

RECOMMENDATION ON THE VARIANCE APPLICATION OF
Meadowlands Logistics Center, LLC / Paterson Plank Rd. - New Building
(Variance)
FILE # 23-048

I. INTRODUCTION

An application for one use variance has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Meadowlands Logistics Center, LLC, for the premises located along Paterson Plank Road identified as Block 227, Lot 9, in the Town of Secaucus, New Jersey. The subject premises is split-zoned and located within the Hackensack Meadowlands District's (District) Regional Commercial zone and Environmental Conservation zone. The use variance is sought in connection with the applicant's proposal to construct a 775,000-square-foot warehouse building with associated major site improvements at the subject premises within the portion of the property located in the Regional Commercial zone.

Specifically, the applicant is requesting relief from:

1. N.J.A.C. 19:4-5.52(a), to permit construction of a 775,000-square-foot warehouse building, whereas warehouse and distribution facilities are not listed as permitted uses in the Regional Commercial zone.

Notice was given to the public and all interested parties as required by law. The public notice was published in the digital edition of the Star-Ledger on March 20, 2025. The public notice was also posted to NJ.com under Legal Notices, on the New Jersey Press Association's website, njpublicnotices.com, and on the NJSEA's website. A public hearing was held on Tuesday, April 8, 2025. 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 subject property is vacant and contains 135.8 acres. The parcel is split-zoned, with approximately 61 acres located within the Regional Commercial zone in the southerly portion of the site, and approximately 75 acres located within the Environmental Conservation zone, which contains a portion of the Cromakill Creek and associated wetlands in the northerly part of the site. The site contains frontage along Paterson Plank Road to the south and Park Plaza Drive and the New Jersey Turnpike to the west. Park Plaza Drive is a private roadway located adjacent to the southerly portion of the site in the Regional Commercial zone.

The southerly portion of the site adjoins the mixed-commercial Harmon Meadow Plaza, including an exposition facility, office, hotel, and day care facility, and the Harper at Harmon Meadow residential development to the west. The northerly portion of the site, in the Environmental Conservation zone, adjoins additional natural areas associated with a portion of the Cromakill Creek, and industrial development to the north along West Side Avenue. The Township of North Bergen municipal boundary line coincides with the subject property's easterly boundary line, which also adjoins a 150-foot-wide utility right of way (ROW) owned by Public Service Electric and Gas Company (PSE&G) identified on the property survey as Block 442, Lots 4 and 5, in the Township of North Bergen, containing electric transmission towers and an electrical substation fronting West Side Avenue. Lot 4 adjoins the southerly portion of the site that is zoned Regional Commercial, and Lot 5 adjoins the northerly portion of the site that is zoned Environmental Conservation. It is noted that North Bergen tax records appear to have been updated to identify/merge Block 442, Lots 4 and 5 as Block 442.01, Lot 4. For the purposes of this recommendation, the lots will continue to be referenced as Lots 4 and 5 to be consistent with the submitted plans and to distinguish the portions of the lot in relation to adjoining zones. Properties to the south of the

subject property include a self-storage facility and a warehouse located across Paterson Plank Road.

The subject property is subject to several encumbrances. The easterly portion of the site contains a 10-foot-wide sanitary sewer easement, three PSE&G easements, and portions of the 43rd Street, 50th Street, and Malone's Lane ROWs. The 10-foot-wide sewer easement is located within the 50-foot-wide 43rd Street ROW, which is located between PSE&G ROW Lots 4 and 5 in Block 442 in the Township of North Bergen. An unspecified ROW is also depicted on the property survey within the portion of the site zoned Environmental Conservation, crossing Cromakill Creek at two locations in the northwesterly portion of the site. Slope and drainage easements can be found along the southerly lot line adjacent to Paterson Plank Road.

There is currently no permanent, improved access to the vacant site. An unimproved driveway to the east provides a connection to West Side Avenue via the PSE&G ROW. The applicant is currently conducting a fill/stockpile operation on site to elevate the area proposed for development. This scope of work included the construction of a temporary, asphalt driveway that allows access to/from Paterson Plank Road to the south. This temporary driveway will be removed upon completion of the fill/stockpile operation.

The subject property, formerly known as the "Mori Tract," has a history of illegal dumping and past violations, including two violations that were issued in 2013 to the prior property owner related to unauthorized fill material that was placed within two areas of the property containing uplands and wetlands, identified as Area of Concern 1 (AOC1) and Area of Concern 2 (AOC2). The applicant, with approvals issued by the NJSEA and the New Jersey Department of Environmental Protection (NJDEP), removed approximately 9,828 tons of unauthorized fill material from AOC1 and 63,031 tons from AOC2. In August 2024, the current property owner completed the wetlands restoration/mitigation of 4.02 acres in the AOC2 area to resolve the long-standing violations at the site.

The applicant is proposing to construct a 775,000-square-foot multi-tenanted warehouse building with associated site and parking improvements, on the portion of the subject property located within the Regional Commercial zone. The proposed warehouse and distribution facility will have a total of 180 loading dock doors, located along the building's westerly and easterly façades. A right turn in/right turn out driveway is proposed along Paterson Plank Road. A full-service ingress/egress driveway is proposed along Park Plaza Drive. A pedestrian path is also proposed that will provide the general public access to a viewing station overlooking Cromakill Creek.

The development of the Mori Tract was designated a "Vital Project" by the NJSEA Board of Commissioners in Resolution #2019-07, dated March 21, 2019, pursuant to the provisions of the Hackensack Meadowlands Agency Consolidation Act at N.J.S.A. 5:10A-11(f) and NJSEA Board Resolution #2015-59 dated November 19, 2015.

