

RECOMMENDATION ON THE VARIANCE APPLICATION OF
43 Meadowlands Holdings LLC/
NJ Highlands, LLC - Vertical Grow Facility (Use Variance)
FILE #24-477

I. INTRODUCTION

An application for one use variance has been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Nazar Burak of 43 Meadowlands Holdings, LLC, for the premises identified as 43 Meadowland Parkway, Block 21, Lot 2.02, in the Town of Secaucus, New Jersey. The subject premises is located in the Commercial Park zone of the Hackensack Meadowlands District (District). The use variance is sought in connection with an application to convert an existing 110,397-square-foot office building to a 124,501-square-foot vertical grow facility, including associated interior alterations and exterior minor site improvements.

The proposed use of the site as a vertical grow facility is defined as light industry pursuant to N.J.A.C. 19:4-2.2. Although the applicant intends to grow and process cannabis at the subject premises, the Hackensack Meadowlands District Zoning Regulations do not regulate specific commodities within a light industrial facility, provided that the performance standards of N.J.A.C. 19:4-7.1 et seq. (with respect to noise, vibrations, airborne emissions, hazardous materials, glare, wastewater, and traffic) are met. Applicants to the NJSEA are responsible for obtaining approvals from any other agency having jurisdiction and, with respect to the proposed cannabis commodity, the applicant's proposal is subject to the review and approval of the Town of Secaucus Local Cannabis Control Board.

Therefore, specifically, variance relief is requested from the following:

1. N.J.A.C. 19:4-5.46(a) - Permitted Uses: The applicant proposes a light industrial use on the subject property, whereas a light industrial use is not a permitted use in the Commercial Park zone.

Public notice of this hearing was published in the digital edition of the Star-Ledger on July 17, 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. No written objections were received. A public hearing was held in the Executive Conference Room of the NJSEA, One DeKorte Park Plaza, Lyndhurst, New Jersey, on Tuesday, July 29, 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, identified as 43 Meadowland Parkway, Block 21, Lot 2.02, consists of approximately 3.53 acres and is located in the District's Commercial Park zone. The site is currently developed with an existing two-story office building that had previously been occupied by a broadcast television studio with an existing gross floor area of approximately 110,397 square feet. In 2019, conditional zoning approval was issued by the Town of Secaucus pursuant to the opt-out provisions of the Hackensack Meadowlands Agency Consolidation Act to convert the studio facility to 92,169 square feet of office space and 36,594 square feet of warehouse space (*NJSEA File # 19-078 - SOF/43 Meadowland Parkway LLC/Hartz-C.O./Site Improvement (Use Change)*). Approximately 21,693 square feet of space received occupancy approval for office use (*NJSEA File #19-105 SOF/43 Meadowland Parkway LLC/Lehalgen Realty - C.O.*), while the remainder of the project was not built, nor received further occupancy or completion certifications.

The property contains frontage along Meadowland Parkway with two right-turn-in/right-turn-out driveways along Meadowland Parkway providing access to and from the site. The site is bordered by a wetlands mitigation site to the north, Snipes Park located along the Hackensack River to the west, and a mixed-use

development containing residential, office and hotel structures to the south. Properties to the east across Meadowland Parkway consist of mid-rise multi-family residences.

The applicant requests a use variance to convert the existing 110,397-square foot building to a light industrial use, as light industrial uses are not a permitted use within the Commercial Park zone. The applicant also proposes interior alterations to fill in an open area on the building's existing second level, which would expand the total floor area to 124,501 square feet, as well as associated minor site improvements.

B. Response to the Public Notice

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

III. PUBLIC HEARING (July 29, 2025)

A public hearing was held in the Executive Conference Room of the NJSEA, One DeKorte Park Plaza, Lyndhurst, New Jersey on Tuesday, July 29, 2025. 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 Anthony Albano, P.E., Senior Engineer.

A. Exhibits

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

<u>Number</u>	<u>Description</u>
A-1	Site Plan Drawings entitled "43 Meadowlands Parkway, Block 21, Lot 2.02, Town of Secaucus, Hudson County, New

Jersey”, prepared by Frank H. Lehr Associates, dated 8/31/23, and last revised 4/22/25.

A-2 Architectural Drawings entitled “43 Meadowlands Parkway, Zoning, 43 Meadowlands Parkway Secaucus, NJ 07094”, prepared by ArcWest Architects, Inc., last revised 11/15/2024.

A-3 “Aerial Imagery of Subject Site and Surroundings,” Sheets 1 through 4, prepared by John McDonough Associates, LLC.

