2026.

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

**RECOMMENDATION ON THE VARIANCE APPLICATION OF
Hanover Holdings LLC/2400 Penhorn Ave. - New Building (Variances)
File #22-497**

I. INTRODUCTION

Applications for one (1) use variance and four (4) bulk variances have been filed with the New Jersey Sports and Exposition Authority (NJSEA) by TFJ North Bergen LLC for the premises located at 2400 Penhorn Avenue, identified as Block 451, Lot 18.01, in the Township of North Bergen, New Jersey. The subject property is located within the Hackensack Meadowlands District's Highway Commercial (HC) zone. The variances are sought in connection with the applicant's proposal to construct a four-story, 199,124-square-foot self-storage facility with major site improvements on the subject property.

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

1. N.J.A.C. 19:4-5.59, which does not list a self-storage facility as a permitted use in the Highway Commercial (HC) zone.
2. N.J.A.C. 19:4-8.7(a), which requires a minimum 50-foot-wide landscaped buffer measured from the mean high water line or top of bank where any development borders the Hackensack River, tributaries, or streams located in the District, and does not permit fill, structures, or impervious pavement within the waterway buffer; whereas, the proposed building is located within the required landscaped buffer.
3. N.J.A.C. 19:4-8.7(a), which requires a minimum 50-foot-wide landscaped buffer measured from the mean high water line or top of bank where any development borders the Hackensack River, tributaries, or streams located in the District, and does not permit fill, structures, or impervious pavement within the waterway buffer; whereas, site improvements, including fill,

concrete retaining wall, water storage tank, and vehicular use areas, are located within the required landscaped buffer.

4. N.J.A.C. 19:4-8.4(a)64, which states that self-storage facilities shall provide seven (7) loading spaces for a 199,124-square-foot building, whereas four (4) loading spaces are proposed.
5. N.J.A.C. 19:4-8.4(a)64, which states that self-storage facilities shall provide 12-foot-wide by 60-foot-long loading spaces, whereas 12-foot-wide by 30-foot-long loading spaces are proposed.

Notice was given to the public and all interested parties as required by law. The public notice of this hearing was published in the digital edition of the Star Ledger newspaper on July 16, 2026. The public notice was also posted to nj.com under Legal Notices, the New Jersey Press Association's website, njpublicnotices.com, and on the NJSEA's website. A public hearing was held on Tuesday, July 28, 2026. 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 identified as Lot 18.01 in Block 451 in the Township of North Bergen, also known as 2400 Penhorn Avenue. The subject property is an unimproved lot with frontage along New Jersey State Highway Route 3 Ramp A ("Ramp A") to New Jersey State Highway New Jersey State Highway Route 495 ("Route 495"). The property is bounded to the north by an unimproved property identified as Block 451, Lot 21, in the Township of North Bergen, and Ramp A; PSE&G and railroad right-of-way ("ROW") to the east; and, a vacant 83-acre property identified as Block 451, Lot 18.02 in North Bergen, which

is primarily comprised of wetlands, to the west and south. The common boundary line between the subject property and Lot 18.02 also serves as the boundary line between the Highway Commercial zone on Lot 18.01 and the Environmental Conservation zone on Lot 18.02.

Lot 18.01, the subject property, was created by a subdivision of an approximately 89-acre parcel known as the Guarini tract, approved by the NJSEA in July 2023 (NJSEA File #22-083, Hanover Holdings LLC/GreenVest Holdings LLC - Subdivision). Lot 18.01 consists of 6.096 acres of land, of which 3.266 acres are within a delineated wetlands area and 2.83 acres are uplands where the proposed improvements will be sited. The other property created by the subdivision, Lot 18.02, is located just south of Lot 18.01 and is to be utilized as a wetlands mitigation bank.

The commercial and industrial corridor of Routes 1 & 9/Tonnelle Avenue, including a self-storage facility and gas station development, is located east of the subject property, just beyond the District boundary line formed by the NYS&W rail line ROW. The North Bergen Park and Ride commuter parking lot, the NJ Transit Meadowlands bus maintenance facility, and another self-storage facility are located to the north, opposite Route 3 from the subject property.

The applicant proposes to construct a four-story self-storage facility above ground-level parking. An office is also proposed on the ground floor. The facility is proposed to have a gross floor area of 199,124 square feet, which will be divided into up to 1,867 storage units¹, to be constructed in two phases. The entire development footprint is proposed to be located on upland areas, outside of the

¹ A discrepancy exists in the proposed total number of storage units, with testimony referencing 1,867 storage units (T-16) and 1,500 storage units (T-37, T-38), and plans referencing 1,500 storage units on Exhibit A-2, and both 1,867 and 800 storage units on Exhibit A-3. This recommendation report shall consider 1,867 storage units as the maximum number of storage units proposed on the site. It is noted that the area of the building footprint is consistent throughout the record of this matter, and that the required number of parking spaces would be provided for the maximum number of storage units proposed.

wetland boundaries. Nineteen (19) parking spaces are required, however, a total of 128 parking spaces and four (4) 12' x 30' loading spaces are proposed, of which 100 parking spaces and all loading spaces are proposed under the building. The excess parking spaces under the building are proposed to be utilized for vehicle storage. The uncovered surface parking spaces are proposed on the north side of the building, and vehicular circulation for these spaces will be integrated within the covered parking area. Access to the site is proposed from Ramp A via a right-angle driveway entrance with a curbed concrete island. The proposed two-lane, two-way site driveway with a minimum width of 24 feet leads to the parking area beneath the building.

B. Response to the Public Notice

There were no written comments in response to the public notice.

III. PUBLIC HEARING (July 28, 2026)

A public hearing was held at the Office of the NJSEA on Tuesday, July 28, 2026. NJSEA staff in attendance were Sara J. Sundell, P.E., P.P., Senior 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 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	"Aerial Imagery", drawing number AI-01, prepared by L2A Land Design, dated December 9, 2022, latest revision date June 2, 2026

- A-2 Color rendering of “Site Plan”, drawing number C-03, prepared by L2A Land Design, dated December 9, 2022, latest revision date June 2, 2026
- A-3 “Proposed Ground Floor Plan”, drawing number D-1, prepared by SNS Architects & Engineers P.C., dated September 23, 2022, latest revision date July 23, 2026
- A-4 “Proposed Exterior Elevations”, drawing number D-4, prepared by SNS Architects & Engineers P.C., dated September 23, 2022, latest revision date July 23, 2026
- A-5 “Proposed Self Storage Facility – View from Northwest, Route 3 Ramp to Route 495, North Bergen, NJ”, architectural rendering, prepared by SNS Architects & Engineers P.C., undated
- A-6 “Proposed Exterior Elevations”, drawing number D-5, prepared by SNS Architects & Engineers P.C., dated September 23, 2022, latest revision date July 23, 2026
- A-7 “Grading, Drainage, & Utility Plan”, drawing number C-04, prepared by L2A Land Design, dated December 9, 2022, latest revision date June 2, 2026

B. Testimony

Adam Faiella, Esq., of the firm Sills Cummis & Gross, PC represented TFJ North Bergen, LLC at the hearing. The following witnesses testified in support of the application:

1. Trevor Curtis, P.E., L2A Land Design, LLC;
2. Robert Nocella, AIA, SNS Architects & Engineers, P.C.; and
3. Paul Grygiel, AICP, PP, Phillips Preiss Grygiel Leheny Keller, LLC.