B. Response to the Public Notice

Thirty-seven (37) objectors provided written comments in response to the public notice dated March 10, 2025. The following correspondence was submitted by the objectors during the course of the public comment period, which closed on April 8, 2025:

1. Email, received on April 6, 2025, submitted by Giancarlo Gomez regarding wetland preservation and endangered species.
2. Email, received on April 6, 2025, submitted by Joanne Delucca regarding wetland preservation and endangered species.
3. Email, received on April 6, 2025, submitted by Brendan Havner regarding wetland preservation and endangered species.

4. Email, received on April 6, 2025, submitted by Poe Rosenberg regarding wastewater processing, flooding and wetland preservation.
5. Email, received on April 6, 2025, submitted by Kyle Voight regarding wildlife habit preservation, migratory birds, wetland preservation and flooding.
6. Email, received on April 6, 2025, submitted by Jason Biegel regarding wetland preservation and endangered species.
7. Email, received on April 6, 2025, submitted by Martha Rubiano regarding wastewater processing, flooding and wetland preservation.
8. Email, received on April 6, 2025, submitted by Brianna Vera regarding wetland preservation and endangered species.
9. Email, received on April 6, 2025, submitted by Danielle D'Adamo regarding open space, ecosystems, endangered species and wildlife migration.
10. Email, received on April 6, 2025, submitted by Laura Otter regarding migratory birds, endangered species, wetland preservation flooding.
11. Email, received on April 6, 2025, submitted by Matthew Skolar regarding wetland preservation and endangered species.
12. Email, received on April 6, 2025, submitted by Robert Walters regarding wetland preservation and endangered species.
13. Email, received on April 6, 2025, submitted by Terrill Hiel regarding wetland preservation, flooding and endangered species.
14. Email, received on April 6, 2025, submitted by Jessica Pomponio regarding wastewater processing, flooding and wetland preservation.
15. Email, received on April 6, 2025, submitted by Kassandra Ulloa regarding wetland preservation, flooding and endangered species.

16. Email, received on April 6, 2025, submitted by Amelvis Villafane regarding wastewater processing, flooding and wetland preservation.
17. Email, received on April 7, 2025, submitted by Ashley Quintero regarding ecosystems, migratory birds and wetland preservation.
18. Email, received on April 7, 2025, submitted by Marlon Solis regarding ecosystems, migratory birds and wetland preservation.
19. Email, received on April 7, 2025, submitted by Liri Haram regarding wastewater processing, ecosystems, flooding and wetland preservation.
20. Email, received on April 7, 2025, submitted by Yoharvey Martinez Marte regarding wastewater processing, ecosystems, flooding and wetland preservation.
21. Email, received on April 7, 2025, submitted by Melanie Montemarano regarding wetland preservation and endangered species.
22. Email, received on April 7, 2025, submitted by Natalie Limon regarding endangered species, flooding and wetland preservation.
23. Email, received on April 7, 2025, submitted by Jennifer Snowden regarding wetland and habitat preservation and endangered species.
24. Email, received on April 7, 2025, submitted by Ashley Castillo regarding ecosystems, migratory birds, endangered species and wetland preservation.
25. Email, received on April 7, 2025, submitted by Talia Boado regarding natural spaces, endangered species and wetland preservation.
26. Email, received on April 7, 2025, submitted by Jessica (last name not provided with email address jessicagonz3@gmail.com) regarding wetland preservation and endangered species.

27. Email, received on April 7, 2025, submitted by Amanda Martinez regarding wastewater, flooding and endangered species.
28. Email, received on April 7, 2025, submitted by Mark Bloomberg regarding wetland preservation, endangered species and flooding.
29. Email, received on April 7, 2025, submitted by Destiny Liebscher regarding wetland preservation and endangered species.
30. Email, received on April 7, 2025, submitted by Jacqueline Cianci regarding wetland preservation and endangered species.
31. Email, received on April 7, 2025, submitted by Valerie Gomez regarding wetland preservation and endangered species.
32. Email, received on April 7, 2025, submitted by Van Gonzalez regarding wetland preservation and endangered species.
33. Email, received on April 7, 2025, submitted by Shiryn Lopez regarding essential habitats and endangered species.
34. Email, received on April 7, 2025, submitted by Heather Greenhouse regarding wastewater, flooding and wetland preservation.
35. Email, received on April 8, 2025, submitted by Martin Meyers regarding wetland preservation and endangered species.
36. Email, received on April 8, 2025, submitted by Vaneza Leon regarding ecosystems, essential habitats and endangered species.
37. Email, received on April 8, 2025, submitted by Ryan Heisinger regarding wetland preservation and endangered species.

III. PUBLIC HEARING (April 8, 2025)

A public hearing was held on Tuesday, April 8, 2025. NJSEA staff in attendance were 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; Nadereh Moini, Ph.D., P.E., PTOE, PTP, NJSEA Chief of Transportation; Mia Petrou, P.P., AICP, CFM, Supervising Planner; and Ronald Seelogy, P.E., P.P., Principal Engineer.