B. Testimony

Gary Werner, Esq., and Robert McBriar, Esq., of the firm Schenck, Price, Smith & King, LLP, represented the applicant, 43 Meadowlands Holdings, LLC, at the hearing. The following witnesses testified in support of the application:

1. Adam Alonso, Owner Representative;
 2. Richard Adelsohn, P.E., Frank H. Lehr Associates;
 3. Todd Heirls, AIA, ArcWest Architects;
 4. Patrick Downey, P.E., PTOE, Dynamic Traffic, LLC;
 5. Alexander Garcia, Operations Representative;
 6. John McDonough, P.P., AICP, John McDonough Associates, LLC;
- and
7. Nazar Burak, Property Owner.

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

C. Public Comment

Carl Rizzo, Esq. and Emily Lamond, Esq., of the firm Cole Schotz, P.C. provided comments at the public hearing on behalf of Hartz Mountain Industries, in objection to the subject application.

Gary Jeffas, Town of Secaucus Administrator, provided comments at the public hearing on behalf of the Town of Secaucus.

IV. RECOMMENDATION

A. Standards for the Granting of a Use Variance from the Provisions of N.J.A.C. 19:4-5.46(a), which does not permit a light industrial use in the Commercial Park 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 the site of a former broadcast media facility, having a unique interior layout, with non-contiguous portions of the first floor containing areas with depressed floor slabs or double-height ceilings. The ability to adapt the existing building to accommodate uses permitted within the Commercial Park zone is constrained due to these physical building characteristics, resulting in peculiar and exceptional practical difficulties. Improvements to the building to, for example, provide a level floor slab, would add

extraordinary costs not typically associated with a tenant fit-out or continuing occupancy of an existing commercial structure, resulting in an exceptional and undue hardship for the property owner to adapt the building to a permitted commercial use. Contextually, these atypical costs, paired with the state of the office market, which continues to experience a prolonged period of high office vacancy rates and depressed rents, would make conversion of the building to office space impracticable at the premises. This assertion is supported by NJSEA file records, specifically *NJSEA File # 19-078 - SOF/43 Meadowland Parkway LLC/Hartz-C.O./Site Improvement (Use Change)*, which was reviewed by the Town of Secaucus pursuant to the opt-out provisions of the Hackensack Meadowlands Agency Consolidation Act. In this file, in 2019, the Town of Secaucus issued conditional zoning approval for the conversion of the studio facility to 92,169 square feet of office space and 36,594 square feet of warehouse space, of which only 21,693 square feet of space received occupancy approval for office use (*NJSEA File #19-105 SOF/43 Meadowland Parkway LLC/Lehalgen Realty - C.O.*), while the remainder of the project was not built, nor received further occupancy or completion certifications.

Therefore, the strict application of the regulations would create exceptional or undue hardship upon the property owner. The proposed plans evidence that the structure could feasibly be adapted to a light industrial use, given the presence of an existing open floor plan and existing loading areas that are of adequate size to support the operations associated with a light industrial use. Improvements, including infilling underutilized space within the existing building, are minimal and do not expand the exterior building footprint.

- 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 granting of the use variance to permit the alteration of the existing office building to a light industrial use with related site improvements on the subject property will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

Neighboring properties within the Commercial Park zone to the south of the site contain a multi-family residential building, office building, hotel building, and parking garage located along Harmon Plaza, with Hudson Regional Hospital located further south along Meadowland Parkway. The properties on the opposite side of Meadowland Parkway from the subject site are located within the Neighborhood Commercial zone of the Hackensack Meadowlands District and contain multi-family mid-rise buildings. Properties to the north and west of the site are open space areas, consisting of a wetlands mitigation site to the north and Snipes Park to the west.

The light industrial use proposed at this location will not result in significant adverse impacts to neighboring properties or the public. On behalf of Hartz Mountain Industries, counsel from Cole Schotz, P.C. objected to the use of the premises as a cannabis use. As stated in the introduction to this recommendation in Section I. above, the NJSEA does not consider cannabis a use, but a commodity. Any

approval of a light industrial use on this property would run with the land; for example, if the applicant proposed to grow tomatoes or lettuce at the subject premises, the same process would apply. Similarly, applicants for cannabis-related occupancies of existing light industrial and retail facilities throughout the Meadowlands District need only receive continued occupancy certifications by the NJSEA. These certifications would be issued contingent on the applicant meeting all other laws and requirements and obtaining all required approvals, such as municipal approvals by the local cannabis control board, just as liquor stores must obtain liquor licenses, before operating. Mr. Jeffas, on behalf of the Town of Secaucus, stated that the light industrial use was under the purview of the NJSEA, and that any cannabis approvals would be required and reviewed by the Town of Secaucus Local Cannabis Control Board in accordance with their ordinance (T-67 through 69). In order to ensure that the applicant has obtained required approvals, it is a recommended condition that the applicant shall provide the NJSEA with copies of any approvals, licenses, or permits from any other agency having jurisdiction, pursuant to N.J.A.C. 19:4-4.4(e)6.