Staff findings and recommendations are based on the entire record. A transcript of the public hearing was prepared and transcribed by Susan Bischoff, CCR, RPR.

C. Public Comment

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

IV. RECOMMENDATION

A. Standards for the Granting of a Use Variance from the Provisions of N.J.A.C. 19:4-5.59, where a self-storage facility is not listed as a permitted use in the Highway Commercial zone.

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 use variances:*
 - i. *The strict application of these regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.*

The subject property is a long and narrow lot with an irregular shape due to the curvature of its northeasterly lot line formed along the adjacent Ramp A ROW. Although the property is located along a state highway ROW, the location of the site is remote from other developed properties, separated by roadway, utility, and railroad ROWs, as well as environmentally-sensitive wetlands. The uplands portion of the subject site was rezoned from the Environmental Conservation (EC) zone to the Highway Commercial (HC) zone in 2018, to allow for some degree of development on the uplands portion of the site along the state highway ROW. The site was originally intended to be developed with a hotel use, but the lack of utilities on the site results in exceptional practical difficulties in the provision of water and sewer services needed to support the operations of a hotel use. This combination of remoteness and lack of utility services results in practical difficulties and hardship in being able to accommodate other permitted uses, such as retail and restaurant uses, on the site. The construction of a self-storage facility at the subject property results in a lower-intensity, but operationally feasible use that is appropriate to the specific characteristics of the site.

- ii. *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 proposed self-storage facility can be characterized as a benign land use due to its infrequent usage by tenants, resulting in low traffic generation compared to other permitted commercial uses in the HC zone. The proposed use also requires minimal municipal

services when compared to office, retail and other higher-occupancy permitted commercial uses. The proposed self-storage use will advance the general welfare by satisfying a growing demand among residents and businesses in the surrounding market area for secure, climate-controlled, and clean modern storage space (T-50). However, due to the lack of utilities to the site, the applicant proposes to install a well to provide water service to the building. Although the water is anticipated to be potable, the applicant intends to provide bottled water and cooler service for drinking water (T-42). To ensure the public health and safety, it is a recommended condition of this report that the self-storage facility shall provide bottled water and cooler service for drinking water for employees and the public. Therefore, the proposed self-storage facility will not result in any substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

- iii. Adequate infrastructure, including storm and sanitary sewers, utilities, and access roads, will be provided and shall be so designed to prevent and/or minimize negative impacts upon the existing infrastructure. In addition, the proposed use will not decrease the ability of said infrastructure to perform in a safe and efficient manner.*

The applicant provided testimony that municipal water and municipal sanitary sewer services were not available at the project site. Self-storage facilities are generally recognized as a low demand user of infrastructure with respect to traffic generation, water usage, wastewater generation, and other utilities. Access to the site is proposed via a new curb cut from Ramp A, that has been designed

in accordance with NJDOT requirements to accommodate safe and adequate site access. The facility's water and wastewater needs are proposed to be addressed with water production via a well on site (T-41), and with wastewater directed to a holding tank on site (T-72). In order to ensure the performance of the site's wastewater holding tank, it is a recommended condition of this report that the tank shall be operated and maintained in accordance with both the District's performance standards at N.J.A.C. 19:4-7.9 and the requirements of all other entities with jurisdiction. It is further recommended that an operations and maintenance manual for the wastewater holding tank, subject to the approval of the Chief Engineer, shall be recorded in the Hudson County Deed Register. A third condition with respect to the proposed wastewater tank is recommended, that the property shall connect to public water and sanitary sewer facilities should they become available in the proximity of the site in the future. With the recommended conditions, the improvements associated with the proposed use will minimize negative impacts to the existing infrastructure and will not decrease the ability of said infrastructure to perform in a safe and efficient manner.

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

As previously stated herein, the proposed self-storage use is a low-intensity use that generates less traffic and less demand on utility services than commercial uses permitted in the HC zone. The proposed use will comply with all District environmental performance standards with respect to noise, vibrations, airborne emissions, hazardous materials, and wastewater. Landscaping is proposed at the site's northerly side yard along Ramp A to shield

headlight glare from motorists traveling on Ramp A, as well as for area aesthetics. Louvers are proposed at the parking level atop a low masonry wall at the building's easterly and westerly elevations to provide screening of parked and/or stored vehicles beneath the building and adequate ventilation. However, the site's southerly parking level, which faces adjacent natural areas, does not contain louvers. Therefore, it is a recommended condition of this report, that louvers shall be installed at the building's southerly elevation, in addition to those proposed at the building's easterly and westerly elevations, to screen parking-level activities from adjacent natural areas. The combination of a physical building screen with a minimum 50-foot-wide landscaped buffer providing distance between proposed development and natural areas will ensure that no substantial adverse environmental impact will result from granting the requested use variance.

The subject property is located within a 100-year floodplain designated by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs). District Flood Plain Management regulations require that all new structures in the District shall be constructed with a finished floor elevated a minimum of one foot above the established FEMA base flood elevation. A portion of the property is located within Zone AE, elevation 4 feet, per the Effective FEMA FIRM Panel 268H dated August 28, 2019, and in Zone AE, elevations 7 to 8 feet, per the Preliminary FEMA FIRM Panel 268J dated August 29, 2014. The building is proposed to be constructed on the portion of the site within elevation 8 feet (NAVD88), with a minimum proposed first floor elevation of 15.50 feet (NAVD88), and with the parking level

under the building at a minimum elevation of 13.25 feet (NAVD88), in compliance with the District Flood Plain Management regulations. The site will also be required to meet all stormwater management requirements of the District zoning regulations.

Furthermore, the development is proposed on an uplands portion of the property, and avoids wetlands on the site. However, the self-storage facility structure is proposed to be located within the required 50-foot-wide buffer from the mean high water on the site, which will adversely impact the surrounding environment and habitat as described herein. Therefore, it is a recommended condition of this report that all structures associated with the proposed use shall comply with the minimum 50-foot-wide buffer requirement of N.J.A.C. 19:4-8.7(a), as further detailed in Sections B and C below.

With the recommended condition, the requested use variance to permit a self-storage facility at the subject premises will not have a substantial adverse environmental impact.

v. The variance will not substantially impair the intent and purpose of these regulations.

The HC zone is intended to accommodate commercial uses oriented toward, and located in proximity to, highways. The subject property contains frontage on a state highway ramp and is accessible via major highways, including Route 3 and Route 495. However, due to the presence of roadway, rail, and utility infrastructure to the north and east, and wetlands to the south and west, the property is

relatively remote from developed areas in comparison to other properties in the HC zone. A self-storage facility will not impair the intent of the HC zone, as it will offer a service to the public, but will be lower in intensity than other uses permitted in the zone, including generating less traffic and lower water and wastewater demands. Furthermore, unlike other uses in the HC zone, a self-storage facility would not be reliant on pass-by traffic to sustain its viability. The applicant attested that the tenant leases will not permit utilization of the self-storage facility for utilization as residential or office space, manufacturing, repair of vehicles or equipment, or studio space, and will not permit the storage of flammable or hazardous materials (T-43). Therefore, the proposed use variance to permit a self-storage facility on the subject property within the HC zone will not impair the intent and purpose of the District zoning regulations.