A. Exhibits

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

| <u>Number</u> | <u>Description</u> |
|---------------|---|
| A-1 | "Aerial Exhibit," Drawing No. EX-02, prepared by Langan Engineering and Environmental Services, Inc. on April 8, 2025. |
| A-2 | "Overall Aerial Exhibit," Drawing No. EX-01, prepared by Langan Engineering and Environmental Services, Inc. on April 8, 2025. |
| A-3 | "Meadowlands Logistics Center Plan Rendering, Town of Secaucus, Hudson County, New Jersey," prepared by Langan Engineering and Environmental Services, Inc. on April 8, 2025. |
| A-4 | "Potential Driveway Locations," prepared by Langan Engineering and Environmental Services, Inc., undated. |
| A-5 | "Meadowlands Logistics Center Pedestrian Path," prepared by Langan Engineering and Environmental Services, Inc. on April 8, 2025. |

- A-6 NJSEA Resolution 2019-07 dated March 21, 2019, designating development of the subject property identified as Block 227, Lot 9, in the Town of Secaucus, New Jersey, as a Vital Project; and NJSEA Memorandum dated February 21, 2019, from Sara J. Sundell, P.E., P.P., NJSEA Director of Land Use Management and Chief Engineer, to the NJSEA Board Members recommending that the development of the subject property identified as Block 227, Lot 9, in the Town of Secaucus, New Jersey, be designated as a Vital Project under the provisions of N.J.S.A. 5:10A-11(f).
- A-7 NJSEA Resolution 2023-45 dated December 21, 2023, designating the subject property identified as Block 227, Lot 9, in the Town of Secaucus, New Jersey, as unsuitable for residential use; and NJSEA Memorandum dated December 11, 2023, from Sara J. Sundell, P.E., P.P., NJSEA Director of Land Use Management and Chief Engineer, to the NJSEA Board Members and Paul Juliano, NJSEA President/CEO, recommending that the members of the NJSEA concur with the recommendation prepared by the NJSEA Review Team, which determined that the subject property is not suitable for residential use.

B. Testimony

James Rhatican, Esq., of Hartz Mountain Industries, Inc., represented Meadowlands Logistics Center, LLC at the hearing. The following witnesses testified in support of the application:

1. Kristen Roslund, P.E., Langan Engineering and Environmental Services, Inc.;

2. Karl A. Pehnke, P.E., PTOE, Langan Engineering and Environmental Services, Inc.; and
3. Sean F. Moronski, P.P., AICP, Langan Engineering and Environmental Services, Inc.

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

C. Public Comment

The following members of the public were present and commented on the application:

1. Gary M. Jeffas, Secaucus Town Administrator;
2. Hailey Benson, 1315 53rd Street, North Bergen, NJ;
3. Sarah Hollmann, 1631 Paterson Plank Road, Secaucus, NJ; and
4. Justin Mosquera, 5107 Liberty Avenue, North Bergen, NJ.

IV. RECOMMENDATIONS

- A. Standards for the Granting of a Use Variance from the Provisions of N.J.A.C. 19:4-5.52(a), to permit construction of a 775,000-square-foot warehouse building, whereas warehouse and distribution facilities are not listed as a permitted use in the Regional 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 development of the subject property was designated a “Vital Project” by the NJSEA Board of Commissioners, in recognition of its potential to have a substantial impact to the regional economy, transportation network, and the environment. The subject property contains one of the largest undeveloped upland tracts that is zoned for development in the District, measuring approximately 61 acres, while also containing a sizeable area comprised of environmentally-sensitive lands totaling approximately 75 acres.

In addition to its large size, the property exhibits an irregular, panhandle shape, and contains many other unique characteristics. The site is located within two zones: the Regional Commercial zone in the southerly portion of the site, and the Environmental Conservation zone in the northerly portion of the site. The site is located to the east of the Harmon Meadow commercial complex and

the Harper at Harmon Meadow residential apartment complex, and proposes access to Park Plaza Drive, a private roadway that serves the properties within Harmon Meadow, and Paterson Plank Road, a major county arterial. The subject property's easterly boundary line is also the easterly terminus line of the Regional Commercial zone in the District, and coincides with the westerly boundary of the Township of North Bergen's municipal border. The site is adjacent to a PSE&G ROW and proximate to industrial land uses in the Intermodal A and Public Utilities zones to the east, across West Side Avenue, as well as industrial development to the north within the Light Industrial A zone. Thus, the subject parcel can be firmly characterized as a transitional parcel, situated amid varying zones, land uses, and roadways of regional significance.

The strict application of the regulations would require that the premises be developed with a commercial use, or uses, permitted in the Regional Commercial zone. However, the property in question has been the subject of considerable developer interest and applications for commercial development over the years that have never materialized. Some permitted uses in the Regional Commercial zone are not feasible development options for the subject parcel given long-term market conditions. For example, office uses have suffered from market decline for decades, and retail uses may be challenging uses to develop at the subject location given the presence of existing large-scale commercial development within Harmon Meadow and nearby American Dream, which, unlike the subject parcel, contain frontage on, and direct access to and from, state highways, which have higher visibility and typically handle higher traffic volumes. Furthermore, the rise of e-commerce has

transferred a significant portion of retail operations from stores to warehouses.

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

- 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.*

As stated above, the development of the subject property was designated a “Vital Project” by the NJSEA Board of Commissioners, recognizing its potential to have a substantial impact to the regional economy, transportation network, and the environment.

The requested variance to develop a warehouse use in the Regional Commercial zone, where warehouse uses are not permitted, will not result in a substantial detriment to the public good. Multiple members of the public commented that the subject development in a wetlands area would adversely affect the public and wildlife habitats. However, the subject development will occur on uplands that are zoned for development in the Regional Commercial zone, and the proposal will support the environmental remediation of a site containing historic fill. Although the portion of the site located in the Environmental Conservation zone is not proposed to be developed, and would face significant permitting hurdles in order to do so, the NJSEA staff is cognizant of the increasing development pressures on environmentally-sensitive lands in the District.