With respect to public safety and morals, the applicant testified that the site will be secured with fencing, gates, and facial recognition cameras, and will not be open to the public. The site improvements associated with the light industrial use would reduce paved surfaces by approximately 1,100 square feet. The existing landscaping along Meadowland Parkway is proposed to be refreshed with new plantings and the removal of overgrown and dead plantings.

Site circulation improvements, including redirection of vehicles traveling along the easterly drive aisle traversing the front of the building, from a one-way southbound to a one-way northbound direction, will orient on-site vehicle travel away from the adjoining residential building to the south (thereby minimizing potential impacts from headlight glare). The two existing driveway openings along Meadowland Parkway southbound will continue to be utilized, with limited right-turn-in/right-turn-out movements. The driveways would be upgraded with new striping and signage to increase safety for pedestrians and bicyclists using the existing bike lanes along the Meadowland Parkway frontage. The level of traffic associated with the proposed light industrial use is less than traffic generated by typical office uses. However, to minimize potential adverse impacts from trucks and to ensure that the public convenience and welfare of residents within the adjacent Osprey Cove residential development at Block 21, Lot 1.01 are not negatively impacted, it is recommended, as a condition of this recommendation, that between the hours of 9:00 P.M. and 7:00 A.M. daily, trucks shall be prohibited from utilizing the southerly driveway and restricted to use of the northerly driveway only,. Therefore, the public order and convenience will not be substantially detrimentally impacted by the requested use variance.

The proposed change of use will enable the full occupancy of an commercial building, which has been underutilized since it was vacated by a studio facility in 2019, and exterior building and site improvements will upgrade the visual appearance of the structure and the site, thereby promoting prosperity. Building improvements will include air handling equipment to ensure that air quality

requirements are met and odor controls are in place. (T-31) The applicant also proposes to screen existing units with sound-buffering screens. (T-32, 58) In order to ensure that there will be no detrimental impacts to public health and safety as a result of proposed or potential future light industrial tenant operations at the subject premises, it is recommended, as a condition of approval, that 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. It is further recommended that 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.

Therefore, with the recommended conditions, the requested use 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.

- iii. *Adequate infrastructure, including storm and sanitary sewers, utilities, 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 site is currently developed with an existing two-story commercial building that had formerly been utilized as a television broadcast studio and office space with a floor area of 110,397 square feet. The applicant proposes interior alterations on the building's existing second level to fill in open double-height space, which would expand the total floor area to 124,501 square feet, as well as associated minor site improvements. The proposed light industrial use will result in a decrease of paved surfaces and stormwater runoff, reduced sewage generation, and a reduction in traffic generated during the weekday morning and afternoon peak hours when compared to the building being operated as an office.

The applicant's traffic engineer testified that the proposed light industrial use would generate 91 trips during the morning peak period and 84 trips during the evening peak period. The anticipated traffic levels are below the prevailing industry-accepted and New Jersey Department of Transportation standard of 100 trips or more as the threshold determinant for a significant increase in traffic, which aligns with the parameters of N.J.A.C. 19:7-10(a)2. The trip generation analysis for the proposed industrial site did not take any credit for trips that would be produced if the existing building were fully occupied and operating as an office. Additionally, the deliveries to and from the site will be via vans or box trucks using

existing loading areas that are designed to accommodate larger trucks if necessary. Delivery frequency for the proposed light industrial use will be limited to two incoming deliveries per week, and, when at full operational capacity, three outgoing deliveries per day. (T-38)

Adequate utility infrastructure, including storm and sanitary sewers, public water, gas, electric and telephone services, exists to serve the proposed light industrial use. With respect to impacts on water and sewer capacity, the applicant's operations recycle water, thereby minimizing impacts to these utilities, and any other approvals, including treatment works approvals or water allocation permits, would be required to be obtained by the applicant before starting operations. (T-59, 63)

Therefore, the proposed use will not negatively impact the existing utility and road infrastructure in the neighborhood.