- vi. The variance at the specified location will contribute to and promote the intent of the District Master Plan.*

The subject property is located within the Commercial Center Planning Area and the Preserve Planning Area classifications of the *Hackensack Meadowlands District Master Plan Update 2020*. The portion of the property containing the development footprint is located on uplands within the Commercial Center Planning Area, which is intended to accommodate regional commercial opportunities, generally along major transportation corridors, promoting the development of a range of commercial uses. Although self-storage facilities are not a permitted use in the HC zone, they are similar in bulk to other highway commercial development and offer a service to the general public, but are less intensive in terms of impacts. In

addition, wetland areas on the site within the Preserve Planning Area are not included within the building footprint. Therefore, the proposed use at the specified property will contribute to and promote the intent of the District Master Plan.

- B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.7(a), which requires a minimum 50-foot-wide landscaped buffer measured from the mean high water line or top of bank where any development borders the Hackensack River, tributaries, or streams located in the District, and does not permit fill, structures, or impervious pavement within the waterway buffer; whereas, the proposed building is located within the required landscaped buffer.

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 property is a long and narrow lot with an irregular shape due to the curvature of its northeasterly lot line formed along the adjacent Ramp A ROW. Although the property is located along a state highway ROW, the location of the site is remote from other developed properties, separated by roadway, utility, and railroad ROWs, and adjacent to a large tract of environmentally sensitive wetlands. The uplands portion of the subject site was rezoned from

the EC zone to the HC zone in 2018, to allow for development potential on the uplands portion of the site along the state highway ROW. The uplands on the property were created by fill material placed on the site by the New Jersey Department of Transportation (NJDOT) during construction of the Routes 3 and 495 interchanges more than 50 years ago. Drainage channels were created on the property as part of the highway construction that, over time, morphed into a waterway, as wetlands and waterways in the region are not static due to the District's hydrology.

The applicant has opined that a buffer requirement may not be applicable, attesting that the New Jersey Department of Environmental Protection (NJDEP) determined that the waterway adjacent to the uplands portion of the site is not an NJDEP-regulated waterway and is not subject to an NJDEP riparian zone buffer (T-11). It is noted that NJDEP permits for the proposed project were issued prematurely, as a Coastal Zone Management Consistency recommendation letter was not, and has not, been issued by the NJSEA. The District Master Plan serves as an element of the State of New Jersey's Coastal Zone Management Program (CZMP) for the Hackensack Meadowlands District, as specified in N.J.A.C. 7:7-9.43. Pursuant to these rules, the NJSEA is the lead planning and management agency within the District, and coastal activity or development in the District shall be consistent with the District's Master Plan. In addition, the property received a United States Army Corps of Engineers (USACE) preliminary jurisdictional determination that confirmed the presence of jurisdictional wetlands on the site, with an "edge of water" line delineated and wood dock depicted on the jurisdictional determination plan. The waterway

along the property's uplands border is within the Penhorn Creek watershed, with a mean high water line established at elevation 3.13 feet (NAVD88). Penhorn Creek is a tributary of the Hackensack River, where tidal inundation had formerly been controlled downstream of the subject property via two tide gates and associated pump stations that have not been functional since at least 2016. The defunct pump station at Secaucus Road is planned to be removed. Therefore, the waterbody on the site requires a minimum 50-foot-wide landscaped buffer from the mean high water line, where no fill, structures, or impervious pavement are permitted.

Furthermore, in the Notice of Adoption regarding the rezoning of an EC-zoned portion of the subject property to the HC zone in 2018, the following statement regarding required buffers was provided by the NJSEA in support of the rezoning: "The petitioner's request for a rezoning of the subject property to the HC zone does not result in any changes to the requirements of the District zoning regulations and design requirements, including rules regarding waterway buffers. The outcome of this rezoning petition does not result in any changes to the required 50-foot buffer from the Hackensack River, tributaries or streams located in the District." (50 N.J.R. 847, February 5, 2018) Therefore, based on the above, the applicability of the District's buffer requirements to the property in question is incontrovertible.

The applicant proposes to construct portions of the self-storage structure within the required 50-foot-wide buffer, at a minimum dimension of 8.3 feet from the mean high water line. Other improvements, including fill, a concrete retaining wall, a water

storage tank for fire suppression, and vehicular use areas are also proposed within the required 50-foot-wide buffer, but are evaluated separately in Section C. below.

Although a use variance for a self-storage facility is requested, a buffer requirement would apply to any proposed development on the site. Neither the property's particular characteristics in comparison to other properties in the HC zone, nor the presence of historic fill, uniquely affect the ability of the property owner to accommodate the proposed self-storage facility within areas on the site located outside of a required buffer. Therefore, the requested variance does not meet this criterion.

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

The applicant requests a variance to construct the proposed self-storage facility at a minimum dimension of 8.3 feet from the mean high water line, whereas a 50-foot-wide buffer is required. There are no residents located proximate to the site. The property is located along a state highway ROW, in a location that is comparatively remote from other developed properties, separated by roadway, utility, and railroad ROWs, and is adjacent to a large tract of environmentally sensitive wetlands slated to become a wetlands mitigation bank. The request to construct a building within the required buffer would adversely affect natural areas and habitat in the EC zone adjacent to the site, by bringing human activity, with resultant noise, illumination, and potential trash migration impacts,

closer to adjacent habitats and waterways than permitted. Therefore, the requested variance does not meet this criterion.

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 applicant proposes to construct portions of a self-storage facility within the required 50-foot-wide landscaped buffer, at a minimum dimension of 8.3 feet from the mean high water line. Buffer intrusions by the proposed self-storage structure occur in the southwesterly and southeasterly building corners, as well as within the easterly building footprint. Other improvements, including fill, a concrete retaining wall, a water storage tank for fire suppression, and vehicular use areas are also proposed within the required 50-foot-wide buffer, but are evaluated separately in Section C. below.

The applicant proposes to construct the building in two phases, attesting that Phase I development would consist of 860 storage units within a 28,656-square-foot building footprint, and Phase II would consist of 640 units within an added 21,125-square-foot building footprint, for a total of 1,500 storage units (T-37, T-38, Exh. A-3) within a 49,781-square-foot building footprint, although up to 1,867 units may be accommodated. The applicant has attested that Phase 2 would be constructed if and when Phase 1 would be successful (T-88). Proportionally, the majority of the proposed building's buffer intrusion is located within the Phase 1 development footprint.

As stated in subsection *i.* above, the property's particular characteristics do not uniquely affect the ability of the property owner to accommodate the proposed self-storage facility within areas on the site located outside of a required buffer. Alternatives to developing within the required buffer areas exist, including redesigning the structure to provide an additional story, as opposed to spreading out horizontally, and/or reconfiguring the building footprint to maximize development on upland areas outside of the buffer area, such as shifting the proposed self-storage facility closer to the permitted 10-foot side yard setback line along the northerly lot line (where a 21.5-foot northerly side yard setback is currently provided). The site's required parking can also be accommodated within the available uplands area outside of the required buffer, as only 19 parking spaces are required for a proposed self-storage facility having 1,867 units, whereas 128 parking spaces are proposed.