Therefore, given the property's vital project status, in large part due to the presence of Cromakill Creek and surrounding wetlands and habitat, it is a recommendation of this report that the portion of the subject property currently located in the Environmental Conservation zone be placed within a conservation easement in accordance with Condition No. 1 in Section V. below, to preserve these lands in perpetuity and to protect against future development pressures. This report further recommends that uses currently permitted in the Environmental Conservation zone continue to be permitted within the conservation easement area, as well as provisions for site maintenance and the maintenance, repair, and in-kind replacement of stormwater improvements that may affect these lands.

With respect to public health, safety, morals, order, convenience, prosperity and the general welfare, one of the principal planning concerns associated with the requested use variance is the introduction of an industrial use utilizing a full-service driveway along Park Plaza Drive, which primarily serves existing commercial and residential development within Harmon Meadow, whereas most industrial development in the vicinity is located along West Side Avenue or, to a lesser extent, across Paterson Plank Road to the south. However, NJSEA staff recognizes that trucks are commonly associated with commercial deliveries and other commercial activities essential to the function of many use types, including the Meadowlands Exposition Center and big box retail uses within the Harmon Meadow commercial complex. Although a right-in/right-out driveway is also proposed along the site's Paterson Plank Road frontage, NJSEA staff expressed concerns at the public hearing

regarding the proximity of that driveway's location to the West Side Avenue signalized intersection and potential for increased crashes along Paterson Plank Road, which is heavily traveled by trucks (T-79). Therefore, a more appropriate linkage for the proposed warehouse development to neighboring industrial zones and roadways would be an additional driveway connection via West Side Avenue, which would serve to minimize adverse impacts to public safety, order, and convenience, particularly to sensitive receptors such as adjacent residents and the day care facility to the west.

A connection to West Side Avenue has been contemplated in prior development applications for this site, and the applicant's attorney stated that, operationally, it would be appealing to have a driveway on West Side Avenue (T-70). The applicant's engineering professional also stated that having the three access points for the project would be a benefit and provide good connectivity (T-79, 80). With respect to potential locations for such a connection, an existing 50-foot-wide unimproved ROW at 43rd Street connects the site to West Side Avenue through the adjacent PSE&G ROW. Although the unimproved 50th Street and Malone's Way ROWs also connect the property to West Side Avenue through the PSE&G property, these connections would occur through undevelopable portions of the site zoned Environmental Conservation and, therefore, are not viable options. The applicant's engineer attested that PSE&G requires 150-foot buffers from its electric transmission towers (T-20). While the 43rd Street ROW is not within the buffer area of existing towers, PSE&G's plans for future towers would place the 43rd Street ROW within the 150-foot buffer area, as depicted in Exhibit A-4. However,

the applicant has been engaging in dialogue with PSE&G to design alternative driveway locations through the PSE&G ROW to obtain access from West Side Avenue. The applicant attested that alternative driveway locations are subject to environmental constraints (T-20). However, the particular impacts of an alternative driveway location cannot be evaluated until a specific location and design has been determined. Therefore, it is a recommended condition of this report that a minimum 24-foot-wide full-service ingress/egress driveway shall be provided between the subject property and West Side Avenue, in accordance with Condition No. 3 in Section V. below. Such driveway shall be depicted on a revised site plan prior to zoning approval, and may be labeled as a future improvement. This access may occur via existing rights-of-way located across portions of adjacent PSE&G property adjacent to the Regional Commercial zone at Block 442, Lot 4, in the Township of North Bergen, or through negotiated alternative locations within the utility ROW that would minimize impacts to PSE&G operations, such as the potential locations highlighted in blue identified as Options 1 and 2 on Exhibit A-4, while also minimizing environmental impacts to the maximum extent possible. The NJSEA staff acknowledges that the applicant does not exert control over adjacent property, but has entered into good faith conversations with PSE&G to provide such access. The NJSEA staff is also aware that approval for such access will also be needed by other entities, including the New Jersey Board of Public Utilities, and permitting authorities, including the NJDEP. Therefore, this report further recommends that this condition may be rescinded by the NJSEA Board of Commissioners upon the recommendation of the NJSEA Chief Engineer and the Senior Vice President, Office of Legal &

Regulatory Affairs, based on documented inability to comply with this condition despite good faith efforts by the property owner/applicant. However, monetary reasons, such as the cost of implementation, shall not be considered grounds for rescission of this condition.

Additionally, NJSEA staff comments with respect to pedestrian circulation and public safety have been shared with the applicant in review correspondence and during the public hearing, as the applicant's plans do not propose a sidewalk along the site's westerly frontage along Park Plaza Drive. The applicant's engineering professional testified that a sidewalk along the easterly side of Park Plaza Drive would displace existing mature vegetation, impact existing utility improvements, and increase impervious coverage on the site with respect to NJDEP permitting (although sidewalks are included within open space in the District Zoning Regulations) (T-22, 23). Pursuant to Exhibit A-5, the applicant proposes a circuitous pedestrian route to access the site using existing sidewalks and crosswalks located on the opposite (westerly) side of Park Plaza Drive. Pedestrians starting in the area of the NJ Transit bus stop near the signalized intersection of Park Plaza Drive and Paterson Plank Road would need to walk across five lanes of traffic at the crosswalk, only at the dedicated pedestrian traffic signal cycle interval, and would be at risk of crashes from vehicles turning from Paterson Plank Road to Park Plaza Drive. Then, they would need to continue their journey along the sidewalks on the west side of Park Plaza Drive, which would require pedestrians walking north to cross three- and four-lane roads within Harmon Meadow, two-lane Plaza Drive, and multiple individual site driveways, before again crossing