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

The proposed use variance will not have a substantial adverse environmental impact. The site is presently developed with a two-story commercial building and related site improvements. There is no proposed exterior expansion of the building, and the proposal will reduce paved surfaces on the site by approximately 1,100 square feet. Landscaping will be enhanced along Meadowland Parkway, thereby promoting a desirable visual environment. The proposed development will not adversely impact wetlands or other sensitive environmental features, as there are no exterior building additions

or additional impervious areas that are proposed. Additionally, the applicant's planner and engineer testified that the proposed industrial use will not cause the NJSEA's performance standards to be exceeded for glare, noise, vibrations, airborne emissions, hazardous or radioactive materials, and wastewater (T-57 through 59), and all performance standards with respect to these items are required to be met by N.J.A.C. 19:4-7.1 et seq.

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

The subject property is located within the Commercial Park zone of the Hackensack Meadowlands District, which is intended to accommodate commercial mixed-use developments in compact centers that are designed to be interrelated, including banks, office buildings, retail stores, and restaurants. Part of the intent for this mix of uses in the zone is to distribute peak-hour traffic and provide for shared parking with uses having different peak hours of operation. In this particular case, the proposed light industrial use would generate less traffic and require less parking than permitted commercial uses such as office and retail space. Meadowland Parkway itself serves a number of industrial uses within the vicinity of the site and, with proximate access to Route 3, site-generated traffic is not anticipated to significantly impact the local roadway network.

Additionally, one of the general purposes of the District Zoning Regulations is 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 the surrounding environs. The architectural plans (Exhibit A-2) depict a structure consistent with the character of the surrounding buildings and similar in design to a typical office use permitted in the zone. The proposal represents adaptive reuse of an existing, underutilized structure that will improve both the building and the site.

Therefore, the proposed industrial use at this particular location will not substantially impair the intent and purpose of the regulations.

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

The District Master Plan designates the subject premises as a part of the District's Waterfront Development Planning Area. While the planning areas in the Master Plan do not constitute zoning districts, the planning objectives for these areas provide the foundation for the District Zoning Regulations and Official Zoning Map, which reflect the spirit and intent of the Master Plan and are the mechanism by which the policies and principles of the Master Plan are implemented and enforced.

The Waterfront Development Planning Area envisions a mix of land uses such as pedestrian walkways, restaurants, marinas/boat launches, related commercial activities and, in certain portions, residential development. The proposed light industrial use is intended to be accommodated within an existing commercial building that adjoins Snipes Park along the Hackensack River waterfront. Enjoyment of adjoining natural areas by area residents,

visitors, and employees will not be precluded by the proposed change in use. All proposed light industrial operations will be located indoors and are required to meet environmental performance standards. Less traffic and parking is associated with a light industrial use than permitted office and retail uses in the zone. The proposal seeks adaptive reuse of the existing building and infrastructure, and proposes site improvements, such as upgraded lighting that will minimize lighting impacts to adjoining natural areas. Thus, the proposal promotes a specific goal of the Master Plan to “require commercial development to be constructed at a scale that will allow the river to play an important visual role in how the buildings are viewed and how the mix of uses are integrated into the water’s edge,” which is achieved by reutilizing an existing vacant development and not increasing the intensity of development along the waterfront. Therefore, the proposed light industrial use will contribute to and promote the intent of the District Master Plan.

V. SUMMARY OF CONCLUSIONS

- A. Standards for the Granting of a Use Variance from the Provisions of N.J.A.C. 19:4-5.46(a), which does not permit a light industrial use in the Commercial Park Zone, whereas, a light industrial use is being proposed.

Based on the record in this matter, the use variance application to permit a light industrial use within the Commercial Park Zone, whereas a light industrial use is not permitted, is hereby recommended for APPROVAL WITH THE FOLLOWING CONDITIONS:

1. The applicant shall provide the NJSEA with copies of correspondence and approvals, licenses, or permits from any other agency having jurisdiction, pursuant to N.J.A.C. 19:4-4.4(e)6, including, but not limited to, the New Jersey Cannabis Regulatory Commission, the New Jersey Department of Environmental Protection, Hudson County, the Hudson Essex Passaic Soil Conservation District, and local regulatory boards such as the Town of Secaucus Local Cannabis Control Board.
2. Between the hours of 9:00 P.M. and 7:00 A.M. daily, trucks shall be prohibited from utilizing the southerly driveway and shall be restricted to use of the northerly driveway.
3. 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.

CONDITIONAL APPROVAL 10/14/2025



Recommendation on
Variance Request

Date

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

CONDITIONAL APPROVAL 10/14/25



Recommendation on
Variance Request

Date

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