Additionally, the subject property is located within a 100-year floodplain designated by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs). A portion of the property is located within Zone AE, elevation 4 feet, per the Effective FEMA FIRM Panel 268H dated August 28, 2019, and in Zone AE, elevations 7 to 8 feet, per the Preliminary FEMA FIRM Panel 268J dated August 29, 2014. Existing elevations on the uplands portion of the building footprint outside of the required buffer area range from approximately elevation 9 feet (NAVD88) to elevation 12 feet (NAVD88). The minimum first floor elevation of the building is proposed at elevation 15.50 feet (NAVD88) and the parking under the building is proposed at a minimum elevation of 13.25 feet (NAVD88), in compliance with the District Flood Plain Management

regulations. Effectively, the site will be raised an additional 3.5 to 5.5 feet from existing grades, and the building's foundation walls will serve as retaining walls to support site development. Therefore, no grading into the required buffer areas will be necessary to support development of the site with a self-storage facility in compliance with District flood plain management regulations, which require that all new structures in the District shall be constructed with a finished floor elevated a minimum of one foot above the established FEMA base flood elevation.

Therefore, the strict application of the buffer requirement to the property's particular characteristics does not result in exceptional practical difficulties to, or 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.

The requested variance to permit the construction of a self-storage facility within the required 50-foot-wide buffer, at a minimum 8.3-foot setback from the mean high water line, would result in substantial detriment to the public good and would adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. Buffers are important implements that promote public health, safety, and general welfare. They serve important functions with respect to providing transitions between natural and developed areas and protection of sensitive land uses; water quality,

flood protection, and stormwater management; aesthetics; and habitat protection.

As discussed in Section *ii.* above, the subject variance request to construct a building within the required buffer would adversely affect natural areas and habitat in the EC zone adjacent to the site, by bringing human activity, with resultant noise, illumination, and the potential for trash migration impacts closer to adjacent habitats and waterways than permitted. This not only affects neighboring property owners, including areas within a future wetlands mitigation bank, but would detrimentally impact the vast Penhorn Creek ecosystem that serves vital functions benefitting the public good.

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

As discussed in Section *ii.* and *iv.* above, the subject variance request to construct a portions of a self-storage facility within the required 50-foot-wide buffer, at a minimum 8.3-foot setback from the mean high water line, would adversely affect natural areas and habitat in the EC zone adjacent to the site, by bringing human activity, with resultant noise, illumination, and potential trash migration impacts, closer to adjacent habitats and waterways than permitted. Although these concerns may appear repetitive, the evaluation of the subject variance request is intrinsically linked to the proposal's environmental impacts. The proposed development is located adjacent to a proposed wetland mitigation bank and within the environmentally sensitive Penhorn Creek ecosystem that serves vital functions benefitting the public good. The project does not propose

the filling of any wetland areas on the site, and, at its nearest point, proposes a 1.4 foot setback from the southeasterly building corner to the delineated wetlands line. The provision of the required buffer is necessary to safeguard the region's sensitive natural resources. Therefore, the granting of the requested variance would have a substantial adverse environmental impact.

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

The requested variance is sought to permit the construction of a self-storage facility within the required 50-foot-wide buffer, at a minimum 8.3-foot setback from the mean high water line. The applicant attested that the average buffer provided by the proposed development is approximately 24 feet; however, it is noted that buffer averaging is not a provision that exists within the District zoning regulations.

The applicant proposes to construct the self-storage facility in two phases. It was attested during the public hearing that Phase 2 would be constructed if Phase 1 is successful. Construction of the second phase of the project would be triggered once the Phase 1 construction "hits occupational levels that are showing that Phase 2 would make sense to build, they will construct Phase 2. There's not a hard line of exactly when, but if they believe that there's a demand to adequately fill the additional phase, they will construct the additional phase" (T-88). In making their decision, the Board of Commissioners must evaluate whether the request for a variance is based exclusively upon

the desire of the property owner or applicant to make more money from the property [see N.J.A.C. 19:4-4.14(f)1ii].

Based on the record in this matter, alternatives exist that would accommodate development within the available uplands footprint outside of required buffer areas, as detailed in Section *iii.* above. The record further establishes that a Phase 2 development is optional. Therefore, the requested variance does not represent 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 NJSEA is charged with promoting orderly development along with safeguarding the environment. This is a delicate balancing act undertaken by the NJSEA and its predecessor agencies that, since 1968, has effectively fostered economic development while supporting environmental objectives related to flood protection, cleaner water and soils, habitat protection and creation, and public enjoyment of natural areas through the utilization of land management tools such as buffers. The subject property was formerly located within the EC zone and was rezoned to the HC zone in recognition of the limited development potential available to the property owner given the presence of uplands on approximately 7 percent of the property, in a location with highway access. However, it does not follow that development may maximize the limits of fill disturbances on a site, and in the rezoning of the site it was affirmed that buffer requirements would continue to apply to future site development. Furthermore, in this instance, alternatives are

available to accommodate the development of the proposed self-storage facility within areas on the site wholly outside required buffer areas. Therefore, the granting of the requested variance to allow for development within the required 50-foot-wide buffer would substantially impair the intent and purpose of the District Zoning Regulations.

- C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.7(a), which requires a minimum 50-foot-wide landscaped buffer measured from the mean high water line or top of bank where any development borders the Hackensack River, tributaries, or streams located in the District, and does not permit fill, structures, or impervious pavement within the waterway buffer; whereas, site improvements, including fill, concrete retaining wall, water storage tank, and vehicular use areas, are located within the required landscaped buffer.

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 property is a long and narrow lot with an irregular shape due to the curvature of its northeasterly lot line formed along the adjacent Ramp A ROW. Although the property is located along a state highway ROW, the location of the site is remote from other developed properties, separated by roadway, utility, and railroad

ROWS, and adjacent to a large tract of environmentally sensitive wetlands. The uplands portion of the subject site was rezoned from the EC zone to the HC zone in 2018, to allow for development potential on the uplands portion of the site along the state highway ROW. The uplands on the property were created by fill material placed on the site by the New Jersey Department of Transportation (NJDOT) during construction of the Routes 3 and 495 interchanges more than 50 years ago. Drainage channels were created on the property as part of the highway construction that, over time, morphed into a waterway, as wetlands and waterways in the region are not static due to the District's hydrology.