four-lane Park Plaza Drive to access the warehouse via a proposed raised crosswalk with signage and flashing beacons near the warehouse's full-service driveway. In some instances, the meandering route would require pedestrians to utilize crosswalks intended to serve buildings located further west in the interior of the Harmon Meadow complex, before looping back east to Park Plaza Drive. Existing sidewalks and crosswalks are also proposed to be utilized to connect pedestrians to the walking path and viewing station in the northerly part of the site, including a crosswalk situated near the approximate 90-degree bend of Park Plaza Drive in the vicinity of the Harper at Harmon Meadow apartments. The continuation of this path of access would route members of the public through the center of the apartment complex, which could be disruptive to residents. Therefore, the proposed pedestrian route that necessitates crossing multiple roads, including the heavily-trafficked, five-lane Park Plaza Drive, is neither the safest nor the most efficient available. In contrast, a sidewalk provided along the easterly side of Park Plaza Drive would be more direct and would only necessitate a pedestrian to cross a single two-lane driveway at the northwest corner of the site. In order to promote public safety and connectivity of the sidewalk network, which are important objectives of the *Hackensack Meadowlands District Master Plan Update 2020*, further elaborated in Section *vi.* below, it is a recommended condition of this report that a continuous sidewalk be provided along the easterly side of Park Plaza Drive from Paterson Plank Road to the entrance of the proposed pedestrian path and viewing station in the northerly part of the site, pursuant to Condition No. 2 in Section V. below. A minimum two-foot-wide offset from the Park Plaza Drive curb line is also a recommended condition, which could

help the applicant's concern to preserve existing mature landscaping and provide a safer route by buffering pedestrians from vehicular traffic, particularly truck traffic associated with the proposed warehouse, along Park Plaza Drive, and allow for routing around utility poles and structures.

Also of paramount public health and safety import is the impact of the proposed warehouse use on adjacent residents, particularly with respect to air quality, noise, glare, and aesthetics. The proposed warehouse building is located at a distance of approximately 740 feet to the southerly boundary line of the Harper at Harmon Meadow apartment complex at Block 227, Lots 4.03 and 4.04. However, a portion of a truck parking lot is located adjacent to the residential use. Screening is proposed to be provided via a 25-foot landscaped buffer and a six-foot-high chain link fence. However, it is recommended that, as a condition of this report, a cross-section of the elevation of the proposed truck parking area in relation to the Harper at Harmon Meadow apartments, including elevations of fencing, berms, plantings, and sidewalks, shall be provided for review to ensure that adequate screening of the truck parking area is provided. This Office reserves the right to require supplemental plantings, screening walls and/or additional berm or fence height to supplement the proposed screening methods. In addition, the proposed six-foot-high chain link fence along the interior of the truck parking area shall be installed with privacy slats to provide a more complete visual screen of the trucks utilizing this lot in accordance with Condition No. 4 in Section V. below.

Furthermore, noise impacts of the proposed warehouse operations to adjacent residents will be required to meet NJSEA performance standards pursuant to N.J.A.C. 19:4-7.3(f), which requires that, in any residential area or zone, the A-weighted sound level shall not exceed 55 dBA during the hours of 7:00 A.M. to 9:00 P.M. and shall not exceed 45 dBA during the hours of 9:00 P.M. to 7:00 A.M. It is a recommended condition of this report that the applicant shall be required to demonstrate as-built compliance with NJSEA noise requirements of N.J.A.C. 19:4-7.3 when the site becomes operational, noted as Condition No. 5 in Section V. below. The noise analysis shall also measure overnight noise emanating from trucks both on the site and traveling past the Harper at Harmon Meadow. Appropriate mitigation measures, including, but not limited to, structural measures and/or operational restrictions as specified in Section V. Condition No. 5 may be required. Finally, any use of the site shall be required to comply with New Jersey State Air Pollution Control Laws and Codes at N.J.A.C. 7:27 and 7:27B, pursuant to N.J.A.C. 19:4-7.5. Therefore, the staff recommends, as a condition of this recommendation, noted as Condition No. 6 in Section V. below, that an air quality monitoring program shall be implemented at the site to ensure compliance with NJDEP and NJSEA air quality requirements.

The public order will not be substantially adversely affected by the proposed warehouse use. The site of the proposed warehouse facility is a transitional parcel zoned for development, and any development on a vacant site can be expected to generate traffic. Generally, traffic associated with warehouse uses is expected to occur earlier and/or later than peak commuting periods in order to

facilitate the movement of goods in an efficient manner. However, off-peak operations occurring during the overnight and early morning hours coincide with the times that adjacent residents are more likely to be at home. Therefore, in order to promote the public health and convenience, and quality-of-life for these residents, which includes affordable housing units, it is a recommended condition that trucks shall be restricted from right-turn-out and left-turn-in movements at the Park Plaza Drive driveway between the hours of 9:00 P.M. and 7:00 A.M., pursuant to Condition No. 7 in Section V. below.

Finally, the public prosperity will not be adversely affected by the requested use variance. The proposed use of the site as a warehouse will generate employment opportunities in the area, and will produce a net tax benefit according to the fiscal impact assessment provided by the applicant.

With the recommended conditions, the requested variance to develop a warehouse use at the specified location in the Regional Commercial zone, where warehouse uses are not permitted, will not adversely affect the public health, safety, morals, order, convenience, 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 NJSEA received public comments expressing concern regarding the potential wastewater and flooding impacts of the proposed development. However, warehouse uses typically generate less demand for water and sewer usage than permitted commercial uses of comparable size, and the applicant has attested that sufficient wastewater capacity exists to service the proposed warehouse use, as well as gas, electric, and water utilities (T-26). The proposed warehouse will be required to comply with all drainage requirements of the District zoning regulations at N.J.A.C. 19:4-8.6, which will ensure that stormwater improvements are of adequate size and capacity to ensure optimal site drainage, and that water quality requirements are met.

With respect to area roadways, traffic associated with warehouse uses generally occurs outside of peak commuting periods in order to facilitate the movement of goods in an efficient manner. The applicant's traffic engineer attested that the proposed warehouse use is anticipated to generate approximately 860 total inbound/outbound passenger vehicle trips and approximately 400 to 450 total inbound/outbound truck trips over the course of a day (T-67). According to the submitted traffic report, 132 total trips (116 passenger vehicles/16 trucks) would occur during the weekday morning peak hour and 140 total trips (117 passenger vehicles/23 trucks) would occur during the weekday evening peak hour. The applicant's traffic engineer further attested that the proposed warehouse use would increase traffic in the area, but that there would be no change in the overall level of service in the area (T-35). Commercial uses are typically more intensive traffic generators than industrial uses and would generate a higher impact on area

roadways than the proposed warehouse use. Commercial uses also require a larger number of parking spaces to support their operations. The proposed 775,000-square-foot warehouse development requires 566 parking spaces. An office development of equal size would require 1,938 parking spaces, and retail uses would require twice this amount. All truck queuing and parking areas will be located on the site.

Therefore, adequate infrastructure, including storm and sanitary sewers, utilities will be provided and designed to prevent and/or minimize negative impacts upon the existing infrastructure. With recommended Condition No. 3 in Section V. below, the proposed access roads would optimally support the proposed warehouse use, inclusive of site-generated truck traffic. In addition, the applicant has stated that the proposed use 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 a “Vital Project”, the environmental impacts of the subject proposal have been evaluated to ensure that the proposed warehouse use will not have a substantial adverse environmental impact. Public comments submitted in objection to the application voiced concerns regarding potential flooding, wildlife habitat preservation, particularly for migratory birds and threatened and endangered species, and open space and wetland preservation goals.

As noted above, although the Cromakill Creek and associated wetlands are present on the premises, these environmentally-sensitive

features and associated habitats, consisting of approximately 75 acres, are not proposed to be developed. Rather, the proposed development will expand opportunity for public access to passive recreational enjoyment of the on-site natural areas through the creation of a pedestrian path and viewing station to observe birds and other wildlife in the northerly portion of the site. This report also recommends that, as a condition of approval, the portion of the site located in the Environmental Conservation zone be placed into a conservation easement per Condition No. 1 in Section V. below, to alleviate any potential future development pressure on this site.

The planned warehouse use is proposed to be developed on the approximately 61-acre portion of the site in the Regional Commercial zone, which is an uplands site that is zoned for development. The proposed warehouse building will comply with all bulk requirements of the Regional Commercial zone, and does not represent an over-development of the parcel. In comparison to the maximum 40 percent lot coverage permitted in the Regional Commercial zone, the proposed warehouse will have 29.1 percent lot coverage within that zone. In industrial zones where warehouse uses are permitted, the lot coverage by structures may be a maximum of 50 to 60 percent of the lot area. Whereas the Regional Commercial zone requires that the site maintain a minimum of 20 percent of its lot area as open space, the project will provide 36.3 percent open space within the Regional Commercial-zoned portion of the site, which is more than double the minimum open space of 15 percent required in the surrounding industrial zones.

The development of the site will accomplish the cleanup of a contaminated upland area. Site remediation measures, including the removal of contaminants and capping of historic fill, will promote the health of both humans and wildlife.

The proposed warehouse will comply with all performance standards of N.J.A.C. 19:4-7 related to noise, vibrations, airborne emissions, glare, hazardous and radioactive materials, and wastewater. Condition No. 4 in Section V. below will ensure that the proposed use and potential detrimental visual impacts, including from headlight glare, will be screened from view of adjacent properties, residents, and pedestrians. This recommendation is also conditioned on demonstration of as-built compliance with the performance standards relative to noise and airborne emissions and the implementation of mitigation measures in the event that any of these standards are exceeded, pursuant to Conditions No. 5 and 6 of this recommendation in Section V. below.

With respect to potential flooding, District Flood Plain Management regulations require that all new or substantially-improved 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 subject property is located within the FEMA 100-year floodplain, Zone AE, with an established base flood elevation of 8 feet (NAVD88) on both the 2014 Preliminary and 2019 Effective FEMA Flood Insurance Rate Maps. However, the majority of the proposed development footprint is located outside of the 100-year floodplain. Notwithstanding, the proposed warehouse will provide a finished first floor at a minimum elevation of 20 feet

(NAVD88). The site will also be required to meet all stormwater management requirements of the District zoning regulations, including water quantity and quality requirements, while avoiding detrimental impacts to area properties.

However, active Tidelands claims on the subject property, including a 572,866.27-square-foot area within the proposed development footprint, and renewal of a revocable utility license agreement with respect to an 1,180-square-foot area on the subject premises, scheduled to expire on February 2, 2048, shall be resolved with the State of New Jersey Bureau of Tidelands as a recommended condition of this report pursuant to Condition No. 8 in Section V. below.