The applicant has opined that a buffer requirement may not be applicable, attesting that the New Jersey Department of Environmental Protection (NJDEP) determined that the waterway adjacent to the uplands portion of the site is not an NJDEP-regulated waterway and is not subject to an NJDEP riparian zone buffer (T-11). It is noted that the District Master Plan serves as an element of the State of New Jersey's Coastal Zone Management Program (CZMP) for the Hackensack Meadowlands District, as specified in N.J.A.C. 7:7-9.43. Pursuant to these rules, the NJSEA is the lead planning and management agency within the District, and coastal activity or development in the District shall be consistent with the District's Master Plan. In addition, the property received a United States Army Corps of Engineers (USACE) preliminary jurisdictional determination that confirmed the presence of jurisdictional wetlands on the site, with an "edge of water" line delineated and wood dock depicted on the jurisdictional determination plan. The waterway along the property's uplands border is within the Penhorn Creek

watershed, with a mean high water line established at elevation 3.13 feet (NAVD88). Penhorn Creek is a tributary of the Hackensack River, where tidal inundation had formerly been controlled downstream of the subject property via two tide gates and associated pump stations that have not been functional since at least 2016. The defunct pump station at Secaucus Road is planned to be removed. Therefore, the waterbody on the site requires a minimum 50-foot-wide landscaped buffer from the mean high water line, where no fill, structures, or impervious pavement are permitted.

Furthermore, in the Notice of Adoption regarding the rezoning of an EC-zoned portion of the subject property to the HC zone in 2018, the following statement regarding required buffers was provided by the NJSEA in support of the rezoning: "The petitioner's request for a rezoning of the subject property to the HC zone does not result in any changes to the requirements of the District zoning regulations and design requirements, including rules regarding waterway buffers. The outcome of this rezoning petition does not result in any changes to the required 50-foot buffer from the Hackensack River, tributaries or streams located in the District." (50 N.J.R. 847, February 5, 2018) Therefore, based on the above, the applicability of the District's buffer requirements to the property in question is incontrovertible.

The applicant proposes to construct vehicular use areas (namely, the site's access road from Ramp A) within the required 50-foot-wide buffer, and within a small area at the driveway's intersection with Ramp A located beyond the mean high water line. Other improvements proposed within the required buffer area include a

concrete retaining wall along the southerly edge of the access driveway, fill for grading up to the retaining wall, and a 35,000-gallon above-ground water storage tank for fire suppression. The requested variance to permit the proposed self-storage building within the required buffer is evaluated separately in Section B. above.

With respect to the proposed water tank and the fill proposed along the building's foundation walls, neither the property's particular characteristics in comparison to other properties in the HC zone, nor the presence of historic fill, uniquely affect the ability of the property owner to accommodate the proposed fill and structures associated with the self-storage facility within areas on the site located outside of a required buffer. Therefore, the requested variance does not meet this criterion with respect to these specific items.

However, with respect to improvements associated with the access roadway, there are particular and unique property characteristics that exist. The access driveway of the site intersects with Route 3 Ramp A, a state ROW that is regulated by NJDOT. The location and configuration of the driveway access was designed in accordance with NJDOT requirements to ensure safe and efficient site access, given the curvature of Ramp A in the vicinity of the site and the need to provide for adequate sight lines and turning radii for vehicles entering and exiting the site. The required buffer from the mean high water line is located within the Ramp A ROW itself in the vicinity of the site driveway, and meanders along the majority of the site access road, placing the access road, its associated retaining wall, and fill utilized for site grading along the retaining wall, within the

required 50-foot-wide buffer. A small portion of the mean high water line itself is located in the vicinity of the site driveway's intersection with Ramp A. The property's particular conditions with respect to site access are unique to the site and were not created by the property owner.

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

The applicant proposes improvements, including a water tank, vehicular use areas, retaining walls, and fill within the site's required 50-foot-wide buffer from the mean high water line. There are no residents located proximate to the site. The property is located along a state highway ROW, in a location that is comparatively remote from other developed properties, separated by roadway, utility, and railroad ROWs, and is adjacent to a large tract of environmentally sensitive wetlands slated to become a wetlands mitigation bank. The request to construct structures accessory to the self-storage facility, including a water tank and fill within the required buffer adjacent to the proposed building structure would adversely affect natural areas and habitat in the EC zone, as detailed in Section B.*ii*. Therefore, the requested variance does not meet this criterion with respect to the water tank and fill associated with the building. However, with respect to the vehicular use areas and associated retaining walls and fill, if the proposed variance were not granted, no site access would be available to either the subject property or neighboring Lot 18.02, which will have shared access via an access easement from Lot 18.01, which would adversely affect neighboring property rights.

- 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 applicant proposes improvements, including a water tank, vehicular use areas, retaining walls, and fill within the site's required 50-foot-wide buffer from the mean high water line. As stated in subsection *i.* above, the property's particular characteristics do not uniquely affect the ability of the property owner to accommodate the proposed fill and water tank accessory to the self-storage facility within areas on the site located outside of a required buffer, as alternatives to developing within the required buffer areas exist on upland areas of the site outside of required buffer areas.

However, with respect to the site's vehicular use areas, including the site's access driveway and associated retaining wall and fill, the strict application of the regulations would result in extraordinary practical difficulties and undue hardship to the property owner. The site access per NJDOT is located in the northeasterly portion of the site, where the northerly meandering of the adjacent waterway leaves a strip of uplands that is more narrow than the uplands in the westerly portion of the site where the self-storage building is proposed. This places the majority of the proposed access driveway within the required 50-foot-wide buffer. There are no alternative locations on the subject property where access to and from Ramp A, a state ROW, or any other roadway, can be provided. If the proposed variance were not granted, no site access would be available to the subject property, and would prevent site development. Therefore, the strict application of the buffer requirement for vehicular use areas within

the site access driveway, associated retaining walls, and fill results in exceptional practical difficulties to, or 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.

The applicant proposes improvements, including a water tank, vehicular use areas, retaining walls, and fill within the site's required 50-foot-wide buffer from the mean high water line. Buffers are important implements that promote public health, safety, and general welfare. They serve important functions with respect to providing transitions between natural and developed areas and protection of sensitive land uses; water quality, flood protection, and stormwater management; aesthetics; and habitat protection.

As discussed in Section *ii.* above, the subject variance request to construct structures, including a water tank, and fill adjacent to the building's foundation walls, within the required buffer would adversely affect natural areas and habitat in the EC zone. This not only affects neighboring property owners, including areas within a future wetlands mitigation bank, but would detrimentally impact the vast Penhorn Creek ecosystem that serves vital functions benefitting the public good.

However, the ability to access site development on the subject property requires the construction of a vehicular access road, associated retaining walls, and fill, in areas within the required

buffer. The construction of an access road would not result in substantial detriment to the public good and would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, but would enable the development of uplands that are zoned for development in a manner that balances economic development with environmental protection.

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

The applicant proposes improvements, including a water tank, vehicular use areas, retaining walls, and fill within the site's required 50-foot-wide buffer from the mean high water line. As discussed in Section *ii.* and *iv.* above, the subject variance request to construct structures, including a water tank, and fill adjacent to the building's foundation walls within the required buffer, would adversely affect natural areas and habitat in the EC zone.

However, with respect to the proposed vehicular access road, associated retaining walls, and fill, the unavoidable impacts are limited in scope and would not be characterized as having a substantial adverse environmental impact. However, to ensure that environmental impacts are minimized, it is a recommended condition of this report that fill and grading associated with the vehicular use area construction be minimized to the extent practicable, in consultation with the NJSEA Chief Engineer. It is a further recommended condition of this report that screening, such as landscaping or a solid fence atop the retaining wall, shall be installed to screen headlight glare and site activity from adjacent habitats, and

that light shields shall be install to minimize glare to adjacent properties and ROWs.