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

As mentioned herein, the subject application involves a “Vital Project” on a transitional site in the District located between various zones, land uses, and regional roadways. The specified purpose of the Regional Commercial zone is “to accommodate a range of commercial uses serving a regional market area. Development in the zone should incorporate regional retail facilities and large-scale commercial employment centers.” Although not commercial in nature, the proposed warehouse expansion satisfies the intent of the zone to create employment opportunities on a regionally-significant site. In addition, warehouse uses have become supportive of retail operations given the rise in e-commerce.

The project promotes environmental goals of the District zoning regulations to consider the ecology of the District in order to protect the delicate balance of nature and to promote the conservation of open space. The subject application contains approximately 75 acres of environmentally-sensitive lands in the Environmental Conservation zone containing Cromakill Creek and associated wetlands. Pursuant to Condition No. 1 in Section V. below, these wetland areas will be permanently preserved. The requested warehouse use is proposed on the uplands portion of the site that is zoned for development. The development will support the environmental remediation of a contaminated upland area.

The intents and purposes of the District Zoning Regulations also include the provision of sufficient space in appropriate locations for a variety of uses, and to promote development in accordance with good planning principles that relate the type, design and layout of such development to both the particular site and surrounding environs. The recommended conditions will reconcile the requested use variance with these particular intents of the District Zoning Regulations, to accommodate the proposed warehouse at the specified location in a manner that will also benefit the public. Due to the complexity of development of the subject "Vital Project" and the number of conditions, it is a recommendation of this report that the applicant/property owner shall enter into a developer's agreement with the NJSEA pursuant to Condition No. 9 in Section V. below, to ensure that the conditions herein are met in a diligent and timely manner as the project proceeds.

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

A specified goal of the *Hackensack Meadowlands District Master Plan Update 2020* is to promote a suitable array of land uses that encourages economic vitality with job creation and supports the public health, safety, and general welfare. The requested use variance will respond to the market demand for warehouse space in the Hackensack Meadowlands District on an appropriate site in an appropriate location, with access to regional and state transportation routes. The 2020 Land Use Plan designates the southerly portion of subject premises within the Regional Commercial zone as a part of the District's Employment Center Planning Area, which is intended to contain the workplaces for a relatively large number of the District's employment population. The Area Plan calls for centers with a concentration of industrial and warehouse distribution businesses, business and professional services, and the continuation of office development. As described in Section *i.* above, the development of commercial uses on the site, particularly office development, is not viable. Furthermore, warehouse uses have typically become supportive of retail operations given the rise in e-commerce.

However, it is critical that the development of an industrial use adjacent to a mixed commercial and residential center, and sharing roadways with those uses, be accommodated in manner promoting planning objectives to support equitable multimodal transportation, as well as the public health, safety, and general welfare. Objective 5 of System Plan 3 Transportation of the 2020 Master Plan Update

seeks to promote safe and efficient pedestrian and bicycle circulation. This objective includes promoting “Complete Streets” principles within and around the District through the creation of dedicated pedestrian areas and safe pedestrian linkages among public transit, employment, centers, housing, services, and open space, as well as upholding requirements for the installation and maintenance of sidewalks along public streets in conjunction with development projects, and encouraging the installation of sidewalks in areas where segments are missing. These goals are furthered by Condition No. 2 in Section V. below.

The northerly portion of the site, located in the Environmental Conservation zone, is designated within the Preserve Planning Area of the 2020 Land Use Plan, which is intended to permit uses that are consistent with the preservation of open space and habitat protection and enhancement. Pursuant to Condition No. 1 in Section V. below, the subject “Vital Project” will result in the preservation of approximately 75 acres of environmentally-sensitive lands in the District.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Use Variance from the Provisions of N.J.A.C. 19:4-5.52(a), to permit construction of a 775,000-square-foot warehouse building, whereas warehouse and distribution facilities are not listed as a permitted use in the Regional Commercial zone.

Based on the record in this matter, the use variance application to permit construction of a 775,000-square-foot warehouse and distribution building on the portion of the subject premises in the Regional Commercial zone is hereby recommended for APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. The property owner shall provide a conservation easement to preserve in perpetuity the lands on the portion of the subject property currently zoned Environmental Conservation. The conservation easement shall be subject to the review and approval of the NJSEA Chief Engineer and may include provisions for site maintenance, including the maintenance, repair, and in-kind replacement of the project's approved stormwater improvements and existing utilities, as well as the following uses permitted in the Environmental Conservation zone:
 - a. Existing public utility equipment and appurtenances, including operating, maintaining, reconstructing, inspecting, testing, and removing such equipment;
 - b. Public access to water features, including trails, boat/canoe launches, water crossings, site furnishings, signage and structures that facilitate wildlife observation;

- c. Scientific and educational study and experimentation in regard to wetland ecology;
- d. Wetland enhancement, restoration or creation activities, performed either individually or in conjunction with wetland mitigation banks; and
- e. Wildlife habitat creation.

Proof of filing of the conservation easement with the Hudson County Registrar shall be provided to the NJSEA prior to the issuance of a Certificate of Completion and/or Occupancy Certification by the NJSEA.

2. The applicant shall provide a continuous sidewalk along the entire easterly frontage of Park Plaza Drive, between Paterson Plank Road and the entrance to the proposed pedestrian path and viewing station. The sidewalk shall be constructed of either four-inch thick concrete, concrete pavers, or other appropriate material approved by the NJSEA Chief Engineer. The sidewalk shall be a minimum width of four feet, and shall be offset from the curb/edge of pavement of Park Plaza Drive by a minimum two-foot-wide landscaped strip. Sidewalks shall conform to the minimum design criteria required by the NJ UCC Barrier-Free Sub Code, N.J.A.C. 5:23-7.
3. The applicant shall provide access to West Side Avenue via a minimum 24-foot-wide full-service ingress/egress driveway between the subject property and West Side Avenue utilizing the existing right-of-way located across adjacent Block 442, Lot 4, in the Township of North Bergen, or through alternative locations on Lot 4 negotiated with the property owner, PSE&G, which would minimize impacts to PSE&G operations, such as the potential locations

highlighted in blue identified as Options 1 and 2 on Exhibit A-4. An updated site plan and traffic analysis shall be submitted incorporating a driveway to provide access to West Side Avenue, which may be labeled as a future improvement. The updated site plan and traffic analysis shall be submitted for review and approval prior to the issuance of a zoning certificate. This condition may be rescinded by the NJSEA Board of Commissioners upon the recommendation of the NJSEA Chief Engineer and the Senior Vice President, Office of Legal & Regulatory Affairs, based on documented inability to comply with this condition despite good faith efforts by the property owner/applicant. The monetary cost of such improvements shall not constitute grounds for rescission of this condition.

4. To ensure that adequate screening of the truck parking area to adjacent Harper at Harmon Meadow residents is provided:
 - a. A cross-section of the elevation of the proposed truck parking area in relation to the residential development, including elevations of fencing, berms, plantings, and sidewalks, shall be provided for review. This Office reserves the right to require supplemental plantings, screening walls and/or additional berm or fence height to supplement the proposed screening methods.
 - b. Privacy slats shall be added to the proposed six-foot-high chain link fence located adjacent to the 102 trailer parking spaces proposed to be located on the northwesterly portion of the site to effectively visually screen the trailer parking area and vehicles from the adjacent residential use.

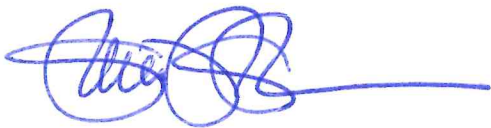
5. An as-built noise evaluation shall be submitted by the applicant within sixty (60) days of issuance of a Certificate of Completion and/or Occupancy Certification for the building, and also at or near 100 percent occupancy level, evaluating the site's level of compliance with the requirements of N.J.A.C. 19:4-7.3. The scope of the evaluation shall receive the prior approval of the NJSEA Chief Engineer. The NJSEA reserves the right to require additional sound testing and to require the implementation of mitigation measures, including, but not limited to, the construction of a sound attenuation wall, restrictions on the hours of operation of the trailer parking area and/or the warehouse use, and/or elimination of certain trailer parking spaces adjacent to the residences, within one year of the date of issuance of a final Certificate of Completion and/or Occupancy Certification. The NJSEA reserves the right to extend the time period for noise monitoring at the site, and to require the posting of a performance guarantee to ensure compliance and/or implementation of any identified mitigation measures.
6. The site shall comply with the requirements of the New Jersey State Air Pollution Control Laws and Codes at N.J.A.C. 7:27 and 7:27B, pursuant to N.J.A.C. 19:4-7.5. The Applicant shall provide an air quality plan for review and approval by the NJSEA Chief Engineer prior to the issuance of any Certificate of Completion and/or Occupancy Certification for the building. The plan shall include air quality monitoring provisions for a minimum period of one year from the date of issuance of a Certificate of Completion and/or Occupancy Certification and at or near 100 percent occupancy level. The NJSEA reserves the right to extend the time period for air quality monitoring at the site, and to require the posting of a performance guarantee to


ensure compliance and/or implementation of any identified mitigation measures.

7. Trucks shall be prohibited from right-turn-out and left-turn-in movements at the Park Plaza Drive driveway between the hours of 9:00 P.M. and 7:00 A.M. daily.
8. With respect to claims by the State of New Jersey, Bureau of Tidelands on the subject property:
 - a. The applicant shall be required to provide a copy of the Tidelands Resource Council (TRC) grant for the 572,866.27-square-foot area within the proposed development footprint depicted on the plan entitled, "Proposed Interim Tidelands License Plan with an Approximate 60 Acre Portion of the Mori Tract," prepared by Langan Engineering and Environmental Services, Inc. on March 28, 2023, prior to the issuance of any zoning certificate by the NJSEA.
 - b. The applicant shall apply to the Tidelands Resource Council (TRC) for renewal of the revocable utility license agreement to rent the 1,180-square-foot area for the use of a public utility and/or utility-related structures depicted on the plan entitled, "Mori Property, Block No. 277, Lot No. 9, Town of Secaucus, Hudson County, New Jersey, Proposed Tidelands License Plan – Outfall Structures and Utility Crossing Mori Tract," prepared by Langan Engineering and Environmental Services, Inc. on March 28, 2023, prior to the expiration of the utility license agreement on February 2, 2048. If the utility license is not renewed for any reason prior to February 2, 2048, all improvements constructed within the tidelands area in question shall be removed and the

area restored to the condition that existed prior to the start of construction.

9. The applicant/property owner shall enter into a developer's agreement with the NJSEA to address the conditions herein, including, but not limited to, performance and timing benchmarks.

CONDITIONAL APPROVAL 7/14/25 
Recommendation on Date Sara J. Sundell, P.E., P.P.
Variance Request Senior Director of Land Use Management

CONDITIONAL APPROVAL 7/14/25 
Recommendation on Date Robert Davidow, Esq.
Variance Request Senior Vice President
Office of Legal & Regulatory Affairs