Therefore, with the recommended conditions, the granting of the requested variance would not have a substantial adverse environmental impact with respect to the vehicular access road, and associated retaining walls and fill.

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

The applicant proposes improvements, including a water tank, vehicular use areas, retaining walls, and fill within the site's required 50-foot-wide buffer from the mean high water line.

With respect to the proposed water storage tank and fill and grading along the self-storage facility's foundation walls, based on the record in this matter, alternatives exist that would accommodate development within the available uplands footprint outside of required buffer areas, as detailed in Section B.iii. above. Therefore, the requested variance does not represent the minimum deviation from the regulations that will afford relief.

However, with respect to the proposed vehicular access road, associated retaining walls, and fill, the granting of the requested buffer variance does represent the minimum deviation from the regulations that will afford relief. The access driveway and associated retaining walls and fill are necessary to provide access to the developable portion of the property. The proposed driveway width is

not excessive, having a width of 24 feet, which is the minimum dimension required by the District zoning regulations. The applicant has demonstrated that no alternate locations are available on the site to provide access, and that the access point was determined by NJDOT requirements.

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

The applicant proposes improvements, including a water tank, vehicular use areas, retaining walls, and fill within the site's required 50-foot-wide buffer from the mean high water line.

The NJSEA is charged with promoting orderly development along with safeguarding the environment. This is a delicate balancing act undertaken by the NJSEA and its predecessor agencies that, since 1968, has effectively fostered economic development while supporting environmental objectives related to flood protection, cleaner water and soils, habitat protection and creation, and public enjoyment of natural areas through the utilization of land management tools such as buffers.

With respect to the proposed water tank and fill along the proposed self-storage facility's foundation walls, as further detailed in Section B. above, alternatives are available to accommodate the development of the proposed self-storage facility within areas on the site wholly outside of required buffer areas, and the requested variance to allow structures and improvements associated with the self-storage facility would substantially impair the intent and purpose of the District zoning regulations.

However, with respect to the proposed vehicular access road, associated retaining walls and fill, the granting of the requested buffer variance would strike the appropriate balance between the ability to develop an uplands portion of a site that is zoned for development with environmental protection objectives, given the limited scope and specific purpose of the proposed buffer intrusion. Therefore, the granting of the requested variance that would permit the construction of a site access driveway with associated retaining walls and fill within the required 50-foot-wide buffer would not substantially impair the intent and purpose of the District Zoning Regulations.

D. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 8.4(a)64, which states that self-storage facilities shall provide seven (7) loading spaces for a 199,124-square-foot building, whereas four (4) loading spaces are proposed.

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 property is a long and narrow lot with an irregular shape due to the curvature of its northeasterly lot line formed along the adjacent Ramp A ROW. Although the property is located along a

state highway ROW, the location of the site is remote from other developed properties, separated by roadway, utility, and railroad ROWs, and adjacent to a large tract of environmentally sensitive wetlands. The uplands portion of the subject site was rezoned from the EC zone to the HC zone in 2018, to allow for development potential on the uplands portion of the site along the state highway ROW. The request for a bulk variance to provide four loading spaces where seven spaces are required is based on these particular characteristics.

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

There are no residents located proximate to the site. The property is located along a state highway ROW, in a location that is comparatively remote from other developed properties, separated by roadway, utility, and railroad ROWs, and is adjacent to a large tract of environmentally sensitive wetlands slated to become a wetlands mitigation bank. The granting of the requested variance will not affect the rights of neighboring property owners. The proposed number of loading spaces is operationally sufficient to support the demands of the site, which will be occupied by a low intensity self-storage use.

- 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 seven loading spaces, whereas four spaces are proposed, would result in practical difficulties and hardship on the property owner. The site was rezoned from the EC zone to the HC zone to allow for the limited development potential available on the uplands portion of this irregular site, which is subject to a 50-foot-wide buffer from the mean high water line. These particular property characteristics constrain the site layout and the ability to accommodate the required number of loading spaces. The proposed loading and parking will satisfy the operational needs of the site, without constructing more loading spaces than needed.

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 allow four loading spaces where seven loading spaces are required will not adversely affect public health, safety, morals, order, convenience, prosperity, or general welfare. The proposed number of loading spaces will be sufficient to support the operations of the site given the low intensity nature of a self-storage use and remote location of the site. Sufficient on-site queuing and parking areas will ensure that no off-site impacts would result in the unlikely event that more than four loading spaces would be needed.

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

The requested variance to allow four loading spaces whereas seven loading spaces are required will not have a substantial adverse

environmental impact. The proposed loading spaces will not be constructed within wetland or required buffer areas. The provision of fewer loading spaces than permitted will serve as a limit to the number of trucks on the site, which would benefit surrounding natural areas in the EC zone. Furthermore, the requested 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 requested variance to construct four loading spaces whereas seven loading spaces are required represents the minimum deviation from the regulations that will afford relief. The site's irregular configuration and limited developable footprint constrains site development. The proposed self-storage facility is a low-intensity use that does not generate high traffic demands or truck traffic. The applicant has attested that the provision of four loading spaces of the size proposed is operationally sufficient for a self-storage facility of this size (T-56, 57). The provision of additional loading spaces would be unnecessary and inefficient from a site-planning and operational perspective given the site's constraints.

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 the orderly and comprehensive development of the District in

accordance with good planning principles that relate the type, design, and layout of such development to both the particular site and surrounding environs. The requested variance to permit four loading spaces, whereas seven loading spaces are required, will not substantially impair the intent and purpose of the regulations. The proposed number and size of loading spaces is operationally sufficient to support the use and represents efficient use of the land by avoiding overdevelopment of a constrained site adjacent to environmentally sensitive areas in the EC zone.

E. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.4(a)64, which states that self-storage facilities shall provide 12-foot-wide by 60-foot-long loading spaces, whereas 12-foot-wide by 30-foot-long loading spaces are proposed.

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 property is a long and narrow lot with an irregular shape due to the curvature of its northeasterly lot line formed along the adjacent Ramp A ROW. The intersection of the proposed site access driveway with Ramp A is subject to NJDOT requirements. Although the property is located along a state highway ROW, the location of the site is remote from other developed properties, separated by

roadway, utility, and railroad ROWs, and adjacent to a large tract of environmentally sensitive wetlands. The uplands portion of the subject site was rezoned from the EC zone to the HC zone in 2018, to allow for development potential on the uplands portion of the site along the state highway ROW. The request for a bulk variance to provide four loading spaces having a dimension of 12-foot-wide by 30-foot-long loading spaces, whereas loading spaces having a minimum dimension of 12-foot-wide by 60-foot-long are required, is based on these particular characteristics.

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

There are no residents located proximate to the site. The property is located along a state highway ROW, in a location that is comparatively remote from other developed properties, separated by roadway, utility, and railroad ROWs, and is adjacent to a large tract of environmentally sensitive wetlands slated to become a wetlands mitigation bank. The granting of the requested variance will not affect the rights of neighboring property owners. The proposed 30-foot depth of the loading spaces is operationally sufficient to support the demands of the site, which will be occupied by a low intensity self-storage use, without adversely affecting 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 loading spaces with a minimum depth of 60 feet, whereas four loading spaces having a minimum depth of 30 feet are proposed, would result in practical difficulties and hardship on the property owner. The site was rezoned from the EC zone to the HC zone to allow for the limited development potential available on the uplands portion of this irregular site, that is subject to a 50-foot-wide buffer from the mean high water line. These particular property characteristics constrain the site layout and the ability to accommodate 12-foot-wide by 60-foot-long loading spaces.

Furthermore, the site's access to Ramp A, a state ROW, is subject to NJDOT requirements. In accordance with these requirements, the geometry of the site driveway cannot accommodate the turning radii and circulation patterns of trucks larger than 30 feet in depth (with the exception that fire trucks of 35 to 40 feet in length have sufficient turning radius to enter the site safely) (T-15).

The requested variance results from the application of these requirements to the unique conditions on the property.

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 provide four loading spaces having a dimension of 12-foot-wide by 30-foot-long loading spaces, whereas loading spaces having a minimum dimension of 12-foot-wide by 60-foot-long are required, will not adversely affect public health, safety, morals, order, convenience, prosperity, or general welfare. The

proposed 30-foot depth of the loading spaces will be sufficient to support the operations of the site given the low intensity nature of a self-storage use and remote location of the site. The proposed dimensions are appropriate given the site's geometry and constraints, and NJDOT requirements that limit the access to the site by larger trucks, as trucks having a wheelbase larger than 30 feet would encroach into oncoming travel lanes of Ramp A (with the exception that fire trucks of 35 to 40 feet in length have sufficient turning radius to enter the site safely) (T-15).

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

The requested variance to provide loading spaces with a minimum depth of 60 feet, whereas four loading spaces having a minimum depth of 30 feet are proposed, will not have a substantial adverse environmental impact. The proposed loading spaces will not be constructed within wetland or required buffer areas. The provision of loading spaces with less depth than permitted will limit the amount of land area needed for truck parking and circulation, which would benefit surrounding natural areas in the EC zone. Furthermore, the requested 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 requested variance to provide four loading spaces having a dimension of 12-foot-wide by 30-foot-long loading spaces, whereas

loading spaces having a minimum dimension of 12-foot-wide by 60-foot-long are required, represents the minimum deviation from the regulations that will afford relief. The site's irregular configuration and limited developable footprint constrains site development. The proposed self storage facility is a low-intensity use that does not generate high traffic demands or truck traffic. The applicant has attested that the provision of four loading spaces of the size proposed is operationally sufficient for a self-storage facility of this size (T-56, 57), and that no truck larger than a 30-foot box truck would be able to enter the site (T-15).

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 the orderly and comprehensive development of the District in accordance with good planning principles that relate the type, design, and layout of such development to both the particular site and surrounding environs. The requested variance to provide four loading spaces having a dimension of 12-foot-wide by 30-foot-long loading spaces, whereas loading spaces having a minimum dimension of 12-foot-wide by 60-foot-long are required, will not substantially impair the intent and purpose of the regulations. The proposed number and size of loading spaces is operationally sufficient to support the use and represents efficient use of the land by avoiding overdevelopment of a constrained site adjacent to environmentally sensitive areas in the EC zone.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Use Variance from the Provisions of N.J.A.C. 19:4-5.59, where a self-storage facility is not listed as a permitted use in the Highway Commercial zone.

Based on the record in this matter, the application for one use variance to permit a self-storage facility on the subject property is hereby recommended for APPROVAL WITH THE FOLLOWING CONDITIONS:

1. The self-storage facility shall provide bottled water and cooler service for drinking water for employees and the public.
2. With respect to the proposed wastewater holding tank:
 - a) The tank shall be operated and maintained in accordance with both the Hackensack Meadowlands District's performance standards at N.J.A.C. 19:4-7.9 and the requirements of all other entities with jurisdiction.
 - b) An operations and maintenance manual, subject to the approval of the Chief Engineer, shall be recorded in the Hudson County Deed Register.
3. The property shall connect to public water and sanitary sewer facilities should they become available in the proximity of the site in the future.
4. The proposed self-storage facility shall comply with the minimum 50-foot-wide buffer requirement of N.J.A.C. 19:4-8.7(a) (see also Sections B and C herein).
5. Louvers shall be installed at the building's southerly elevation, in addition to those proposed at the building's easterly and westerly

elevations, to screen parking-level activities from adjacent natural areas.

CONDITIONAL APPROVAL

Recommendation on
Use Variance Request

10/13/2026

Date



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

CONDITIONAL APPROVAL

Recommendation on
Use Variance Request

10/13/26

Date



Robert Davidow, Esq.
Senior Vice President
Office of Legal & Regulatory Affairs

B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.7(a), which requires a minimum 50-foot-wide landscaped buffer measured from the mean high water line or top of bank where any development borders the Hackensack River, tributaries, or streams located in the District, and does not permit fill, structures, or impervious pavement within the waterway buffer; whereas, the proposed building is located within the required landscaped buffer.

Based on the record in this matter, the application for one bulk variance to permit the proposed building to be located within the required buffer is hereby recommended for DENIAL.

DENIAL
Recommendation on
Bulk Variance Request

10/13/2020
Date



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

DENIAL
Recommendation on
Bulk Variance Request

10/17/26
Date



Robert Davidow, Esq.
Senior Vice President
Office of Legal & Regulatory Affairs

C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.7(a), which requires a minimum 50-foot-wide landscaped buffer measured from the mean high water line or top of bank where any development borders the Hackensack River, tributaries, or streams located in the District, and does not permit fill, structures, or impervious pavement within the waterway buffer; whereas, site improvements, including fill, concrete retaining wall, water storage tank, and vehicular use areas, are located within the required landscaped buffer.

Based on the record in this matter, the application for one bulk variance to permit site improvements including fill, concrete retaining walls, water storage tank, and vehicular use areas, to be located within the required buffer is hereby recommended for PARTIAL APPROVAL WITH CONDITIONS.

1. The proposal to construct improvements associated with the site access road, including vehicular use areas, retaining walls, and associated fill and improvements, such as lighting, fencing, and landscaping within required buffer areas is hereby APPROVED WITH THE FOLLOWING CONDITIONS:
 - a) Fill and grading associated with the construction of vehicular use areas shall be minimized to the extent practicable, in consultation with the NJSEA Chief Engineer.
 - b) Screening, such as landscaping or a solid fence atop the retaining wall, shall be installed to screen headlight glare and site activity from adjacent habitats, and light shields shall be installed on light poles to minimize glare to adjacent properties and rights-of-way.

2. The proposal to construct the water storage tank, place fill adjacent to the self-storage building's walls, or construct associated retaining walls, within required buffer areas is hereby DENIED.

PARTIAL APPROVAL
WITH CONDITIONS

Recommendation on
Bulk Variance Request

10/13/2026
Date



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

PARTIAL APPROVAL WITH CONDITIONS

Recommendation on
Bulk Variance Request

10/12/26
Date

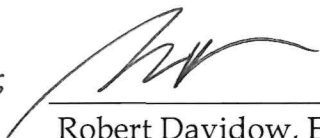


Robert Davidow, Esq.
Senior Vice President
Office of Legal & Regulatory Affairs

D. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 8.4(a)64, which states that self-storage facilities shall provide seven (7) loading spaces for a 199,124-square-foot building, whereas four (4) loading spaces are proposed.

Based on the record in this matter, the application for one bulk variance to permit four (4) loading spaces where seven (7) loading spaces are required for a 199,124-square-foot building, is hereby recommended for APPROVAL.

<u>APPROVAL</u>	<u>10/13/2026</u>	
Recommendation on Bulk Variance Request	Date	Sara J. Sundell, P.E., P.P. Senior Director of Land Use Management and Chief Engineer

<u>APPROVAL</u>	<u>10/13/26</u>	
Recommendation on Bulk Variance Request	Date	Robert Davidow, Esq. Senior Vice President Office of Legal & Regulatory Affairs

E. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.4(a)64, which states that self-storage facilities shall provide 12-foot-wide by 60-foot-long loading spaces, whereas 12-foot-wide by 30-foot-long loading spaces are proposed.

Based on the record in this matter, the application for one bulk variance to permit 12-foot-wide by 30-foot-long loading spaces where 12-foot-wide by 60-foot-long loading spaces are required, is hereby recommended for APPROVAL.

<u>APPROVAL</u>	<u>10/13/2026</u>	
Recommendation on Bulk Variance Request	Date	Sara J. Sundell, P.E., P.P. Senior Director of Land Use Management and Chief Engineer
<u>APPROVAL</u>	<u>10/13/26</u>	
Recommendation on Bulk Variance Request	Date	Robert Davidow, Esq. Senior Vice President Office of Legal & Regulatory Affairs

AWARDS / CONTRACTS

RESOLUTION 2026-35

**RESOLUTION AUTHORIZING THE DISBURSEMENT OF FUNDS TO ASSIST IN
SECURING AND HOSTING MARQUEE SPORTS AND ENTERTAINMENT
EVENTS AT THE PRUDENTIAL CENTER IN NEWARK AND JIM WHELAN
BOARDWALK HALL IN ATLANTIC CITY**

WHEREAS, the New Jersey Sports and Exposition Authority (“NJSEA”) recognizes that attracting large-scale sporting and entertainment events to New Jersey venues including the Prudential Center and MetLife Stadium, among others, supports the State’s tourism, hospitality, and travel industries by generating substantial economic activity; and

WHEREAS, the sold-out UFC 328, held at the Prudential Center in May 2026, generated approximately \$27.5 million in total economic output and \$1.9 million in total state and local tax impacts, while also delivering community benefits through increased activity for local hotels, restaurants, and businesses; and

WHEREAS, the historic two-night WWE SummerSlam 2025 at MetLife Stadium, resulted in substantial positive economic impacts for the host city and surrounding region, generating approximately \$115.6 million in total economic output; and

WHEREAS, in addition to increased economic activity, the State benefited from the local community engagement efforts of UFC and WWE and gained significant media exposure through UFC and WWE global event promotion and marketing; and

WHEREAS, the NJSEA received a funding appropriation in the FY2027 State Budget for “International Events, Improvements and Attraction”; and

WHEREAS, building on the success of prior events funded through the International Events appropriation, and seeking to replicate the significant economic and community impacts, the NJSEA desires to use a portion of the appropriated funds to help secure and host additional UFC and WWE premium live events, among others, at major venues in the State in 2027; and

WHEREAS, these unannounced live events shall include one event at the historic Jim Whelan Boardwalk Hall in Atlantic City, along with multiple live events at the Prudential Center in Newark.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the New Jersey Sports and Exposition Authority, to accomplish the purposes of this Resolution, hereby authorizes the disbursement of Two Million Dollars (\$2,000,000) to Boardwalk Hall and Six Million Dollars (\$6,000,000) to the Prudential Center, and

authorizes and directs the President and CEO of the NJSEA to take all actions and execute and deliver all instruments and documents reasonably necessary to effectuate its purposes.

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 October 22, 2026.

Christine Sanz
Secretary

RESOLUTION 2026-36

**RESOLUTION AUTHORIZING THE NEW JERSEY SPORTS AND EXPOSITION
AUTHORITY TO ENTER INTO FUNDING AGREEMENTS WITH
MEADOWLANDS RACETRACK AND MONMOUTH PARK RACETRACK**

WHEREAS, Monmouth Park Racetrack is located on certain real property in the Borough of Oceanport that is owned by the New Jersey Sports and Exposition Authority ("NJSEA"), and the Meadowlands Racetrack is located on certain real property in the Borough of East Rutherford that is owned by the NJSEA; and

WHEREAS, Darby Development, LLC operates Monmouth Park Racetrack, and New Meadowlands Racetrack, LLC operates Meadowlands Racetrack, each under a long-term ground lease with the NJSEA; and

WHEREAS, recognizing the challenges facing the horse racing industry in New Jersey along with its essential economic and cultural contributions to the State, including direct track employment and downstream agricultural jobs, New Jersey has established a framework of financial support for racing venues through annual State budget appropriations; and

WHEREAS, in response to requests from the operators of Meadowlands Racetrack and Monmouth Park Racetrack to support their respective operations as they pursue new growth opportunities and develop additional revenue streams, the NJSEA has determined that it is in the public interest to provide targeted financial assistance to each racetrack in support of ongoing operations; and

WHEREAS, as a condition of such assistance, the NJSEA will require that the funds be used exclusively for track operations and that the operators provide the NJSEA with all information, documentation, and assistance reasonably necessary to verify compliance.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the New Jersey Sports and Exposition Authority that the President and Chief Executive Officer, or their designee, is hereby authorized to negotiate, draft, and execute funding agreements, and any related instruments, with New Meadowlands Racetrack, LLC and Darby Development, LLC and the officers, owners, and principals of each, as needed, to accomplish the purposes of the foregoing resolutions.

BE IT FURTHER RESOLVED that the agreements shall authorize the disbursement of financial assistance in an amount up to Four Million Five Hundred Thousand Dollars (\$4,500,000) to New Meadowlands Racetrack, LLC, and in an amount up to Four Million Five Hundred Thousand Dollars (\$4,500,000) to Darby Development, LLC.

BE IT FURTHER RESOLVED that the President and Chief Executive Officer and any Authorized Authority Official are hereby authorized and directed to take all further actions and to execute and deliver all further instruments and documents that the President and Chief Executive Officer or such Authorized Authority Official determines to be necessary, desirable, or advisable, in the name and on behalf of the NJSEA, to carry out fully the intent and accomplish the purposes of the foregoing resolutions.

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 October 22, 2026.

Christine Sanz
Secretary

EXECUTIVE SESSION

RESOLUTION 2026-37

**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 personnel matters, the status of pending and anticipated litigation and other matters within the attorney client privilege, contract negotiations, and, if necessary, to act upon pending contracts.

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 October 22, 2026.

Christine Sanz
Secretary